

Kirkby-in-Cleveland Parish Council

Clerk to the Council - Mrs. Gillian Lane

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**Re: Planning Application No.10/02927/FUL
Revised application for construction of 6 holiday cottages and
change of use of agricultural land to domestic garden**

Kirkby-in-Cleveland Parish Council wishes to see the above planning application refused for the following reasons:-

A) Village Design Statement

The application does not conform to several of the objectives set out in the recently produced Village Design Statement adopted by Hambleton District Council as a Supplementary Planning Document to be referred to when planning applications relating to Kirkby-in-Cleveland are being considered. The second paragraph of the Good Practice Guide on page 11 states: "Developers must submit drawings and a statement accompanying their planning application to show how their proposals have considered and taken into account the guidelines set out within all sections of the VDS and not merely the building guidelines."

1) The development of 6 residential buildings to the rear of Hill Road contravenes Objective VC1 to discourage 'any further tandem development within the Village'. If this application were to be granted this would set a precedent for applications to develop other agricultural land to the rear of properties in other quadrants of the village in a similar way, and apply for change of use of agricultural land to domestic. Thus the cruciform shape of the village would be destroyed. Recently Application No. 07/00497/FUL for change of use of agricultural land to domestic in the south west quadrant of the village to the rear of Busby Lane was refused in order to prevent damage to the character of the settlement by 'the cumulative effect of sporadic development of this area'. The same argument applies to this application.

2) The demolition of the farm buildings contravenes Objective CL1 'to maintain the current mix of residential and agricultural activity within the Village proper'.

3) The traffic generated during the construction and use of the proposed dwellings would generally contravene Objective CL1 'to maintain the existing peaceful aspect of the Village'. Particularly, the extra traffic passing immediately by the outside walls of living rooms of the properties each side of the access, one of which has a sitting room window overlooking the access, would be detrimental to the peaceful occupation which those properties have previously enjoyed.

B) Core Strategy

This proposal does not conform to Strategic Objectives 1, 2, 6, 8 and 9 of the Core Strategy.

Strategic Objective 1 – 'to ensure that all development is sustainable . . . without compromising the quality of life of future generations'. This development is unlikely to be sustainable given that in recent years two properties in Kirkby Parish originally given planning permission as holiday cottages have had their applications to change their designation to some form of permanent residential

use granted, a clear sign that there is not a need for extra holiday accommodation in Kirkby, whatever the Tourist Board and Yorkshire Moors & Coast may say about requirements generally in the wider area (Appn. Nos. 98/50705/P and 08/01743/FUL). The survey conducted by local residents of all forms of holiday accommodation last year and figures received from Welcome to Yorkshire relating to self-catering accommodation for the past year show an annual level of occupancy below 50%. If this business fails as holiday cottages, is Hambleton District Council able to require the land to be returned to agricultural use, or would six permanent residential dwellings – a small housing estate - have been created 'by the back door' on land that would otherwise never be granted planning permission for residential development? If this were to happen it would set a precedent for tandem development on agricultural land in all four quadrants of the village which would 'compromise the quality of life of future generations' by radically changing the character and form of the village. If this application were to be approved Kirkby Parish Council would strongly urge Hambleton District Council to make it a condition of approval that the cottages would not in the future be granted approval to become permanent residential properties, and also a condition restricting the occupancy to a maximum of, say, 8 weeks by any one occupier.

Strategic Objective 2 – 'to reduce the need for travel'. There is only one facility in Kirkby, the Black Swan public house. To obtain all other requirements for self-catering accommodation a round trip of 5 miles is necessary - there being only one poorly stocked shop in Gt. Broughton not the 'number of shops and services' stated in the first paragraph of 3.2 of the Transport Statement - and because there is only a two-hourly bus service to Northallerton through the village, any outings other than those on foot require the use of a car.

Strategic Objective 6 – 'to support the growth of the local economy and rural regeneration in ways which . . . deliver increased prosperity for the whole community'. The public house may benefit from some extra sales of meals and drinks, but the application, under 19, states that there are to be no employees, so there is no other prosperity 'for the whole community'.

Strategic Objective 8 – 'to protect and enhance the historic heritage and unique character and identity of . . . villages by ensuring that new developments are appropriate . . . in the context of settlement form and character'. This development would destroy the unique character and identity of Kirkby by encouraging tandem development thereby eliminating the open aspect of the village.

Strategic Objective 9 – 'to protect the diversity of wildlife'. The applicant has made no statement in the application as to whether they have attempted to ascertain what wildlife may be dislodged by the demolition of these 'redundant' barns (see para. 2 of the Introduction of the Planning, Design and Access Statement). Have any bat and bird surveys been conducted for this site? Bats and owls are seen and heard in the area. Have Natural England been consulted about the demolition of these barns?

Kirkby is designated a secondary village. Spatial Principle 3 states that in secondary villages 'limited development may be acceptable where it clearly supports a local need' (my underlining). There is no local need for extra holiday accommodation, quite the opposite given the past planning history mentioned previously. CP1 states 'Development that would generate an adverse traffic

impact will not be permitted. This traffic impact would adversely affect (CP1.iii) 'the health, amenity and safety of the population', particularly the properties on each side of the proposed access. The development would harm (CP1.x) the distinctiveness, character and setting of the settlement. The positioning of this development in a secondary village with very few facilities contravenes CP2 'development should be located so as to minimise the need to travel'. CP4 states that 'development will only be allowed when an exceptional case can be made in terms of Policies CP1 and CP2. This exceptional case has not been made and there is no tourism need in Kirkby village.

C) Allocations Document

There is no allocation for development for Kirkby in the most recent Allocations Document. The majority of this site is outside the village development limit which was drawn up to maintain the cruciform shape of the village.

D) Highway Safety

The applicant states in the Transport Statement that 'The development will result in the removal of the mixed traffic and activities associated with the barns on the site ... The net effect on the access is likely to be less traffic 'with development' than is the case at present.'. However the Transport Statement puts forward three ways in which the barns might be used for agricultural purposes and bases its statements about traffic density on this. The barns are not at present being used for any of these purposes and therefore this projected traffic should not be taken into consideration. If this application is granted, the 6 holiday cottages with two bedrooms and three bathrooms could each generate 2 vehicles – or 3 if the amendment to the design to create 3 bedrooms described in para. 17 of the Planning Design and Access Statement is implemented – which with only one movement in and out is 24 to 36 vehicle movements per day. As there are no services to supply self-catering accommodation in Kirkby the number of vehicle movements in and out is likely to be more than 1 per day, i.e. 48 to 72 movements per day. If this application were to be approved, Kirkby Parish Council request that the development be limited to 2-bedroom holiday cottages in order to limit the extra traffic generated. As the stables are being retained, the traffic movements relating to the equestrian and storage use of these buildings would still occur. Thus the extra traffic generated by this proposal would cause a traffic hazard in these ways:-

- 1) The proposed access does not have an adequate visibility splay, particularly in the direction of the crossroads, for both incoming and outgoing traffic, due to the height of the walls of the properties to either side of the opening. The owners of the two nearest properties to the north of the opening as well as having vehicular access have a pedestrian right of way to their back gardens via the opening. Therefore there would be a potential danger to pedestrian safety by the amount of traffic generated by this application as pedestrians and vehicles would be using the same carriageway.
- 2) The junction from Hill Road at Kirkby crossroads does not have an adequate visibility splay and one of the reasons for refusal at appeal of Planning Application No. 09/03847/FUL for extra pitches on the caravan site at the top of Hill Road was because of the representation made by the Highways Authority about the inadequacy of the crossroads to cope with any increased traffic on Hill Road.

3) The danger to the pedestrian, dog-walking, jogging, bike and horse riding users of Hill Road. Many local people regularly use Hill Road for recreational purposes, all of whom have to start from the crossroads. This is the only route to the footpaths in the area, below and onto the Moors and the extra traffic generated at the crossroads and on the first part of Hill Road would create an extra road safety hazard for the recreational users of this Kirkby village amenity. Concern has also been raised about the use of the stables by existing local people and possible equestrian users of the holiday cottages. No provision has been made for the parking or manoeuvring of horse vehicles on the site in this application.

In summary, Kirkby-in-Cleveland Parish Council wishes to see this application refused because:-

- 1) It does not conform to the requirements of the Village Design Statement.
- 2) It contravenes many of the Strategic Objectives of the Core Strategy.
- 3) There is no allocation for development in the secondary village of Kirkby and no exceptional case has been made for such development.
- 4) There are substantial concerns for the compromise of highway safety caused by this application.
- 5) There is no sustainable argument for extra holiday accommodation in the village of Kirkby.

Given the amount of concern this application has generated amongst the local population, the Parish Council request that the application go before the whole Planning Committee rather than being a Delegated Decision.