

Parish: Borrowby
Ward: Bagby & Thorntons
2

Committee date: 14 September 2017
Officer dealing: Mr K Ayrton
Target date:

17/00495/FUL

Development of five residential dwellings (Use Class C3), associated access, car parking and landscaping as amended by plans received by Hambleton District Council on 26 July 2017

At land east of Bedlam Hill, Borrowby
For Mr Nigel Speight

This application is referred to Planning Committee as the proposal is a departure from the Development Plan

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 Borrowby is located approximately 6.5km to the south east of Northallerton. The application site is located at the northern end of the built up area of the settlement, with its main frontage onto Bedlam Hill. The site is approximately 0.5 hectares in size, rectangular in shape, forming the front part of a larger agricultural field, which is also within the ownership of the applicant. The site slopes upwards as the site extends to the east before falling away toward the A19. The site is used for animal grazing. This includes land to the north of the site, which will be retained as a field access.
- 1.2 There is a hedgerow to the front of the site and residential development to the west of the site in the form of detached bungalows. Further residential development is located to the south as the road leads into the centre of the village, which is designated as a Conservation Area. The boundary of the Conservation Area is approximately 100 metres to the south of the site.
- 1.3 North of the site, the character is more rural as the road passes St Helen's Lane. Whilst there are some examples of isolated forms of residential development, the character is more open with a greater connection with the wider countryside setting rather than that of the village.
- 1.4 The application is for the construction of 5 detached, 3-bed dwellings. The properties are 1 ½ storey in height with a variety of designs. However, there is consistency in the development proposals through the architectural detailing and materials proposed. These include a mix of facing brick and stone work, clay pantiles and timber doors and windows. Detached garages are proposed to the rear of the site.
- 1.5 The dwellings have been sited to extend along the frontage of the site, with a set back from the frontage. A single vehicular access is proposed opposite 'Sedona', which utilises and upgrades the existing field access. A footpath is proposed on the western side of the hedgerow.
- 1.6 Amended plans have been received during the consideration of the application in response to feedback given to the agent. The agent was advised that greater consideration needed to be given to the relationship with the existing built form and character of the village.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 No relevant planning history

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Policy CP1 - Sustainable development

Core Policy CP2 - Access

Core Policy CP4 - Settlement hierarchy

Core Policy CP8 – Type, size and tenure of housing

Core Policy CP16 – Protecting and enhancing natural and man-made assets

Core Policy CP17 – Promote high quality design

Core Policy CP21 – Safe response to natural and other forces

Development Policy DP1 - Protecting amenity

Development Policy DP3 – Site Accessibility

Development Policy DP4 - Access for all

Development Policy DP10 – Form and character of settlements

Development Policy DP13 – Achieving and maintaining the right mix of housing

Development Policy DP28 - Conservation

Development Policy DP30 – Protecting the character and appearance of the countryside

Development Policy DP32 – General Design

Interim Policy Guidance Note – adopted by Council on 7th April 2015

National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council (Original Comments):

- Concerns over increase in traffic.
- Could open the door to further development.
- No affordable element has been included.
- Concerns over arrangements for refuse collection vehicles.

4.2 Parish Council (Additional comments on amendments Plans):

- Low level bungalows with low pitched roofs would be more in-keeping. However the curved line layout is an improvement.
- The siting of the garages will impact on views and shorten the gardens.
- The footpath should be inside the hedge.
- The remainder of the hedge should be preserved.

4.3 Highway Authority – No objection subject to conditions.

4.4 Environmental Health - no objections.

4.5 Yorkshire water: No objection in principle.

4.6 Contaminated Land Officer: A condition is recommended to secure the works identified in the submitted report.

4.7 Public comments – 27 letters of objection received in total (in response to the original and amended plans) making the following comments:

- The development is not needed in Borrowby.
- The houses dominate the homes opposite.

- The development does not respect the existing built form of the village.
- Will impact on views from the National Park
- Concerns in respect of drainage (surface water and sewers).
- The development is beyond the development limits.
- The proposed dwellings are not in keeping.
- The houses will not blend in because of the build height and also the elevated site.
- There are already houses on the market that are struggling to sell.
- The development will overlook existing properties.
- Concerned over the impact on the road, which is also used by cyclists (national cycle route).
- The dwellings are effectively 2-storey.
- The development will have a detrimental effect on the open character and appearance of the surrounding countryside.
- The revised plans are as bad as the original ones.
- There are no special circumstances for this development.
- Concerned that the existing of planned infrastructure cannot cope with the development.
- Insufficient public consultation.
- Harmful impact on the landscape and natural environment.
- Ribbon development.

2 letters of support have also been received.

Members should note that the full letters can viewed on the Council's website.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development; (ii) the impact on the character and appearance of the surrounding area; (iii) the impact on the amenity of neighbouring occupiers; (iv) the impact on flood risk and drainage; (v) and highway safety.

Principle of Development

- 5.2 The site is outside the Development Limits of Borrowby. 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 Settlement Hierarchy reproduced in the IPG, Borrowby is identified as a Secondary Village. This status recognises its range of services and facilities and confirms that it is considered a sustainable settlement capable of accommodating small scale development. The proposal would therefore meet criterion 1 of the IPG, in that it is located where it will support local services.
- 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 or on every site. Considering the status as a Secondary Village, which is relatively high up in the settlement hierarchy, the lack of other new dwellings approved under the IPG in the locality and the nature and form of the site, the scale is considered to be acceptable.

Character and Appearance

- 5.7 Along with the remainder of criterion 2, criteria 3 and 4 require consideration to be given to the impact of the development on the surrounding natural environment and built form. This is consistent with other policies in the Local Plan.
- 5.8 In submitting the amended scheme, the agent updated their supporting documents and highlighted the following points (amongst others):
- The layout takes a more organic form whilst maintaining the strong linear alignment.
 - The houses have been pulled closer to the western boundary to provide a stronger sense of enclosure.
 - The northernmost dwelling has been designed to create an attractive aspect along the northern boundary.
 - The southernmost dwelling has been designed and orientated to provide a strong gable relationship with the existing dwellings to the south.
- 5.9 It is considered that the amendments to the scheme allow the development to integrate more successfully with the existing built form. This is largely helped by the setback from the site frontage and the gradual curve that has been introduced to allow the southern part of the development to broadly align with the dwellings on the eastern side of Bedlam Hill.

- 5.10 The setback also reflects the layout of the bungalows opposite, with the added advantage of also providing a minimum front to front separation distance of 41 metres.
- 5.11 The application site is higher than the land to the west, which needs to be factored into the consideration of the scheme, particularly in terms of assessing the scale (height) of the development. One and a half storey dwellings are proposed. At this end of the village, the majority of development is single storey, with more two storey dwellings found to the south, closer to the historic core.
- 5.12 Whilst bungalows are not proposed, the use of accommodation in the roofspace helps to reduce their impact. This is further assisted through the low density of development, with a generous setback and spaces in between the buildings; and the size of dwellings proposed, being 3-bed. The design of the dwellings is also considered to be of a good quality, with architectural detailing taking cues from the higher quality development found in the historic core of the village, which also helps with local distinctiveness. Therefore the overall character is considered to be reflective of the surrounding built form and is in accordance with design policy requirements.
- 5.13 There will be an impact on the natural environment as the scheme involves the development of a green-field site. However the site is viewed in the context of existing built form to the south and west. Indeed the proposed development mirrors the line of development to the west. The proposed landscaping scheme, whilst not hiding the development, will help with the transition to the wider countryside.
- 5.14 To the north of the site, at the junction of St Helen's Lane, the character of the area changes to that of more open countryside. Whilst there are examples of some recent development (i.e. farm workers dwelling), these are seen as isolated forms of development and not viewed as part of the main built up area of the village. Therefore the impact on the rural landscape will not be significant.

Neighbour Amenity

- 5.15 Whilst there are residential properties to the west of the site, these have relatively large front gardens. The proposed low density of development and generous set back from the site frontage will mean that the proposed development would not unacceptably affect the amenity of neighbours and so accords with Policy DP1.

Flood Risk and Drainage

- 5.16 The site is located in Flood Zone 1 (lowest probability of flooding). The supporting flood risk assessment and drainage statement confirms that the proposed development would not exacerbate flood risk either on the site or downstream of it. The consultation responses have been considered, including that of Yorkshire Water and there is no reason to disagree with the conclusions formed in the submitted statement. The proposed works can be secured through condition.

Highways

- 5.17 The local highway authority has commented on the application and raised no objection. The vehicular access is considered to be of an adequate width and the introduction of a footpath will help integrate the development with the core of the village to the south.
- 5.18 One of the observations made by the Parish Council is that the footpath should be sited on the other side of the hedge. The agent had advised that they would have no objection to this (and would accept a condition securing this), but it is their

understanding that the preference of the highway authority is to have the footpath as currently proposed.

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. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawing numbered 3504 SK001 001 Rev A received by Hambleton District Council on 28/02/2017 and SD-10.02 Rev E, SD-10.04 Rev D, SD-30.02 Rev A, SD-30.01 Rev A, SD- 30.03, SD-10.03 Rev E received by Hambleton District Council on 26/07/2017 unless otherwise approved in writing by the Local Planning Authority.

3. 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.

4. The dwellings shall not be occupied after the end of the first planting and seeding seasons, unless the elements of the approved landscaping scheme (landscape strategy plan Rev E received by Hambleton District Council on 26 July 2017) situated within the application site 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 be constructed in accordance with the drainage strategy submitted on drawing 1682/01 (revision P3) dated 24/07/2017 prepared by Coast Consulting Engineers.

6. No development shall be commenced until an assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, has been submitted to and approved by the local planning authority. A scheme for the remediation of any contamination shall be submitted and approved by the local planning authority before any development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved 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 until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority.

The works shall be implemented in accordance with the approved details and programme.

8. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site has of the Highway Authority and the following requirements: a. The access shall be formed with 6 metre radius kerbs, to give a minimum carriageway width of 4.5 metres, and that part of the access road extending 6 metres into the site shall be constructed in accordance with Standard Detail number A1. b. 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 highway. c. That part of the access extending 10 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 10. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

9. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 70 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

10. 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 until: (i) The details of the following off site highway improvement works listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority:.. – Provision of a 2.0 metre wide footway on the site frontage on the eastern side of Bedlam Hill, linking the site access to the existing footway on the western side of Bedlam Hill, and including the relocation of existing road signs and street furniture as required. - Widening of the existing carriageway of Bedlam Hill to the south of the site access to provide a minimum carriageway width of 4.1 metres. (ii) A programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning Authority in consultation with the Local Highway Authority.

11. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 10: - Provision of a 2.0 metre wide footway on the site frontage on the eastern side of Bedlam Hill, linking the site access to the existing footway on the western side of Bedlam Hill, and including the relocation of existing road signs and street furniture. – Widening of the existing carriageway of Bedlam Hill to the south of the site access to provide a minimum carriageway width of 4.1 metres.

12. No part of the development shall be brought into use until the approved vehicle parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference SD-10.02 Rev.E). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

13. 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 in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority

in consultation with the Highway 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 in consultation with the Highway Authority agrees in writing to their withdrawal.

14. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway b. on-site materials storage area capable of accommodating all materials required for the operation of the site. c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. 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 Policy(ies).
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy CP17 and DP32.
5. To prevent the increased risk of flooding from any sources in accordance with the NPPF.
6. 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.
7. In accordance with Policy DP3 and in the interests of highway safety.
8. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
9. In accordance with Policy DP3 and in the interests of highway safety.
10. To ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
11. In the interests of the safety and convenience of highway users.
12. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

13. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

14. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

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.