

**Parish: Rudby**  
Ward: Hutton Rudby  
**11**

Committee Date: 9<sup>th</sup> January 2020  
Officer dealing: Mr M. Pearson  
Target Date: 21 November 2019

**19/02064/FUL**

**For: Construction of a detached dwellinghouse, garage and new vehicle access**  
**At: Plot 3 OS Field 2719. Stokesley Road, Hutton Rudby**  
**For: Mr Welford**

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

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

- 1.1 The application site is located approximately 140 metres north east of the junction of Middleton Road and Stokesley Road at the northern edge of the village of Hutton Rudby. Outline planning permission (ref 18/01602/OUT) was granted in October 2018 for the construction of five dwellings on the site. This application agreed access and layout.
- 1.2 The application site has a varied context with agricultural land to the north and east, whilst to the south and west are a variety of modern dwellings. The built form is varied with examples of bungalows and two storey houses constructed in a variety of brick types together with the use of render that results in a diverse character and appearance.
- 1.3 The site is identified as Plot 3 and the proposal involves the construction of a 4 bedroom, two storey detached house with a detached garage and store located to the front adjacent to the eastern boundary. The house, garage and store would be constructed in brick and would utilise slate as the roof material. The house has been designed in a traditional manner with a symmetrical approach to the elevation design to the principal façade facing Stokesley Road. The boundary to the plot would comprise a variety of hedging and timber post and rail fencing. The access point on Stokesley Road is located in the same position as the approved layout plan in the outline permission.
- 1.4 The original application was submitted as a reserved matters submission but given a deviation from the layout approved as part of the outline application noted above, the submission was amended to full application to allow for a 4 bedroom property with detached garage to the front that varies in size from the approved layout. In addition, during the course of the application the scheme drawings were amended to reduce the size of the proposed development following concerns raised by the LPA.

## **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
- 2.4 18/01602/OUT - Application for outline planning permission with details of access and layout (all other matters reserved) for the construction of five dwellinghouses; Approved 25 October 2018.

### **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 CP8 - Type, size and tenure of 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 DP9 - Development outside Development Limits
- 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

### **4.0 CONSULTATIONS**

4.1 Rudby Parish Council - Comments as follows:

- a. The development of plot 3 should be consistent with the approval given under 18/01602/OUT i.e. a 3 bed house with a single garage.
- b. If HDC approve the application on plot 3 then development of plot 1 should be limited to a 3 bed house.

4.2 North Yorkshire Highway Authority - no objection subject to conditions.

4.3 Northumbria Water - No objection.

4.4 SABIC Pipeline - No objection.

4.5 HDC Land contamination - recommends conditions.

4.6 Environmental Health - no objection

4.7 Site Notice - Expired 23rd October 2019. 8 objections received noting the following summarised concerns:

- Not in accordance with the approved layout which noted a 3 bedroom property.
- Providing a 4 bedroom plot ignores the need for smaller and affordable homes within the village.

- Larger building than depicted at the outline stage that is harmful to the character and setting of the village.
- The L-shaped design creates overlooking to the adjacent plots 2 and 4.

## **5.0 ANALYSIS**

- 5.1 The main issues are considered to be; i) the principle of development in this location; ii) scale, design, layout; iii) residential amenity; iv) highways matters; v) landscaping ; and vi) heritage matters

### Principle

- 5.2 The grant of outline planning permission for five units across the wider site has established the principle of development in this location on the basis of the requirements of the Council's Interim Policy Guidance Note. The Guidance sets out a number of requirements in terms of character and design which are further discussed below.
- 5.3 At the time of the determination of the outline permission on the site a number of issues were addressed including the general impacts on character & visual amenity, highways safety, trees & ecology, land contamination, drainage & flood risk. Given that these issues were assessed and deemed acceptable by the Planning Authority previously it is not considered necessary to repeat the assessment of these matters for the purposes of this report.
- 5.4 It is important to note that some conditions were attached to the outline permission in order to enable the Planning Authority to control technical details. Where deemed necessary these conditions are repeated within the recommendation contained in Section 6 of this report.

### Size and Design

- 5.5 DP13 seeks to ensure that an appropriate mix of size of dwellings are approved in order to meet locally identified need. It is noted that the application has attracted a number of public comments regarding the scale of the development and its failure in those terms to meet the requirements of the outline planning permission. Whilst material to the consideration of this application, this application is separate and seeks full planning permission and as such must be considered on its individual merits.
- 5.6 Given the Local Planning Authority needs to determine a full planning application the assessment of size of the dwelling is based on the individual needs of the applicant rather than the more widely identified needs in the Sub-Area or Hambleton as a whole. On this basis the LPA considers the provision of a 4 bedroom dwelling to be acceptable.
- 5.7 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."

- 5.8 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.
- 5.9 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.
- 5.10 In terms of the layout, the proposal for plot 3 broadly follows the approved layout from the outline permission. The proposed house sits in roughly the same position indicated on the approved layout. However, the application proposes a larger built footprint together with a detached garage that sits to the front of property, hence the need for this full application. In terms of this change from the approved layout, the LPA considers that the larger footprint and thus massing of the proposed dwelling is not harmful to character of the wider development or that of the village.
- 5.11 The traditional design approach is considered appropriate within the varied context of the immediate vicinity of the application site. The use of brick and slate as the principal materials are also considered appropriate. The siting of the garage does not raise any significant issues relating to visual impact of the development or in terms of the appearance of the streetscape.
- 5.12 It is considered that the design and form of the proposed development is acceptable in this instance and will have no significant harmful impact on the character or appearance of the village. It is considered that the development meets the requirements of Development Policy DP32 and the design requirements of the Interim Policy Guidance.

#### Residential Amenity

- 5.13 Development Policy DP1 seeks to ensure the protection of the amenity of neighbouring occupiers, in this case, in particular in terms of overlooking, privacy, daylighting and overshadowing.
- 5.14 Amenity concerns have been raised regarding the proximity of the adjacent Plot 4 (which has recently been approved with the inclusion of an integral garage adjacent to the western boundary of Plot 4). It is noted that a significant rear outshoot element of the proposal has been removed from the proposals owing to concerns raised by the case officer with regard to neighbour overlooking. It is considered that the revised proposal does not raise any overlooking concerns to the adjacent plots. The relationship of the proposed development to the neighbouring plots will not otherwise lead to significant loss of amenity in terms of overshadowing or daylighting.

#### Highways

- 5.15 With regard to highways, the access point is situated in the position as per the approved layout associated with the outline consent. It is noted that highways were satisfied with the outline application and therefore recommended that similar

highways conditions be attached to this application should it be approved. With regard to the required footpath across the wider site, it is considered that the LPA can attach a suitably worded condition in a similar manner to the approved outline consent. This would effectively require a footpath to be provided from Plot 3 to connect to the existing footpath to the west of the application site on the north side of Stokesley Road.

#### Landscaping

- 5.16 With regard to landscaping some details have been provided on the layout drawing submitted with the application. This indicates that the driveway would lead to the house and garage whilst the rear garden would comprise a patio and grassed area. This approach is acceptable in principle and can be controlled through the imposition of a suitably worded condition for this specific plot. It is also noted that a timber post and rail fence is proposed together with hedging to define the curtilage of the plot. This is also considered to be an acceptable approach.

#### Heritage matters

- 5.17 Development Policy DP28 and DP29 seek to protect the historic heritage and archaeology of the District. It has recently been brought to the attention of the LPA that there are two WWII pillboxes in the vicinity of the site. One is situated within the north-west corner of the field enclosure where this application is located and is circa 130 metres to the north-east of the application site. The other pillbox is located on the south side of Stokesley Road and is circa 350 metres to the south of the application site. Given their age, rarity, representativeness, group value, historic association and archaeological interest they are considered to be non-designated heritage assets.
- 5.18 With regard to the impact of the proposal upon significance it is noted there will be no direct impact upon the non-designated heritage asset but the proposed development does fall within their wider setting. There is little information on the specific design and function of these pillboxes but it is understood that the pill boxes may have been designed to view the approach road into the village from the east - Stokesley Road.
- 5.19 It is considered that the proposed development does not impact significantly upon the setting of the pill box to the south. With regard to the pill box to the north it is noted that the proposed development forms part of wider approved development site that would obscure some views towards Stokesley Road from the pill box. However, the application site and the wider approved site would retain a substantial field of view from the pillbox to Stokesley Road and thus in accordance with paragraph 197 of the National Planning Policy Framework the proposal is not considered to cause any harm to the significance of this non-designated heritage asset. The proposed development is considered to accord with the requirements of Development Policy DP28 and DP29.

#### Planning Balance

- 5.20 It is therefore considered this proposal for a full application to develop plot 3 that forms part of a wider site of 5 dwellings is acceptable in principle because it is, for the

most part, in accordance with the approved outline consent. It is considered that the proposed development complies with the relevant Local Development Framework policy in terms of design and scale, amenity, character & visual amenity, highways safety, trees & ecology, land contamination, drainage & flood-risk, landscaping, heritage and is otherwise in accordance with local and national policy requirements.

## **6.0 RECOMMENDATION:**

6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 1844-19- 101B, 102C, 103B, 104C, 105C, 106C, 107B 108B received by Hambleton District Council on 2nd December 2019 unless otherwise approved in writing by the Local Planning Authority.
3. 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.
4. 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 1.0 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.
5. Prior to any above ground works on site, details of (i) the provision of a footway on the site frontage linking Plot 3 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. The development shall not be brought into use until this has been constructed in accordance with the details approved.
6. 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.

7. Private Access/Verge Crossings: Construction Requirements Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements (i) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E 50. (ii) Any gates or barriers shall be erected a minimum distance of 5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing highway. (iii) The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

8. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing no 1844-19-102 Rev C. Once created these parking areas shall be maintained clear of an obstruction and retained for their intended purpose at all times.

9. 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.

10. 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.

11. 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.

12. Prior to the commencement of development, other than the initial formation of the access, full details of existing and proposed site levels shall be provided to and approved by the Local Planning Authority. Levels to be submitted shall include full garden levels, finished floor levels, eaves and ridge heights. The development shall then be implemented in accordance with the approved levels.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP17 and DP32.
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4. In the interest of highway safety.
5. In the interest of pedestrian and highway safety.
6. In the interests of highway safety.
7. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience
8. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
9. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
10. 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.
11. 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.
12. In order to protect the character and amenity of the area and to accord with the requirements of Development Policy DP1 and DP32.