

Parish: Dalton
Ward: Sowerby & Topcliffe
3

Committee date: 28 June 2018
Officer dealing: Miss R Hindmarch
Target date: 5 July 2018

17/02490/FUL

Construction of five detached dwellings

At: Land to the rear of the Moor & Pheasant Public House, Dalton

For: Moor & Pheasant Ltd

This application is referred to Planning Committee as the proposal is a departure from the Development Plan

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 This application seeks permission for the construction of 5 detached dwellings to the south of The Moor and Pheasant Public House at Dalton Moor. The application site is over 1km from the main village of Dalton and approximately 0.8km outside of the Development Limits of the village.
- 1.2 The site currently contains a number of static caravans for holiday use. The site is bounded to the north/north east by residential properties and the Public House with the highway beyond, the 'Old Beck' runs to the east/south east of the application site and there are agricultural fields beyond, to the west/south west is further open agricultural land and the playing pitch and training area of Dalton Football Club.
- 1.3 The proposal is for the construction of five detached dwellings. There would be one 3 bedroom bungalow with rooms in the roof space and the remaining four dwellings would be four bedroom dwellings. These would be finished in facing brickwork with upvc windows and doors, clay interlocking pantiles.
- 1.4 As part of the development a new access point and road is to be created, to the east of the public house, to provide a separate access for the proposed dwellings.
- 1.5 The site is partly within Flood Zone 2 & 3, the majority of the site within Flood Zone 1.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 There have been various planning applications relating to the existing use of the application site for static caravans/holiday accommodation. There have been no applications relating to residential development of the site.
- 2.2 An application for a bungalow to the east, of this site was approved in June 2016, 16/00724/OUT and the reserved matters application is 16/01942/REM.

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 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 Policy DP33 - Landscaping
Development Policy DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
Size, Type and Tenure of New Homes SPD - adopted September 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council – Dalton Parish Council wish to see the above application REFUSED on the following grounds:-

1. In view of the fact that Whitfield Homes have had to reduce the size and price of their properties on Willow Bridge Estate due to lack of sales, would smaller, more affordable properties be more appropriate?

2. Not an ideal site overlooking the back/car park of the Moor & Pheasant public house.

3. The property boundaries will back onto Dalton Football Club's playing and training pitch.

4.2 Highway Authority –Visibility splays of 2.4 x 120 metres are required are required from the proposed access road. This will require the removal or setting back of the hedge on the site's frontage and the relocation of the bridge parapet to the south east of the site to set it behind the required visibility splay. The Local Highway Authority recommends that a number of conditions are attached to any permission granted.

4.3 Environment Agency - Provided the proposed development is in accordance with the submitted FRA with all residential development located in flood zone 1 then we have no objections.

4.4 Ministry of Defence – no safeguarding objections to this proposal

4.5 Environmental Health – Concerns raised regarding the close proximity and increased risk of noise and disturbance from activities at the Public House impacting on the use and amenity of the properties.

Following discussion with the applicant it was agreed that an acoustic fence to screen the car park and act as a Noise barrier would be acceptable. However the first floor layout would need to ensure the main bedrooms will be to the rear with bathrooms to the front. The main external amenity will be to the rear of the premises.

4.6 HDC Corporate Facilities Manager (Drainage) – Evacuation plan required. Surface water disposal needs agreement, the outlet flow rate and diameter to be agreed. Consent to discharge into the Old Beck watercourse will require IDB consent. Details also required of the maintenance arrangements of surface water drainage for the life of the development.

- 4.7 Neighbour comments/Site Notice – three objections have been received from local residents, objections relate to highway and access concerns, potential future loss of the public house and devaluation of property.

5.0 OBSERVATIONS

- 5.1 The planning issues in this case are (i) the principle of development, with particular regard to the sustainability of the site and the relationship to the nearest village; (ii) residential amenity; (iii) impact on the character of the village and countryside; (iv) highway issues and (v) flooding and drainage issues.

Principle of Development

- 5.2 Dalton is a secondary village within the Settlement Hierarchy set out in policy CP4 and in the adopted Interim Policy Guidance (IPG) which provides for a more flexible consideration of new development at the edge of settlements. However, Core Policy CP4 maintains a presumption against development beyond Development Limits, which applies to any site in Dalton, unless one of six exceptions can be applied. The applicant has not claimed any of the six exceptions and none are considered to apply, therefore the proposal is contrary to the Development Plan and planning permission should be refused unless other material considerations provide sufficient support for it.
- 5.3 The National Planning Policy Framework (NPPF) states, in paragraph 55, "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".
- 5.4 The IPG was adopted to enable consistent decision-making in respect of small-scale development in villages with due regard to the NPPF and the spatial principles of the Local Development Framework. It states that "Small scale housing development will be supported 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 The approach of the IPG is that Service and Secondary Villages are deemed sustainable in their own right. However the site substantially beyond the edge of the village of Dalton and is located over 1.0km from the centre of Dalton village and other than the Moor and Pheasant public house there are no other facilities within walking distance. The remoteness of the site from facilities, lack of public transport and the built form of the proposals are also negative considerations.

- 5.6 The site is relatively remote and would be reliant on the private car and would not be in a location where it will support local services and would be contrary to the aims of sustainable development. In terms of the other criteria of the IPG, the proposal is small in scale and there is potential to retain existing natural features. In addition, it would not lead to the coalescence of settlements and there is no evidence to doubt the capacity of the local infrastructure.
- 5.7 It is considered that the location of the site has a poor relationship to the built form of Dalton in terms of the physical separation of the site and village. Whilst there are existing static caravans there and have been for a number of years the site in itself does not form natural infill or an extension to a village. Outline application (16/00724/OUT) at Little Acre for a 2 bedroom detached bungalow has been noted, this application was approved at Planning Committee as the Committee found the development proposal to be acceptable under the same policy framework. However the current proposal must be considered on its own merits.

Residential Amenity

- 5.8 The site is large enough to accommodate five dwellings, it is considered the dwellings are sited to ensure they have sufficient amenity space and do not significantly impact on each other. Plot No.5 is located close to the boundary with the existing properties to the north, this dwelling however is a bungalow which will reduce the impact on the neighbour adjacent at Four Trees. This neighbouring dwelling is located approximately 5m from the boundary with the application site and the proposed bungalow would be within close proximity to the dwelling, it is considered given the distances involved and also the orientation of the dwellings there would be a detrimental impact in terms of overshadowing and appearing overbearing. It is considered that were the application to be recommended for approval improvements would be sought through repositioning of the dwelling within the plot. Given the current layout it is considered the impact of plot 5 on the neighbouring property Four Trees would be unacceptable in terms of overshadowing and appearing overbearing.
- 5.9 With regard to plots 1-4 it is considered these are sufficiently separated from neighbouring dwellings to achieve satisfactory levels of amenity and any loss of amenity would not be significant.
- 5.10 Environmental Health Services have raised concern regarding the impact of noise and activities relating to the adjacent public house. The concerns were highlighted to the agent and it was agreed that acoustic fencing would be provided to screen the car park and beer garden and would also act as a noise barrier. It is also noted the main amenity areas are to the rear of the dwellings and the buildings would therefore act as a barrier. This would be acceptable in terms of the impact at ground floor however there would also be an impact at first floor. Following discussion with the EHO and the agent it was agreed the layout of the first floor could be amended to ensure main bedrooms were to the rear and bathrooms at the front of the dwellings as this would lessen the impact to an acceptable extent. (amended floor plans submitted, asking EHO if satisfied with changes)

Character of the village and countryside

- 5.11 The application site is located remotely from the main settlement of Dalton. It is acknowledged the site itself has development in the form of the existing public house grounds and car park and the static caravan development however there is no existing residential development within the application site itself and the limited number of residential properties that are close by all have road frontage. There are sporadic dwellings sited between Dalton and Dalton Moor but these are generally single depth in a linear form. There is a group of properties on the opposite side of

the highway, to the north-east of the application site which are not in a linear form however these do retain an element of road frontage and are modest properties of terrace format, it is not considered the presence of this cluster of dwellings is comparable to the development proposed here. The layout and form of development proposed at this site is not in character with the immediate area or the surrounding rural landscape. The frontage dwellings near to the public house are two storey, there are no substantial two storey buildings behind the frontage properties. It is considered this development of substantial 4 bedroom dwellings and a bungalow is out of character with the surrounding rural area and as such is contrary to LDF policies CP1, CP16, CP17, DP30 and DP32.

Highways

- 5.12 The Local Highway Authority has stated visibility splays of 2.4 x 120 metres are required from the proposed access road. This will require the removal or setting back of the hedge on the site's frontage and the relocation of the bridge parapet to the south east of the site to set it behind the required visibility splay. Relevant conditions are recommended relating to this and other highway issues.
- 5.13 The Local Highway Authority has also confirmed that satisfactory parking will remain for the Public House.

Flooding and drainage

- 5.14 A Flood Risk Assessment has been submitted in support of the application. The Environment Agency has been consulted and states provided the proposed development is in accordance with the submitted FRA with all residential development located in flood zone 1 then they have no objections. The submitted drawings show the proposed dwellings would be outside of flood zone's 2 and 3, the dwelling at plot 1 would be adjacent and the garden area partly within flood zones 2 and 3, the remaining plots would all be within Flood Zone 1.
- 5.15 Drainage comments from the HDC's Corporate Facilities Manager states a number of details require agreement but that these can be controlled through condition should the application be recommended for approval.

Planning balance

- 5.16 The creation of new homes is a benefit, however the development would result in the loss of the holiday accommodation that is available on the site and the loss of such accommodation may result in harm rather than benefit to the local economy. The economic benefits arising from housing development are a benefit but this benefit can be achieved by development on any site and is not a justification for housing building in a relatively isolated location. The site is currently in use for holiday purposes and the proposed vehicular access for the grounds (used as a beer garden) to the public house. There is no evidence to show that the residential development would bolster the viability of the public house or other businesses in the locality or support the rural economy. There are no environmental benefits noted to arise from the development. It is considered that on balance the proposal would not be a sustainable form of development as it would not achieve gains in each of the three aspects of sustainable development as required by the NPPF.

6.0 RECOMMENDATION

6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reasons:

1. The application site is in a rural location which is relatively remote and isolated from shops, services and the built form of the village of Dalton. The proposal would therefore be in an unsustainable location, reliant on the private car and would not contribute towards a sustainable pattern of development in the District. The proposal would be contrary to the objectives of National Planning Policy Framework, Local Development Framework policies CP1, CP2, CP4, DP1, DP3, DP9, DP10 and DP30, as amplified by the Council's Adopted Interim Planning Guidance, which collectively seek to achieve a distribution of development that is informed by sustainability principles, promote sustainable transport and healthy communities.
2. The introduction of two storey dwellings on land to the rear of the frontage development would be visually intrusive and out of character with the surrounding frontage residential developments on The Moor. The development would be contrary to the Local Development Framework Policies CP1, CP4, CP16, CP17, DP30 and DP32.
3. The design and layout of the development would result in a detrimental impact in terms of overshadowing and appearing overbearing on the adjoining property at Four Trees. The proposed development is therefore considered to be contrary to Policies CP1 and DP1 of adopted Hambleton Local Development Framework, and the National Planning Policy Framework.