

Parish: Tholthorpe
Ward: Raskelf & White Horse
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Committee Date: 10 November 2016
Officer dealing: Mr Andrew Thompson
Target Date: 24 August 2016
Date of extension of time (if agreed): 17 November 2016

16/01498/FUL

**Alterations to former joiners workshop and cottages into two live-work dwellings
At Former Old Joinery, Flawith Road, Tholthorpe
For Mr Andrew Holmes**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located to the south east of Flawith Road within the village of Tholthorpe opposite the New Inn public house. Access to the site is taken between Green Gables and Duck Cottage. There are ground floor windows overlooking the access. The former joinery workshop and dwelling are of a domestic scale built of brick and tile. Some of the outbuildings and sheds would be removed from the site. The buildings are currently vacant and have fallen in to a state of disrepair.
- 1.2 The application proposes the conversion of two former workshops into two live-work units with gardens and car parking included. Both dwellings are part single part two storey with 1 and 3 bedrooms proposed. The work space is shown as 'office' space and is approximately 25sqm to the 3 bedroom unit and 33sqm to the 1 bedroom unit. The proposals involve the re-use of existing building fabric and demolition of stores and alterations to create a vehicular access to back gardens and parking area. The layout would create a central courtyard which the proposals would overlook.
- 1.3 The access to the application site is within the Development Limit of Tholthorpe, the majority of the buildings and land are outside the Development Limits.
- 1.4 The application is supported by a Design and Access and Planning Statement which concludes that conversion within a residential area seeks to utilise existing buildings and remove unsightly, unsuitable structures providing a work live model much needed to sustain and encourage a rural communities. It is stated the scheme will: bring clarity and definition to the village boundary without further encroachment into the countryside - a key planning concern; and has a sustainable ethos, in terms of re-use of a rural building coupled with the live-work strategy.
- 1.5 The statement highlights the 'as existing' situation of a disused commercial building, the intended sympathetic changes to the existing buildings and the redevelopment of the timber framed lean-to into a sympathetic high quality residential extension to supplement the proposed conversions.

2.0 RELVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 86/0936/EUC - Established Use Certificate for the change of use of existing joiner's shop to residential use; Refused 28 November 1986.

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 DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP13 - Achieving and maintaining the right mix of housing
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Tholthorpe Parish Meeting - The application was fully supported by residents and no issues were highlighted.
- 4.2 Highway Authority – No response.
- 4.3 Yorkshire Wildlife Trust - The survey by Wold Ecology shows a Brown Long Eared bat roost is present. A European Protected Species Licence will be required before work can go ahead.
- 4.4 Natural England - No comments to make.
- 4.5 Ministry of Defence - No safeguarding objection.
- 4.6 Public comment – one response received concerned about the impact on the wall and boundary treatment.

5.0 OBSERVATIONS

- 5.1 The key determining issues are (i) the principle of the development; (ii) its impact on the character of the area; (iii) its relationship to neighbouring properties; (iv) access and car parking; and (v) ecology.

Principle

- 5.2 As noted above the application site is part inside, part outside of the Development Limits of the village. The Development Limits are drawn to incorporate the housing development to the south and cut through houses (e.g. Waterside Lodge) and gardens. The relationship to neighbouring properties and the public house has a cultural and historic significance as part of the built form of the village the existing buildings should therefore be considered in a historic context as being within the village.
- 5.3 Noting the above, the Government since the adoption of Development Plan policy, both through Parliamentary reviews, formal policy (NPPF) and Permitted Development legislation have made provision for buildings, particularly those of substantial construction into residential use.
- 5.4 In terms of the development plan, policy CP4 sets out Development in other locations (in settlements or in countryside) will only be supported when an exceptional case can be made for the proposals in terms of Policies CP1 and CP2, and where:

- i. it is necessary to meet the needs of farming, forestry, recreation, tourism and other enterprises with an essential requirement to locate in a smaller village or the countryside and will help to support a sustainable rural economy; or
 - ii. it is necessary to secure a significant improvement to the environment or the conservation of a feature of acknowledged importance; or
 - iii. it would provide affordable housing or community facilities which meet a local need, where that need cannot be met in a settlement within the hierarchy; or
 - iv. it would re-use existing buildings without substantial alteration or reconstruction, and would help to support a sustainable rural economy or help to meet a locally identified need for affordable housing; or
 - v. it would make provision for renewable energy generation, of a scale and design appropriate to its location;
 - vi. it would support the social and economic regeneration of rural areas.
- 5.5 In this instance the development would aid the rural economy through the commercial element of the live/work proposal. The group of buildings is considered to be a non-designated heritage asset (NDHA). The buildings are largely unchanged from their original condition and meet 4 of the Council's criteria for NDHA status as the buildings are significant by reference to (i) their age; (ii) their representativeness; (iii) their aesthetic value; and (iv) group value.
- 5.6 The re-use of buildings can be considered to be a sustainable form of development and given that the buildings were formerly in residential and commercial uses their reuse would not give rise to an increased need for travel and would not be in conflict with policies CP1 or CP2. Overall it is considered that the proposal would be in acceptable as an exception to the strict control of development outside Development Limits allowed for by policy CP4 as it would conserve a feature of acknowledged importance (criterion ii) and help to support a sustainable rural economy (criterion iv).

Character of the area

- 5.7 As discussed above the application buildings are old and have a historic and cultural relationship to the village. The proposal is for re-use of a non-designated heritage asset with a strong cultural and physical link to the historic pattern of the village. The development would benefit the character of the area by re-use of the building.

Relationship to neighbouring properties

- 5.8 There is an existing permitted use of Use Class B1(c) as a joinery to consider with the existing buildings and courtyard is the main access with an established level of commercial activity and access, including outdoor storage. The proposal would improve the physical relationship to the existing neighbouring properties and would improve the landscaping and character of the area.
- 5.9 Having regard to the existing buildings and the proposals to use existing openings there would be an overall improvement in the relationship to neighbouring properties and neighbour amenity by bringing the building back into use. There would be no overlooking or loss of privacy with an existing tight relationship already present on the site.

Access and car parking

- 5.10 Access would be via an existing access and the proposal incorporates parking to an appropriate level. Overall there would be no impact on highway safety and the proposal would be in accordance with policy. Moving the car parking to the rear would allow for an improved appearance to the village and reduce the likelihood of car parking and manoeuvring impacting on neighbour amenity.

Ecology

- 5.11 All developments known to contain bat roosts require a licence from Natural England. Under Section 9 of the Wildlife and Countryside Act (1981) it is an offence for anyone without a licence to kill, injure, disturb, catch, handle, possess or exchange a bat intentionally. It is also illegal for anyone without a licence intentionally to damage or obstruct access to any place that a bat uses for shelter or protection.
- 5.12 The submitted ecological assessment identifies a bat roost which Yorkshire Wildlife Trust identifies needs a licence is required. There are no objections raised and the presence of protected species is known and identified. Adequate mitigation is therefore capable.

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. The development hereby permitted shall be carried out in accordance with the plans submitted to the Local Planning Authority under reference 01, 02, 03, 04, 05, 06 (Proposed plans), 01, 02, 03, 04 and 05 (Existing plans)
 3. The development hereby permitted shall be carried out in external materials to as close as practicable match the existing buildings on site.
 4. Prior to the commencement of built development a detailed landscaping scheme and maintenance strategy for the development (including any necessary phasing of implementation and replacement strategy) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted on a plan to an appropriate scale and shall include, where applicable, details of: (i) bat and bird boxes; (ii) proposed planting (including height, number and species); (iii) proposed boundary treatment; and (vi) hard landscaping works. The approved scheme shall be implemented in accordance with the submitted details and retained thereafter.
 5. Prior to the first occupation of any dwelling to which this permission relates the access ways, turning areas and parking facilities shown on the approved plan shall have been properly consolidated, surfaced, drained, free of loose stone and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall be thereafter be retained and kept available for those uses at all times.
 6. No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation) and deliveries to the site, shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall only take place between the hours of 08.00 to 18.00 Monday to Friday, and 08.00 to 14.00 on Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours. (* Bank and Public holidays for this purpose shall be: Christmas Day; Boxing

Day; New Year's Day; Good Friday; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday)

7. The business floor space of the live/work unit shall be finished ready for occupation before the residential floor space is occupied and the residential use shall not precede commencement of the business use.
8. The business floor space of the live/work unit shall not be used for any purpose other than for purposes within class B1 in the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
9. The residential floor space of the live/work unit shall not be occupied other than by a person solely or mainly employed, or last employed in the business occupying the business floor space of that unit, a widow or widower of such a person, or any resident dependants.

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 define the permission and to ensure that the development is in keeping with the character of the area and to secure a satisfactory development of the site.
3. To ensure satisfactory development of the application site.
4. To ensure the satisfactory appearance of the development in accordance with policy DP33
5. In the interest of Highway Safety, and ensure the free flow of traffic using the adjoining Highway.
6. Having regard to the relationship to neighbouring properties and their amenities.
7. In order to ensure satisfactory development of the application site and to maintain the opportunity for continued use of live/work facilities and support the rural economy.
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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
3. Legal obligations towards bats are generally concerned with roost protection. All developments known to contain bat roosts require a licence from Natural England. Under Section 9 of the Wildlife and Countryside Act (1981) it is an offence for anyone without a licence to kill, injure, disturb, catch, handle, possess or exchange a bat intentionally. It is also illegal for anyone without a licence intentionally to damage or obstruct access to any place that a bat uses for shelter or protection.