

Parish: Hutton Rudby
Ward: Hutton Rudby
6

Committee Date: 22 June 2017
Officer dealing: Mr Kevin Ayrton
Target Date: 31 July 2017

16/01836/FUL

**Construction of 25 dwellings
At Land to the north of Hutton Fields and The Wickets, Garbutts Lane, Hutton Rudby
For Mr R Baird**

This application is referred to Planning Committee as the proposal is for a major residential development

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is approximately 1.2 hectares in size, located on the western edge of the built up area of Hutton Rudby. It forms part of a wider housing allocation in the Allocations Development Plan Document. The remainder of the allocation is associated with a dwelling, Hutton Fields, within separate ownership. The applicant has confirmed that he has made approaches to the owner of Hutton Fields, who has declined to include the land in the current application. It is not known whether a separate application will be made for the Hutton Fields site. However, no application has been submitted since it was allocated for housing in 2010.
- 1.2 This part of Hutton Rudby largely comprises detached and semi-detached housing from the 1960s and 70s. Properties on Levendale extend along the eastern boundary with their rear gardens backing onto the application site. These boundaries generally comprise a mix of hedgerows and timber fencing. There is also a cluster of semi-detached and terraced housing to the west of Hutton Fields.
- 1.3 There is a recent rural affordable housing development a short distance to the west, on the opposite side of Garbutts Lane. This comprises 16 dwellings at a density of approximately 27 dwellings per hectare. Work is underway on the construction of a petrol filling station and associated convenience store on the site to the south of the application site. Located to the west of the site is a cricket ground with associated pavilion. The land beyond is open countryside.
- 1.4 The site is overgrown in appearance. A minor beck, Hundale Gill, passes through it, adjacent to the boundary of Hutton Fields. The beck accommodates dense scrub, which is also found within the corners and boundaries of the site. Within the site, the scrub and grassland is a slightly more managed, albeit still overgrown. There is an existing field access into the site off Garbutts Lane.
- 1.5 Hutton Fields and its residential curtilage are surrounded by the application site. Its boundaries are relatively open and it is visually distinct from the application site because of its more managed appearance, typical of a residential garden.
- 1.6 The application was originally for 30 dwellings, including 50% affordable housing. However the scheme has been amended and is now for the construction of 25 dwellings, ten of which (40%) would be affordable housing. The mix comprises:

	Size	Number
Market units	4 bedroom	13
	3 bedroom	2
Affordable units	3 bedroom	5
	2 bedroom (bungalows)	5
Total		25

- 1.7 The dwellings would be two-storey, other than five bungalows sited along the eastern boundary and to the rear of Hutton Fields.
- 1.8 A new access is proposed off Garbutts Lane, which would serve all 25 dwellings. The road would extend alongside the beck before wrapping around the curtilage of Hutton Fields, leading to the eastern edge of the site.
- 1.9 The application is supported by several reports including:
- Planning Statement;
 - Design and Access Statement;
 - Statement of Community Involvement;
 - Flood Risk and Drainage Statement;
 - Habitat and Protected Species Risk Assessment;
 - Phase 1 Preliminary Contaminated Land Risk Assessment;
 - Archaeological Desk-Based Assessment;
 - Highway Statement;
 - Viability Appraisal; and
 - Tree Survey

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 None.

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 CP7 - Phasing of housing
Core Strategy Policy CP8 - Type, size and tenure of housing
Core Strategy Policy CP9 - Affordable housing
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 Policy DP1 - Protecting amenity
Development Policy DP3 - Site accessibility
Development Policy DP4 - Access for all
Development Policy DP6 - Utilities and infrastructure
Development Policy DP8 - Development Limits
Development Policy DP10 - Form and character of settlements
Development Policy DP11 - Phasing of housing
Development Policy DP13 - Achieving and maintaining the right mix of housing
Development Policy DP15 - Promoting and maintaining affordable housing
Development Policy DP30 - Protecting the character and appearance of the countryside
Development Policy DP31 – Protecting Natural Resources
Development Policy DP32 - General design
Development Policy DP33 - Landscaping
Development Policy DP43 - Flooding and floodplains
Allocations Policy SH5 – North of Garbutts Lane, Hutton Rudby
Supplementary Planning Document - Open Space, Sport and Recreation – Adopted 22 February 2011
Affordable Housing - Supplementary Planning Document - Adopted 7 April 2015

Supplementary Planning Document - Size, type and tenure of new homes – Adopted September 2015

Supplementary Planning Document - Sustainable Development - Adopted 22 September 2009

National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council - Recommends refusal because of concerns about drainage, density and housing mix. The Council is pleased to see a drainage report but does not know if it will work. Concern is also expressed about the access and visibility splays.
- 4.2 Highway Authority - No objection subject to conditions.
- 4.3 Lead Flood Authority (NYCC) - The additional drainage information satisfactorily addresses the drainage requirements of the site. Further detailed information can adequately be dealt with through condition.
- 4.4 North Yorkshire Police Architectural Liaison Officer - The amended scheme has helped to address some concerns but further improvements could be made to design out crime. A condition requiring full details of crime prevention measures is requested.
- 4.5 Environmental Health Officer - The contaminated land study submitted in support of the application is acceptable; a further survey can be secured by condition.
- 4.6 Northumbrian Water - Further detail of the management of foul and surface water should be secured by condition. (This comment was made before additional drainage information was provided by the applicant.)
- 4.7 SABIC (pipeline management) - The closest boundary of the development site to the Trans-Pennine Ethylene Pipeline is 62 metres and therefore falls within the middle zone of the Major Accident Hazard Pipeline. The developer must seek SABIC's approval for any works within 50 metres of the pipeline before work is commenced.
- 4.8 Durham Tees Valley Airport - No objection.
- 4.9 Public Comment - 83 objections have been received making the following comments:
 - Hutton Rudby is big enough;
 - Potential impact on River Leven and fishing – the development needs to ensure surface water drainage and impact on sewers does not result in pollution to the River Leven;
 - The development will impact on the drainage from properties along Levendale;
 - The development will have a severe impact on the amenity of properties along Levendale;
 - The development will have a detrimental impact on wildlife, hedgerows and trees;
 - The development runs very close to a national pipeline;
 - The site is close to a large poultry farm and will be subject to nuisance created;
 - The entrance to the site is on to a dangerous stretch of road. Visibility is poor;
 - The narrowing of the road reflects too high a density of development;
 - The village needs no further housing, except that identified for older people;
 - Whilst the site is allocated, changes to the surrounding area require the proposal to be reconsidered. Several developments have taken place including the rural housing scheme and the Spar and petrol station;
 - The density of development is too high and not in line with the site allocation;

- The beck running through the site needs to be protected;
- The whole dynamic of the village is changing and the focus is moving away from the centre;
- The village has no bank and the post office is threatened;
- I remain unconvinced that the question of incremental traffic movement onto the main road has been addressed;
- The proposal is for the same number of dwellings on a much smaller plot;
- All the affordable housing is located in one location in Hutton Rudby;
- There are so many properties for sale in Hutton Rudby at this time and houses at Stokesley have not sold;
- With the properties there will inevitably be new children. There are no facilities for children at this side of the village;
- This is the wrong place for a new development;
- The infrastructure of the village will be negatively affected, putting a strain on medical and educational services (the local primary school is already full);
- The character of this part of the village will change;
- The higher density of development has not been justified;
- The design and layout creates a congested built up appearance for this village location;
- The planning inspector allocated the site on the basis that the density of development allowed adequate flood protection measures to be delivered;
- Concerns with the submitted ecology report and the reasoning behind its findings;
- The two-storey dwellings along the frontage are out of keeping;
- The community consultation simply played lip service to the process and did not really engage with the community properly;
- The application is ahead of the Neighbourhood Development Plan which is currently being developed; and
- Object to the reduction in affordable housing.

4.10 Additional comments following the receipt of amended plans:

- Whilst the reduction in density is welcomed, this appears to be at the expense of affordable housing. This is detrimental to the housing mix;
- The density is still too high;
- Drainage provision is still lacking;
- The internal roads are still too narrow;
- The access arrangements are still inadequate; highway safety concerns remain;
- The Council and planning inspector were misled when they were told the site was deliverable;
- Great Crested Newts have been seen in close proximity to the site. This has not been addressed in the ecology report;
- Concerns with the submitted tree survey; and
- The traffic impact assessment has been carried out in isolation.

4.11 Four letters of support make the following comments:

- Full support for the application;
- The village needs new affordable housing;
- The development will not be intrusive as it is on the edge of the village;
- People should have the opportunity to live in the village that they love; and
- This is a good location for housing, close to the new shop.

5.0 OBSERVATIONS

- 5.1 The site is allocated for housing in the Development Plan, so the principle of residential development is not in question. The requirements of the allocation policy, SH5, are:
- i. Development being at a density of approximately 18 dwellings per hectare, resulting in a capacity of around 30 dwellings (for the entire allocation site) of which a target of 50% should be affordable;
 - ii. Housing types meeting the latest evidence on local needs;
 - iii. Steps being taken to ensure that any potential for increased flood risk from Hundale Gill is prevented;
 - iv. Provision of footpath links to nearby recreation areas and the village centre; and
 - v. Contributions from the developer towards the provision of additional school places and local health care facilities as necessary.

(The requirements of part v can now be addressed through the Community Infrastructure Levy.)

- 5.2 As set out in the introduction, the application site is only part of the SH5 allocation, excluding the land associated with Hutton Fields, which accounts for approximately one quarter of the allocation. The applicant has made approaches to the owner of Hutton Fields to include that land as part of the application; however the owner has declined to do so. To date no application has been made on the Hutton Fields site, since its allocation in 2010. This does not necessarily mean that an application will not be made in the future. Were it to do so, the starting point for considering the application would be the development plan and site specific requirements set out in policy SH5. However, the policy does not require that a single application is made for the site in its entirety. Therefore even though the application site does not cover the whole application site, the principle of residential development is supported. The impacts of the reduced site area are considered further below.
- 5.3 The requirements of policy SH5 and other material considerations may be assessed with regard to (i) the proposed design and impact on the character and appearance of the area; (ii) affordable housing provision; (iii) the tenure and mix of housing; (iv) the impact on neighbour amenity; (v) the impact on highway safety; (vi) flood risk and drainage; (vii) the impact on trees; and (viii) the impact on biodiversity.

Design, character and appearance of the area

- 5.4 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.5 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.
- 5.6 The National Planning Policy Framework Planning supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 66 sets an expectation that applicants engage with the local community in drawing up the design of their schemes:

"Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community.

Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.”

- 5.7 The Council’s Statement of Community Involvement, adopted in 2013, requires applications for major development or other proposals likely to have any significant impact to explain how public comments have influenced the chosen design.
- 5.8 The application as originally submitted was accompanied by a Design & Access Statement. The statement describes the site and surrounding area but does not include a detailed assessment of local character immediately around the site. However, it does include a SWOT (strengths, weaknesses, opportunities and threats) analysis and review of the built form. It identifies a more historic core to the village compared with a more formal road pattern in the more recent housing development. The analysis also identified a mix of stone, brick and rendered properties.
- 5.9 The Design and Access Statement goes on to identify the design approach. Key features include:
- The creation of a feature development;
 - Layout to define public and private space;
 - Maintain views out of the site;
 - Use good quality existing vegetation.
 - Create a sense of place;
 - Achieving a harmonious overall development;
 - The exterior walls will include a mix of materials to reflect the local context; and
 - Design of curtilages will be integral to the character of the development to allow the development to integrate with the wider area.
- 5.10 The Design and Access Statement concludes by stating it has explained how the design process has created a new development that embraces the design principles of both the local plan and the manual for streets to deliver a robust proposal that provides new and efficient homes for the residents of Hutton Rudby.
- 5.11 The vision for the proposed development is to create a high quality design solution that is appropriate to its site and locale and the proposed dwellings respond to both the needs and aspirations of the current and future residents of the area.
- 5.12 The Design and Access Statement has been used to inform the assessment of the proposed design. This has also been informed by visits to the site and surrounding area.
- 5.13 The Statement of Community Involvement confirms that the views of the community were sought before the application was submitted by distributing 40 leaflets to residential properties adjacent to the application site; contacting the Ward Councillor and Parish Council; and uploading the leaflet and plans to a consultation website.
- 5.14 The exclusion of the land associated with Hutton Fields introduces layout constraints that would not arise if development were planned over the whole of the allocation site. The scheme as originally submitted was for 30 dwellings (including 50% affordable housing), which met the policy requirement for affordable housing.
- 5.15 However the scheme was amended to 25 dwellings (including 40% affordable housing) in response to concerns relating mainly to the eastern part of the site and the impact of the development on the beck, trees, biodiversity, highways, layout and scale of development. The amendments to the scheme relate mainly to this eastern section where it is proposed to access the site off Garbutts Lane. The reduction in the amount of development allowed for greater scope to address the concerns raised.

- 5.16 The dwellings along the site frontage would sit either side of the access. The spacing allows for the retention of some of the existing trees and planting, which assists with softening the site frontage. The proposed spacing and rhythm of development respond well to the existing character of development visible from the front of the site.
- 5.17 The density and scale of development have been reduced when compared with the originally submitted scheme, including the introduction of bungalows. This results in an improved relationship with the rear gardens of properties adjoining the eastern boundary along Levendale. The introduction of bungalows in this part of the site also results in an improved stretch of development along the internal access road.
- 5.18 The access road crosses the stream at the rear of the site and links to the north western part. This part of the site is less constrained and the layout is reflective of many of the other edge of village areas in Hutton Rudby.
- 5.19 Overall the layout of development is considered to respond positively to the site constraints. The amended scheme has also made better use of the site's existing opportunities, most notably the stream, by keeping it largely open and incorporated as part of the wider green space within the site.
- 5.20 The scale of development is also considered to be acceptable and in keeping with the surrounding character. It is acknowledged that the Site Allocations policy identifies a density of 18 dwellings per hectare. However, the main reason for this was to ensure that drainage could be sufficiently managed. National policy is clear in its requirement for the efficient use of land. The proposed density of development at 21 dwellings per hectare is higher, but it is appropriate for this location. To put this into context, the recent affordable housing development on the opposite side of Garbutts Lane has a density of 27 dwellings per hectare.
- 5.21 The design of the dwellings is considered to be of a good quality. Whilst they are of a traditional form, they include contemporary elements, most notably in the fenestration. This approach would allow the dwellings to integrate with the nearby development. It will be key for the detail and quality of materials proposed to be followed through to construction stage. This can be secured through condition.
- 5.22 The above assessment allows the view to be formed that the layout and design of development accords with the requirements of Policies CP17 and DP32. Whilst the development would have an impact on the character and appearance of the area, this has already been assessed and found acceptable in the allocation of the site under policy SH5.

Affordable housing provision

- 5.23 Policy SH5 sets an expectation that the site delivers 50% affordable housing, although SH5 and Policy CP9 allow for provision to be determined through negotiation taking account of viability. The original submission for 30 dwellings proposed to deliver the 50% affordable housing requirement. However, this meant a higher density of development and officers were concerned that this would compromise other elements of the scheme by culverting the beck throughout the entire site; removing all the landscaping from the front part of the site; highway concerns with the layout and manoeuvrability; and a cramped form of development along the eastern section of the site, which was considered to be detrimental to the character and appearance of the development and the residential amenity of occupiers on Levendale.
- 5.24 The reduced scheme for 25 dwellings proposes to deliver 10 affordable units, comprising five, two-bedroom bungalows and five, three-bedroom houses. These would be sited to the front, east and centre of the site. The main identified housing

need in this location is for two and three-bedroom dwellings, particularly bungalows. Therefore the provision fully accords with the size and type of affordable housing required. However, the case for a reduction in the proportion of affordable housing units to 40% (equates to a reduction of 2.5 units) needs to be considered in terms of viability.

5.25 The applicant's viability appraisal has been evaluated by the District Valuer (DV). The DV has advised that the delivery of 40% affordable housing on the site would leave a surplus (i.e. excess profit) of £549,859. He advises that this could fund an additional two affordable units (i.e. 12 of 25 units) and a financial contribution that would achieve the equivalent of 50% provision. However the applicant has submitted further justification as to why they disagree with this advice. The main areas of disagreement include:

- **Build Costs** – The DV has based their costs on a typical design and specification. They have advised that the scale of development brings it within the likely range of regional housebuilders, who will be able to achieve some economies of scale in procuring materials and labour. In response the applicant claims to be providing a higher quality development compared with what would normally be delivered by a volume housebuilder. They also identify a lack of purchasing power of a smaller housebuilder, which means they are not able to build the development using the figures quoted by the DV. They also identify that the DV has based their build costs on the lower quartile of build costs for Hambleton District, where a median figure would be more a more reasonable approach. The build cost figures used by both parties results in a significant difference of approximately £1,050,000.

If the DV were to apply the median build cost to their appraisal, the difference in build costs would be reduced to £870,000. This is a difference of £180,000.

- **Land Value** – The applicant has provided evidence to demonstrate that their land value is consistent with comparable sites in the locality. This is £110,440 in excess of the land value used by the DV.
- **Developer Profit** – The applicant argues that a 20% profit on GDV is a standard approach to development sites of this nature. This is in contrast to the blended rate of 16.51% used by the DV. This percentage is formed by applying a 17.5% profit on GDV to the market units and 8% of construction costs for the affordable housing units. Were the DV to apply a 20% profit on GDV to the market units, it would result in an increase in costs by £202,212. This equates to a blended rate of 18.7%.
- **Funding** – The funding (e.g. interest rates, exits fees) for small development has been underestimated by the DV. The DV disagrees with this.

The applicant has also argued that the proposed delivery of 40% affordable housing is higher than the level of affordable housing being sought in the emerging Local Plan (30%). However, the emerging Local Plan is still at an early stage and cannot be afforded weight yet.

5.26 The main areas of disagreement that have impact upon the findings of the viability appraisals are in respect of build costs, developer profit and residual land value.

5.27 As set out above, the difference in build costs is significant. There is a degree of sympathy with the applicant's argument that the build cost should be more in line with the median build cost for Hambleton District, particularly when Policy DP32 states "the design of all developments must be of the highest quality". However, the Council

also needs to recognise the comment made by the DV, that the scale of the development brings it within the range of regional housebuilders that are able to achieve greater economies of scale. There is no guarantee that the current applicant would deliver the development, although they have confirmed that it is their intention to do so. The applicant has also confirmed that they have an extensive track record of delivering housing schemes. Were a regional housebuilder to take it on, it is likely that they would re-apply (e.g. different house types, mix, etc.). Were such an application made, the viability (including build costs) would have to be reviewed in determining the application. However, when noting the fact that an application has not been made for residential development since the site was allocated in 2010, it is considered a reasonable basis to accept the median value.

- 5.28 It is considered to be reasonable to apply a 20% profit on GDV to the market units, resulting in a blended rate of 18.7%. This rate has been accepted in relation to other developments in the Stokesley sub area and it reflects the return expected by lenders when providing funding for sub-regional developers. The difference in the residual land value is not as significant. However the applicant's value is lower than others have been accepted in the Stokesley sub area.
- 5.29 It is also recognised that the delivery of 40% affordable housing, which includes bungalows, is an important planning benefit, even though it falls short of the policy requirement.
- 5.30 The applicant and DV are unable to reach agreement on the above points. Having considered both sets of explanations, the Council is sympathetic to the general point being repeated by the applicant that their costs and margins cannot compete with the larger volume housebuilders. The DV has confirmed that they have not taken the personal circumstances of the applicant into account and have undertaken their appraisal assuming a typical developer. The Council is not able to accept all the arguments presented by the applicant, most notably their proposed build costs where there is a significant difference. However, there are areas, as set out above, where a middle ground has been justified. By applying these to the DV's appraisal, the difference is much reduced, to a level that supports the provision of 40% affordable housing.

Tenure and housing mix

- 5.31 The private market housing comprises 13, four-bedroom dwellings and two, three-bedroom dwellings. The affordable housing comprises a mix of five, two-bedroom bungalows and five, three-bedroom houses. Whilst this delivers a mix of dwellings in terms of size, type and tenure, it does not reflect the target mix (applies to developments of 25+ dwellings) included in the Council's Supplementary Planning Document on size, type and tenure of new homes. The supporting planning statement states that 'The current development proposes a mix of type and tenure, including 2, 3 and 4 bedroom detached, semi-detached and terraced dwellings. This is in accordance with the most recent Strategic Housing Market Assessment (SHMA – Jan 2016), which found there to be high demand across all market property types and tenures. As such the mix of dwellings is considered to be entirely appropriate'. The applicant considers that the proposed market mix increases the overall viability of the scheme and allows the provision of more affordable units than could otherwise be achieved.
- 5.32 It is accepted that the SHMA identifies a need for two and three-bedroom units, but also "a notable level of continued need for larger family properties arising from existing growing households and those migrating into the District". The development meets this requirement. Therefore, whilst the development does not accord with the target mix set out in the SPD, it does deliver a mix of dwelling sizes as required by

Policies CP8 and DP13. The degree of conflict with the SPD needs to be balanced against all other planning considerations in particular the ability of the scheme to deliver 40% affordable housing.

Neighbour amenity

- 5.33 The nearest residential properties are:
- Rear elevations and gardens of properties along Levendale adjoining the eastern boundary of the site;
 - A bungalow to the east of the access to the site, which has its side elevation adjoining the site;
 - Hutton Fields located centrally; and
 - Houses at The Wickets, located to the south west of the site, which have their rear elevations adjoining the western part of the site.
- 5.34 The layout has responded well to avoiding adverse levels of overshadowing and overlooking onto neighbouring properties. The introduction of the bungalows along the eastern boundary assists greatly in achieving this. Where the development is closest to existing properties, most notably the south eastern and north western parts of the site (plots 5 and 23 respectively), the fenestration and siting is such that the relationships are considered to be acceptable.

Highway safety

- 5.35 There would be one access to the site to serve the 25 dwellings. Once within the site there is a stretch of the road that narrows, which would assist in keeping speeds low and improve the environment for pedestrians. The footpath on the western side of the access is proposed to be a shared surface. The benefit of this approach is that it would better integrate with the stream and provide a contribution to the internal green spaces.
- 5.36 The on-site car parking provision would comprise a mix of driveway, integrated garage, detached garages, and on-street. The total car parking provision is considered to be acceptable. The Highway Authority has raised no objection subject to several conditions.

Flood risk and drainage

- 5.37 A specific requirement of the Allocations Policy was for any development to ensure that any potential for increased flood risk from the minor beck (Hundale Gill) is prevented. The application has been supported by a Flood Risk and Drainage Statement, which has been the subject of consultation with the Council's drainage officer and North Yorkshire County Council's Sustainable Urban Drainage Systems (SUDS) officer.
- 5.38 Both are satisfied that the proposed development is satisfactory and that the site can be developed with minimal risk from flooding and would not increase flood risk elsewhere. Therefore subject to details, which could be controlled by condition, the proposal would not increase the risk of flooding in the vicinity of the application site or elsewhere in the catchment.

Trees

- 5.39 The present state of the site is overgrown, with some pockets of dense shrubs and tree planting, which include neglected orchard trees. These trees are not considered

to be of a particularly high quality in their own right, however they offer a level of amenity along Garbutts Lane when viewed as a group.

- 5.40 Initially it was proposed to remove the majority of planting, however the amended scheme proposes to retain some of the larger trees to the front of the site between the access and the beck. This would help soften the frontage. Additional tree and hedge planting is proposed throughout the site in order to mitigate the loss of other trees.

Biodiversity

- 5.41 The NPPF and Development Policy DP31 relate to the conservation and enhancement of the natural environment. Planning permission should not be granted for development which would cause significant harm to sites and habitat for nature conservation, together with species that are protected or under threat.
- 5.42 The application is supported by a Habitat and Protected Species Risk Assessment, which confirms that the site comprises semi-improved grassland, tree and scrub and stream. It goes on to consider the risks of development on protected species. It identifies the need to retain and create habitats for bats and otters, including the retention of the stream, tree and shrub habitat; and to restrict vegetation clearance to certain times of the year. The amended scheme would allow these recommendations to be delivered. Full details can be dealt with in an Ecological Management Plan, which could be secured by condition.
- 5.43 An objection has been received from a neighbour making specific comment in respect of Great Crested Newts. The objection included a photo of a newt, which the objector states was seen within 30 metres of the site. A response was sought from the agent and they confirmed that the submitted Habitat and Protected Species survey assessed the likely risk of Great Crested Newts on the site and surrounding area, which concluded "No risk of breeding GCN on site due to absence of standing water. Low risk for foraging habitat". The applicant's ecologist also viewed the photos supplied by the objector and was of the view that it was not possible to confirm from the photo whether it was a Great Crested Newt or not. They also added that the location and date of where the photo was taken could not be corroborated by other evidence.
- 5.44 The National Planning Practice Guidance confirms that assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity. Planning conditions may be appropriate in order to provide for biodiversity managements plans where these are needed. Whilst the objections have been noted, it is considered that the information submitted in support of the application and the response given to queries raised, allows the view to be formed that the proposed development would not cause significant harm to protected species, in accordance with Policy DP31 and the NPPF.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to (i) the satisfactory completion of a planning obligation to secure 40% of units (not less than 10) as affordable housing as defined by LDF policy; and (ii) 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 L001/Rev G, L010, L011, L020, L021,

L030, L030 (alt), L031, L031 (alt), L040, L040 (alt), L041, L041 (alt), L050, L050 (alt), L051, L051 (alt), L060, L060 (alt), L061, L061 (alt), L062, L062 (alt), L070/Rev A, L070 (alt)/Rev A, L071/Rev A, L071 (alt) Rev A, L080, L081 received by Hambleton District Council on the 11 August 2016, 11 November 2016 and 17 February 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. 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 following drawings and details have been submitted to and approved in writing by the Local Planning Authority:
 - (1) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing (a) the proposed highway layout including the highway boundary; (b) dimensions of any carriageway, cycleway, footway, and verges; (c) visibility splays; (d) the proposed buildings and site layout, including levels; (e) accesses and driveways; (f) drainage and sewerage system; (g) lining and signing; (h) traffic calming measures; and (i) all types of surfacing (including tactiles), kerbing and edging.
 - (2) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing (a) the existing ground level; (b) the proposed road channel and centre line levels; and (c) full details of surface water drainage proposals.
 - (3) Full highway construction details including (a) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths; (b) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels; (c) kerb and edging construction details; and (d) typical drainage construction details.
 - (4) Details of the method and means of surface water disposal.
 - (5) Details of all proposed street lighting.
 - (6) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
 - (7) Full working drawings for any structures which affect or form part of the highway network.
 - (8) A programme for completing the works.
5. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority before the first dwelling of the development is occupied.

6. 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: dropped crossing(s) on Garbutts Lane; (ii) An independent Stage 2 Road Safety Audit for the agreed off site highway works has been carried out in accordance with HD19/15 - Road Safety Audit or any superseding regulations and the recommendations of the Audit have been addressed in the proposed works; and (iii) 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.
7. Unless otherwise approved in writing by the Local Planning Authority the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition 6: dropped crossing(s) on Garbutts Lane.
8. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing L001/Rev G. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
9. 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. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning 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 agrees in writing to their withdrawal.
10. 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; (g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and (h) HGV routing.
11. The development shall not be commenced until an Ecological Management Plan (EMP) has been submitted to, and approved in writing, by the local planning authority. The EMP shall include the recommendations set out in the Habitat and Protected Species Risk Assessment, prepared by Penn Associates Ecology Ltd, and received by Hambleton District Council on 11 August 2016.
12. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological

context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design should demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change and urban creep, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document).

13. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.
14. Notwithstanding the submitted details and prior to the development commencing, a scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide details of the species, numbers and locations of planting, all hard surface materials, timescales for implementation and a maintenance schedule. The approved landscaping scheme shall be implemented prior to occupation of any dwelling and maintained thereafter in accordance with the approved details.
15. The development shall not be commenced until a plan has been submitted to and approved by the Local Planning Authority to show all existing trees which are to be felled or retained together with the positions and height of protective fences, the areas for the storage of materials and the stationing of machines and huts, and the direction and width of temporary site roads and accesses.
16. 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.
17. Prior to the development commencing details that show how 'Secured by Design' principles have been incorporated into the scheme shall be submitted for the written approval of the Local Planning Authority and once approved the development shall be implemented in accordance with the approved 'Secured by Design' details prior to occupation or use of any part of the development hereby approved.
18. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development', no fences, gates or walls shall be erected within the curtilage of any dwellinghouse between any wall of that dwellinghouse and a road.
19. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the

approved form.

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. 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. 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 and DP32.
4. In accordance with Policy DP3 and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.
5. In accordance with Policy DP3 and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.
6. In accordance with Policy DP3 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
7. In accordance with Policy DP3 and in the interests of the safety and convenience of highway users.
8. 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.
9. 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.
10. In accordance with policy DP3 and to avoid conflict with vulnerable road users.
11. To ensure that the proposed development will not significantly impact on protected species in accordance with Local Development Framework Policies CP16 and DP31.
12. To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity.
13. To prevent the increased risk of flooding from any sources in accordance with the NPPF.
14. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy CP17 and DP32.
15. To ensure that existing trees within the site, which are of amenity value, are adequately protected during the period of construction in accordance with Local Development Framework Policies CP16, DP31 and DP32.

16. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks in accordance with Hambleton Local Development Framework CP21 and DP42.
17. In the interest of community safety, to reduce the fear of crime and to prevent, crime and disorder in accordance with the provisions of Section 17 of the Crime and Disorder Act 1998,
18. In order to maintain the appearance of the development and secure the proper implementation of the landscaping scheme in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
19. To protect the amenity of the neighbouring residents in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.

Informatives

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

1 x 240 litre black wheeled bin for general waste
1 x 240 litre 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 or by telephoning 01609 779977,

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