

**Parish: Burneston**

Ward: Bedale

**3**

Committee Date: 10 January 2019

Officer dealing: Mrs H Laws

Target Date: 15 January 2018

**18/02364/OUT**

**Application for Outline Planning Permission with some matters reserved (considering access) for the construction of 5 dwellings**

**At: Land to east of Manor House Walk, Burneston**

**For: Mr Arthur Barker**

**This application is referred to Planning Committee as the application is a departure from the Development Plan.**

### **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The site lies on the eastern side of the village to the rear of the residential development at Manor House Walk. The land is currently agricultural and covers an area of approximately 0.3 hectares. Access would be taken from the tarmaced head of Manor House Walk using a shared drive currently used by 13 and 14 Manor House Walk and currently providing an agricultural access to the field. The land rises up from Manor House Walk and is bounded by mature trees and hedgerows.
- 1.2 The application is in outline. The matters for approval at this stage include access. The remaining matters, i.e. appearance, landscaping, layout and scale would be for a later application if this is approved.
- 1.3 Outline planning permission was granted in 2016 for the same development on the same site with a condition requiring the provision of affordable housing.
- 1.4 No affordable housing provision is proposed within the current planning application.

### **2.0 PLANNING & ENFORCEMENT HISTORY**

- 2.1 15/01518/OUT - Outline application for the construction of 5 detached dwellings. Permission granted 8/1/2016.

### **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 CP9 - Affordable housing  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Core Strategy Policy CP18 - Prudent use of natural resources  
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 DP15 - Promoting and maintaining affordable housing  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation

Development Policies DP32 - General design  
Development Policies DP34 - Sustainable energy  
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 comments received (expiry date for representations 30/11/2018)
- 4.2 Highway Authority – conditions recommended
- 4.3 Yorkshire Water – no observations
- 4.4 MOD - no safeguarding objections
- 4.5 HDC Environmental Health Officer (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 however given the nature and scale of the proposed residential development the applicant is required to submit a Phase 1 Preliminary Risk Assessment, to demonstrate the land is suitable for use in accordance with the NPPF. Further site investigations and remediation may also be required depending on the results of the Phase 1 investigation. A condition is recommended.
- 4.6 HDC Environmental Health Officer - This service has considered the potential impact on amenity and likelihood of the development to cause a nuisance and consider that there will be no negative impact. Therefore the Environmental Health Service has no objections.
- 4.7 Site notice/local residents – one comment has been received from a local resident as follows:
- I have no problem with the application as I was aware of the planning when our house 13 Manor House Walk was purchased. However I have a concern regarding the entrance to the site as at the moment I have vehicular access to my garden at the front of the property, required from time to time for parking (we have three cars and visitors, could you make certain that my access will not be restricted by a raised kerb (a dropped kerb would be fine) when the road is put through?

#### **5.0 OBSERVATIONS**

- 5.1 The main issues for consideration in this case relate to; i) the principle of new dwellings in this location outside Development Limits; ii) an assessment of the likely impact of the proposed dwellings on the character and appearance of the village; iii) the effect on the adjacent listed building; iv) neighbour amenity; v) highway safety and; vi) ecology.

##### Principle of development

- 5.2 The site falls outside of Development Limits of Burneston, which is defined in Policy CP4 of the Core Strategy as a Secondary Village. Policy DP9 states that development will only be granted for development "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the development plan. However, it is also necessary to consider more recent national policy in the form of the NPPF. Paragraph 79 of the NPPF states:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".

- 5.3 The NPPF identifies some special circumstances that are consistent with those set out in Policy CP4, with the addition of "the exceptional quality or innovative nature of the design of the dwelling". None of these exceptions are claimed by the applicant.
- 5.4 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council has adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.5 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
  2. Development must be small in scale, reflecting the existing built form and character of the village.
  3. Development must not have a detrimental impact on the natural, built and historic environment.
  4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
  5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
  6. Development must conform with all other relevant LDF policies.
- 5.6 In the 2014 settlement hierarchy contained within the IPG, Burneston is still defined as a Secondary Village and therefore a sustainable settlement; within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The site lies relatively close to the centre of Burneston which has facilities including a school and a pub. Criterion 1 would be satisfied.

#### Impact on form and character

- 5.7 It is important to consider the likely impact of the proposed development with particular regard to criteria 2, 3 and 4 of the IPG. The proposed dwellings would be on undeveloped agricultural land that lies at the end of Manor House Walk. The following detailed advice within the IPG is considered to be relevant:

"Proposals will be assessed for their impact on the form and character of a settlement. Consideration should be given to the built form of a settlement, its historical evolution and its logical future growth and how the proposal relates to this."

"Any detrimental impact on the character, appearance and environmental quality of the surrounding area should be avoided and development should not compromise the open and rural character of the countryside."

- 5.8 The area around Burneston is characterised by rolling farmland and mature trees which contribute to its setting. The proposed development would extend the built part of Burneston into the countryside. The site is bounded to the north and east by open countryside and to the south by a public right of way, beyond which is the curtilage of Burneston Hall. The application site is clearly open countryside but as it lies adjacent to the village on two sides it has a close relationship to the built form of the village. The existing trees help to reduce the opportunity for long range views of the site.

#### Affordable housing

- 5.9 LDF Policy CP9 requires development in locations such as this, of two or more dwellings to provide a 40% proportion of affordable homes. The November 2014 Ministerial Statement removed this requirement by seeking to exclude developments of ten or fewer dwellings from the requirement to include any affordable housing but allows Councils to adjust the threshold in designated rural areas to seek cash contributions towards affordable housing for sites of 6 to 10 dwellings. This Council has adopted the lower threshold in designated rural areas, which includes the parish of Burneston, and it therefore would apply in this case. A financial contribution equating to 40% on-site provision would be required for the dwellings over the threshold of five. As the scheme is limited to five dwellings, no affordable housing provision is required.

#### Effect on listed buildings

- 5.10 The application site lies to the north of Burneston Hall, which is a grade II listed building. The site is not adjacent but is separated from the boundary of the Hall by a public right of way, which lies at a lower ground level than the site. The northern boundary of Burneston Hall is formed by a brick wall of varying heights, which provides a strong boundary to the land beyond. Although the impact on the setting of the listed building would be an important factor in the consideration of a reserved matters application it is considered that it would be possible to develop the application site without harm to the heritage asset.

#### Residential amenity

- 5.11 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. The detail would be established at the reserved matters stage but it is considered that there would be adequate separation distances between dwellings to protect residential amenity and to satisfy the requirements of LDF Policy DP1.

#### Ecology

- 5.12 Policy DP31 of the Development Policies DPD states that 'Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation...Support will be given...to the enhancement and increase in number of sites and habitats of nature conservation value'. It should be possible to retain the hedgerows bounding the site, which are valuable assets of conservation value and an appropriate condition is recommended.

### Highway matters

- 5.13 The Highway Authority has no objections to the proposed scheme subject to conditions.

### Other matters

- 5.14 Discussions are on-going with the applicant with regard to an alternative time frame for the implementation of the development. Further information on this will be reported through the Committee up-date.

## **6.0 RECOMMENDATION:**

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Five years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
  2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the layout, scale and appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site.
  3. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
  4. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.
  5. Prior to construction of any building or regrading of land commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development and the relationship to adjacent development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.  
These details are required prior to construction or regrading because they could otherwise be compromised and in order to minimise the risk of abortive work being undertaken.
  6. No above ground construction work shall take place until details relating to boundary walls, fences, hedgerows and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority

7. No dwelling shall be occupied until its associated boundary walls, fences, hedgerows and other means of enclosure associated with it have been constructed in accordance with the details approved in accordance with condition 6 above. All boundary walls, fences, hedgerows and other means of enclosure shall be retained and no part thereof shall be removed without the prior written consent of the Local Planning Authority.
8. The following land contamination investigation, remediation and verification conditions must be addressed sequentially.
  - a) The outcome of the investigations will indicate the further site investigation, remediation and verification that may be required. In all instances if contamination is found or suspected at any time during development that was not previously identified all works shall cease and the Local Planning Authority shall be notified in writing immediately. No further development shall be undertaken until a detailed site investigation and risk assessment, having regard to current best practice, has been carried out. Where remediation is necessary a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority before any further development occurs.
  - b) No development shall commence until a 'Phase 1' Preliminary Risk Assessment (including Desk Study, Site Walkover and Conceptual Site Model), having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority
  - c) No development shall commence until a 'Phase 2' intrusive site investigation and risk assessment, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority.
  - d) No development shall commence until the approved remediation scheme has been implemented.
  - e) In the circumstances that remediation has been required the development shall not be occupied until a Verification Report, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority.
9. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
10. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: a. The details of the access shall have been approved in writing by the Local Planning Authority; d. The crossing of the highway footway shall be constructed in accordance with the Standard Detail number E6 var.; e. Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway; f. That part of the access extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1:15. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
11. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been

submitted to and approved in writing by the Local Planning Authority: b. vehicular and pedestrian accesses; c. vehicular parking; d. vehicular turning arrangements; e. manoeuvring arrangements

12. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
13. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; b. on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
14. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan received by Hambleton District Council on 2 November 2018 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
5. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, CP16, CP17, DP1, DP30 and DP32 of the Hambleton Local Development Framework.
6. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, CP16, CP17, DP1, DP30 and DP32 of the Hambleton Local Development Framework.
7. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in

accordance with Policies CP1, CP16, CP17, DP1, DP30 and DP32 of the Hambleton Local Development Framework.

8. To ensure safe development of the site and to protect human health and the environment in accordance with LDF Policies.
9. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
10. In accordance with LDF Policies CP2 and DP4 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
11. In accordance with LDF Policies CP2 and DP4 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
12. In accordance with LDF Policies CP2 and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
13. In accordance with LDF Policies CP2 and DP4 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
14. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

#### Informatives

1. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:
  - 1 x 240 litre black wheeled bin for general waste
  - 1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
  - 1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from Hambleton District Council - Waste and Streetscene.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at [www.hambleton.gov.uk](http://www.hambleton.gov.uk) or by telephoning 01609 779977