

Parish: Huby
Ward: Huby
2

Committee Date : 9 January 2020
Officer dealing : Mr Mark Danforth
Target Date: 28 November 2019
Date of extension of time (if agreed): 13 January 2020

19/02102/OUT

Application for outline planning consent for 8 dwellings

At: Land west of Little Burn, Sutton Road, Huby

For: Mr P Mead

This application is referred to Planning Committee as the proposed development is a departure from the Development Plan

1.0 SITE, CONTEXT AND PROPOSAL

1.1 The application is located beyond the eastern edge of the village of Huby, north of Sutton Road, the road towards Sutton on the Forest, close to the Skates Lane properties.

1.2 The existing access to the site is via a field gate and the boundaries of the site are defined by hedgerows, trees and timber/wire fencing, there is a stable block in the north-east corner. The site is 0.8 hectares in area forming a rectangular shape. It has a road frontage of 120m and is relatively flat at a level of around 24m Above Ordnance Datum.

1.3 The application seeks outline consent for 8 dwellings with all matters reserved.

1.4 The proposal is accompanied with an indicative Master Plan illustrating a mix of dwelling types and size as follows, in order to meet the Council's SPD for Size, Type & Tenure of New Homes;

2 x 2 bed semi-detached houses
1 x 2 bed detached bungalow
2 x 3 bed semi-detached houses
1 x 3 bed detached dormer bungalow
2 x 4 bed detached houses

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 None relevant

3.0 RELEVANT PLANNING POLICIES:

3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP8 - Type, size and tenure of housing
Core Strategy Policy CP3 - Community assets
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP6 - Utilities and infrastructure

Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP13 - Achieving and maintaining the right mix of housing
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP33 – Landscaping
Interim Policy Guidance
National Planning Practice Guidance
National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Parish Council - objects to the proposal on the following basis;

1. The site is beyond the development limits, and starts to 'fill the gap' between Huby and Sutton. It is disconnected from the main settlement.
2. In Part 2 Preferred Options, this site is not a preferred site, and also results in loss of open countryside.
3. The existing footpath to the village from the site is not adequate and does not meet accessibility standards.
4. There are concerns about storm water infrastructure.
5. There is no provision for affordable housing or small dwellings.

The Parish Council would, however, like to acknowledge that the site is not a 'bad' site, and that the applicant is a local and well reputed developer.

- 4.2 NYCC Highways - has no objections subject to conditions relating to discharge of surface water, private access/crossing, turning and parking and the prevention of mud on the highway.
- 4.3 Contaminated Land Officer - no response.
- 4.4 Environmental Health - no objection.
- 4.5 Yorkshire Water - No objections subject to conditions regarding separate systems for foul drainage and surface water run-off.
- 4.6 Natural England - advised no comments to make.
- 4.7 Yorkshire Wildlife Trust - Trust advises that there is insufficient information from which to form a baseline understanding of habitat make-up on site. As such, we have no means of making any realistic assessment regarding impact upon any potential protected species from the proposed development. The Trust recommends that bat and hedgerow surveys are conducted before a planning application can be determined.
- 4.8 Ministry of Defence - has no safeguarding objections to this proposal.
- 4.9 Kyle and Upper Ouse IDB - object to the proposal as the applicant has not applied for consent to the board.
- 4.10 Publicity - There have been two letters of support, from people living in homes built by the applicant, for the project commenting that the applicant builds very good housing and they will appeal to a wide variety of people of all ages. The properties would enhance rather than spoil our village.

A third respondents' letter commenting notes that the road in front of the field floods after heavy rain and part of the field also floods. Several times a year the pumping station becomes blocked more houses will increase blockages.

5.0 ANALYSIS

- 5.1 The main issues to consider are: The principle of development, impact upon the character of the area - including the village and countryside, mix and type of housing, highway safety, ecology, residential amenity, land contamination and drainage other issues.

The principle of development

- 5.2 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. The Development Plan for Hambleton is the Local Development Framework and the emerging Local Plan at this time is no more than a material consideration.
- 5.3 The site falls outside of Development Limits of Huby. Policy CP4 states that all development should normally be within the Development Limits of settlements, subject to limited exceptions. Policy DP9 states that development will only be granted for development "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF). Paragraph 8 'Achieving sustainable development means that the planning system has three overarching objectives,(economic, social and environmental) which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).
- 5.4 Huby is a Service Village within the Settlement Hierarchy set out in policy CP4 and updated by the adopted Interim Policy Guidance (IPG) which provides for a more flexible consideration of new development at the edge of settlements.
- 5.5 The IPG was adopted to enable consistent decision-making in respect of small-scale development in villages with due regard to the NPPF and the spatial principles of the Local Development Framework. It states that "Small scale housing development will be supported in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community AND where it meets ALL of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.

- 5.6 The approach of the IPG is that Service and Secondary Villages are deemed sustainable in their own right and this site is located on the fringe of the main village facilities of Huby. The proposal would be capable of supporting local services and would be in accordance with the aims of sustainable development albeit it is some distance from any of these provisions.

Impact upon the character of the area - including the village and countryside

- 5.7 With regard to the IPG, the development of 8 dwellings is beyond the limit to what may normally be described as small in scale. The proposal indicates a linear development form and the main character of the area is linear development, with dwellings generally being one plot deep.
- 5.8 There is a clear gap between the edge of Huby village, at West Villa, and the start of properties on Skates Lane, and a further larger gap from Skates Lane to Sutton on the Forest. There are residential properties along Bell Lane that extends the residential character south of the village of Huby, however the undeveloped character on the east and north side of Bell Lane is only interrupted by one dwelling and buildings at Sunnyside. The gap between Huby and Skates Lane is important to the character of the area.
- 5.9 This proposal for 8 dwellings between Huby and Skates Lane would erode the openness between the two places and lead to an increased coalescence of Huby and Skates Lane. The land on the south side of Sutton Road opposite the application site also has an undeveloped character, and is the only part of Sutton Road that is undeveloped on both sides of the road. The application site is therefore particularly significant for that reason, and its openness should be protected in accordance with the policies of the LDF.
- 5.10 The proposal is contrary to criterion 2 and 4 of the IPG as it is not small in scale, and would lead to coalescence of Huby and Skates Lane contrary to LDF Policy DP8 v) and DP10.
- 5.11 As noted above the area is rural in character despite the properties on the west of Bell Lane, to the south of Sutton Road and on Skates Lane; the feel of this area is that of an open aspect that is depicted by hedgerows and trees. Allowing 8 dwellings along this section of road would suburbanise the area to its detriment contrary to criteria 3 of the IPG, which requires that development to have no detrimental impact on the natural, built and historic environment.
- 5.12 In the light of the above it is considered that development on this site will be prominent beyond the Development Limits, visually extending into the countryside. Development of this site would impact on the open character, form and appearance of the surrounding countryside. For these reasons the scheme would not comply with criteria 2, 3 and 4 of the IPG and is contrary to CP4 and CP16, DP8, DP10, DP30 and DP32.

The mix and type of housing

- 5.13 The Size, Type and Tenure of New Homes SPD build on the Development Policies Policy DP13 (Achieving and Maintaining the Right Mix of Housing) and has been published to encourage a change in house types and sizes and increase tenure choice, enabling all residents to have access to a decent home which they can afford, and which suits their need.

- 5.14 The SPD details that the Council wishes to improve the new housing offer by enabling the provision of:
- more smaller homes;
 - homes to meet the needs of older people;
 - some shared housing
 - specialist housing;
 - self-build;
 - a wider tenure choice
- 5.15 The locally expressed housing needs in the SHMA identifies a need for 2 and 3 bedroom dwellings and single storey dwellings across the District to meet local needs.
- 5.16 It is considered that the proposal would comply with Policy DP13 in respect of the housing mix submission.

Affordable housing

- 5.17 The proposed properties are to be 'open market sale' with a contribution being offered towards Affordable Housing provision. The applicant has calculated a figure of £210,750, as a commuted sum. Council's Rural Housing Enabler has reviewed the proposal and agrees with the basis of the calculation. A draft planning obligation under s106 of the Act has been prepared that proposes that the sum is paid in two equal parts after the occupation of the 4th dwelling and before the occupation of the 8th dwelling.

Highway safety

- 5.18 There is currently one point of vehicular access onto the site, in the south-east corner, which is to be utilised to serve five of the properties. This shall remain as a private driveway and should not affect any of the frontages planting. A new access is proposed to serve the three remaining properties to the west. Again, this shall be a private drive, around 4.5m wide to allow vehicles to readily manoeuvre, and will result in a short length of hedgerow being removed at the site frontage in order to facilitate this access.
- 5.19 The site is bound to the southern boundary by a high hedge that is to be retained due to the setback being sufficient to allow for visibility splays on a road frontage that is relatively straight. There is also a tarmac footpath which links Huby and Skates Lane, and Sutton on the Forest.

Ecology

- 5.20 The survey submitted with the application advises that development will result in the loss of improved grassland which is heavily grazed by horses. It is reported by the applicant that the hedgerow boundary is not species rich, nor classified as 'important' under the Hedgerow Regulations. It is recommended that the hedge is retained as part of the development apart from the provision of the accesses, this could be required by condition.
- 5.21 There are no records of great crested newts (GCN) but previous work in 2018 by consultants MAB identified a medium population of GCN within central Huby (c. 520m away). There is some habitat connectivity to this population, but this GCN population is restricted to a single pond, and have not dispersed into any of the adjacent ponds, therefore, it is unlikely that any GCN have travelled to the proposed development site.

- 5.22 There is a single mature oak on the southern boundary, which has been identified to contain low bat roosting potential in the form of a crevice within the trunk. It is recommended that this tree is retained as part of the development. If this is not possible further survey effort will be required to rule out use of the crevice by bats.
- 5.23 Mitigation measures are proposed, including clearance of vegetation to any trees/hedgerows should be scheduled to avoid the bird breeding season, bird and bat boxes and the retention of existing hedgerows and trees where possible.
- 5.24 It is considered that the proposal will not be harmful to local ecology if the mitigation measures are implemented and landscaping conditions are applied.

Residential Amenity

- 5.25 Although this is an outline application with only an indicative plan and all matters reserved it is considered that there would be no real harm towards existing neighbouring properties given the intervening distances involved based on the layout plan submitted. The proposed units would be capable of providing sufficient fenestration to each unit without causing harm to residential amenity. Consideration of the amenity issues would form part of any reserved matters application in any case.

Land contamination and drainage

- 5.26 The potential for land contamination of the site is considered to be low according to the agents given its simple use for grazing of horses.
- 5.27 There is no drainage report with the proposal. The application form advises the use of soakaway but there has been no testing undertaken to see if this will be a successful method of drainage of the surface water. The site is elevated from the road therefore run-off onto the road would need to be carefully managed. There is insufficient information in order to determine whether surface water could be discharged at a greater rate than 1.4 l/s/Ha. There appears to be space within the site to install attenuation facilities is required.
- 5.28 Yorkshire Water advise that surface water from the site is not to discharge to the public sewer network, no assessment of the capacity of the public sewers to receive surface water has been undertaken. The developer should note that there are no available sewers in the area which are able to accept any proposed discharge of surface water from this development. If there is an issue with the disposal of surface water storage facilities would need to be included into a drainage strategy as noted above and this could be conditioned.

Other issues

- 5.29 The applicant has forwarded a draft Section 106 that provides the Council with assurances regarding an affordable housing contribution being made. Figures are provided at paragraph 5.17 above.

Planning balance

- 5.30 Overall, this proposal does not meet the requirements of the LDF Policies and no exceptional case has been provided to show why a scheme that fails the requirements of CP4 should be approved.

- 5.31 The scheme is considered to fail the tests of the Interim Policy Guidance and would result in visual intrusion in to the countryside and as such the scheme is contrary to the Interim Policy Guidance.
- 5.32 Consideration has been given to the benefits of providing additional homes, the social and economic gains that can be derived from new housing. This is to be weighed against the harm to the environment as set out above. The Council has a supply of land for housing that meets the housing requirements for a period in excess of 9 years; this is a substantial buffer beyond the 5 year housing land requirement set out at paragraph 67 of the NPPF. Little weight can therefore be given to the benefit of providing additional housing land. Therefore it is considered that the environmental harm substantially outweighs the potential benefits of further housing.

6.0 RECOMMENDATION:

- 6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reasons:
1. The proposed residential development is located outside Development Limits. The proposed scheme would extend built form into the open countryside leading to coalescence, causing a physical and visual intrusion to the area. The proposal is considered to be detrimental to the surrounding open rural character of the countryside. The proposed residential development would cause significant harm contrary to the Hambleton Local Development Framework Policies CP1, CP4, CP16, DP8, DP9, DP10, DP30 and DP32 and the Council's Interim Policy Guidance (IPG).
 2. The economic and social benefits of the proposed dwellings would not outweigh the harm to the landscape and the character of the area contrary to Hambleton Local Development Framework Policies CP1, DP30, DP32 and DP33 together with NPPF policy advice at paragraph 8.