

Parish: Hutton Rudby

Ward: Hutton Rudby

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16/01771/FUL

Committee Date: 10 November 2016

Officer dealing: Mr K Ayrton

Target Date: 20 October 2016

Date of extension of time: 14 November 2016

**Construction of detached dwelling
At Highfield, 12 Enterpen, Hutton Rudby
For Mr & Mrs D Preston**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located in Hutton Rudby, adjoining the southern edge of the built up area, with access off Enterpen road. The land is currently associated with 12 Enterpen, which is a large detached property set in attractive grounds.
- 1.2 A detailed description of the site is contained in the supporting planning statement. Briefly, the site comprises an open space, laid to lawn. There is a dip down from the highway at the front of the site, which accommodates a gated vehicular access. Beyond this, on its eastern side, is a row of mature trees that frame the access drive to 12 Enterpen. Further into the site, the land rises back up to a level comparable with the highway. It then continues on a more gradual slope to the rear boundary. Beyond this is a further paddock-like area with open countryside beyond.
- 1.3 The western boundary adjoins 12 Enterpen with its large garden to the rear. The eastern boundary adjoins a cluster of buildings/gardens in residential use.
- 1.4 The site is located beyond, but adjacent to, the Development Limits of Hutton Rudby. It is also located within the Conservation Area, which extends along the rear boundary of the application site.
- 1.5 The application is for the construction of a large detached dwelling. In support of the application is a detailed landscape proposal, which largely relates to the east section of the site, which is proposed to be retained as a 'Landscape Character Protection Area'.
- 1.6 The dwelling would be sited in line with number 12, albeit with a generous gap retained between the properties. This allows it to be set well back from the road frontage, behind mature trees and existing planting.
- 1.7 The supporting planning statement notes that the dwelling would be formed of handmade brick and slate. The windows and doors to the front would be timber, with the more contemporary openings to the rear being formed of high quality upvc and aluminium.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 None relevant to the application.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Policy CP1 - Sustainable development

Core Policy CP2 - Access

Core Policy CP4 - Settlement hierarchy

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

Core Policy CP17 – Promote high quality design
Core 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 DP10 – Form and character of settlements
Development Policy DP28 - Conservation
Development Policy DP30 – Protecting the character and appearance of the countryside
Development Policy DP32 – General Design
Interim Guidance Note – adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Public comment - No representations received.
- 4.2 Durham Tees Valley Airport - No objection.
- 4.3 NYCC Heritage Services - The development is within the historic medieval settlement of Hutton Rudby and is likely to occupy the location of one or more later medieval properties with the site potentially being in semi-continuous use since the Norman Conquest. A scheme of archaeological mitigation recording is recommended; this should comprise an archaeological watching brief during excavations for new foundations and new drainage or services, to be followed by appropriate analyses, reporting and archive preparation to ensure that a detailed record is made of any deposits/remains that will be disturbed.
- 4.4 Northumbrian Water - No objection; advises that a public sewer crosses the site.
- 4.5 Scientific Officer (Contaminated Land) - No objection.
- 4.6 Highway Authority - The existing access currently has substandard visibility in both directions. Visibility can be provided by some alterations to the vegetation and fencing local to the access. Conditions relating to parking, visibility and traffic management during the construction period are proposed.
- 4.7 Parish Council - Recommends approval but there is concern about the potential loss of amenity for the view across the fields.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of a new dwelling in this location; (ii) the design of the proposed dwelling and its impact on the character and appearance of the surrounding area, which is a Conservation Area; (iii) impact on the amenity of neighbouring occupiers; and (iv) highway safety.

Principle of Development

- 5.2 The site is located outside, but adjoins, the Development Limits for Hutton Rudby. Policy DP9 states that development will only be granted for development beyond Development Limits "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) published in March 2012. Paragraph 55 of the NPPF states:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".

- 5.3 To ensure 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. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages.
- 5.4 In the IPG Hutton Rudby is identified as a Service Village. This status recognises its range of services and facilities and confirms that it is considered a sustainable settlement capable of accommodating small scale development.
- 5.5 Considering the site's close relationship with the Development Limits, it can be established that the proposal would meet criterion 1 of the IPG, in that it is located where it will support local services.

Design, character and appearance

- 5.6 To accord with criterion 2 of the IPG, proposals must be small in scale. In this instance a single dwelling is proposed and therefore compliance with this criterion is achieved.
- 5.7 IPG criterion 3 requires development not to have a detrimental impact on the natural, built and historic environment; and criterion 4 requires that the development does not have a detrimental impact on the open character and appearance of the surrounding countryside. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 also requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Hutton Rudby Conservation Area.
- 5.8 In considering this it is recognised that the application is supported by a detailed planning statement and landscape strategy plan. The planning statement sets out the design strategy for the development.
- 5.9 The statement acknowledges the site's location within the Conservation Area and the site's current contribution. In response to this, the submission focuses on the delivery of a 'landscape character protection area', along with a house design that is considered to reflect characteristics found in the surrounding architecture, highlighting the use of 'Georgian sash fenestration and detailing' in the more visible front elevation.
- 5.10 The assessment is considered to be sound. It is also supported by the detailed 'landscape strategy' plan, which provides more detail as to how the qualities of the existing open space can be preserved through the proposed development.
- 5.11 It is noticeable that the open space is more prominent when approaching the site from the east. This is largely because when approaching the site from the west, the views through the site are somewhat restricted by number 12 and trees on the western part of the application site. By proposing a 'landscape character protection area' and keeping this area separate from the more formal garden area through the use of soft landscape treatments (e.g. use of levels, planting), the views through the

site to the open countryside beyond will be retained, particularly when approaching the site from the east.

- 5.12 This leads to the conclusion that the siting of a dwelling in this location would preserve the special character and appearance of this part of the Hutton Rudby Conservation Area, most notably the sense of open space and views to the countryside beyond.
- 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 As described earlier, the dwelling is sited on the western side of the plot, broadly in line with number 12. Whilst the dwelling is large, it is reflective of number 12 and is considered to be in keeping with the existing scale and character of development. The dwelling will sit within a generous, but well-proportioned curtilage.
- 5.15 The design is traditional, particularly the front and side elevations. The rear uses more contemporary fenestration, no doubt taking advantage of the views to the rear of the site. The plans include architectural detailing reflective of the surrounding area.
- 5.16 It is noted that high quality materials are proposed, which would be key to delivering a high quality development. Therefore a condition should be attached to the permission requiring the submission and approval of external materials.
- 5.17 When combined with the submitted landscaping scheme, the proposed design is considered to be of a high quality that has responded positively to its context.

Neighbour Amenity

- 5.18 The dwelling would be located a significant distance from the majority of neighbouring properties. The nearest property is the host property, 12 Enterpen. The proposed dwelling will be sited to the side of number 12. The facing side elevation accommodates limited windows in the form of a first floor bathroom window and ground floor garage window. This relationship would not result in harm to residential amenity.

Highway Safety

- 5.19 The Highway Authority has considered the application and has raised no objection subject to compliance with conditions. It is considered that the proposed development would not adversely impact highway safety.

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. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be 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 proposed landscape character protection area identified by the orange dashed line on drawing number 'Landscape Strategy – L2.431.2', does not form part of the more formal garden area. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order relating to 'permitted development', no development shall be carried out within the landscape character protection area without express permission on an application made under Part III of the Town and Country Planning Act 1990.
4. 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. The dwelling shall not be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situate within the application site have been implemented. 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.
5. 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 Enterpen from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05m and the object height shall be 0.6m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
6. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing no L2.431.1. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
7. 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.
8. 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; and (b) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
9. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered L2.431.1, L2.431.2,

L2.431.3 and HDC/3090/02 received by Hambleton District Council on 03/08/2016 unless otherwise approved in writing by the Local Planning Authority.

10. (a) No demolition/development shall take place/commence until a Written Scheme of Archaeological Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and (i) the programme and methodology of site investigation and recording; (ii) community involvement and/or outreach proposals; (iii) the programme for post investigation assessment; (iv) provision to be made for analysis of the site investigation and recording; (v) provision to be made for publication and dissemination of the analysis and records of the site investigation; (vi) provision to be made for archive deposition of the analysis and records of the site investigation; and (vii) nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- (b) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (a).
- (c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (a) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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. 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. The Local Planning Authority would wish to retain control over the impact of any development in the interests of the character and appearance of the site in accordance with LDF Policy DP28.
4. In order to soften the visual appearance of the development and preserve the character and appearance of the Conservation Area in accordance with LDF Policies CP16, DP28 and DP30.
5. In accordance with policy number DP3 and in the interests of road safety.
6. In accordance with policy DP3 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.
7. In accordance with policy DP3 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
8. In accordance with policy DP3 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

9. 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.
10. This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest.

Informative

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.