

Parish: Huby

Ward: Huby

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Committee date: 7th April 2022

Officer dealing: Mr. M. Pearson

Target Date: 28th July 2021

Date of extension of
time (if agreed):

21/01452/OUT

Application for outline planning permission with all matters reserved for the construction of 5no dwellings

At: OS Field 4442, West of Easingwold Road, Huby

For: Mr P and Mrs C Richardson

This application is referred to planning committee as the application is a departure from the Development Plan

1.0 Site, context and proposal

- 1.1 This application heard at the 10th February 2022 planning committee, no resolution was made at the meeting. The applicant has been invited to confirm their offer for affordable housing and this will be reported to the meeting.
- 1.2 The application site is a rough rectangular shaped plot and forms part of a larger agricultural field that sits behind a deep highway verge on the west side of Easingwold Road at the northern end of Huby. The application site is relatively level although there is a slight rise/crest in the highway adjacent to the application site. The application site is defined by a hedgerow with isolated trees along the eastern boundary facing Easingwold Road, a hedgerow along the northern boundary along an agricultural access track and the southern boundary is defined by the boundary to the recently constructed housing development (application ref nos. 18/01175/OUT & 19/01358/REM). Beyond the application site to west and north are open fields, whilst on the opposite side of the highway there are a variety of residential properties that are two storeys in height that sit behind front gardens defined by low walls/fencing and are accessed via individual driveways. To the south are the single and two storey properties associated with application ref nos. 18/01175/OUT and 19/01358/REM.
- 1.3 The application is for outline consent for the erection of five dwellings with all matters reserved. The application submission provides an indicative site layout that illustrates how the site could be developed with five properties accessed via individual driveways together with a landscape tree belt adjacent to the northern boundary.

2.0 Relevant planning history

- 2.1 No planning history for the application site itself but immediately within the same field enclosure to the south is recently completed residential development of 5 dwellings:

18/01175/OUT - Outline application (all matters reserved) for the construction of 5no. dwellings. Approved.

19/01358/REM - Application for approval of all reserved matters (considering access, appearance, landscaping, layout and scale) following outline approval 18/01175/OUT for the construction of 5no. dwellings. Approved.

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.

3.2 The relevant policies are:

Policy S 1 - Sustainable Development Principles
Policy S 3 - Spatial Distribution
Policy S 5 - Development in the Countryside
Policy S 7 - The Historic Environment
Policy HG 2 - Delivering the Right Type of Homes
Policy HG 5 - Windfall Housing Development
Policy E 1 - Design
Policy E 2 - Amenity
Policy E 3 - The Natural Environment
Policy E 5 - Development Affecting Heritage Assets
Policy E 7 - Hambleton's Landscapes
Policy CI 1 – Infrastructure Delivery
Policy CI 2 - Transport and Accessibility
Policy RM 2 - Flood Risk
Policy RM 3 - Surface Water and Drainage Management

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

4.0 Consultations

4.1 Huby Parish Council – Objects on the following grounds

Huby residents have been monitoring the speed of traffic, travelling both ways, at this point for over 12 months (prior to covid pandemic). With deployments at different times during daylight hours, 5% to 10% of all vehicles are found to be travelling above the regulatory 30 mph limit. The driveways come out onto a hill with a blind summit, it is not possible to see traffic coming from the right over the summit when pulling out of the two northern most drives even in a 4x4 and a car from the middle drive therefore there are grave concerns for safety in this area should the proposal go ahead as outline planning shows.

There are still major issues with land drainage, and capacity of sewage in the area.

Huby has already had more houses built than the need identified in the proposed neighbourhood plan.

The hedge and trees planted in 2006/07 by village children and volunteers along the road frontage which was agreed by NYCC, Huby Parish Council and the land owner will be destroyed further if this development goes forward. It is noted that in the outline planning application adjacent to the proposed site included a tree shield to be planted on the north end of the development which has not come to fruition.

- 4.2 NYCC Highways Authority – No objection subject to conditions regarding visibility splay, provision of a footpath along site frontage, access, parking and turning details and a construction management plan.
- 4.3 Yorkshire Water – No objection subject to the imposition of conditions for separate foul and surface water disposal. Also, recommends a condition regarding the protection of the existing water supply that runs through the grass verge adjacent to Easingwold Road.
- 4.4 MOD RAF Linton On Ouse – No safeguarding concerns.
- 4.5 Natural England – No observations.
- 4.6 Contaminated land – Recommends a condition regarding unexpected contamination.
- 4.7 Environmental Health – No objections.
- 4.8 Yorkshire Wildlife Trust – Concerns raised regarding the following:
 - Concerns about nesting birds and ground nesting birds be present.
 - Concerns relating to great crested newts.
 - Concerns relating to hedgerows recommendations – these should be secured by condition where appropriate.
 - Concern regarding biodiversity net gain – request a biodiversity metric to demonstrate how net gains for biodiversity can be achieved on site.
- 4.9 Site notice and neighbour consultation – one neutral observation and seven objections as summarised below:
 - Loss of further countryside around Huby.
 - Strain on local facilities such as the school and doctors' surgery.
 - Impact of further traffic, during construction and once completed.
 - Impact on air quality from vehicles.
 - Concern about parked cars on footpath.

- Concern about visibility given the “brow of the summit” in the highway.
- Concern about sewage capacity.
- Impact on Great Crested Newts known to be in the area.
- Potential loss of trees planted within the hedgerow by local school children.
- Concern about flooding within the field.
- Concern that the previously approved development to the south originally comprised 9 dwellings (reduced to 5 dwelling) and included this site. The development of this site would provide ten units in total.
- Concern that the approved scheme to the south did not provide the landscape planting as agreed.
- Concern that the piecemeal development of the site avoids affordable housing provision.

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 Local Plan policy S3 (Spatial Distribution relates to proposals for housing development. Huby is allocated as a service village within Local Plan Policy S3 and therefore the principle of residential development is considered acceptable.

Housing Size, Type and Tenure

- 5.3 Officers consider that the development of the application triggers the requirements for affordable housing following the approval of adjacent application 18/01175/OUT. Officers consider this is the 2nd phase of development within the same field enclosure. Whilst the agent has confirmed that the land ownership has changed since the approval of application ref. 18/01175/FUL, this does not in the opinion of officers negate the trigger for the affordable housing requirement. Policy HG3 makes a requirement for the provision of affordable housing in designated rural areas unless the scheme is for 4 units or fewer. As the proposal seeks approval of 5 dwellings 30% affordable housing is required. HG3 states:

“Planning permission will be refused for proposal where it appears that a larger site has been sub-divided into smaller parcels in order to avoid developer contributions for affordable housing”

- 5.4 The applicant has subsequently agreed to provide 30% affordable housing to be secured via a s.106 agreement. The agent proposed that

“The applicant is willing to offer 2 affordable housing units on site and a financial contribution of £57,400 in lieu of a third unit. This proposal equates to 30% affordable housing when taken as a whole with the adjacent site (i.e. 10 units altogether) which is compliant with the emerging [now adopted] Local Plan and consistent with the most up-to-date evidence of housing need.

- 5.5 The statement also identifies the applicants preference to provide a pair of semi-detached “Discounted Market Sale” units noting these sold at a discount of at least 20% below local market value and that a larger discount would be applied for Hambleton. The agent states:

“Further to our ongoing discussions, I can confirm that the Applicant is willing to deliver 2no. affordable housing units on site and a financial contribution of £105,200 in lieu of a third unit. This proposal equates to 30% affordable housing when taken as a whole with the adjacent site (i.e. 10 units altogether).

The Applicant’s preference is for a pair of semi-detached properties (as shown on the illustrative layout) to be delivered as ‘Discounted Market Sale’ units (DMS). DMS units are sold at a discount of at least 20% below local market value (although a larger discount would be applied for Hambleton). Eligibility is determined having regard to local incomes and house prices. Provisions should be in place to ensure housing remains at a discount for future eligible purchasers. The government remains very keen to promote DMS as route to home ownership for people on low incomes.”

- 5.6 The agent sets out the proposal for a pair of semi-detached dwellings and a preference for Discount Market Sale (DMS). The Policy HG3 seeks a mix of tenures with one third each of i) affordable rent, ii) social rent and iii) intermediate tenure (such as shared ownership and other affordable home ownership) which could include DMS. The proposal does not meet the full requirements of the Policy HG3 as it relies upon DMS and a commuted sum. The methodology for the calculation of the commuted sum repeats an approach approved elsewhere in the vicinity. The agent also reports that any alternative proposal would be likely to render the development unviable and maintains that they consider the liability should be limited at 1.5 units of affordable housing to be compliant with the new Local Plan.
- 5.7 Policy HG3 allows for an approach that differs from the third splits noted above if viability assessment justifies an alternative approach. In this case no such viability assessment has been submitted. The Local Plan states at 5.46 where viability assessment is required that independent checking at the developers’ cost will be undertaken. Whilst proposing 30% affordable housing the scheme fails to meet the requirements of the adopted policy of HG3. If outline approval is granted it would be necessary to secure the provision of the housing in perpetuity by means of a planning obligation under section 106.

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

- 5.8 With regard to the scale of the development, the proposal for 5 dwellings is considered to be appropriate to satisfy the requirements of Local Plan Policy HG5 (Development in the countryside) when viewed in isolation. However, the application site sits within same field enclosure and immediately adjacent to a recently completed development of five dwellings as noted above. In this context the proposal would represent an increase of ten dwellings in this particular area of Huby. In addition, consideration must be given to the number of recently approved developments within Huby. Since 2015, 67 dwellings have been granted consent 40 of which have been completed. This is a considerable amount of development in the context of the size of the village. Consideration must also be given to the proposed housing allocation of c.28 units – Ref HUB 1 – South of Stillington Road contained within the Local Plan.
- 5.9 The application site is immediately adjacent to the existing built form with properties fronting Easingwold Road. There are existing properties on the opposite side of the road and the indicative site layout illustrates a linear development form. The proposal is considered to satisfy part of the Local Plan Policy S5 test because the application site is adjacent to the main built form but it would not represent incremental and organic growth, rather it would give rise to a sudden, rapid change to provide a total of ten dwellings within the same field.
- 5.10 Local Plan Policy HG5 notes that development must not have a detrimental impact on the character and appearance of the village, surrounding area and countryside or result in the loss of countryside that makes a significant contribution to the character or setting of that part of the village. It is noted that the existing hedgerow provides a visual edge to the highway and this has recently been supplemented by tree planting as noted in the Parish Council response and public observations. The precise details of the access points do not form part of the application submission and therefore it is not possible to assess whether any trees will be lost as a result. Nevertheless, it is likely that some trees may be lost but this can be dealt with at a reserved matters stage should the application be approved.
- 5.11 The initial comments from the Yorkshire Wildlife Trust objecting to the proposal were based on the initial submission documentation. The applicant has subsequently provided updated information which officers consider to resolve the concerns raised relating to the presence of nesting birds and Great Crested Newts, hedgerows (which can be controlled via conditions) and biodiversity net gain. Use of the DEFRA Metric 3 shows that the proposal would provide a biodiversity net gain.
- 5.12 It is also noted that the previous application for nine dwellings (subsequently reduced to five dwellings to exclude the land subject to this application) was considered to have a detrimental impact on the character of the area, whilst the reduced scheme to five dwellings was considered acceptable and was ultimately granted consent. This application sits on land that was previously considered by officers not to be acceptable for development. The proposal is in effect a 2nd phase of development that if approved would provide a total of ten dwellings within the field. Furthermore, the provision of a landscape tree belt along the northern boundary of the development would to a degree help assimilate the development into the area, however, it does not mitigate against the cumulative impact of the ten

units in this particular part of Huby. On this basis the proposal is not considered to satisfy Local Plan Policies S1 HG5, E1, E3 and E7.

Residential Amenity

- 5.13 The indicative site layout shows that the primary elevations would be orientated to face Easingwold Road in a similar manner to the recently constructed development. Given the separation distance to the properties on the opposite side of the highway the proposal does not raise any amenity concerns. It is also considered that any proposal can provide appropriate separation to the side elevation of the property adjacent to the southern boundary. 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 Local Plan Policies E1 and E2.

Highway Safety

- 5.14 It is noted that NYCC Highways Authority recommended conditions regarding a requirement for the visibility splay, access, parking and turning details and provision of a footpath along site frontage. It is also noted that a number public observations relate to highway concerns regarding vehicle speeds, visibility and the blind summit, parked cars, increase in traffic and concern relating to construction traffic. The outline application provides no details of the access arrangements, the matters raised can be controlled through the imposition of conditions recommended by NYCC Highways and through details submitted through the reserved matters submission should outline consent be granted. Furthermore, the parking of vehicles on the highway in an area of unrestricted parking and drivers of parking vehicles on pavements is not a planning matter. On this basis through the imposition of suitably worded conditions relating to highway safety, the application would satisfy requirements Local Plan Policies CI 1 and CI 2.

Flood Risk and Drainage

- 5.15 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). In addition, the Environment Agency surface water mapping does not illustrate any issues with the application site despite references in public observations. It is also noted that public observations refer to issues with foul sewers in the village. Yorkshire Water do not raise any concerns relating to the proposal subject to conditions on the disposal of foul and surface water. In addition, Yorkshire Water refer to mains water supply that travels through the highway verge that needs to be protected and recommends a condition to cover this matter. 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 Local Plan Policies RM1 and RM2.

Other Matters

- 5.16 It is noted that public observation relates to impact on air quality both in terms of vehicle movements once occupied and traffic during the construction phase. The

impact of an increase of five dwellings is not considered to raise any significant concerns relating to air quality.

- 5.17 It is noted that the reserved matters application for the adjacent approved housing scheme did not provide the landscaping belt along the northern boundary as illustrated on the outline approval. This matter was addressed during the course of the that application and is not a matter to be considered as part of this application. However, it is noted that a similar tree belt is proposed along the northern boundary of this application and this can be dealt with via conditions or through the reserved matters submission.

Planning Balance

- 5.18 The site is considered to be in a sustainable location and would satisfy Local Plan Policy S3. However, it is considered this 2nd phase of development if approved would provide a total of ten dwellings within the field enclosure and thus does not satisfy Local Plan policy HG5 and the affordable housing proposed does not meet the requirements of HG3.

6.0 Recommendation

That subject to any outstanding consultations the application be **REFUSED** for the following reasons:

1. The proposed development does not satisfy the requirements Local Plan Policy HG5 because the application would not represent incremental growth.
2. The proposed development is considered to be a second phase of housing that does not provide the required affordable housing mix and no mechanism is in place to secure the required affordable dwellings on the application site and thus fails to satisfy Local Plan Policy HG3.