

Parish: Huby
Ward: Huby
5

Committee Date: 8 December 2016
Officer dealing: Mr Andrew Thompson
Target Date: 12 December 2016

16/02247/FUL

**Development of five dwellings
At Part OS 8471 and 9170, Gracious Street, Huby
For Northminster Ltd.**

1.0 APPLICATION SITE AND PROPOSAL

- 1.1 The application site is located on the southern side of Gracious Street, opposite four detached two-storey houses set behind substantial boundary hedging. To the west is a site recently granted planning permission for a single dwelling and, further beyond this, another residential property. To the east of the site is a pumping station. The site forms part of a field which is used for the grazing of horses and slopes down from the road. The northern boundary of the site is formed by hedgerow with some gaps. Behind the hedgerow on the northern boundary is a post and wire fence. The road curves gently.
- 1.2 The application proposes five dwellings, four semi-detached dwellings and one detached four-bedroom dwelling. Each semi-detached pair comprises a three and a four-bedroom property. All are two storey dwellings with associated parking, turning areas and gardens. The proposal would create three new entrances onto Gracious Street.
- 1.3 The site is outside the Development Limits which runs along and includes the road of 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.
- 1.5 The application site is in Flood Zone 1, at the lowest risk of flooding.

2.0 RELEVANT PLANNING HISTORY

- 2.1 86/0787/FUL (alternative reference: 2/86/070/0101B) - Detached dwellinghouse with double garage; Refused 14 May 1986, appeal dismissed.
- 2.4 16/02064/FUL – Detached dwellinghouse with associated works (on land adjoining and west of the application site) – Granted 14 November 2016.

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 (meeting on 21 November 2016).
- 4.2 Highway Authority – No objection. Concern must be expressed that Gracious Street is narrow with no formal passing places. As a result passing takes place on highway verges or using private accesses. There is an opportunity to provide a formal passing place on the site's frontage as part of this application. Conditions are recommended.
- 4.3 Yorkshire Wildlife Trust – No objection; recommends that the enhancements on pages 11-13 of the submitted ecological assessment are conditioned to reduce loss of biodiversity. In particular there will be opportunities for grassland and hedgerow enhancement and future management for wildlife. Hedgerows are a Biodiversity Action Plan habitat for Hambleton.
- 4.4 Environmental Health (Contaminated Land) - No objection subject to a condition.
- 4.5 Yorkshire Water – No comments received.
- 4.6 Ministry of Defence – No safeguarding concerns.
- 4.7 Public comment - Objections have been received from 15 local residents. The issues raised are:
- Concerns about the precedent being set for more development;
 - The site is not a Preferred Option for development in the new Local Plan
 - Combined with the planning permission 16/02064/FUL would mean a development of 6 new houses which would have a significant impact on the surrounding area;
 - The land is Green Belt;
 - The site is not designated in the Community Neighbourhood Plan;
 - 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;
 - Gracious Street is narrow, without turning places, and cannot cope with additional traffic;
 - Impact on wildlife and loss of hedges;
 - Loss of view of a beautiful pasture with grazing horses and wildlife;
 - Development is of such a scale that it won't fit in with the existing houses and would detract from the rural and traditional character of the Street;
 - Detrimental effect on the value of the properties;

- (There is no) need for the dwellings – development would increase overpriced properties not affordable properties; and
- Comments on the accuracy of the documents submitted.

4.8 It is noted that the site notice was defaced during the course of the application. A replacement site notice has been displayed.

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 The site lies outside of the Development Limits of a settlement that is a Secondary Village within the hierarchy of the CP4. LDF policies CP1 and CP2, (which relate to sustainable development and minimising the need to travel) set a general presumption against development beyond Development Limits but policies CP4 and DP9 allow that planning permission can be granted where one or more of six exceptional circumstances are met. 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 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. The land is not Green Belt.

5.4 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.

- 5.5 The development is considered small scale for Huby and the site is in close proximity to Development Limits and therefore has a good relationship to the village. 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 location. The continuation of the built form proposed in the application would mirror the dwellings opposite.
- 5.6 The previous application at 2.1 was determined under a policy framework which has 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.
- 5.7 Other than the planning permission for a single dwelling on the adjacent land there have been no other planning permissions for housing under the Interim Policy Guidance in Huby. Considering the size of the village and the facilities available, as a Service Village, it is not considered that the cumulative development of six dwellings would significantly affect the character of Huby.
- 5.8 The emerging Neighbourhood Plan is noted; however it has not progressed far enough to carry weight in decision making yet and for similar reasons neither can the Preferred Options of the new Local Plan carry weight at present.
- 5.9 Overall it is considered that the proposal meets the first two criteria of the IPG.

Character of the area

- 5.10 Gracious Street includes a variety of house types and ages, principally of two storey and traditional design, and has a village character. The buildings on the northern side of the street extend further east than those on the southern side.
- 5.11 At the eastern end of the field is a pumping station which, with an appropriate buffer from the proposed development (at least 15m is required by Yorkshire Water), could form an appropriate end stop to the southern side of Gracious Street. Development on the northern side of the road continues beyond the pumping station.
- 5.12 The proposal would include two pairs of semi-detached dwellings and a detached dwelling. The proposed asymmetrical design would allow the development to turn the gentle curve in the road whilst also providing a mix of properties. The dwelling approved to the west and the proposed detached dwelling would frame the two pairs of semi-detached properties.
- 5.13 The proposal would follow the built form of the road and would echo many of the design features of the local area, for example the front elevation lintel and porch detail. A more contemporary rear elevation with bi-folding doors and garden rooms is proposed. The provision of new hedges to the boundaries is considered to be in keeping with the area and the maintenance of the hedge to the northern boundary would help soften the impact of the proposed development.
- 5.14 The consideration of the Preferred Options is noted and whilst this carries very limited weight it should be noted that the proposal that did not receive the Council's support related to development of the whole field. It was felt that development to the rear of the field would be out of keeping with the built form and character of the village, which is generally formed by a frontage development.
- 5.15 The proposal is therefore considered to be in keeping with the character of the area.

Residential amenity

- 5.16 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 loss of views are noted, that is not a material planning consideration.
- 5.17 Overall it is considered that the proposal would not result in a significant detrimental impact on residential amenity.

Wildlife

- 5.18 The comments of Yorkshire Wildlife Trust are noted, alongside the concerns of residents. The submitted Ecological Assessment states 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 stated to be 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. Tall ruderal and scrub species should also be encouraged to provide habitat diversity within hedgerows; these are beneficial to pollinating insects as well as providing shelter and nesting opportunities for birds. Tall ruderals can include patches of nettles and thistles, whilst brambles form patches of scrub relatively quickly.
- 5.19 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 and roosting opportunities for bats.
- 5.20 Therefore the proposal is considered to have taken adequate account of relevant 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, which can be secured by condition.

Highways

- 5.21 The comments of neighbouring residents have been carefully considered and it is noted that the grass verge is used informally for parking provision. The conditions recommended by the Highway Authority would overcome concerns raised and the creation of three new accesses with an appropriate passing place would enhance the highway situation.
- 5.22 The proposal would include parking provision within the site for future residents and their visitors. There would be no substantive change to the character of the highway. Whilst there would be an increase in traffic, there is no highway safety reason to justify a reason for refusal.

Drainage

- 5.23 The comments of the 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 there is a drainage solution available which would not cause harm or cause flooding to existing or future residents. The applicant clarifies in their submission that, subject

to input from Yorkshire Water, the assumed foul water disposal strategy will be gravity disposal to the pumping station then into the existing rising main up Gracious Street to a gravity transfer near Ashdale. A connection application would need to be made to Yorkshire Water in order to realise this.

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 4053-(05)01, 4053-(05)02, 4053-(05)03, 4053-(05)04 and 4053-(05)05 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.
 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, assessment of Pond 1 (located at SE 568657); and Ponds 2 & 3 (both at SE 567656) for Great Crested Newts and a walkover survey to ensure that badgers have not occupied any habitat prior to development at the site 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 proposed bird boxes shall include as a minimum 4 x open-fronted nest boxes, two should be sited low down below 2 metres and hidden in vegetation, with 2 positioned higher up (2 to 4 metres), sheltered by vegetation with a more open outlook. Nest boxes suited to hole-nesting species should also be provided with 2 having 25mm holes for smaller tit species; 2 with 28mm holes for larger tit species; 2 with 32mm holes for tree sparrows and 2 with 45mm holes for starlings. 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, hedges 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 4053(05)03. Prior to the first occupation of the dwelling, the 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.
11. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until the details for the provision of a passing place on the site's frontage on Gracious Street have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a programme for the completion of the proposed works which shall be made available for use prior to the first occupation of the development. The development shall be carried out in accordance with the agreed details.
12. 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 33 metres measured along both channel lines of the major road from a point measured 2.0 metres down the centre line of each of the accesses. The eye height will be 1.05 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.

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.
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 CP17 and DP32.
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.
7. 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.
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.
11. To ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
12. In the interests of road safety.

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.