

Parish: Thormanby
Ward: Raskelf and White Horse
14

Committee date: 22 June 2017
Officer dealing: Caroline Strudwick
Target date: 30 June 2017

16/02262/FUL

Demolition of two houses and construction of five detached dwellings with associated highway improvements and revised site access

At Hillside, Wentworth Avenue, Thormanby

For Mr and Mrs A Hogarth

This application is referred to Planning Committee as the proposed development is considered to be a departure from the Development Plan

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The 0.43 hectare site is located between Wentworth Avenue and The Old Black Bull on the north eastern side of the A19 in Thormanby. Thormanby is a predominantly linear settlement, developed along the A19 with the Old Black Bull and the Old Rectory at the top of the hill. There are lanes to the east and west of the main road. Back Lane runs along the rear, eastern, boundary of the application site. There is a pair of derelict semi-detached cottages on the site, with some agricultural outbuildings in a state of repair. The site is currently accessed directly off the A19, adjacent to the Old Black Bull.
- 1.2 The proposal site is elevated above the A19 with a brick wall forming the front boundary on the road. There is a large amount of over grown vegetation on site. There is a large paddock to the rear of the site, with large mature tree to the north east. The Old Rectory, to the southeast of the site is Grade II listed and St Mary's Church, 160m to the east of the site, is Grade II* Listed. There is no designated conservation area in Thormanby. The White Horse and the Hambleton Hills are visible in the distance to the north east of the site.
- 1.3 Thormanby has public rights of way to Carlton Husthwaite 1.7km to the north, Husthwaite 2.5km to the east via a public footpath and. Sessay is 4.2km to the west via a public footpath.
- 1.4 This application seeks permission for the demolition of the buildings on site and full planning permission for five two-storey dwellings with a new access to be formed off Wentworth Avenue opposite White Horse View. The development of the site is limited to the south western area which measures 55m by 70m. This is larger than the 32m by 70m area which is currently occupied by the existing dwellings and outbuildings. The remaining land, to the north east is to stay as grazing paddock.
- 1.5 The scheme proposes the following two-storey traditional brick and pantile construction dwellings:

<u>Plot number</u>	<u>Bedrooms</u>	<u>Garage</u>
1	2 plus 1 st floor study	No
2	2 plus 1st floor study	No
3	3 plus 1 st floor study	Detached double
4	4	Detached double
5	4	Detached double

1.6 Thormanby does not have Development Limits.

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
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP28 - Conservation
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Development Policies DP3 - Site accessibility
Development Policies DP29 - Archaeology
Development Policies DP10 - Form and character of settlements
Development Policies DP9 - Development outside Development Limits
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Thormanby Parish Meeting – No response received.

4.2 Highway Authority – Conditions are recommended relating to the construction of the access and site safety measures.

4.3 NYCC Heritage Services – No objection. The site lies within an area of archaeological interest and potential. Trial trenching has been undertaken and a report submitted. The development will not have a significant impact on archaeological remains associated with the medieval settlement at Thormanby.

4.4 Environmental Health Officer – No objection subject to conditions relating to assessment, remediation and verification relating to potential asbestos within buildings and hydrocarbons from parked vehicles and a former petrol filling station use of the site.

4.5 Public comments – Comments have been received from four households. Generally the comments are supportive of the development of the site in order to tidy it and improve it, visually. However the comments include some areas of objection as follows:

- An increase in traffic on the already narrow Wentworth Avenue will endanger young children and elderly residents;
- Adding a new access onto Wentworth Avenue will also affect the quality of life existing residents on Wentworth Avenue with the additional traffic;
- There are no amenities in the village so new residents have to use their own vehicles so this will generate more traffic;

- Developing the site will harm the many birds and bats in this area;
- The site used to be a petrol filling station, are the tanks still on site as an accidental disturbance could result in an environmental disaster;
- A request that the dropped kerb is not removed from the A19 entrance as this would seriously impact upon safe ingress and egress from the existing driveway at the Old Black Bull;
- The location of the garage to the proposed property immediately adjoining The Old Black Bull could be less intrusive and obstructive by simply relocating the garage within the confines of the plot; and
- A request that restrictions upon the hours of work on the site will be applied throughout development.

5.0 OBSERVATIONS

- 5.1 The key determining issues are (i) the principle of residential development in this location; (ii) the impact on the character of the area; (iii) the impact on residential amenity; (iv) the potential for archaeology on site; (v) highway issues; and (vi) biodiversity impacts. It will then be necessary to consider the planning balance.

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 Thormanby is defined as an Other Settlement and therefore not considered a sustainable location for small scale development by the IPG. Thormanby has very few services or amenities within the actual village, however given that the A19 runs through the middle of the village it does have excellent transport links. These links are not restricted to journeys in a private car. The village benefits from buses to four local schools, Sessay Primary School, Husthwaite Primary School, Easingwold Primary School and Easingwold Secondary School. As well as the school bus services the 30 and 30X service travels and stops in Thormanby 11 times a day (Monday to Friday) south bound. This service goes through to Easingwold and beyond to York, with some of the buses serving York Hospital. There are 12 buses a day south bound through to Thirsk Market Place (and Thirsk Secondary School). A reduced service is available in both directions on a Saturday.

- 5.5 The Corner Cupboard restaurant at Birdforth is just over a 1km away, north on the A19. There is a narrow footpath along to A19 to access this on foot. There is a public footpath which does increase this distance to 2km, however it does provide a safer, more pleasant route for walking. Carlton Husthwaite is approximately 1.7km to the north east which offers a pub, however it is acknowledged that this cross-field route on a public footpath is not lit and so would be less accessible in winter.
- 5.6 Husthwaite is deemed a service village in the 2014 Settlement Hierarchy. The village is approximately 2.5km to the east of Thormanby, again, via a public right of way which is unlit. By road the distance between Thormanby and Husthwaite is 4.2km. The village has a pub, primary school and village hall. It is acknowledged that Husthwaite is significantly beyond the 2km guidance distance statement in the IPG which allows for clustering. The cross-field public footpath to Husthwaite from Thormanby provides an attractive route for walking but is only of benefit to those able to make use of the public footpath.
- 5.7 It is acknowledged that this is not a location that meets all the IPG criteria. However, when taking into consideration the frequency of buses to York and Thirsk, both destinations which are served by train stations and the proximity of villages with services and facilities which provide a clustering role, assessable via footpaths it is considered that this site is a more sustainable location than suggested by the intervening distances to the nearest Secondary Village or Service Centre. It is possible to access local services and shops in neighbouring villages via footpaths, although little weight should be afforded to this because of the limited convenience and relative inaccessibility for the whole community. However, the bus services passing through the village on the A19 would allow school age children to independently travel to school on public transport. The bus service would also enable travel to work in Easingwold, Thirsk or even York. Bus services would allow access to other local services in settlements served by the buses, such as health care or leisure facilities in nearby towns. Whilst other relatively unsustainable locations may be found elsewhere, buses will only safely stop in 30mph areas, of which Thormanby is the only one on the A19 between Thirsk and Shipton.
- 5.8 This is a kerbside previously developed site, located centrally within the main street of the village. It forms a natural infill site as well as development facilitating the environmental improvement of the site. The site already has two dwellings, albeit, inhabitable. However there would be no planning obstacle to bring these back into use as dwellings. Taking into account the neglected condition, the location and the access to public transport it is considered that this is an exception case for development.

Character of the area

- 5.9 The site is within the development of the village and does form a natural infill to development. The site has a number of derelict dwellings and agricultural buildings on it and currently does cause harm to the street scene. It would be possible for the LPA to serve a S215 notice to ensure an improvement of the site, however, this would only go so far as cutting back the vegetation and making basic improvements to the dwellings, such as boarding up of windows. It is then reasonable to assume the maintenance would not continue and so a S215 notice would need to be served again when necessary.
- 5.10 The design of the dwellings are traditional. The most prominent of the proposed dwellings will be the three detached dwellings. These are all doubled fronted, with a projecting vestibule to the front elevation. It is a village with a mix of housing styles and the design of the dwellings will not look out of place in Thormanby. The proposed changes to create a widening of, and take access from, Wentworth Avenue

are considered to not result in a harmful change to the character of the residential area and would not result in a breach of LDF policies and the benefits of improving access would outweigh any harmful impact upon the local character (DP32 movement and form).

- 5.11 If consent is given, it is recommended that the permission is valid for 18 months rather than the typical 3 years. This would ensure that improvements to the site are made swiftly, to improve the contribution that the site makes to the area.

Residential amenity

- 5.12 None of the proposed dwellings have windows in the gable ends at first floor and so the opportunity for overlooking onto one another is not an issue. Whilst the site is elevated, the separation distances of the proposed dwellings to existing dwellings are considered sufficient to ensure existing residential amenity is protected.
- 5.13 It is considered that the plot sizes provide sufficient amenity space outside for future residents.
- 5.14 Concern has been raised by residents on Wentworth Avenue regarding traffic congestion rather than any overlooking or shadowing.

Archaeology

- 5.15 It was brought to the attention of officers by colleagues in NYCC Heritage Services that the proposed development site lies within an area of archaeological interest and potential. In response to this a series of trial trenching was carried out on site around the current development on site. The report following the trial trenching concluded that the results of the evaluation were generally modest but slightly surprising in that the survey revealed little in the way of archaeological remains in a location in the centre of a settlement with medieval origins. It is possible that this evidence has been disturbed by the activities of the former farm occupying the site.
- 5.16 It is recommended that should permission be granted that this consent is accompanied by condition which requires a scheme of archaeological mitigation to be submitted to the local authority. The County Archaeologist does not seek a watching brief condition to require the onsite presence of an field archaeologist during excavations, however the NPPF places the responsibility on LPAs to “identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking into account of the available evidence and any necessary expertise” (paragraph 128).

Highway issues

- 5.17 Concerns have been raised by residents on Wentworth Avenue that the five dwellings will create additional traffic movements which will pose a safety threat to people. Wentworth Avenue is a narrow road, in which cars do park on the footway, obstructing it for pedestrians. However the application form confirms that proposal includes 18 parking spaces, and additional opportunity for parking on the private road exist, and so it would be unlikely that anyone living or visiting the houses would not be able to park within the site. The scheme proposes to widen Wentworth Avenue junction with the A19 to allow for better visibility. NYCC are satisfied with the improvement highway works put forward and have recommended conditions to ensure that this is carried out in advance of the works on site. The proposal would therefore not cause a loss of highway safety and the access element is considered appropriate in the terms of LDF Policies CP2, DP3 and DP4.

Biodiversity

- 5.18 An ecology and bat survey report was submitted in support of the application. The conclusions and recommendations within this report have been based upon daytime bat roost potential assessment and a bat inspection conducted on 13 September 2016 and dusk emergence bat surveys undertaken on 21 and 23 September 2016.
- 5.19 The report concludes that “No evidence of bat roosts at the site was observed during the surveys. However, it is noted that the surveys were conducted towards the end of the main summer bat activity period and also that no internal access to the buildings was possible during the surveys. Therefore, whilst no evidence of bat roosts has been observed at the site and the desk-study did not reveal any previous records of bats at the site; due to the ‘moderate’ bat roost potential of Buildings 1, 2, 4 and 5, a second dusk emergence survey would be required to enable a robust conclusion that bats do not roost at the site.” Nine months have elapsed since the report and it therefore recommended that prior to formal consent being granted by the LPA the second emergence study is undertaken and submitted for approval, with appropriate mitigation measures being conditioned as part of the approval.

The planning balance

- 5.20 The proposal does not meet all the IPG criteria; specifically it is relatively distant from a Service Centre or Secondary Village such that it does not meet criterion 1 of the IPG. The proposal is contrary to the Development Plan and the more recent guidance does not provide support. However, and despite the distances to settlements that can provide the range of services and facilities to support a sustainable community, the site is unusually well served by public transport on the A19, which can stop in the village because of the 30mph limit. This provides Thormanby with a unique advantage in terms of accessibility, such that an exception to policy and guidance may be possible. The scheme is considered to meet all other criteria of the IPG as it is a small scale of development that respects the form of the village, without harm to the natural, built or historic environment, without harm to the appearance of the surrounding countryside and within the capacity of the existing and proposed infrastructure.
- 5.21 Furthermore, if the proposal is implemented, it would achieve the comprehensive redevelopment of a site within the historic core of the settlement and overcome the harm caused by the decayed condition of the buildings and overgrown surroundings. It is acknowledged that these issues could be addressed by other means, including service of notices under S215 of the Town and Country Planning Act 1990 to remedy the harm to the amenity of the locality. However, such notices can only deal with the worst impacts and would need to be repeated if the problem were to recur. Furthermore, such measures cannot be used to put in place the ongoing stewardship that would ensure the long-term maintenance of the land and buildings.
- 5.22 On balance it is considered that the benefits of approval outweigh the harm in this case and an exceptional recommendation of conditional approval can be made. It is considered highly unlikely that the combination of public transport access and local amenity gains informing this recommendation would occur on any other site within the District.

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 18 months of the date of this permission.

2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 16-1482 03A, 04, 07A, 05B, 06A, and 06B Layout received by Hambleton District Council on 1st June 2017 unless otherwise approved in writing by the Local Planning Authority.
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. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees, shrubs and boundary hedges to be planted within and around the site has been submitted to and approved in writing 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. No part of the approved boundary hedges along the plot and site boundaries shall be uprooted or removed and the hedges shall not be reduced below the approved height (details to be included in the landscaping scheme); other than in accordance with details that have been submitted to, and approved by, the Local Planning Authority.
5. The development shall not be commenced until a second ecology and bat survey report, with details of second dusk emergency survey, has been submitted to and approved by the Local Planning Authority. The report should include details and locations of bat and bird nesting boxes to be attached to building and/or trees within the site. The development shall thereafter be completed and maintained wholly in accordance with the approved details.
6. 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.
7. 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: (b) The access on Wentworth Avenue shall be formed with 6 metre radius kerbs, to give a minimum carriageway width of 5.5 metres, and that part of the access road extending 10 metres into the site shall be constructed in accordance with Standard Detail number A1; and (f) That part of the access extending 10 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 10. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
8. No part of the development shall be brought into use until the existing access at the southern end of the site on to the A19 has been permanently closed off and the highway restored. These works shall be in accordance with details which have been approved in writing by the Local Planning Authority. No new access shall be created

without the written approval of the Local Planning Authority in consultation with the Highway Authority.

9. 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 25 metres measured along both channel lines of Wentworth Avenue from a point measured 2.4 metres down the centre line of the access road. The eye height will 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.
10. 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: (a) Widening and improvement of Wentworth Avenue between the junction with the A19 and the site entrance to provide 6 metre radius kerbs and a minimum carriageway width of 5.5 metres, including details of any retaining structures; (b) Provision of a 2.0 metre wide footway on the south side of Wentworth Avenue between the junction with the A19 and the site entrance; and (c) Provision of a crossing point on Wentworth Avenue with tactile paving to connect the footway as described in section b. above to the existing northern footway; and (ii) A programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority.
11. Unless otherwise approved in writing by the Local Planning Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number: (a) Widening and improvement of Wentworth Avenue between the junction with the A19 and the site entrance to provide 6 metre radius kerbs and a minimum carriageway width of 5.5 metres, including details of any retaining structures; (b) Provision of a 2.0 metre wide footway on the south side of Wentworth Avenue between the junction with the A19 and the site entrance; and (c) Provision of a crossing point on Wentworth Avenue with tactile paving to connect the footway as described in section b. above to the existing northern footway.
12. No part of the development shall be brought into use until the approved vehicle parking and turning areas have been constructed in accordance with the submitted drawing (Reference Drawing No. 06). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
13. 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.
14. 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.

15. (A) No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and: (a) Community involvement and/or outreach proposals; (b) The programme for post investigation assessment; (c) Provision to be made for analysis of the site investigation and recording; (d) Provision to be made for publication and dissemination of the analysis and records of the site investigation; (e) Provision to be made for archive deposition of the analysis and records of the site investigation; and (f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

(B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under (A).

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

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. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) and/or details received by Hambleton District Council on CP1, DP1, CP16, DP28, CP17 and DP32 unless otherwise agreed in writing by the Local Planning Authority.
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 order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy CP16.
5. In the interests of nature conservation in accordance with Local Development Framework Core Strategy Policy CP16.
6. In the interests of highway safety.
7. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience
8. In the interests of highway safety.
9. In the interests of road safety.

10. To ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
11. In the interests of the safety and convenience of highway users.
12. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
13. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
14. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
15. This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest.

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. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.