



Appeal Decision

Hearing Held on 26 October 2017

Site visit made on 26 October 2017

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9th November 2017

Appeal Ref: APP/G2713/W/17/3175199

Cleveland Lodge, Cleveland Lodge Track, Great Ayton TS9 6BT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Jonathan Raistrick of Heritage Care Villages against the decision of Hambleton District Council.
 - The application Ref 15/02856/FUL, dated 22 December 2015, was refused by notice dated 25 November 2016.
 - The development proposed is described as: "Proposed retirement village (Use Class C3) comprising 80 No 1 and 2 bedroom apartments and associated community facilities (element of extra-care)".
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I was advised in advance of the Hearing that the drawing schedule submitted as part of the Statement of Common Ground was incorrect. It is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. The main parties agreed that the updated schedule and associated plans, which were tabled at the Hearing and subsequently confirmed in writing, were the plans on which the Council based its decision. Consequently, I have considered the proposal in the context of the following plans:

- Site Location Plan Ref S03 Rev A
- Existing Boundary Wall Ref S300
- Proposed Boundary Wall Ref SK300
- Tree Constraints Plan Ref SK321 Rev A
- Proposed Site Plan Ref SK7000 Rev J
- Proposed Floor Plans (Blocks 1-3) Ref SK5500 Rev I
- Proposed Elevations (Blocks 1-3) Ref SK5510 Rev M
- Community Hub Elevations Ref SK7018
- Combined Elevations (sheet 1 of 2) Ref SK7010 Rev C
- Combined Elevations (sheet 2 of 2) Ref SK7011 Rev B
- Proposed Floor Plans (Block 4) Ref SK5580 Rev G
- Proposed Elevations (Block 4) Ref SK5581 Rev G
- External Works Plans 1/ 2/ 3 Refs SK7012 Rev A/7013 Rev A/7014 Rev A
- External Works Plan (combined) Ref SK7015
- Community Hub Plans Ref SK5572 Rev C

3. In addition, the following plans were tabled, which I have considered for illustrative purposes only:
- Presentation Section 1
 - Presentation Section 2
 - Presentation Section 3
 - Presentation Image 1
 - Plan to show possible additional parking spaces Ref SK7017
 - Possible Footpath Link Ref S02
4. At the Hearing, the parties drew my attention to a recent planning application for the site.¹ The Planning Committee resolved to grant planning permission on 12 October 2017, subject to the satisfactory completion of a Section 106 Agreement under the Town and County Planning Act 1990. Copies of plans, the officer's report and the relevant minutes were provided. The parties agreed that the application and associated resolution were relevant to the appeal before me. Consequently, I have taken the application (which I will refer to as the 2017 application, for ease of reference) into account in my consideration of this appeal. The appellant tabled plans showing a comparison of the 2017 application in relation to the appeal scheme (Refs SK800 and SK801). The parties agreed that these were useful for illustrative purposes and the plans were referred to during the Hearing.
5. Prior to the Hearing, I was advised that a Section 106 Unilateral Undertaking in respect of affordable housing would be submitted. This was received after the Hearing by agreement, and I have taken the planning obligation into account in my consideration of the appeal. The issue of affordable housing provision was discussed and, therefore, I am satisfied that interested parties would not be prejudiced. The deed secures the provision a commuted sum towards the provision of affordable housing elsewhere in the District, in accordance with Policy CP9 of the Core Strategy² and Policy DPD15 of the Development Policies.³ I am satisfied that the obligation within the Unilateral Undertaking meets the tests of National Planning Policy Framework (the Framework) and Regulation 122 of the Community Infrastructure Levy Regulations 2010, namely: (i) it is necessary to make the development acceptable in planning terms; (ii) is directly related to the development and; (iii) fairly and reasonably related in scale and kind to the development.

Main Issues

6. From all that I have seen and read, I consider the main issues to be:
- The effect of the development on the character and appearance of the area, in particular, heritage assets in the vicinity.
 - Whether the development would provide a suitable form of sheltered accommodation and extra care facilities.
 - The effect of the development on highway safety, with particular regard to car parking provision.

¹ Ref 17/01180/FUL "Extra care housing comprising 57 apartments with communal lounge, dining, kitchen, laundry, offices, garden and car parking area, 12 detached bungalows with single garages and private drives, new access road and new surface water drain and attenuation pond"

² Hambleton Local Development Framework: Core Strategy Development Plan Document (April 2007)

³ Hambleton Local Development Framework: Development Policies Development Plan Document (February 2008)

Reasons

Character and Appearance

7. The site is located on the eastern side of Newton Road, in the village of Great Ayton. It is situated within the grounds of Cleveland Lodge, a grade II listed building, which lies approximately 100 metres to the south-east. The site is rectangular in shape and is bounded to the north and west by a band of trees, and to the south by the private access to Cleveland Lodge. There is a line of trees along the drive which, together with the shelter belt, are protected by Tree Preservation Orders. The site extends to approximately 0.9 hectares and is largely level, although it rises towards its eastern end. There is a public footpath to the south.
8. The site adjoins residential development to the north, which is largely two-storey housing. Facing the site on Newton Road, there is a row of terraced housing which is predominantly two-storey. The site is currently in use as grazing land although the larger part of it is allocated for housing under Policy SH4 of the Allocations Development Plan Document.⁴ Part of the development would be outside the allocated site and would be within the countryside for development plan purposes. Policy CP4 of the Core Strategy seeks to restrict development in the countryside and, therefore, the proposal would be in conflict with this policy. The main parties agreed at the Hearing that the conflict with Policy CP4 carried limited weight. This is because only a relatively small proportion of the site would be beyond the development limit, and it was considered that the extended area would enable a more cohesive scheme.
9. At the Hearing, the main parties agreed that the heritage assets in the vicinity are the listed Cleveland Lodge and its boundary wall, and the parkland which is considered to be a non-designated heritage asset. The Conservation Area lies to the south and it was agreed that it is of a sufficient distance from the site to be unaffected by the proposal.
10. Cleveland Lodge was built in the 1840s and it is likely that the gardens and landscape were laid out at this time. It has architectural significance as a Victorian villa. It also has historical significance, as the house and grounds were developed by Thomas Richardson who was influential in several notable ventures, including the Stockton to Darlington railway.
11. The parkland covers approximately 10 hectares and comprises several fields of permanent pasture separated by hedgerows and interspersed with trees. Closer to the house, there is an area laid out as formal gardens. The Yorkshire Gardens Trust advises that the appeal site was part of whole designed landscape and would have been visible in views from the original drive and approach to the south-west, and the access from Newton Road which retains the remnants of parkland fencing. The appellant's heritage statement⁵ identifies that the appeal site was incorporated into the parkland sometime between 1856 and 1895. There is a two storey house adjoining the north-west corner of the site, which displays architectural features typical of the Victorian era. This may have been a former lodge building. This building, combined with the tree shelter belts, indicate that the site has been integral to the parkland for a substantial period.

⁴ Hambleton Local Development Framework: Allocations Development Plan Document (December 2010)

⁵ Lanpro Services, May 2017

12. The boundary wall extends alongside Newton Road for the full length of the parkland's western boundary, including the appeal site. It is of variable height with stone pillars either side of the access. Local residents confirmed that the wall has been repaired over the years, and there are signs of erosion towards its base. Nonetheless, the wall is visually significant in the locality and it contributes to the distinctive character and appearance of the area. It also forms a clear boundary to the grounds of Cleveland Lodge, and its historic associations with the building and the parkland are evident.
13. The Framework defines the setting as "the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve". The word 'experienced' has a broad meaning, which is capable of extending beyond the purely visual. The setting of Cleveland Lodge is defined by its relationship with its surrounding designed parkland, bands of woodland and associated outbuildings, the wall along the western boundary, the formal approach along the original carriage drive to the south-west, and the existing driveway. The setting has evolved over the years, as described above, but this has not diminished its value or the contribution it makes to the significance of the listed building. The house and landscape were designed to be appreciated as a whole, and this complementary relationship exists today. When entering the grounds, either from the driveway or the public footpath, there is an immediate sense of tranquillity which is distinct from the adjoining Newton Road. The parkland has features and elements which are associated with a large hall or estate, in particular the tree belt and driveway with its defining trees. The appeal site forms part of this landscape and, therefore, it makes a positive contribution to the significance of the identified heritage assets.
14. The proposed development is described as a retirement village comprised of 80 apartments in four separate blocks, extending up to three storeys in height. The blocks would be arranged in a radial layout with a central single storey hub building. The access road would be retained and, aside from works to improve visibility, it would be unaltered. The apartments and associated parking areas would be accessed by a new road along the northern boundary and there would be an area of landscaped gardens to the south of the buildings. The development would involve the removal of a number of trees, several of which have been identified by the appellant's Arboricultural Impact Assessment⁶ to be of high/moderate amenity value. Three of the trees to be removed are situated along the driveway and these make a significant contribution to the visual amenity of area.
15. At the Hearing the appellant described how the scheme had changed considerably over the course of the application to take account of the comments made by officers and other interested parties. Further, it was explained the site is not visible from the listed building and the tree belt would provide screening from Newton Road and adjoining properties.
16. The main parties recognised that the development would result in harm to the significance of the main listed building, but the appellant argued that this would be at the "lower end of less than substantial" in terms of the Framework, and this harm should be weighed against the public benefits of the proposal. It was also agreed that there would be harm to the non-designated parkland, but the

⁶ Elliot Consultancy Ltd, dated August 2016

appellant maintained that the harm would not affect the aspects of the parkland that make the greatest contribution to its significance.

17. The development would lead to the permanent loss of part of the historic landscape associated with the listed building and it would adversely affect the experience of the asset within its setting. As explained above, the site makes a positive contribution to the setting of the main listed building, and it forms an integral part of the non-designated parkland. The development would be harmful to the significance of the main listed building and its parkland. The boundary wall would be partly re-aligned, but its significance as a historic boundary feature would still be evident. Provided the alterations and repairs were carried out sensitively, which could be controlled through conditions, I am satisfied that the significance of the wall would not be harmed by the development.
18. The Council set out further concerns about the effect of the development on the wider landscape, which were echoed by the local residents. I heard that Great Ayton has a distinctive character, defined by the building materials, layout, street pattern, house types and green spaces. The character assessment⁷ identifies the parkland of Cleveland Lodge as a key characteristic of the village and wider landscape. I recognise the design ethos of the proposal and I appreciate that efforts have been made to improve the scheme and overcome objections. However, I am not persuaded that the development would respond to its landscape setting or reflect the distinctive character of the village.
19. The development would be visible from the public footpath to the south, which I understand is well-used by local people and visitors, who would be highly sensitive to changes in the parkland landscape. I accept that the trees and intervening landscape would provide a level of screening and soften views. However, the extent of the development and the siting of the blocks would result in a mass of development that would have the appearance of an unbroken form in views from the south.
20. Residents living in the adjoining houses would also be highly sensitive to change. The scale and height of the development is such that it would be visible from the neighbouring properties and also in views from Newton Road, accentuated by the alterations to the access. The four blocks would dominate the site and the adjoining parkland. There would be no transition between the village and countryside beyond, and the development would appear as a 'stand-alone' scheme that would not complement its surroundings. Overall, I consider that the development would have a significant adverse effect on the character of the locality.
21. I have taken account of the site designation and I do not consider that the scheme would meet the criteria of Policy SH4(iii). There is little about the scheme that reflects the village, or its location at the edge of the settlement. I am also concerned about the loss of trees, especially those along the driveway, and the potential for future damage to the trees in the tree belts. I am aware that conditions in respect of tree retention and damage limitation, along with replacement planting, have been agreed. However, the fact that there is conflict is evidence that the development has not been designed sensitively to reflect the landscape setting. As explained above, the trees are part of the

⁷ Hambleton Local Plan Settlement Character Assessment: Great Ayton

designed parkland and any development should seek to ensure these features are retained and enhanced. The loss of trees could be offset by planting, but it would take several years for this to mature whilst the harm as a result of the tree loss would be immediate.

22. I have taken the 2017 application into account and I consider it likely that the relevant planning permission would be forthcoming. Consequently, the 2017 application carries significant weight as a fallback position. Nonetheless, at the Hearing, the parties agreed that the schemes are substantially different. I am aware that the implementation of the 2017 application would also lead to tree loss, part of the development would be three storeys in height, it would extend further into the countryside and would require the re-alignment of the driveway. Whilst the full balance of considerations that informed the decision is not before me, it is clear that the scale and mass of the 2017 application proposal would have less of an impact on the character and appearance of the area than the appeal proposal.
23. To conclude on this matter, I find that the development would fail to preserve the setting of Cleveland Lodge, the main listed building and would have an adverse effect on the significance of the parkland as a non-designated heritage asset, contrary to Policy DP28 of the Development Policies. The development would not reflect the character and appearance of the wider area contrary to Policy SH4(iii) and (vii) of the Allocations Development Plan Document, which seeks to ensure development respects its setting. It would also conflict with Policy CP17 of the Core Strategy and DP32 of the Development Policies which seek to secure a high quality of design and Policy DP30, which seeks to protect the character and appearance of the countryside.

Sheltered Accommodation and Extra Care Facilities

24. The site is allocated for development under Policy SH4 of the Allocations Development Plan Document, being "very sheltered housing (independent housing with an element of close/extra care for the elderly)". The explanatory text to the policy provides further definition and describes "self-contained accommodation of the form of one and two bed flats with access to care and support".
25. The appellant explained that the development would provide independent, self-contained apartments for people over 55 years of age. The layout would incorporate design features to facilitate elderly residents, such as resting places along corridors, charging facilities for mobility scooters and a community hub. Management of the development would include one hour of domestic help each week and 24 hour access to an emergency call service as standard, amongst other things. There would also be access to flexible care and support packages with bespoke payments plans.
26. The Council tabled North Yorkshire County Council's "Accommodation With Care Design and Ethos Guide" (2015), which sets out its ambitions for extra-care housing. The parties agreed that the appeal proposal was not intended to be a 'fully compliant' extra-care scheme and, therefore, in this context the Council agreed that the Guide should be afforded limited weight.
27. All parties agreed that there is a need for extra-care housing in the locality and I heard examples of elderly people having to move away from family and friends due to a lack of suitable accommodation. The Council considered that

the proposal would not go far enough in terms of the level of care available, and local residents were concerned that the eligibility criteria are too vague and that the development would not, therefore, meet the local need. The Council was further concerned about the communal facilities being minimal and not integrated into the design of the development, which would discourage use.

28. I appreciate all the concerns expressed and I understand that the scheme would not provide the type of development envisaged by the Council or the local community. However, planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Council acknowledged that Policy SH4(ii), which is relevant to this issue, is somewhat ambiguous. In terms of the policy, the development would provide independent housing, comprising one and two bed flats, for the elderly. There would be an element of close/extra care and support, as required. Consequently, the development would not be in conflict with Policy SH4(ii) of the Allocations Development Plan Document.
29. However, I agree that the development would not necessarily meet the local need for fully compliant extra-care housing. The appellant has offered to review the eligibility criteria and provide assurances over the future use of the community hub, although the changes required to make the development fully-complaint are likely to go beyond that which can be controlled through planning conditions.
30. To conclude on this issue, I find that the development would provide a suitable form of sheltered accommodation and extra care facilities. However, the weight attached to the benefit of meeting an identified local housing need is reduced for the reasons set out above.

Highway Safety

31. The development of 80 units would include 47 car parking spaces, which would include two spaces for care staff. The appellant explained that North Yorkshire County Council's Interim parking Standards (Nov 2015) were used to establish an appropriate level of parking. I heard that the standards allow for a flexible approach and lower levels of provision may be acceptable in certain circumstances. In consultation with the County Council, the appellant conducted parking surveys at a number of similar sites, which showed spare capacity. It was also explained that further spaces could be provided if necessary.
32. The Council argued that there is no specific standard for sheltered accommodation and the other sites surveyed by the appellant were not comparable to the appeal proposal. The Council and local residents were concerned that the lack of provision for residents and visitor parking would lead to the displacement of parking to local roads to the detriment of highway safety.
33. Great Ayton is a 'service village' with a significant level of services and facilities but the locality is largely rural and public transport is relatively limited. Local residents advised that car ownership in the village is high as people need to travel to towns to access a range of goods and services. Although the development would be limited to people over 55 years of age, it is likely that a significant proportion of the residents would own a car and would receive

visitors. Consequently, I am not satisfied that the parking provision would serve the needs of the development.

34. During my site visit, I saw that there is a high level of on-street parking in the vicinity, especially on Newton Road. Due to parking restrictions, I understand that on-street parking is concentrated into an area close to the proposed access. The parking on Newton Road effectively reduces the width of the carriageway to a single lane, and I saw cars waiting to pass. The local residents explained that this is a common occurrence and the parking regularly interrupts the free flow of traffic.
35. The appellant's Transport Assessment⁸ provided details of a traffic survey, which identified no significant or prolonged queues. The predicted trips from the development would be minimal and the Assessment concluded there would be no significant impact on the local highway network. The Council did not dispute these findings, but maintained that the displaced parking would lead to congestion and an increased incidence of reversing manoeuvres, which would adversely affect highway safety. There is one recorded accident in the vicinity caused by a vehicle stopping to let oncoming vehicles past parked cars, which is regrettable. However, this in itself does not demonstrate an inherent existing issue in respect of highway safety.
36. I understand the concerns of the Council and local residents but the evidence to support their arguments is limited. Whilst I agree there is likely to be displaced parking, there is little scope to accommodate this on Newton Road as parking is already close to capacity. As such, the development is unlikely to make the existing situation significantly worse. If parking is pushed into the surrounding residential roads it would be inconvenient, but traffic levels are comparably low and there is unlikely to be significant conflict between highway users. I am aware that young people congregate close to the site access in the morning due to the bus stop, and this is an existing road safety concern. However, the development would require access improvements and the relocation of the bus stop. As such, it would not make this situation materially worse.
37. The Framework advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. On the basis of the evidence before me, this has not been demonstrated.
38. To conclude on this issue, I find that the development would not have a significant adverse effect on highway safety. It would meet the aims of Policy CP2 of the Core Strategy, which seeks to minimise the need to travel by private car, and Policies DP3 and DP4 of the Development Policies, which seek to ensure minimum levels of car parking commensurate with road safety, and access for all sectors of society.

Planning Balance

39. I have found that the development would lead to harm, as described above. Whilst the harm to the significance of the designated heritage asset would be relatively localised, and therefore less than substantial in terms of the national policy, I give that harm considerable importance and weight.

⁸ Transport Assessment: Via Solutions Rev B (Sept 2016)

40. There would also be harm to the parkland, which is a non-designated heritage asset, and the scale of that harm would be significant. Moreover, I have found the development would have a significant adverse effect on the character of the locality.
41. The development would fall partly outside the settlement boundary of Great Ayton and an element would be in the countryside for development plan purposes, contrary to Policy CP4 of the Core Strategy. However, this conflict with policy carries limited weight, as explained above.
42. The development would contribute to the local housing supply and would provide a suitable form of sheltered accommodation and extra care facilities. However, the weight attached to the benefit of meeting an identified local housing need is reduced as the development would not provide fully-complaint extra-care housing.
43. The development would secure funding towards the provision of affordable housing in the District, which would be a significant benefit. Also, the main parties agree that the site is in an accessible location and there would be economic benefits in the form of jobs within the construction industry and the associated supply chain, and increased spending in local shops and businesses.
44. However, I have found that there would be harm to the designated heritage asset. The Framework advises when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The harm, combined with the adverse effect on the non-designated parkland, and the character and appearance of the locality, would not be outweighed by the public benefits in this instance.

Conclusion

45. For the reasons set out above, the appeal should be dismissed.

Debbie Moore

Inspector

APPEARANCES

FOR THE APPELLANT:

Jonathan Saddington	Savills
Jonathan Raistrick	Appellant
James Elliot	Aspect Architecture

FOR THE LOCAL PLANNING AUTHORITY:

Maria Ferguson	Planning Consultant
Peter Jones	Hambleton District Council

INTERESTED PERSONS:

Ron Kirk	District / Parish Councillor and Resident
Tamzin Little	Local Resident
Peter Morgan	Local Resident
Carol Morgan	Local Resident

DOCUMENTS SUBMITTED AT HEARING

Up to date set of plans, as set out in Procedural Matters above

Details of alternative scheme: drawings, report and minutes, as set out in Procedural Matters above

Note on Affordable Housing Condition (submitted by appellant)

"Accommodation With Care Design And Ethos Guide", North Yorkshire County Council, dated February 2015

Hambleton Local Plan: Settlement Character Assessment: Great Ayton

Map showing position of public footpath, printed from North Yorkshire County Council website

Email dated 9 November 2016 from Mike Bedford of Health and Adult Services North Yorkshire County Council

Neighbour notification letter of the Hearing, dated 4 October 2017

DOCUMENTS SUBMITTED AFTER THE HEARING BY AGREEMENT

Section 106 Unilateral Undertaking

Updated schedule of draft conditions

Legal opinion in respect of affordable housing, dated 2 November 2017