

Parish: Burneston

Ward: Bedale

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Committee Date : 20 August 2015

Officer dealing : Mrs H M Laws

Target Date: 28 August 2015

15/01055/OUT

**Outline application for the construction of a detached dwelling with some matters reserved (considering access and layout).
at Oak Dene Burneston Hargill Burneston North Yorkshire
for Mr W Greenwood.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site lies on the eastern edge of Burneston and on the northern side of Church Wynd. Oakdene is the last property on the edge of the village and the application site forms a triangular paddock area beyond the existing domestic curtilage. An L-shaped workshop lies within the curtilage of Oakdene and lies on the boundary between the dwelling and the application site.

1.2 Mature trees lie along the front boundary of the site and the rear boundary with the agricultural land beyond to the north and east. Tree species along the front include hybrid poplar, which are densely planted. The site has a frontage onto the village street of approximately 30m.

1.3 It is proposed to construct a detached dwelling on the plot. The application is in outline form but requests approval for access and layout. An existing gate lies in the south western corner of the site. It is proposed to use this as the access to serve the development site. The proposed position of the dwelling is in line with the end of the adjacent workshop, which is set back approximately 8m from the front boundary. An L-shaped parking area is proposed to the front and side of the house to provide parking and turning.

2.0 PLANNING & ENFORCEMENT HISTORY

2.1 None relevant

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 DP3 - Site accessibility

Development Policies DP4 - Access for all

Development Policies DP6 - Utilities and infrastructure

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 comments received (expiry date for representations 26/6/2015)

4.2 NYCC Highways - no objections subject to conditions

4.3 Yorkshire Water - on the basis that the proposals for this site has stated foul water only to public foul sewer network, and surface water to soakaway, no comments are required

4.4 MOD - no safeguarding objections

4.5 HDC Environmental Health Officer - no objections

4.6 HDC Senior Scientific Officer - the applicant has not identified any potential sources of contamination on the PALC form and therefore I do not have any further objections to the scheme.

4.7 Site notice/local residents - two letters of objection have been received, which are summarised as follows:

1. The site is outside development limits
2. A proposal to alter the limits was not supported by an Inspector reviewing the Local Plan in 1991 and to quote the Planning Department 'such an extension would amount to ribbon development which would be detrimental to the nucleated character of the village and to the open countryside'. This is still relevant to the current situation
3. Could lead to further development along the road frontage of Church Wynd
4. It is currently a green field occasionally used for grazing sheep
5. Surface water and sewage on Church Wynd cannot cope with the existing demand and this will only add to the problems

5.0 OBSERVATIONS

5.1 The main issues for consideration in this case relate to the principle of a new dwelling in this location outside Development Limits, an assessment of the likely impact of the proposed dwelling on the character and appearance of the village, the rural landscape, neighbour amenity, the potential effect of the development on the existing trees, highway safety and developer contributions.

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 55 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 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.

5.4 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.

5.5 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 within walking distance of the centre of Burneston which has facilities including a school, shop and pub. Criterion 1 would be satisfied.

5.6 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 dwelling would be on undeveloped agricultural land that lies at the end of the row of residential properties on the northern side of Church Wynd. 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."

The proposed development would extend the built part of Burneston further along the northern side of Church Wynd and is therefore a form of ribbon development. The application site, although undeveloped, does not form part of the countryside but has more in common with the village. The boundary between the application site and the rural landscape beyond is well established with a hedgerow and mature trees, providing a fixed boundary for the end of the village. As such it is considered that the development proposed, does not result in the loss of rural landscape and appropriately respects the general built form of the village. There would be no harmful impact to the natural, built and historic environment.

5.7 There are no near neighbours whose amenity would be affected by the proposed dwelling. The existing dwelling at Oak Dene lies across the drive on the other side of the workshop and a new dwelling could be designed to prevent overshadowing or overlooking.

5.8 The site is bounded on two sides by mature trees and a tree survey has been submitted. The survey confirms that a total of 8 trees need to be removed to accommodate the development (including 5 assessed as low quality specimens, one of which is in a poor condition) and a purple beech requires pruning. It is proposed to plant 7 new trees as replacements, including oak and lime.

5.9 The proposed position of the dwelling would impact on the root zone of the purple beech and it is recommended that construction methods be adopted to take this into account. The purple beech is classed as a high quality tree as are three sycamores that lie on the north eastern boundary with the adjacent field. A mature ash tree at the rear of the

site makes a contribution to the setting of the site. It is recommended that these 5 trees are retained to provide an established landscaped setting for the new dwelling and a Tree Preservation order has been served.

5.10 The Highway Authority has no objections regarding the proposed development. It is not considered that the proposed development would adversely impact highway safety and conditions are recommended.

5.11 Under the Community Infrastructure Levy (CIL) regulations the proposed dwellings are liable for payment of CIL at a rate of £55 per sq. m, the rate adopted by the Council on 7 April 2015.

5.12 It is considered that the proposal is in accordance with the Interim Policy Guidance document in that the housing development, subject to the subsequent approval of detailed plans in respect of scale, design and materials and would have no adverse impact on landscape character, residential amenity and highway safety.

5.13 The proposed development is acceptable and approval of the application is recommended.

6.0 RECOMMENDATION: that subject to any outstanding consultations the application be **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. Prior to the construction of any above ground development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

4. The dwelling shall not be occupied until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situate within the curtilage of that dwelling have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

5. The development hereby approved shall not be undertaken except in accordance with the Tree Protection Plan, numbered BA5095PRO received

by Hambleton District Council on 29 July 2015 unless with the prior written approval of the Local Planning Authority.

6. Prior to development 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. 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.

7. 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.

8. 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 have 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 verge and footway shall be constructed in accordance with the Standard Detail number E6; 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.

9. 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 90 metres measured along both channel lines of the major road Church Wynd 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.

10. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved: a. have been constructed in accordance with the submitted drawing (Reference HDC/3077/01 Proposed Site Plan); b. have been constructed in accordance with Standard Detail Number E6; c. 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.

11. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing HDC/3077/01 Proposed Site Plan. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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. c. 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 drawing number HDC/3077/01 received by Hambleton District Council on 6 July 2015 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions 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 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. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with LDF Policies CP16 and DP30.
5. To safeguard the visual amenity of neighbourhood by ensuring the retention of existing trees in accordance with LDF Policies CP16 and DP30.
6. To safeguard the character and appearance of the area and neighbour amenity in accordance with LDF Policies DP32 and 33 and DP1. Submission of these details is required prior to commencement in order to ensure that the height of the dwelling and its appearance will be appropriate to the locality.
7. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies

CP2 and DP4. These details are required prior to the commencement of development to ensure that road safety requirements are met.

8. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety. These details are required prior to the commencement of development to ensure that road safety requirements are met.

9. 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. These details are required prior to the commencement of development to ensure that road safety requirements are met.

10. In accordance with LDF policies CP2 and DP4 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

11. In accordance with LDF Policies CP2 and DP4 and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of 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. This information is required prior to the commencement of development in order to protect road safety.

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.