

16/02064/FUL

**Development of a detached dwelling with associated works
At Part OS 8471 and 9170, Gracious Street, Huby
For Mr Ian Robinson.**

1.0 APPLICATION SITE AND PROPOSAL

- 1.1 The application site is located on the southern side of Gracious Street, opposite residential properties of Shilling Cottage, Coniser Cottage and Thornfield. To the west is Ashdale with its garden sitting adjacent to the site which is planted with fruit trees. The site forms part of a field which is used for the grazing of horses and slopes down from the road. The boundaries of the site are formed by hedgerows with some gaps. Behind the hedgerow on the northern boundary is a post and wire fence.
- 1.2 The application proposes a two-storey detached dwelling with a detached garage, parking and access. The proposed access would be to the eastern end of the site (left hand side of the site when viewed from the road). The existing field gate onto Gracious Street would be closed and new hedge planting would form the boundaries to the site with the exception of a post and rail fence forming the southern boundary.
- 1.3 The site is outside the Development Limits which runs along and including Gracious Street and the verge in front of the site, the boundary line continues to the east to the last property on the northern end (Ryefield). To the west the Development Limits dissect the garden of Ashdale.
- 1.4 The application is supported by a Design and Access Statement, Flood Risk Statement, Phase 1 Ecological Assessment, and Landscape Statement. The applicant also highlights that the site is a part of a site identified for housing in the Preferred Options consultation document.
- 1.5 The application site is in Flood Zone 1, at the lowest risk of flooding.

2.0 RELEVANT PLANNING HISTORY

- 2.1 80/0901/OUT (alternative reference: 2/80/070/0101A) - Outline application for four detached dwellings; Refused 28 August 1980.
- 2.2 80/0910/OUT (alternative reference: 2/80/070/0101) - Outline application for residential development; Refused 28 August 1980.
- 2.3 86/0787/FUL (alternative reference: 2/86/070/0101B) - Detached dwellinghouse with double garage; Refused 14 May 1986, appeal dismissed.
- 2.4 16/02247/FUL – Five dwellings (on land adjoining and east of the application site); Consultation period ongoing.

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 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 DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP43 - Flooding and floodplains
National Planning Policy Framework - published 27 March 2012
Interim Policy Guidance Note - adopted by Council on 7th April 2015

4.0 CONSULTATIONS

- 4.1 Parish Council – No comments received.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Kyle and Upper Ouse Drainage Board - No objection to the principle subject to appropriate conditions to deliver adequate drainage.
- 4.4 Contaminated Land Team - No objection.
- 4.5 Yorkshire Water – No comments received.
- 4.6 Public comment - representations have been received from seven local residents, with some residents writing more than once. The issues raised are:
- Concerns about the precedent being set for more development;
 - Drainage - the field is wet and low lying;
 - The parking on Gracious Street is not adequate at the moment and the cottages all use the verge opposite for parking;
 - There aren't any turning places on Gracious Street;
 - Impact on wildlife and loss of hedges;
 - Loss of view of a beautiful pasture with grazing horses and wildlife;
 - Detrimental effect on the value of the properties;
 - (There is no) need for the dwelling; and
 - Comments on the accuracy of the documents submitted.

5.0 OBSERVATIONS

- 5.1 The key determining issues are (i) the principle of development; and its likely impact on (ii) the character of the area; (iii) residential amenity; (iv) wildlife; (v) highways; and (vi) drainage.

Principle

- 5.2 To ensure appropriate consistent interpretation of the NPPF alongside policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and could boost overall housing supply and affordable housing provision within the District. The Council's Interim Planning Guidance therefore should also be considered.
- 5.3 The Council's Interim Planning Guidance (IPG) notes that small scale development adjacent to the main built form of settlements (excluding Service Centres) will be supported where it meets 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 The development is considered small scale and the site is in close proximity to Development Limits and therefore has a good relationship to Huby. Huby is designated a Service Village in the 2014 Settlement Hierarchy and therefore there are no concerns raised with regard to the sustainability of the village. The continuation of the built form opposite would provide support for the development of the site.
- 5.5 The previous applications listed in section 2 were determined under policy frameworks which have since been superseded. Whilst the concerns over precedent are noted, each case must be considered on its merits and be considered against the planning policy framework at the time. It is noted that a planning application has been submitted for the remainder of the field frontage under planning application 16/02247/FUL. Overall it is considered that the proposals meet the first two criteria of the IPG.
- 5.6 The site is allocated as part of Site 15 in the draft Preferred Options however as the Local Plan is at an early stage of preparation, this carries very limited weight.

Character of the area

- 5.7 Gracious Street includes a variety of house types and age of property principally of two storey and traditional design and has a suburban/rural village street character. The buildings on the northern side of Gracious Street extend further east than those on the southern side. At the eastern end of the field is a pumping station. The proposal would follow the built form of the neighbouring Ashdale and would echo many of the design features of the local area. Whilst the field is pleasant visually it does not form part of the wider rural landscape due to the properties to the north and the field has a close relationship to the village of Huby. The provision of new hedges to the boundaries is considered to be in keeping with the area. The proposal is therefore considered to be in keeping with the character of the area.

Residential amenity

- 5.8 The proposal is separated from other properties and set off from the boundaries and is of sufficient distance from other properties to not result in harm to their occupiers by way of loss of light, overlooking or loss of privacy. Whilst the comments on views are noted, this is not a material planning consideration.
- 5.9 Overall it is considered that the proposal would not result in a significant detrimental impact on residential amenity.

Wildlife

- 5.10 The submitted Ecological Assessment states that the site consists predominantly of horse-grazed pasture (improved grassland), with unmanaged boundaries (hedgerows) and a defunct pond with associated dry ditch. The pasture is of negligible value to wildlife, whilst the dry pond and dry ditch's value to wildlife is compromised by the lack of water. However, retention of these features should be considered as they do provide potential shelter and habitat linkages to the wider landscape for wildlife. Hedgerows form a vital function in providing ecological connectivity across the wider landscape and as such it is recommended that they are retained and managed in any development of the site. Hedgerows should ideally be cut once every two years in order to stimulate a bushy growth and provide food and cover for wildlife.
- 5.11 The supporting Ecological Assessment makes a series of recommendations relating to further survey work and species that should be encouraged to provide habitat diversity within hedgerows to be beneficial to pollinating insects as well as providing shelter and nesting opportunities for birds.
- 5.12 Therefore the proposal is considered to have taken adequate account of the ecological issues and would include a positive contribution through the provision of new hedgerow planting with potential enhancements through the bird boxes also recommended by the ecological assessment.

Highways

- 5.13 The comments of neighbouring residents have been carefully considered and it is noted that the grass verge is used informally for parking provision for residents opposite. It is noted that the residents opposite do not own the highway verge.
- 5.14 The proposal would create a new access and include parking provision within the site for future residents and their visitors. There would be no substantive change to the character of the highway. The Highway Authority raises no objections to the application.

Drainage

- 5.15 The comments of the Drainage Board and local residents have been noted and considered. The site is located in Flood Zone 1, which is at the lowest risk of flooding. It is considered that having regard to the comments of the Drainage Board, there is a drainage solution available which would not cause harm or cause flooding to existing or future residents.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application 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 4051-(05)01, 4051-(05)02 and 4051-(05)03 received by Hambleton District Council on 13 September 2016 unless otherwise approved in writing by the Local Planning Authority.
3. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development 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. Prior to the commencement of development details of surface and foul water drainage shall be submitted to and agreed in writing by the Local Planning Authority. The peak surface water run-off must be attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable area).
5. Prior to development commencing details of the existing ground and floor levels of site and neighbouring buildings and the proposed ground and finished floor levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The levels shall relate to an identified fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
6. No site clearance, removal of hedgerows or other development that involves work to the site shall commence unless a bat emergence survey has been undertaken, survey report submitted and the mitigation measures submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall be implemented prior to the commencement of the demolition or other development that involves work to the structures. Thereafter the mitigation measures shall be retained in accordance with the approved scheme.
7. Prior to their installation details of bat and bird boxes shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be installed prior to the first occupation of the dwelling and retained thereafter.
8. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. 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.
9. 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. The works shall be implemented in accordance with the approved details and programme.

10. The proposed garage and parking areas shall be laid out in a permeable material in accordance with plan reference 4051(05)02. Prior to the first occupation of the dwelling, the garage and parking areas shall be made available for the parking and manoeuvring of motor vehicles. The areas shall be retained for such purpose at all times thereafter.

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 Development Plan Policies CP17 and DP32.
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4. To ensure that the site is adequately drained and does not result in flooding elsewhere.
5. To ensure that the development is appropriate to landscape context in accordance with the Hambleton Local Development Framework Policies CP1, CP4, CP16 and DP30.
6. In order to prevent harm to habitat of protected species and to secure the implementation of mitigation measures submitted in the Ecological Assessment as part of the application and in accordance with Local Development Framework Policies CP16 and DP31.
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8. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Hambleton District Wide Local Plan Policy DP30, DP31 and DP33.
9. In accordance with Policy CP2 and DP4 and in the interests of highway safety.
10. To ensure that there is adequate provision of parking and turning areas within the site.

Informatives

1. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste
1 x 240 litre green wheeled bin for garden waste
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from its own Neighbourhood Services.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977.