

Parish: Alne
Ward: Easingwold
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Committee date: 7 February 2019
Officer dealing: Mrs Caroline Strudwick
Target date: 15 February 2019

18/01596/REM

Application for approval of reserved matters (to consider appearance, landscaping, layout and scale) following outline approval ref: 17/01532/OUT for Outline application with all matters except access reserved for 2 dwellings with garages and associated infrastructure

**At land to rear of Village Farm, Back Lane, Alne
For Mr & Mrs M & S Hutchinson & Harrison**

This application is referred to Planning Committee at the request of two Members of the Council.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is a rectangular, 0.12 hectare parcel of land located towards the north western corner of the village of Alne, within the Alne Conservation Area. The land is positioned between Jack Hole to the south, this is the western end of Main Street, and to the north Back Lane. Between the application site and Jack Hole is a development that converted and replaced agricultural buildings. To the north of the site is Back Lane and beyond a hedge a grass paddock. The site was last occupied by agricultural buildings which have been demolished, and partly removed.
- 1.2 Immediately to the south of the application site is the redeveloped farmyard of Village Farm consisting of three dwellings, two within converted barns and one within a reconstructed 'barn' style building along with a refurbished barn used for garaging and domestic stores. This application was approved under planning permission ref 15/00153/FUL.
- 1.3 In this area of Alne development is predominantly linear, with dwellings fronting onto Jack Hole and Main Street, with long rear curtilages extending to Back Lane. There has been some residential development to the south of Back Lane through conversion of buildings and new buildings but none are recent.
- 1.4 Outline planning permission was granted in September 2017 for two 2 storey detached dwellings, with garages and access off Back Lane. This application seeks permission for the remaining outstanding matters of appearance, landscaping, layout and scale.
- 1.5 The scheme has been designed so that the two dwellings appear as converted agricultural buildings to complement the recent development to the south and the agricultural nature of the site and wider setting of the Back Lane within the Conservation Area.
- 1.6 The application was originally submitted where the dwelling to the west side, named Byre House, was a large rectangular building, designed to have the appearance of a former two storey barn with hay loft above. The property originally had a large number of window openings on the frontage. In order to address concerns in terms of scale of the property, the frontage width has been reduced with a portion of the dwelling reduced to single storey and the rear cross wing elevation has been set in from the western side to reduce the side elevational massing. The number of window openings on the front, north elevation, has been reduced.

- 1.7 The dwelling on the eastern side of the site, named The Cart Shed comprises of a main two storey element, with a storey and half front cross wing extension to the front to accommodate a garage to the ground floor and bedroom with en-suite to the first floor. The rear of the dwelling has a family area which has been designed to have the appearance of a gin-gang. The dwelling has agricultural style openings with timber panels and lintels.
- 1.8 During the course of the application both dwellings have been moved closer to the front boundary. The detached garage of Byre House has been moved from the originally proposed middle point of the site, at the rear, into the south western corner of the site. The layout is to allow sufficient turning space at the rear of Byre House so vehicles can enter and leave the rear of the site, between the two dwellings in forward gear.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 14/01513/FUL - Residential development (including the conversion and replacement of existing agricultural buildings) to form a total of ten dwellings including units proposed to be affordable dwellings; Withdrawn 20 January 2015.

Note: the Ministerial Statement of 28 November 2015 that increased the threshold for the provision of affordable housing from that set out in the LDF policy from two to ten units was significant in the case and lead to the withdrawal of the application.

- 2.2 15/00153/FUL - Conversion and replacement of existing buildings and demolition of two barns to form four dwellings; Granted April 2015.
- 2.3 17/01532/OUT - Outline application with all matters except access reserved for two dwellings with garages and associated infrastructure; Granted 26 September 2017.

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 CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Development Policies DP9 - Development outside Development Limits
Core Strategy Policy CP15 - Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP18 - Prudent use of natural resources
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP8 - Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP28 - Conservation
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework (NPPF)

4.0 CONSULTATIONS

- 4.1 Parish Council – opposed to the building of these houses on what was agreed as a “green paddock” in the original development application.

- 4.2 Highway Authority – Recommends conditions, relating to access construction, parking and site management.
- 4.3 Yorkshire Water – No comments.
- 4.4 Public comments – two comments have been received, these are both in response to the first round of consultation on the original proposals. No further consultation responses have been received in response to the amended plans. These comments object to the scheme for the following reasons:
- 1) The development is outside the Development Area of Alne;
 - 2) No through pedestrian access to Jack Hole and the local primary school and other services and facilities;
 - 3) Additional traffic to the narrow back lane, which is much used by pedestrians and horses;
 - 4) The houses are to be built on what was supposed to be a green paddock as per planning conditions of the village farm re-development 15/00153/FUL - the green paddock was never created;
 - 5) The proposed dwellings are too large. The village needs affordable housing, not more expensive large houses;
 - 6) Planning should aim to implement the latest NPPF, which concentrates very much on climate change mitigation, planting schemes for shade, well designed houses to avoid overheating in summer. The proposed houses and surrounds do not appear to have any such climate change mitigation measures;
 - 7) The height, scale and positioning of the proposed Granary House garage will have a negative impact on the conditions in which the neighbouring property, The Stables, Village Farm, occupants live, work and take leisure; and
 - 8) Concerns with the positioning, number and nature of the windows which will be facing onto The Stables, Village Farm from Granary House.

5.0 OBSERVATIONS

- 5.1 The principle of development has been established through the granting of outline permission. As such, concerns that are raised by the Alne Parish Council and the first 4 items in the representations from neighbours cannot be addressed by this reserved matters submission. The main issues to consider are: the overall design, appearance, siting and landscaping of the proposal, including impact on the Alne Conservation Area and impacts on the neighbouring amenity.
- 5.2 As the site is within the Alne Conservation Area there is a requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 “that in exercising an Authority’s planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas”. The National Planning Policy Framework from paragraphs 189 to 194 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.
- 5.3 Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 5.4 The designated heritage asset which will be affected by this proposal is the Alne Conservation Area. A conservation area is an area which has been designated because of its special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.

- 5.5 There are no listed buildings or non-designated historic assets which will be affected by this proposal.
- 5.6 The original Alne Conservation Area report, dated 1985, does not provide an overview of the character of the Conservation Area. The report suggests that the character of the village is one of a historic core along grassed verged Main Street, with the subservient secondary Back Lane to the north and Monk Green to the south. The dwellings along the northern side of Main Street are typically large detached dwellings, with long rear gardens which extend to the Back Lane.
- 5.7 Back Lane is a single carriage way which extends from the junction with Mitchell Lane, continuing west to West Field Farm where it ends with no through road. The northern side of Back Lane, which is where the boundary of the Conservation Area runs, is characterised by its grassed verge and mature trees and hedge field boundaries.
- 5.8 The application site is a former farm yard which was part of the larger Village Farm agricultural unit; the brick agricultural buildings to the south which have recently been development into three dwellings which clearly give the impression of a converted farm stead. The application site was a continuation of this agricultural unit with open sided barns and storage area, it was not typical of the character of other parts of Back Lane which demonstrates the toft and croft pattern of a medieval village.
- 5.9 The application site area had within the last 3 years timber pole barns and multiple fuel tanks. The majority of evidence of these has now been removed, and the site is best described as vacant part hard-surfaced scrub land. The appearance of the site does not give the impression of an agricultural field or a pleasant green open space within the Conservation Area, but one of abandonment as self-seeded weeds and shrubs take back the site, through the patchy hard surfaced yard.
- 5.10 Historic Ordnance Survey mapping shows that there has been substantial farm and agricultural buildings on Village Farm since the first published mapping in 1856. This farm stead kept largely the same form until the 1952 map shows that the buildings had been extended into the application site, there has been further expansion in the 1970's.
- 5.11 The NPPF at paragraph 190 requires the Local Planning Authority to identify and assess the particular significance of any heritage asset that may be affected by a proposal.
- 5.12 The significance of the heritage asset lies in its special architectural or historic interest. The aim of the Conservation Area at Alne, at the time of designation, as set out in the original Alne Conservation Area report, dated 1985, was to and remains to protect the features such as the trees, open spaces, buildings and building patterns which give the area its special attraction. Officers consider that the significance of this area of the Conservation Area in 2019 lies in the historic layout of the village, the use of traditional high quality materials and legibility of how past occupants used and interacted with buildings and open spaces. Despite the abandoned appearance of the site it is well documented that the site has an agricultural use close to the heart of the village. In order to preserve and maintain this significance of the Conservation Area the agricultural appearance needs to be maintained whilst ensuring that the site is put to its optimum viable use.
- 5.13 The significance of the heritage asset affected by the proposal is the domestic development of a former farmyard, a space which is currently read as disused agricultural land and whilst it does indicate the former use of the site, visually it makes little positive contribution to the character of the Conservation Area due to its abandoned scrub-land appearance.

- 5.14 The development will, as anticipated by the grant of outline planning permission in 2017, reuse a currently vacant site and change the immediate view of the Conservation Area in this location, but it is considered that the proposal will cause less than significant harm as it will not result in an erosion of the character or create a significant harmful impact on the place or its setting. The scheme has potential to reinforce the character of the area through locally distinctive architecture and improving the appearance of the site by changing back to a managed form, from its current disused state.
- 5.15 The original scheme proposed what was considered by officers to be an over development of the site. It was considered that the western unit (The Byre) was overly large in terms of width which resulted in a large, block-like appearance which over-whelmed the site. It was also considered that the dwellings were pushed back too far into the plot. Amendments have been made to draw the buildings closer to the Back Lane. Note is made that the other buildings on Back Lane are butted up to the highway edge and as such that character should be continued, but slavishly followed, in order to preserve and protect the special character and setting of the Alne Conservation Area is adequately protected, therefore protecting its significance as much as possible and resulting in less than substantial harm to the heritage asset.
- 5.16 At NPPF paragraph 191 consideration is given to deliberate acts of neglect or damage. It is considered that there has not been a deliberate neglect of, or damage to, the heritage asset in the form of deliberate neglect of, or damage to the site. The unkempt condition of the site is a result of the clearing of the land pending redevelopment.
- 5.17 The NPPF at paragraph 192 states that LPAs should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
 - b) the positive contribution that conservation heritage assets can make to sustainable communities including their economic vitality, and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness
- 5.18 The Council's policies at LDF CP16 and DP28 support the preservation and enhancement of man-made assets. Reuse of the site by an appropriately designed residential development, will achieve the objective of sustaining and enhancing the heritage asset. The preservation and enhancement of the Alne Conservation Area is desired and securing appropriate development that will sustain local communities is sought by the Council's IPG. The desirability of making a positive contribution to local character and distinctiveness has been sought through the application process and achieved by amendments to the proposal.
- 5.19 At NPPF paragraph 193 the test is stated that great weight and importance is to be given to the assets conservation. Applying the test of whether the scheme would give rise to harm it is considered that from "no harm", to "less than substantial harm" to "substantial harm" is a continuum. The development proposed is considered to be at the lower end of the scheme of less than substantial harm. In order to outweigh that "less than substantial harm" requires public benefits. However the benefits would not be required to be as great as would be required if the harm was close to the 'substantial harm' end of the scale. The proposal has been found to cause "less than substantial harm" at 5.15 above.

- 5.20 NPPF paragraph 194 states that: “Any harm to or loss of the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.”
- 5.21 Paragraph 196 states that “where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”
- 5.22 The tests set out in the Barnwell Manor and The Forge Field Society cases are that ‘decision makers should give ‘considerable importance and weight’ to the desirability of preserving, in this case, the character and appearance of the Conservation Area. The harm which would be caused to a heritage asset is to be given considerable importance and weight which in turn gives rise to a strong presumption that planning permission should not be granted, unless this harm can be outweighed by the public benefits of the scheme.
- 5.23 There will be less than substantial harm caused to the significance of the heritage asset. The justification for this harm is the public benefit that the scheme will bring to the village, in terms of heritage benefits and the social and economic benefits.
- 5.24 The tests set out in the Barnwell Manor and The Forge Field Society cases are that ‘decision makers should give ‘considerable importance and weight’ to the desirability of preserving, in this case, the character and appearance of the Conservation Area. The harm which would be caused to a heritage asset is to be given considerable importance and weight which in turn gives rise to a strong presumption that planning permission should not be granted, unless this harm can be outweighed by the public benefits of the scheme.
- 5.25 The identified public benefits of the scheme:
- By creating two dwellings of predominantly agricultural appearance an evidential value is introduced to the site; in that the development of agricultural style buildings on site yields evidence about past human activity on the site which adds to the significance of this site within the Conservation Area and making a positive contribution to local character and distinctiveness, in line with NPPF paragraph 192 and NPPG (paragraph 003; Reference ID: 18a-003-20140306) that “Part of the public value of heritage assets is the contribution that they can make to understanding and interpreting our past.”;
 - The sensitive development of a currently undeveloped site which contributes little to the character and setting of the Conservation Area;
 - Addition of locally distinctive and high quality development;
 - Contribution to the aims of the NPPF of sustainable development through a social gain of the provision of a two sustainably located and high quality designed dwellings;
 - An environmental gain by protecting the built and historic environment through extending the built form of Village Form to allow its legibility to be read and preserving the different roles of land within the Conservation Area; and
 - A limited economic benefit from the initial construction of the dwelling and subsequent additional household in the village; accessing services in the district.
- 5.26 The public benefits must be balanced against, and outweigh the less than substantial harm to the Conservation Area. It is considered that the harm, which is outlined in paragraph 5.15, to the Conservation Area will be limited, and the public benefits of the scheme, outlined above, do outweigh the less than significant harm.

- 5.27 Paragraph 196 of the NPPF seeks development to secure the optimum viable use of the heritage asset. The optimum viable use of a heritage asset has been defined in the Gibson v Waverley BC case (2012) as the use which has the least harmful impact to the significance of the asset; but a use which may not be the most profitable. Agricultural use could be reintroduced to the site, however, due to modern farming methods the size of the site, the surrounding residential development and single narrow access on Back Lane would make continuing agricultural use impractical. In addition to this modern agricultural buildings are not small buildings, constructed in attractive handmade bricks, which would be in keeping with and complimentary to the Conservation Area. Modern agricultural buildings are normally large, sheet metal, concrete panel and steel portal framed which would be potential harmful this central village location, therefore not the optimum viable use due to the harm.
- 5.28 There is an argument that the optimum viable use would be to leave the site vacant and that this would result in the least harm to the Conservation Area. However, as detailed within this report planning permission has been granted for the development of the site. It is considered that the development, which consists of bespoke designs, will help to preserve the character and setting of the Conservation Area by demonstrating the site's former use and maintaining the historic layout of the village; where farms were located on the fringes of villages This is echoed in the advice of NPPF paragraph 102 and NPPG .(paragraph 003; Reference ID: 18a-003-20140306) that "Part of the public value of heritage assets is the contribution that they can make to understanding and interpreting our past."
- 5.29 The development will alter the immediate view of the Conservation Area in this Back Lane location by introduction built development, but it is considered that the proposal will cause less than significant harm as it will not result in an erosion of the character or create a significant harmful impact on the place or its setting. It is considered, in accordance with NPPF paragraph 192, that this proposal will sustain the significance of the Conservation Area, putting this piece of land to a viable use in a way which is consistent with the assets conservation and ensure that the new development will make a positive contribution to the local character and distinctiveness.
- 5.30 In order to ensure that the level of high quality materials indicted on the plans are used on site it is recommended that materials, including timber window frames are secured by condition.

Impact on residential amenity

- 5.31 The site is surrounded on three boundaries by residential development, which does result in potential for unacceptable impact on the neighbouring properties in the form of loss of privacy, security and daylight and risk of increased noise, disturbance, pollution, and odours as a result of the development.
- 5.32 This report will first address the potential impacts on residential amenity from Byre House, the westerly plot. Objections have been submitted from the occupants of the dwelling to the rear of the plot which relate to Byre House's rear windows impacting on the privacy of the rear neighbour's privacy and the position and scale of the garage to the rear.
- 5.33 The proposed Byre House garage has been moved into the south western corner, which reduces the impact on the neighbouring garden and views. The level of first floor fenestration on the southern elevation, which looks onto the property at the rear, has been significantly reduced. There are now only two windows on this rear elevation, the nearest of which is a bathroom window on the rear cross wing, as such is expected to be obscure glazed and this measure can be secured by planning condition. The second first floor window is to a bedroom; there is a 18m separation

distance between the window and boundary with the neighbouring garden. The neighbouring dwelling is then beyond this boundary, at the narrowest point this is approximately 9m, a total dwelling to dwelling separation distance of 27m. It is considered that neither of the first floor side windows will result in an unacceptable loss of neighbouring amenity.

- 5.34 Also on Byre House the western first floor window, which serves a bathroom is expected to be obscured glazed, and this can be controlled through condition. This window looks onto the end of the long rear curtilage of the neighbouring property, The Old School House. The eastern first floor bedroom will look immediately onto the blank gable of Cart Shed House and due to the proximity of the neighbouring proposed dwelling will provide only very limited views into the neighbouring garden.
- 5.35 There is very little opportunity for overlooking by Cart Shed House; there are no first floor windows to the side elevations. The rear first floor windows are 17m from the rear boundary fence, with the dwelling at the rear, The Stables, a further minimum of approximately 12m from this boundary. This results in a total separation distance of approximately 29m. It is considered that the separation distances will protect against unacceptable loss of privacy and other amenity impacts. As with Byre House, it is recommended that bathroom windows are conditioned to be obscure glazed.

Landscaping

- 5.36 The mature hedges form an important part of the characteristic of the Conservation Area. Currently there is a conifer hedge running along the western boundary. The proposed landscaping scheme seeks to remove this and replace with a native beech hedge, which would be a positive contribution to the Conservation Area.

Size of dwellings

- 5.37 Concern has been expressed that the dwellings are large and will not contribute towards the need for affordable housing within the village. The decision on the outline planning application limited the number of dwellings to be formed to two units. There was however no stipulation that the dwellings must be of a particular size or tenure. There is no requirement for the provision of affordable housing or to limit the size of the dwellings to achieve objectives of housing mix. The reserved matters submission is therefore to be considered on the merits of details required by condition 2 of the outline approval that is the access, design, landscaping, layout and scale.

Planning balance

- 5.38 The proposal would create an additional home in a sustainable location, without causing harm to the appearance of the settlement, the heritage asset and without harm in terms of highway safety or the capacity of local infrastructure.
- 5.39 The scheme is found to result in social gains through the provision of new housing, the economic impact through 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. Overall the scheme 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. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s)
 - Proposed site plan, landscaping and boundary treatments 06C;
 - Byre House proposed elevations 05C
 - Byre House garage (proposed) 07A; received by Hambleton District Council on 16th January 2019
 - Byre House proposed floor plan 04B; received by Hambleton District Council on 07th January 2019
 - Cart Shed House proposed elevations 03A
 - Cart Shed House proposed floor plans 02A; received by Hambleton District Council on 17th October 2018; unless otherwise approved in writing by the Local Planning Authority.
2. The windows above first floor level shown on the plan to serve bathrooms or ensuite facilities shall at all times be glazed with obscured glass.
3. The development of the boundary walls, fences and other means of enclosure for all parts of the development shall be undertaken in accordance with plan 06C; received by Hambleton District Council on 16th January 2019, unless otherwise approved in writing by the Local Planning Authority.

The reasons are:

1. 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 CP1, CP2, CP4, CP16, CP17 and CP21, DP30 and DP32.
2. To protect the amenity of the neighbouring residents in accordance with the Local Development Framework Policies CP1 and DP1.
3. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with the Local Development Framework Policies CP1, DP1, CP17 and DP32.