

14/00326/OUT

Outline application for the construction of two dwelling houses at land to the west of the Old Telephone Exchange, Burrells Lane, Shipton By Beningbrough for Timarjo Properties Limited.

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site lies at the western end of Burrell's Lane and is currently used for the siting of storage containers, no permission has been given for the current use. The lane itself is unadopted and unsurfaced. It is included within the application site boundary and is proposed as the access to serve the plot.
- 1.2 A 1.5m high brick wall lies between the plot and Burrells Lane. The southern and western boundaries are formed by well-established landscaping; the eastern boundary between the site and the Telephone Exchange site is formed by post and wire fencing. Metal security gates with a height of more than 2m lie across the access into the plot from Burrells Lane.
- 1.3 It is proposed to construct 2 two storey dwellings on the plot, which covers an area of 0.0576ha. All matters are reserved although Burrells Lane is shown to be an access route to the main village street (A19).
- 1.4 The application site, together with a small area of land to the north (part of the garden of Ashfield House) and a larger area of land to the south (a disused petrol filling station), forms a larger site that is allocated for housing development by Policy EH4 of the Allocations Development Plan Document, subject to:
- i Development being at a density of approximately 20 dwellings per hectare, resulting in a capacity of around 10 dwellings (of which a target of 50% should be affordable);
 - ii Housing types meeting the latest evidence on local needs;
 - iii appropriate measures being taken to deal with any contamination relating to the previous garage use; and
 - iv Contributions from the developer towards the provision of additional school places and local health care facilities as necessary.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 2/80/131/0003D – Use of land as a car park for staff and customers relating to the Service Station rather than parking on the A19 which at the time was a Trunk Road. Granted 10 October 1980.
- 2.2 12/00322/FUL - Construction of a dwelling at land adjacent to Ashfield House, Burrells Lane, Shipton by Beningbrough; granted 20 June 2014. This site also forms part of allocation EH4 and would take access from Burrells Lane.

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 CP7 - Phasing of housing
 Core Strategy Policy CP8 - Type, size and tenure of housing
 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 CP21 - Safe response to natural and other forces
 Development Policy DP1 - Protecting amenity
 Development Policy DP4 - Access for all
 Development Policy DP8 - Development Limits
 Development Policy DP10 - Form and character of settlements
 Development Policy DP11 - Phasing of housing
 Development Policy DP13 - Achieving and maintaining the right mix of housing
 Development Policy DP15 - Promoting and maintaining affordable housing
 Development Policy DP30 - Protecting the character and appearance of the countryside
 Development Policy DP32 - General design
 Development Policy DP43 - Flooding and floodplains
 Allocations Document Policy EH4 - Garage, Main Street, Shipton - adopted 21 December 2010
 National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Shipton Parish Council - Burrell's Lane at this point was little more than a track and very muddy in winter. Any increase in volumes of traffic on Burrell's Lane would be detrimental in view of the recent parking problems in the lane and the condition of the access road. The application also stated that the site was not within 20 metres of a ditch or water; but in fact there is a drainage ditch on the opposite side of Burrell's Lane. It was agreed that the Parish Council would respond with the comments about the condition of the lane and the ditch but otherwise would make no recommendation on this application.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Yorkshire Water - based on the information submitted (foul water only to public foul sewer, surface water to SuDs), no comments are required.
- 4.4 Kyle & Upper Ouse Internal Drainage Board - no observations.
- 4.5 Site notice/local residents - one comment received as follows:
1. Parking & Turning: Unable to support or object as, so far, there is no mention is made of the relative allocations for parking & turning within the properties versus the space for the Houses & Gardens. A modern 3-bed property can each expect to provide on-site parking/garaging for 3 vehicles, in addition to space provision for visitors and deliveries.
 2. Use of an existing Gate for the easterly property is mentioned, but it has been designed in such a way as to prohibit turning when it is closed. All visitors and deliveries to the properties will require a turning provision within the boundary at all times. It will be noted that all existing properties on Burrells Lane, except Framfield House, have "inset" gates or no gates to ensure a turning ability for vehicles within the width of the Lane at each individual property. This inset turning area is even more important for these two proposed properties as the site is at one of the narrowest stretches of Burrells Lane.

3. Access/Egress - Burrells Lane & A19: Burrells Lane is privately owned by an indeterminate party, likely to be a remnant of the Dawnay Estate. The road surface has been historically maintained by local residents, excluding Framfield House, and BT. This informal shared-cost maintenance agreement would need to be formalised with the applicant to take account of the new owners/tenants of the two proposed properties.
4. Burrells Lane is used as a communal access and parking area by local residents, visitors and suppliers. Its use and even access along its length cannot be guaranteed at any given time. As an example, those associated with the Main Street terrace properties just to the south of Burrells Lane rely on parking on the A19 public footpath, obstructing its use by pedestrians. Whenever the police authorities have enforced that footpath obstruction, the whole line of cars expects to move from Main Street onto Burrells Lane
5. Burrells Lane is an agricultural access point for fields to the south (Newton House), north (Field View Bungalow) and to the west (Shedden Farms)
6. Surface Water & Drainage: Specific consideration will be required for both surface water soakaway & drainage and for sewage/foul water drainage. The experiences of the BT Exchange with their drain levels to connect to the Main Street Sewer are a warning that mains sewer drainage cannot be assumed at such a distance from Main Street. For surface water, that particular stretch of Burrells Lane suffers from poor sub-surface drainage, which resulted from post-construction clearing of the site to north of the Lane, opposite this proposed site. No amount of lane surfacing work will avoid the need for that section of land drain towards the open ditch to be repaired. The Burrells Lane open ditch is upstream of the open ditch to the east side of Cliffords Way. These are both privately maintained by the adjacent field owners and are upstream of the shared maintenance for drainage south of Station Lane, which is managed by the Kyle & Upper Ouse Inland Drainage Board
7. Future Changes: The overall design, based on the Barley 02-075, leaves the option of a straightforward change to add a 4th bedroom in the 2nd floor "loft" space. This would add individuals to the occupancy and increase the vehicle and delivery needs of the properties.

5.0 OBSERVATIONS

- 5.1 The LDF Core Strategy provides the basis for the scale and distribution of housing development within Hambleton. Following this the Allocations DPD identifies sites to meet and deliver the targets and objectives as set out within the Core Strategy.
- 5.2 The application site is allocated within the LDF Allocations Development Plan Document as Policy EH4 as part of larger site. The allocation is for housing subject to: a density of approximately 20 dwellings per hectare resulting in a capacity of around 10 dwellings (of which a target of 50% should be affordable); housing types meeting the latest evidence on local needs; appropriate measures being taken to deal with any contamination relating to the previous garage use; and contributions from the developer towards the provision of additional school places and local health care facilities as necessary.
- 5.3 In light of this and the absence of any significant change to the background of the case, the principle of residential development is considered to be acceptable.
- 5.4 The site is clearly differentiated from the rest of the allocation in terms of location, character and access, although application 12/00322/FUL which related to another part of allocation site EH4, within part of the garden of Ashfield House, also took access from Burrells Lane. Land contamination is not an identified as a significant issue on the application site. This site has never formed part of the garage site unlike the other part of the allocation site. However the application site is used for the siting

of storage containers and contamination may be found and would be required to be remediated prior to development. A condition can be imposed on a planning permission to address the need for remedial work to remove or cap any contamination.

- 5.5 There are no objections to the site being developed in isolation from the remainder of the allocated land. The allocation requirements for the overall site are flexible in respect of numbers; "approximately 20 dwellings per hectare" and "a capacity of around 10 dwellings (of which a target of 50% should be affordable)". The garage part of the allocation is acknowledged as having a restricted shape that is likely to affect its developability and therefore a target of two houses on the application site would be desirable as the plot is 0.0576ha in size, excluding the access track (density of 17 dwellings per hectare for one dwelling and 34 dwellings per hectare for two dwellings). It is proposed to provide one of the dwellings as an affordable unit and full details of this can be secured by submission of an affordable housing scheme under the terms of a planning condition.
- 5.6 The plot has dimensions of approximately 30m x 20m, which is adequate space for two detached dwellings with appropriate amenity space. Accordingly there are no objections to the provision of two detached dwellinghouses to meet local needs.
- 5.7 Comments is made by the Parish Council and a local resident regarding the drainage ditch and foul drainage. The proposal identifies the use of Sustainable Drainage techniques for the disposal of surface water. The Internal Drainage Board has no objections to the proposal. In order to connect to a public foul sewer the approval of Yorkshire Water would be required, with upgrade to the system as necessary to allow foul drainage to the mains sewer. Burrells Lane is understood to be privately owned and its maintenance, including any drainage within it, is a private matter between the relevant property owners.

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. The development shall not be commenced 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.
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. 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.
8. 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 7 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.
9. 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 50% 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 affordable unit to be made available for occupation before occupation of the open market dwelling 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.
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 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: a. vehicular and pedestrian accesses; b. visibility splays along Burrells Lane; c. vehicular parking (minimum of 2 spaces per dwelling); and d. vehicular turning arrangements. No part of the development shall be brought into use until the approved vehicle access, parking, visibility splays and turning areas have been provided in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
 11. 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 right of way; 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.
 12. If any contamination be suspected or encountered during development all works shall cease and the Local Planning Authority shall be notified in writing. No further works (other than approved contaminated land remediation measures) shall be undertaken or the development occupied until a Remediation Strategy Report has been submitted to and approved in writing by the Local Planning Authority and the approved remediation measures have been implemented in accordance with the timescales in the approved Strategy. No further works shall be undertaken or the development occupied until a Validation Report has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy and Validation Report shall be prepared in accordance with Contaminated Land Research Publication 11 (Defra/Environment Agency, 2004. CLR11 Model Procedures for the Management of Land Contamination), Planning Policy Statement 23 Planning and Pollution Control and the Council's guidance note "Contaminated Land - A Guide to Developers."
 13. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.
 14. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 13 above.

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. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy DP30.
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 LDF Policies CP17 and DP32.
8. 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 LDF Policies CP17 and DP32.
9. 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.
10. 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.
11. 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.
12. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks in accordance with Hambleton Local Development Framework CP21 and DP42.
- 13 and 14. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43

Informatives

1. No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of Way team at County Hall, Northallerton via paths@northyorks.gov.uk to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.
2. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.