

Parish: Husthwaite
Ward: Raskelf & White Horse
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Committee Date: 13 October 2016
Officer dealing: Mr T J Wood
Target Date: 20 October 2016

15/01474/FUL

**Construction of single storey dwelling and garage
at Black Bull Cottage, The Nookin, Husthwaite
for Mr & Mrs Ian Harper**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is a former cottage orchard on the corner of High Street and The Nookin in the centre of Husthwaite. The site forms part of the land attached to Black Bull Cottage, a former pub and grade II listed building. Black Bull Cottage is an extended two storey detached dwelling which fronts onto The Nookin in Husthwaite. The Grade II* listed St. Nicholas Church is sited opposite, fronting the informal village 'green'. An established hedge forms the northern and western boundaries of the site, with a break in the west for a 'field' style rural gate. The site is has a number of fruit and other trees, noted to be in poor health, reflecting its former use as an orchard.
- 1.2 This application seeks consent for a new dwelling sited to the north of Black Bull Cottage. The building comprises a single storey structure having two bedrooms, bathroom, kitchen, utility, living room and dining room, and would have a footprint measuring 13.9m x 9.7m, eaves at approximately 2.5m and a maximum ridge height of 4.275m. However, the house would be sited on excavated land, sitting around 1m below the level of the existing ground level but about 1m above the level of the road. The design is a contemporary approach, with materials of local handmade brick, cedar cladding, and a standing seam zinc roof. Access would be provided from High Street to the north, requiring the removal of a section of banking and hedgerow marking the northern boundary of the site. New planting is proposed towards the western boundary on a banking, to stop views of the site from the existing 'field' gate access.
- 1.3 The site is outside the Development Limits of Husthwaite, the land is within the Husthwaite Conservation Area.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 The site has no relevant history. There has been a series of applications relating to extensions and alterations that have taken place at the adjacent cottage but none are pertinent to this application.

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
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development Policies DP28 - Conservation

4.0 CONSULTATIONS

- 4.1 Husthwaite Parish Council - No comments.
- 4.2 Highway Authority - No objection subject to conditions including the provision of visibility splays of 43m along the High Street.
- 4.3 Ministry of Defence - No safeguarding objections.
- 4.4 Historic England - No representations beyond observation that of the proximity to the grade II* listed St Nicholas' Church. Considers the proposal to be a modest single storey structure, well screened by existing hedges which the applicant has committed to retaining and strengthening in their Design & Access Statement.
- 4.5 Environmental Health Officer - No objection.
- 4.6 Public comments - One representation received raising no objection in principle but remarking that the hedge line to the north should be retained and that an apple tree in the boundary hedge to Damson Garth should be retained and protected during construction work.

5.0 CONSIDERATIONS

- 5.1 The main issues are the impact of the proposed development on the heritage assets, namely the setting of the Listed Buildings and the impact on the character and appearance of the Conservation Area. The principle of development is a further main issue, as is the highway safety of the access and the design of the proposed dwelling.

Heritage assets

- 5.2 Proposed development on this site has the potential to harm the setting of the listed buildings of Black Bull Cottage and St. Nicholas' Church, which lie to the west of the site, and the character and appearance of the Husthwaite Conservation Area.
- 5.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in determining a planning application for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 5.4 Section 72(1) of the same Act requires 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.
- 5.5 The National Planning Policy Framework at paras 133 and 134 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset and requires that harm should be weighed against the public benefits of the proposal, including securing the optimum viable use of the building.
- 5.6 A great deal of care has been given to ensure that the development proposal does not cause harm to the heritage assets. The proposal is for a building that would be set low in the site and only single storey, such that it would not be visually intrusive.

The works necessary to reduce the levels of the land are not so substantial that they would cause harm to the character of the Conservation Area. It is notable that a section of the hedgerow would be removed to form an access but also that large parts of the hedge can be retained, albeit with some localised reduction in height to achieve safe visibility. Vehicular accesses across the footway and through gaps in frontage hedges to gain access to residential property are a part of the character of the Conservation Area and would not be harmful in this instance. The scheme is considered to meet the requirements of the Act, the NPPF as well as the Policies CP16 and DP28 of the LDF.

Principle of development

- 5.7 The site lies outside of the Development Limits of a settlement that is a Service Village within the hierarchy of the CP4. 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".

- 5.8 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.
- 5.9 Husthwaite is a Service Village and therefore considered a sustainable location for small scale development by the IPG. The site is adjacent to Development Limits, which are very tightly drawn at this point. It is noted that the site is close to the centre of the village and to other properties and local facilities including a public house (currently shut) and primary school. The proposal would relate well to the existing settlement and is acceptably located subject to detailed consideration of the design, layout and relationship to neighbouring properties.

Highway safety

- 5.10 The proposal includes a new vehicular access to serve the dwelling and the scheme provides a parking and turning space within the site. The visibility splays required by the standards of the Manual for Streets have been shown to be provided with a requirement to only reduce the height of the hedgerow at a point close the access. Subject to conditions relating to the construction of the access it is considered that the scheme does not present a loss of highway safety and is acceptable under policies CP1, CP2 and DP4.

Design

- 5.11 The proposal uses a simple contemporary design. The policy of the LDF seeks high quality design, however it does encourage the use of creative, innovative and sustainable designs that take account of local character and settings. The design of the building does not follow the styling of any adjacent residential property but as noted above the low level of the property reduces its impact. The layout of the site is appropriate as it relates to the neighbours and the form of the village and the development avoids harm to the spaciousness of the neighbouring Black Bull Cottage. Application of policy DP32 requires a judgement to be taken and in this instance it is considered that the scheme meets the overarching objective of a high quality of design.

Tree protection and landscaping

- 5.12 The construction of a dwelling on the site would have an impact on fruit trees within the site, many of these are noted to be small and in poor health and do not make a significant contribution to the character or appearance of the Conservation Area. Retention of trees around the boundary of the site is proposed. As noted by a neighbour representation there are trees to be reduced or removed and it is important to control the works to avoid harm to the trees that are to be retained.

Neighbour amenity

- 5.13 The layout of the site and low finished floor level reduces the potential impacts on the neighbour at Damson Garth (to the east of the site) and there is no overlooking from any window on the east elevation.

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. 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. 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. 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.
4. The development shall be undertaken in accordance with the cross sections, ground and floor levels shown on the plans listed as approved in condition 5 unless prior to development commencing alternative detailed cross sections have been 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.

5. The permission hereby granted shall not be undertaken other than in complete accordance with the Plan Shop drawing(s) numbered HDC/1286/01 and HDC/1286/02 received 30 August 2016 and AMJ Designworks drawings p3, p4, p5 and p6 received 1 April 2016 unless otherwise approved in writing by the Local Planning Authority.
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: (i) The details of the access shall have been approved in writing by the Local Planning Authority; (ii) The access shall be centred 11 metres to the west of the boundary with Damson Garth and shall be constructed in accordance with Standard Detail number E6; (iii) Any gates or barriers shall not be able to swing over the existing or proposed highway; (iv) That part of the access(es) extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 15; and (v) The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
8. 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 43m measured along both channel lines of the major road from a point measured 2.0m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 0.6m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
9. No part of the development shall be brought into use until the approved vehicle access, parking and turning areas have been constructed in accordance with the submitted details. 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: (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; (ii) 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.

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. 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 and CP17, DP30 and DP32.
4. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.
5. 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 Policy CP16, CP17 and DP32
6. In accordance with Policy CP1 and in the interests of highway safety.
7. In accordance with Policy CP1 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 Policy CP1 and in the interests of road safety
9. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
10. In accordance with Policy CP1 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
11. In accordance with Policy CP1 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.

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 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

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