

**Parish: Huby**  
Ward: Huby  
**10**

Committee date: 15 November 2018  
Officer dealing: Miss Ruth Hindmarch  
Target date: 19 November 2018

**18/01175/OUT**

**Outline application (all matters reserved) for the construction of 5no. dwellings**  
**At: OS Field 4442, Easingwold Road, Huby**  
**For: Mr Steve Chapman**

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

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

- 1.1 The application site is a rough rectangular shaped plot of approximately 0.34 hectares and currently forms part of a larger agricultural field. It is located on the west side of Easingwold Road, to the northern edge of Huby village.
- 1.2 The site is open in character and there are few physical features other than a hedgerow to the front, beyond the site to west and north are open fields. On the opposite side of the highway there residential properties, to the south is large Oak tree along the boundary beyond which is an access land with a public right of way beyond which is a residential site that previously contain a dwelling and has full planning permission (17/01088/FUL) for the erection of two dwellings.
- 1.3 This application seeks outline consent to construct five dwellings on the site. Permission is sought for the principle of development only with all matters being reserved for consideration at the reserved matters stage should this application be approved. The applicant has however indicated the proposed mix would be a 2 bedroom bungalow, two detached 4 bedroom properties and a pair of 3 bedroom semi-detached properties.
- 1.4 Improvements have been secured as follows; the scheme has been reduced from a scheme of 9 dwellings to 5 dwellings with a corresponding reduction in site area from 0.69 hectares to 0.34 hectares due to concerns over the impact on the open countryside and the proposals forming a ribbon of development. The revisions also include a level of landscaping aimed at mitigating the impact and improving the overall appearance of the site.

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

- 2.1 The site has no planning or enforcement history relevant to this application.

## **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 Policy DP1 - Protecting amenity  
Development Policy DP3 - Site accessibility  
Development Policy DP4 - Access for all  
Development Policy DP8 - Development Limits  
Development Policy DP9 - Development outside Development Limits  
Development Policy DP10 - Form and character of settlements  
Development Policy DP30 - Protecting the character and appearance of the countryside  
Development Policy DP32 - General design  
Development Policy DP33 - Landscaping  
Development Policy DP43 - Flooding and floodplains  
Interim Guidance Note - adopted by Council on 7th April 2015  
National Planning Policy Framework - published July 2018  
Size, Type and Tenure of New Homes SPD - adopted September 2015

#### **4.0 CONSULTATIONS**

- 4.1 Parish Council – Strongly objects due to highway safety issues, further exceedance of the village development limits, newts and bats on the site and sewage and surface water infrastructure being insufficient.
- 4.2 Highway Authority – There have been no recorded accidents in the vicinity of the site. Each of the accesses shown on the proposed site plan have been assessed and adequate visibility splays are already available. There are no highways grounds to recommend refusal of this application. Conditions recommended.
- 4.3 Corporate Facilities Manager (Drainage) - The proposed development is in an area of low flood risk as assessed by the Environment Agency (flood zone 1), there is no susceptibility to surface water flood risk as assessed by the Environment Agency.

The applicant has stated that they will use a sustainable drainage system with soakaways for surface water disposal. This is proposed without the benefit of a percolation test, so the applicant cannot be certain that soakaways will be appropriate. The design of the surface water system can be conditioned so design and layout is approved prior to work commencing on site. The applicant will have to provide details of future maintenance arrangements for the lifetime of the development and include design measures to ensure that flood risk is not increased elsewhere.

I note that there are consultation responses indicating that there is flooding in the field, the applicant should make enquiries with the owner to ensure that if the flood risk exists it is managed so that the development itself is not subject to flooding and that the flooding is not displaced elsewhere.

Consultation responses make reference to foul sewer discharges and flooding, Yorkshire Water are under a duty to provide a satisfactory means of disposal of domestic foul sewage. YWS has not indicated insufficient capacity of the foul public sewerage system.

- 4.4 Yorkshire Water – no objections subject to conditions
- 4.5 Public Rights of Way – ‘informative’ required as there is a public right of way adjacent to make sure this is unaffected by the development.
- 4.6 NYCC Archaeology – A geophysical survey has been completed, given the negative results of the survey and the relatively small scale of the development it is unlikely there will be significant harm to heritage assets of archaeological interest. No objection to the proposal.

- 4.7 Local Lead Flood Authority – no objections subject to conditions
- 4.8 Internal Drainage Board – conditions/informatives required
- 4.9 Environmental Health - This service has considered the above application and based on the information provided we believe there will be no significant impact on the local amenity and therefore the Environmental Health Service has no objections.
- 4.10 Public comments – objections have been received from 12 people with some people objecting twice to both the original and amended scheme. Concerns raised are;
- speed of traffic, access issues and risk of accident
  - increased traffic
  - flooding, drainage and flood risk issues
  - pressure on sewage system and other infrastructure
  - loss of farmland
  - site is outside the Development Limits
  - need lower cost housing
  - Insufficient neighbours consulted
  - potential for overlooking
  - could set a precedent for future developments on agricultural land
  - local school is oversubscribed
  - detrimental impact on the open character and appearance of the surrounding countryside
  - should be 50% affordable housing
  - impact on ecology/protected species

## **5.0 OBSERVATIONS**

- 5.1 The main issues to consider are: (i) the principle of development; (ii) character and visual amenity (iii) residential amenity (iv) flooding and drainage; (v) highway safety; and (vi) ecology.

### Principle of development

- 5.2 The site falls outside of Development Limits of Huby, Policy CP4 states that all development should normally be within the Development Limits of settlements, subject to limited exceptions. 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 National Planning Policy Framework (NPPF). The National Planning Policy Framework (NPPF) states, in paragraph 78, "To promote sustainable development in rural areas,

housing should be located where it will enhance or maintain the vitality of rural communities."

- 5.3 To ensure appropriate 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. It states that "Small scale housing development will be supported 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
- 5.4 In the 2014 Settlement Hierarchy contained within the IPG, Huby is defined as a Service Village and therefore is considered a sustainable location for development; satisfying criterion 1 of the IPG that proposed development must provide support to local services including services in a village or villages nearby. The site is located adjacent to the Development Limits of the village. The village itself provides a number of services which the proposal would be positioned to support.

#### Character and visual amenity

- 5.5 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."
- 5.6 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.
- 5.7 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.
- 5.8 With regard to the IPG, the development of 5 dwellings is identified as what will normally be the limit to what may be small in scale. The application site is immediately adjacent to the Development Limits of the village and would reflect an

extension to the existing built form with properties fronting Easingwold Road. There are existing properties on the opposite side of the road, the proposal is for a linear development form and the main character of the village is linear development, with dwellings being one plot deep. The proposal is considered to satisfy criterion 2 of the IPG in that it is small scale development adjacent to the main built form and would represent incremental and organic growth.

- 5.9 With regard to criterion 3 of the IPG, the original proposal for 9 dwellings was considered to result in an unacceptably large development that would have a significant impact on the appearance of the edge of the village. The reduction in scale reduces this concern whilst also providing a smaller scale development that complies with criterion 2 of the IPG. The proposal is a linear form of development which is consistent with the predominant character of the village. It is considered this proposal is more in keeping with the form and layout of housing in the locality and satisfies criterion 3 of the IPG.
- 5.10 The development of 9 dwellings was also considered to have an unacceptable impact on the open and rural character of the countryside. The site is currently open in nature and is in agricultural use. The removal of the northern parcel of land together with the introduction of more screen planting will reduce the impact on the open character of the surrounding countryside and the revised proposal is considered, on balance, to satisfy criterion 4 of the IPG.

#### Residential Amenity

- 5.11 The submitted site layout indicates that 5 dwellings of an appropriate size mix could be accommodated in the site whilst providing a satisfactory level of amenity space and spacing between properties. The scale and design of the dwellings is to be agreed and further consideration of this would be undertaken at reserved matters stage.
- 5.12 Residents have raised concern over the potential impact on the amenity of surrounding neighbouring properties. It is considered that given the location of the development there would not be any undue impact on the amenities of surrounding properties, this would be further considered at reserved matters when the scale and design of the dwellings would be known.
- 5.13 The Environmental Health Service has raised no objection and considers there will be no significant impact on the local amenity.

#### Flooding and Drainage

- 5.14 The proposed development is in an area of low flood risk as assessed by the Environment Agency (flood zone 1), there is no susceptibility to surface water flood risk as assessed by the Environment Agency.
- 5.15 The applicant has stated that they will use a sustainable drainage system with soakaways for surface water disposal. The design of the surface water system can be conditioned so design and layout is approved prior to work commencing on site. The applicant will have to provide details of future maintenance arrangements for the lifetime of the development and include design measures to ensure that flood risk is not increased elsewhere.
- 5.16 It is noted there are neighbour consultation responses indicating there is flooding in the field, the Council's Drainage Advisor commented localised standing surface water has been identified as a potential flood risk, this requires further investigation as part of the drainage design if the development is permitted however this can be controlled and managed through the use of appropriate conditions.

- 5.17 Comments were received relating to the capacity of the foul drain. The applicant states the foul water will be disposed of by the main sewer, Yorkshire Water are under a duty to provide a satisfactory means of disposal of domestic foul sewage and have not indicated insufficient capacity of the foul public sewerage system.

#### Highway safety

- 5.18 The proposed site plan indicates the development would be served by 5 separate accesses, it is however noted that access is a reserved matter and would be fully considered at that stage.
- 5.19 There are a number of objections that refer to access and highway safety concerns. The Local Highway Authority has provided comment on the proposal and raises no objections subject to conditions. There is no reason to conclude that there would be any significant residual highway safety issues as appropriate parking, turning and visibility splays can be made available and controlled by planning condition.

#### Ecology

- 5.20 The application is accompanied by a Preliminary Ecology Appraisal (PEA). This confirms the mature oak tree on the southern boundary of the site holds features suitable for roosting bats and its retention is recommended. The report states the tree, hedges and grass verges provide habitats for wildlife and recommends that where possible the eastern hedge should be retained however the planting of a new hedge on the western boundary would compensate for any loss. There are further recommendations regarding timing of works and ecological enhancements that can be controlled through condition.
- 5.21 Neighbour comments make reference to the presence of great crested newts and other amphibians on the site. The Ecology Appraisal states the North and East Yorkshire Ecological Data Centre (NEYEDC) provided no records of great crested newts and common amphibians within 2km of the application site. The arable farmland is considered to be unsuitable for amphibians during their terrestrial phase. As there is limited terrestrial habitat for amphibian species and there are no accessible ponds within 500m of the site the PEA considers it's highly unlikely the proposed works will impact on great crested newts. Furthermore, if newts were found on site their protection is covered by separate legislation and measures would have to be taken to protect them.

#### Residual matters

- 5.22 With regard to neighbour comments relating to affordable housing, it is noted the scheme is below the threshold that requires an affordable housing provision or contribution.

## **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 all of the development hereby approved shall be begun before the expiry of whichever is the later of the following: i) Three 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. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (a) the means of access to the building plot(s), (b) the siting, design and external appearance of each building, including a schedule of external materials to be used; (c) the landscaping of the site; (d) the layout of the proposed building(s) and space(s) including parking and any external storage areas; and (e) the scale (including the number) of buildings overall.
3. The permission hereby granted shall not be undertaken other than in complete accordance with the Site Location Plan received on the 21<sup>st</sup> September 2018, unless otherwise approved in writing by the Local Planning Authority.
4. No development shall commence other than initial site clearance and preparatory works, 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 the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.
5. The development shall not commence until percolation testing to determine soil infiltration rate are carried out in accordance with BRE 365 Soakaway Design (2003) and CIRIA Report 156 Infiltration drainage – manual of good practice (1996).

Method of test must be relevant to proposed SuDS. Testing must be carried out at or as near as possible to the proposed soakaway location (no greater than 25m from proposed soakaway for uniform subsoil conditions. For non-uniform subsoil conditions testing must be carried out at the location of the soakaway). Testing must be carried out at the appropriate depth for proposed SuDS (e.g. invert level, base level of soakaway etc.) relative to existing ground levels.

Three percolation tests are to be performed at each trial pit location to determine the infiltration rate, where possible. Where slower infiltration rates are experienced, testing must be carried out over a minimum period of 24 hours (longer if 25% effective depth is not reached). 25% effective depth must be reached. Extrapolated test data will not be accepted.

6. Construction in the relevant area(s) of the site shall not commence until the means of protecting the 6" water main laid along the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. No trees shall be planted within 5 meters of the centre line of the aforementioned water main.
7. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.
8. 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 in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.
9. 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 footway shall be constructed in accordance with Standard Detail number E6.
- b. Any gates or barriers shall not be able to swing over the existing highway.
- 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.

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 required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority:
    - a) Provision of a 2.0 metre wide footway across the entire site frontage.
    - b) A programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning 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.
  - a) Provision of a 2.0 metre wide footway across the entire site frontage .
12. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority:
  - a. vehicular and pedestrian accesses
  - b. vehicular parking
  - c. vehicular turning arrangementsNo part of the development shall be brought into use until the approved vehicle access, 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
13. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase:
  - a. the parking of vehicles of site operatives and visitors
  - b. loading and unloading of plant and materials
  - c. storage of plant and materials used in constructing the development
  - d. erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
  - e. wheel washing facilities
  - f. measures to control the emission of dust and dirt during construction
  - g. a scheme for recycling/disposing of waste resulting from demolition and construction works
  - h. HGV routing to avoid



14. The development hereby approved shall be for no more than 5 dwelling units.
15. The size and type of dwellings forming the proposed development shall comply with Development Policy DP13 and the Councils Supplementary Planning Guidance on Housing Size, Type and Tenure, in terms of providing the right mix of housing in the locality.
16. No development shall commence until a 'Phase 1' Preliminary Risk Assessment (including Desk Study, Site Walkover and Conceptual Site Model), having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority.
17. Should further investigation be deemed necessary after completion of the Phase 1 Preliminary Risk Assessment no development shall commence until a 'Phase 2' intrusive site investigation and risk assessment, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority.
18. No development shall commence until a 'Phase 3' Remediation Strategy, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority unless the outcome of the 'Phase 2 Investigation' shows that remediation is not required.
19. No further development shall commence until the approved remediation scheme has been implemented.
20. The outcome of the investigations will indicate the further site investigation, remediation and verification that may be required. In all instances if contamination is found or suspected at any time during development that was not previously identified all works shall cease and the Local Planning Authority shall be notified in writing immediately. No further development shall be undertaken until a detailed site investigation and risk assessment, having regard to current best practice, has been carried out. Where remediation is necessary a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority before any further development occurs.
21. The development hereby approved shall be carried out in accordance with the Quants Environmental Preliminary Ecological Appraisal dated April 2018 unless otherwise agreed in writing by the Local Planning Authority.
22. The mature oak tree on the southern boundary of the site shall be retained and shall not be cut down, uprooted or destroyed, without the written approval of the Local Planning Authority. Any works to the tree shall be carried out in accordance with the British Standard 3998 (Tree Work).

The reasons for the above conditions are:-

1. To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.
3. 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 CP1, CP4, CP16, CP17 and DP32.

4. To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk in accordance with the NPPF and Development Policy DP43.
5. To ensure the site is properly drained, to determine surface water destination and to prevent flooding to properties.
6. In order to protect the public water supply and allow sufficient access for maintenance and repair work at all times
7. To ensure that the site is properly drained and in order to prevent overloading , surface water is not discharged to the foul sewer network
8. In the interests of highway safety
9. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience
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 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 scale of development is acceptable, in terms of the character and appearance of the area.
15. In order to ensure an appropriate mix of new housing in accordance with Development Policy DP13.
16. To ensure safe development of the site and to protect human health and the environment.
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19. To ensure safe development of the site and to protect human health and the environment
20. To ensure safe development of the site and to protect human health and the environment
21. To ensure the development does not impact on protected species in accordance with policy DP31
22. In the interest of the visual amenities of the site and as the tree provides features suitable for roosting bats

## Informatives

1. No works are to be undertaken which will create an obstruction, either permanent or temporary to the Public Bridleway adjacent to the proposed works.
2. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.
3. There must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and the Highway Authority.
4. The IDB as a Consultee give the following comments/recommendations:

Our current guidelines for any increase in surface water discharge are as follows: -

If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.

If surface water is to be directed to a mains sewer system the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow.

If the surface water is to be discharged to any watercourse within the Drainage District, Consent from the IDB would be required in addition to Planning Permission, and would be restricted to 1.4 litres per second per hectare or greenfield runoff.

No obstructions within 9 metres of the edge of a watercourse are permitted without Consent from the IDB.