

Parish: Thrintoft
Ward: Morton on Swale
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Committee date: 14 September 2017
Officer dealing: Mrs H Laws
Target date: 29 August 2017

17/01347/FUL

**Construction of a dwelling with detached garage and associated external works as amended by plan and email received by Hambleton District Council on 26 July 2017
At The Byres, Thrintoft Moor Lane, Thrintoft
For Mr Andrew Hutchinson**

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 edge of Thrintoft on the northern side of the village street. The site is agricultural in nature with fencing, hedging and a timber gate fronting onto the road.
- 1.2 The site was previously occupied by an agricultural building, which was the subject of a prior notification for a permitted development change of use to a dwelling. Approval was granted in 2015. However, the building was not converted but demolished and a replacement building begun. Permitted development rights for conversion therefore no longer applied and planning permission was required.
- 1.3 A planning application was submitted for the construction of a two bedroomed dwelling on the footprint of the previous building and in a similar style and Members considered the proposal at the Planning Committee in May of this year. Planning permission was granted.
- 1.4 The current application proposes to remove the building work that has so far been undertaken and construct a new detached dwelling on a different footprint within the same application site area. The dwelling would be two storey with four bedrooms with a detached single garage served from the existing access. The dwelling and garage would be finished in brickwork and pantiles with upvc windows and an oak framed porch on the front elevation and an oak framed single storey section to the rear with glazed infill panels.
- 1.5 The scheme has been amended to include a foul drainage connection to the mains sewer following discussion with Yorkshire Water.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 14/02539/MBN - Prior notification of change of use of agricultural building to dwellinghouse and for associated operational development; Prior approval not required - determined 9 February 2015.
- 2.2 16/00357/CAT3 – Enforcement investigation into rebuilding. Case closed 31 May 2017.
- 2.3 17/00544/FUL - Retrospective application for the demolition of farm building and construction of a dwelling. Permission granted 30 May 2017.

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 forces
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
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 - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – no comments received (expiry date for representations 2/8/2017).
- 4.2 Highway Authority – no objections subject to conditions.
- 4.3 Environment Agency - we do not wish to make detailed comments in this instance
- 4.4 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.
- 4.5 MOD – no safeguarding objections
- 4.6 HDC Environmental Health Officer – no objection.
- 4.7 Public comments - none received (expiry date for representations 11/9/2017)

5.0 OBSERVATIONS

- 5.1 The main issues to consider are (i) the principle of a new dwelling in this location outside Development Limits; (ii) an assessment of the design of the proposal and the likely impact of the proposed dwelling on the character and appearance of the village and the rural landscape; (iii) neighbour amenity; and (iv) highway safety.

Principle

- 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 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, 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 a dwelling in this location.

Design, character and landscape

- 5.7 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. In this instance a single dwelling is proposed to replace an extant permission for a single dwelling and would not therefore be inappropriate.
- 5.8 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 construction of a dwelling on the frontage of the site would reflect the established character.
- 5.9 The pattern of development in this part of the village is fragmented and the existing building is the last on the northern side of the road until a terrace of four houses

approximately 150m to the north east. A farm lies opposite. The setting of the site is therefore rural in character but it appears as part of the built form of the village rather than as part of the open countryside. Notwithstanding this, the creation of a new residential curtilage twice the size of the previous proposal has the potential to dilute the rural character of the setting, so landscaping, means of enclosure and the construction of outbuildings should be carefully controlled if permission is granted and conditions are recommended to this effect.

- 5.10 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.11 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.
- 5.12 The NPPF supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.13 The supporting statement submitted with the planning application explains that the dwelling has been designed to reflect the local farmhouse vernacular. This differs from the previous approval on this site, where the dwelling would have retained the agricultural character of the building, therefore having a neutral effect on the form and character of the village. It is suggested that as the proposed scheme is for a dwelling with a traditional appearance using mostly traditional building materials, the proposed development would have a positive impact on the character of the village. It is considered that the resultant dwelling is of a simple form and design and would not detract from the character and appearance of the village or the surrounding landscape.

Residential amenity

- 5.14 LDF Policy DP1 requires all development to adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight. The closest property lies to the south west, with approximately 22m between elevations. This is an adequate separation distance between the existing and proposed dwellings for there to be no adverse impact on residential amenity as a result of overlooking or overshadowing. The proposed development is therefore in accordance with LDF Policy DP1.

Highway Safety

- 5.15 The Highway Authority has no objections to the proposed development and conditions are recommended.

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. 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.
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. Prior to the occupation of the development a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, shall be submitted to and approved by the Local Planning Authority. The landscaping scheme shall be implemented prior to the end of the first planting and seeding seasons following the approval of the landscaping scheme. 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.
5. Prior to the construction of any boundary fence, full details of the fence including, height, form and materials shall be provided in writing to and approved by the Local Planning Authority. The boundary fence shall then be completed in accordance with the approved details, unless otherwise agreed in writing.
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 to the site has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: c. The existing access shall be improved by being reconstructed in accordance with the approved Drawings and Standard Detail Number E1 Var (Construction Depths Only). e. Any gates or barriers shall not be able to swing over the existing or proposed highway. 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 approved vehicle access, parking, manoeuvring and turning areas a) have been constructed in accordance with the submitted drawing Reference Number 7075 / F 103 Revision B. b) have been constructed in accordance with Standard Detail Number E1 Var (Construction Depths Only). c) 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.
9. The garage hereby approved shall be kept available at all times for parking of domestic vehicles ancillary to the occupation of the dwelling.
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 further construction activities on 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 7075/F103A received on 16 June and 26 July 2017 unless otherwise approved in writing by the Local Planning Authority.

The reasons 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 that the landscaping scheme is appropriate in this countryside location and in order to comply with the requirements of Development Policies DP28 and DP32 of the adopted Local Development Framework.
5. In order that the boundary fencing is appropriate in this countryside location and in order to comply with the requirements of Development Policies DP28 and DP32 of the adopted Local Development Framework.
6. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
7. In accordance with LDF Policies CP2 and DP4 and 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 accordance with LDF Policies CP2 and DP4 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
9. In accordance with LDF Policies CP2 and DP4 and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.

10. In accordance with LDF Policies CP2 and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
11. In accordance with LDF Policies CP2 and DP4 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
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 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.