

**Parish: Huby**  
Ward: Huby  
**4**

Committee Date: 30 March 2017  
Officer dealing: Mr Tim Wood  
Target Date: 3 April 2017

**16/02247/FUL**

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

## **1.0 SITE DESCRIPTION AND PROPOSAL**

1.1 The application was deferred by Planning Committee on 8 December 2016 for the following issues to be considered:

- Whether it is possible to achieve two passing places on the road frontage;
- The possibility of extending street lighting on Gracious Street;
- The internal parking arrangements;
- The possibility of providing a footway along the road frontage; and
- The provision of a contribution towards affordable housing, taking account of the recent approval of a dwelling on part of the same field.

1.2 The applicant has submitted additional plans and information relating to the parking provision of the site, lighting and the provision of affordable housing and reduced the number of dwellings from five to four. Comment on the submitted details is given in the later part of this report.

1.3 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.

1.4 The application in its revised form proposes four detached four-bedroom dwellings reduced from five when previously considered by the Committee. All are two storey dwellings with associated parking, turning areas and gardens. The proposal would create two new entrances onto Gracious Street.

1.5 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.

1.6 The application is supported by a Design and Access Statement and addendum, Flood Risk Statement, Phase 1 Ecological Assessment, and Landscape Statement.

1.7 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.

2.2 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 – Objects on the grounds that (i) it does not fit well with the characteristic of the settlement; (ii) the existing road is not suitable for two-way traffic; and (iii) it is not in line with the emerging local plan.
- 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 Officer (contaminated land) - No objection subject to a condition.
- 4.5 Yorkshire Water – No objection but notes that a sewage pumping station (SPS) and associated rising main are located near to the site. Vehicular access, including with large tankers, could be required at any time. The proximity of the SPS to the site may mean a loss of amenity for future residents. In order to minimise the risk of this, industry standards recommend that habitable buildings are not located within 15m of the SPS. The erection of suitable screening to reduce the visible impact of the SPS is advised.

- 4.6 Ministry of Defence – No safeguarding concerns.
- 4.7 Public comment - Objections have been received from 17 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.

## 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; (vi) drainage; and following the deferral of the application in December (vii) affordable housing.

### 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 application in paragraph 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 five 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 four detached dwellings. The proposed design follows the gentle curve in the road. In the revised form the scheme is for four-bedroom dwellings and therefore does not achieve the mix of size of dwellings previously proposed (the scheme had previously included two three-bedroom semi-detached dwellings) however the scheme would not be out of place on Gracious Street.
- 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 window lintels 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. This conclusion on a more comprehensive proposal does not rule out appropriate frontage development under current policies and guidance.
- 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. The position of plot 4 is about 15 metres west of the Sewage Pumping Station (SPS) and the noise and other issues relating to the operation of the SPS is not anticipated to result in a loss of amenity to the residents of the proposed dwellings.
- 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.
- 5.19 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.

- 5.20 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.
- 5.21 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

- 5.22 The comments of neighbouring residents have been carefully considered and it is noted that the grass verge on some parts of Gracious Street is used informally for parking provision. The conditions recommended by the Highway Authority would overcome concerns raised and the creation of two new accesses and an appropriate passing place would enhance the highway situation. The Highway Authority advises that additional passing places are not needed to make the development acceptable.
- 5.23 The proposal includes parking provision within the site for future residents and their visitors. Checks have been made by the Highway Authority to ensure that the parking arrangements are workable and adjustments have been made by the agent to increase the turning and parking space within the plots. There would be no substantive change to the character of the highway.
- 5.24 Street lighting already extends along Gracious Street to a point east of the application site; consequently there is no need to alter the existing lighting scheme.
- 5.25 The nearest footway to the site is on the main village street. The footways do not extend on to Gracious Street. There is no evidence that the lack of footways has presented a significant limitation on pedestrian access to property on Gracious Street. Whilst the provision of a footway link from the site to the existing network in the village would enhance pedestrian access, the Highway Authority has not identified a need for one and it is not considered necessary to make the development of four dwellings acceptable in planning terms and would not meet the tests for a planning condition.
- 5.26 Whilst there would be an increase in traffic as a result of the development, there is no highway safety evidence to justify a reason for refusal. It is considered that the limited degree of congestion that may arise would not harm the amenity of residents to an extent that would justify refusal of the application.

### Drainage

- 5.27 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.

### Affordable housing

- 5.28 Planning application 16/02064/FUL was submitted by a different applicant some four weeks before this application and was granted for a self-build house. The applicant

has submitted details of an option agreement relating to the current application site, which pre-dates the May 2016 Court of Appeal decision that upheld the Ministerial Statement of November 2014. The option was therefore entered into at a time when the Ministerial Statement had been ruled unlawful by the High Court and when the Development Plan policy position applied, i.e. to require affordable housing contributions from all residential developments of two or more dwellings in rural areas. The Council has not seen an option agreement for the single dwelling site.

- 5.29 The Council had adopted the six-dwelling threshold for affordable housing contributions allowed for by the Ministerial Statement on 21 July 2015, ten days before the High Court decision was published and seven months before the option agreement for this site. Whilst the status of national policy on affordable housing on small sites may have been unclear at the time of the option agreement, it is reasonable to assume that a well-advised vendor or purchaser would have been aware that affordable housing would be a planning consideration.
- 5.30 The applicant has acknowledged that a requirement for an affordable housing contribution would be triggered by a sixth unit and has considered the commuted sum that would be sought by the Council (estimated to be £74,018). The applicant has decided to address the policy requirement by reducing the number of dwellings to below the threshold for provision. The amendment to four dwellings addresses the policy requirement and is found to be acceptable.

## **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)10, 4053-(05) 11, 4053-(05) 12 and 4053-(05) 13 received by Hambleton District Council on 6 March 2017 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)12. 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.
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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.
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 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 Waste and Street Scene 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](http://www.hambleton.gov.uk) or by telephoning 01609 779977.