

**Parish: Huby**  
Ward: Huby  
**8**

Committee Date : 19 September 2019  
Officer dealing : Ann Scott  
Target Date: 3 September 2019  
Date of extension of time: 20 September 2019

**19/01358/REM**

**Application for approval of all reserved matters (considering access, appearance, landscaping, layout and scale) following outline approval 18/01175/OUT for the construction of 5no. dwellings.  
at OS Field 4442 Easingwold Road Huby North Yorkshire  
for Mr Steve Chapman.**

**The application is presented to the Planning Committee to enable members to consider whether the access arrangements satisfy the requirements of the Committee expressed at the time of outline approval.**

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

- 1.1 The application site is a rectangular shaped piece of land approximately 0.34 hectares and currently forms part of an agricultural field. The site is located on the west side of Easingwold Road, on the north edge of the village of Huby.
- 1.2 The site is open in character and there are few physical features other than a hedgerow to the front of the site. To the west and north boundary the site is open as a field. On the opposite side of the road are residential properties. To the south is a large Oak tree along the boundary and an existing access with a public right of way and beyond that is a site which has permission for 2 dwellings (17/01088/FUL) for the erection of two dwellings.
- 1.3 This application seeks the approval of the Reserved Matters for permission to erect five dwellings each with a separate means of access. The principle of development has been established under 18/01175/OUT. The red edge to the application site differs slightly in relation to the outline approval which demonstrated four separate accesses for the five dwellings. The current red edge submitted includes the highway verge along the full length of the site and does not denote the separate means of access included. The location of the accesses is shown on the proposed block plan.
- 1.4 The proposed form of the dwellings are one pair of semi-detached houses (plot 1 and 2), two detached two storey houses (plot 3 and 4) and a detached bungalow (plot 5).

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

- 2.1 18/01175/OUT - Outline application all matters reserved for the construction of 5 no dwellings at OS field 4442 Easingwold Road, Huby.

### **3.0 RELEVANT PLANNING POLICIES:**

- 3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Core Strategy Policy CP17 - Promoting high quality design  
Core Strategy Policy CP21 - Safe response to natural and other forces  
Development Policies DP1 - Protecting amenity  
Development Policies DP3 - Site accessibility  
Development Policies DP4 - Access for all  
Development Policies DP8 - Development Limits  
Development Policies DP9 - Development outside Development Limits  
Development Policies DP10 - Form and character of settlements  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP32 - General design  
Development Policies DP33 - Landscaping  
Development Policies DP43 - Flooding and floodplains  
Interim Guidance Note - adopted by Council on 7th April 2015  
National Planning Practice Guidance  
Supplementary Planning Document - Size, type and tenure of new homes - adopted September 2015

#### 4.0 **CONSULTATIONS:**

##### 4.1 Huby Parish Council - have the following basic comments regarding the above application:

- members wish to see a single access / egress point adjacent to Haverbreak Lane (please see reasoning below)
- Surface water from the site to remain independent of the privately owned drainage ditch along Haverbreak Lane.
- existing hedge line, grass verge and newly planted trees on road frontage to remain (as per details below)
- The layout, appearance and design of the dwellings are fine. Should planning officers decide to amend the proposed access points, the development line for the dwellings may need to be set further back to allow for new driveways / footpaths as needed.

Members were disappointed to note the plans show four access points when the poor visibility travelling over Barf Hill has been adequately pointed out & viewed on site. Huby residents have been monitoring the speed of traffic, travelling both ways, at this point for over 12 months. With deployments at different times during daylight hours, 5% to 10% of all vehicles are found to be travelling above the regulatory 30mph limit. Hence members strongly recommend the single access point at the lower end of the rise.

You will become aware of the newly planted hedge and trees in 2006/7 by village children and volunteers along the road frontage which was agreed by NYCC, Huby Parish Council and the land owner. Members trust that this may be left intact and any footpath or driveways required will be built on the inside of the existing hedge-line.

##### 4.2 Highways - The highways authority recommends that the following conditions are attached to the grant of any planning permission.

- o No discharge of surface water to the highway
- o Access/Verge crossing construction requirements
- o Approval of details for site works in the highway.
- o Completion of highway works before occupation.
- o Provision of access/turning and parking areas.
- o Construction management plan.

In the interests of highway safety.

- 4.3 Environmental Health - The conceptual site model identifies the site as low to moderate risk of land contamination. The report submitted by the applicant is acceptable and no further investigation or remediation work is required. A condition is recommended in relation to unexpected contamination if found on site requiring a scheme to agree a risk assessment, further investigation and a remediation strategy to be agreed in writing.
- 4.4 Yorkshire Water - have no comments on the submitted Reserved matters but await consultation on any relevant outstanding conditions imposed on the outline permission.
- 4.5 Public rights of way - No works are to be undertaken either permanent or temporary which will create an obstruction to the public right of way that is adjacent to the southern edge of the site.
- 4.6 HDC Drainage - The RM does not provide any further detail of drainage other than to state that surface water will be disposed of via the Environment Agency Hierarchy. The applicant will need to provide details of the future maintenance arrangements for the surface water drainage system proposed.
- 4.7 Lead Local Flood Authority - The proposal is not a major development, additionally the development is in flood zone 1 consequently the LLFA have no comments to make on this application.
- 4.8 7 letters of comment from third parties in relation to the following;
- o Objection to the separate access points due to highway safety
  - o A single access road should be considered
  - o Visibility on Barf Hill is limited and there is a danger to highway safety putting vehicular and pedestrian traffic close to the blind summit.
  - o Objection to the removal of trees/hedgerow planted a few years ago by village families. We would prefer the access road to be built behind the hedge and allow the trees to remain and have the added benefit of providing seclusion for the new houses and minimise the visual impact of the development.
  - o Huby is a small village with a mix of architectural styles. The land is agricultural at present and plays an important role in the rural character of the area. Putting four separate entrances will be detrimental to the existing character and appearance of the village.
  - o Increased traffic will only get worse due to the overdevelopment of the area. A survey carried out indicates a large number of vehicles exceed the speed limit.
  - o The entrance to the village will be affected at the moment there is a 'country feel' which will be damaged and made to feel 'urbanised'.

## 5.0 **ANALYSIS:**

- 5.1 The site is situated outside the Development Limits for Huby. Policy CP4 states that all development should normally be within the Development Limits of Settlements subject to limited expectations. Policy DP9 advises that development will only be granted for development in "exceptional circumstances". The proposal was granted Outline Permission in principle subject to conditions as part of the 2018 application. All matters are now being sought for the details of the type and siting of the dwellings including the means of access. The conditions attached to the Outline planning approval 18/01175/OUT still apply to this application.
- 5.2 Section 38 of the Act requires that applications should be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

- 5.3 Section 38 of the National Planning Policy Framework relates to decision making and Local Planning Authorities should approach decisions in a positive and creative way, using the planning tools available and work with applications to secure development that will improve the economic, social and environmental conditions of the area, and seek to approve applications for sustainable development where possible.

#### **Character and visual amenity**

- 5.4 The IPG considers 5 dwellings as small in scale and Huby is considered as a service village and is therefore a sustainable settlement. The site is immediately adjacent to the Development Limits and would reflect an extension to the built form with properties fronting Easingwold Road. There are existing properties on the opposite side of Easingwold Road. The proposal is for a linear development of five dwellings and will therefore fit in with the character of Easingwold Road and the village generally with each plot one dwelling deep. The proposal satisfies criterion 2 of the IPG. Small scale development adjacent to the main built form and would represent appropriate incremental growth.
- 5.5 The submitted site layout demonstrates five dwellings two semi-detached and three detached dwellings including a detached bungalow and two 2 storey detached dwellings.
- 5.6 The design of the proposed dwellings are considered appropriate in scale and form with the locality and the layout is similar to the indicative plan demonstrated at outline planning stage in terms of the siting and layout. The position of one of the accesses to the bungalow plot 5 has been altered to move the access away from the boundary and share an access with plot 4. This is consistent with the layout indicated at the outline stage. Plots 1, 2 and 3 have a separate access each. Four accesses are proposed which will mean that gaps will be inserted into the existing hedgerow to incorporate the accesses. The existing hedgerow is approximately 1 metre high and will need to incorporate gaps of 3 and 5 metres respectively to provide for the singular and shared accesses and as noted below all the trees will be retained.
- 5.7 The proposed dwellings meet with the Nationally Described Space Standards 2015.
- 5.8 The proposed design of the dwellings are considered appropriate to the character and appearance of the locality. The materials proposed are brick and tile Sandtoft concrete double pantile in Terracotta Red and Terracotta Topaz Bricks. Further clarification of the materials has been requested including the type of fenestration and rainwater goods.

#### **Landscaping**

- 5.9 The proposal involves the addition of trees and shrubs to be planted within the site including a new hedge to the north boundary. The existing trees to the front of the site will remain including an existing Oak Tree to the South East Boundary of the site adjacent to Haverbreak Lane. Planting to the rear of the site is to include shrubs and trees as demonstrated on the submitted landscape drawing. Other than gaps to be created in the existing hedge the landscaping will be augmented to the rear of the site to help to integrate the development in to the surrounding locality in accordance with Policy DP33 Landscaping of the Hambleton Development Plan.

#### **Residential amenity**

- 5.10 The proposal provides for five dwellings, of which two are semi-detached 3 bedroomed dwellings and three detached dwellings including one 3 bedroom

detached, one 4 bedroom detached and one 2 bedroom detached bungalow. The mix of dwellings is considered appropriate to the character of the area and provides a housing mix which will contribute to the requirements of the housing provision in the locality in accordance with Policy DP13 Achieving and maintaining the right mix of housing and the advice in the SPD Size, Type and Tenure of new homes adopted September 2015. As the proposal is for five dwellings there is no requirement for affordable housing. There are no objections in principle to the proposal on the grounds of residential amenity. It is considered that there will be no adverse impact on existing residential properties opposite the site in terms of overlooking or those adjacent to the application site on the opposite site of Haverbreak Lane.

### **Highway safety**

- 5.11 The proposal provides for four new accesses to the dwellings one of which is shared by the detached properties on plots 4 and 5. The proposed accesses will require the provision of gaps in the hedge of three and five metres respectively to facilitate the single and dual accesses proposed. There are no objections in principle to the proposed means of access from the Highways Authority, subject to appropriate conditions including the completion of the means of access prior to the occupation of the dwellings. There are a number of comments received including comments from the parish council who wish to see a single point of access. This is not included in this application for Reserved Matters and was not required at the outline stage. The proposal is considered to accord with the conditions of the outline permission and the criteria in Policy DP2 Site Accessibility of the Hambleton Development Plan.

### **Drainage and flood risk**

- 5.12 The application site is not situated in an area at high risk of flooding. The site is situated in Zone 1 at the lowest risk of flooding as defined on the Environment Agency Flood Risk Map. There are comments from the Lead Flood Authority who have no comments to make on the proposal. Yorkshire Water have no comments to make and advise that they wish to be consulted on the discharge of conditions in relation to the outline permission. Limited drainage information is provided with the proposal which includes the means of foul water to be discharged to the existing sewer and the means of surface water discharge will be in accordance with the Environment Agency hierarchy. Further information on the drainage matters has been requested from the applicant's agent including a request for more detail in relation the means of disposal for surface water and clarification as to whether or not there is capacity to discharge to the existing foul sewer. Any further information received will be reported in updates. Presently the proposal does not provide sufficient information to discharge the means of drainage condition set out in the outline application but is sufficient to enable the determination of the reserved matters.

### **Accesses**

- 5.13 The current red edge incorporates the whole of the verge along the boundary of the site and this includes land not previously within the red edge. Normally the proposal for reserved matters should follow the existing red approved red edge, however the amendment is on highway land and does not change the approach identified at the outline stage showing a series of accesses across the highway verge.

### **Materials**

- 5.14 Clarification has also been sought regarding the proposed materials which are red brick and red clay pantiles details of the type to be confirmed. The proposal is considered to be in accordance with Policy DP32 General Design.
- 5.15 The existing public right of way on Haverbreak Lane will not be affected and the public rights of way section advise that the right of way must not be either temporarily or permanently obstructed during either construction or from the resulting development in accordance with Policy DP3 Site accessibility..

### **Planning balance**

- 5.16 The proposal has been considered in accordance with the relevant National Planning Policy and Local Development Plan Policies set out in the report. There are no other material planning considerations put forward which would outweigh the application being determined in accordance with the Development Plan. The proposal is considered to accord with the Development Plan Policies and is therefore recommended for approval subject to conditions in relation to in accordance with the submitted plans and information.

## **6.0 RECOMMENDATION:**

- 6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

1. The development hereby permitted shall be begun by 27 November 2021 or within two years of the date of this permission, whichever is the later.
2. 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 in accordance with the approved method.
3. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) and/or details received by Hambleton District Council on 3541/1, SCH1101 3,4,5,6 and site plan unless otherwise agreed in writing by the Local Planning Authority.
4. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the building(s) whichever is the sooner, of that dwelling unless those elements of the landscaping scheme which are shown on the landscaping plan received by the Hambleton District Council on 3541/1 Rev C as being within the curtilage of the dwelling have been planted or seeded in those positions. Any trees or plants which within a period of 5 years of planting die, are removed or become seriously damaged or diseased, shall be replaced with others of similar size and species.

The reasons are:-

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.

2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. 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 CP16, CP17, DP30 and DP32.
4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties.