

Parish: Burneston

Ward: Bedale

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Committee date: 17 August 2017

Officer dealing: Mrs H Laws

Target date: 21 August 2017

17/01383/FUL

Construction of three dwellings

At: Land east of Mustard Field House, Church Wynd, Burneston

For: Mr D Blythman

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site lies on the south eastern edge of Burneston and on the southern side of Church Wynd. Mustard Field House is the last property on the edge of the village on the southern side of Church Wynd and the application site forms the agricultural field beyond, extending to approximately 0.2 hectares in size. The site is bounded on the roadside by a low wall covered in ivy and a slightly raised highway verge. The boundary wall of the neighbouring house, with hedgerow above, bounds the site to the west; the southern boundary is formed by a hedgerow. The eastern boundary of the application site is formed by a hedgerow.
- 1.2 Agricultural land lies to the south and east. The site has a frontage onto the village street of approximately 46m and a depth of approximately 65m.
- 1.3 It is proposed to construct three detached dwellings on the plot one 3 bedroom house and two 4 bedroom houses. Two new accesses are proposed, one of which would serve two of the dwellings. The scheme includes the formation of a 2m wide footway along the front of the site.
- 1.4 The size of the L-shaped footprint of the dwellings is identical; one of the dwellings has a single storey rear offshoot, the remaining two dwellings have two storey rear offshoots. These dwellings have four bedrooms; the smaller one has three bedrooms. All of the dwellings have detached garages.
- 1.5 The dwellings are similarly designed double fronted properties, one of which would have bay windows. Plot 1 would be finished in brickwork and slate; Plot 2 in painted render with a slate roof; and Plot 3 finished in brickwork with a clay pantiled roof.
- 1.6 The existing hedgerows would be retained and any gaps filled; the existing trees along the southern boundary would be retained. A landscaping scheme is proposed, which proposes new hedgerow planting between the rear gardens of the dwellings.
- 1.7 The application site lies outside of, but immediately adjacent to, the Burneston Conservation Area.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 15/02497/FUL – Outline application for the construction of a dwelling with some matters reserved (includes access and layout). This application related to a third of the current application site; Granted 8 February 2016.

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 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
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – The Council wish to object to the building of three houses as it is too many for the site and only one access point. The Parish Council would also like to see the boundary wall moved back six metres from the kerb edge.
- 4.2 Highway Authority – Following receipt of amended plans illustrating the visibility splays there are no objections subject to conditions.
- 4.3 Environmental Health Officer - No objection.
- 4.4 Public comments - one comment has been received from a nearby resident, not objecting to the houses but raising the possibility of damage to a nearby building during construction and asking whether the Council would be liable.

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 design of the dwellings; (iv) the impact on the amenity of neighbouring occupiers; (v) highway safety; and (vi) developer contributions.

Principle

- 5.2 The site falls outside and immediately adjacent to the 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.

- 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 and the principle of development would be acceptable.

Impact on character of village and surrounding countryside

- 5.5 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 scheme is for three dwellings, which is considered to be a small scale development within the village of Burneston.
- 5.6 The proposed dwellings would be on undeveloped agricultural land that lies at the end of the row of residential properties on the southern 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."
- 5.7 The proposed development would extend the built part of Burneston further along the southern side of Church Wynd and is therefore a form of ribbon development. The application site is undeveloped and clearly forms part of the countryside rather than the built form of the village. The boundary between Mustard Field House and the application site is well established with a wall and hedgerow providing a fixed boundary to the end of the village but it lies immediately adjacent to the village and is opposite dwellings on Church Wynd and therefore has a close relationship to the built form of the village. The northern side of Church Wynd extends much further to the east than the southern side of the road but that does not necessarily mean that it

would be appropriate to develop the entire frontage along the southern side of the road.

- 5.8 The application site, when viewed from the approach to the village from the east, would be viewed against the backdrop of the existing village, which would help to reduce the prominence of the site. As such it is considered that there would be no harmful impact to the natural, built and historic environment. It is noted that the Parish Council considers 3 units to be too many in this location. However, three units are not considered to be harmful to the overall character or appearance of the village.

Design

- 5.9 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.10 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.11 The National Planning Policy Framework supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.12 The submitted Design Assessment describes the character of the surrounding area as predominantly Victorian and explains that the proposed design was selected to reflect this characteristic and the appearance particularly of Mustard Field House on the adjacent plot.
- 5.13 The proposed dwellings are a traditional style with steeply pitched gabled roofs with brick headers and other brick detailing. Many dwellings within Church Wynd are of a simple flat fronted design finished mostly in brick but with examples of rendered properties including the existing dwelling at Mustard Field House and the neighbouring dwelling to the south west. The proposed dwelling would be similar in style and materials and would not detract from the character and appearance of the streetscene. The proposal is in accordance with LDF Policies CP17 and DP32.

Residential amenity

- 5.14 LDF Policy DP1 requires development to adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight. The proposed dwellings follow the general building line of the dwellings along this section of The Wynd and also reflect the spacing between many of the detached dwellings. It is considered that there would be adequate separation between the existing and proposed dwellings for there to be no harmful impact as a result of overlooking or overshadowing and would be in accordance with Policy DP1.
- 5.15 With regard to the comments of the neighbouring resident, the Council would not be liable for any damage caused. The dwelling lies on the opposite side of The Wynd, which is an adopted highway maintained at public expense.

Highway safety

- 5.16 The Highway Authority has no objections regarding the proposed development and the use of the existing access and the creation of a new access from The Wynd. It is considered that the proposed development would not adversely impact highway safety and conditions are recommended.

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. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the building(s) whichever is the sooner, unless the boundary details and landscaping scheme shown on the Landscape Layout drawing number HDC/3099/L.01A received by Hambleton District Council on 7 August 2017 has been carried out. 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. 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.
 6. 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 accesses to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (d) The crossing of the highway verge shall be constructed in accordance with the approved details and Standard Detail Number E6; and (e) Any gates or barriers shall not be able to swing over the existing or proposed highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
 7. 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 from a point measured 2 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.

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 in connection with the construction of the access road or buildings or other works until: (i) details of a positive system of highway drainage along the frontage of the site have been submitted to and approved in writing by the Local Planning Authority; and (ii) a programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority.
9. 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 Number HDC 3099/L.01A; (b) have been constructed in accordance with Standard Detail Number E6; and (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.
10. The garage hereby approved shall be kept available at all times for parking of domestic vehicles ancillary to the occupation of the dwelling.
11. 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.
12. Unless otherwise approved in writing by the Local Planning Authority, there shall be no HCVs brought onto the site until a survey recording the condition of the existing highway has been carried out in a manner approved in writing by the Local Planning Authority.
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; 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.
14. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered HDC/3099/L.01A; 02A; 03; 04; 05; 06; 07; 08 received by Hambleton District Council on 28 June and 4 and 7 August 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. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
6. 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.
7. In accordance with LDF Policies CP2 and DP4 and in the interests of road safety.
8. In accordance with LDF Policies CP2 and DP4 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
9. 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.
10. In accordance with LDF Policies CP2 and DP4 and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.
11. 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.
12. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety and the general amenity of the area.
13. In accordance with policy # 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.

Informatives

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.

2. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015