

Parish: Skutterskelfe
Ward: Hutton Rudby
5

Committee date: 06 February 2020
Officer dealing: Aisling O'Driscoll
Target date: 26 November 2019

19/02068/OUT

Application for outline planning permission with access and scale to be considered (all other matters reserved) for a residential scheme of five dwellings

At: OS Field 3100, Stokesley Road, Hutton Rudby

For: Twentydales Limited

This application is referred to Planning Committee as the application site is a Departure from the Development Plan

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 Rudby is a rural village located approximately 5km to the west of Stokesley. It is connected to the settlement of Hutton Rudby, via Stokesley Road, which is located immediately to the south.
- 1.2 The application site is currently an agricultural field on the north east edge of Hutton Rudby. The site is located immediately to the east of an existing residential street, Rudby Lea, which currently forms the built edge of the village. To the east of the site the landscape runs up-hill toward an adjacent farm. Part of the eastern boundary of the site is formed by an existing hedgerow.
- 1.3 This is an outline application with the following matters for approval at this stage; access, and scale. The remaining matters, i.e. appearance, landscaping and layout would be for a later application if this is approved.
- 1.4 Bearing in mind scale is for consideration the application as amended comprises the development of five dwellings as set out below:

Plot 1 : 2 Bed Bungalow
Plot 2 : 3 Bed Bungalow
Plot 3 : 3 Bed Dormer Bungalow
Plot 4 : 4 Bed House
Plot 5 : 4 Bed House

- 1.5 Amendments to the application were made to include an additional footway to the west of the proposed new access road linking the site to the existing footway at Rudby Lea.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 None Relevant to this site.

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 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 Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council – The Council recommends refusal. The application does not comply with Interim Policy Guidelines. It is cumulative development in this part of the Village. Proximity to chicken farm. Inefficient use of such a large plot of land. The access is half way up the bank nearer to a bend in road which could increase the possibility of accidents. Speed monitoring in this area has shown that many vehicles are exceeding the speed limit and the data is available to confirm this. If the application is approved the Council think that the access and possibility of flooding due to run off from this site should not be left to reserved matters but should be looked at now.
- 4.2 Highway Authority – There is a highway drain that runs through the site that was installed about 10 years ago which the Highway Authority will need protecting. A condition is included that will require details to be submitted of how this drain will be protected. A new footway is recommended to be constructed along Stokesley Road to link into the existing footway network. There is a stone plinth with a village nameplate on it which is in control of the Parish Council and as such the applicant will need to discuss the relocation of this feature with them. Consequently the Local Highway Authority recommends approval subject to conditions.
- 4.3 Environmental Health Officer (Contaminated Land) – Possibility of contamination on site and recommend conditions.
- 4.4 Environmental Health (Residential Team) – No objections.
- 4.5 Yorkshire Water - Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make, as the application documents indicate that surface water will discharge to the existing watercourse. Should the drainage proposal change for this application, we would request re-consultation.
- 4.6 NYCC (Archaeology) - Please could I draw your attention to a WWII type 23 pill box which lies near to the southern boundary of the proposed application site. This has been recorded on the English Heritage pastscapes website on:- https://www.pastscape.org.uk/hob.aspx?hob_id=1424405. The building appears to be extant on Google Earth photographs taken in 2007, it is obscured by trees on the latest Google Earth photography. The structure is marked on recent OS maps and has been mentioned in the Preliminary Geoenvironmental Appraisal as a possible pill box. A link to the Pillbox Study Group shows what a type 23 looks like:- <http://www.pillbox-study-group.org.uk/types-of-pillbox/type-23-pillbox/> It appears from the plans that this structure may be outside of the development area but I'm unsure if it has been recognised and would advise that the structure be avoided during development.
- 4.7 Public comments – 43 Representations objecting to the proposed development have been received. The reasons for objection are summarised below:

- Development does not align with village expansion plans.
- Proposals fail to meet needs of the community (too many larger homes), site should be developed with affordable homes and bungalows.
- Self-build plots prevent the use of CIL and as such necessary contributions to local infrastructure.
- Impact of surface water flooding to Rudby Lea.
- Impacts on road safety.
- Local amenities are some distance away.
- Detrimental impact on the natural, built and historic environment.
- The development would have a negative impact on the view and sense of open-ness currently enjoyed by the public.
- Cumulative impact on the area.
- Harmful urbanisation of the area around the village.
- Harmful impact on ecology.
- Increase in noise and disturbance.
- Harmful impact on public views of the Cleveland Hills. Harmful to public views from the Public Footpath.
- Impact on house prices (Note that this is not considered a material consideration).
- Village infrastructure not capable of supporting further development.
- Loss of light to neighbours on Rudby Lea.
- Harmful loss of countryside and detrimental impact on the character and form of the village creating harmful ribbon development on the edge of the village.
- Development is not consistent with the Council's Interim Policy Guidance.
- Poor use of land in terms of efficiency of land use.

5.0 ANALYSIS

- 5.1 The main issues for consideration in this case relate to (i) the principle of additional dwellings in this location outside Development Limits; (ii) an assessment of the likely impact of the proposed dwellings on the character and appearance of the village and the rural landscape; (iii) Heritage matter; (iv) housing mix; (v) neighbour amenity; (vi) highway safety and ; (vii) Drainage.

The principle of development

- 5.2 The site falls outside of Development Limits of Hutton Rudby with the separate village of Ruby not having any Development Limits. Policy DP9 states that permission will only be granted for development in such locations 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 NPPF. Paragraph 78 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. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby".

- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council has adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.

- 5.4 The IPG states that the Council will support small-scale housing development 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.
- 5.5 In the settlement hierarchy contained within the IPG, Rudby is defined as an 'Other Settlement'; within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The site lies in Rudby which is adjacent to the village of Hutton Rudby which is identified in the IPG as a Service Village.
- 5.6 It has been established through earlier permissions that Rudby can be considered to be a sustainable location in the terms of the Interim Guidance. It is clear that the two villages have long been linked economically and socially. Collectively they have churches, a primary school, a pub and a shop. Connectivity is relatively good between the two villages which are readily accessible on foot or bicycle as well as by car.
- 5.7 It is considered that criterion 1 of the Interim Guidance is met.

Character and appearance of the village and the rural landscape

- 5.8 It is important to consider the likely impact of the proposed development with particular regard to criteria 2, 3 and 4 of the IPG. Proposals must be small in scale and provide a natural infill or extension to an existing settlement and also conform to other relevant Local Development Framework Policies.
- 5.9 These criteria require development to be small scale; to respect the built form and character of the village; and to have no detrimental impact on the open character and appearance of the surrounding countryside.
- 5.10 The proposed development is relatively small in scale, at 5 units and as such is considered to accord with the requirements of the Interim Guidance in these terms. The question of cumulative impact has been raised in representations. The approved development on the north side of Stokesley Road, opposite the application site, must be considered.
- 5.11 The site to the north runs along the road frontage whereas the proposed development in the current application runs in depth, away from the road. As such the development is considered not to have a dominating impact on the road frontage. The further extension of the development form to the east, along the road frontage is

relatively minimal and as such limited development will be directly experienced, in the context of the development now on site, to the north of Stokesley Road.

- 5.12 It is considered, that whilst the proposed development must be considered in the light of the earlier approval to the north, the cumulative impact of this development is relatively minimal and does not weigh significantly in the Planning Balance.
- 5.13 Moving to the character and form of the settlement in this part of Rudby, the immediate experience of one passing along the main road is of frontage development. However, it is clear from the approach into the village from Stokesley that the area is characterised by relatively modern housing estate development forms, in particular immediately to the west of the site in Rudby Lea and estate of 15 dwellings of one and a half and two storey dwellings.
- 5.14 The proposed development effectively forms an additional layer of development immediately to the east of Rudby Lea. Concern has been raised that the density of the proposed development is too low and fails to make efficient use of the land. However, this also helps to reduce the impact of the development in what is a transitional zone between the built form of the village and the countryside surrounding the village.
- 5.15 In this case, it is considered that the layout proposed follows the context of the character and form of the village and as such the proposed development is considered to accord with policy in these terms, meeting the requirements of CP17, DP32 and Criterion 2 of the Interim Guidance.
- 5.16 The impact of the proposed development of the character and appearance of the countryside must be considered. The landscape form slopes up to the south and east from the application site, with the site itself sitting in an elbow in the landscape. This, along with the hedgerow, forming part of the eastern boundary allows the view to be formed that this site relates well to the built form of the village and results in limited harm to the character of the countryside surrounding the village.
- 5.17 There is a public footpath that runs east to west to the south of the site, joining the adjacent development at The Grove. This route also connects to Rudby Bank adjacent the Church. The proposed development will have an impact on users of this route as the development will be readily visible to the north of the footpath. This impact is considered to be relatively minimal as the development is on one side of the route only and as such the general character of the route will be retained to some extent.
- 5.18 It is considered that the proposed development is in accordance with Policies DP16 and DP30 and criterion 4 of the Interim Guidance Note.

Heritage Matters

- 5.19 As highlighted in the NYCC archaeology response there is a WWII type 23 pill box located close to the southern boundary of the proposed application site. The pill box, owing to its age, rarity and relevance to the past history of the area is considered to be a non-designated heritage asset. As such and in accordance with the NPPF and the Council's heritage policy contained within DP28, the impact of the proposed development on the setting of the pill box must be considered in the balance of the application. It is likely that the pill box was located, along with a second pill box to the north of the site, to provide oversight of the road. The proposed development will have an impact on the view of the road from the pill box but will have no direct impact on the fabric of the structure. It is considered that the development has a minor impact on the setting of the pill box, but that given its non-designated status this harm

is weighed against other material considerations and in this case the harm is not considered sufficient to warrant a recommendation for refusal.

Housing mix

- 5.20 Development Policy DP13 requires that an appropriate mix of housing, meeting identified local need, be provided through new housing development. The main need in Hambleton is for 2 and 3 bedroom properties, the target mix for which is identified in the Council's Supplementary Planning Guidance as 60%.
- 5.21 The application as amended includes a mix (for consideration at this stage) of dwellings of different sizes and forms. 60% of the dwellings on the site will be two and three bed homes, including 3 bungalows (one dormer bungalow). The identified need in the area is for 2 and 3 bed homes and bungalows and it is considered that the proposed development represents a good mix, meeting locally identified need and as such is in accordance with Development Policy DP13.

Neighbour amenity

- 5.22 Development Policy DP1 seeks to ensure that new development does not unacceptably affect the amenity of residents of occupants of existing developments.
- 5.23 Concern has been raised in representations about the potential loss of amenity through an impact on daylight. The separation distances of the proposed buildings from the boundaries of the houses to the west on Rudby Lea, range from 14m to 30m+. The minimum building to building distance is 21m and this in a gable to gable relationship. Given that the site rises from Rudby Lea across the site to the east, the proposed dwellings will be at slightly higher level than the existing development. However, it is considered that the separation distances are more than adequate to protect the amenity of the occupiers of the adjacent properties, in accordance with Development Policy DP1.

Highway safety

- 5.24 Representations have raised concerns about the formation of the access and the use of the road network in the vicinity owing to recorded road speeds in the vicinity of the application site. The Highway Authority has been consulted on this application and they have raised no issues in terms of road safety. Visibility at the entrance onto Stokesley Road is good and the development is considered to have no significant impact on road safety in the vicinity of the application site. A new connection to the existing footway network to the west of the site will be required.

Drainage

- 5.25 The applicant has submitted a Flood Risk and Surface Water Management Strategy with the application. The site is within Flood Zone 1, in the area of lowest risk of flooding. Concerns have been raised in representations about surface water flooding and in particular the possibility of the proposed development diverting surface water onto Rudby Lea to the west of the application site.
- 5.26 The Environment Agency surface water flood risk maps show areas in Rudby Lea are at risk of flooding from surface water. The Flood Risk Assessment has estimated the run-off rates from the existing field and seeks, through the final design stage to ensure that the development results in no additional run-off from the site, thereby protecting the existing properties on Rudby Lea.

- 5.27 It is considered that subject to details to be submitted at a later stage that the development will adequately protect the existing development from flooding.

Other Matters

- 5.28 Representations have raised concern that the proposed development fails to accord with the requirements of the Neighbourhood Plan. Given the stage of the Plan it is considered that this should not be given any weight in the consideration of this application.
- 5.29 A number of concerns were raised in representations about the potential impact of the proposed development on the ecology of the area with at least one representation raising the question of impact on protected species including Newts.
- 5.30 A Preliminary Ecological Appraisal was undertaken by Naturally Wild which found that the site has low ecological value. The trees on site, and the mature lime tree adjacent to the north-west of the site, should be protected with fencing around the Root Protection Areas. A low level lighting scheme should be implemented. Landscape planting should use native species, or species of known wildlife value, and bird and bat boxes should be installed on trees and buildings post-development. Providing these recommendations are implemented, Naturally Wild conclude that there would not be a significant impact to protected species or habitats as a result of the proposed works. It is concluded that subject to conditions, the proposed development is able to accord with Local Development Framework Policy regarding ecology.

Planning Balance

- 5.31 The proposed development, whilst outside development limits is considered to be located in a sustainable location adjacent to the existing built form of the village. The proposed development is considered to comply with the requirements of the Council's Interim Policy Guidance and is otherwise considered to accord with the Local Development Framework in terms of residential amenity, highway safety and drainage. The minor impact on the setting of a non-designated heritage asset is not considered to weigh significantly against the proposals. Consequently, the proposed development is recommended for approval.

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 be for not more than 5 dwellings.
 3. The development shall have the following housing mix: 2 x 4 - bedroom detached houses extending to approximately 200sqm; 1 x 3 - bedroom detached dormer bungalow extending to approximately 150sqm; 1 x 3 – bedroom detached bungalow extending to approximately 120sqm; and 1 x 2 - bedroom detached bungalow extending to approximately 100sqm.

4. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: design and external appearance of each building, including a schedule of external materials to be used; the landscaping of the site; (d) the layout of the proposed building(s) and space(s) including parking.
5. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.
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:
 - a. Provision of a footway on Stokesley Road
 - (ii) A programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority.
7. 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 following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 6:
 - i) Provision of a footway on Stokesley Road
8. 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: i vehicular, accesses ii. vehicular parking iii. Vehicular turning arrangements iv details how the highway drain running through the site is going to be protected or diverted.
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. 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
 - c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
11. The following land contamination investigation, remediation and verification conditions must be addressed sequentially. The outcome of the investigations will indicate the further site investigation, remediation and verification that may be required. In all instances if contamination is found or suspected at any time during development that was not previously identified all works shall cease and the Local Planning Authority shall be notified in writing immediately. No further development shall be undertaken until a detailed site investigation and risk assessment, having regard to current best practice, has been carried out. Where remediation is necessary a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority before any further development occurs.

No development shall commence until a 'Phase 2' intrusive site investigation and risk assessment, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority.

No development shall commence until a 'Phase 3' Remediation Strategy, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority unless the outcome of the 'Phase 1' Assessment and 'Phase 2 Investigation' shows that remediation is not required.

12. No further development shall commence until the approved remediation scheme has been implemented.
13. In the circumstances that remediation has been required, the development shall not be occupied until a Verification Report, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority.
14. Prior to the commencement of development, except for the initial formation of the access into the site, full details of existing and proposed levels shall be provided in writing to and approved by the Local Planning Authority. These levels shall be provided from a known datum point and shall include all existing and proposed ground levels, road levels, finished floor levels, eaves and ridge levels for the proposed development.

The proposed development shall be implemented in accordance with the approved details.

15. Prior to the commencement of development full details of the proposed foul and surface water disposal shall be provided to and approved by the Local Planning Authority. The development shall then be implemented in full accordance with the approved details.
16. The proposed development shall be implemented in accordance with the recommendations of Naturally Wild as set out in the submitted Preliminary Ecological Appraisal received on 01 October 2019.

The reasons for the above conditions are:-

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990
2. The decision has been made on the basis that no more than five dwellings are being proposed. Any greater amount of development would require further consideration of the impacts of the proposed development.
3. To ensure the development comprises an appropriate mix that is in keeping with the surrounding built form.
4. 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.
5. In accordance with Policy CP2 and DP3 and in the interests of highway safety.
6. In accordance with policy CP2 and 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 CP2 and DP3 and in the interests of the safety and convenience of highway users.
8. In accordance with policy CP2 and DP3 and in the interests of the safety and convenience of highway users.
9. In accordance with policy CP2 and DP3 and in the interests of the safety and convenience of highway users.
10. In accordance with policy CP2 and DP3 and in the interests of the safety and convenience of highway users.
11. To ensure safe development of the site and to protect human health and the environment.
12. To ensure safe development of the site and to protect human health and the environment.
13. To ensure safe development of the site and to protect human health and the environment.
14. In order to protect the character and amenity of the area and to comply with the requirements of Development Policy DP1 and DP32.
15. To ensure that a suitable foul and surface water system is provided in order to ensure that a suitable drainage system is provided.
16. In order to protect the natural environment and to ensure compliance with Development Policy DP28.