

**Parish: Burneston**

Ward: Bedale

**1**

Committee Date: 7 January 2016

Officer dealing: Mrs H M Laws

Target Date: 27 August 2015

**15/01518/OUT**

**Outline application for the construction of 5 detached dwellings  
at Land adjoining Manor House Walk, Burneston  
for C Craggs & A Barker**

**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 an outline application with all matters reserved for the construction of 5 dwellings. Although all matters are reserved it is intended to provide the access from Manor House Walk. An illustrative layout and elevation drawing have been received, which shows a U-shaped development of single and two storey houses forming a cul de sac style development. The illustrative layout also indicates that the shared drive would be upgraded to adoptable standard as it would serve a total of seven dwellings following the development.
- 1.3 The applicant proposes a total of 40% affordable housing provision.

**2.0 PLANNING & ENFORCEMENT HISTORY**

- 2.1 None

**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

## 4.0 CONSULTATIONS

### 4.1 Parish Council - the following comments were raised at a public meeting:

1. The proposal would cause the eastern settlement boundary of the village to be moved a considerable distance further east. This would then open the way for much more substantial development of adjoining green field sites in the future
2. The drainage systems of the village are barely able to cope with the demands placed upon them, particularly as regards the removal of rainwater. Further development would compromise these drains even more, with respect to the removal of both rainwater and sewage. In particular, if this proposed scheme were to be just the first phase in a much larger development in the coming years, the capacity of the foul-water drainage system would be completely overwhelmed and would require major infrastructure renewal
3. Another concern relating to infrastructure is that the broadband service in Burneston is already unsatisfactory. If there were to be a large development in future, of which this current scheme was just the first phase, then our problems with the speed and availability of internet access would almost certainly get worse
4. Further development of the eastern part of Burneston would compromise, or even obliterate, the views of the surrounding countryside which the residents currently enjoy, both from their own properties and from the Back Lane, a popular area for walkers
5. Any significant increase in the number of houses in the village would mean more traffic on the village main street, especially at peak times such as when children are arriving for school in the morning
6. In addition, we would like to say, as a council, that there is an opportunity to develop a brown field site in the village, namely the almshouse square. The square is home to a listed building, the Matthew Robinson almshouses, on its northern border but has very poor-quality buildings on its other two sides and is in urgent need of redevelopment. Such redevelopment is a high priority for the Parish Council and should, we feel, be undertaken before any green field land is released for more house building.

### 4.2 Highway Authority - conditions recommended.

### 4.3 Yorkshire Water - from the information provided by this planning application form (foul to public foul sewer / surface water to soakaway/s), observations from Yorkshire Water are not required.

### 4.4 Environmental Health Officer - no objections.

### 4.5 Site notice/local residents - a total of 25 objections have been received from local residents, which are summarised as follows:

1. Burneston does not require high quality detached houses - several properties of this nature have remained either unsold or have taken a considerable time to sell on Manor House Walk including Manor House Farm.
2. The village may have a thriving community but the local services, having not been supported have seen their demise in the last 13 years. An extra 5 houses will not create support for these non-existing services nor provide a need for any local services to be reinstated.
3. I cannot see that the local Businesses referred to will benefit from these 5 extra houses, either in providing their services, or indeed providing employment.

4. The existing utilities currently available on Manor House Walk do not have the capacity to serve further development; the Broadband is appalling, the mobile phone signal spasmodic, the sewerage system not adequate, the communal LPG gas tank on Site creates significant tanker visits without increasing the tank capacity for 5 further houses.
5. The disruption with construction traffic and eventually a potential of more than ten further cars, accessing the new housing, will create added danger on what is a very quiet street with local children playing on and nearby. If vehicular access to the proposed site is to be between No. 13 & No. 14 this will not only be restrictive through a very narrow gap but the added Health & Safety issues, being literally a few feet from the LPG gas tanks should be of very serious concern
6. Numbers in the local school may be falling but it is unlikely that these intended 5 detached houses will be affordable for families with young school age children.
7. Since the A1 was upgraded, there has been a considerable increase in traffic noise on Manor House Walk and the proposed development, being somewhat closer, will be even harder to promote with the continual motorway noise.
8. There are at least two 'brown field' sites in the village that should be developed before we build upon 'green field' sites.
9. If these 5 houses are approved then it will redraw the eastern boundary of the delimitation of the village and so allow continued development along the rear of St Lambert's Drive and Pennine View toward Back Lane.
10. Any development to the east of my property will affect the view over the Hambleton Hills, decreasing desirability of living here.
11. The village has no regular bus route. The village shop is a shop only in name and serves no useful purpose to the village. There is no village hall and therefore no centre outside the primary school or pub for village events
12. Hambleton's 2005 development framework document stated that this proposed development would be out of scale with the existing village, would be a major extension into open countryside and would have a negative impact on the current settlement form
13. With this planned increase of estate size to 24 properties, and elimination of the farm field adjacent to my property, I believe that this will have a negative effect on the current value of my property. How can the planning committee guarantee that my property value will not be affected in this adverse manner?
14. The parking situation in Manor House Walk is already dangerous with cars and vans parked on the pavement and on corners. Manor House walk is dangerous for drivers as the view around the bend is limited by parked cars.
15. The site is not in a flood zone but it will contribute to the extensive flooding that occurs in the main street and other areas
16. There is no evidence that "New developments greatly improve ecological environment" Loss of arable land is one of the main reason for the loss of wildlife
17. The LDF and Interim Policy Guidance document reinforce the principle that any extension to development boundaries into greenbelt land should only be allowed in exceptional circumstances. The priority should be to utilise infill sites and brownfield sites wherever possible. There is no evidence that this application constitutes exceptional circumstances
18. In principle the planning application would appear to follow the guidelines; however, of great concern is the potential for further development and changes to village boundaries
19. The proposed development will be on the highest point within the village. The present top end of Manor House Walk can just be seen from the east. The new houses will be fully visible.
20. The only identified need is for affordable housing for residents who work locally, as recently confirmed by your Housing Department's Housing Needs Survey.

## **5.0 OBSERVATIONS**

- 5.1 The main issues for consideration in this case relate to the principle of new dwellings in this location outside Development Limits, an assessment of the likely impact of the proposed dwellings on the character and appearance of the village, the effect on the adjacent listed building, neighbour amenity, highway safety and ecology. Further issues raised by the Parish Council and residents will also be considered.

#### 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 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 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, shop and 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."

Burneston is characterised by rolling farmland and mature trees 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 not Green Belt but clearly is 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.

#### Effect on listed buildings

- 5.8 The application site lies to the north of Burneston Hall, which is a grade II listed building. The site 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.

#### Amenity

- 5.9 Several objections have highlighted that the proposal will alter or remove countryside views from nearby properties. There is no doubt that for dwellings in close proximity to the site that the proposal could alter their outlook and affect their view of the countryside. However, this in itself is not material reason on which to refuse the application. 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

- 5.10 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.

## Further issues

- 5.11 The comments raised by the Parish Council regarding the ability of the drains to cope with this and other potential new development could only be a matter relevant to the determination of the Planning application insofar as the capacity to serve the additional five dwellings proposed is concerned. Any further development proposal would require fresh assessment. Yorkshire Water has raised no objections to the proposals.
- 5.12 The comments relating to the current demand for housing in Burneston is not relevant to the determination of the application. There is recognised housing need within the District and additional development in Burneston would help to meet this, subject to assessment of proposals against other criteria.
- 5.13 Consideration of future development is not relevant to this planning application; each proposal for development is considered on its own merits.

## **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 means of access to the site; (c) the landscaping of the site.
  3. Prior to 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. 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 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.
  6. No development 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 development shall not begin until a scheme for the provision of affordable housing as part of the development (the 'Affordable Housing Scheme') has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the Affordable Housing Scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The Affordable Housing Scheme shall include: (a) the numbers, size, type, tenure and location on the site of the affordable housing provision which shall consist of not less than 40% of the overall total number of housing units on the site. The affordable housing provision shall comprise either houses or bungalows and shall accord with the Council's Affordable Housing SPD and/or any additional or successive planning policy document adopted by the Council; (b) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing which shall provide for the final affordable unit to be made available for occupation before occupation of 2 open market dwellings on the site; (c) the arrangements for the transfer of the affordable housing to an affordable housing provider at the Council's agreed transfer price as defined in the Council's Affordable Housing SPD and/or any additional or successive planning policy document adopted by the Council the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and (d) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
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 7 July 2015 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 that the development provides affordable housing that meets the needs of the local community in accordance with the LDF Policies CP9 and DP15.
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.