

**Parish: Rudby**  
Ward: Hutton Rudby  
**8**

Committee date: 12 October 2017  
Officer dealing: Mr K Ayrton  
Target date: 16 October 2017

**17/01351/OUT**

**Outline application with all matters reserved for five dwellings  
At OS Field 2719, Stokesley Road, Hutton Rudby  
For Mr D Bainbridge**

**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 located on the eastern edge of Ruby and comprises agricultural land. It is rectangular in shape and approximately 0.90 hectares in size. The southern frontage of the site extends along Stokesley Road leading out to Skutterskelfe. This boundary accommodates a mature hedgerow with a small number of trees at the eastern end. There is a small gap in the hedge serving as a field access, opposite the junction to Rudby Lea.
- 1.2 There is residential development to the west of the site, which fronts onto Stokesley Road. The development is predominantly single storey and low density. This frontage development can also be found opposite the site, albeit this changes to a cul-de-sac arrangement, which extends behind the frontage development. Located to the south east of the site is a large cluster of farm buildings. Open countryside is beyond.
- 1.3 Rudby is located to the east of the larger settlement of Hutton Ruby. Whilst separate they have a close relationship, with Hutton Rudby accommodating the majority of services and facilities, which is reflected in their settlement status. Rudby is an Other Settlement and Hutton Rudby is a Service Village.
- 1.4 There are no matters for approval at this stage, with just the principle of residential development being sought. The matters of appearance, scale, landscaping, layout and access would be for a later application if this is approved.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 78/1651/OUT - Outline application for a detached dwelling; Refused 23 February 1978.
- 2.2 88/0969/OUT - Outline application for residential development; Refused 1 February 1989.
- 2.3 89/1333/OUT - Outline application for residential development; Refused 4 October 1989.

## **3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

Core Policy CP1 - Sustainable development  
Core Policy CP2 - Access  
Core Policy CP4 - Settlement hierarchy  
Core Policy CP8 – Type, size and tenure of housing  
Core Policy CP16 – Protecting and enhancing natural and man-made assets

Core Policy CP17 – Promote high quality design  
Core Policy CP21 – Safe response to natural and other forces  
Development Policy DP1 - Protecting amenity  
Development Policy DP3 – Site Accessibility  
Development Policy DP4 - Access for all  
Development Policy DP10 – Form and character of settlements  
Development Policy DP13 – Achieving and maintaining the right mix of housing  
Development Policy DP28 - Conservation  
Development Policy DP30 – Protecting the character and appearance of the countryside  
Development Policy DP32 – General Design  
Interim Guidance Note – adopted by Council on 7th April 2015  
National Planning Policy Framework - published 27 March 2012

### Hutton Rudby Neighbourhood Plan

3.2 The Chair of the Steering Group has confirmed that that it has substantially completed evidence gathering and has developed site selection criteria. Site assessment is on-going and housing priorities have been identified. These are:

- Alignment with HDC's emerging policy on affordable housing proportion;
- The majority of market housing delivered as 2 or 3 bedroom dwellings in line with both need and community preference;
- Some provision of bungalows suitable for older residents; and
- Some provision of community led housing.

The Chair advises that self-build is not a priority housing type based on the findings of the Group's evidence base.

Key future dates are:

- October 2017: Nominate preferred sites and start drafting plan policies;
- December 2017: Complete drafting of plan documents;
- January/February 2018: Statutory 6 week community consultation;
- March 2018: Submit to HDC for review and examination; and
- July 2018: Referendum.

## **4.0 CONSULTATIONS**

4.1 Parish Council – Recommends refusal as this site is not on the preferred list of sites (in relation to the emerging new Local Plan). The Neighbourhood Plan is assessing the housing need in the village, which may not be five large houses. There is no provision for affordable housing which is the most requested in the village. There would be five new entrances onto a busy road out of the 30 mph limit. The Council would like to request a site visit.

4.2 Highway Authority – No objection subject to conditions.

4.3 Environmental Health Officer – No objection subject to conditions.

4.4 Northumbrian Water – The application does not provide sufficient detail of the management of foul and surface water from the development. A condition securing further details is therefore proposed.

4.5 Public comments - 28 letters of objection received making the following comments:

- The proposal should be rejected until the Neighbourhood Plan has been agreed;
- The development does not fit in with the needs of the village;
- Concerns over 5 new accesses onto the main road, in respect of highway safety;
- Housing should be within the village on land currently available;
- Concern over land drainage;
- No affordable housing being delivered;
- Takes agricultural land out of use;
- The development is moving in the wrong direction;
- There is no demand with comparable sized properties currently unable to sell;
- The hill into Hutton Rudby is difficult to negotiate;
- Wasteful use of countryside land;
- It is a ribbon development;
- The site is not a preferred site in the new Local Plan;
- There has been enough development approved in Hutton Rudby to meet demand;
- The development is not small scale in relation to Rudby and would lead to infill development;
- It is unlikely that it will contribute to local services in any measurable way;
- The development will lengthen the eastern boundary to the village into the surrounding countryside. Potential for coalescence with Skutterskelfe; and
- One of the arguments being presented is to provide an opportunity for local builders - the Neighbourhood Plan would meet this requirement, in addition to the delivery of affordable homes.

17 letters of support received making the following comments:

- In favour of supporting small builders;
- If huge developments can be supported in Stokesley, there is no reason to resist a tasteful development in this location;
- There is a shortage of small areas available for self-build opportunities;
- All required services are close by; and
- Extending the 30mph zone may help reduce current speeding.

## 5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development in this location; (ii) the impact on the character and appearance of the surrounding area; (iii) the impact on the amenity of neighbouring occupiers; (iv) the impact on flood risk and drainage; and (v) highway safety.

### Principle

- 5.2 The site adjoins the settlement of Rudby, which does not have any Development Limits. Policy DP9 states that development will only be granted for development beyond Development Limits "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the development plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF) published in March 2012. Paragraph 55 of the NPPF states:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may

support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".

- 5.3 To ensure consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages.
- 5.4 In the IPG Rudby is identified as an Other Settlement. This is in recognition of the relatively small number of services and facilities. Therefore it would need to form a cluster with a Secondary or Service Village or one or more Other Settlements. Where a cluster comprises only Other Settlements, they must have a good collective level of shared service provision in order to comply with criterion 1 of the IPG.
- 5.5 The supporting text in the IPG specifically identifies Hutton Rudby and Rudby as a cluster. This is in recognition of the close proximity of the settlements and links between them. It is noted that some of the objections have identified the need to walk up and down a steep hill between the two settlements. However, this factor has already been taken into consideration when determining that Rudby can be clustered with Hutton Rudby. Therefore it is considered that criterion 1 of the IPG would be satisfied and the principle of development would be acceptable.
- 5.6 There have been several objections, including comments from the Neighbourhood Plan Steering Group, raising concerns that the proposed development is premature and that the proposal does not accord with the findings of the Steering Group and the emerging requirements to be set out in the Neighbourhood Plan.
- 5.7 Paragraph 216 of the NPPF states that decision-takers may give weight to relevant policies in emerging plans according to:
  - The stage of preparation of the emerging plan (the more advanced the preparation, the greater weight that may be given);
  - The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 5.8 In this instance the Neighbourhood Plan is still at a relatively early stage, with a draft plan yet to be published. Therefore only limited weight can be given to it in the determination of this application, which should therefore be determined in accordance with adopted policy and guidance.

#### Character and Appearance

- 5.9 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings. However, this does not automatically mean that five dwellings would be appropriate in every settlement. However, Rudby is considered to be of a form and scale capable of accommodating a development of five dwellings. Therefore even though the village is low down in the Settlement Hierarchy, the proposed development is not considered to change its character or form significantly enough to be harmful. This will of course also be dependent on consideration of the details submitted at the reserved matters stage.

- 5.10 Along with the remainder of criterion 2, criteria 3 and 4 require consideration to be given to the impact of the development on the surrounding natural and built form, including the historic environment. In making this assessment it is noted that the application is in outline form only with all matters reserved. The plans submitted as part of the application are for illustrative purposes only. Therefore, they have been given little weight in forming the recommendation, which focuses on the principle of development.
- 5.11 The shape of the application site and the layout of the residential development to the west of the site provides sufficient confidence that a development that responds positively to the built form could be achieved on the site. Whilst some of the supporting documentation, and indeed the submitted illustrative layout plan, indicates five relatively large dwellings at a very low density of development, it will be important that any scheme submitted at reserved matters stage accords with all policies in the Local Development Framework, most notably policy DP13, which encourage a mix of dwelling sizes and the inclusion of two and three-bedroom dwellings. This will have an influence of the design and layout of development.

#### Residential amenity

- 5.12 The proposed development would be linear in form, with part of it located opposite existing development on the other side of Stokesley Road. There is clearly scope within the site to deliver suitable separation distances to achieve an acceptable level of amenity for current and future occupiers.

#### Highway safety

- 5.13 Access is a matter reserved for further consideration. However, the Highway Authority has considered the principle of development and advised that there is no highway objection, subject to conditions. The development of this site is not considered to have any detrimental impact on road safety.

### **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Five years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
  2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the scale of the proposed dwellings; (b) the layout of proposed building(s) and space(s) including parking areas; (c) design and external appearance of each building, including a schedule of external materials to be used; (d) the means of access to the site; (e) the landscaping of the site.
  3. 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. The crossings of the highway verge and/or footway shall be constructed in accordance Standard Detail number E6. b. Any gates or barriers shall not be able to swing over the existing highway. c. The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
4. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2 metres down the centre line of each access road. 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.
  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 in connection with the construction of the access road or building(s) or other works until details of (i) the provision of a footway on the site frontage linking the site to the existing footway on Stokesley Road; and (ii) a programme for the completion of the proposed work have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.
  6. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the footway on the site frontage linking the site to the existing footway on Stokesley Road has been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 5.
  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 hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority: a. vehicular and pedestrian accesses b. vehicular parking c. vehicular turning arrangements No part of the development shall be brought into use until the approved vehicle accesses, parking and turning areas have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
  8. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.
  9. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals

have been submitted to and approved in writing by the Local Planning Authority for the provision of: a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway b. on-site materials storage area capable of accommodating all materials required for the operation of the site.

10. 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 and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.
11. If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the LPA shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken or the development occupied until an investigation and risk assessment carried out in accordance with CLR11, has been submitted to and approved in writing by the LPA. Where remediation is necessary a scheme for the remediation of any contamination shall be submitted and approved by the LPA before any further 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.
12. Soils shall not be imported onto the development site unless they have been subject to sampling and chemical analysis that demonstrates they are suitable for placement on the site. A soil sampling and analysis scheme, including the number of samples to be taken and parameters tested, shall be submitted to and approved in writing by the local planning authority. Before importation commences the results of the sampling and analysis shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until the approved soil sampling and analysis 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.

The reasons for the above conditions are:

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
4. In the interests of road safety.
5. To ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
6. In the interests of the safety and convenience of highway users.
7. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
8. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

9. In the interests of highway safety.
10. To prevent the increased risk of flooding from any sources in accordance with the NPPF.
11. 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.
12. 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.

#### 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](http://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 7<sup>th</sup> April 2015.