

Parish: Dalton
Ward: Sowerby & Topcliffe
5

Committee date: 9 November 2017
Officer dealing: Mrs Caroline Strudwick
Target date: 17 November 2017

17/01872/OUT

**Outline application with details of access (all other matters reserved) for a residential development of five dwellings
At land adjacent Rose Cottage, Pit Ings Lane, Dalton
For Mrs H Harper**

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 The 0.29 hectares site is a green field to the south and east of a dwelling know as Rose Cottage, to the south of the main village. Part of the northern boundary of the site is the development limit line of Dalton, therefore the site is located outside the development limits. The site is not within flood zone 2 or 3.
- 1.2 There is no Conservation Area or designated historic assets within the development limits of Dalton. The locality is predominately residential. There are two former poultry sheds in storage use 200m to the south west, and pig shed 170m to the south east. The site is a grassed paddock, which has mature tree and hedging on all boundaries. The site is slightly sloped, as it falls away gradually from west to east with levels between approximately 28.8m & 26.4m AOD, a difference of 2.4m.
- 1.3 This application seeks permission for outline permission for five dwellings; there is an indicative lay out of the site included within the design and access statement. This shows the site laid out with a private access road, with three dwellings to the north of the access road, and two further dwellings at the most eastern point of the site. Given the size of the site and number of dwellings this would result in a density of approximately 17 dwellings per hectare. The size and scale of the dwellings are not specified all would be market housing units.
- 1.4 The matter for approval at this stage is the principle of residential development on this site. The remaining matters of access, appearance, landscaping, layout and would be for a later application if this is approved. Foul sewage is proposed to be disposed of via main sewer and surface water is proposed to be drained to soakaways.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 00/50323/O - Outline application for the construction of a detached dwelling with domestic garage; Refused 5 January 2001

Land adjacent to Fren Dene and Primrose Hill, to the west of the application site

- 2.2 16/01933/OUT - Application for outline planning permission (considering access only) for proposed residential development comprising five dwellings; Granted 7 December 2016 allowing three years for the submission of all reserved matters for the 5 single storey dwellings. No reserved matters submission has been submitted at the date of this report.
- 2.3 16/00480/OUT - Outline planning permission for 17 dwellinghouses; Refused 9 May 2016. The application was refused due to the location of the site outside

Development Limits, that there was no need to release additional land for housing (there was no housing land supply argument in support of the proposal), matters relating to flood risk with reference to the access that is liable to flood, loss of a greenfield site and best and most versatile agricultural land, potential impact of the neighbouring storage units on residential amenity and the lack of a mechanism to secure affordable housing.

- 2.4 An appeal was dismissed on 5 June 2017. The reason for refusal relating to the loss of agricultural land was, on the basis of further evidence, not pursued. It was agreed that a planning obligation could secure affordable housing provision.
- 2.5 The Inspector found that the Council has a five year land supply, and that the development would not be in accordance with the Interim Policy Guidance (IPG) as the scale of development is greater than the organic or incremental growth the IPG supports; further finding that the development would have a detrimental impact on the character of the wider area. Subject to conditions relating to emergency access routes during a flood event there was found to be no increased risk associated with development of the land and flooding. The Inspector found no conflict between residential development and the storage use on the adjoining land and could foresee no reason for the storage use of the buildings to revert to agricultural use.

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 CP17 - Promoting high quality design
Core Strategy Policy CP21 – Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP9 – Development outside Development Limits
Development Policies DP32 - General design
Development Policies DP43 – Flooding and floodplains
Interim Policy Guidance on housing in small settlements
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – Objects on the following grounds:
- The access road into the site is narrow and not suitable for two vehicles to pass;
 - There is only one entrance and no emergency exit road from the site;
 - When flooding occurs in the locality, accessing and exiting the site would be a problem;
 - Pit Ings Lane is a narrow road and was possibly not constructed to take the amount of traffic it already does. Emergency vehicles have in the past encountered problems in getting to where they need to be because of parked cars; and
 - Uncertainty where surface water would drain to.
- 4.2 Highway Authority – Notes that the proposed internal road is not to be offered for adoption by the County Council. However, the internal and access roads to must be constructed to highway specification because “where a developer wishes the streets to remain private, the highway authority may enter into planning obligations with the

developer under section 106 of the Town and Country Planning Act 1990, which requires the developer to construct the new streets to the authority's standards and to maintain them in good condition at all times. Such a planning obligation enables the developer to avoid making payments under the Advance Payments Code, as the highway authority can then be satisfied that the streets will not fall into such a condition that a Private Streets Work Scheme will be needed. The planning obligation thus provides exemption to the developer from making advance payments under section 219(4)(e) of the Highways Act 1980." Additionally conditions relating to construction standards and construction site management are recommended.

- 4.3 Environmental Health Officer – raises concern regarding the proximity to agricultural units and the potential for complaint but observes there is no recent history of complaints relating to agricultural activities.
- 4.4 Swale and Ure Internal Drainage Board – Recommended conditions relating to discharge by soakaway.
- 4.5 Yorkshire Water - There is a 250mm combined rising main that runs along the access leading to Pit Ings and notes that it would appear that the pipe will not be affected by the development. Recommends that prior to submission of Reserved Matters, the developer contacts the Yorkshire Water Developer Services Team.
- 4.6 Ministry of Defence Safeguarding – The site occupies the statutory aerodrome height, technical and birdstrike safeguarding zones surrounding RAF Topcliffe, there is no objection to the principle of houses at this location; however the MOD should be consulted at all future applications stages.
- 4.7 Public comments – Six objection have been raised; the main points are:
 - Pit Ings Lane is not a suitable access and can get very congested with parked cars;
 - Access should come directly off Main Street;
 - Dwellings should be single storey only;
 - The service road within the site should be to the north;
 - The main road in Dalton is liable to flooding; and
 - Impact on the privacy of Rose Cottage.

5.0 OBSERVATIONS

- 5.1 The key determining issues are (i) the principle of housing in this location; (ii) the impact on the character of the area; (iii) the impact on neighbour amenity; (iv) highway safety; (v) potential nuisances arising from adjacent agricultural uses; and (vi) flood risk.

Principle

- 5.2 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".

- 5.3 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.
- 5.4 Dalton is a Secondary Village and therefore considered a sustainable location for small scale development by the IPG. It is noted that the site is close to other properties within the settlement and close to local facilities and that the access to the site within Development Limits.
- 5.5 Cumulative impact must be considered with respect to the development of this site and the approved for 5 single storey dwellings on land to the west of Primrose Hill (16/01933/OUT). Currently there is no reserved matters application for the other site submitted to the Council, and no timescale for the completion of this development. It is possible that the two sites could be built out at the same time; however there is no certainty of this. If the two were built out at the same time there clearly would be a more significant perceived change in the character of this part of the village, which may not be seen as "small scale and gradual", which is a stated aim of the IPG.
- 5.6 Simultaneous development would also have a greater impact on residential amenity in terms of noise and volume of construction traffic than if the two were built out at different times. However, if the two were built out at the same time it is considered that the period of disruption to residents would be relatively short lived, and it is therefore not considered necessary to phase the building of this scheme to ensure it does not coincide with that at Primrose Hill.
- 5.7 The development of this site and the site at Primrose Hill would add an additional ten houses to the immediate area. However, it is considered that no individual dwelling would be unacceptably impacted by the cumulative effect of both developments. 41 Pit Ings Lane may be the most affected dwelling, however the width of Rose Cottage curtilage, which separates the application site and 41 Pit Ings Lane is 20m and the Primrose Hill site to the north west is separated by the road. Therefore it is considered that the cumulative impact on the amenity of this dwelling is not significantly harmful and the amenity of other surrounding dwellings would be adequately protected.
- 5.8 Currently this site is well landscaped with mature trees and hedgerows. These are important features of the site, and their retention is recommended along with the requirement of a landscaping scheme as part of the Reserved Matters application. The retention and management of the trees and hedges would assist in maintaining that atmosphere of a countryside setting, as well as mitigating the visual impact of the scheme to residents on Pit Ings Lane, the properties to the north east and those accessing the public right of way which runs off Pit Ings Lane south towards Crakehill. Additionally the retention of the hedgerows and trees would maintain the green corridors to the benefit of bio-diversity.
- 5.9 The siting of the proposed dwellings is not for decision at this stage, however, given the location and extent of the site, it is considered that in physical terms a development of 5 houses here would relate well to the existing settlement is small in

scale in the terms of the IPG and could therefore be acceptable in principle, subject to detailed consideration of the design, layout and relationship to neighbouring properties at the reserved matters stage.

Character of the area

- 5.10 The area is predominately residential and additional dwellings here would not be incongruous. The site is well screened by the tree and hedges. A public right of way passes the western boundary of the site and would afford views into the site. It is expected that the access point on to the road would require widening and therefore a loss of a portion of the planting and landscaping, however is it considered that this would not have a substantial adverse impact on the open undeveloped character of the area.
- 5.11 The outline indicative plan shows three dwellings in a linear form running west to east at the north of the site, and a further two at the far east of the site. It is acknowledged this is an outline application, with appearance, layout and scale for later reserved matters. Careful consideration must be given to how the space within the plot is used, the positioning of the dwellings and its proximity to the boundaries, as well as to Rose Cottage.
- 5.12 Taking into account that Rose Cottage is a bungalow; and this constitutes an edge of settlement site care needs to be taken regarding the scale and height of the dwellings not to over whelm the adjacent cottage and to respect position of the site. In the absence of further detail, which could be presented in a full planning application, it is considered prudent to restrict the dwellings to single storey at this outline stage.
- 5.13 The size of the dwellings is not set out in the application. In order to meet the needs of the local community, as set out in LDF Policies CP8 and DP13, a condition can be applied to require the resulting dwellings should be in accordance with the latest needs expressed in the Size, Type and Tenure of New Homes Supplementary Planning Document.

Neighbour amenity

- 5.14 The proposal includes indicative details of layout; however this detail is not for formal decision. With the external appearance and precise position of windows to be determined at a later date, it is considered that five dwellings here could be designed in a manner to ensure that overlooking and privacy of the neighbouring dwellings would not be adversely affected.

Highway safety

- 5.15 The major concern of the comments submitted by members of the public in response to the consultation was the additional strain to be put upon Pit Ings Lane. The Highway Authority raises no objection in principle to the development, subject to the conditions recommended, which includes the provision of tarmac carriageway extending from Pit Ings Lane to the proposed site entrance Pit Ings Lane.
- 5.16 The application form indicates that 20 parking spaces will be created in association with the scheme, which amounts to an average of four spaces per dwelling. It is considered that this generous parking provision will ensure that there is no reason for on street parking on Pit Ings Lane, avoiding any further congestion created by parked cars.
- 5.17 In view of this advice, it is considered that the additional traffic associated with five dwellings would not have a significant impact in terms of highway safety. The access could be accommodated safely within the space. Therefore it is considered that

highway safety on the completion of the development would not be compromised. The impact of construction vehicles, particularly if development on the Primrose Hill site were undertaken simultaneously, can be mitigated by construction management conditions, inevitably some impact would be caused however the impact is not so great to justify refusal of this application.

Nuisance

- 5.18 Concern was raised by the Environmental Health Service regarding the proximity of adjacent agricultural units. A separation distance of 400m has been recommended to ensure no impact on future residents arising from the livestock sheds.
- 5.19 There are no dwellings directly between the proposal site and the agricultural units to the south east; however there are dwellings nearer to the units. Environmental Health has no record of any complaints being made in regard to these units.
- 5.20 It is considered that the proximity to the agricultural units will not give rise to an unacceptable level of nuisances as a result of the adjacent agricultural activity.

Flood risk

- 5.21 In the consideration of the applications for development of land to the west of Fren Dene the issue of pedestrian access during a flood event. This was necessary due to the known flood problems on Main Street that would prevent safe access from Main Street via Pit Ings Lane. A condition has been imposed previously to require details of an emergency pedestrian access route during flood events. Since the December 2016 approval works have advanced to form a new bridge to achieve all-weather access to Dalton Airfield and will also assist with access to the village of Dalton during flood events. It is considered appropriate to impose a condition on this scheme to require a pedestrian access route to be approved.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
 - 1. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (a) the means of access to the building plot(s); (b) the siting, design and external appearance of each building, including a schedule of external materials to be used; (c) the landscaping of the site; (d) the layout of the proposed building(s) and space(s) including parking and any external storage areas; and (e) the scale (including the number) of buildings overall. This decision grants permission for not more than 5 dwellings.
 - 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 3757-PD-00 A received by Hambleton District Council on 24th August 2017 unless otherwise approved in writing by the Local Planning Authority.
 - 3. 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 following drawings and details have been submitted to and approved in writing by the Local Planning Authority: (a) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing: (i) the proposed highway layout including the highway boundary; (ii) dimensions of any carriageway, cycleway, footway, and verges; (iii) visibility splays; (iv) the proposed buildings and site layout, including levels; (v) accesses and driveways; (vi) drainage and sewerage system; (vii) lining and signing; (viii) traffic

calming measures; and (ix) all types of surfacing (including tactiles), kerbing and edging; (b) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing: (i) the existing ground level; (ii) the proposed road channel and centre line levels; and (iii) full details of surface water drainage proposals; (c) Full highway construction details including: (i) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths or when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels; (ii) kerb and edging construction details; and (iii) typical drainage construction details; (d) Details of the method and means of surface water disposal; (e) Details of all proposed street lighting; (f) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features; (g) Full working drawings for any structures which affect or form part of the highway network; and (h) A programme for completing the works. The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority.

4. 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 in connection with the construction of the access road or building(s) or other works until: (i) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority: (a) Provision of tarmac carriageway extending from Pit Ings Lane to the proposed site entrance; and (ii) A programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning Authority.
5. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase: (a) the parking of vehicles of site operatives and visitors; (b) loading and unloading of plant and materials; (c) storage of plant and materials used in constructing the development; (d) erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate; (e) wheel washing facilities; (f) measures to control the emission of dust and dirt during construction; and (g) a scheme for recycling/disposing of waste resulting from demolition and construction works.
6. Percolation tests must be undertaken prior to ground work commencing to establish if the ground conditions are suitable for soakaway drainage throughout the year. The results of which are to be submitted to the Local Authority. If surface water is only to be directed to a mains sewer system providing that the Water Authority are satisfied that the existing system will accept this additional flow.
7. The size of dwellings in the reserved matters submission shall reflect the mix and size requirements as expressed in the Size, Type and Tenure of new homes SPD.
8. No development shall be commenced until such time as an emergency pedestrian access route allowing access away from known flooding areas has been submitted to and agreed by the Local Planning Authority. The emergency pedestrian access route shall be thereafter retained and made available for users of the development in times of flooding.

The reasons for the above conditions are:

1. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
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 and CP16.
3. To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.
4. To ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
5. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
6. In accordance with Local Development Framework CP21 and DP43
7. To ensure that the scope of the decision reflects the proposal made and that the development meets local needs in terms of the size and type of dwellings in accordance with LDF Policy DP13 and the Size, Type and Tenure SPD.
8. To ensure that residents are not put at risk from flooding and to ensure that emergency services can access the site and residents in times of flooding.

Informatives

1. 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 or by telephoning 01609 779977.

2. You are advised that a separate licence will be required from the Local Highway Authority in order to allow any works in the adopted highway to be carried out. The local office of the Local Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.
3. If the surface water is to be discharged to any watercourse within the Drainage District, Consent from the IDB would be required in addition to Planning Permission, and would be restricted to 1.4 litres per second per hectare or greenfield runoff. No

obstructions within 9 metres of the edge of a watercourse are permitted without Consent from the IDB.

4. Please note that the proposed development is liable under the Community Infrastructure Levy Charging Schedule, adopted by Hambleton District Council on the 07 April 2015. Details of the charging schedule are available on the Council website. www.hambleton.gov.uk