

Parish: Huby
Ward: Huby
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Committee date: 4 April 2019
Officer dealing: Miss Ruth Hindmarch
Target date: 8 April 2019

18/02502/FUL

**Formation of access and construction of seven dwellings with garages to include means of enclosure and landscaping
At Land to the North of Maple Lane, Huby
For Northmead Developments Ltd**

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

1.0 Site, context and proposal

- 1.1 The site is located to the north of Maple Lane in Huby. Maple Lane is located north of Stillington Road which heads eastwards out of the village. The site currently forms part of an agricultural field and is open. The site is outside the Development Limits of Huby.
- 1.2 Beyond the site is further agricultural land to the north and east, to the west is a hedge and an area of planting beyond which is an area of grassed open space. To the south of the site is the existing residential development of Maple Lane.
- 1.3 This application as amended seeks full planning consent for the installation of an access off Maple Lane and the construction of seven dwellings with associated landscaping and means of enclosure. The dwellings would consist of two two-bedroom semi-detached properties, two three-bedroom semi-detached properties, one three-bedroom detached dwelling and two four-bedroom detached properties.
- 1.4 Amendments have been secured to include a level of landscaping aimed at mitigating the impact and improving the overall appearance of the site together with a change to the mix of dwellings proposed which has led to an increase in the number of dwelling from 6 to 7 without an increase in the size of the application 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 CP9A – Affordable Housing
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 13 - Achieving and maintain the right mix of housing
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
Affordable Housing SPD – adopted April 2015
Size, Type and Tenure of New Homes SPD - adopted September 2015

4.0 Consultations

- 4.1 Parish Council – Objects on the grounds of no affordable housing provision; the site is beyond Development Limits; and it would exacerbate the already inadequate sewage system.
- 4.2 Highway Authority – No objection subject to conditions (comments on amended scheme awaited).
- 4.3 Yorkshire Water – No objection subject to conditions.
- 4.4 Environmental Health Officer – No objection subject to conditions. The applicant's contamination study has been assessed and does not identify any significant risks from contamination.
- 4.5 Public comments – Eight objections have been received following initial consultation raising the concerns below, as yet there have been no further comments received following consultation on the revised proposals.
- There is no need for additional housing;
 - The site is beyond Development limits;
 - Noise and light pollution for local residents;
 - Overlooking and loss of privacy issues;
 - The village infrastructure will not cope;
 - Flooding;
 - Risk of radon gas release as a result of unnecessary excavation;
 - Potential for further development;
 - Impact on open countryside;
 - Farmland should be protected; and
 - There is a need for affordable housing.

5.0 Analysis

- 5.1 The main issues to consider are: (i) the principle of development; (ii) affordable housing and housing mix (iii) scale and the impact on the character of the area; (iv) design; (v) residential amenity; (vi) highway safety; (vii) drainage issues; and (viii) ecology.

Principle of Development

- 5.2 The site falls outside of, but immediately adjacent to, the 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 Settlement Hierarchy contained within the IPG, Huby is defined as a Service Village and the location at the end of a cul-de-sac accessible via the footpath network makes the site 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. The proposal satisfies the requirements of the first criteria.

Affordable Housing and housing mix

- 5.5 The proposal offers a mix of house types, including two and three bedroom units (71%) that would contribute to the supply of smaller homes required across the district. The first five dwellings are below the threshold for affordable housing, the remaining two units trigger a financial contribution – in this case resulting in a figure of £147,350 offered in line with the Affordable Housing Supplementary Document. The figure has been calculated by reference to the recent sales value of a 2 and a 3 bedroom unit in the locality. A sale value of £255 per sqft for the new dwellings (bench marked against recent sales) less the transfer value is the method used. This is detailed as follows:

1 x 3 bed unit of 90sqm (969sqft) @ £255 per sqft = £247,100 - £79,200 transfer value = £167,900 x 50% = £83,950

1 x 2 bed unit of 70sqm (753sqft) @ £255 per sqft = £192,000 - £65,200 transfer value = £126,800 x 50% = £63,400

£83,950 + £63,400 = £147,350

This approach has been scrutinised by the Rural Housing Enabler and found to be a sound basis for calculation of the commuted sum for this scheme.

Scale and impact upon the character of the area

- 5.6 With regard to the remaining criterion of the IPG, the development of five dwellings is identified as what would normally be the limit to what may be small in scale. However, that is a guide and the proposal here is for seven dwellings. The eastern boundary of the site would align with the rear boundaries of the properties on the eastern side of Maple Lane and the five dwellings proposed on that side of the site would be seen as a continuation of the run of dwellings along the eastern side of Maple Lane. The northern boundary would tie in with a small area of trees to the west of the application site, which would screen the development in views from the west. The proposal would extend Maple Lane northward with properties fronting onto the highway, which is the predominant character of the road.
- 5.7 It is acknowledged the scheme is in excess of five; however as a Service Village, Huby is capable of accommodating additional dwellings and the number proposed is considered small scale relative to the size of the existing settlement. Previous permissions have been granted for the construction of more than five dwellings in the village as part of IPG related proposals, however these are not immediately adjacent to the application site so would not result in a conglomeration of new development in one location. There is no reason to suggest the level of services available in Huby could not support the cumulative growth the application would represent.
- 5.8 This site is considered to provide a logical extension to the built form and the proposal is considered to satisfy criterion 2 of the IPG in that it is small scale development in relation to the scale of Huby village, is adjacent to the main built form and would represent incremental and organic growth. With regard to criterion 3 of the IPG, the proposal is considered to be a form of development which is consistent with the character of this part of the village. It is considered this proposal is in keeping with the form and layout of housing in the locality and satisfies criterion 3 of the IPG.
- 5.9 There have been concerns regarding the impact on the open and rural character of the countryside. The original site plan proposed hard boundary treatments consisting of high level fencing; this was considered to have an unacceptable impact on the open countryside and would have provided a very stark boundary between the site and the wider open countryside. The plans were amended and now show the site would be predominantly enclosed by a hawthorn hedge with a number of trees planted within the boundary hedge. This would significantly soften the views of the proposal and also effectively extend the planting that is present to the west of the site.
- 5.10 It is considered the introduction of boundary planting would reduce the impact on the open character of the surrounding countryside and subject to this the revised proposal is considered to satisfy criterion 4 of the IPG.
- 5.11 In terms of the housing mix proposed there is a variety in size and type of dwellings proposed with two two-bedroom semi-detached properties, two three-bedroom semi-detached properties, a three-bedroom detached dormer property that includes a

bedroom downstairs to provide for those who need to live on a single level, and two four-bedroom detached properties. This is a satisfactory mix as there is a majority of smaller two and three bedrooms properties which is in line with the identified need within the District.

Design

- 5.12 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."
- 5.13 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.
- 5.14 The proposed house types vary in terms of size, detailing and materials to create interest and prevent a uniform impression. Features such as canopies over the front door and bay windows reflect those already present in the area, while the use of appropriate materials would ensure the proposals are in keeping with the character of the village. It is considered the design of the dwellings is acceptable in the development will provide an attractive feature with the street scene.

Residential Amenity

- 5.15 The development provides sufficient distance between the properties and each property has sufficient amenity space. Comments from objectors make reference to the loss of privacy for the existing properties on Maple Lane and Maple Croft. 20 Maple Lane adjoins the site and the side of this property would face the proposed dwellings. The side of the closest dwelling (Plot 1) would also face 20 Maple Lane. Plot 1 does not contain any windows in this side elevation and it is considered given the layout of the proposal there would be no significant detrimental impact on the privacy of 20 Maple Lane. It is further considered the siting of this plot in relation to the neighbouring property would not cause any undue impact in terms of overshadowing and overbearing.
- 5.16 The rear of properties on Maple Croft would face out onto the proposed development. Plot 7 is the closest property to this boundary. The side of this property would face the properties on Maple Croft but would not contain any windows in the side. Windows within the rear elevation may allow for some views towards these properties; however this would be limited as the first floor fenestration consists of roof lights and the closest of these serve non-habitable rooms. In terms of ground floor fenestration in the rear sufficient boundary treatment can be installed to ensure any impact is limited. Plot 7 is a two storey property, it is however of limited scale and it is considered there would not be any undue impact in terms of overshadowing and overbearing. Given the above it is considered the proposal is in accordance with policy DP1 in that the development would adequately protect amenity.

Highway Safety

- 5.17 The proposed site plan shows the development would be served by an access that extends off the existing highway of Maple Lane. The site is located off a relatively slow speed road and provides the required level of parking for each property together with manoeuvring and turning areas. The Highway Authority has raised no objections subject to standard conditions and it is considered the development is acceptable in highway terms.

Drainage

- 5.18 The proposed development is in an area of low flood risk (Flood Zone 1) and there is no susceptibility to surface water flood risk as assessed by the Environment Agency.
- 5.19 The applicant has stated that they would 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 would 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.
- 5.20 In terms of foul water the applicant has indicated they would use the mains sewer. There have been objections, including from the Parish Council that relate to the capacity of the foul drain. Yorkshire Water has raised no objection to this and is under a duty to provide a satisfactory means of disposal of domestic foul sewage and has not indicated insufficient capacity of the foul public sewerage system. There is therefore no justifiable objection relating to foul drainage. The proposal is considered to meet the requirements of the fifth criteria of the Interim Policy Guidance.

Ecology

- 5.21 The application is accompanied by an Ecological Impact Assessment which states the development will result in the loss of arable habitat which is of low ecological value. The hedgerow boundaries are recommended for retention to retain ecological value as they provide a means for wildlife to travel and forage. It is acknowledged there is a population of Great Crested Newts within central Huby however the site is separated from this area by residential development and highways. The likelihood of Great Crested Newts utilising the site is very low and the report recommends that reasonable avoidance measures would be appropriate to ensure risk to the Great Crested Newts is negligible. The report also makes recommendations for ecological enhancement. A condition can be added to ensure the development is carried out in accordance with the submitted report.

Planning Balance

- 5.22 The proposal would create seven further homes in a sustainable location, without causing any significant harm to the appearance of the settlement and without harm in terms of highway safety or the capacity of local infrastructure. It is acknowledged the scheme is above the level envisaged within the IPG however the mix of house sizes and types being provided is predominantly two or three-bedroom properties and given the development is over five dwellings there is a contribution required for off-site affordable housing.
- 5.23 The scheme is found to result in social gains through the provision of new housing and the affordable housing contribution, the economic impact through the development would be small but positive and the environmental impacts as a consequence of the additional development is neutral or slightly negative due to the scale and rate of change. Overall the scheme is found on balance to be acceptable.

6.0 RECOMMENDATION

- 6.1 That subject to (a) the satisfactory prior completion of a planning obligation to secure the affordable housing contribution of £147,350; and (b) 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 drawing numbers unless otherwise approved in writing by the Local Planning Authority.
3. 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.
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 access(es) 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 crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6 VAR.
 - b. The final surfacing of any private access within 2 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

5. 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 3831-PD-14E)
 - b. 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

6. 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 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 agrees in writing to their withdrawal
7. 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.
8. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
 9. 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
 10. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority. The development shall not be undertaken other than in accordance with the approved details and shall thereafter be retained in accordance with those details.
 11. Soils shall not be re-used or imported onto the development site unless they have been subject to sampling and chemical analysis that demonstrates they are suitable for use 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 re-use or 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.
 12. 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. (See Notes for Applicant CL2 and CL4)
 13. In the circumstances that remediation has been required the development shall not be occupied until a Verification Report, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority. (see Note for Applicant CL5)
 14. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples 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.
 15. No above ground construction work shall be undertaken until, a scheme of hard and soft landscaping works is submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide details of the species, numbers and locations of planting, all hard surface materials, timescales for implementation and a maintenance schedule. The approved landscaping scheme shall be implemented prior to occupation of any dwelling and maintained thereafter in accordance with the approved details.

16. Above ground construction shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

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. 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 Hambleton Development Plan Policies DP1, DP28 and CP17
3. In the interests of highway safety
4. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience
5. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development
6. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
7. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
8. In the interest of satisfactory and sustainable drainage
9. To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network
10. In order to avoid the pollution of watercourses and land in accordance with Hambleton Local Development Framework Policies CP3 and DP6
11. To ensure safe development of the site and to protect human health and the environment.
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14. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole.
15. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and to soften the visual appearance of the development in accordance with the Development Plan Policies CP17 and DP32.

16. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.