

Parish: Dalton
Ward: Sowerby and Topcliffe
2

Committee date: 25th July 2019
Officer dealing: Miss Charlotte Cornforth
Target date: 29th July 2019

19/00791/FUL

**Construction of two dwellings and formation of an access drive
At Ivy House, Dalton
For Mr J Wood**

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is located to the north 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 and hedgerows. To the north of the site is the housing development of The Willows and to the west is open space leading toward the road, Willow Bridge Lane 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 proposal seeks the construction of two, detached 3 bedroom dormer bungalows, with an attached garage and bedroom at ground floor. The ridge height is proposed at 7 metres and the eaves height is proposed to be 2.5 metres. The dwellings will be constructed from red brick under a pantile roof with pitched roof dormers on the southern roof slope, with bay windows at ground floor and a central porch.
- 1.4 Vehicular and pedestrian access would be shared and taken from the south along a private drive and new access onto the highway. Each dwelling will have a driveway to the front, with open garden to the rear extending to a depth of 13 metres. The remainder of the paddock to the south would be retained as open land with a post and rail fence and hedgerow providing the boundary between this area and the application site.
- 1.5 Two pear trees approximately 6-8 metres in height are proposed to be felled within the paddock to facilitate the development. However, the remainder of the trees and hedgerows will be retained and a detailed landscaping plan has been submitted to show this. The trees that are proposed to be felled are in decline and are not considered worthy of a tree preservation order.
- 1.6 The dwellings themselves are located within Flood Zone 1; the lower part of the field is located within Flood Zone 2 with the access point located within Flood Zone 3. There is a pedestrian access point that to be surfaced passing through the western boundary hedge close to the dwellings to allow pedestrians a safe access and egress onto higher land if a flood event occurs. This has been shown on a plan and notice has been served on the adjacent land owner, which is the Parish Council. The application has been accompanied by a Flood Risk Assessment (Level 2) by FRC Ltd dated 31 July 2018.
- 1.7 The site is not located within or near to a Conservation Area nor is close to any listed buildings or other heritage assets.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 18/00423/FUL - Construction of one dwelling; Application withdrawn 18.09.2018. This dwelling was positioned further to the south of this 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

4.0 CONSULTATIONS

- 4.1 Dalton Parish Council – supports the application.
- 4.2 Highway Authority – no objection, subject to conditions.
- 4.3 Yorkshire Water – no response received to date.
- 4.4 Environmental Agency - no objections to the proposed development provided the dwellings are located in flood zone 1 in accordance with the submitted FRA and site drawings, subject to a condition regarding no raising of ground levels in flood zone 3, and all spoil arising from flood zone 3 should be removed from the floodplain and disposed of appropriately.
- 4.5 Environmental Health – no response received to date.
- 4.6 Public comments and site notice – one comment has been received from a neighbour. They state that they are happy for the new builds to go ahead but feel that we have lost enough greenery in the village with all the new builds please can ALL the hedges and trees please stay.

Since this comment, the agent has prepared a landscaping plan showing 2 trees to be felled and the remained of the trees and hedgerows to be retained. This has been shared within the neighbour and no further comments have been received,

5.0 ANALYSIS

- 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) design; (iv) residential amenity; (v) highway safety (vi) land contamination (vii) flood risk; and (viii) drainage

Principle of development

- 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. The development is small in scale, being for two dwellings.
- 5.8 The site layout shows two, 3 bedroom units with ground floor bedrooms. The Council's Size, Type and Tenure of New Homes SPD identify a need for more choice for older people including that of bungalows and smaller dwellings (2 and 3

bedroom). The dwellings are considered to meet the Size, Type and Tenure of New Homes SPD.

- 5.9 IPG criterion 3 states that development must not have a detrimental impact upon the natural, built and historic environment. Criterion 4 states development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
- 5.10 The application site is currently used as grazing land. There is no significant ecological interest associated with the site itself. The scheme would have no significant detrimental impact upon local ecology.
- 5.11 In terms of the character and appearance of the village, the application site was defined in the 1999 Hambleton District-Wide Local Plan under Policy BD5 as a space of 'townscape' importance. (The 1999 Local Plan was replaced by the Local Development Framework and the policies are no longer in force.) 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.
- 5.12 Whilst the site is not defined within the LDF 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
- 5.13 This grazing 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 providing a substantial open space to the side 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. Together, these areas of land make a significant contribution towards the character setting of this rural settlement.
- 5.14 The dwellings in this current application have been positioned further back within the paddock compared to the previous scheme and will be read against the back drop of the residential development of The Willows and Willow Grove. The rest of the paddock will be retained. Setting the development into the paddock means that the dwellings will be less apparent in the street scene and views will be masked given the change in levels and intervening soft landscaping.
- 5.15 It is considered that the siting of the dwellings will cause some harm the open character of the settlement. However, the dwellings would be read in the context of other dwellings in the locality. They are positioned further back than Ivy House will remain prominent in the street scene. The dwellings will not be viewed as an intrusive feature within the otherwise open paddock within the village.

- 5.16 Furthermore, the development is located within the envelope of the village and is not considered to have a detrimental impact upon the open character and appearance of the surrounding countryside or lead to the coalescence of settlements. It is considered that the wording of BD5 is helpful in assessing the proposal and the impact upon the environment and allows a conclusion to be reached that the proposal meets the requirements of the underlying LDF policies and the criteria 3 and 4 of the IPG.

Design

- 5.17 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.18 The dwellings are relatively modest in style, constructed from traditional materials, with traditional roof pitches and detailing in the form of bay windows and a porch. The attached garage is subservient to the main dwelling and the pitched roof dormers sit well back on the roof slope.
- 5.19 In light of the above, it is considered that the proposed development is considered to be of good design in accordance with the principles of the NPPF and the requirements of Policy CP17 and DP32 of the adopted LDF.

Residential amenity

- 5.20 The closest residential dwellings to the site are 3 Willow Grove and 17 The Willows. There is a side to side relationship between Plot 1 and 3 Willow Grove and a rear to side relationship between Plot 2 and 17 The Willows.
- 5.21 It is considered that due to positioning of the dwellings, the dwellings being relatively low in height, the positioning of the openings and the landscape features that will be retained, there would not be a material adverse impact upon the amenity of the neighbouring occupiers.

Highway safety

- 5.22 Criterion 5 of the IPG states that development must be capable of being accommodated within the capacity of existing or planned infrastructure.
- 5.23 The Highway Authority has raised no objection to the proposal and visibility splays can be provided. There is adequate on-site turning and parking for each plot. It is considered that the proposal will not be detriment to highway safety.

Land contamination

- 5.24 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

- 5.25 The dwellings themselves are located within Flood Zone 1; the lower part of the field is located within Flood Zone 2 with the access point located within Flood Zone 3. There is a pedestrian access point that will be surfaced through the western boundary hedge close to the dwellings to allow pedestrians a safe access and egress onto higher land if a flood event occurs. This has been shown on a plan and notice

has been served on the adjacent land owner, which is the Parish Council. The application has been accompanied by a Flood Risk Assessment (Level 2) by FRC Ltd dated 31 July 2018

- 5.26 The Environment Agency has raised no objection to the proposal on the basis that the dwellings are located within Flood Zone 1; the lowest area of flood risk. The pedestrian access point will allow for a safe access and egress in a flood event and it is considered that the proposed development is acceptable in terms of flood risk and will not increase flood risk elsewhere in the area.

Drainage

- 5.27 Foul drainage would be disposed of via the mains and surface water via a soakaway. 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 and meets the requirements of criteria 5 of the IPG.

Planning Balance

- 5.28 The proposed development will result in economic activity through the construction of two new homes, and the social gains of the creation of an additional 2 dwellings. The gains in both these aspects of 'sustainable development' are small, in this instance, the scheme is considered to be 'neutral' in respect of environmental impacts. There is no environmental harm and as a consequence the scheme is on balance found to be sustainable development in the terms of the NPPF.

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)

Revised Site Location Plan received 21st June 2019, Revised Site Layout Plan Rev A received 21st June 2019, Block Plan 1891-1A received 5th April 2019, Section 1:200 @A3 received 10th June 2019 & Proposed Floor Plans and Elevations 1891-2B.

3. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development 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.
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(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
 - a. The crossing of the highway footway shall be constructed in accordance with Standard Detail number E6.
 - b. The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
6. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing 1891-1A. Once created these 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. 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 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. parking capable of accommodating staff and sub-contractors vehicles clear of the public highway
 - b. materials storage area capable of accommodating materials required for the operation of the site.
 - c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
9. There must be no raising of ground levels in flood zone 3, and all spoil arising from Flood Zone 3 are to be removed from the floodplain.
10. Prior to the occupation of the dwelling, exact details of the surfacing for the pedestrian access point through the western boundary hedge shall be submitted to and approved in writing by the Local Planning Authority and the access shall be formed in accordance with the approved details. The access shall be kept available for use thereafter.
11. Above ground construction of dwellings shall not be commenced until a detailed landscaping scheme indicating the type height, species and location of all new trees and shrubs has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied after the end of the first planting and

seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situated within the curtilage of that dwelling have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

12. Prior to construction of any building or regrading of land commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development and the relationship to adjacent development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

The reasons are:

1. To ensure compliance with 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 Hambleton Development Plan Policies DP1, DP28 and CP17.
3. 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.
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 appropriate on-site vehicle facilities in the interests of highway 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 there is no loss of flood storage (or displacement of flood flows onto others), or alteration to existing flood flow routes.
10. 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.
11. In order to soften the visual appearance of the development whole in accordance with Hambleton Local Development Framework Policy CP17.
12. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.

Informatives

1. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The

'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.