

North Yorkshire Council

Community Development Services

SELBY & AINSTY AREA CONSTITUENCY COMMITTEE

10TH JANUARY 2024

ZC23/02255/FULMAJ - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 58 NEW EXTRA CARE UNITS (CLASS C2) AND COMMUNITY FACILITIES BUILDING, CREATION OF ACCESS, PARKING, POND AND HARD AND SOFT LANDSCAPING, ASSOCIATED HIGHWAYS WORKS AND COMMUNAL GARDENS/ALLOTMENTS

AT CARLTON FIELDS, STATION ROAD, KIRK HAMMERTON, YORK, NORTH YORKSHIRE, YO26 8DQ

ON BEHALF OF SAGE HAUS (KIRK HAMMERTON) LIMITED - GN RYMER AND KK RYMER

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the Report

- 1.1 To determine a planning application for Demolition of existing buildings and erection of 58 new extra care units (Class C2) and community facilities building, creation of access, parking, pond and hard and soft landscaping, associated highways works and communal gardens/allotments on land at Carlton Fields, Station Road, Kirk Hammerton on behalf of Assistant Director – Planning
- 1.2 This application is brought to the Planning Committee due to the size and scale of the proposed development.

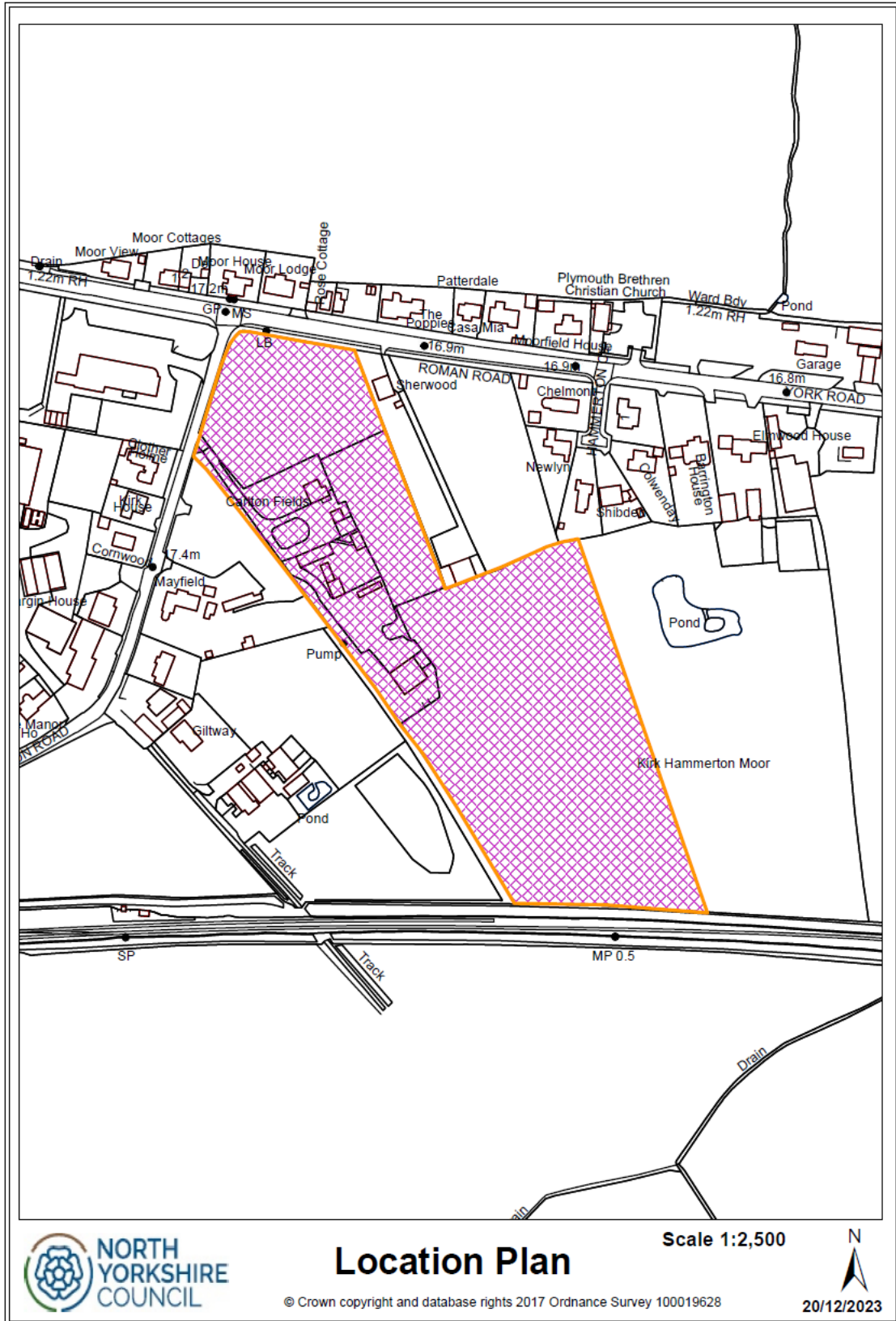
2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That planning permission be REFUSED for the reasons set out below.

- 2.1. This is a full planning application for the demolition of existing buildings and the erection of 58 extra care units (Class C2) with a community facilities building and associated access and landscaping. The application originally proposed 61 units. Following comments regarding layout, the applicant removed three units from the scheme.
- 2.2. The application site is located to the south of the A59 and east of Station Road, north of Kirk Hammerton village. The site area measures 3.21 hectares and is largely paddocks outside the development limits of the village. An existing dwelling and associated outbuildings lie within the development limits however, this area is largely excluded from the application site area apart from a small

area to the south of the dwelling encompassing an existing outbuilding. A larger commercial building, used as part of a haulage business, lies outside development limits. This area is included as part of the site with the building to be demolished.

- 2.3. The proposed development is not considered to be acceptable. Key issues relate to the location of the development, design and layout, landscape impact, flood risk and ecology. The full list of main issues is set out at Section 9.0.
- 2.4. Objections have been raised by the Parish Council, Landscape Officer, Housing Officer, Lead Local Flood Authority and Ecology. Having regard to the overall planning balance, the development is not considered to be sustainable and is recommended for refusal.



3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found [here](#)

4.0 Site and Surroundings

- 4.1. The application site is largely formed of paddocks outside the development limits of Kirk Hammerton. A small area of the site, containing existing outbuildings, is within development limits. To the north is the A59 and to the west is Station Road, from which a new access is proposed to serve the development. The existing access will be retained to serve the retained dwelling.
- 4.2. To the east and west of the site lie existing dwellings and the railway line runs along the southern boundary. Existing trees and hedgerows follow the boundaries of the fields.

5.0 Description of Proposal

- 5.1. This application seeks full planning permission for the demolition of existing buildings and the erection of 58 extra care units (Use Class C2) a community facilities building, creation of access, parking, pond and hard and soft landscaping, associated highways works and communal gardens/allotments.
- 5.2. Planning application 22/03957/FULMAJ for the change of use of land for the stationing of 55 retirement housing lodges (age restricted to over 65s), erection of ancillary community building, creation of access, parking, hard and soft landscaping and drainage work was withdrawn last year.

6.0 Planning Policy and Guidance

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:
- Harrogate District Local Plan 2014-2035 adopted December 2020.

Emerging Development Plan – Material Consideration

- 6.3. The Emerging Development Plan for this site is the North Yorkshire Local Plan though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:

- National Planning Policy Framework 2023
- National Planning Practice Guidance
- National Design Guide 2021
- Affordable Housing SPD adopted June 2021
- Providing Net Gain for Biodiversity SPD adopted June 2021
- Provision of Open Space and Village Halls SPD adopted June 2021

7.0 Consultation Responses

- 7.1. The following consultation responses have been received and have been summarised below.

- MOD – No objection.
- Police – Concerns regarding open plan nature of the layout and bollard lighting.
- Highway Authority – Recommend conditions relating to visibility splays, off-site highways works, construction of the access and construction management plan.
- Network Rail – Recommend conditions relating to development in proximity to their boundary, drainage, boundary treatments and lighting
- Arboriculture – Recommend conditions relating to root protection fencing.
- Yorkshire Water – Recommend conditions relating to separate systems of foul and surface water drainage and surface water drainage scheme.
- Landscape – Objection.
- Environmental Health – Recommend conditions relating to contamination, noise and provision of an acoustic barrier.
- Housing – Objection.
- Health and Adult Services – Provides comments.
- Lead Local Flood Authority – Objection.
- Ecology – Objection.

- 7.2. **Parish Council:** Object on the following grounds:

- Site is outside the development limit, no affordable housing or CIL payments are to be provided, the Local Plan identifies a new settlement at Cattal that includes older persons housing.
- Limited benefit to the village and concern regarding the wider effect on healthcare facilities in the surrounding area.

- Welcome idea of a footpath along Station Road but not if this is going to reduce the width of the road and restricts two-way traffic. The road within the site is not be built to adoptable standards therefore occupiers of the houses will be liable and thus could lead to poor maintenance.
- Concern regarding flood risk and surface water drainage.
- Concerns regarding the visual impact of the acoustic fence and whether it will deflect noise elsewhere.
- Bus services in the local area are inadequate.

Local Representations

7.3. Six local representations have been received of which all are objecting. A summary of the comments is provided below. Please see website for full comments.

7.4. The following provides a summary of the objections received:

This is a housing development with age restrictions; the development does not fit in with the semi-rural nature of the area; surface water and sewage concerns; the area becomes waterlogged and improved drainage should be considered to upgrade potential agricultural productivity; the site is outside development limits; the proposed buildings do not conform to the local vernacular; the scale of the development is disproportionate to the surrounding housing and will overpower the area and overcrowd the site; this isn't an integrated retirement community; no local amenities within safe walking distance; this isn't the right location for this type of development; the development would have an adverse impact upon the surrounding countryside and loss of views across the open countryside; increase traffic noise and impact; no pedestrian crossing or safe waiting place for the bus stop.

8.0 Environment Impact Assessment (EIA)

8.1. The development does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environmental Statement is therefore required.

9.0 Main Issues

9.1. The key considerations in the assessment of this application are:

- Principle of development
- Housing Need and Mix
- Affordable Housing
- Design
- Sustainability
- Highways and Access
- Landscape Impact
- Flood Risk and Drainage

- Trees
- Biodiversity
- Contributions and S106 Agreement
- Other Matters

10.0 ASSESSMENT

Principle of Development

- 10.1. Section 38(6) of the Planning and Compulsory Purchase Act requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The adopted Harrogate Local Plan is the starting point for the determination of any planning application.
- 10.2. Policy GS1 of the Local Plan states provision will be made in the former Harrogate district over the plan period (2014-2035) for a minimum of 13,377 new homes, including affordable housing. Policy GS2 sets out a settlement hierarchy and advises that growth will be focussed in the settlements listed. Kirk Hammerton is identified as a Service Village where land will be allocated for new homes. One housing allocation site and three housing commitment sites are identified on the Proposals Map, all within the development limits of the village.
- 10.3. Policy GS3 advises that outside development limits proposals for new development will only be supported where expressly permitted by other policies of the Local Plan, a neighbourhood plan or national planning policy. The majority of the application site is outside development limits and is therefore in open countryside.
- 10.4. The former Harrogate area currently has a 7.7 year housing land supply, which is well above the minimum National Planning Policy Framework (NPPF) requirement of a 5-year supply of deliverable land. As such, there is no policy justification on the basis of housing land supply for locating new housing outside of development limits in open countryside.
- 10.5. The application contends that if the proposal complies with Policy HS4 this would provide an exception in terms of Policy GS3.
- 10.6. Policy HS4 sets out the Council's policy for older people's specialist housing. Developments specifically designed to meet the accommodation needs of older people will be supported where it is in a location accessible by public transport or within walking distance of community facilities such as shops, medical services and public open space or, where this is not the case, such facilities are provided on site. Where developments fall within the C3 Use Class affordable housing will be required in accordance with Policy HS2 as well as other financial contributions such as those relating to public open space and village halls.

- 10.7. Considering these criteria in turn, it is Officer's view that none of the requirements of Policy HS4 are met.

A Location Accessible by Public Transport

- 10.8. The applicant suggests that the site is served by regular bus services. Existing bus stops on the A59 to the west of the junction with Station Road are approximately 120m from the site entrance or about 320m from the centre of the site. The principal route serving the area is route 22/23, which operates every 2 hours during the day (not evenings or Sundays) between York and Knaresborough. There are no bus shelters provided on either side of the road, no footpath along the northern side of the A59 and no crossing over the A59 to provide safe access. Bus route 74 between York and Grassington runs on Saturdays only and bus route 822 provides one service on a Sunday in the summer. The site is therefore not served by a regular bus service that is easily and safely accessible.
- 10.9. Kirk Hammerton rail station is 350m from the site entrance or 550m from the centre of the site. This connects Leeds, Harrogate and York as well as stations in between and provides a twice hourly service. The application proposes a new footpath between the site entrance and the existing footpath on York Road, along Station Road to the station.
- 10.10. Whilst the proposed footpath to the station is a benefit, this is not considered sufficient to overcome the overall lack of accessibility to regular public transport. The proposal does not meet this criteria.

Within Walking Distance to Community Facilities

- 10.11. Kirk Hammerton provides some basic services and facilities comprising a primary school, recreational/sports provision, amenity green spaces, village hall and places of worship. However, these facilities are located within the main part of the village and the application site is located on the outskirts of the village furthest away from these facilities. There is a small food store and restaurant at the petrol filling station along the A59 outside the village. The nearest GP surgery and post office are located within Green Hammerton.
- 10.12. Pedestrian connectivity to access these facilities is limited. Accessing Green Hammerton would involve a walk of over 1km along a busy main road. There is only a footpath along the southern side of the A59 and this is not considered to be a reasonable walking distance from the site. Furthermore, given the very limited frequency of bus services along the A59 to Green Hammerton it is not considered they would be accessible by public transport to an acceptable degree.

- 10.13. The shop and restaurant at the petrol filling station are closer however these would still involve a walk of over 0.5km along a very busy main road. This is very likely to discourage people to walk there. Whilst the facilities in Kirk Hammerton would be more accessible with the new footpath, this is still over 1km away and only offers a limited range of facilities with no shops or medical services available.
- 10.14. Taking all this into account, it is considered that pedestrian connectivity of the site is poor, it is not in reasonable walking distance of an appropriate range of community services and facilities particularly when considering the nature of the proposed use of the site. The proposal does not meet this criteria.

Facilities are Provided On Site

- 10.15. If the site is not considered to be accessible by public transport or within walking distance of facilities Policy HS4 advises that such facilities should be provided on site.
- 10.16. The proposal includes a community hub, which will provide a restaurant, offering one meal per day, a lounge, two rooms that could be used for treatments, a multifunctional room, a managers office and staff breakout area. The spaces are available for use but activities and permanent facilities and services are not offered. It is not considered that sufficient facilities would be provided on site to meet the requirements of Policy HS4 and the proposal therefore does not meet this criteria.
- 10.17. The RTPI Practice Advice '*Housing for Older People*' (November 2022) advises that older person's specialist housing should be built in the right location, integrated into accessible neighbourhoods with good, safe access to local shops, healthcare services, public transport and the natural environment. Policy HS4 aims to achieve this in terms of the location of this type of housing. The proposal does not achieve these aims and does not meet the requirements of Policy HS4.

Use Class of the Proposed Development

- 10.18. The application is submitted on the basis that the units would be extra care units for older people and therefore fall within Use Class C2. Planning law categorises different forms of land use into classes according to the use that will be made of the premises. The Town and Country Planning (Use Classes) Order 1987 and subsequent amendments lists the various uses classes. With regards to residential uses, Use Class C2 is defined as: "*Use for the provision of residential accommodation and care to people in need of care (other than a use within Class C3 Dwellinghouses, used as a sole or main residences). Use as a hospital or nursing home. Use as a residential school, college or training centre*".

10.19. Use Class C3 is described as: *Use as a dwellinghouse by:*

- (a) A single person or by people to be regarded as forming a single household;*
- (b) Not more than six residents living together as a single household where care is provided for residents;*
- (c) Not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4)”.*

10.20. Class C4 relates to houses in multiple occupation.

10.21. The proposal applies for extra care housing. There is no statutory definition of extra care housing and the term is used to encompass a whole variety of types of use, development and tenures. An extra care development could be a Class C2 or Class C3 use and which use class is appropriate is a matter of fact and degree to be determined for that particular case. If a development is classed as C2 it is not normally required to provide affordable housing or provide other forms of financial contributions such as those relating to open space.

10.22. It should be noted that the Council’s Affordable Housing SPD considers that extra care proposals will fall within Use Class C3. The Council’s Health and Adult Services Directorate at North Yorkshire Council also considers the provision of extra care housing to fall within Use Class C3 and progresses Council developments upon that basis. The Housing consultation response also considers the proposal to be a C3 use.

10.23. Whether a development falls within C2 or C3 is a matter of fact and degree and each case should be determined upon its merits. Matters to consider include the level of care to be provided, there should be a tangible element of care provided and the resident should be in actual need of care, and the scale and form of support services and facilities.

10.24. The applicants have provided a number of appeal decisions to support their case that the development is a C2 use. However, each case must be determined upon its merits and the detailed elements of the proposal. A review of the appeal decisions has concluded that the submitted information is not comparable and has limited weight in the determination of this application.

10.25. The application advises that residents purchasing a unit must be over 65 years old and also purchase a minimum of 1.5 hours of support each week. Additional care can be provided depending upon the resident’s needs. The care would be provided by a CQC registered provider with a manager being based (but not living) on site to manage this provision and deal with any issues residents may have.

- 10.26. However, that support could include cleaning and domestic services and not actually personal care. The Operation and Care Assessment states that residents could be those in need of care or people who will shortly have a need for care. This is not the same as needing care from a CQC provider from the outset. It therefore appears that residents not in need of care, at the time of purchase, could reside in the units. This is therefore considered to be a C3(b) use, which is a dwellinghouse where there are no more than six residents living as a single household and care is provided for the residents. The proposal is therefore market housing for which there is no policy support outside development limits.
- 10.27. With regards to the scale of services and facilities provided on site, a community hub building is proposed in the centre of the site. This will provide a restaurant, which will offer one meal per day, a lounge, two rooms that could be used for treatments, a multi-functional room, a managers office and staff breakout area. The spaces are available for use but activities and permanent facilities and services are not proposed. In response to concerns regarding the lack of space for the numbers of staff suggested to be working at the site, the design of the community hub building has been revised to include a first floor which provides a staff breakout area, toilets and changing facilities.
- 10.28. It is considered that the proposed facilities and services are limited to the provision of a building but no actual facilities are to be provided within the building. This is very limited particularly when considering the number of older people to be accommodated and the nature of facilities that are likely to be needed. The examples of extra care facilities suggested as comparable by the applicant are for developments of a much larger scale and offering permanent on-site facilities such as restaurants serving food throughout the day, gym and treatment rooms, pools, libraries etc. Officers are of the view that the scale of the supporting services and facilities offered at this site are not sufficient to demonstrate that the proposal falls within the C2 use class.
- 10.29. Irrespective of the determined use class, the application needs to comply with the requirements of Local Plan Policy HS4 to demonstrate that the location of the proposed development is acceptable in principle. As set out above, the application does not meet the requirements of Policy HS4 and is therefore unacceptable in principle.
- 10.30. In summary, Officers are not convinced that the proposal is providing extra care housing that meets the requirements of a C2 use. Should Members consider that the proposed use is for extra care accommodation, Policy HS4 seeks to ensure that older people's housing is provided in a sustainable location, close to shops, medical services and open space if such facilities are not provided on site. The site is not only considered to be unsustainable in terms of providing for

general needs housing (being outside the development limit) but the location is also considered to be unacceptable for older people's housing.

- 10.31. It is therefore not considered that Policy HS4 provides support for an exceptional case to be made for an older person's housing scheme in this location and the application is therefore contrary to Policies GS2, GS3 and HS4.

Housing Need and Mix

- 10.32. Paragraphs 60 and 63 of the NPPF advise that it is important that the needs of groups with specific housing requirements, including older people, are addressed. Policy HS1 states housing developments should seek to deliver a range of house types and sizes that reflect and respond to identified housing needs and demands. It is recognised that the housing needs and aspirations of older people will vary and therefore a wide range of housing types is required. The proposed mix should be informed by the Council's Housing and Economic Needs Assessment (HEDNA).
- 10.33. An Extra Care Needs Assessment is submitted in support of the application. In summary, it asserts that there is a growing older person's population and limited supply of specialist accommodation across Harrogate. Extrapolations are provided from census data to suggest the level of need across the district and within the more localised Kirk Hammerton area.
- 10.34. The Harrogate district has a population that is older than the national average with a high proportion of people aged 65 or over. This will generate a growing requirement for specialist housing for older persons and this is identified in the HEDNA. It is suggested that there is a potential need for around 1,100 units (or 51-54 per annum) in the plan period (paragraph 9.12). The district is expected to see an increase in the older person population over the Plan period (paragraph 9.7).
- 10.35. Kirk Hammerton falls within the Sub Area: Eastern Rural where the HEDNA advises that the highest demand is for family homes with 3 bedrooms with limited demand for downsizing.
- 10.36. Housing Officers advise that district wide there are currently 412 of 2702 Waiting List applications where the applicant is aged 60 or over, comprising 15% of applications.
- 10.37. The Council's Health and Adult Services Directorate has responsibility for the extra care delivery programme in North Yorkshire. In order to support this delivery a full Housing Needs Analysis for North Yorkshire was carried out in 2015. This indicated that the predominant need for extra care housing was generally around the central Harrogate wards.

10.38. There is undoubtedly a need for older people's housing across the district and this is evidenced in the HEDNA underpinning the Local Plan. Notwithstanding this, there does not appear to be a strong evidence base to support the need for this particular type of older persons housing in this location. In any case, irrespective of need there are in-principle objections to the scheme as set out above relating to the inappropriate and unsustainable location of the site for this type of housing.

10.39. Officers consider that there is no justification for an exception to be made to allow housing on the site when the proposal fails to satisfy Local Plan Policies GS2, GS3 and HS4.

10.40. Policy HS1 advises that housing developments should seek to deliver a range of house types and sizes that reflect and respond to the identified housing needs and demands of the districts households. The mix should have reference to the latest HEDNA although the final mix of dwelling types and sizes will be subject to negotiation and applicants will be required to provide sufficient evidence to support their proposals. The proposed mix is shown in the table below.

Number of Bedrooms	HEDNA Mix	Application Mix
1	0-5%	14.75%
2	30-35%	72%
3	40-45%	13%
4	20-25%	0%

10.41. It is clear from the above table that the proposed mix does not meet the requirements set out in the HEDNA. It is not considered that the applicant has provided evidence to justify the housing mix proposed.

10.42. Policy HS1 also requires all developments of 10 or more homes to provide 25% of the dwellings as accessible and adaptable homes. The application suggests that all the units will be constructed to be Part M4(iii) ready should this need arise. This could be dealt with by condition.

Affordable Housing

10.43. Policy HS2 requires developments of 10 dwellings or more to provide on-site affordable housing. Proposals for C2 accommodation would not be required to provide affordable housing. However, as noted above, whilst the application

proposes age restricted accommodation, Officers are not convinced that the scheme provides sufficient evidence to demonstrate it is a C2 use.

- 10.44. The proposed dwellings are considered to fall within Use Class C3 and therefore affordable housing will be required. As the site is predominantly greenfield land, 40% affordable housing on site would normally be expected. Off-site provision or a commuted sum in lieu of on-site provision may be acceptable in exceptional circumstances.
- 10.45. The Housing Department has advised that a commuted sum would be appropriate in this instance. This is because the Affordable Housing SPD seeks to deliver mixed and balanced communities rather than 100% age restricted housing. In addition, the Council's Waiting List evidences a far greater need for general needs affordable housing than for older persons housing.
- 10.46. Affordable housing is not being offered as part of this application and the proposals is therefore contrary to Policy HS2.

Design and Character

- 10.47. Local Plan Policy HP3 requires developments to be of a high quality, protecting, enhancing and reinforcing those characteristics, qualities and features that contribute to the local distinctiveness of the surrounding environment. The NPPF places great importance on the creation of healthy and safe communities and the creation of high quality and beautiful buildings and places. The National Design Guide also provides additional guidance on how well-designed places can be achieved in practice.
- 10.48. Local Plan Policy HP4 requires development proposals to be designed to ensure that they will not result in significant adverse impacts upon the amenity of occupiers and neighbours.
- 10.49. In terms of site layout, access would be via Station Road at the north-west former of the site, leading to an internal access road which loops through the site. The units would be positioned at varying angles facing the new road.
- 10.50. A row of six terraces is proposed along the northern boundary with the A59 with a mix of detached and semi-detached units through the rest of the site. Following comments regarding the layout of the site, three units have been removed and the application now proposes 58 dwellings. The dwellings are single storey, timber framed and built via Modern Methods of Construction (MMC) in a factory and then transported to site. The external materials will be a mix of brick and stone, timber cladding and glazing.

- 10.51. The community building will be positioned centrally in the site adjacent to an area of open space including a pond, outdoor seating area and orchard. Two areas of allotments are also proposed.
- 10.52. Concerns are expressed regarding the layout of the site. A number of the units have rear gardens facing the road, along the northern edge of the site adjacent to the A59, facing the internal road within the centre of the site and facing onto the central open space area. It is considered that dwellings should face onto roads and open spaces to ensure natural surveillance over these areas and not to present blank boundaries to public areas.
- 10.53. An acoustic fence is proposed along the boundary to the A59, required to protect the amenity of those residents closest to the A59. This introduces a blank boundary to the road rather than an active frontage, which is not acceptable in design terms. Existing dwellings along the A59 face towards the road therefore the scheme would be contrary to the existing form and layout of development. Officers are also concerned that the fence would appear unsightly on such a prominent boundary.
- 10.54. An electric substation is proposed at the entrance to the site. This is not considered to be an attractive feature within the public realm at the entrance to the site and is not acceptable in design terms.
- 10.55. The applicant considers that as (in their view) the scheme proposes C2 accommodation, the normal requirements with regards to private amenity space do not apply. Officers consider that, as each dwelling will be purchased separately and provides an independent dwelling for the owner, adequate private amenity space and privacy should be provided. Separate, private amenity space should be provided for each dwelling, of a sufficient size to cater for the size of that dwelling. The Police have expressed concerns relating to the open plan nature of the gardens, which makes it possible to access and walk through the rear gardens to the plots. This undermines security and does not provide a clear definition between public and private space or private amenity space for each dwelling. Concerns are also expressed regarding the bollard lighting, as this does not provide sufficient light at the right height, making it difficult to recognise facial features and can cause an increase in the fear of crime. The application is therefore not considered to satisfy Policy HP4 or paragraph 96 of the NPPF.
- 10.56. The site is located in a rural area and the proposed layout would be contrary to the typical grain of development in the local area. This sees a linear pattern of development along the A59 with buildings fronting the road and a slightly greater depth of development on the southern side. In contrast, the proposed layout is essentially akin to that of a typical park home development and at 58 dwellings, plus the community building with the development stretching south to the railway line there is little opportunity for screening between the units with hedge

planting or through off-setting due to the crowded nature of the layout. The scale and layout of the development are not reflective of the site's rural, edge of settlement location.

10.57. The scheme would also necessitate a considerable amount of associated infrastructure, including external lighting and car parking, which further detract from the rural character and typical grain of development in the locality.

10.58. It is acknowledged that there is an existing mix of building types in the surrounding area. However, the proposed modular units would be out of character due to their scale and form and as such the proposal is considered to have a harmful impact upon the character and appearance of the area contrary to Policy HP3.

10.59. Sustainability

10.60. Policy CC4 requires developments to make the fullest contribution to reducing greenhouse gas emissions. The Design and Access Statement advises that the homes will be energy efficient, well-insulated and well-ventilated suggesting that the primary annual electricity demand will be reduced by 37%. Solar PV panels will be placed on each roof with the dwellings also having an air source heat pump for heating and hot water, a mechanical ventilation and heat recovery unit and underfloor heating. It is suggested that each home will be able to generate 67% of their total electricity from the solar panels. The proposed method of construction also has a carbon saving of 47% when compared to a traditionally constructed dwelling.

10.61. A Sustainability Statement is also submitted, which advises that the units will use a mixture of passive energy efficiency measures, air source heat pumps and solar PV on each roof. The report suggests that these measures will result in a 104.76% reduction in carbon emissions over the baseline model. The proposal is therefore considered to accord with the requirements of Policy CC4.

Highways and Access

10.62. Policy TI1 requires developments to create safe and accessible communities and encourage sustainable travel behaviour. Policy TI3 requires acceptable levels of parking provision and facilities to encourage non-car use.

10.63. It is proposed to create a new access from Station Road to serve the development in the form of a priority-controlled T-junction. The initial section of the carriageway will be 6.0m reducing to 5.5m within the site. 2m wide footways are proposed on both sides of the internal road. The existing access to the site will be retained as a private drive to the existing dwelling and to provide an emergency access to the development.

- 10.64. As roads within the site will not be adopted, refuse collection will be from the kerbside on Station Road. A bin store is identified within 25m of the kerb at the emergency access point. A management company will ensure waste from each dwelling and the community building will be brought to the collection point ahead of collection.
- 10.65. A new section of footway is proposed from the existing footpath on the A59, along the eastern side of Station Road, to the site entrance. A new footway is also proposed along the western side of Station Road between the site and Kirk Hammerton rail station.
- 10.66. Parking is provided for the community building with 24 spaces allocated. Each unit will have two parking spaces and an electric vehicle charging point. This can be secured by condition. Secure cycle parking is provided at the community building and cycle parking is proposed for each unit however facilities are not shown on the plans.
- 10.67. The Highways Authority has assessed the proposal and raises no concerns with trip generation, visibility or the proposed access and site layout. Conditions are proposed to secure the off-site highways works and to control the construction of the development.

Landscape Impact

- 10.68. Policy NE4 requires proposals to protect, enhance or restore the landscape character of the Harrogate district. Development should respect the distribution and form of settlements and buildings in their landscape setting, protect and enhance the character, appearance and local distinctiveness of the landscape and visual amenity. Development which would harm or be detrimental to the character of the local and wider landscape or setting of a settlement should be resisted.
- 10.69. The site is within Area 95: *Whixley Arable Farmland* of the Harrogate District Landscape Character Assessment. The rural pastoral setting of the villages, of which the site forms a part of, is considered to be a key characteristic and is sensitive to change from intensification of land management, expansion of built development and conversion of grass fields.
- 10.70. The application includes a Landscape and Visual Appraisal and Landscape Masterplan and the proposal has been reviewed by the Council's Landscape Officer with the full assessment available to view online.
- 10.71. The site comprises pastoral fields in open countryside on the edge of Kirk Hammerton. The village has grown organically and incrementally as a linear settlement and the proposed development of this scale and form is not

considered to be characteristic. The grain and layout of Kirk Hammerton is loose and rural at this edge of the village despite its position adjacent to the A59, with large, detached dwellings set within their own grounds at varying distances and angles from the road, which gives a feathered appearance.

- 10.72. The openness of the site and its immediate surroundings contributes to amenity with longer views available across the site to the wider landscape beyond. The proposed development will lead to a loss of openness, loss of countryside and loss of connection with the wider countryside as a result of the combination of the development, its infrastructure and landscape mitigation.
- 10.73. The scale, form and layout of the development is not characteristic of the settlement pattern of Kirk Hammerton or the local area and will have an adverse impact upon the local and wider landscape character, local distinctiveness and adverse visual effects. Nocturnal effects on landscape character are also likely to be significant and screen planting is unlikely to address this satisfactorily.
- 10.74. The development fails to protect, enhance or restore landscape character and therefore fails to meet the requirements of Local Plan Policies HP3 and HP4.

Flood Risk and Drainage

- 10.75. The site is located within Flood Zone 1 with regards to potential fluvial flooding, however there are areas of the site that are at risk of low and medium surface water flooding. In probability terms this is 1 in 1000 and 1 in 100 year probability respectively and would correlate with the same probability as Flood Zone 2 and 3 respectively.
- 10.76. The NPPF advises that development should be directed away from areas at highest risk of flooding. Development should only be allowed in areas at risk of flooding where, when considering flood risk assessments and the sequential and exception tests as applicable: it can be demonstrated that the most vulnerable development is located in areas of lowest flood risk; that the development is appropriately flood resistance and resilient; that sustainable drainage systems are incorporated where appropriate; any residual risk can be safely managed; and safe access and escape routes are included where appropriate.
- 10.77. Local Plan Policy CC1 advises that development will only be permitted where it has an acceptably low risk of being affected by flooding when assessed through sequential testing. Development will not be permitted where they would have an adverse effect on watercourses of increase the risk of flooding elsewhere.
- 10.78. The Lead Local Flood Authority object to the proposal for a number of reasons. The first relates to the lack of a sequential test to demonstrate that there are no alternative sites at lower flood risk from all sources. Paragraph 23 of the National

Planning Practice Guidance advises that even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied. No sequential test has been submitted therefore the application is contrary to national policy and Local Plan Policy CC1.

- 10.79. With regards to the drainage strategy proposed, insufficient information has been submitted relating to the proposed method of surface water drainage, full finalised drainage details, including drainage outfalls, peak flow rates, required attenuation storage and finished floor levels, the acceptability of using permeable surfacing, management of exceedance flows and mitigation and pollution control.
- 10.80. The submitted documents fail to demonstrate an acceptable drainage strategy contrary to the NPPF and Local Plan Policy CC1.

Trees

- 10.81. Policy NE7 requires development to protect and enhance existing trees that have wildlife, landscape, historic, amenity, productive or cultural value or contribute to the character and/or setting of a settlement. There are no protected trees on, or adjacent to the site.
- 10.82. The scheme would require the removal of a section of hedge and two trees to create the new access and required visibility from Station Road. All other trees and hedgerows would be retained and new tree, shrub and hedgerow planting provided as mitigation.
- 10.83. The Council's Arboricultural Officer raises no objections and recommend a condition relating to root protection areas. Should the Committee wish to approve the application further conditions relating to landscaping and replacement planting would also be recommended.

Biodiversity

- 10.84. Policy NE3 advises that proposals that protect and enhance features of ecological and geological interest and provide net gains in biodiversity will be supported. Proposals for major developments are also required to avoid any net loss of biodiversity.
- 10.85. The applicant has submitted a Preliminary Ecological Appraisal, Bat Survey Report and Biodiversity Net Gain Assessment.
- 10.86. The site is primarily semi-improved grassland, used as paddocks with hardstanding and garden around the haulage yard and residential buildings.

- 10.87. Three of the current buildings are to be demolished, with one identified as having suitability for roosting bats. Further survey work was undertaken, which advised that no roosting bats were using the building at the time of the survey. As bats may subsequently use the building, precautionary measures are required prior to any demolition. Two ponds close to the site have been subjected to a habitat suitability index survey for great crested newts, which has found that both have poor suitability. Precautionary methods of working are recommended and also for reptiles. Hedgerows and trees around the site have the potential for breeding birds and therefore any site clearance works should take place outside of the main nesting season. These ecological requirements could be dealt with by condition if Members decided to approve the application.
- 10.88. The Council's Ecologist has advised a holding objection due to the Biodiversity Metric Calculation not being completed correctly. The BNG assessment also needs to be revised to take into account the changes made to the site layout.
- 10.89. Currently, the application has not demonstrated no net loss of biodiversity and is therefore contrary to Policy NE3 and the Council's Providing Net Gain for Biodiversity SPD.

Contributions and S106 Requirements

- 10.90. Policy TI4 requires developers, or applicants to provide, or contribute towards the provision of new or enhanced infrastructure needs generated by their development, where this is necessary to make a scheme acceptable in planning terms. Policy HP7 advises that new housing developments will be required to provide new sports, open space and recreational facilities to cater for the needs arising from the development in accordance with the Council's Provision for Open Space and Village Halls SPD.
- 10.91. The applicant considers that the scheme should be classed as Use Class C2 and therefore no contributions are required. However, Officers consider the scheme to fall into use Class C3 and therefore local policies relating to affordable housing, open space and education are applicable.
- 10.92. A development of the size and scale proposed would be required to provide the following contributions to be secured by a S106 Agreement:

Planning Obligation	Contribution
Affordable Housing	40% affordable housing or equivalent commuted sum
Off-site public open space provision	£72,044.23

On-site public open space maintenance	£22,208.52
Biodiversity long term management and maintenance	Biodiversity Enhancement Management Plan and 30 years management

- 10.93. The North Yorkshire Integrated Care Board have advised that the GP surgery at Green Hammerton is very close to capacity. There are several proposed developments in the local area that could impact upon the surgery. Should the application be approved, a report would have to be taken back to committee to agree the terms of the S106 (and conditions). The ICB would be reconsulted at that time.
- 10.94. It is intended that the development would be restricted to people aged 65 or over and that this would be secured by legal agreement. However no draft S106 has been submitted. The above obligations are considered to be necessary to make the development acceptable in planning terms and are fairly and reasonably related in scale and kind to the development.
- 10.95. In the absence of a draft S106 Agreement to secure any of these obligations, the proposal is contrary to Policies TI4, HP7 and HS2.

Environmental Health

- 10.96. Due to the sensitive end use, existing uses on the site and proximity to the railway line the site has possible land contamination and ground gas. Intrusive investigations are proposed, which can be controlled by condition. Conditions relating to noise, including the provision of an acoustic fence along the northern boundary and in relation to noise breakout from plant and air source heat pumps are also proposed.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 The proposed extra care units are not considered to fall within the C2 use class and therefore represent residential development outside development limits for which no policy support is provided. The application is therefore contrary to Policies GS2 and GS3 of the local Plan.
- 11.2 Notwithstanding the consideration of use class, the proposal is not considered to meet any of the requirements set out in Policy HS4 of the Local Plan and is an unacceptable and unsustainable site for older persons accommodation.
- 11.3 The proposed form and layout does not reflect the edge of settlement location or the principles of good layout design contrary to Local Plan Policy HP3. The proposal will also have an adverse impact upon the local and wider landscape character to Local Plan Policy NE4.

- 11.4 No sequential test has been submitted to demonstrate there are no alternative sites at lower flood risk from all sources and insufficient information has been submitted to demonstrate that the drainage strategy is acceptable contrary to the NPPF and Local Plan Policy CC1.
- 11.5 Insufficient information has been submitted to demonstrate no net loss of biodiversity as required by Local Plan Policy NE3.
- 11.6 No S106 Agreement been provided to either demonstrate how the applicant intends to restrict occupancy of the dwellings or to cater for the needs of the development in respect of policies relating to affordable housing, public open space and biodiversity net gain.

12.0 RECOMMENDATION

- 12.1 The application is recommended for **REFUSAL** for the following reasons:

1. The majority of the application site is outside development limits and therefore falls within open countryside. The application is not considered to fall within the C2 Use Class and therefore represents market housing outside development limits, for which no exceptional circumstances have been demonstrated. There is no policy justification for locating new housing outside of development limits and the application is therefore contrary to Local Plan Policies GS2 and GS3 of the Local Plan.

2. The application site is considered to be an unacceptable and unsustainable location for older person's accommodation, due to the overall lack of accessibility to regular public transport, it is not in reasonable walking distance of an appropriate range of community services and facilities and insufficient facilities are provided on site. The application is therefore contrary to Local Plan Policy HS4.

3. The proposed development does not provide an appropriate housing mix and no evidence has been provided to justify the housing mix proposed. The application is therefore contrary to Local Plan Policy HS1.

4. No affordable housing is proposed as part of the application therefore the application is contrary to Local Plan Policy HS2.

5. The layout, design, scale and appearance of the development are not reflective of the site's rural, edge of settlement location or the principles of good layout design and do not create a safe and accessible environment. There is no clear definition between public and private space or private amenity space for each dwelling and several dwellings turn their backs to the road and open spaces which does not ensure natural surveillance of these public areas. The

proposed bollard lighting does not provide sufficient light at the right height and can cause an increase in the fear of crime. The proposed modular units and associated infrastructure, including the electric substation at the entrance to the site, external lighting, roads and the acoustic fence, would detract from the rural character and typical grain of development in the locality. The proposed development would have a harmful impact upon the character and appearance of the area and is therefore contrary to Local Plan Policies HP3 and HP4 and paragraph 96 of the NPPF.

6. The scale, form and layout of the development is not characteristic of the settlement pattern of Kirk Hammerton or the local area and will have an adverse impact upon the local and wider landscape character, local distinctiveness and adverse visual effects. The proposed development will lead to a loss of openness, loss of countryside and loss of connection with the wider countryside as a result of the combination of the development, its infrastructure and landscape mitigation contrary to Local Plan Policy NE4.

7. Insufficient information has been submitted to demonstrate an acceptable drainage strategy is provided. No sequential test has been submitted to demonstrate that there are no alternative sites at lower flood risk from all sources contrary to the NPPF, the NPPG and Local Plan Policy CC1.

8. Insufficient information has been submitted to demonstrate no net loss of biodiversity and the application is therefore contrary to Local Plan Policy NE3 and the Council's Providing Net Gain for Biodiversity SPD.

9. A S106 is required to provide for affordable housing, public open space and biodiversity requirements, which are considered necessary to make the development acceptable in planning terms and are fairly and reasonably related in scale and kind to the development. In the absence of a S106 to secure these obligations, the application is contrary to Local Plan Policies TI4, HP7 and HS2.

Target Determination Date: 12 January 2024

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