

## 4

16/00480/OUT

**Outline planning permission for 17 dwellinghouses and associated parking (considering access with other matters reserved)  
at land at Primrose Hill, Dalton  
for DH Land Strategy**

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located to the southwest of the village of Dalton at the end of Pit Ings Lane as it joins the newer development of Harriers Croft. Pit Ings Lane rises steeply up from Dalton Lane whilst the site itself is relatively flat and bordered by managed hedgerows and trees. A grass track runs along the northern boundary and on the eastern boundary of the site is a bungalow (Frendene). Opposite the site is a public right of way.
- 1.2 The application proposes 17 dwellings, which includes 7 affordable dwellings (41%). The precise mix is not known at this stage but an indicative layout is submitted. The site is 0.92 hectares in size and therefore the proposed density would be 18 dwellings per hectare. A CIL form has been completed indicating that the total floor space would be 1,750 sqm (an average of approximately 103 sqm per property). The proposal is in outline with only details of access provided at this stage.
- 1.3 The application is supported by a Design and Access Statement, Planning Statement, Ecological Survey, Flood Risk and Drainage Statement, Transport Statement and a Site Investigation Report.

### 2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/74/037/0006 - Outline application for residential development; Refused 30 January 1975.

### 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 CP3 - Community assets  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP7 - Phasing of housing  
Core Strategy Policy CP8 - Type, size and tenure of housing  
Core Strategy Policy CP9 - Affordable housing  
Core Strategy Policy CP9A - Affordable housing exceptions  
Core Strategy Policy CP15 - Rural Regeneration  
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 DP2 - Securing developer contributions  
Development Policies DP3 - Site accessibility  
Development Policies DP4 - Access for all  
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 DP11 - Phasing of housing  
 Development Policies DP12 - Delivering housing on "brownfield" land  
 Development Policies DP13 - Achieving and maintaining the right mix of housing  
 Development Policies DP15 - Promoting and maintaining affordable housing  
 Development Policies DP26 - Agricultural issues  
 Development Policies DP30 - Protecting the character and appearance of the countryside  
 Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation  
 Development Policies DP32 - General design  
 Development Policies DP33 - Landscaping  
 Development Policies DP43 - Flooding and floodplains  
 Development Policies DP44 - Very noisy activities  
 Interim Guidance Note - adopted by Council on 7th April 2015  
 Supplementary Planning Document - Sustainable Development - Adopted 22 September 2009  
 Affordable Housing - Supplementary Planning Document - Adopted 7 April 2015  
 Supplementary Planning Document - Size, type and tenure of new homes - adopted September 2015  
 National Planning Policy Framework - published 27 March 2012  
 National Planning Practice Guidance  
 Written Ministerial Statement on Landscape Character dated 27 March 2015

#### **4.0 CONSULTATIONS**

- 4.1 Dalton Parish Council – Wish to see the application refused on the grounds that:
- The application does not concur with Hambleton District Council's current Planning Policy and Guidance;
  - There are flooding issues on the main road through Dalton (at the bottom of Pit Ings Lane);
  - Pit Ings Lane is a narrow road and there are serious concerns about the increase in traffic that the development would generate. There have already been problems with access for emergency vehicles due to parked cars;
  - The land is a greenfield site and outside the building line;
  - There are concerns that the utilities currently within the village would struggle to cope with any more properties in Dalton;
  - There are very limited facilities within Dalton i.e. bus service, shop etc.; and
  - There has been a large quantity of houses build in Dalton over the past 20-25 years and we feel that building needs to be curtailed. This was highlighted by opinions stated in the Dalton Village Plan.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Public Rights of Way Officer - No objection subject to an informative ensuring that Rights of Way are highlighted to the applicant.
- 4.4 Environmental Health Officer - The proposed new dwellings are on land close to existing poultry sheds associated with Southland Farm, the closest of the new dwellings within 70m. The advisable separation distance between livestock buildings and non-associated residential premises, previously published by DEFRA, is 400m to prevent odour nuisance and nuisance from flies and noise. It is noted that there are existing residential premises close to the poultry sheds, Larks Edge approximately 60m away and properties on Harriers Croft, the closest approximately 100m away.

No complaints have been received historically and for 2 years the sheds have not housed poultry, only been used for storage. The absence of historical complaints associated with this farm indicates it has been managed so that a nuisance has not arisen. However, the sheds could come back into use as poultry sheds at any time and this could result in the dwellings being affected by odour, noise and flies which could impact on the farming operation if a statutory nuisance is established.

4.5 Scientific Officer (Contaminated Land) - No objection subject to conditions

4.6 Lead Local Flood Authority (NYCC) - The application documents do not appear to contain any detail of surface water management proposals so we are unable to provide any comments. Your attention is drawn to the National Planning Policy Framework (NPPF) and House of Commons Written Statement HCWS161 that requires planning authorities to ensure that sustainable drainage systems for the management of runoff are put in place unless demonstrated to be inappropriate. Requirements are detailed in North Yorkshire County Council SuDS Design Guidance.

4.7 Swale and Ure Drainage Board - The submitted drainage strategy and flow limitation to 3.5 litres per second has been considered and found to be acceptable. The individual effect of this development is insignificant. However the concerns with regard to the Old Beck and recent flooding events in the last 12 months are noted. The cumulative impact of new and future large-scale development in the Dalton area, including this proposal, on the drainage network would need to be assessed by the Local Planning Authority as part of its Local Plan review as there may be an improvement scheme necessary to the Old Beck which would need to be funded by contributions from developers, the Lead Local Flood Authority and Grant in Aid. This could prove to be expensive.

4.8 Housing and Planning Policy Manager –

Affordable housing - Housing support the provision of 41% affordable homes on the site but have concerns regarding the design/layout of two areas of the affordable housing and the parking arrangements for plots 15, 16 and 17.

Market Housing - The housing mix should be reviewed to include a high proportion of two and three bedroom market homes and possibly one pair of two bedroom semi-detached bungalows.

4.9 Public comment - 21 objections have been received raising the following comments:

- The proposed site is outside the development limits of the village
- Need for new homes - Hambleton quota for new housing is already fulfilled, more new properties not required by central government
- There are already major developments coming forward
- Other new build homes in Dalton already built not even selling
- The amenities and transport links within the village do not sustain the current village population
- The character of the village will be adversely affected with the existing development building to the capacity of the village
- Access to the land via Pit Ings Lane, which is a narrow road - additional cars would harm highway safety
- The access to the site is not safe in my opinion with cars travelling towards Harriers Croft would not have great visibility as the bend curves to the left so would not have the best chance to react to cars pulling out of the new development.
- It would also add to the heavy traffic on the main street of the village.

- The drains in Dalton village already not able to cope with excess rain water - extra houses would only make this worse (the village floods with excessive rain and that would affect the access to new properties)
- The road leading to Primrose Hill (Pitt Ings lane) would become busy to a point of being dangerous
- Why does green land have to be used, when there are brown field sites more suitable to be built on?
- Enough land is coming forward in response to the call for sites
- The planned location is quite close to flood zone 3 in the village, and the proposed area regularly stands in water contributing to standing water on my property. Any proposals need to detail how current standing water issues generally in the area would be successfully managed and not just assume they can be.

Two letters of support have also been received.

## **5.0 OBSERVATIONS**

- 5.1 The key determining issues are (i) the principle of development and the Council's housing land supply position; and (ii) whether the development can draw support as an exception to LDF policies of restraint in rural areas or the Council's Interim Policy Guidance, all of which have a significant bearing on the principle of development.
- 5.2 Other important issues to be considered include (iii) loss of agricultural land; (iv) affordable housing and housing mix; (v) design and the likely impact of the proposal on residential amenity; (vi) flooding and drainage; (vii) a protected tree; and (viii) highways and parking.

### The principle of development and housing supply

- 5.3 The National Planning Policy Framework places emphasis on maintaining a five year supply of deliverable housing sites (paragraph 49). Paragraph 47 requires an additional 5% buffer to ensure choice and competition in the market for land and a 20% buffer if there has been persistent under-delivery within a local authority area.
- 5.4 In order to calculate the current five year housing land requirement for Hambleton it is necessary to take the Objectively Assessed Need (OAN) of 274 dwellings per annum calculated in the January 2016 Strategic Housing Market Assessment (SHMA) as a starting point. The SHMA uses a base date of April 2014.
- 5.5 Over five years this produces a need for 1,370 dwellings ( $274 \times 5 = 1,370$ ). In order to ensure choice and competition in the market it is necessary to add a further 5% buffer to the 5 years' OAN figure as required by the NPPF. 5% of 1,370 is 68, so taking these elements together the 5 year housing land supply requirement for the District is 1,438 or 288 dwellings per annum. The numbers of dwellings completed in 2014/15 and 2015/16 have exceeded 288 each year and therefore there has been no under-supply since the April 2014 base date so there is no backlog within the District to be added to this requirement.
- 5.6 The Council has undertaken a robust survey of all sites with extant planning permission and allocations to assess the expected delivery of housing. No provision has been made for windfalls.
- 5.7 This latest monitoring data shows a deliverable supply of 2,781 dwellings over the next five years. This exceeds the revised five year housing land requirement by 1,341 dwellings, and allows the Council to demonstrate a deliverable supply for the next 9.7 years.

- 5.8 It is acknowledged that national policy within NPPF paragraph 49 states that "housing applications should be considered in the context of the presumption in favour of sustainable development" and it could be argued that an additional development of 17 houses would contribute towards the overall objective of boosting housing supply. However, as the District has a demonstrable supply well in excess of five years there is no reason to release this unallocated site and to allow housing on this scale outside Development Limits, particularly in a village location.
- 5.9 Where such releases are necessary in future, they should be guided by the plan making process and there is no reason to depart from the strategy set out in the LDF in the interim. The site has not been submitted to the Call for Sites as part of the Local Plan Review. The applicant highlights that this application should be regarded as a good, sustainable site to develop and would assist in keeping the District's supply topped up in the National interest, regardless.
- 5.10 In addition to the calculated supply, it is considered that there are further sites within Development Limits or which accord with the Council's Interim Policy Guidance that could boost overall housing supply and affordable housing provision within the sub area and the District and it would be consistent with the principles of national and local planning policy to consider such sites in preference to unallocated sites outside Development Limits.

#### LDF exception and Interim Policy Guidance

- 5.11 LDF policies CP1 and CP2, (which relate to sustainable development and minimising the need to travel) set a general presumption against development beyond Development Limits but policies CP4 and DP9 allow that planning permission can be granted where one or more of six exceptional circumstances are met. 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) published in March 2012. Paragraph 55 of the NPPF states:
- "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".
- 5.12 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 could boost overall housing supply and affordable housing provision within the District. The Council's Interim Planning Guidance therefore should also be considered.
- 5.13 The IPG notes that small scale development adjacent to the main built form of settlements (excluding Service Centres) will be supported where it results in incremental and organic growth. As a guide, small scale is normally considered to comprise up to 5 dwellings. However, each development must be considered on its own merits taking into the account the scale, form and character of the settlement.
- 5.14 Development in villages with no or few services or without convenient access to services in a nearby settlement will not be considered sustainable. However, Dalton

is identified as a Secondary Village in the 2014 Settlement Hierarchy and the IPG considers such settlements to be sustainable locations for small-scale development.

- 5.15 The IPG notes that proposals will be assessed for their impact on the form and character of a settlement. Consideration should be given to the built form of a settlement, its historical evolution and its logical future growth and how the proposal relates to this. Wider consideration must also be given to the special physical characteristics of the surrounding area as well as the settlement which sets it apart from its surroundings and contributes to its individuality (e.g. architecture, landscaping, setting, natural features, open space, types and styles of housing, number and size of roads and footpaths) and how the proposal addresses this. Small gaps between buildings should be retained where these provide important glimpses to open countryside beyond and contribute to the character and appearance of the area.
- 5.16 The applicant submits that the proposed implementation of mixed size dwellings would not conflict with the properties opposite or be perceived as overdevelopment because the site lies within the general framework of the settlement as defined by its topographical and landscape setting and a rounding off of the village.
- 5.17 Officers disagree with this assessment as the proposal does not create or use natural or defensible boundaries. The existing landscape is defined by the open and rural views rising up from Dalton Lane and up Pitt Ings Lane. Harriers Croft currently forms a natural boundary to the village respecting the character of the area. "Ferndene" is a separate dwelling and forms an end vista to the road and its limited scale ensures that the sense of openness is maintained rising up towards the site. The proposal would create a linear, non-natural boundary that would fail to respect the form and character of the settlement. As such, the proposal would not form a natural extension to Dalton, which the IPG requires.
- 5.18 The IPG envisages small-scale development that results in incremental and organic growth of villages. Whilst Dalton is larger than many other villages, the proposed 17 dwellings would not appear as an incremental or organic addition and would therefore be harmful to the character of the village.

#### Loss of agricultural land

- 5.19 The application does not include an agricultural land classification for the site but publicly available data indicates that all land around Dalton is within the "best and most versatile" (BMV) category, i.e. Grade 2 and Grade 3a agricultural land. LDF Core Policy CP16 and NPPF paragraph 112 set a presumption against the loss of such land to development and where losses of BMV are necessary, this should be following a thorough assessment of the options through the local plan process. The loss of best and most versatile agricultural land is thus a factor against the proposal.

#### Affordable housing and housing mix

- 5.20 41% of dwellings would be affordable housing and this would comply with LDF policy CP9 if the site was allocated or treated as an urban extension. The applicant submits that the dwellings would be two storey and compatible with the mix and style of housing within Dalton. No firm details are available at this stage but in principle this approach would allow development to be in keeping with the general form and appearance of housing within the village.
- 5.21 To meet the Council's policy requirements dwellings must be of a size that meets the Council's minimum standards or at least the nationally Described Space Standards and the affordable dwellings must be transferred to a Registered provider at the

Council's agreed transfer price. The transfer prices and space standards are set out below alongside the Nationally Described Space Standards against which the Council benchmarks all new homes.

- 5.22 The Council is also concerned to ensure that all housing better meets the needs of the population in the light of demographic and lifestyle changes. Census data reveals that the population is ageing and this is increasing year on year. Lifestyle changes have also led to the formation of smaller households and this has also impacted on the type of housing that is needed to sustain communities and support economic growth. Accordingly there is evidence to support the following market mix on larger market sites across Hambleton: 10% two bedroom bungalows, 10% one bedroom, 35% two bedroom and 25% three bedroom homes and 10-15% four bedroom houses.
- 5.23 A CIL form has been completed indicating that the total floor space would be 1,750 sqm (an average of approximately 103 sqm per property). Based on the submitted indicative layout and CIL form it is considered that the proposed mix would be likely to be focused on larger dwellings rather than those required to address local housing need, i.e. smaller dwellings or bungalows. 103 sqm would be, on average, a larger 3 or 4 bedroom dwelling. No bungalows or 1 and 2 bedroom properties are shown on the illustrative layout or within the CIL form and would therefore appear unlikely.
- 5.24 Whilst indicative, the layout suggests the proposed development would not be in keeping with the form, character and scale of development that would address local housing needs because it would be dominated by larger dwellings. The proposal is thus contrary to policies seeking to deliver an appropriate mix of housing types.

#### Design, residential amenity and public open space

- 5.25 The comments of the Environmental Health Officer indicate that future residents could suffer harm to their amenity due to the proximity of the poultry sheds to the south west of the site, even though the sheds are currently not used for that purpose. The buildings have planning permission for B8 storage units and are currently being used as such but the use could be intensified without the need for further planning permission. It should also be borne in mind that the buildings could revert to poultry keeping without planning permission because use for agriculture is not development.
- 5.26 It is plausible that an appropriate and detailed assessment could outline mitigation and management mechanisms in relation to the operation of the neighbouring buildings but none has been submitted.
- 5.27 As such without adequate assessment, the relationship with nearby land uses cannot be assessed and parameters cannot be established within the outline application that would inform a subsequent reserved matters submission. It has therefore not been proved that an adequate level of residential amenity would be achieved.
- 5.28 Policy DP37 requires all new residential development to address the needs of the new residents to achieve the target quantitative and qualitative requirements for a range of types of open space. The illustrative layout also makes no provision for public open space within the site. The indicative layout has been amended but it still raises concerns in relation to the quality of design. However, as the only detail for consideration at this stage is the access to the site, these concerns do not translate into a reason for refusal.

#### Flooding and drainage

- 5.29 The Swale and Ure Drainage Board and the Lead Local Flood Authority's comments and criticisms of the submitted drainage information have been carefully considered and noted. The introduction of sustainable drainage requirements is now standard for development of this type and scale. An amended Drainage Strategy was submitted on 18 April 2016 and the comments of the LLFA have been sought. Any update will be reported to the meeting. The amended comments of the Internal Drainage Board are reported above.
- 5.30 Dalton Lane (at the eastern end of Pitt Ings Lane) and the Old Beck are known flood zones and road closures occurred as a result of flooding in December 2015 and whilst the development would be some way from this, similar flooding could affect access to the site. Therefore safe access and egress to and from the site to areas outside the flooded areas in Dalton would be limited.
- 5.31 The absence of appropriate assessment, mitigation, proposed management of surface water and an appropriate and fully justified approach to sustainable drainage is a significant omission and is therefore a reason for conflict with local and national policy aims. There are concerns raised that future growth of Dalton would need to assess the impact of such proposals on the Old Beck and improvements would need to be undertaken through the form of contributions to reduce the incidence and impact of flooding. This would be best understood through the Local Plan preparation as such improvements could prove expensive and impact on the viability of schemes.

#### Highways and parking

- 5.32 The proposal shows access off Primrose Hill opposite number 27. The comments of the Highway Authority have been noted and the objections of residents are also carefully considered. The proposed indicative layout also shows a field access to the southern boundary of the existing field.
- 5.33 There are concerns that the development would be in close proximity to the bend in the highway entering Harriers Croft from Primrose Hill and the character of Pitt Ings Lane is also noted. These issues and driver visibility are legitimate areas of concern in the assessment of this application. The advice of the Highway Authority is noted insofar that adequate visibility can be provided and improvements to highway layout (e.g. a new footpath on Primrose Hill frontage) can be secured. However, those highway improvements are likely to require the removal of hedgerows and this would have an impact on the rural character of the area.
- 5.34 It is noted from the comments of residents that there are issues of parking on the road narrowing the road width. The existing road width is however built to adoptable standards and the carriageway is of an appropriate width. Whilst the issues of parking on the road are noted, it is the view of officers that the road width in itself is acceptable and the Highway Authority has not raised concerns.
- 5.35 It is considered that in this instance, with the conditions recommended by the Highway Authority noted, there would not be a sustainable reason for refusal on highway grounds. However, the impact on the character of the area of the necessary highway improvements would be negative.
- 5.36 The scheme has been found to be contrary to policies of the Local Development Framework, and no material considerations have been presented that outweigh the objections to the scheme.
- 5.37 Comments of the Local Education Authority regarding the capacity of the local primary school(s) to accommodate an increase in pupil numbers are awaited.



## 6.0 RECOMMENDATION

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

1. The site lies beyond the Development Limits of Dalton and in a location where the Council considers that housing development should only be permitted where it results in incremental and organic growth. The proposal would not deliver such growth and would cause substantive and significant harm to the open and rural nature of the site and result in the loss of natural boundary features as a result of ensuring a safe access to the site. There is a clear and defined boundary to the settlement which would be lost as a result of the proposal and which would harm the form and character of the settlement. The indicative layout submitted fails to demonstrate an appropriate design, mix, type or scale of development that would be in keeping with housing needs and fails to respect the character of the village. The Council has assessed and updated its housing land supply and objectively assessed need and can demonstrate a housing land supply well in excess of 5 years. Development Plan policies for the supply of housing are therefore up to date and the planning balance identifies that the harm from the development would therefore be contrary to Hambleton Local Development Framework policies CP1, CP2, CP4, CP6, CP8, CP9, CP9A, CP16, DP8, DP9, DP10, DP13, DP15 and DP30 as amplified by the Council's Interim Policy Guidance and Supplementary Planning Documents and the aims and objectives of the National Planning Policy Framework to deliver housing growth in a plan-led system.
2. The application should demonstrate, potentially as part of the Flood Risk Assessment that adequate infrastructure, feasibility of sustainable drainage solutions and risk of flooding elsewhere have been fully considered. The Flood Assessment and Drainage Report gives no indication of the feasibility of the potential strategies for draining the site of surface water and has not established that drainage infrastructure has capacity to accept flows or given detailed consideration to sustainable drainage mechanisms. As the surrounding area, including principal roads and infrastructure, is known to be subject to localised flooding which could affect access to the site, the submitted FRA does not provide a suitable or robust basis for assessment to be made of the flood risks arising from the proposed development. In addition there is no mitigation that has been put forward as part of a robust assessment to demonstrate that the development will not increase flood risk elsewhere and where possible reduce flood risk overall. The proposal is therefore contrary to policies CP21 and DP43 of the Hambleton Local Development Framework and the aims and objectives of the National Planning Policy Framework and Flood and the Water Management Act 2010.
3. The proposal relates to a greenfield site including the best and most versatile agricultural land. The proposal would therefore be a form of unsustainable development causing environmental harm. Taking account of the housing land position, there is no justification for the proposal in terms of the economic or social roles of sustainability and the proposal would therefore be contrary to Hambleton Local Development Framework policies CP16, DP12 and DP30 and the Written Ministerial Statement on Landscape dated 27 March 2015 and NPPF paragraph 112.
4. The proposed new dwellings are on land close to commercial uses which are currently being used as storage units under Use Class B8 which could be intensified without the need for planning permission. The closest of the new dwellings shown on the submitted plans would be within 70m, some 30m closer than existing dwellings. The advisable separation distance between livestock buildings and non-associated residential premises, previously published by DEFRA, is 400m to prevent odour nuisance and nuisance from flies and noise. It is noted that whilst the sheds have not

housed poultry for 2 years, they could come back into use as poultry sheds at any time without requiring planning permission and this could result in the dwellings being affected by odour, noise and flies which could impact on the farming operation if a statutory nuisance is established. Adequate assessment and associated mitigation relating to noise and disturbance has not been put forward as part of the application submission. As such the proposals are contrary to Policies CP1, CP15, CP21, DP1, DP26 and DP42 of the Hambleton Local Development Framework.

5. In the absence of a signed Planning Obligation the proposal fails to deliver an appropriate level of affordable housing contrary to Policy CP9, CP9a and DP15 of the adopted Hambleton Local Development Framework as amplified by the Adopted Affordable Housing Supplementary Planning Document.