

**Parish: Rudby**  
Ward: Hutton Rudby  
**5**

Committee date: 20 September 2018  
Officer dealing: Ian Lunn  
Target date: 2 October 2018

**18/01602/OUT**

**Application for outline planning permission with details of access and layout (all other matters reserved) for the construction of five dwellinghouses  
At OS Field 2719, Stokesley Road, Hutton Rudby  
For Mr D Bainbridge**

**This application is referred to Planning Committee as the proposed development is a Departure from the Development Plan.**

## **1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The application site is a roughly oblong shaped plot of approximately 0.7 hectares in area which currently forms part of a field. It is located approximately 140 metres north east of the junction of Middleton Road and Stokesley Road on the northern edge of the village.
- 1.2 Outline planning permission is sought to construct five dwellings on this site. Formal approval is sought for the layout of the development and the proposed means of gaining access to the site as part of the application. However all other matters are reserved for consideration at the reserved matters application stage.
- 1.3 Following dismissal of an earlier appeal the application site area has been reduced.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 88/0969/OUT - Outline application for residential development; Refused 1 February 1989.
- 2.2 89/1333/OUT - Outline application for residential development; Refused 4 October 1989.
- 2.3 17/01351/OUT - Outline application with all matters reserved for five dwellings; Refused 16 October 2017 for the following reasons:
  1. The proposed development incorporates five plots which are generally larger in size than those which characterise this part of the village. The resultant plot ratio is not considered to be an efficient use of the land in this location. The proposed development is considered to fail to accord with the requirements of Criterion 1 of the Interim Policy Guidance as the proposed development fails to reflect the existing built form and character of the village and as such also fails to accord with the requirements of policy DP10 and DP32 which seek to support high quality development which respects the character and form of the settlement.
  2. The proposed extension of the village into open countryside is considered to be harmful to both the character and setting of the village of Rudby and to the character of the open countryside which surrounds the village and as such fails to accord with the requirements of the Interim Policy Guidance Note, Criteria 2, 3 and 4 and fails to accord with the requirements of Development Policy DP30 and DP32.

3. The proposed development is in close proximity to a chicken farm which is likely to result in a loss of residential amenity through nuisance from odour, noise and flies contrary to the requirements of Development Policy DP1.

Appeal dismissed 3 May 2018 on the first and second grounds.

### **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 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  
Development Policies DP1 - Protecting amenity  
Development Policies DP3 - Site accessibility  
Development Policies DP10 - Form and character of settlements  
Development Policies DP13 - Achieving and maintaining the right mix of housing  
Development Policies DP15 – Promoting and maintaining affordable housing  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP32 - General design  
Interim Guidance Note - adopted by Council on 7th April 2015  
National Planning Policy Framework - published 24 July 2018  
Hutton Rudby Village Design Statement  
Development Policies DP9 - Development outside Development Limits  
National Planning Policy Framework

### **4.0 CONSULTATIONS**

- 4.1 Parish Council – Objects. The Local Neighbourhood Plan does not identify a need for large houses in the village. Furthermore an approval of this proposal would not be in the best interests of highway safety leading to the creation of five new vehicular accesses onto a busy road. (Officer Note: the Neighbourhood Plan has not been adopted.)
- 4.2 Highway Authority – No observations received. (Officer note: the Highway Authority did not object to the previous application on this site.)
- 4.3 Environmental Health Officer - No objection subject to conditions requiring details of site drainage and requiring the site to be suitably remediated in the event of unexpected contaminants being found.
- 4.4 Northumbrian Water - No objection subject to a condition requiring that details of the proposed means of draining the developed site.
- 4.5 Public comments – Eight objections have been received, summarised as:
  - The proposal is premature pending the outcome of the Neighbourhood Plan, and the site is not currently allocated for housing development;
  - The development would not be sustainable as the site lies outside the village boundary and is remote from the centre of the village and local amenities;
  - The dwellings would still appear as prominent features in the landscape and would therefore detract from the visual amenity of the area;

- The five new access points and increased traffic flows on the highway (where vehicle speeds often exceed the 30mph limit) would increase the risk of accidents;
- Adverse environmental and health consequences of increased traffic movements;
- Increased flood risk in the area as the land is prone to becoming waterlogged during periods of heavy rainfall meaning that soakaway drainage systems would not work;
- Loss of prime agricultural land,
- The proposal would prejudice the development of a larger land area which could otherwise help meet the housing needs of the village;
- The development proposes executive properties not affordable homes; a site of this size could accommodate more dwellings at a higher density;
- There is no need for further housing here given the recent completion of the Paddocks End development and the recent approval of 25 homes at the Wickets;

Nine representations in support making the following points:

- There is a need for more housing in the village;
- The development would complement existing housing in the locality with the plot sizes being similar in size and scale to others in the locality;
- The land does not lie within designated Green Belt,
- The site is close to all necessary local services;
- The site has satisfactory vehicular access with suitable sight lines;
- The site is well positioned for people wishing to travel to Middlesbrough and the surrounding areas; and
- Approval would benefit the local economy as the building works could be carried out by small local building companies.

## 5.0 OBSERVATIONS

- 5.1 The main issues are considered to be (i) the principle of locating residential development in this location; (ii) the impact of the development on the character and visual amenity of the surrounding area; (iii) the impact of the development on the amenities of neighbouring properties; (iv) impact on highway safety; (v) impact on trees and local ecology; (vi) land contamination; (vii) drainage and flood risk; and (viii) affordable housing.

### Principle

- 5.2 The site adjoins the built-up area of Rudby but lies outside of the Development Limits. In view of this, and given the nature of this proposal, it is considered that the application needs to be considered initially against the requirements of policies CP4 and DP9 of the Local Development Framework.
- 5.3 Policy DP9 states that planning permission will only be granted for development beyond Development Limits "in exceptional circumstances", circumstances that are outlined in Policy CP4. The proposal has not been justified on the basis of any of these and does not therefore satisfy their requirements. However, it is also necessary to consider national policy in the form of the NPPF. This states, in paragraph 78, that:

*To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local villages. Where there are groups of smaller settlements, development in one village may support services in a village nearby.*

- 5.4 Paragraph 79 adds, in part, that "Planning policies and decisions should avoid the development of isolated homes in the countryside unless" certain specified criteria can be met.
- 5.5 To ensure 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.
- 5.6 In the IPG Rudby is identified as an Other Settlement. This is in recognition of the relatively small number of services and facilities that it has. In order therefore to satisfy the requirements of the Guidance it would need to be demonstrated that it would form a cluster either with a Secondary or Service Village, or with one or more Other Settlements. Where a cluster comprises only Other Settlements they must have a good collective level of shared service provision in order to comply with criterion 1 of the IPG.
- 5.7 The supporting text in the IPG specifically identifies Hutton Rudby and Rudby as a cluster. This is in recognition of the close proximity of the settlements and links between them. With this in mind it is considered that, despite concerns to the contrary, the proposed development can reasonably be viewed in the context of supporting local services and amenities, and as such criterion 1 of the IPG would be satisfied. In view of this the principle of the development is considered to be acceptable in this instance.
- 5.8 Concern has been expressed both that a decision on the proposed development would be premature pending the outcome of the emerging Neighbourhood Plan, and that it would not meet the emerging requirements as set out in that Plan. However, this Plan still remains at a relatively early stage in its development and it is therefore considered that it can currently only be offered relatively limited weight. In addition, local concerns about the loss of agricultural land are acknowledged but this was not a turning issue in the appeal so is not considered to be a reason to resist the development now.

#### Character and visual amenity

- 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 130, 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. Paragraph 128 sets an expectation that applicants engage with the Council and the local community about the design and style of emerging schemes at an early stage.
- 5.12 The previous application was refused planning permission in part because it was felt that the development proposed would be harmful to the character and setting of the village and surrounding countryside, failing to reflect the built form of the former and

detracting from the open character of the latter. In an attempt to address these concerns the agent has amended the proposal with the key differences being:

- The current application now seeks formal approval of the proposed layout of the development and shows the dwellings laid out in linear form. The previous application showed them similarly laid out but did not seek formal approval for their proposed positions reserving this for consideration at a later date;
- Whilst the application still seeks approval for five dwellings the density of the development has been increased from one dwelling per 0.18 hectares to one dwelling per 0.14 hectares. This has been achieved by reducing the application site from 0.9 to 0.7 hectares in overall size;
- The eastern part of the plot, which previously formed part of the development site, has now been deleted. It was this part of the site that was of most concern being the most elevated; and
- A landscaped planting buffer is now proposed along the eastern and northern boundaries of the site and the hedgerow along the site frontage to Stokesley Road would be re-planted.

5.13 Compared with the scheme refused and dismissed on appeal, it is considered that the proposal would be more in keeping with the form and layout of housing in the locality. Furthermore the deletion of the eastern part of the site, and the introduction of more screen planting, should reduce the impact of the open character of the surrounding countryside.

5.14 In a further attempt to overcome previous concerns, the agent has indicated that the development will comprise a range of dwelling sizes. The applicant proposes a two-bedroom bungalow, two detached three-bedroom houses and two four-bedroom houses. On this basis, and given the other points outlined above, it is considered that the development of this site along the lines currently proposed would achieve an acceptable mix of dwelling sizes, subject to a condition to secure this, and should reasonably safeguard the visual amenity of the area.

#### Amenity

5.15 The previous application was also refused planning permission in part because of concern that the future occupiers of the dwellings would be unduly disturbed by odour, noise and flies from a nearby chicken farm. However, the Inspector did not consider this a reason to dismiss the appeal and the site has since been reduced in size at its eastern end and more substantial planting is now proposed along the eastern boundary. This would have the effect of locating the dwellings slightly further away from the farm than they would have been previously and the planting would also help to provide some sort of additional barrier against odour. In view of this, and as the Environmental Health Officer raises no objection to the proposal it is considered, on balance, that it would not be possible to sustain a further refusal on this ground.

5.16 The site is enclosed to the immediate south and west by housing. However, on the basis of the current proposed layout the new development would stand some 17 metres from the nearest of these (Four Gables, which lies to the immediate west) it is considered that it could reasonably be laid out as proposed without adversely affecting the light, privacy or outlook enjoyed by this or any other of the surrounding properties.

#### Highway safety

5.17 Whilst the application has been submitted in outline form it seeks formal approval at this stage for the creation of individual vehicular accesses to each dwelling. Concern

has been expressed by some local residents about the ability of Stokesley Road to safely accommodate the increase in vehicular use that this development is likely to generate. However, this was not a ground under which the previous five dwelling scheme was refused and taking the Highway Authority's advice into account, it is not envisaged that the traffic generated by five dwellings would significantly increase the use of this highway, and the road is considered to be capable of satisfactorily and safely accommodating any such increase that may arise. Furthermore, it is considered that, provided these accesses are suitably designed and laid out in the positions shown, they will allow vehicles safe access to and from Stokesley Road. Conditions to secure this are therefore recommended.

- 5.18 It is also considered that if the dwellings were to be sited in the positions proposed sufficient space would be available within each plot for the provision of satisfactory associated parking and turning facilities.

#### Trees and ecology

- 5.19 The site is open but there are some hedges and trees on the perimeter. It is therefore contended that it could reasonably be developed as proposed without significant tree and hedge loss. In view of this, and as the agent has indicated an intention to carry out landscaping, it is considered that there are no reasonable tree or hedge related grounds for opposing the development.
- 5.20 The site is not known to be the subject of any protected flora and fauna. Consequently it is contended that there are currently no reasonable ecological grounds for opposing the development of the land.

#### Land contamination

- 5.21 The applicant has undertaken a preliminary assessment of land contamination as part of the application. This, along with information given on the application form, concludes that the land is not the subject of any significant contamination and given the way the land has previously been used it is considered, on the balance of probability, that this is likely to be the case. In view of this, and taking account of the advice from the Environmental Health Officer, it is not envisaged that future occupiers of the dwellings would be at significant risk from contaminants. On this basis it is contended that there are no reasonable land contamination grounds for opposing this proposal.
- 5.22 However, as it is likely that soils will need to be re-used or imported as part of the development, and as there is always the possibility that unexpected contamination may be encountered during the construction works, it is recommended that suitable remediation in the event of unexpected contaminants being found is secured by condition.

#### Drainage and flood risk

- 5.23 The application form indicates that surface water from the developed site would be discharged either to soakaways or an adjoining watercourse, but gives no details of the proposed means of discharging foul water. The drainage proposals have been considered by Northumbrian Water and the Environmental Health Officer but neither is currently able to comment on their suitability because of the lack of detail. Both accept, however, despite concerns to the contrary, that the site is capable of being suitably drained in some form and recommend that the means of so doing is therefore reserved by condition for consideration at the reserved matters stage. A condition to this end is therefore recommended.

- 5.24 The site is identified as being located wholly within Flood Zone 1 on the Environment Agency's Flood Map. This means that it is at low risk of flooding. In view of this, it is not envisaged that future occupiers of the dwellings would be at significant risk of flooding nor that the development would be likely to exacerbate problems of flooding elsewhere.

#### Affordable housing

- 5.25 Core policy CP9 requires housing developments of two or more dwellings or on sites of 0.1 hectare or more in rural areas to make provision for an element of affordable housing. This issue was not pursued at the time of the last application because of a conflict between CP9 and Government policy in the form of a November 2014 Written Ministerial Statement, which only allowed affordable housing to be sought in designated rural areas (including the parish of Rudby) in the form of a financial contribution from schemes of six to ten dwellings and on-site provision within schemes of eleven or more dwellings.
- 5.26 The 2018 revision to the NPPF has altered the Government's policy such that it no longer conflicts with the Development Plan in this part of the District. Paragraph 63 of the NPPF states:

*Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.*

The parish of Rudby is a designated rural area and therefore the NPPF provides support for the two-dwelling threshold for affordable housing set by policy CP9. The site is not brownfield land and the proposal does not involve reuse or redevelopment of existing buildings, therefore the reduced affordable housing contribution referred to in the NPPF does not apply.

- 5.27 The agent for the application has been invited to comment on this and any response will be reported to the Committee meeting. However, officers consider that this issue could be adequately addressed by means of an additional condition requiring the submission of an affordable housing scheme in accordance with policies CP9 and DP15. This will be covered in an update to the meeting, including any comments from the applicant.

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations permission 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 scale of the proposed dwellings; (b) the design and external appearance of each building, including a schedule of external materials to be used; and (c) the landscaping of the site.

3. The development hereby approved shall comprise no more than 5 dwellings.
4. 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: (a) the crossings of the highway verge and/or footway shall be constructed in accordance Standard Detail number E6; (b) any gates or barriers shall not be able to swing over the existing highway; and (c) the final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
5. A detailed mix of housing shall be prepared and submitted for approval by the Local Planning Authority prior to or as part of the submission of the first reserved matters application that takes account of the recommended housing mix within the latest version of the Council's Strategic Housing Market Assessment, at the time of submission of these details, unless evidence to the contrary is provided to and agreed in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved housing mix unless otherwise agreed in writing by the Local Planning Authority.
6. 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 43 metres measured along both channel lines of the major road from a point measured 2 metres down the centre line of each access formed. 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.
7. 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 details of (i) the provision of a footway on the site frontage linking the site to the existing footway on Stokesley Road; and (ii) a programme for the completion of the proposed work have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.
8. 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 footway on the site frontage linking the site to the existing footway on Stokesley Road has been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 7.
9. Unless otherwise approved in writing by the Local Planning Authority, and notwithstanding the submitted details, 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 in consultation with the Highway Authority: (a) vehicular and pedestrian accesses; (b) vehicular parking; and (c) vehicular turning arrangements. No part of the development shall be brought into use until the approved vehicle accesses, parking and turning areas have been constructed 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.

10. 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.
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 highway
  - b. on-site materials storage area capable of accommodating all materials required for the operation of the site.
12. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.
13. If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the LPA shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken or the development occupied until an investigation and risk assessment carried out in accordance with CLR11, has been submitted to and approved in writing by the LPA. Where remediation is necessary a scheme for the remediation of any contamination shall be submitted and approved by the LPA before any further 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.
14. Soils shall not be imported onto the development site unless they have been subject to sampling and chemical analysis that demonstrates they are suitable for placement on the site. A soil sampling and analysis scheme, including the number of samples to be taken and parameters tested, shall be submitted to and approved in writing by the local planning authority. Before importation commences the results of the sampling and analysis shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until the approved soil sampling and analysis 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.

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 quotient and density of development is appropriate to this location and to accord with the requirements of Policy CP1 and DP32 or the Local Development Framework along with the Interim Policy Guidance.
4. In the interests of highway safety in accordance with the requirements of Policy CP1 of the Local Development Framework.
5. To ensure that the proposed housing mix meets the needs of the Hambleton Housing market and in order to accord with Policy DP13 of the Local Development Framework.
6. In the interests of highway safety in accordance with the requirements of Policy CP1 of the Local Development Framework.
7. In the interests of highway and pedestrian safety in accordance with the requirements of Policy CP1 of the Local Development Framework.
8. In the interests of highway and pedestrian safety in accordance with the requirements of Policy CP1 of the Local Development Framework.
9. In the interests of highway safety in accordance with the requirements of Policy CP1 of the Local Development Framework.
10. In the interests of highway safety in accordance with the requirements of Policy CP1 of the Local Development Framework.
11. In the interests of highway safety in accordance with the requirements of Policy CP1 of the Local Development Framework.
12. In the interests of the satisfactory drainage of the development in accordance with the requirements of Policy CP1 of the Local Development Framework.
13. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and to suitably address these risks, in accordance with the requirements of Policies CP21 and DP42 of the Local Development Framework.
14. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and to suitably address these risks, in accordance with the requirements of Policies CP21 and DP42 of the Local Development Framework.

#### Informatives

1. Please note that the proposed development is liable under the Community Infrastructure Levy Charging Schedule, adopted by Hambleton District Council on the 7 April 2015. Details of the charging schedule are available on the Council website. [www.hambleton.gov.uk](http://www.hambleton.gov.uk).
2. 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](http://www.hambleton.gov.uk) or by telephoning 01609 779977.