

Parish: Hutton Rudby

Ward: Hutton Rudby

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Committee Date : 21 July 2016

Officer dealing : Mrs B Robinson

Target Date: 4 June 2016

Date of extension of time (if agreed): 22 July 2016

16/00812/FUL

Construction of new three bedroom dwelling and associated parking, garden and vehicle turning area.

**at Hill Top East Side Hutton Rudby North Yorkshire
for Mr & Mrs S Bury.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is part of a garden accessed from a single width driveway off a parking area at East Side. Inside the site there is a flat area at the south end and the land then falls towards the existing house, Hill Top, approximately 70m to the north. To the east, beyond the site the land falls steeply towards no 2 Levenside (76m away). To the west there is a steep wooded bank down to the road, just beyond the east boundary of the site. To the east there is a mature sycamore tree, set at a lower level. There are other trees on the bank to the east of the site.
- 1.2 Immediately to the south of the site there is a two storey building associated with no 18 East Side which has the appearance of an agricultural store. The building has windows at first floor facing towards the site, and appears to be disused.
- 1.3 The current application is for full planning permission for a single dwelling. The proposed house is two storey and is positioned parallel with the existing drive.
- 1.4 As amended the proposed house is a simple two storey house, constructed of brick, with pantile roof. The north end elevation has a continuous bay at first and second floor. Two parking spaces are to be provided on the north side, and a vehicle turning area on the north side of the existing drive to Hill Top. The proposed details show gabions on the east boundary, at the top of the slope.
- 1.5 The application includes details of bricks and tiles and a prospective 'screw pile' construction to foundations, and proposed system of sustainable drainage.

2.0 RELEVANT PLANNING HISTORY

- 2.1 15/01113/OUT Outline consent for a bungalow with dormers. Granted 22.07.2015 (NB - this approval was not conditioned to be particular type of house).

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

Development Policies DP1 - Protecting amenity

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Development Policies DP28 - Conservation

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP32 - General design

Core Strategy Policy CP21 - Safe response to natural and other forces

Development Policies DP43 - Flooding and floodplains

National Planning Policy Framework (NPPF)

4.0 CONSULTATIONS

- 4.1 Parish Council - The Council are concerned with the access to this development and think it is an over-development of the site, particularly with a view to the retaining wall beneath it which borders Hutton Bank. The Council request a site visit.
- 4.2 Highways - conditions recommended.
- 4.3 Environmental Health (contamination). No sources of contamination identified.
- 4.4 Northumbrian Water. No comments.
- 4.5 Neighbours and Site Notice -
Objections:
- House not as approved in outline, overlooking, stability of slope, loss of sunlight.
 - House looks large for the site. Dominant on skyline and restriction of light (to Levenside). Overlooking to gardens.
 - Concerns about effect on trees and wildlife, including bats - lack of method statement for parking area, tree report not accurate, previous and proposed works harmful to bats.
 - Harm to tree roots arising from raised ground level and gabions.
 - Highway safety concerns - speed of traffic. Visibility.
- Support:
- One expression of support received.

5.0 OBSERVATIONS

- 5.1 The site is within the settlement limits of a service village and a single new house is acceptable in principle subject to other relevant policies of the Local Plan. Issues to consider therefore are design (CP17 and DP32), impact on the surroundings, with particular reference to the character of the Conservation Area and local landscape features including trees (CP16, CP17, DP28, DP31 DP32), whether there would be any harmful effects on the amenities of neighbouring occupiers (CP1 and DP1) and issues of highway safety.

Design

- 5.2 The proposed house is appropriately simple in design and the use of bricks with clay roof tiles, will be in keeping with the appearance of neighbouring buildings and the character of the Conservation Area. It is noted that the site is relatively well screened from general public view, due to its set back position and the tree covered roadside bank adjacent to the road.

Trees

- 5.3 Trees are a significant feature in the locality and an arboricultural method statement submitted with the application identifies measures to minimise harm to neighbouring trees, particularly the adjacent sycamore tree close to the east boundary. The measures include ground protection during construction, mini piling or pad and beam foundations, with pre installation investigations to identify key roots, and supervision by an arboriculturalist during construction.
- 5.4 Following concerns raised by the Parish Council the views of an independent arborist were sought about potential for harm arising from the supporting gabions which have already been installed on the site. Their view is that to avoid harm to the tree, the gabions should be removed, and the soil aerated.
- 5.5 More appropriate measures to stabilise the bank would be a cell web system 'mattress' of material filled with gravel, which would be arranged on a slope. A proprietary supplier would be able to design a suitable scheme. This solution is likely

to reduce available land by approximately 1 metre. Should Members be minded to approve the scheme a condition requiring the submission of these details is recommended.

- 5.6 Subject to the use of an appropriate methodology, the potential for harm to the tree can be minimised. A neighbour has pointed out the arboricultural method statement does not extend to the parking area and this is an issue that can be dealt with as part of a relevant condition.

Amenity

- 5.7 Neighbouring houses are at a significantly lower level than the site, However, they are relatively distant, and would not justify refusal on grounds of amenity.

Highways

- 5.8 The proposals provide for onsite parking and turning and are not objected to by the highway authority on highway safety grounds. The applicant has submitted details of a scheme to benefit use of the access at no 18 East Side in terms of improved visibility and speed control, by means of warning notices and would be an enhancement to the existing arrangements in terms of highway safety.

Parish Comments

- 5.9 The Parish Council consider the application to constitute an over-development of the site. However, it is considered by Officers that there is scope within the site for the development proposed without harm to the character of the area. It is noted that an application for outline planning permission has previously been approved on the site for a development of similar footprint.

- 5.10 Issues about the retaining wall can be considered in the course of a building regulations application.

- 5.11 Issues relating to amenity and visibility at the access are discussed above. With regard to bats, there is limited scope in the present proposal to address these concerns. Questions about trees are dealt with in the paragraphs above.

6.0 RECOMMENDATION:

- 6.1 That subject to any outstanding consultations the application be **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 001 Rev B, 002 Rev A received by Hambleton District Council on 25 May 2016 unless otherwise approved in writing by the Local Planning Authority.

3. Unless otherwise approved in writing by the Local Planning Authority, the development hereby approved shall be constructed of Hathaway Brindled Clay Brick and County Pantiles.

4. 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.

5. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been

constructed and brought into use in accordance with the details approved under condition 4 above.

6. The development hereby approved shall not commence until there has been submitted to and approved in writing by the Local Planning Authority full details of arboricultural protection including below ground construction works based on the arboricultural method statement received by Hambleton District Council 7th April 2016, and taking into account the approved house design and parking area, together with a scheme of arboricultural supervision for key stages of site development. The development shall be implemented thereafter only in accordance with the approved details or on the advice by the previously approved arboricultural officer which has been notified to and approved in writing by the Local Planning Authority.

7. Unless otherwise approved in writing by the Local Planning Authority, notwithstanding the submitted details, the parking and path areas shall be constructed of permeable materials previously approved in writing by the local planning authority.

8. The dwelling shall not be occupied until the related parking and turning facilities have been constructed in accordance with the approved drawing numbered 001 REV B Once created these parking and turning areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

9. The development hereby approved shall not be occupied except in accordance with full details of a scheme of additional highway safety measures previously approved in writing by the Local Planning Authority.

10. Notwithstanding the submitted details, development shall not commence except fully in accordance with a scheme to support the east boundary, which also protects trees in the locality, which has been previously approved in writing by the Local Planning Authority

The reasons are:-

1. To ensure compliance with Section 18A of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by 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) .

3. 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.

4. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43

5. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43

6. To protect trees in the interests of the amenities of the surroundings in accordance with Local Development Framework policy CP16 and DP28.

7. In interests of sustainable drainage solutions in accordance with Local Development Framework Policy CP21 and DP43.
8. In accordance with policy CP2 and DP4 and 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. In the interests of the safety and amenity of nearby residents in accordance with Local Development Framework Policy CP1 and DP1.
10. In the interests in the safety and stability of the site, and the protection of features of landscape importance in the Conservation Area, in accordance with Local Development Framework Policy CP 16 and DP28.