

Parish: Dalton
Ward: Sowerby and Topcliffe
4

Committee date: 28 June 2018
Officer dealing: Miss Charlotte Cornforth
Target date: 29 June 2018

18/00423/FUL

**Construction of one dwelling
At Ivy House, Dalton
For Mr J Wood**

This application is referred to Planning Committee at the request of a Member of the Council

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is located to the south west of the dwelling of Ivy House, within an open paddock (0.32 hectares) that is currently used as grazing land, within the village of Dalton. The land is elevated from the main road and is bounded by a timber post and rail fence to the front, with some trees. To the north of the site is the housing development of The Willows and to the west is open space leading toward the road that runs out of the village in a northerly direction.
- 1.2 Within the Settlement Hierarchy contained within the Interim Policy Guidance, Dalton is defined as a Secondary Village. The application site is located outside of the Development Limits for Dalton.
- 1.3 The application site itself, with the dwelling and domestic curtilage, measures approximately 386 square metres. The proposal seeks the construction of one dwelling. This dwelling is proposed to be single storey. The dwelling will have a hipped roof, with an attached garage and will be constructed from bricks and red clay pantiles, with grey UPVC windows and doors.
- 1.4 There would be a vehicular access directly off the main road that runs through the village, with parking and turning space to the front of the dwelling. The site, including the access is located within Flood Zone 3.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 There is no relevant planning or enforcement history regarding the application site.

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 force
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 – Wishes to see the application approved.
- 4.2 Highway Authority – No objection in principle, however the construction of the proposed access involves the crossing of an area of grassed land between the development site and the footway on the site's frontage. This grassed land is not shown within the applicant's control nor is it part of the publicly maintained highways. The applicant would need to be satisfied that he has control over this land and this should be demonstrated.
- 4.3 Yorkshire Water – No response received to date.
- 4.4 Environmental Agency - No objection.
- 4.5 Swale and Ure Drainage Board – If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.
- 4.6 Public comment – One comment has been received. It raises no objection to the dwelling but asks that the hedges at the side are not removed they are very well established.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development; (ii) the impact on the character of the surrounding area, including the character and appearance of the village (iii) residential amenity; (iv) highway safety (v) land contamination (vi) flood risk; and (vii) drainage

Principle

- 5.2 The site falls outside the Development Limits of Dalton. Policy CP4 states that all development should normally be within the Development Limits of settlements.
- 5.3 Policy DP9 states that development will only be granted for development in exceptional circumstances. The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF).
- 5.4 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to

residential development within villages. The IPG includes an updated Settlement Hierarchy.

- 5.5 The Interim Policy Guidance states that the Council will support small-scale housing development 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.
- 5.6 Within the settlement hierarchy contained within the IPG, Dalton is defined as a Secondary Village and is therefore considered a sustainable location for development; satisfying criterion one of the IPG that proposed development must provide support to local services including services in a village or villages nearby.

The character of the village

- 5.7 With regard to criterion 2 of the IPG, development must be small in scale and reflect the existing built form and character of the village. IPG criterion 3 states that development must not have a detrimental impact upon the natural, built and historic environment. The development is small in scale, being one single storey dwelling. However, consideration needs to be given to the development reflecting the existing built form and character of the village.
- 5.8 The application site was defined in the 1999 Hambleton District-Wide Local Plan as a space of 'townscape' importance. These spaces include paddocks, orchards, large gardens and village greens. The infilling of such spaces in villages with new buildings was considered in this policy to lead to the erosions of the character of settlements. Open spaces within villages enhance the character of village and are important in contributing to the quality of life of residents within a settlement. Only development that would not adversely affect the contribution of such spaces make to the character, setting or historic form and layout of the settlement should be permitted.
- 5.9 Whilst it may not be defined within the current local plan as a space of 'townscape' importance, it has been excluded from the Development Limits. It is considered to still meet the criteria of the 1999 Policy BD5 – Spaces of Townscape Importance. This criteria identifies that (development will not be permitted which would result in the loss of, or damage to, important spaces in settlements, as defined on the Inset Maps, or other spaces, which):
- Make a significant contribution to the character setting of the settlement
 - Provide an attractive setting for buildings within it
 - Are important to the historic form and layout of the settlement
- 5.10 This paddock is undeveloped, set back from the road and forms a buffer between the built form of the recent development of The Willows and Willow Grove to the north of

the paddock. To the south of the paddock is the main road and a further area of open land before you reach the residential dwelling of Garth House. The site is also adjacent to the other parcel of land that is grassed and used as public open space. This area was also defined as a space of 'townscape' importance within the 1999 Hambleton District Wide Local Plan.

- 5.11 Together, these areas of land make a significant contribution towards the character setting of this rural settlement. It is considered that the siting of the bungalow or any other development on this paddock will harm the open character of the settlement and be detrimental to the built environment. The dwelling would not be read in the context of any other dwellings in the locality. It would be viewed as an intrusive feature within the otherwise open paddock within the village.
- 5.12 The design of the dwellings itself, being single storey, having a hipped roof with an attached garage, constructed from bricks and red clay pantiles, with grey UPVC windows and doors is considered to be appropriate and sympathetic towards the character and appearance of the village.

Residential amenity

- 5.13 It is considered that due to positioning of the dwelling, it being single storey and the positioning of the openings, there will not be a material adverse impact upon the amenity of the neighbouring occupiers.

Highway safety

- 5.14 Criterion 5 of the IPG states that development must be capable of being accommodated within the capacity of existing or planned infrastructure.
- 5.15 The Highway Authority has no objection in principle to the proposal; however the construction of the proposed access involves the crossing of an area of grassed land between the development site and the footway on the site's frontage, with a slope of 2.5 metres. Earthworks would be required to achieve this. This grassed land is not shown within the applicant's control nor is it part of the publicly maintained highways. The applicant would need to be satisfied that he has control over this land and this should be demonstrated. It is considered that subject to this agreement, the proposal would not be detriment to highway safety.

Land contamination

- 5.16 The submitted information does not identify any asbestos, fuel, oil or chemical storage, waste disposal, burning or any other risks of land contamination. Therefore, the proposal is considered to not result in an unacceptable risk from contamination.

Flood risk

- 5.17 The site is located within Flood Zone 3. Land and property located within Flood Zone 3 have a high probability of flooding and any development must be accompanied by a flood risk assessment. A dwelling is regarded as a more vulnerable use in terms of flood risk. This general approach to the Sequential Test is to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible.
- 5.18 The Exception Test, as set out in paragraph 102 of the Framework, is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available.

- 5.19 Essentially, the two parts to the Test require proposed development to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.
- 5.20 The Environment Agency has raised no objection to the proposal. The submitted Flood Risk Assessment states that historically, the application site, although highlighted on the Environment Agency Flood Map as being in Flood Zone 3 has not, according to local evidence, been subject to flooding. The access to the site would be provided by a new access road from the public highway. It is noted there is a significant change in levels from the public highway, with a slope of approximately 2.5 metres. The agent has stated that the following methods can be implanted to ensure that the development is not at risk of flooding:
- a: Solid ground floor structures – these are intended in any event.
 - b: Non return valves to be fitted to the external outfalls of any new drainage.
 - c: Flood resistant external doors and French windows.
 - d: Make watertight any low-level service routes in external walls.
 - e: By default, the bungalow will be erected raised from external ground levels
- 5.21 The proposed development of a residential dwelling located within Flood Zone 3 whereby land has a high probability of flooding is considered to not meet the Sequential or Exception tests. The proposed development does not provide wider sustainability benefits to the community that outweigh flood risk. It is noted that there is other adjoining land, within the applicant's ownership, located outside of the Flood Zones that could accommodate a dwelling, but which would have similar constraints over the access which is to a road within Flood Zone 3.

Drainage

- 5.22 Foul drainage would be disposed of via the mains and surface water via a soakaway. The exact details of which can be agreed by planning condition. There is no evidence to suggest that the demands on the infrastructure of the village arising from the development would be so great that the infrastructure would be unable to cope with the additional development or cause harm to the amenity of the village.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reasons:
1. The proposed development of a residential dwelling located within and access route through Flood Zone 3 whereby land has a high probability of flooding is considered to not meet the sequential or exception tests. Safe access to the site cannot be shown to exist during a flood event. The proposed development does not provide wider sustainability benefits to the community that outweigh flood risk. As such, the proposal fails to accord with the requirements of Local Development Policies CP1, CP2, DP3, DP4, CP21 and DP43 and the NPPF.
 2. The proposed development by virtue of its siting on this undeveloped, elevated paddock would result in harm to the open character of land within the settlement. As such, the proposal fails to accord with the requirements of Local Development Policies CP4, DP10, CP17 and DP32 and the NPPF.