

**Parish: Huby**  
Ward: Huby  
**8**

Committee Date: 18<sup>th</sup> November 2021  
Officer dealing: Marc Pearson  
Target Date: 6<sup>th</sup> May 2021

**21/00623/FUL**

**Application for the construction of 1No. detached house and double garage  
At: Land To The North Of The Forge Tollerton Road Huby North Yorkshire  
For: Mr S Knowles**

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

## **1.0 Site description and proposal**

- 1.1 The application is located on the western edge of the village to Huby on the north side of Tollerton Road. The application site sits within a larger field enclosure boundaries of the site are defined by hedgerows, trees and timber fencing. The surrounding context is defined by a variety of modern residential properties to the east located on both sides Tollerton Road. This includes a further planning permission for the construction of a detached dwelling yet to be implemented on the south side of Tollerton Road (ref. no. 20/01600/OUT).
- 1.2 In July 2020 planning permission was granted for the construction of a short terrace of 3 no. two storey dwellings accessed via single access point with garaging for all properties located to the rear (ref no. 19/02169/FUL). The original submission was for 4 no. dwellings but this was reduced to three dwellings and also included a s.106 agreement for tree planting on land to west of the approved dwellings (on the land where the “fourth dwelling” was sited and subsequently omitted).
- 1.3 It is important to note that a concurrent planning application (ref no. 21/01643/FUL) has also been submitted for an alteration of the house types on land immediately to the east. This application seeks to provide planting on part of this application site as that would be secured by a s.106 agreement. The application is pending consideration and is to be heard at same planning committee meeting as this application.
- 1.4 This application seeks permission for the “fourth dwelling” omitted from the 2019 scheme and comprises a two-storey detached dwelling constructed in brick under a pantile roof that would be accessed via an individual driveway off Tollerton Road with a detached garage located to the rear of the plot. The proposal also includes tree planting along the western edge of the site associated with a proposed s.106 proposal for tree planting associated with the adjacent application ref no. 21/01643/FUL.

## **2.0 Relevant planning and enforcement history**

- 2.1 18/01367/FUL - Construction of five dwellings with landscaping, access arrangements and associated infrastructure. Refused September 2018 and dismissed at appeal ref. APP/G2713/W/18/3213272

2.2 19/02169/FUL - Development of 3 three bed terraced houses with garages. Approved July 2020.

2.2 21/01643/FUL - Application for construction of 1no detached dwelling and a pair of semi detached dwellinghouses with a triple garage block to the rear (land to the east, within red line boundary of previously approved application 19/02169/FUL but with change of house types). Pending determination.

### **3.0 Relevant planning policies**

3.1 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 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 Policy DP1 - Protecting amenity

Development Policy DP3 - Site accessibility

Development Policy DP4 - Access for all

Development Policy DP8 - Development Limits

Development Policy DP9 - Development outside Development Limits

Development Policy DP10 - Form and character of settlements

Development Policy DP30 - Protecting the character and appearance of the countryside

Development Policy DP32 - General design

Development Policies DP31 – Protecting natural resources: biodiversity/nature conservation

Development Policy DP33 - Landscaping

Development Policy DP43 - Flooding and floodplains

Interim Guidance Note - adopted by Council on 7th April 2015

National Planning Policy Framework

Size, Type and Tenure of New Homes SPD - adopted September 2015

The Hambleton Local Plan was considered at Examination in Public during Oct-Nov 2020. Further details are available at <https://www.hambleton.gov.uk/localplan/site/index.php>

The Development Plan for Hambleton is the Local Development Framework and the emerging Local Plan is no more than a material consideration. The Local Planning Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF.

## 4.0 Consultations

### 4.1 Huby Parish Council – Object

This application is the latest in a series of four for this site, the first of which was refused along with the subsequent appeal. The reasons for refusal of the appeal were that the houses would spoil the character and appearance of the village, were outside the development limits and were a suitable mix. Although an application for three houses was approved, subsequent applications appear merely to attempt to iterate towards the original application - the reasons for the appeal refusal of which are still valid.

Initial comments set out objection noting:

- a. The building is set further back from the road, the distance being equal to that of 17/00585/FUL
- b. All contractors vehicles are parked within the construction site and not on the highway during all phases of the construction,
- c. Adequate provision is made to remove surface water by a means other than using the foul water sewer.

4.2 NYCC Highways - No objection, subject to conditions regarding the discharge of surface water, construction of private access and verge crossings, visibility splays, provision of approved turning and parking areas, off site highway works and a construction management plan.

4.3 Contaminated Land Officer – PALC now submitted awaiting response

4.4 Yorkshire Water – no response received (expired 29.8.2021)

4.5 Yorkshire Wildlife Trust - no response received (expired 29.8.2021)

4.6 Natural England – No observations.

4.7 Kyle and Upper Ouse Internal Drainage Board – No objection subject to a condition on surface water disposal.

4.8 MOD – No safeguarding concerns

4.9 Site notice and neighbour notification – One observation objecting to the proposal as summarised below:

- Confusion regarding what is proposed given the two concurrent applications. However, all the proposals are located beyond the development limits and the adjacent detached house was refused.
- Concern regarding the relationship and proximity of the proposed building line to the highway and loss of roadside tree.

- The addition of more houses would eventually appear down Tollerton Road, removing the open & rural character of the village.
- Concern about highway safety given the speed of vehicles in the 30mph zone, bend in the road and heavily trafficked route along Tollerton Road. The road is extremely busy with cars, farm machinery & lorries along with cyclists, horse riders & walkers. Given other developments to the east on street parking is becoming an issue creating a slalom effect.

## 5.0 Analysis

- 5.1 The main issues to consider are: (i) the principle of development; (ii) housing, size, type and tenure; (iii) the impact on the character of the village and countryside and natural environment; (iv) residential amenity; (v) highway safety and (vi) flood risk and drainage.

### Principle of Development

- 5.2 Policy CP4 of the Local Development Framework restricts development located in the open countryside. However, following the publication of the National Planning Policy Framework (NPPF), the Council adopted Interim Policy Guidance (IPG) to allow for limited growth in smaller settlements. The IPG allows for a limited amount of new residential development in or abutting existing villages in the countryside, provided certain criteria are met. A revised Settlement Hierarchy now includes Huby within the sub category of "Service Villages". The IPG states "Small scale housing development will be supported in villages where it contributes towards achieving sustainable development by supporting the functions of the local community AND where it meets ALL of the following criteria:
- Development should support local services including villages nearby;
  - Development must be small scale, reflecting the existing built form of the settlement;
  - Development must not have a detrimental impact upon the natural, built and historic environment;
  - Development should have no detrimental impact upon the open character and appearance of the surrounding countryside or lead to the coalescence of settlements;
  - Development must be capable of being accommodated within the capacity of existing and planned infrastructure; and,
  - Development must conform with all other relevant LDF policies.

- 5.3 The principle issue to be determined relates to criterion i), which only allows new development outside Development Limits if it supports local services and as such contribute to sustainable development. Huby is considered to be a secondary village and therefore the proposal is considered to satisfy criterion 1. With regard to the emerging Local Plan Huby is allocated as a secondary village within Policy S3 and therefore the principle of residential development would still be considered acceptable under the emerging policy.

### Character of the Village, Impact on Countryside and impact on natural environment

- 5.4 With regard to criterion 2 of the IPG, development must reflect the existing built form and character of the village. The aim of the IPG is to allow organic growth which reflects the historic development of the village. With regard to the scale of the

development, the proposal for 1 four-bedroom dwelling is considered to be appropriate to satisfy the requirements of the IPG when viewed in isolation. However, consideration must be given to the planning history of the wider site given this application relates to the “fourth dwelling” that was omitted from the previous scheme.

- 5.5 It is also noted that the previous application did not receive officer support on the basis of the context of the surrounding approvals for eight dwellings (already built out) the addition of further dwellings in this part of Huby was not considered to be gradual or incremental growth that is small in scale. However, the application was approved by the planning committee. Furthermore, since the approval of the adjacent scheme for three dwellings an outline planning permission has been granted opposite this site, on the south side of Baston Lane, for a single dwelling. Given this context, the application site would re-present a minor rounding off the built form in this part of the village. In addition, it is noted that the application site would be separated from the property to the west (Oaklands) by c.50m
- 5.6 The layout scale, form, design and appearance of the proposal is considered to be acceptable. Public observations and comments from the Parish Council refer to the alignment of the building line. The proposed dwelling would sit immediately adjacent to the approved and pending application for 3 dwellings and thus raises no concerns in terms of impact on the countryside because the proposal would round off the village envelope in this location.
- 5.7 With regard to criterion 3 of the IPG notes that development must not have a detrimental impact upon the natural environment. It is noted that the existing hedgerow and provides a visual edge to the highway and these are proposed to be retained with the exception of the new vehicle access point. It is noted that a small section of grass verge will be replaced by a footpath that is proposed to connect to development to the east and some highway signage may need to be re-located because of the provision of the footpath.
- 5.8 The Ecological Impact Assessment from the previous proposal is also being used for this application although the previous report is over a year old it is considered that the results would be unlikely to have changed and is suitable for the purposes of this application. No records are evident of great crested newts (GCN) within 2km. Four ponds exist within 500m of the proposed development. Pond 1 and 2 are separated from site by a main road. Ponds 3 and 4 were assessed with Habitat Suitability Index (HIS), both classified as ‘below average’ suitability’. On this basis the proposal raises no ecology concerns.
- 5.9 On the basis of the above it is considered that the proposal would satisfy criterion 2 and 3 of the IPG and would satisfy policies DP32 and DP33 of the LDF. With regard to the emerging Local Plan the proposal is considered to satisfy the relevant parts of Policies S1, HG5 and E1.
- 5.10 Criterion 4 of the IPG notes development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements. Given the location of the application site the development for 3 dwellings would not lead to the coalescence of settlements and would be far enough away (c.50m) from the property to the west (Oaklands) not to cause concern. Furthermore, the application site also includes a landscape belt

along the western boundary that would provide a visual marker to the edge of the village envelope in this location. The applicant has agreed to enter into a s.106 agreement to secure the new location of the tree belt planting. On this basis the proposal is considered to satisfy criterion 4 of the IPG or LDF policies DP30 and DP32. In terms of the emerging Local Plan the proposed development would satisfy Policies HG5, E1, E3 and E7.

#### Residential Amenity

- 5.11 The proposed site layout indicates that the primary elevations would be orientated to face Tollerton Road. Given the separation distance to the properties on the opposite side of the highway the proposal does not raise any amenity concerns. Furthermore, the proposal would be compatible with either the approved development (ref no. 19/02169/FUL) or the current application pending determination (ref no. 21/01643/FUL). On the basis of the above, it is considered that the proposals do not raise any amenity concerns would therefore protect amenity in accordance with LDF Policy DP1. In terms of the emerging Local Plan the proposal is considered to satisfy Policies E1 and E2.

#### Highway Safety

- 5.12 Criterion 5 of the IPG states that development must be capable of being accommodated within the capacity of existing or planned infrastructure. It is noted that NYCC Highways Authority recommends conditions regarding a requirement for the visibility splay, access, parking and turning details and footpath linking to the existing network on Baston Lane. It is also noted that a number public observations relate to highway concerns regarding vehicle speeds along a heavily trafficked route and concern about roadside parking to the east of the site. NYCC Highways raise no concerns and therefore on this basis the proposal is considered to satisfy Criterion 5 of the IPG, through the imposition of suitably worded conditions relating to highway safety, the application would satisfy requirements of LDF Policies DP3 and DP4. In terms of the emerging Local Plan the proposal would satisfy Policies CI 1 or CI 2.

#### Flood Risk and Drainage

- 5.13 The application site is located in Flood Zone 1 where land is assessed as having a less than 1 in 1000 annual probability of river or sea flooding (low probability). The Internal Drainage Board also raises no concern subject to a condition regarding surface water. Whilst Yorkshire Water have not provided a response on this application is noted that they do not raise any concerns relating to the adjacent application subject to conditions on the disposal of foul and surface water. On this basis it considered appropriate to attached similar conditions relating to foul and surface water. Therefore, the proposal is not considered to raise any flood risk or drainage concerns subject to the imposition of conditions recommended by Yorkshire Water. It is therefore considered to satisfy flood risk Policy DP43 of the LDF and emerging Local Plan Policies RM1 and RM2.

## Planning Balance

5.14 The site is considered to be in a sustainable location and would satisfy the requirements of the Interim Policy Guidance. It is considered that the proposed development complies with the relevant Local Development Framework policy in terms of the principle of development, access, design, amenity, highways, ecology and drainage and is otherwise in accordance with local and national policy requirements.

### 6.0 Recommendation

6.1 That subject to (a) the satisfactory prior completion of a planning obligation to secure the provision of tree planting and (b) any outstanding consultations permission is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered HBLK2 A (location and block plan) HBLK3 (floor plans), HBLK4 (roof plan), HBLK5 (elevations front and rear), HBLK6 (side elevations) HBLK7 (garage) received by Hambleton District Council 29<sup>th</sup> October 2021 unless otherwise approved in writing by the Local Planning Authority.
3. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
4. Above ground construction of dwellings shall not be commenced until a detailed landscaping scheme indicating the type height, species and location of all new trees and shrubs has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situated within the curtilage of that dwelling have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
5. Above ground construction shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
6. There must 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.

7. The development must not be brought into use until the access to the site has been set out and constructed in accordance with the following requirements:

- The crossing of the highway verge and footway shall be constructed in accordance with the approved drawing reference HBLK2 Revision A and Standard Detail number E50.
- 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 must accord with the approved details.

8. There must be no access or egress by any vehicles between the highway and the application site 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 the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

9. The following schemes of off-site highway mitigation measures must be completed as indicated below:

- Provision of a 1.5 metre wide footway across the site frontage linking with the existing footway on Baston Lane prior to the development being brought into use.
- Relocation of highway signs as required prior to the development being brought into use.

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority. Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

10. 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 9:

Provision of a 1.5 metre wide footway across the site frontage linking with the existing footway on Baston Lane and relocation of highway signs as required.

11. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users have been constructed in accordance with the approved drawing reference HBLK2 Revision A. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

12. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited to, arrangements for the following in respect of each phase of the works:



- details of any temporary construction access to the site including measures for removal following completion of construction works;
- wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- the parking of contractors' vehicles;
- areas for storage of plant and materials used in constructing the development clear of the highway;
- erection and maintenance of hoardings and security fencing on/over the highway verge & carriageway;
- measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
- contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

13. Prior to development commencing details of the existing ground and floor levels of site and neighbouring buildings and the proposed ground and finished floor levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The levels shall relate to an identified fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

14. Land contamination final recommendation awaited

15. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

16. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP17 and DP32.
3. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP17 and DP32.
4. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
5. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
6. In the interests of highway safety.

7. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
8. In the interests of highway safety.
9. To ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
10. In the interests of the safety and convenience of highway users.
11. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
12. In accordance with policy DP4 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
13. To ensure that the development is appropriate to landscape context in accordance with the Hambleton Local Development Framework Policies CP1, CP4, CP16 and DP30.
14. Land contamination final recommendation awaited
15. In the interest of satisfactory and sustainable drainage.
16. To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.