

Parish: Burneston

Ward: Bedale

2

Committee date: 10 January 2019

Officer dealing: Mrs H Laws

Target date: 17 January 2019

18/01575/FUL

Demolition of offices and warehouse and construction of 2 dwellings and garages

At: Whitegates, Burneston

For: Mr Garner

This application is referred to Planning Committee at the request of Councillor Noone

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site lies in a central position within the village on the western side of the village street. The site is currently occupied by a detached four bedroomed dwelling and a workshop/office/store to the rear occupied by an electrical contracting business. Vehicular access is via an existing gateway with a driveway leading to a courtyard parking area to the rear.
- 1.2 The site is located immediately adjacent to the school; a neighbouring dwelling lies to the south; stables associated with another neighbouring dwelling lie immediately adjacent to the southern boundary at the western end of the site. A public footpath bounds the site to the north and west, leading to the children's play area and village sports field.
- 1.3 It is proposed to remove the existing workshop/office/store buildings and cease the business use and construct a pair of semi-detached, two storey dwellings on the site to the rear of the existing dwelling. The existing dwelling would be retained and the existing access used to serve all three properties.
- 1.4 The proposed dwellings would each have three bedrooms and one would have an integral single garage and external parking space. Rear gardens are proposed at the western edge of the site. Parking and turning for the dwellings would be available in the shared courtyard area.
- 1.5 Improvements have been secured as follows: the proposed detached garage block was removed from the scheme and replaced with an open car port providing two spaces for the existing dwelling. Two parking spaces are also proposed for one of the proposed dwellings. The driveway has been positioned closer to the northern boundary to provide a larger buffer between the driveway and the side elevation of the existing dwelling.
- 1.6 Each of the proposed dwellings would be L-shaped with a shared protruding section at the rear forming a rear gable. The front elevation includes a single storey lean-to canopy section running the whole length; one of the dwellings would have a garage door, the other a bay window. The dwellings would be finished in render and roof tiles.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/02/025/0090 - Outline application for the construction of two dwellings. Permission refused September 2002.

- 2.2 06/02722/FUL - Conversion of attached outbuildings to form ancillary domestic accommodation. Permission granted November 2006.
- 2.3 07/01019/FUL - Alterations and extensions to existing garage/store to form offices and preparation room. Permission granted May 2007.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development Policies
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published July 2018

4.0 CONSULTATIONS

- 4.1 Parish Council – no objections
- 4.2 Highway Authority – conditions recommended
- 4.3 Ramblers – no objections
- 4.4 HDC Environmental Health - This service has considered the potential impact on amenity and likelihood of the development to cause a nuisance. In principle this service has no objection to the development however the proposed development is in close proximity to nearby residential properties. I have concern that noise from the development during the demolition and construction phase may cause impact on the local amenity. I would recommend that the application is approved subject to the following condition:
- Hours of working on the development site are restricted to between the hours of 8am and 6pm Mondays to Fridays, and the hours of 8am and 1pm Saturdays, with no working on Sundays or Bank Holidays.
- 4.5 HDC Environmental Health (contaminated land) - I have assessed the Preliminary Assessment of Land Contamination (PALC) form submitted in support of the above development. The applicant/agent has not identified any potential sources of contamination on the form and therefore the risk of contamination affecting the development or end users is considered to be low. Therefore, the Environmental Health Service has no objections to this scheme.
- 4.6 Public comments – one objection has been received from an adjacent resident as follows:
- These properties will overlook the rear of our property, in particular a rear bedroom the kitchen and rear garden, and will encroach upon our privacy.

- It will reduce the natural light into the property and the light emissions from the buildings will cause considerable discomfort.
- After a previous addition to the house and commercial premises, which we were not made aware of until after the construction, we raised the problem of our privacy and the occupants agreed to raise the height of wall adjoining the properties. This improvement was never carried out. These latest proposals will be even more intrusive.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of residential use in this location; (ii) the loss of a business use from the site; (iii) the siting and design of the proposed development and the effect on the streetscene; (iv) the effect on residential amenity; and (v) highway safety.

The principle of residential use

- 5.2 The site of the proposed dwellings lies outside the defined Development Limit boundary of the village, which is positioned immediately to the rear of the existing dwelling. This means that the access and driveway that would be associated with the site would be within the Limits but the position of the dwellings and parking and amenity space would lie outside.
- 5.3 Policy CP4 requires new development to be restricted to within Development Limits but does identify six possible exceptions. The development must comply with at least one of the following:
- i) it is necessary to meet the needs of farming, forestry, recreation, tourism and other enterprises with an essential requirement to locate in this position and will help to support a sustainable rural economy;
 - ii) is necessary to secure an improvement in a feature of acknowledged importance;
 - iii) it would provide affordable housing or a community facility;
 - iv) it would re-use an existing building and help to support a sustainable rural economy;
 - v) it would make provision for renewable energy generation;
 - vi) it would support the social and economic regeneration of a rural area.
- 5.4 The existing electrical contracting business is a busy and intensive operation, which requires a significant number of vehicle movements throughout the day by workers using the office, workshop and stores. Most work is undertaken off the premises but staff are required to collect items stored on site before visiting clients. The busy times at the site coincide with school start and finish times and can therefore result in congestion. It is suggested that the removal of the existing business from this site would reduce activity including noise, general disturbance and vehicle movements from the centre of the village, improving highway safety and the amenity of residents. It is considered that the principle of development would derive some support from criterion ii) of Policy CP4 by securing an environmental improvement within the village.

The loss of the existing business

- 5.5 The applicant has confirmed in writing that he wishes to continue his business and wishes to relocate within Hambleton District, to a location such as Leeming Bar, Thirsk or Northallerton. The reasons for wishing to relocate are threefold: to separate his business from his living arrangements as he and his family currently live in Whitegates; to find a site with more warehousing and yard space; and to remove the business activity from the village environment.

- 5.6 Although the applicant intends to continue the business and relocate within Hambleton District, there is no guarantee that this would occur. Once planning permission has been granted for a change of use from business to residential there is no requirement for additional business use to be created elsewhere.
- 5.7 LDF Policy DP17 encourages the safeguarding of employment sites, although the policy includes several criteria where the loss of such a site may be acceptable. In this instance, it is considered that the operation of the business in such close proximity to residential properties and the adjacent school results in a significant level of disturbance, and therefore the removal of this business, notwithstanding a lack of a guarantee for its relocation, is acceptable.

The siting and design and the effect on the streetscene

- 5.8 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.9 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.10 The National Planning Policy Framework Planning supports this approach and, at paragraph 130, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.11 The application does not include a Design and Access Statement that would explain why the proposed design was selected but as the site does not lie within a Conservation Area such a document is not essential, only desirable. The proposed dwellings, in respect of form and design, would not appear out of place within the village in terms of design, and the use of render is quite a common material within Burneston.
- 5.12 There is concern however with regard to the scale of the properties relative to their siting within the plot. It is suggested that the construction of the two storey dwellings would be an over-development of this restricted site, particularly due to the positioning and proximity of the existing dwelling. The amenity space associated with the proposed dwellings would be quite restricted; and the parking would be limited for visitors who would most likely park on the street rather than within the site.
- 5.13 It is also suggested that such a relatively tall building positioned close to the boundaries of the site would be prominent and visually intrusive in a backland position in the streetscene.
- 5.14 In order to overcome the concerns regarding over-development, it has been suggested that the scheme be amended to include a single dwelling, possibly single storey or with a first floor within the roofspace. Additional information has been received to suggest that the construction of only a single dwelling would not make the venture economically viable and would reduce the level of profit by more than 80%.
- 5.15 Notwithstanding the viability, the proposed development is not considered to be an example of good design due to the restricted nature of the site and the proposal for two relatively large dwellings. It is considered that the proposed development would not be in accordance with LDF Policies CP17 and DP32.

Effect on residential amenity

- 5.16 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight. Consideration must therefore be given to the impact of the proposed development on the amenity of the existing and proposed residents.
- 5.17 The residents of Whitegates would, following the development, share the existing driveway with two other properties. Vehicle movements along this driveway would have potential to cause greater disturbance. Amendments have been received, which propose a buffer of garden with planting alongside the driveway. This, it is suggested, would reduce the impact, which for two dwellings would not result in a significant number of movements that would cause unacceptable disturbance.
- 5.18 The two proposed dwellings would be sited at a distance of approximately 22m from Whitegates, where there would be overlooking from first floor into the newly created garden area for the existing dwelling but would be far enough away for amenity not to be adversely affected. The front elevation of the proposed dwellings would lie approximately 13m from the boundary with the neighbouring dwelling at Stroma and 21m from the rear elevation of that dwelling. The provision of the garage adjacent to the amenity space of Stroma, would provide an element of protection from overlooking by means of a gable wall at the end of the garden. These are considered to be adequate separation distances between elevations to avoid unacceptable levels of overlooking and loss of amenity.
- 5.19 It is considered that the proposed development would be in accordance with LDF Policy DP1.

Highway safety

- 5.20 The removal of the existing business would remove some vehicle movements from the premises and therefore the use by two additional dwellings is considered acceptable by the Highway Authority.
- 5.21 Adequate parking and manoeuvring space would be available for the residents of the three dwellings and therefore the Highway Authority has no objections subject to appropriate conditions.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reasons:
1. The proposed development is contrary to LDF Policies, CP17 and DP32. Development should be of a scale and design appropriate to the size and form of its setting. The proposal is considered to constitute an over-development of the site and as such fails to take account of and is harmful to, the character and appearance of the area. It is considered that the dwellings, by reasons of the site location and scale, would be cramped and out of context with the surroundings, would constitute an over-development of the site and would have an adverse impact on the form and character of Burneston.