

Parish: Rudby
Ward: Hutton Rudby
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Committee Date : 09 June 2022
Officer dealing : Aisling O'Driscoll

Target Date: 17 December 2021
Date of extension of time (if agreed):

21/02530/REM

**Reserved matters application attached to Planning Application 20/00121/OUT-
construction of 1no. dwellinghouse as amended by drawings received 01.02.2022
(Floor Plans and Elevations) and 07.02.2022 (Site Layout).
At: Land North of Hill Top Blue Barn Lane Hutton Rudby North Yorkshire
For: Mr Clarke.**

**The application is brought to Planning Committee following a resolution to defer
the matter for a site visit and further information.**

1.0 Update

- 1.1 The application was considered at the March Planning Committee and was deferred to allow a site visit to be undertaken. Additional information was requested with regard to:
 - The dimensions of the proposed development
 - The proximity to the Trans-Pennine Ethylene Pipeline
- 1.2 Since Planning Committee the issue of Nutrient Neutrality has also been raised and the applicant has submitted additional information on this issue.
- 1.3 The applicant has submitted a dimensioned drawing to be presented to Members, to better understand the scale of development proposed. At the Committee visit the corners of the proposed development had also been pegged out on the site to assist with the understanding of the dimensions of the property.
- 1.4 The site falls within the Tees River catchment and is caught by the issue of nutrient pollution resulting from the impact of nitrogen on the River Tees and Cleveland Coast Special Protection Area. The identified cause of the eutrophication of the River Tees is excess nitrogen that is finding its way into the River Tees catchment from agriculture, surface water run-off and sewage works. At this time new development must not result in any additional nitrogen being emitted into the catchment.
- 1.5 In order to be able to approve the development, Members must be satisfied that the development is neutral in its nitrogen impact and the development assessed against the Habitat's Regulations.
- 1.6 In this case the protected site is the Tees Ramsar and SPA site and Natural England has specifically cited the issue of nitrogen impacting of the site and causing the growth of blanket weed across the mudflats, which is impacting on plant and wildlife as a result.

- 1.7 The proposed development could impact by way of introducing additional nitrogen to the catchment and as such is considered to fall within scope. On this basis it must be demonstrated that either the proposal results in a net 0 nitrogen impact or that sufficient mitigation can be put in place to offset the net additional nitrogen from the site.
- 1.8 A Nitrogen Calculator has been developed by Natural England for use by Local Planning Authorities, Developers and others, to calculate the nitrogen load from proposed development.
- 1.9 The calculator takes into account the existing and proposed land uses along with the performance of the sewage disposal methodology, be it a local sewage works or a package treatment plant.
- 1.10 In discussion with Natural England it is clear that it is appropriate to use the certificated performance of a specific treatment plant in assessing the nitrogen output of the plant.
- 1.11 In this case the site is currently a cereal field, which would have resulted in relatively high levels of nitrogen run off owing to fertiliser being spread on the field. As such the removal of the agricultural use results in a reduction in nitrogen.
- 1.12 If the new development is simply connected to mains drainage, the reduction in nitrogen from taking the field out of agriculture, is not sufficient to offset the nitrogen generation from foul and surface water from the proposed development. As a result, the applicant has sought an alternative to mains drainage, using a particularly high performing package treatment plant. When tested through Natural England's Nitrogen Calculator, this demonstrates that overall, the development results in less nitrogen emitted from the site than the current situation.
- 1.13 Officers have discussed this with Natural England and are satisfied that the certification of performance of the treatment plant from the supplier is sufficient to allow us to assess the application under the Habitats Regulations.
- 1.14 On application of the performance of 10mg Total Nitrogen / litre within the calculator, taking into account the benefit of taking the parcel of land concerned out of cereal production, the calculator demonstrates that the proposed development achieves a net 0 nitrogen output.
- 1.15 It is therefore considered that the requirements of the Habitat Regulations have been achieved and it has been proven that the development will have no additional nitrogen impact on the protected site.

2.0 Site, Context and Proposal

- 2.1 The application site is located at the western edge of Rudby to the North side of Blue Barn Lane and to the west of the existing dwelling "Hilltop". The site is bordered to the south by hedgerow and to the east by fencing and hedging. To the north and west are open fields.
- 2.2 Blue Barn Lane is predominantly residential in character with two housing developments to the south side and further individual dwellings extending the built

form to the west. To the east and south east is the remainder of the settlement of Rudby with Hutton Rudby further to the south.

- 2.3 The site has outline consent with all matters reserved for a single dwelling. The permission is conditional that the dwelling be no more than one and a half stories in order to limit the overall height of the proposed development to protect the character and appearance of the area. This application is a reserved matters application considering access, layout, scale, appearance and landscaping.

3.0 Relevant Planning History

- 3.1 20/01349/OUT - Outline application with all matters reserved for the construction of 2no. dwellings - Refused and dismissed at appeal
- 3.2 20/00121/OUT - Application for Outline Planning Permission with all matters reserved for the construction of 1no. dwellinghouse - Granted

4.0 Relevant Planning Policies

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 out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

Local Plan Policy E1: Design

Local Plan Policy E2: Amenity

Local Plan Policy E3: The Natural Environment

Local Plan Policy S1: Sustainable Development Principles

Local Plan Policy S5: Development in the Countryside

Local Plan Policy HG5: Windfall Housing Development

Local Plan Policy RM3: Surface Water and Drainage Management

Local Plan Policy RM2: Flood Risk

National Planning Policy Framework

5.0 Consultations

- 5.1 Parish Council - Rudby Parish Council recommend refusal on the basis that the proposed design does not comply with the IPG in relation to the character and appearance of the area and on safety grounds in relation to the proximity to the Trans-Pennine Ethylene Pipeline and increased occupancy of a larger dwelling.
- 5.2 SABIC - Should planning consent be granted, we would require to be consulted by the developer prior to construction commencing on the site to agree a method statement and ensure that our standard conditions for work in close proximity to the pipeline are met. The developer would need to get approval from ourselves for any fencing activities within 50m of the pipeline.
- 5.3 EHO Contaminated Land - No comments
- 5.4 EHO - No objection

5.5 Public Comments - As the proposal was advertised several times 24 letters of objection were received from 11 individuals raising the following issues:

- Proposal is outside of the scope of the outline permission
- Design of the dwelling
- Scale of the dwelling
- Similar scale to the previously refused application for 2 dwellings
- The height of the proposed dwelling is similar to a two storey dwelling contrary to the outline condition requiring maximum 1.5 storeys
- Scale out of character to the plot/area
- Increased pollution from additional cars due to size of dwelling
- Overdevelopment of the plot
- Proximity to the southern boundary
- Large bulky design out of character with the area
- Property is similar in height to a two storey dwelling when the outline stipulates 1.5 storeys
- Impact on neighbour amenity
- Overlooking/loss of privacy
- Limited amenity space for the proposed dwelling
- Impact on the character of the area
- Proximity to the Trans-Pennine Ethylene Pipeline
- One large dwelling will have similar occupancy to the two smaller refused dwellings next to the Ethylene pipeline
- Proximity of pool and drainage excavations to the Ethylene Pipeline
- Potential subdivision of a large property adjacent to the pipeline
- Weight to be given to the Local Plan
- Does not meet the criteria set out in the IPG
- Drawings are poor quality/inaccurate
- Orientation of the driveway to Blue Barn Lane
- Draft neighbourhood plan shows need for smaller properties
- The applicant did not engage with neighbours prior to application
- Sabic has made recommendations on the types of trees that can be planted
- Loss of view/spoils the view across the fields

6.0 Analysis

6.1 The outline permission was granted for a single dwelling with all matters reserved. This application therefore considers the remaining matters of access, appearance, landscaping, layout and scale. The main issues to consider therefore are: design and impact on the character of the area, amenity, and highways safety. It should be noted that the outline application was considered under the LDF and Interim Policy Guidance. On the 22nd of February 2022 the Local Plan was formally adopted and therefore this Reserved Matters application must be considered against the new policies of the Local Plan.

Design and Impact on the Character of the Area

6.2 Policy E1 of the Local Plan states that 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.

6.3 Condition 10 of the outline permission states: The development hereby approved shall be for a dwelling of not more than one and a half storeys. Accommodation may

be included within the roof form. The reason for the condition was to limit the overall height of the proposed development to protect the character and appearance of the area. The proposal is for a large single dwelling with dormer windows to the front and rear. The height of the dwelling at 7.3 metres is above that of a typical bungalow, however, it has been designed to appear as a 1.5 storey dwelling. This height is due mainly to the size of the footprint which directly impacts the pitch of the roof and the overall height.

- 6.4 During the life of the application several amendments were made to the design of the dwelling to address issues of massing and impact on the area. The front elevation now shows the main part of the dwelling at 7.3m with the integral garage offshoot, with accommodation over, to the eastern side measuring 6.2m to the ridge. The higher part of the dwelling therefore will read as the main dwelling with the garage stepping down as an ancillary offshoot. In this way the massing of the property as viewed from Blue Barn Lane is reduced from the original submission.
- 6.5 Whilst the proposed dwelling is large and includes 5 bedrooms with large dressing areas/ensuite bathrooms it is considered that the overall scale and mass would not be so harmful to the character of the area that it would warrant a refusal of planning permission.
- 6.6 The dwelling is to be finished in render with grey pvc windows and slate colour clay roof tiles. Dwellings on Blue Barn Lane feature a mix of materials including brick, render, artificial stone and concrete roof tiles. It is considered, therefore that the finished exterior will reflect the palette of materials in the immediate area.

Amenity

- 6.7 Local Plan Policy E2 states that all proposals will be expected 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, in particular those in residential use.
- 6.8 The layout plan shows areas of garden to the rear and western side of the proposed dwelling. The rear area measures approx. 6mx5m and the western area a minimum of 10mx7m area. The whole garden to the west measures approx. 178sqm, however, some of this space is awkwardly shaped due to the triangular shape of the plot. In any case the plot provides sufficient outdoor amenity space for future residents.
- 6.9 The eastern elevation faces the neighbouring property 'Hilltop'. The only windows on this elevation are two rooflights which serve bathrooms. In this regard it is considered that the proposal will not result in an unacceptable loss of privacy for the neighbouring dwelling.
- 6.10 Local residents have commented that the proximity of the proposed dwelling to the road will have a negative impact on the privacy of the bungalows on the southern side of blue Barn Lane. In this case, however, it is considered that the properties are separated by land which is open to the public i.e. Blue Barn Lane, and therefore the addition of a dwelling on the opposite side of the road would not result in an unacceptable loss of privacy for the neighbouring dwellings. Separation distances are considered acceptable.

- 6.11 Local residents have also raised concern with regard to the proximity to the Trans-Pennine Ethylene Pipeline which runs through the field to the north of the site. Concerns raised relate to the excavations required for the pool and drainage as well as the increased size of the dwelling and therefore the number of people in proximity to the hazard. In relation to the excavation of the site, this will be closely monitored by the operators of the pipe who have requested a method statement to be agreed in advance. A condition is recommended to secure this.
- 6.12 With regard to the uplift in the number of people residing within the inner zone of the pipeline local residents argue that the Inspector refused consent for two dwellings on the basis of the increase in the number of people within the hazard zone. Residents argue that there is little difference between the potential occupancy levels of two 3 bedroom properties and one 5 bedroom property. In this case it is considered that one larger household would not result in the same level of risk as that of two smaller households.

Highways Safety

- 6.13 Policy IC2 of the Local Plan indicates that a proposal will only be supported where it is demonstrated that the development can be satisfactorily accommodated within the network, can be well integrated with footpath, cycling and public transport networks, provides proportionate contributions towards improvements where necessary, maximises opportunities for walking, cycling and public transport, provides safe access for both users and emergency vehicles and adequate parking.
- 6.14 During the life of the application the Highways Officer requested that the proposed gates be moved further back into the property. This amendment was made and the Highways Officer raised no further objections to the scheme. Two conditions were recommended, however, these were already included in the Outline permission and therefore are not required.

Planning Balance

- 6.15 Whilst the proposed dwelling is large it is considered that the impact on the wider area would not be so harmful as to warrant the refusal of planning permission. It is considered that the overall height and form of the proposed dwelling is acceptable in this location and the development will have no significant adverse impact on neighbouring amenity.

7.0 Recommendation

- 7.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)
1. The development hereby permitted shall be begun within two years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the following drawing(s):
Proposed Site Layout EC-2021-05-DO21 Rev P11 received 07.02.2022
Proposed Floor Plans and Elevations EC-2021-05-DO20 Rev P17 received 01.02.2022

3. Prior to commencement of development a fence/barrier shall be installed along the northern boundary of the site. The fence shall remain in place for the duration of the construction phase.

4. The development shall be constructed of/ finished in the approved materials only namely:

Walls: Webber Render in Chalk White

Roof Covering: HP 10 Huguenot for cladding in slate details of which were submitted on 18.02.2022

5. A construction method statement shall be prepared, submitted and approved prior to the commencement of development to take account of the proximity of the site to the Trans-Pennine Ethylene Pipeline.

6. No trees shall be planted within the site unless the species and location of planting has first been approved in writing by the Local Planning Authority.

The reasons for the above conditions are:-

- 1 To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.
2. For the avoidance of doubt and in the interest of proper planning.
3. In order to ensure that work vehicles and materials do not encroach on the pipeline in the interest of safety.
4. In the interest of visual amenity.
5. In order to ensure that the development does not result in damage to the Trans-Pennine Ethylene Pipeline that may result in harm to the population or environment.
6. In order to ensure that only appropriate species are planted due to the proximity of the Major Accident Hazard Pipeline.