

**Parish: Huby**

Ward: Huby

**5**

Committee date: 22 June 2017

Officer dealing: Miss L Chambers

Target date: 30 June 2017

**17/00585/FUL**

**Construction of eight house with garages and highway access**

**At land west of Paddock Close, Tollerton Road, Huby**

**For Northmead Developments Ltd.**

**This application is referred to Planning Committee as the proposal is a departure from the Development Plan**

**1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The application site is a field to the north of Tollerton Road, immediately to the west of dwellings on Paddock Close and the junction with Lundgreen Lane and immediately beyond Huby's Development Limits.
- 1.2 The site is bounded to the south and west by hedges and a small number of trees. There is a grass verge along the edge of the highway, the existing public footpath terminating to the east of the site. There is a range of house types in the vicinity, although the prevailing building materials are red brick and pantile roofs, with a smaller proportion of slate roofs.
- 1.3 Permission is sought for the erection of eight dwellings, a combination of three and four-bedroom houses to include three detached, a pair of semi-detached and a terrace of three. There are five access points proposed with the semi-detached and terrace of three having shared access and driveways. Each property would be provided with detached garaging, hardstanding and garden space. A 10m easement is proposed to the west of the site to take account of a Yorkshire Water main.
- 1.4 It is proposed to reinforce the hedging on the western boundary and introduce stock proof fencing to the north of the proposed plots. The existing hedge on the site frontage would be replaced, set 4m back from the road with an intervening replacement grass verge and a new pavement that would extend across the south of the site, up to the proposed vehicular access for plot 8.
- 1.5 Improvements have been secured as follows: the applicant has provided additional information with regards to landscaping and levels to demonstrate the impact of the proposal on the character of the area.

**2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 No relevant planning or enforcement history.

**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 CP8 – Type, size and tenure of housing

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

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP1 - Protecting amenity  
Development Policies DP3 - Site accessibility  
Development Policies DP4 - Access for all  
Development Policies DP6 – Utilities and Infrastructure  
Development Policies DP8 - Development Limits  
Development Policies DP9 - Development outside Development Limits  
Development Policies DP10 - Form and character of settlements  
Development Policies DP13 – Achieving and maintaining the right mix of housing  
Development Policies DP15 – Promoting and maintaining affordable housing  
Development Policies DP30 - Landscape Character  
Development Policies DP32 - General design  
Development Policies DP33 - Landscaping  
Interim Guidance Note - adopted by Council on 7th April 2015  
Supplementary Planning Document - Size, Type and Tenure of New Homes  
National Planning Policy Framework (NPPF)

#### **4.0 CONSULTATIONS**

- 4.1 Parish Council – Comments awaited.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Environmental Health Officer – No objection subject to conditions.
- 4.4 Kyle & Upper Ouse Internal Drainage Board – An application for consent from the IDB will be required.
- 4.5 Public comments – Nine objections, summarised as follows:
- Current drainage is inadequate; the system requires upgrading;
  - Flood risk;
  - Highway safety concerns regarding additional accesses and overspill visitor parking exacerbating the existing traffic situation;
  - The design of the proposal is out of keeping with the village;
  - Loss of privacy;
  - Loss of wildlife, hedgerows and agricultural land;
  - The scale of development is too large;
  - Limited public transport and local services would result in increased traffic journeys by future occupants;
  - Loss of view;
  - Loss of property value; and
  - Detrimental impact on the character of the village.

#### **5.0 OBSERVATIONS**

- 5.1 The main issues to consider are: (i) the principle of development; (ii) affordable housing, (iii) design including scale; (iv) flooding and drainage; (v) highway safety; and (vi) ecology.

##### Principle

- 5.2 The site falls outside of Development Limits of Huby, Policy CP4 states that all development should normally be within the Development Limits of settlements, subject to limited exceptions. Policy DP9 states that development will only be granted for development "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).

- 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 relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.4 In the Settlement Hierarchy contained within the IPG, Huby is defined as a Service Village and therefore is considered a sustainable location for development; satisfying criterion 1 of the IPG that proposed development must provide support to local services including services in a village or villages nearby.
- 5.5 The application site is immediately adjacent to the Development Limits of the village and would reflect an extension to the existing built form with properties fronting the main road. Although currently a greenfield site at the edge of the village, there are existing properties on the south side of the road, it is not therefore considered the proposed development would unduly extend into open countryside to the detriment of the form of the village.

#### Affordable Housing

- 5.6 Policy CP9 requires that residential developments of more than 2 units outside of Service Centres should make provision for affordable housing; in the Easingwold sub area this should represent a proportion of 50%. Following the Ministerial Statement regarding affordable housing the threshold for provision in a designated rural area is developments of more than 5 units; in this case the additional three units would be liable for provision.
- 5.7 It is the intention of the applicant to deliver this via financial contribution to be secured via a Section 106 agreement, should the Council be minded to approve the application.

#### Design and Scale

- 5.8 The area is characterised by dwellings within well-proportioned plots, however there is a variety of architectural styles some of which are traditional and others more modern. The proposed house types vary in terms of size, detailing and materials to create interest and prevent a uniform impression. Features such as canopies over the front door and bay windows reflect those already present in the area, while the use of appropriate materials would ensure the proposals are in keeping with the character of the village.
- 5.9 The application proposes eight dwellings, it is accepted under the IPG that in order to be considered small schemes proposals would normally be five units or less, however the guidance does also identify that each application would need to be considered on its merits. As a service village, Huby is capable of accommodating additional dwellings and the number proposed is considered small scale relative to the size of the existing settlement. Previous permissions have been granted for the construction of six other dwellings in the village as part of IPG related proposals, however these are not immediately adjacent to the application site so would not result in a conglomeration of new development in one location. There is no reason to suggest the level of services available in Huby could not support the cumulative growth the application would represent.

- 5.10 Additionally, the proposal offers a mix of house types, including three bedroom units that would contribute to the supply of smaller homes required across the district. It is also noted that the applicant intends to implement the permission within a short timescale and therefore agrees to a reduced time limit for starting works as an assurance any permission would be brought forward within a year. The applicant highlights that the site is considered a preferred option as part of the new Local Plan process, although noted no weight can be given to that at this time.

#### Flooding and Drainage

- 5.11 It is noted that there is currently an issue with standing water on the site during periods of heavy rainfall. The application is submitted with a drainage strategy report that outlines the existing conditions and proposed means of drainage associated with the development. A gravity foul water drainage system is proposed that would link into the existing foul water sewer within the highway to the south of the site. It is proposed to deal with surface water drainage via a soakaway with permeable surfaces to driveways to allow the collection and discharge of water to the proposed pond to be formed to the north of the site, which is at a lower land level than the area on which the houses are to be built. The application is supported by a drainage strategy report, which identifies that an appropriate means of drainage can be achieved on the site, conditions to require further detailed design of such systems would be appropriate.

#### Highway Safety

- 5.12 Objectors have raised concerns about the speed of existing traffic passing the site and obstructions caused by parked cars being exacerbated by the formation of additional accesses and overspill parking from the proposed houses. Notwithstanding this, the Highway Authority has confirmed suitable access points can be formed and appropriate provision for parking and turning within the plots is proposed; therefore subject to standard conditions it does not object to the proposed development. As such, it is difficult to attribute significant weight to those objections.

#### Ecology

- 5.13 Concerns have been raised regarding the potential loss of wildlife on the site should permission be granted. The application was submitted with a phase 1 habitat survey, which identifies no protected species on the site but does make recommendations for further survey work to ensure compliance with the requirements of Natural England in respect of Great Crested Newts. This would include surveys during the appropriate time of year, which was not possible prior to submission of this application; these works could be secured via condition.
- 5.14 The submitted assessment highlights the provision of enhanced and compensatory habitats to the north of the site as a benefit of the proposed application. Loss of wildlife is not therefore considered to undermine the merits of the application.

### **6.0 RECOMMENDATION**

- 6.1 That subject to (a) the satisfactory prior completion of a planning obligation to secure a contribution toward affordable housing; and (b) any outstanding consultations permission 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 LO1, SO1, 10, 11, 12, 13, 14, 15, 16, 17,

18, 19, 20, 21, 22 received by Hambleton District Council on 08/03/17 and drawings numbered 01 Rev A and BA5962LAN received by Hambleton District Council on 05/06/17 unless otherwise approved in writing by the Local Planning Authority.

3. The external surfaces of the development shall not be constructed other than of materials, samples of which have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.
4. No development shall be commenced until an assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, has been submitted to and approved by the local planning authority. A scheme for the remediation of any contamination shall be submitted and approved by the local planning authority before any development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.
5. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (a) All 5 accesses shall be formed with 6 metre radius kerbs, to give a minimum carriageway width of 3.2 metres, and that part of the access road extending 6 metres into the site shall be constructed in accordance with Standard Detail number E6; (b) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway; and (c) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway and shall be maintained thereafter to prevent such discharges.
6. 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 for all 5 accesses are provided giving clear visibility of a minimum of 45 metres measured along both channel lines of the major road (Baston Lane) from a point measured 2 metres down the centre line of the access road. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
7. Unless otherwise approved in writing by the Local Planning Authority, 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: (i) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority: (a) Provision of a 1.5 metres wide footway (adjacent to the site) as per Highway Specification A1 linking with existing footway on Tollerton Road; (b) Relocate Highway Signs as required; and (c) Returf/reseed verge along the whole length of the site; and (ii) A programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.
8. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the

phase: (a) the parking of vehicles of site operatives and visitors; (b) loading and unloading of plant and materials; (c) storage of plant and materials used in constructing the development; (d) erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate; (e) wheel washing facilities; (f) measures to control the emission of dust and dirt during construction; and (g) Any HGV routes.

9. 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.
10. The residential curtilage of the properties hereby approved shall extend only to the northern most boundary line identified on the Site Layout plan (drawing number 01 Revision A) received by Hambleton District Council on 05/06/17 and shall not extend to the red line boundary of the site indicated on the Location Plan (drawing number L01).

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 CP1, CP2, CP4, CP8 and CP17.
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.
4. In the interests of a satisfactory form of development.
5. In accordance with Policy CP2 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
6. In accordance with Policy CP2 and in the interests of road safety
7. In accordance with Policy CP2 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
8. In accordance with policy CP2 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 to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
10. The impact of larger residential curtilages on the character and appearance of the village and the surrounding countryside would require further consideration with particular regard to development plan policies CP16 and DP30 and adopted Interim Planning Guidance.

#### Informatives

1. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.

2. 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 Hambleton District Council - Waste and Streetscene.

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.

3. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in condition 5.