

Parish: Thrintoft
Ward: Morton on Swale
18

Committee Date: 15 September 2016
Officer dealing: Mr K Ayrton
Target Date: 25 August 2016
Date of extension of time: 19 September 2016

16/01391/FUL

**Construction of four dwellinghouses with associated parking, visitors parking, turning area and bin collection enclosure
At Thrintoft Grange, Thrintoft
For Pilcher Homes Ltd**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site lies on the north western edge of the village with a vehicular access gained from an existing farm track off Bramper Lane. The site accommodates a large agricultural building with an adjoining farmyard area currently used for the storage of farm equipment. The land surrounding the building is compacted ground associated with the farming operations.
- 1.2 The southern boundary of the application site abuts an adjacent property known as 4 Chapel Garth, which is a converted chapel and a grade II* listed building. The remainder of Chapel Garth accommodates several large detached dwellings that are accessed off the main residential lane to the south.
- 1.3 It is proposed to construct four dwellings: a detached four-bedroom house; a pair of three-bedroom semi-detached houses; and a bungalow.
- 1.4 The bungalow has already been granted permission earlier this year (15/02501/FUL). However, it is noted that the current proposal includes a detached garage to serve the bungalow that was not previously proposed.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 15/02294/FUL - Change of use of agricultural land to domestic and construction of four dwellinghouses with associated parking, visitors parking, turning area and bin collection enclosure; Withdrawn 25 November 2015.
- 2.2 15/02501/FUL - Change of use of agricultural land to domestic and construction of one bungalow; Granted 5 April 2016.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Policy CP1 - Sustainable development
Core Policy CP2 - Access
Core Policy CP4 - Settlement hierarchy
Core Policy CP16 – Protecting and enhancing natural and man-made assets
Core Policy CP17 – Promote high quality design
Core Policy CP21 – Safe response to natural and other forces
Development Policy DP1 - Protecting amenity
Development Policy DP4 - Access for all
Development Policy DP10 – Form and character of settlements
Development Policy DP30 – Protecting the character and appearance of the countryside
Development Policy DP32 – General Design

4.0 CONSULTATIONS

- 4.1 Contaminated Land Officer – comments awaited.
- 4.2 NYCC Archaeology - The proposed development lies within an area of archaeological interest and potentially on the site of the former Medieval Grange at Thrintoft Grange Farm and adjacent to the C14th chapel of St Mary Magdelane, both of which were the property of Jervaulx Abbey. Earthworks of a rectilinear feature, also marked on the OS 1st edition mapping, have been mapped by the English Heritage National Mapping Programme for the Yorkshire Henges Project, along with a series of ditches to the west all of which are no longer extant. The rectilinear feature is shown to have extended into the proposed development area. These features may be associated with Thrintoft Grange. Archaeological work carried out during development to the south and east of the former chapel in 1999 recorded features and pottery dating to the post medieval period. It was thought that the Medieval deposits in this area had been truncated by post medieval development. Therefore the proposed development has the potential to encounter archaeological remains dating from the medieval or post medieval periods and a scheme of archaeological mitigation recording should be required by condition.
- 4.3 Yorkshire Water – No comments.
- 4.4 Historic England – The proposed development is essentially similar to that submitted under application ref 15/02294/FUL. Our advice is therefore the same as that contained in our letter of 9 November 2015.

Having considered the application documents, we consider the proposals would harm the setting of the listed building. We therefore recommend the application is not granted consent. If the bungalow directly north of the chapel were omitted from the scheme, we would have no objection to the remaining dwellings on heritage grounds.

Despite the presence of modern housing to the south and the east, the rural aspect to the remainder of the setting is important in understanding the historic character of the chapel and its landscape.

These aspects of setting which contribute to the significance of the listed building should have been assessed as part of the application in accordance with paragraph 128 of the National Planning Policy Framework. Nevertheless, having undertaken our own assessment and visited the site, we consider the proposed dwelling directly to the north of the chapel would be harmful to the significance of the building. This is because the dwelling would remove part of the agricultural character of the setting of the chapel which has its immediate context for most, if not all of its history. The way in which the chapel illustrates an isolated place of worship within a rural landscape would be further eroded to an unacceptable degree.

The proposals as submitted would not preserve or enhance the setting of the Grade II* listed Chapel of Saint Mary Magdalen. We therefore recommend consent is not granted for the development in its current form. If the bungalow directly north of the chapel were omitted from the scheme, we would have no objection to the remaining dwellings on heritage grounds.

- 4.5 Highway Authority – No objection subject to conditions relating to parking, turning areas and the management of construction traffic.

4.6 Public comment – One letter has been received making the following relevant comments:

- Following the decision to grant permission for the bungalow it was inevitable that the rest of the original development would be resubmitted.
- I believe that it was never the intention for the owner simply to have one property constructed, it was always going to be part of a larger development.
- It seems that the archaeological / historical arguments against the development have been disregarded leaving the plot wide open for development.
- Whilst I have no major objection to the application (provided that access, during construction and after the development is completed, is strictly from the land as specified in the plans) this should not be interpreted as a declaration of 'support'.
- 3 Chapel Garth is the property most affected by this proposal as the house will go from having a peripheral 'edge of village' location to being completed surrounded by other properties. However, as stated in our submission, the large barns are large and ugly and their demolition will enhance the appearance of the area.

5.0 OBSERVATIONS

5.1 The main issues to consider are: (i) the principle of a four dwelling development in this location outside the Development Limits; (ii) an assessment of the likely impact of the proposed dwellings on the character and appearance of the village and surrounding landscape; (iii) the effect of the development on the adjacent Heritage Asset (grade II* listed building); (iv) neighbour amenity; and (v) highway safety.

Principle of Development

5.2 The site falls outside Development Limits as Thrintoft does not feature within the settlement hierarchy defined within Policy CP4 of the Core Strategy. Policies Cp4 and DP9 state that development will only be granted for development in exceptional circumstances, six of which are set out in policy CP4. The applicant does not claim any of the exceptional circumstances identified in the policy 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 The NPPF identifies some special circumstances that are consistent with those set out in Policy CP4, with the addition of "the exceptional quality or innovative nature of the design of the dwelling". None of these exceptions are claimed by the applicant.

5.4 To ensure 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 has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.

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 an example of a cluster village. The cluster comprises the three villages of Ainderby Steeple, Morton on Swale and Thrintoft. 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

Character and appearance

- 5.7 To accord with the IPG, proposals must be small in scale. In this instance a total of four dwellings are proposed. In assessing whether this is considered to be small scale, the starting point is to look at the size of the existing village, which is identified as an Other Settlement in the settlement hierarchy.
- 5.8 Viewed within the context of the approximately 26 dwellings in the immediate built up area of Thrintoft, on the south western side of Bramper Lane, the four dwellings would be a significant increase. However, there is another part of Thrintoft on the north eastern side of Bramper Lane and when this is taken into consideration the proposal can be seen as a smaller increase. This wider assessment is in keeping with the methodology set out in the IPG, which does not envisage consideration of settlements in parts.
- 5.9 In favour of the proposal is the fact that the development would replace existing built form within an established curtilage, albeit its border with the adjoining countryside is subtle.
- 5.10 IPG criterion 3 requires development not to have a detrimental impact on the natural, built and historic environment. Thrintoft is characterised by linear development, particularly to the west, and the addition and extent of this residential development needs to reflect the established character.
- 5.11 The development of four dwellings and the domestication of the access road would change the character of this edge of the village. Whilst a single bungalow was considered acceptable, the creation of 4 dwellings would undeniably have a greater impact. The development would effectively create a cluster of residential development sitting behind the main line of residential development. It is considered that this would not entirely reflect the established built form of the village.
- 5.12 However, careful consideration needs to be given to the recent approval of the bungalow, which is material to the determination of the application. The bungalow, which also forms part of the current application, is the element of the proposal that presents the most significant change in terms of its relationship with the existing built form, the impact on the wider countryside and on the setting of the adjacent heritage asset, as identified by Historic England. The other three dwellings would replace an agricultural building, therefore the impact of their built form is much reduced.
- 5.13 Having regard to the planning history and the fact that the bungalow has already been approved, it is considered that the remainder of the proposed development would not have a detrimental impact on the natural and built environment or the open character and appearance of the surrounding countryside. This leaves the impact on the historic environment to be considered.

Effect on the adjacent Heritage Asset

- 5.14 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses.
- 5.15 Paragraph 128 of the NPPF states that Local Planning Authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 5.16 In this instance the application is supported by a Planning and Design & Access Statement, which includes the following paragraph that gives consideration to the impact on the grade II* listed building:
- “The proposal does not have any impact on the listed former chapel. On the contrary, its setting is enhanced by the removal of the adjacent modern portal framed agricultural building.”
- This is accepted in respect of three of the four dwellings, which would replace the agricultural building and would not impose in the setting of the chapel.
- 5.17 Historic England advises that the application has failed to undertake an assessment of the impact on setting which contribute to the significance of the listed building, as required by paragraph 128 of the NPPF. Therefore it has undertaken its own assessment and raised an objection to the proposed development, with specific concerns relating to the proposed bungalow to the north of the chapel. Historic England therefore advises that the application should be refused, adding that were the bungalow to be removed from the scheme, it would have no objection to the remaining dwellings on heritage grounds.
- 5.18 Whilst it is accepted that the bungalow has already been granted planning permission, that did not include the garage now proposed, which was removed because it was considered to be unacceptable in terms of its impact on the setting of the chapel. There have been no material changes in planning policy and the officer view remains that this element of the proposal would cause some harm to the setting of the listed chapel.
- 5.19 However, when the previous approval of the bungalow and the lack of objection to the additional dwellings are taken into account, it is concluded that the garage would stand between these elements and of itself would not significantly alter the impact on the setting of the chapel. Nevertheless, it is noted that Historic England maintains its objection to the bungalow and it is evident that a reasonable form of development could be achieved without placing any building where it affects the setting of the chapel.

Neighbour Amenity

- 5.20 The nearest properties are the converted chapel and 3 Chapel Garth, which adjoin the south eastern boundary. Both properties are orientated so that they do not front or back onto the application site. The separation distance between the side of number 3 and the rear of the two storey dwellings is approximately 26m. This is an acceptable separation distance. The proposed relationship between the bungalow

and chapel is as previously approved. It is therefore concluded that the development would not result in harm to residential amenity.

Highway Safety

- 5.21 The Highway Authority has no objections regarding the proposed development. It is considered that the proposed development would not adversely impact highway safety.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application 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. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
 3. 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.
 4. The dwellings shall not be occupied after the end of the first planting and seeding seasons until the hedge has been planted and estate fencing constructed along the boundary of the application site as shown on drawing number 2015:21/03G. Thereafter the hedge and fencing shall not be removed unless with the prior written approval of the Local Planning Authority.
 5. The development 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 by the Local Planning Authority. The dwellings shall not 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 situate within the curtilage of the 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.
 6. Prior to development 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. 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.
 7. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement shall be carried out to the dwelling or building nor shall any structure be erected within or on the boundary of the curtilage of the dwellings hereby approved

without express permission on an application made under Part III of the Town and Country Planning Act 1990.

8. No demolition or development shall commence until a Written Scheme of Archaeological Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and:
 1. The programme and methodology of site investigation and recording
 2. Community involvement and/or outreach proposals
 3. The programme for post investigation assessment
 4. Provision to be made for analysis of the site investigation and recording
 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 6. Provision to be made for archive deposition of the analysis and records of the site investigation
 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No demolition/development shall take place other than in accordance with the approved Written Scheme of Investigation.

The development shall not be brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

9. 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 (Reference 2015:21/03 Rev. G). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
10. 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.
11. 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.
12. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered 2015:21/BinStore,

2015:21/15A, 2015:21/05A, 2015:21/04A, 2015:21/03G received by Hambleton District Council on 23 June 2016 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. 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.
3. 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.
4. In order to soften the visual appearance of the development and provide any appropriate demarcation of the site from the surrounding agricultural land and screening to adjoining properties in accordance with LDF Policies CP16 and DP30.
5. 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.
6. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.
7. The Local Planning Authority would wish to retain control over the extension of this development in the interests of the appearance of the site, the impact on the adjacent heritage asset and the amenities of residential property nearby in accordance with Local Development Framework Policy CP1, DP1, CP16 and DP28.
8. In accordance with Section 12 of the NPPF as the site is of archaeological interest.
9. 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.
10. 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.
11. 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.
12. 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.

Informative

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 green wheeled bin for garden 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 its own Neighbourhood Services.

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.