

**Parish: Aldwark**  
Ward: Easingwold  
**2**

Committee date: 18 October 2018  
Officer dealing: Mrs C Strudwick  
Target date: 26 October  
2018

**18/00209/FUL**

**Construction of two detached dwellings and garages together with ancillary external works, drainage and landscape  
At land adjacent to Beechcroft Farm, OS Field 7556, Aldwark  
For Keepsake Homes Ltd.**

**This application is referred to Planning Committee as the application is a departure from the Development Plan and was deferred at the meeting of 26 July 2018 for a flood risk assessment and further consideration of the proposed access**

### **1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The application site is a field to the south east of Beech Tree House with Beech Croft Farm and Fold House to the east of the application site. The application site is generally grassland but there is an area of seasonal standing water/pond at the front of the site. The land is at its highest point in the area at the eastern corner of the site, at 19.66. The land falls by more than 1 metre towards the west boundary of the site. The site is bordered by a hedgerow to the front of the site and whilst there is a fence to Beech Tree House, other parts of the boundary are open and wire fencing.
- 1.2 The application proposes the construction of two traditionally designed detached four-bedroomed houses with detached single garage. A single access point for both dwellings is proposed off the Main Street.
- 1.3 Aldwark has no adopted Development Limits and is classed as an Other Settlement in the adopted Settlement Hierarchy; the application site is located within the Aldwark Conservation Area. Beech Croft Farm is a Grade II Listed building. Further to the south are St Stephen's Church and its walls and gate which are also a Grade II Listed building and structure.
- 1.4 There have been several sets of revised plans to address the surface water drainage in the area, and a revised set has been proposed addressing the concerns of Members since the deferral at Planning Committee on 26 July 2018. The application is supported by a Design and Access Statement and an updated Drainage Statement to address the drainage concerns raised by neighbours, Parish Council, Officers and Members.
- 1.5 Members undertook a site visit in April 2018.

### **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 94/50034/O - Outline application for the construction of a detached dwelling; Refused 4 March 1994, Appeal Dismissed 23 August 1994.
- 2.2 06/01699/FUL - Creation of a new vehicular access; Refused 27 September 2006.
- 2.3 13/01807/FUL - Construction of a field gate and vehicular access into agricultural land; Granted 1 November 2013.
- 2.4 16/00520/FUL - Construction of a dwelling; Refused 31 August 2016.

### **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 Policies DP1 - Protecting amenity  
Development Policies DP6 - Utilities and infrastructure  
Development Policies DP8 - Development Limits  
Development Policies DP9 - Development outside Development Limits  
Development Policies DP10 - Form and character of settlements  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP32 - General design  
Development Policies DP33 - Landscaping  
Development Policies DP43 - Flooding and floodplains  
Interim Guidance Note - adopted by Council on 7th April 2015  
National Planning Practice Guidance  
National Planning Policy Framework

## 4.0 CONSULTATIONS

### 4.1 Parish Council – supports the principle of the development but expresses reservations:

- The information on how ground and surface water on the site will be dealt with is inadequate; additional information is required in order for approval to be given; and
- It is disappointing that the proposed development is for two large executive houses, rather than providing more affordable homes.

### 4.2 Highway Authority – No objection subject to conditions.

### 4.3 Yorkshire Water – No objection subject to conditions.

### 4.4 Public comments – There have been 12 formal observations submitted over the course of the applications, from the occupants of 3 nearby dwellings: Beech Tree House, The Old Post Office and Hollyhock House. These raised concerns relating to surface water flooding to the neighbouring dwellings and particularly the removal of what is considered a sustainable drainage area.

## 5.0 OBSERVATIONS

### 5.1 The key determining issues are (i) the principle of development; (ii) impact of the proposal on the character of the Conservation Area and matters of design; (iii) residential amenity; (iv) the impact on highway and pedestrian safety and parking provision; and (v) surface water and drainage, including matters raised by objectors.

#### Principle

### 5.2 Aldwark is an Other Settlement 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 IPG states that small scale development adjacent to the main built form of such settlements "will be supported where it results in incremental and organic growth". To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The IGN advises that development in villages with no or few services or without convenient access to services in a nearby settlement will not be considered sustainable. With settlements on the edge of the Local Planning Authority area, consideration will be given to their relationship to settlements in neighbouring Districts and the National Park.
- 5.6 The village is 3.3km from both Alne and Great Ouseburn (Harrogate District) therefore over the typically prescribed 2km from amenities and facilities that would result in the village being considered a sustainable development but some development may be considered acceptable. Aldwark has an active church; St Stephens, a children's play area, a successful pub, which has recently been granted permission to expand the restaurant and establish hotel facilities; the village also hosts Aldwark Manor which has a gym, swimming pool and golf course which can be accessed via membership or single day pass for people locally. Adjacent to Aldwark Toll Bridge is the Central Yorkshire Scout Activity Centre which offers water-based activities and residential training courses, as well as a traversing wall and archery activities.
- 5.7 Reliance Motor Services operate a bus service from Aldwark to Easingwold 6 times a day and to York 5 times a day. This bus also calls in at neighbouring villages, including Flawith where there is a veterinary surgery. Whilst not within the prescribed

2km distance to a sustainable settlement, as set out in the Hambleton Settlement Hierarchy of CP4 Aldwark is fortunate in its central location to the sustainable settlements of Alne (secondary village), Tollerton (secondary village), Linton on Ouse (service village) and Newton on Ouse (clusters with Linton on Ouse to be considered a sustainable location), and its own host of facilities within Aldwark village and its regular bus service.

- 5.8 Applications should also be considered in relation to the second criteria (i.e. development being small scale) or where development results in incremental and organic growth or meets a particular need. This proposal would be an infill between properties and would not lead to the coalescence of settlements. There have already been three dwellings approved within the village under the Interim Policy Guidance (15/00694/FUL) where Aldwark was considered a sustainable location due to the ability to cluster with Alne, Great Ouseburn and Linton-on-Ouse.
- 5.9 In terms of the other criteria of the IPG, the impact on the character of the area and natural environment and the capacity of the local infrastructure are discussed below.

#### Character of the area and Conservation Area

- 5.10 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework at paras 133 and 134 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.
- 5.11 The application proposes two, two storey dwelling and whilst large, the proposals are a similar size to dwellings in the immediate area, replicate the predominantly linear form of the village and include architectural details such as gable ended roofs, gable end brick chimneys, brick header and stone cills, timber window frames and simple pitch roof porches which would mean that the proposals would be, on balance, in keeping with the character of the area and would preserve the character and appearance of the Conservation Area. There would be adequate separation to neighbouring listed building to the south, Beech Croft Farm to ensure that there is no harm to the setting of the listed building.
- 5.12 The site is characterised as a topographically low area, which acts as a storage area for surface water run off. This makes this area less suitable for grazing or arable farming. The area has also been used for the dumping of soil which has resulted in a very uneven site with tussocks of soil and rough grasses. The area, during winter and wet periods, as a result, can look unmanaged, impacting negatively on the Aldwark Conservation Area. There is a mature hedge to the front boundary which screens the site.
- 5.13 The introduction of an appropriate drainage scheme will relieve the surface water flooding issues in this area, and appropriate development will replace the informal flood water storage area. Whilst the site is a green space which breaks up development within the Conservation Area, this green space does not contribute significantly to the visual attractiveness of the Conservation Area due to its frequent flooding and unmanaged appearance. The surrounding land is typically in residential use and more actively managed as gardens and these spaces contribute greatly to the quality of the character and appearance of the Conservation Area. On balance it is considered that the design and future residential use of the site will result in an enhancement of the Aldwark Conservation Area.

#### Residential amenity

- 5.14 The proposals are set back from the road to accommodate the underground 22m<sup>2</sup>, of cellular water storage at 0.5m deep. The impact of flooding and drainage is the principle concern with regard to the amenities and the concern raised by local residents, this is discussed below in paragraph 5.20 onwards.
- 5.15 In physical terms the proposed development nearest existing development would be in line with the front elevation, and the southern plot would be set deeper into the site. Therefore the impact on the neighbouring property is carefully considered. The proposals would be set off the boundary and include limited windows in the side elevation. Plot one has one small ground floor window on the elevation facing Beech Tree House, it is considered that this window will not give rise to a harmful loss of neighbouring amenity and as such it would not be appropriate to condition that it is to be obscure glazed. Both proposed dwellings have first floor bathroom windows on the side elevations which face one another. It is not marked as to whether these windows will be obscured glazed but it is recommended that the use of obscured glazing in this opening is conditioned. On balance it is considered that the proposals would have a satisfactory relationship to neighbouring properties and would not introduce a loss of residential amenity. As such the scheme meets the tests of DP1, in that it adequately protects amenity, particularly privacy, security, noise, access to daylight and protects against disturbance, pollution and odours.

#### Highway and pedestrian safety and parking provision

- 5.16 The application proposes to access the site from a single point off the Main Street. The detail of the access and the access point have been given careful attention due to the known flooding issues and highways have recommended a condition which will ensure surface water is not discharged onto the highway.
- 5.17 The access point separates into two private drives which curve away from each other. This provides ample space for vehicles to reverse and be able to exit the site in forward gear the scale of on-site parking provision is at an appropriate level, it is recommended by the highway authority that the future retention of parking and turning spaces are conditioned.
- 5.18 The pedestrian footpath runs along the front of the site and continues north and south, providing safe dedicated pedestrian access to the rest of the village and facilities.
- 5.19 There is no objection to the scheme from the Highway Authority. Overall it is considered that there would be no significant or material harm to the highway network, subject to the implementation of the recommended conditions. It is considered that the Main Street through Aldwark has the capacity to accommodate the additional traffic associated with the development.

#### Surface water and drainage

- 5.20 The further key issue is the known flooding issues and the lack of drainage infrastructure. The current situation is that there is often standing water on the application and that the area of ponding expands in heavy rainfall.
- 5.21 A previous application, 16/00520/FUL, for a single dwelling was refused for the following reason:

*The proposal is contrary to the Local Development Framework Policies CP1, CP4, CP21, DP6 and DP43 and NPPF paragraph 103 due to the unknown pipework and drainage infrastructure and in the absence of a suitable and viable drainage system the proposed development would not ensure protection from flooding to the*

*application site or neighbouring properties and no suitable mitigation measures have been identified to overcome the harm that would arise from the development.*

- 5.22 Currently surface water from land to the north and east of the site drains towards the proposed dwellings. When a visit was made to site there was an area of standing water across the site frontage, stretching from the boundary with Beech Tree House (to the north) and the opposite boundary with Beech Croft Farm (to the south).
- 5.23 If no measures were put in place to manage the surface water drainage of the site, there is potential for flood water to be displaced from its current natural accumulation point, and increase risk of flooding to neighbouring properties to the north, including Cherry Tree House which is the lowest property however it may also collect around Beech Tree House, The Old Post Office and Hollyhock House.
- 5.24 To address the flood risk measures have been proposed in the applicants' consultant's report by ARP Associates including details in the "Statement on Drainage proposals and future maintenance". These are summarised:
- Surface water draining from the rainwater goods will be discharged into the water course (the River Ure) via a new private drain laid along Main Street (within the Public Highway). There is an existing outfall into the watercourse at the junction opposite the Aldwark Arms, and the gravity line is to connect with this to avoid an additional outfall. This existing drain, watercourse and outfall is managed by the Kyle and Upper Ouse Internal Drainage Board.
  - A 150mm diameter perforated pipe in a gravel trench is proposed across the rear of the two proposed dwellings to intercept surface water run-off from an area of 0.035ha using an greenfield run off rate of 1.4 l/s/ha. This is then to connect to the drainage outfall as above.
  - Two low points are to be established, one at the rear of the proposed properties and one to the front to ensure any surface water is captured, via a land drain cut off system (a 150mm perforated pipe in gravel trench) which will connect into the private surface water drainage system.
  - A 22m<sup>2</sup> cellular storage unit (10.3m<sup>3</sup>) is to be sunk into the ground at the front of the two proposed dwellings. This is to store any excess water draining from the rainwater goods of the dwellings. Initially the surface water will be passed through a control point with a rate of 3 litres per second. If the flow rate exceeds 3 l/s water is routed through the silt trap into the cellular storage, the stored water will be held until the rate in control point falls under the 3 l/s, at which time the stored water will be released to discharge to the new private drain.
- 5.25 Additional measures to address the concerns raised at Planning Committee include:
- A flow control has been added to the cellular storage, which, in the event of the scheme being overwhelmed beyond its design capacity, will allow the water to discharge above the 3 l/s (approximately 15 l/s) which will protect the proposed properties and neighbouring properties from being flooded. Given that the scheme is designed to manage up to a 1 in 100 year storm event plus 30% allowance for climate change it is considered that the design capacity is unlikely to be overwhelmed.
  - The levels of the gardens are proposed to be lower than the adjacent Beech Tree House to avoid any surface water run-off into third party land. It is recommended the provision of full levels details is conditioned.

- Permission has been secured from the IDB for the outfall of the drainage system to discharge into the Kyle and Upper Ouse IDB managed water course.
  - Details of a control manhole has been submitted which would prevent the backflow of water into the site from the IDB watercourse in the event of flood.
- 5.26 It was queried at the planning committee meeting what type of watercourse it is at Aldwark. The watercourse is an open drainage channel which cuts through the fields to the river Ure.
- 5.27 This final drainage scheme has been arrived at though several rounds of discussions between the council's drainage engineer and the applicant's drainage engineer 'ARP Associates'. It is now considered that the proposal drainage scheme would provide adequate protection from surface water flooding both of the new dwellings and would ensure that this flood risk is not transferred to the neighbouring properties. As well as the drainage scheme plans, the applicants drainage engineer has compiled a drainage statement which outlines how the on-site drainage scheme will be maintained in the future to ensure it remains fit for purpose and its failure does not pose a risk to property nearby.
- 5.28 This drainage statement has been amended to include a narrative on how the drainage scheme will operate and effectively protect neighbouring properties from displaced or increased flood risk. It is considered that this drainage scheme will mimic the natural land flow of surface water which currently happens on site, albeit, the water will discharge at a slighter faster rate. However, surface water currently will flow towards the road and also towards Beech Tree House, through the soil. Through capturing the water at the rear of the proposed dwellings water will not be permitted to flow through the soil.
- 5.29 At the time of the committee meeting in July 2018 the drainage statement did not include details of maintenance of the proposed new off-site drain which will run from the site, along Main Street to the existing drain opposite the Aldwark Arms pub. This still has not been fully explained and it is recommended that a pre commencement condition is attached which requires details to be approved of how this will be maintained.
- 5.30 There are no details or measures within the drainage scheme which would direct water to the neighbouring properties. There is the possibility that the drainage proposals at the rear of the proposed dwellings will capture some of the surface water which currently runs off into the rear gardens of Beech Tree House and The Old Post Office and so achieving a planning gain. It is considered that the proposed drainage scheme complies with the principles of flood risk management; in that it comprehensively manages the flood risk on site without increasing the risk of flooding elsewhere.

### **Planning balance**

- 5.31 The provision of an additional dwelling on a site that detracts from the character and appearance of the Conservation Area would achieve social and environmental benefits. The impact of flooding can be addressed by the proposals and may result in some reduction in flooding to neighbouring properties and would be a further benefit of the scheme. These gains outweigh any harm arising from the impacts of the construction of a new dwelling.

## 6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
  2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 1055/16/05F and 1055/16/08B; received by Hambleton District Council on 19th June 2018; and 660/01A received by Hambleton District Council on 27th March 2018; and 660/02, 660/03, and 660/04 received by Hambleton District Council on 31st January 2018; unless otherwise approved in writing by the Local Planning Authority.
  3. The scheme shall be carried out in accordance with the Drainage Statement, prepared by ARP Associates, and received by Hambleton District Council 9th July. Thereafter the scheme shall be maintained in complete accordance with the approved statement and drainage plans 1055/16/05G and 1055/16/08B. A device to prevent back-flow of water shall be installed prior to the laying of the remainder of the new surface water sewer, in accordance with plan 1055/16/12 Rev A, received by Hambleton District Council 18 September 2018.
  4. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
  5. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (d) The crossing of the highway verge and footway shall be constructed in accordance with the approved details and Standard Detail number E6VAR; (e) Any gates or barriers shall be fixed so as not to be able to swing over the existing highway; and (h) The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
  6. No dwelling shall be occupied until the related parking and turning facilities have been constructed in accordance with the approved drawing reference 660/01. Once created these parking and turning areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
  7. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

8. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (a) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and (b) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
9. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
10. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement, improvement or other alteration shall be carried out to the dwelling or building nor shall any structure be erected or ground levels be varied from the details shown on drawing 1055/19/05 Rev G within or on the boundary of the curtilage of the dwelling hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.
11. All first floor windows on the south-east (plot 1) and south-west (plot 2) elevations of the dwellings shall at all times be glazed with obscured glass.
12. Prior to commencement, full constructional details for the provision and maintenance of the off-site surface water drainage, which will include the pipe from the site to the IDB managed drain and the IDB watercourse to the outlet into the river Ure, shall be submitted to, and approved in writing by Local Planning Authority. Thereafter the development shall be undertaken in full accordance with the approved details.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, DP1, CP16, DP28, CP17, DP32, CP21 and DP43.
3. To ensure the scheme does not result in surface water flood risk elsewhere.
4. In the interests of highway safety
5. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience
6. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
7. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

8. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
9. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
10. The Local Planning Authority would wish to retain control over the extension, improvement or alteration of this development in the interests of flood risk, the appearance of the site and the amenities of residential property nearby in accordance with Local Development Framework Policy CP1, DP1, CP17 and DP32.
11. To safeguard the amenities of occupiers of adjoining residential property in accordance with Local Development Framework Policies CP1 and DP1.
12. To ensure the scheme does not result in surface water flood risk elsewhere and in accordance with the Local Development Framework Policies CP21 and DP43.

### Informatives

1. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.
2. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste  
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and  
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from Hambleton District Council - Waste and Streetscene.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at [www.hambleton.gov.uk](http://www.hambleton.gov.uk) or by telephoning 01609 779977.