

Parish: Rudby
Ward: Hutton Rudby
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Committee date: 3 May 2018
Officer dealing: Mr K Ayrton
Target date: 7 May 2018

18/00489/OUT

**Outline application for the construction of five dwellings
At OS Field 2719
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 Rudby and comprises agricultural land. It is rectangular in shape and approximately 0.80 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 The matters for approval at this stage are access, landscaping and layout. The remaining matters, i.e. appearance and scale would be for a later application if this is approved.
- 1.5 A similar application was refused at planning committee in October 2017, which is currently at appeal. The current scheme includes the following changes:
- Reduction in the size of the site from 160 metres to 150 metres (10 metre reduction);
 - Inclusion of matters to be determined at outline stage. Previously all matters were reserved; and
 - New landscaping arrangements on the 10 metre strip omitted from the application site.
- 1.6 The supporting covering letter highlights the following benefits that result from the changes:
- Lower visual prominence on the surrounding area.
 - Scheme includes greater separation from the chicken sheds at the nearby farm, comparable to existing properties.
- 1.7 The applicant has submitted a plan, which identifies the density of development in the surrounding area. Having reviewed this plan, it is noted that it should be treated with a degree of caution, as areas have been drawn to include the highway network

(roads, pavement verges, etc), which would account for a fair proportion of the land. Were this to be omitted, the 'dwelling per hectare' calculation would increase. In comparison, the 'dwelling per hectare' calculation for the application site relates solely to the land occupied by the buildings and residential curtilages, it does not include the highway.

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.
- 2.4 17/01351/OUT - Outline application with all matters reserved for five dwellings; Refused by planning committee on the 16 October 2017. The decision to refuse was made against the officer's recommendation to approve the application. The reasons for refusal were:

1. The proposed development incorporates five plots which are generally larger in size than those which characterise this part of the village. The resultant plot ratio is not considered to be an efficient use of the land in this location. The proposed development is considered to fail to accord with the requirements of Criterion 1 of the Interim Policy Guidance as the proposed development fails to reflect the existing built form and character of the village and as such also fails to accord with the requirements of policy DP10 and DP32 which seek to support high quality development which respects the character and form of the settlement.

2. The proposed extension of the village into open countryside is considered to be harmful to both the character and setting of the village of Rudby and to the character of the open countryside which surrounds the village and as such fails to accord with the requirements of the Interim Policy Guidance Note, Criteria 2, 3 and 4 and fails to accord with the requirements of Development Policy DP30 and DP32.

3. The proposed development is in close proximity to a chicken farm which is likely to result in a loss of residential amenity through nuisance from odour, noise and flies contrary to the requirements of Development Policy DP1.

The decision is currently the subject of an appeal.

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 In considering the previous application, the Chair of the Steering Group provided a timetable for the preparation of the Neighbourhood Plan. The Chair has confirmed that the schedule has slipped, and has been updated as follows:

- **End July 2018:** Completion of Neighbourhood Plan drafting
- **Aug/Sept 2018:** Statutory 6 week Consultation
- **Oct 2018:** Submission to HDC for formal review & examination
- **Feb 2019** Referendum

3.3 The Char has confirmed that part of the site has been provisionally selected by the Neighbourhood Plan as a Preferred Site for a mixed housing development (affordable and market) of approximately 15 dwellings. The Chair has highlighted the point that sites have been provisionally selected on the basis that they are suitable and sustainable location for a minimum sized development of 11 homes. This threshold was chosen to ensure the sites delivered a proportion of affordable housing.

4.0 CONSULTATIONS

4.1 Parish Council – Recommend refusal. The need for housing assessed through the Neighbourhood Plan does not support the building of large houses. There is no provision for affordable housing.

There would be 5 entrances onto a busy road out of the 30 mph limit.

4.2 Highway Authority – Considering that the proposed development will have a comparable highway impact to the previously refused scheme, the Highway Authority has advised that their recommendation will be the same as the previous application, which raised no objection subject to conditions.

4.3 SABIC (Pipeline operator) – No observations to make in this instance, as the site is approximately 250m from the pipeline.

4.4 Northumbrian Water – The application does not provide sufficient detail with regard to the managed of foul and surface water from the development. We would therefore suggest a condition requiring the submission and approval of foul and surface water details.

4.5 Environmental Health – Consider that there will be no significant impact on the local amenity. No objection.

4.6 Public comments – Four letters of objection making the following observations:

- The reduction in the site area by 10 metres will have no mitigating effect on the noise experience by potential residents;
- The site is wholly unsuitable for this type of development;

- The site has been identified in the Neighbourhood Plan as a possible site. However this is on the basis that it delivers a mix of dwellings, including affordable;
- 5 self-build plots are not required by the community;
- The development does not comply with the emerging Neighbourhood Plan, which is at an advanced stage;
- Would question the point made in the supporting documentation that there is a shortage of larger houses. A simple search on Rightmove identifies several available properties;

4.7 One letter of support has been received, noting that the development will be in keeping with the properties within this area.

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:

5.3 *"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".*

5.4 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.

5.5 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.

5.6 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. Therefore it is considered that criterion 1 of the IPG would be satisfied and the principle of development would be acceptable.

5.7 It is stated that the site will be made available as 5 self-build plots for which there is a high demand. In contrast, the public observations make reference to the evidence

base for the emerging Neighbourhood Plan, which states that the community does not recognise the need for self-build plots.

- 5.8 There is no doubt that there will be demand for self-build plots on the edge of Rudby in what is an attractive semi-rural location. However, it is not clear that this is necessarily meeting the needs of the local community as highlighted by the Parish Council. There is no planning policy basis that would suggest that this should be a significant planning benefit.
- 5.9 As was the case with the previous application, there have been several objections 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.
- 5.10 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).
- 5.11 In this instance, the Neighbourhood Plan remains at a relatively early stage, comparable to when the previous application was determined. As such it can only be offered limited weight.

Character and Appearance

- 5.12 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.
- 5.13 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 with some matters reserved.
- 5.14 Whilst the previously refused application was in outline form with all matters reserved, the shape of the application site allowed for a clear understanding of the form and layout of development to be formed. In assessing the previous application, officers were satisfied that a development that responds positively to the built form could be achieved on the site. However, it was noted that some of the supporting documents and the illustrative layout plan suggested five relatively large dwellings at a very low density of development. Whilst in outline form, the need for any future development to accord with all policies in the Local Development Framework was

highlighted, most notably policy DP13, which encourages a mix of dwelling sizes and the inclusion of two and three-bedroom dwellings.

- 5.15 At Planning Committee, Members were not satisfied that the size of the site would deliver a development that would be in-keeping with the character and appearance of the area, being generally larger in size than those around it. Members also considered that the resultant plot ratio did not represent an efficient use of land.
- 5.16 This is considered to be a reasonable conclusion based on the requirements of planning policy. This area of disagreement has been discussed in further detail as part of the current appeal, with elements being brought into the current application.
- 5.17 The previous outline application, which had all matters reserved, had the flexibility to reflect policy requirements at reserved matters stage. The current application, which now includes layout, removes this. Therefore consideration can be given to the proposed layout plan. This identifies the footprint of five detached dwellings spread evenly throughout the site. With scale being a reserved matter, it is not known at this stage whether these will be single or two-storey properties. However, it is possible, if some of the dwellings were single storey, that the development could deliver a mix of dwelling sizes, including smaller two and three bed units.
- 5.18 The majority of the mitigating landscape proposed (also a matter for consideration) has been included beyond the red line. The slight complication is that the applicant has advised that the plots would be made available as self-build plots, which suggests that the site would be split into five separate ownerships. The use of a condition worded in a negative form (a Grampian condition) would be a way of securing the off-site landscaping works. The applicant has confirmed that they are aware of this requirement and the responsibility would stay with them.
- 5.19 The land take for five dwellings remains relatively extensive. Members previously formed the view that in the context of the site, which would extend into the countryside, away from the main built form of the village, it would fail to reflect the existing built form and character of the village and the character of the open countryside.
- 5.20 Given that the scheme has not been reduced significantly from that previously refused, Members will need to consider whether the changes have gone far enough for a different view to be formed to that previously.
- 5.21 However, officers remain of the view that the site can deliver a development that responds positively to the built form. Whilst the development will encroach into the countryside, it is read sufficiently within the context of existing development to avoid detrimental impact, most notably the development on the southern side of the main road.

Residential amenity

- 5.22 The proposed development would be linear in form, with part of it located opposite existing development on the other side of Stokesley Road. The proposed layout plan confirms that suitable separation distances to achieve an acceptable level of amenity for current and future occupiers.
- 5.23 In considering the previously refused application, Members noted the proximity of the chicken farm opposite the site when they undertook a site visit. Having regard to policy DP1, which requires (existing and proposed) residential amenity to be considered, Members had concern over the proximity of the farm being harmful, which resulted in an additional reason for refusal.

- 5.24 Environmental Health commented on the previous application and raised no objection. Considering that the reduced site area would now result in greater separation distance from the nearest proposed dwelling to the chicken farm, which is comparable to the existing properties adjacent to the farm and along the eastern edge of Rudby Lea, it is not considered that the proximity of the chicken farm would warrant refusal of the application.

Highways

- 5.25 Access is a matter for consideration. The scheme includes the formation of five individual accesses. However, the Highway Authority has previously considered the principle of development and advised that there is no highway objection, subject to conditions. The conditions will be included in the update report. The development of this site is not considered to have a 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; and (b) design and external appearance of each building, including a schedule of external materials to be used.
 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 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.