

Parish: Thrintoft
Ward: Morton on Swale
15

Committee date: 7 March 2019
Officer dealing: Mrs H Laws
Target date: 15 March 2019

18/02416/OUT

Outline planning application with details of access (all other matters reserved) for the demolition of redundant agricultural buildings and construction of four dwellings

At: Ivy House Farm, Thrintoft
For: Mr & Mrs P Peacock

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 site lies at the north eastern end of the village and currently forms part of the farmyard associated with Ivy House Farm. The northern end of the site fronting onto the village street is occupied by agricultural buildings currently used for storage; part is tenanted and used to house cattle. The site is located in a slightly elevated position above the village street; access to the farmyard and the fields beyond divides the application site into two thirds to the north and one third to the south. A row of trees lies along the frontage to the north of the access and a hedgerow bounds the frontage of the site to the south of the access. The existing access also forms the route of a public right of way through to the agricultural fields to the east.
- 1.2 The existing farmhouse lies immediately to the south of the site, which is also served by the existing farmyard access. It is proposed to retain the access for use by this dwelling. An existing bungalow lies immediately to the north of the application site; a recently constructed dwelling lies opposite the access to the west.
- 1.3 It is proposed to remove the existing agricultural buildings and construct four dwellings. The application is an outline application. The only matter for approval at this stage is access. The remaining matters, i.e. appearance, landscaping, layout and scale would be for a later application if this is approved.
- 1.4 The existing access would be retained for use by three of the proposed dwellings. An illustrative layout has been provided, which shows three dwellings to the north of the access, (two of which would use the existing access) and one dwelling to the south of the access (which would use the existing access in addition to the farmhouse). The most northerly of the proposed dwellings would have a new individual access created from the village street.
- 1.5 The submitted layout shows two of the dwellings as detached and two as semi-detached.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 None.

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 CP8 – Type, size and tenure
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 DP4 - Access for all
Development Policies DP13 – Achieving and maintaining the right mix of housing
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework – February 2019

4.0 CONSULTATIONS

4.1 Parish Council – has submitted the following comments:

- Residents did not voice serious concerns about the applications at this stage but wish to reconvene when detailed plans are issued for further consultation;
- There are serious concerns about the impact on capacity and capability of the infrastructure of the village of the three new buildings and the potential for seven more; together they would constitute around a 20% increase in the number of dwellings;
- Already the BT landline service cannot cope with the current number of homes; the broadband service is equally poor;
- Residents at the far eastern end of the village along Thrintoft Moor Lane report unreliable water pressure, particularly affecting showers and toilets, needing urgent remedial action by Yorkshire Water to incoming water pressure before any further homes are approved for construction;
- Residents are already at risk of flooding in severe weather. If four new dwellings are built on Mr Peacock's land without a restriction on paving their front gardens this would exacerbate the flood risk;
- Seven new dwellings would add to the likelihood of problems being magnified unless Yorkshire Water ensures that the systems can cope sufficiently with new users;
- Unless all new dwellings have frontage to Moor Lane which is gated (as all current dwellings are) there would be a risk that new residents would have to bear the impact of livestock potentially straying onto their property;
- The applicant currently has a tenant who uses two of the existing farm buildings to house cattle and to store feedstuffs. Should these buildings be replaced by housing it is likely that he would need to apply for planning permission to erect new farm buildings;
- It is highly likely that the farm buildings will include asbestos. In the event of their demolition, it would be essential, therefore, for the health and safety of all residents that correct protective procedures are required as a condition of any planning approval;
- Moor Lane and the access road to the western end of the village are narrow lanes. Adding seven new dwellings to the three dwellings constructed in 2018 will cause significant increases in volumes of traffic. The road surfaces already have to cope with much heavy traffic; and
- Residents are concerned that unless action is taken to ensure the 30mph speed limit is adhered to along Moor Lane there will be serious accidents.

4.2 Highway Authority – In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters:

The design standard for the site is Manual for Streets, and the required visibility splay at both of the proposed accesses is 2.4 metres by 43 metres. Although these visibility splays would be achievable, implementation would involve:

- The removal (and possible relocation) of a portion of the hedge row to the front of the existing farm house;
- The removal (and possible relocation) of the existing timber boundary fence line to the north east of the existing access to the site (as shown on the Indicative Site Layout Plan); and
- The removal of some of the trees located to the north east of the existing access to the site, as shown on the Indicative Site Layout Plan.

Conditions are recommended.

- 4.3 NYCC Public Rights of Way officer – a public right of way (PROW) follows the route of the access to the fields to the east; an informative requiring the route's protection is recommended.
- 4.4 Yorkshire Water – Conditions recommended to protect the local aquatic environment and YW infrastructure
- 4.5 Swale & Ure Internal Drainage Board - If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.
- 4.6 SABIC – No observations as at approximately 380m the development will not affect pipeline apparatus
- 4.7 Ramblers Association – No objections to the principle of development, however any change must consider any adverse effect on the PROW system at or near the farmstead
- 4.8 Environmental Health Officer – No objection. Advises that there will be no negative impact on amenity. A land contamination condition is recommended.
- 4.9 Public comments – No received to date.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are (i) the principle of additional residential development in this location outside of Development Limits; (ii) the loss of the agricultural buildings; (iii) the likely impact of the proposed dwellings on the character and appearance of the village and the rural landscape; (iv) residential amenity; and (v) highway safety. Issues such as the BT landline, broadband, asbestos removal and water pressure in the village are not matters that are considered material to the consideration of the application.

The principle of development

- 5.2 The site is outside Development Limits as Thrintoft does not feature within the Settlement Hierarchy defined within Policy CP4 of the Core Strategy. Policy DP9 states that permission will only be granted for development in locations such as this "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal is a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the NPPF. Paragraph 78 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. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council has adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance bridges the gap between CP4/DP9 and the NPPF and relates to residential development within villages.
- 5.4 The IPG 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.
- 5.5 In the 2014 Settlement Hierarchy reproduced within the IPG, Thrintoft is defined as an Other Settlement.
- 5.6 To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The site lies within the village of Thrintoft which is identified in the Interim Policy Guidance as part of a cluster of villages with Ainderby Steeple and Morton on Swale. These three villages have long been linked economically and socially, which continues to the present day. Collectively the three villages have a church, pre-school, primary school and shops, whilst each village supports a public house. However, it is clear that Morton on Swale accommodates the majority of the services and facilities. This is recognised in its status as a Service Village. On that basis, the IPG indicates that Thrintoft is a sustainable location for appropriate small-scale development and criterion 1 would be satisfied. Accordingly, there is support for the principle of residential development in this location.

Loss of agricultural buildings

- 5.7 The proposed removal of the agricultural buildings and change of use of the land must be considered in respect of two issues: the potential loss of premises used for employment purposes; and the potential for additional visual impact on the landscape and on residential amenity should the buildings need to be provided elsewhere.
- 5.8 Most of the buildings were last used by the applicant for housing dairy cows and for silage storage. This use ceased in 2000. One of the buildings is currently in use for over-wintering cattle but this agreement with a neighbouring farmer is a temporary arrangement and is to cease.

- 5.9 It is not anticipated that the loss of the availability of these buildings would lead to a need for new buildings elsewhere but should this arise, any proposal will be considered on its merits at that time. Removing an established agricultural use from the site would address any potential for noise or odour nuisance that may occur in the future from a more intensive re-use of the buildings.

Impact on form and character of village and rural landscape

- 5.10 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings; however this does not automatically mean that five dwellings would be appropriate in every settlement or up to that number on every site. In this instance four dwellings are proposed, which must be considered cumulatively with other planning permissions recently granted in the village. Planning permission has been granted for four dwellings at Thrintoft Grange (16/01391/FUL); a dwelling on land adjacent to West House (16/02590/REM); a dwelling at Oxmoor Barn in June 2016 (17/00396/REM); an almost completed dwelling on land opposite the application site (17/01347/FUL); and a dwelling now completed at Glencoe (17/01539/FUL). A current application for the construction of three dwellings is yet to be determined at Derbyshire House, towards the western end of the village.
- 5.11 The approval of this application would result in a cumulative total of 12 additional dwellings within the village (15 if Derbyshire House is granted permission). Thrintoft is characterised by development along a number of spurs and the approved dwellings are positioned throughout the different spurs. Two of the recent approvals have been built in close proximity to the application site so approval would result in permission being granted for six additional dwellings in this part of the village within 3 years. It is considered that this is not excessive in respect of the impact on the form and character of the village particularly as it is for the replacement of agricultural buildings with dwellings, rather than the construction on open land, and would have less visual impact on the village.
- 5.12 IPG criterion 3 requires development not to have a detrimental impact on the natural, built and historic environment. Thrintoft is characterised by linear development along the different spurs and the construction of dwellings on the site, fronting onto the village street, is considered to reflect the established character.
- 5.13 The proposed development would require the removal of several of the trees and the full length of hedgerow that lies within the application site to the south of the access. A tree report concludes that the trees are in a good condition but are very close together and some should be removed in order to allow better spacing between those remaining. It is recommended that a new hedge is planted behind the visibility splay, to replace the section removed.

Residential amenity

- 5.14 LDF Policy DP1 requires development to adequately protect amenity, particularly with regard to privacy, security, noise and disturbance and pollution (including light pollution). In this case the nearest neighbours would be Pinfold to the north; the existing farmhouse to the south and the new dwelling at The Byres to the west.
- 5.15 Albeit an outline application with no details of layout or design, it is considered that there would be adequate separation between the existing and proposed dwellings for there to be no harmful impact as a result of overlooking or overshadowing and the development would be in accordance with Policy DP1.
- 5.16 The replacement of an agricultural use with a domestic use may improve the amenity of existing residents in the vicinity of the application site.

Highway safety

- 5.17 The Highway Authority has no objections regarding the proposed additional dwellings being served from the existing and new accesses. Improvements are required to provide better visibility from the existing access but can be achieved with the removal of existing features including a hedgerow, fencing and some trees. Conditions are recommended.

Planning balance

- 5.18 The proposal would create two additional dwellings in a sustainable location, without causing harm to the form and character of the village, and without harm in terms of highway safety. The scheme is found to result in social gains through the provision of new housing, the economic impact of the development would be small but positive and the environmental impacts as a consequence of the development are on balance found to be positive. No other material considerations would preclude a grant of planning permission. The proposed development is found on balance to be acceptable.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Five years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
 2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the siting, design and external appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site.
 3. The details required by condition 2 above shall indicate no more than 4 dwellings and the mix of housing proposed shall comply with the requirements of the Council's Supplementary Planning Document on Housing, Size, Type and Tenure.
 4. 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.
 5. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.
 6. No above ground construction work shall be undertaken until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has

been completed. 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.

7. The dwelling at the southernmost end of the site shall not be occupied after the end of the first planting season following the commencement of the development unless a hedge has been planted along the highway frontage immediately behind the visibility splays required by condition 13 of this permission. The hedge shall be thorn or beech, or such other species as may be agreed in writing by the Local Planning Authority before planting. Any hedging removed, dying, becoming seriously damaged or becoming seriously diseased within 5 years of planting shall be replaced by hedging of similar size and species to that originally planted.
8. 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.

These details are required prior to construction or regrading because they could otherwise be compromised and in order to minimise the risk of abortive work being undertaken.

9. The following land contamination investigation, remediation and verification conditions must be addressed sequentially.
 - (a) The outcome of the investigations will indicate the further site investigation, remediation and verification that may be required. In all instances if contamination is found or suspected at any time during development that was not previously identified all works shall cease and the Local Planning Authority shall be notified in writing immediately. No further development shall be undertaken until a detailed site investigation and risk assessment, having regard to current best practice, has been carried out. Where remediation is necessary a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority before any further development occurs.
 - (b) No development shall commence until a 'Phase 1' Preliminary Risk Assessment (including Desk Study, Site Walkover and Conceptual Site Model), having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority.
 - (c) No development shall commence until a 'Phase 2' intrusive site investigation and risk assessment, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority.
 - (d) No development shall commence until a 'Phase 3' Remediation Strategy, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority unless the outcome of the 'Phase 2 Investigation' shows that remediation is not required.
 - (e) No further development shall commence until the approved remediation scheme has been implemented.
 - (f) In the circumstances that remediation has been required the development shall not be occupied until a Verification Report, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority..

10. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
11. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.
12. 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 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.
13. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road Thrintoft Moor Lane (U2203) from a point measured 2.4 metres down the centre line of both of the proposed access roads. The eye height shall be 1.05 metres, and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
14. 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 hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority: (i) vehicular and pedestrian accesses; (ii) vehicular parking; and (iii) vehicular manoeuvring and turning arrangements.
15. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 14 are available for use, unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
16. 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 wheelwashing 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.
17. 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.

18. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawing numbered 2018:16/02D (in respect of access) received by Hambleton District Council on 8 November 2018 and 11 February 2019 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Section 92 of the Town and Country Planning Act 1990.
2. 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.
3. To ensure the dwellings are compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17 and to ensure that the proposed housing mix meets the identified need for new housing.
4. 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.
5. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
6. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with LDF Policies CP16 and DP30.
7. In order to soften the visual appearance of the development in accordance with LDF Policies CP16 and DP30.
8. To ensure the buildings are in keeping with the character and appearance of the locality in accordance with LDF Policies CP17 and DP32.
9. To ensure safe development of the site and to protect human health and the environment in accordance with LDF Policies.
10. In the interest of satisfactory and sustainable drainage in accordance with LDF Policies CP21 and DP43.
11. To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network in accordance with LDF Policies CP21 and DP43.
12. In the interests of highway safety in accordance with LDF Policies CP2 and DP4.
13. In the interests of road safety in accordance with LDF Policies CP2 and DP4.
14. To ensure appropriate on-site facilities, in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.

15. To provide for appropriate on-site vehicle facilities, in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.
16. To ensure that no mud or other debris is deposited on the carriageway, in the interests of highway safety in accordance with LDF Policies CP2 and DP4.
17. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area in accordance with LDF Policies CP2 and DP4.
18. 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.

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. The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as any alternative route has been provided and confirmed under an Order made under the Town and Country Planning Act 1990. Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via paths@northyorks.gov.uk to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.
3. The proposals in respect of condition 14 shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development - A Guide' available at www.northyorks.gov.uk.
4. Any landscaping within the site is to be positioned and maintained such that it does not encroach on or over the adjacent highway.
5. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.