

Parish: Huby
Ward: Huby
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Committee Date : 12 May 2022
Officer dealing : Mrs Naomi Waddington
Target Date : 8 September 2021
Extension of time: 13 May 2022

21/01775/OUT

**Application for outline planning permission with some matters reserved (considering access) for the construction of two dwellings with domestic garages for both plots (amended drainage details received 01.02.2022)
At: Land To South Of The Acorns, West Of Bell Lane, Huby
For: Mr & Mrs Shorrocks**

The proposal is presented to Planning Committee following a referral from the Planning Consultative Panel at their meeting in February 2022

1.0 Site, context and proposal

- 1.1 The application site forms an 'L' shaped piece of land located on the west side of Bell Lane south of Huby and forms part of the domestic land associated with Barn Cottage and its annexe. The site is enclosed by hedges and fences and is surrounded by existing residential dwellings and curtilages including that to 'The Acorns' to the north, Nook Cottage to the south and Sunnyside across the road to the east. The site is located approximately 100m from edge of the built form of Huby and 200m from the Main Street and is a gap in the cluster of development south of the village. There is a hedge to the roadside and part south boundary. There are three leylandii hedges within the site, understood to have previously enclosed a tennis court. A tree close to the roadside has recently been felled following discussions with Northern Powergrid, along with three smaller trees to the rear of the site. Planning permission has recently was granted in 2021 (and revised approval in January 2022) for a dwelling and garage on the land immediately south of the application site. The site lies within Flood Zone 1.
- 1.2 Outline planning permission is sought for the construction of two dwellings with access considered. As originally submitted an indicative block plan suggested two detached houses, one utilising the existing access serving Barn Cottage and the second having a new access, both with parking in the front gardens, and both with garaging and further parking at the rear of the site served by the existing access. Improvements have been secured to amend the indicative plan to a pair of semi-detached dwellings, removing the space between the dwellings and the parking in the front gardens to achieve a less cramped appearance.
- 1.3 Following consideration by the Planning Consultative Panel on 15 February 2022 Members expressed concern regarding the shared use of the access, lack of space for cars to pass, whether the garages could be turned to achieve better parking provision and had doubts about the future occupation of the dwellings, particularly as the applicant was not at that time registered on the Councils Self Build and Custom Build register. Amended plans have been received showing the existing drive widened to achieve passing, the tandem garage reduced in size to a double car port enabling additional off-street parking on the driveway, and confirmation that the future occupants have now registered on the self-build register.

- 1.4 The application is submitted with a Planning Design and Access Statement, Ecological Appraisal and Arboricultural Survey with Arboricultural Impact Assessment, Method Statement and Tree Protection Plan.
- 1.5 Since the application was considered by the Planning Consultative Panel the new Hambleton Local Plan has been adopted on February 22nd, 2022, and the proposal is now considered against a different set of policies to when the application was considered by the Planning Consultative Panel.

2.0 Relevant planning and enforcement history

i) Application site:-

- 2.1 77/1645/OUT Outline application for the construction of a bungalow. REFUSED 25.08.1977 for the following reasons:-

1. In the opinion of the LPA the construction of a bungalow as proposed would represent an intensification of sporadic development between the villages of Huby and Sutton on the Forest.
2. The proposal if approved would be likely to give rise to further similar applications for development of a sporadic nature because of the precedent created, which would be difficult for the LPA to resist.

ii) Adjacent site to the south:-

- 2.2 21/00181/FUL Construction of a detached dwelling house with detached garage, associated parking and new access to the public highway. GRANTED 06.04.2021.
- 2.3 21/02598/FUL Revised application for construction of detached dwelling GRANTED 19.01.2022

3.0 Relevant planning policies:

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

Policy S 1 - Sustainable Development Principles
Policy S 3 - Spatial Distribution
Policy S 5 - Development in the Countryside
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 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

4.0 Consultations

- 4.1 Huby Parish Council - Object citing concerns over the access to the proposed garages using a driveway belonging to an adjacent property and that access is one of the matters reserved.
- 4.2 Highways – Recommend conditions in relation to the new access and verge crossing, visibility splays, provision of approved access, turning and parking areas, and submission of a construction phase management plan.
- 4.3 Yorkshire Water - Recommend condition in relation to disposal of surface water and advise a water main may be affected by the access to plot 2, which can be diverted. (This access has been deleted from the scheme).
- 4.4 Environmental Health (contaminated land) – Recommend conditions.
- 4.5 Kyle and Upper Ouse Drainage Board – No response received (expired 06.09.21).
- 4.6 DIO Safeguarding - RAF Linton on Ouse - No response received (expired 06.09.21).
- 4.7 Site notice posted and expired 17.09.2021.
- 4.8 Public comments – site notice displayed and neighbours consulted. No public representations have been received.

5.0 Analysis

- 5.1 The key determining issues for the planning application are: i) the principle of development; ii) design; iii) access/highway safety/infrastructure/drainage; iv) residential amenity, v) housing mix, and vi) biodiversity.

The principle of development

- 5.2 Policy S1 sets out Sustainable Development Principles. Policy S3 Spatial Distribution identifies Huby as a service village. Policy S5 relates to development in the countryside and defines countryside as ‘land outside the existing built form of a settlement identified in the settlement hierarchy in policy S3: Spatial Distribution’. Policy S5 defines the built form as ‘the closely grouped and visually well related buildings of the main part of the settlement and land closely associated with them’. The policy lists exclusions to “built form” which include:
 - a. any individual building or group of dispersed buildings or ribbon developments which are clearly detached from the main part of the settlement;
 - b. any ribbon development attached to the main part of the settlement where the buildings relate more to the surrounding countryside than to the main part of the settlement;
 - c. gardens, paddocks and other undeveloped land on the edge of the settlement where this land relates more to the surrounding countryside than to the main part of the settlement’.

- 5.3 Policy HG5 relates to windfall housing and supports proposals for housing development within the main built form where the site is not protected for its environmental, historic, community or other value, or allocated, designated or otherwise safeguarded for another type of development. The policy also offers support to housing development adjacent to the built form of Service, Secondary and Small Villages where the proposal demonstrates that:
- a. a sequential approach to site selection has been taken where it can be demonstrated that there is no suitable and viable previously developed land available within the built form of the village; and
 - b. it will provide a housing mix in terms of size, type and tenure, in accordance with the Council's Housing and Economic Development Needs Assessment (HEDNA) and Strategic Housing Market Assessment (SHMA) or successor documents. This support is provided if the proposals represent incremental growth of the village that is commensurate to its size, scale, role and function, do not result in the loss of open space that is important to the historic form and layout of the village; and have no 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
- 5.4 Huby is characterised by fairly tight knit development along Main Street, extending south along Tollerton Road and the northern section of Bell Lane, and to the north along Gracious Street, Stillington Road and Sand Lane, with various smaller offshoots of development from these main routes. Further south along Bell Lane the character of the development changes, becoming more dispersed along Bell Lane and Sutton Road, and representing development within the countryside rather than within the village. The cluster of buildings close to The Acorns is separated from the main part of Huby by fields on both sides of Bell Lane. Notwithstanding that outline planning permission was granted in 2021 for residential development in part of the field immediately attached to the built form on the west side, the location of the application site remains part of a group of dispersed buildings detached from the built form of Huby. Development in this location is contrary to the provisions of policies S1, S3, S5 and HG5 of the Hambleton Local Plan.

Design

- 5.5 Policy E1 Design requires all development should be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and help to create a strong sense of place. The National Planning Policy Framework Planning supports this approach. Paragraph 124 states "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."
- 5.6 The application is submitted in outline form with access only considered at this stage. The revised indicative plan shows two dwellings, both served by the existing private drive, which is to be widened to the south side enabling vehicles to pass. The proposed two dwellings are to be linked together to give the appearance of larger single dwelling rather than a pair of dwellings that are cramped. Existing hedges to the east roadside and south boundary are to be retained. The rear

shared garage has been reduced in size to provide additional off-street parking to the rear. Leylandii hedges within the site are to be removed. There are no heritage assets within the vicinity of the site. The indicative details would be acceptable under the terms of the design policy.

Access/highway safety/infrastructure/drainage

- 5.7 The Local Highway Authority has no objections and conditions are recommended. It is noted that the Parish Council have objected on access grounds. Contrary to the Parish Council comments access is being considered at this outline stage rather than reserved matters, and whilst the proposed access to the dwellings is outside the red edge indicating the application site, it is within the blue line indicating land under the applicants control and is therefore acceptable. The amended plan shows the garage reduced in size, amended to a car port, and providing greater off-street parking for both dwellings along the driveway to the car port.
- 5.8 Policies RM1, RM2, RM3 sets out the requirements in relation to water supply, drainage, and flood risk. The site is in Flood Zone 1 and is therefore considered to be at the lowest risk of flooding. The application form shows surface water to soakaway, and Yorkshire Water have recommended a condition. Both the agent and Yorkshire Water are aware that soakaways were found ineffective at the adjacent site to the south where a controlled discharge to the combined sewer was approved. This can be addressed by condition for future discharge.

Residential amenity

- 5.9 Policy E2 requires proposals to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings. Paragraph 127 of the NPPF requires a high standard of amenity for existing and future users of development.
- 5.10 The proposed dwellings are a satisfactory distance from adjacent dwellings and are not considered to have unneighbourly impacts. The proposal is considered to afford an acceptable level of amenity for future occupants and is not considered to result in harm to existing levels of amenity afforded to neighbours.

Housing mix

- 5.11 Policy HG2 require all new residential development to assist in the creation of sustainable and inclusive communities through the provision of an appropriate mix of dwellings in terms of size, type and tenure of homes. The proposal relates to two dwellings. The application form refers to 'Self Build and Custom Build' units and refers to two dwellings with unknown number of bedrooms. The submitted Planning, Design and Access Statement does not make reference to Self Build and Custom Build, however it comments at paragraph 5.1.11 'the Size, Type and Tenure of New Homes SPD relates in the main to market housing', and at paragraph 7.1.2 'Whilst the application is submitted in outline only, it is likely that the proposed dwellings would be family homes of 3 bedrooms or more. It would not be possible to deliver a policy compliant housing mix on a development of the size proposed'. Paragraph 7.1.3 refers to other recent developments within Huby stating 'Each of these applications has delivered a policy compliant mix and range of housing and it would

therefore be unreasonable to suggest that the proposed development would unbalance the local housing market’.

- 5.12 At the time of submission no information was submitted to support the proposal as a Self-Build/Custom Build project. Subsequently the agent has advised the two dwellings are for two of the applicant’s adult children, one of whom has three children and the other has two plus a stepchild, and advises two four bedroomed dwellings are required. Since being considered by the Planning Consultative Panel the agent has advised that the future occupants have now registered on the self-build register. Policy HG2 relates to delivering the right kind of homes requiring all new residential development should assist in the creation of sustainable and inclusive communities through the provision of an appropriate mix of dwellings in terms of size, type and tenure. Paragraph 5.33 of policy HG2 states “The policies of this plan are intended to be supportive of small-scale residential development in rural areas, which the Council considers the most likely route for delivery of self and custom build plots that match the preferences of those interested in these homes”.
- 5.13 The application was submitted in July 2021, intended future occupants were placed on the Self and Custom Build Register in February 2022. Whilst policy HG2 is supportive of the delivery of self and custom build plots in rural areas, these must be in sustainable and inclusive communities, which the application site is not. The submitted housing mix of 2 x 4 bedroomed homes does not meet the housing mix required by policy HG2, however this may be acceptable as a self-build project.

Biodiversity

- 5.14 Policy E3 The Natural Environment requires all proposal to demonstrate a net gain for biodiversity. During the course of this application two trees have been felled which the Local Planning Authority had negotiated to retain. Section 4.2 of the submitted Ecological Appraisal prepared by Quants Environmental dated June 2021 suggest some measures that may improve biodiversity including native hedge planting in gaps, bat bricks, house sparrow bricks, and hedgehog gaps in any new fencing. In addition a Biodiversity Net Gain Assessment has been submitted using the DEFRA Biodiversity Metric calculations. The scheme has been amended to include a 40m hedge to the western boundary, and the planting of 30 urban trees on land to the west of the application site under the applicants’ control. These measures demonstrate a net gain for biodiversity.

Planning Balance

The application site is located outside of the built form of a defined settlement within a countryside location and is not adjacent to the built form. Residential development in this location would be contrary to the principles of sustainable development, harmful to character and appearance of the countryside, and contrary to the provisions of policies S1, S3, S5 and HG5 of the Hambleton Local Plan.

RECOMMENDATION:

- 6.1 That subject to any outstanding consultations the application be **REFUSED** subject for the following reason(s)
 1. The application site is located outside of, and not adjacent to, the built form of a defined village and is therefore within a countryside location. Residential development in this location would be contrary to the principles of sustainable development, harmful to character and appearance of the countryside, and contrary to the provisions of policies S1, S3, S5 and HG5 of the Hambleton Local Plan.