

Parish: Aiskew
Ward: Bedale
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Committee date: 30 March 2017
Officer dealing: Mrs H Laws
Target date: 6 April 2017

16/02714/FUL

**Construction of five dwellinghouses
At land east of Willow Gardens, Leeming Bar
For Briahaze Village Homes**

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site lies towards the north eastern corner of Leeming Bar and is currently disused and overgrown. The site lies immediately to the east of the Willow Gardens development of ten dwellings, for which planning permission was granted in 2009, and to the north of the Lowlands Drive residential cul-de-sac.
- 1.2 The dimensions of this mainly rectangular site are approximately 60m x 50m, covering an area of approximately 2,850sqm (0.285ha).
- 1.3 The existing development at Willow Gardens comprises a terrace of three dwellings and a pair of semi-detached dwellings to either side of the access onto Low Street; and three detached dwellings and a pair of semi-detached dwellings within the cul-de-sac.
- 1.4 The proposed scheme is for the construction of three detached dwellings and a pair of semi-detached dwellings. Three of the dwellings would have three bedrooms; two would have a fourth bedroom within the roofspace. All would have garages and would be finished in either brickwork or render with concrete slates or pantiles roofs.
- 1.5 Access to the site would be from Willow Gardens via an existing gap between the dwellings at 2 and 3 Willow Gardens which is currently used for additional parking. The gap between the buildings has a length of 20m and a width of 4.5m.
- 1.6 Improvements have been secured to the scheme as follows:
- Altered house types; and
 - An amended layout to move dwellings further from the boundaries of the site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 09/01429/FUL (Adjacent site, now known as Willow Gardens) - Demolition of bungalow and construction of ten dwellings; Granted 23 September 2009 and now complete. The application site is accessed through this development.

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 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 DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
Development Policies DP44 - Very noisy activities
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council – No observations.

4.2 Highway Authority – No objection subject to conditions. The surfaced access between the two existing dwellings varies in width between 4.2 and 4.5 metres wide. This is sufficiently wide enough to allow two cars to pass. It is not intended to adopt the access and so it will remain private, however, it is acceptable to have a reduced carriageway width of 2.75 metres in an adoptable road layout.

The existing and proposed dwellings have at least two off-street parking spaces each so meet the requirements of the Local Highway Authority's parking standards.

Whilst there is a low wall on the frontage of the two existing dwellings, there is sufficient visibility available for all users.

4.3 Environmental Health Officer – No objection; there will be no significant impact on the local amenity.

4.4 Public comments – two objections have been received from residents of Willow Gardens and Lowlands Drive, whose concerns are summarised as follows:

- Congestion on Willow Gardens due to an increase in traffic from the development;
- Increased risk of collision with vehicles, due to an existing blind spot, and for gas and electricity services to be struck by traffic;
- Potential noise issue from vehicles passing by a gable wall shared by major living spaces; and
- Recommends use of traffic calming measures, protective shielding around the gas and electric services and/or reflective paint used to increase visual awareness to drivers.
- Land is still the subject of planning permission for twin stable block and stores which planning authority have not enforced.
- Land is still in green belt and no decision has been made to incorporate it into future plan as essential building land.
- The Village Boundary is mapped as the Eastern boundaries of the existing properties in Willow Gardens and no agreement has been reached to incorporate the proposed development into the Local Plan.

A comment in support of the proposal has been received from a resident of an adjacent dwelling in Willow Gardens, summarised as follows:

- The development would complete what the builder previously said he intended to do with the land. Speed reduction measures are requested on the access between 2 and 3 Willow Drive.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of new dwellings in this location; (ii) the impact on the character of the surrounding area, including the character and appearance of the village and the rural landscape; (iii) the impact on the amenity of neighbouring occupiers; and (iv) highway safety.

Principle

- 5.2 The site lies outside but immediately adjacent to the defined Development Limits of Leeming Bar. The adjacent developments of Willow Gardens and Lowlands Drive both lie within the Development Limits of the village. LDF Policy DP9 states that development will only be granted for development beyond Development Limits "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) published in March 2012. 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 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 the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages.
- 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 IPG Leeming Bar is identified as a Secondary Village (previously a Service Village in the Core Strategy). It is considered that a Secondary Village has sufficient services and facilities to form a sustainable community and therefore criterion 1 of the IPG would be satisfied and the principle of development is acceptable.

The character of the village and the countryside

- 5.6 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings; however this does not

automatically mean that five dwellings would be appropriate in every settlement. However, given its size, Leeming Bar is considered capable of accommodating a development of five dwellings without harm to the built form and character of the village.

- 5.7 Considering the relationship with the surrounding landscape, the proposal would round off development by infilling between Willow Gardens and Lowlands Drive and would not have a material impact on the character or openness of the countryside. The existing trees help to reduce the opportunity for long range views of the site. It is considered that the development would comply with relevant criteria of the IPG and would not harm the built form of the village or the rural character of the countryside.

Amenity of neighbouring occupiers

- 5.8 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 orientation of the units, the proposed planting and distances from existing neighbours to the west and south would ensure that there would be no adverse impact on neighbouring amenity as a result of loss of privacy or daylight. There would be adequate separation distances between the dwellings proposed within the application site to satisfy the requirements of LDF Policy DP1 in those respects.
- 5.9 The use of the existing gap between 2 and 3 Willow Gardens as an access for five dwellings would increase the number of vehicle movements and potentially increase noise and disturbance, particularly to the residents of numbers 2 and 3. The gap is 4.5m wide abuts the garage wall and the boundary fence of the rear garden of number 2 and the side gable wall and the fence of the rear garden of number 3. Whilst the gap between the buildings is relatively narrow and closer to the existing buildings than one might expect for an access in a layout of this form, it is considered unlikely that the noise of vehicles would be heard from within the houses when windows and doors are closed, nor that the frequency of movements would be so great as to have an adverse impact on the residents should they be in their gardens.
- 5.10 The gap is currently an agricultural access and must therefore be used on occasions by agricultural machinery. This and the fact that the access is generally level, such that vehicle engines would not need to work at high speed, should be taken into account. Therefore, while the access is less than ideal, it is not considered that its use by the traffic associated with five dwellings would give rise to sufficient harm to justify refusing permission. The Council's Environmental Health Officer recommends the imposition of a condition to control the hours of construction works to ensure there is limited opportunity for disturbance at unsocial hours.

Highway safety

- 5.11 There is some concern from local residents that the increase in traffic would result in congestion in Willow Gardens. The Highway Authority has no objection and does not consider that the proposed development would adversely affect highway safety. It advises that the width of the access, at approximately 4.5m, would be adequate for two vehicles to pass and would be in accordance with highway standards.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission 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 and samples of the materials to be used in the construction of the external surfaces of the development 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. 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.
5. The development shall not be commenced until details relating to the boundary treatment of the development have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until the boundary treatment relating to that property has been implemented in accordance with the approved details and thereafter retained.
6. No building works including excavation, breaking up of existing concrete or tarmac areas, demolition works, piling operations, external construction works in general shall be carried out except between 8.00am to 6.00pm Monday to Fridays and 8.00am to 1.00pm on Saturdays (these times also apply to vehicles at the site); there should be no working on Sunday or Bank Holidays.
7. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference "Site Plan as Proposed" drawing PO10A). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
8. 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.
9. 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; and (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.

10. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered P010A; P011A; P015A; P101A; P102A; 103A; 105A received by Hambleton District Council on 13 January and 9 and 15 March 2017 unless otherwise approved in writing by the Local Planning Authority.

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 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 ensure that the development is appropriate to the character and appearance of its surroundings in accordance with LDF Policies CP16 and DP30.
6. To protect the amenity of local residents in accordance with LDF Policies CP1 and DP1.
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 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.
9. 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.
10. 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.

Informative

1. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste

1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.

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

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

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