

Parish: Burrill with Cowling
Ward: Tanfield
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Committee Date : 9 January 2020
Officer dealing : Mrs H Laws
Target Date: 15 January 2020

19/00993/FUL

Construction of a detached dormer bungalow & garage as amended by plan received by Hambleton District Council on 13 November 2019.

At: Arbutus House Cowling Road Burrill North Yorkshire
For: Mr M Averis

The application is brought to the Planning Committee as the proposed development is a Departure from the Development Plan.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site, which is 0.057ha in size, lies on the southern side of the village street towards the western end of Burrill.
- 1.2 The site is currently part of the garden of Arbutus House, a detached two storey dwelling. The land forms part of the side and rear garden. The site is bounded by mature hedges and close boarded fencing with mature landscaping to all boundaries.
- 1.3 It is proposed to construct a two storey detached dwelling on the plot, with the end gable of the dwelling facing northwards towards the village street. A detached single garage would lie in the south eastern corner of the plot and a turning area at the northern end of the plot adjacent to the existing dwelling. The dwelling would have a steeply pitched roof and a relatively low eaves level to allow the first floor accommodation within the roofspace to be served by side gables and windows in the end gables. The dwelling would be finished in brickwork with stone cills and concrete pantiles with upvc windows and doors.
- 1.4 There is currently a gated vehicular access to the dwelling; it is proposed to create a new access using an existing dropped kerb to the east of the existing access to form a separate entrance and driveway for the proposed dwelling.
- 1.5 An arboricultural impact assessment has been submitted with the application. None of the trees are subject to a TPO. It is proposed to remove a silver birch to allow the development to be implemented; all other trees would be retained. Tree Protection is recommended.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 07/01563/OUT - Outline application for the construction of a dwelling. Permission refused 13/7/2007 for the following reason:

Policies CP2 and CP4 of the Hambleton Local Development Framework seek to ensure that all new development, other than in exceptional circumstances, is located within designated settlements which contain appropriate local services and facilities, including public transport links which minimise the need to travel by private car. Burrill is a small settlement with few local facilities or transport links and the development is, consequently, contrary to these policies.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
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 DP10 - Form and character of settlements
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015

4.0 CONSULTATIONS

- 4.1 Parish Council - no objections although some concerns about the capacity of the sewage system to accommodate additional properties.
- 4.2 Highway Authority - conditions recommended
- 4.3 Yorkshire Water - As the proposal is for 1 dwelling only and only foul water is to be drained to the public foul sewer in the road, with surface water to soakaway. No observation comments were required.
With respect to the concerns raised by the parish council and local residents, this is an operational matter, and separate from planning. If not done so already, they should telephone or write to Yorkshire Water about the sewerage network, so that the area can be investigated further for any possible future action.
- 4.4 Public comments - comments have been received from residents of 4 properties within the village, all of who express concerns regarding the ability of the drainage system to cope with further demands.
A comment is also made by the neighbouring resident who is concerned about the impact arising from constructing a dwelling that would be taller than the existing adjacent dwelling and with a featureless brick wall.

5.0 ANALYSIS

- 5.1 The main issues to consider are: (i) the principle of a new dwelling in this location outside Development Limits; (ii) the impact on the character and appearance of the village; (iii) the design of the proposed development; (iv) the effect on residential amenity; (v) the effect on the trees; (vi) surface water flooding; and (viii) highway safety.

The principle of development

- 5.2 The site falls outside of Development Limits as Burrill does not feature within the settlement hierarchy defined within Policy CP4 of the Core Strategy. Policy CP4 states that all development should normally be within the Development Limits of settlements. 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 National Planning Policy Framework (NPPF). Paragraph 78 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. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby".

- 5.3 The NPPF identifies 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 consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in 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 consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.5 In the settlement hierarchy contained within the IPG, Burrill is defined as an "other 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 within the village of Burrill in which there are no services but it lies approximately 1.5km from the edge of Thornton Watlass, which is defined as a Secondary Village with facilities including a school, a pub and a church. The site also lies within 2km from the edge of Bedale, which is a Service Centre. Other economic benefits of the scheme include the short term boost to the rural economy during construction. It is considered that the proposed development satisfies criterion 1.

Character and appearance of the village

- 5.6 In order to draw support from the Council's adopted Interim Policy Guidance (IPG) proposals must be small in scale and provide a natural infill or extension to an existing settlement and also conform to other relevant Local Development Framework Policies.
- 5.7 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings. There has been one other dwelling granted planning permission in the village since the introduction of the IPG (17/02319/FUL) and it is considered that the proposed development is small scale and has no significant impact in terms of cumulative impact.
- 5.8 Within the IPG small scale development adjacent to the main built form of a settlement "will be supported where it results in incremental and organic growth". It is important to consider the likely impact of the proposed development with particular regard to criteria 3 and 4 of the IPG. 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."

- 5.9 The proposed dwelling would be within a corner plot between existing dwellings, following the general building line and form of the existing village street. It is considered that the development proposed, without the loss of rural landscape, would appropriately respect the general built form of the village. There would be no harmful impact to the built form of the village and as such the proposed development is considered to be in accordance with these aspects of the IPG.

Design

- 5.10 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."
- 5.11 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.
- 5.12 The National Planning Policy Framework 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.
- 5.13 The proposed dwelling is similar to the adjoining property in respect of scale and design. The dwelling is a two storey property with detailing that includes a steeply pitched roof and relatively narrow gables.
- 5.14 The elevation facing the neighbouring dwelling at Backwood has no openings and is effectively the rear of the property, facing onto the driveway serving the garage. This elevation is in relatively close proximity to the boundary, which is formed by a mature hedgerow. The absence of detailing, other than the gabled entrance porch, would not therefore harm the appearance of the dwelling.
- 5.15 It is considered that the scale, proportions and materials of the proposed dwelling would be appropriate to its setting within the village and in relation to the neighbouring property.
- 5.16 It is considered that the proposed development is in accordance with LDF Policies CP17 and DP32.

Effect on residential amenity

- 5.17 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 relationship of the proposed dwelling to Arbutus House and Backwood is such that there would be adequate separation distance to avoid any overlooking or overshadowing that would harm the amenity of existing or proposed residents.
- 5.18 The existing access serves Arbutus House; the new access and driveway would lie parallel. The proposed development would result in an additional household between two existing properties but there is adequate separation to allow the property to be developed without a harmful impact on residential amenity.

5.19 The proposed development would not therefore accord with the requirements LDF Policy DP1.

Effect on trees

5.20 An assessment of the trees has been received, which confirms that all but one of the trees on site can be retained and protected during and following construction. The tree to be removed is a mature silver birch, which is in good condition. There are several remaining trees, which are also in good condition and would retain the mature landscaped character of this part of the village.

Surface water flooding

5.21 There have been several concerns raised regarding drainage within the village and with regard to surface water flooding. There is a mains sewer and it is proposed to discharge foul drainage into the existing system, with surface water dealt with by soakaway. Yorkshire Water has no objections to make regarding this proposal as it is only for one dwelling and as such would make a marginal difference to the existing system. The current problems of surface water ingress to the foul water sewer is a matter for Yorkshire Water.

5.22 The application site is in Flood Zone 1, an area at the lowest risk of flooding. The Environment Agency website suggests there is a risk of surface water flooding in small areas within the village but this would not affect or be affected by the application site.

Highway matters

5.23 The Highway Authority has no objections to the additional dwelling being served from the village street. It is considered that the proposed development will have no significant harmful impact in terms of road safety.

Planning Balance

5.24 In assessing this application it is clear that the proposal would create an additional dwelling in a sustainable location without causing harm to the form and character of the village and without harm in terms of residential amenity or highway safety. The scheme is found to result in social gains through the provision of new housing, the economic impact of the development would be small but positive and the environmental impacts as a consequence of the development are on balance found to be positive. No other material considerations would preclude a grant of planning permission. The proposed development is found on balance to be acceptable.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. 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.

3. 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.

4. Unless otherwise approved in writing with the Local Planning Authority the tree protection measures detailed within the Arboricultural Impact Assessment received by Hambleton District Council on 13 November 2019 shall be undertaken in full and thereafter retained.

5. 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:

- The crossing of the highway verge shall be constructed in accordance with the approved details and Standard Detail Number E1 Var (Construction Depths Only).
- 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.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

6. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 metres measured along both channel lines of Cowling Road from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

7. No part of the development shall be brought into use until the vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing Reference Number 2019:01/02 Revision B and Standard Detail Number E1 Var (Construction Depths Only) and are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

8. The garage hereby approved shall be used solely for the housing of motor vehicles and notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning General Development Order 1988, or subsequent amending Order, no subsequent alteration shall be undertaken.

9. 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.

10. Unless otherwise approved 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.

11. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered 2019:01/02B; 01/03B; 01/05B; 01/06A; and 01/07C received by Hambleton District Council on 1 May, 2 August and 13 November 2019 unless otherwise approved in writing by the Local Planning Authority.

12. Prior to the commencement of development, other than the initial formation of the access, full details of existing and proposed site levels shall be provided to and approved by the Local Planning Authority. Levels to be submitted shall include full garden levels, finished floor levels, eaves and ridge heights. The development shall then be implemented in accordance with the approved levels.

The reasons are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. 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.

3. 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.

4. In order to maintain the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with LDF Policies CP16 and DP30.

5. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.in accordance with LDF Policies CP2 and DP4.

6. In accordance with policy number and in the interests of road safety in accordance with LDF Policies CP2 and DP4.

7. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.

8. To ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development in accordance with LDF Policies CP2 and DP4.

9. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety in accordance with LDF Policies CP2 and DP4.

10. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area in accordance with LDF Policies CP2 and DP4.

11. 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.

12. In order to protect the character and amenity of the area and to accord with the requirements of Development Policy DP1 and DP32.