

Parish: Kirby Wiske

Ward: Thirsk

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Committee date: 22 June 2017

Officer dealing: Mrs H Laws

Target date: 30 June 2017

17/00624/FUL

Conversion of and extension to existing bungalow to form two dwellings; alterations and extensions to two semi-detached cottages; and removal of vehicle repair workshop

At: Seven Lodge, Post Office Lane, Kirby Wiske

For: Mr Jason Hurley

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site lies on the southern edge of Kirby Wiske and is accessed from Post Office Lane, which is an unadopted track leading from the main village street opposite the Church. The site covers an area of 0.125 hectares and is currently occupied by a semi-detached pair of vacant cottages, a detached bungalow and a workshop, last used for vehicle repairs.
- 1.2 One of the semi-detached cottages, Daffodil Cottage, fronts onto Post Office Lane with the other, Jasmine Cottage, positioned immediately to the rear. A pedestrian access lies to the side of the properties, adjacent to the boundary with the neighbouring dwelling at Churchstead House. The workshop lies to the rear of the cottages and the bungalow lies beyond, set back more than 30m from the site's frontage. The garden to the bungalow lies to the rear (south) and is bounded by a timber post and rail fence.
- 1.3 Vehicular access to the site lies in the north western corner of the plot, with an existing, overgrown, parking and turning area at the front of the bungalow and to the sides of the cottages and workshop.
- 1.4 It is proposed to remove the workshop; extend and alter the cottages, which are listed grade II; and extend the bungalow on the existing footprint to create two two-storey dwellings, each with four bedrooms.
- 1.5 Access would be retained as existing with a parking area provided for the four proposed residential units, providing eight parking spaces.
- 1.6 The existing bungalow is a brick property with a double pitched roof over a wide gable, with a low eaves height set immediately above the windows. A flat roofed conservatory lies on the rear elevation. It is proposed to remove the roof and build up the eaves height and create a gable across half of the north and south elevations with windows serving first floor accommodation. Where the eaves height remains relatively low, the first floor would be served by dormers and rooflights. The walls of the finished dwellings would be finished in painted rough cast render with brickwork detail to the eaves, heads and cills, timber sliding sash windows and a slate roof.
- 1.7 Garages and outbuildings would be removed from the rear (west) elevation of the cottages. A block of two garages is proposed to be positioned on part of this site. A two-storey extension is proposed for Daffodil Cottage on the footprint of part of the existing garages with a low level extension between the roofs to connect into the main section of the dwelling and link the property at first floor level. A single storey extension is proposed on the same (west) elevation of Jasmine Cottage.

- 1.8 The site lies partly within Flood Zones 2 and 3, the latter of which is the area of the highest flood risk.
- 1.9 Documents received with the application include the following:
- Design and Heritage Statement (including a summary statement of significance);
 - Structural Assessment of Daffodil Cottage and Jasmine Cottage;
 - Flood Risk Assessment and Surface Water Drainage Strategy;
 - Ecological Appraisal for Bats; and
 - Preliminary Assessment of Land Contamination form.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/79/086/0015 (79/0478/OUT) – Outline application for the construction of a dwelling and a storage building for use in connection with an existing specialised vehicle service and parts business; Granted 5 February 1980.
- 2.2 2/82/086/0015A (82/0625/FUL) – Details of the construction of a storage building in connection with an existing specialised vehicle service and parts business; Granted 9 November 1982.
- 2.3 2/82/086/0015B (82/0064/FUL) – Details of the construction of a detached bungalow with domestic garage; Granted 12 January 1993.

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 CP12 – Priorities for employment development
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 DP17 – Retention of employment sites
Development Policies DP28 - Conservation
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 – Asks whether consideration has been given to the assessment of flood risk as Post Office Lane has flooding issues. The new development would also cause additional surface water into the main sewer plus additional sewage waste. The Parish Council is currently negotiating with Yorkshire Water and the Highway Authority to resolve issues of sewage in the village. States “A further issue would be contingencies during the construction work” but does not explain this.
- 4.2 Highway Authority - No objection subject to conditions.

- 4.3 Environment Agency – No objection provided that finished floor levels are no lower than those of the existing bungalow (200mm above the 1:1000 year level) and subject to a condition that there is no ground raising in Flood Zone 3, and all spoil and arisings are removed from the floodplain to ensure that the development does not displace flood flows onto others.
- 4.4 Ministry of Defence – No safeguarding objections.
- 4.5 HDC Drainage Engineer - Advises that flood risk can be managed adequately subject to incorporating flood resilience/resistance measures within the construction of Seven Lodge and an emergency flood plan detailing actions in the event of a flood, including evacuation and signing up to flood warning scheme with Environment Agency. Details of the operation, maintenance and management of the proposed soakaway solution for managing surface water, including proposed ownership arrangements will need to be provided.
- 4.6 Environmental Health Officer - No objection.
- 4.7 Public comments - two representations summarised as follows:
- The proposed development will have an adverse effect on the overall drainage and sewage of the village;
 - Kirby Wiske is prone to flooding and has various issues with sewage backup from the existing pumping station. In 2012 the flood water came up to the door of Daffodil Cottage; the cellar of Jasmine Cottage will have flooded. Drains overflow in Post Office Lane when the water table is high;
 - Post Office Lane is an unadopted road and it is a major concern that extra traffic entering and exiting the site will further erode the fabric of the lane;
 - The proposed development of both Daffodil and Jasmine Cottage will directly impact on Churchstead House, in so much as these properties are directly overlooked by this property;
 - The bathroom and bedroom of Churchstead House directly overlook both Jasmine and Daffodil Cottage which may be an issue to any prospective purchasers of these properties; and
 - Assurances from the developer that any noise disturbance, pest infestation, road erosion, wildlife conservation and utility disruption have been duly considered and acted upon are requested.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are (i) the principle of additional residential development in this location; (ii) the loss of a commercial use at the site; (iii) the effect of the alterations on the character and appearance of the site and surrounding rural landscape; (iv) the impact on residential amenity; (v) the design of the proposed development; (vi) the effect on the significance of the heritage assets; (vii) flood risk; (viii) ecology; and (ix) highway issues.

Principle

- 5.2 The proposed development includes the creation of an additional dwelling. The three existing properties are all currently vacant, the cottages having been so for a considerable time. Kirby Wiske is a small village with no Development Limits and is defined in the Settlement Hierarchy as an Other Settlement. The only facility within the village is the church, which on its own is not sufficient to consider Kirby Wiske as a sustainable community.

5.3 The IPG allows for some development in Other Settlements by reference to the concept of Cluster Villages:

"Cluster Villages should be comprised of nearby settlements, one of which may be a Service or Secondary Village, given the wider level of services available. If Other Settlements are to form a cluster, these must have a good collective level of shared service provision. Settlements should be linked to each other by convenient public transport, walking or cycling, where the combined settlements offer a range of services contributing to a sustainable community. This could include the sharing of facilities such as a school, post office, health facility or village shop. However it is unlikely to constitute a sustainable community if there are very few services or if there are significant distances (approximately 2km) or barriers between settlements (e.g. rivers with no crossing)".

5.4 The closest settlements are South Otterington and Sandhutton, both of which are a Secondary Village in the Settlement Hierarchy. These villages are realistically only accessible from Kirby Wiske by the unlit A167, which has no footway. Whilst these villages have services such as pubs, school, village hall, there are no cycle paths or footways linking Kirby Wiske with the two villages. Crucially, the distance between the proposed application site and the villages by road is more than 2.5km (3km to South Otterington and 2.9km to Sand Hutton), which exceeds the maximum separation of approximately 2km allowed for in the IPG. For this reason Kirby Wiske is not considered capable of forming a sustainable community within the meaning of the IPG and the proposal is not supported by it.

5.5 The alternative consideration in respect of the principle of an additional dwelling would be in respect of LDF Policy CP4. Policy CP4 of the Core Strategy sets out specific criteria for development in locations outside of Development Limits. Development is only supported when an exceptional case can be made for the proposals which relate to Policies CP1 and CP2. LDF Policy CP4, criterion ii addresses the issue of development outside of Development Limits if it "is necessary to secure a significant improvement to the environment or the conservation of a feature of acknowledged importance".

5.6 Daffodil Cottage and Jasmine Cottage are grade II listed buildings and are therefore designated heritage assets and features of acknowledged importance. The applicant has set out justification for the proposed additional unit by way of a viability appraisal which is discussed in para 5.10 below. The applicant's submission also argues that the removal of the industrial building would benefit the setting of the listed buildings.

5.7 The NPPF in paragraph 126 requires Local Planning Authorities to recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. Paragraph 135 states that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

5.8 The NPPF in paragraph 55 suggests isolated new homes in the countryside should be avoided but describes certain circumstances where it may be acceptable. These include:

- Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.

- 5.9 In addition to the direct benefits to the heritage assets, the environmental improvements would include the following, which are discussed in more detail later in the report: the effect of the development on the appearance of the site; the impact on residential amenity as a result of the removal of the commercial building, which would also substantially benefit the setting of a listed building.
- 5.10 In order to justify the additional dwelling proposed, to facilitate the redevelopment of the existing listed buildings, the applicant has been asked to provide evidence to show the abnormal costs associated with the development in an attempt to justify the additional unit. Additional viability information has been submitted by the agent, which shows that the abnormal costs associated with the redevelopment of the site, including the demolition of the existing building and the costs of the refurbishment of the listed buildings has a significant impact on the viability of the site. Taking into account the existing use value of the site, the cost of the development and the abnormal costs involved, Officers are satisfied that the proposed redevelopment of the site with its incumbent benefits of the protection of the listed buildings, the significant improvement to the setting of the listed building and the removal of the existing un-neighbourly use, would not be viable if fewer than 4 units were provided (net increase by one unit).
- 5.11 It is considered that the benefits of bringing the listed buildings back into use and improving the appearance of the site and the setting of the listed building, without needing to construct a separate new building to create the additional dwelling unit, outweigh the unsustainable location of the site for the creation of one additional dwelling.
- 5.12 On balance it is considered that the social and environmental benefits identified in line with national and local policy justify the creation of an additional residential unit outside the Development Limits and the principle of the development is therefore acceptable.

The loss of the commercial use

- 5.13 The existing workshop building has not been used recently but was operated as a vehicle repair garage for classic vehicles by the previous occupier of the bungalow. This was a commercial enterprise which the applicant has confirmed ended approximately two years ago. It is considered that whilst the building is not currently used at present, it could be brought back into commercial use. The aim of LDF Policy DP17 is to encourage the retention of employment sites and uses for the economic wellbeing of rural communities such as Kirby Wiske. There are exceptions however, one of which is where the removal of a use would result in a substantial benefit.
- 5.14 In this instance it is considered that the continued use of the building for commercial purposes in such close proximity to three existing dwellings and other neighbouring properties in a predominantly residential village, could give rise to adverse impacts resulting from noise, odour and vehicle movements.
- 5.15 In addition, the position of the existing building in such close proximity to Daffodil Cottage and Jasmine Cottage, causes harm to the setting of these listed buildings and the removal of the building and its use would significantly benefit their relationship with the streetscene and surrounding village.
- 5.16 It is not considered that the proposed removal would conflict with Policy DP17.

Character and appearance and the rural landscape

- 5.17 The existing buildings are in a poor state of repair and have a generally run down appearance. Much of the site is dominated by an inappropriate commercial building, set within close proximity of the listed buildings. The removal of unsightly additions to the listed buildings would improve their appearance; the replacement with relatively small scale and well-designed extensions would allow them to return to effective use without harm to their overall character and appearance.
- 5.18 The bungalow is not of a high standard of design and is of no visual merit within the village. There would be no objections to its removal. Instead however, the development proposes an extension to create first floor accommodation on the same footprint. The resultant structure would be more in keeping with the traditional cottage style of development adjacent to the site and within the wider village.
- 5.19 The proposed development would not encroach any further into the adjoining rural landscape than the existing buildings and would have no greater visual impact than the existing development; indeed the removal of the commercial building would improve the site's appearance. The proposal is therefore in accordance with LDF Policies CP16 and DP30.

Residential Amenity

- 5.20 The site lies close to existing residential properties, which lie to both sides and opposite, all fronting onto Post Office Lane. 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).
- 5.21 The semi-detached dwellings of Daffodil and Jasmine Cottages are already in existence although have not been occupied by many years. The cottages were built well before the dwelling at Churchstead House to the east, which was built more than 30 years ago, and many other properties within the village.
- 5.22 The side elevation of Daffodil Cottage and front elevation of Jasmine Cottage face eastwards and lie close to the boundary, giving the opportunity for overlooking towards the side elevation of Churchstead House. The main part of the two storey dwelling at Churchstead House, is separated from the shared boundary with the cottages by the flat roofed garage of that property, providing some distance to reduce the impact. No new window or door openings are proposed and therefore there is currently an opportunity for overlooking and there would be no intensification of use as a result of the development. The difference is that these dwellings have been unoccupied for many years and clearly returning them to a residential use will have an impact on the residents as they have had no neighbours for such a long time.
- 5.23 There are no additional extensions on this elevation that would have an overbearing impact on the amenity of the residents of adjacent properties.
- 5.24 No additional windows are proposed in the extension to the existing bungalow that would result in overlooking and there would be no overbearing impact as a result of the increased height.
- 5.25 The removal of the existing commercial building would benefit residential amenity in the locality as discussed within paragraph 5.14 above.
- 5.26 The proposed development would be in accordance with LDF Policy DP1.

Design

- 5.27 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."
- 5.28 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.
- 5.29 The National Planning Policy Framework Planning 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.
- 5.30 The Design and Access Statement accurately describes the character of the surrounding area as being predominantly in residential use with low-lying and gently undulating landscape beyond. The design philosophy underpinning the scheme is to restore the significance of the Listed Buildings and return them to a sustainable use, whilst retaining as much of the historic fabric as possible. In addition it is hoped to 'remodel' the bungalow so that the resultant building better reflects the character and appearance of the area and reduces the harmful impact on the heritage assets.
- 5.31 The other development options considered were the conversion of the bungalow into a single dwelling but, as discussed in paragraph 5.10 above, this has proved not to be a viable option.
- 5.32 The proposed alterations and extension to the bungalow completely alter the appearance of the dwelling, but this would not be unacceptable given that it is considered to be of poor design and out of context with its surroundings. The proposed building increases the bulk and massing of the structure and the maximum height is increased by approximately 1200mm, but the resultant cottage style is more in keeping with the traditional character of Kirby Wiske and reflects the local context as required by Policy CP17.
- 5.33 The proposed extensions to the listed cottages are relatively small in scale, reflect the existing character and appearance of the dwellings and would be finished in sympathetic materials in accordance with LDF Policies CP17 and DP32.

Heritage assets

- 5.34 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses.
- 5.35 On assessment of the application it is considered that it would lead to less than substantial to heritage assets. That harm would be the addition of several extensions to ensure the space within the dwellings is upgraded and useable. This is discussed in more detail within the listed building application report, which is the following item on this agenda.
- 5.36 Paragraph 134 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.

- 5.37 The removal of inappropriate extensions and the return of the cottages to their original use would be in accordance with NPPF paragraph 134. The removal of the adjacent commercial building would also significantly improve the setting of the listed buildings and the proposed works are considered to be in accordance with LDF Policies CP16 and DP28.

Flood Risk

- 5.38 The site lies within flood zones 2 and 3; the bungalow is located within flood zone 2 although the existing floor level is above the estimated flood zone 2 level. As the proposal includes an additional dwelling it is important for the Local Planning Authority to undertake the sequential test, which is to steer new development to areas with the lowest probability of flood risk.
- 5.39 In this case, the proposed development has some unique characteristics and proposes: to bring two listed buildings back into use; to remove a commercial building, which harms their setting; and to improve the appearance of an existing poorly designed bungalow; all of which must be balanced against the risk of flooding.
- 5.40 There is local concern about the potential for flooding in the vicinity of the site. A flood risk assessment has been received, which concludes that surface water drainage management will reduce the risk of flooding in the vicinity. The scheme proposes to install underground attenuation beneath the parking area that would achieve a higher standard of surface water drainage than currently exists and reduce the risk of flooding by aiming to achieve greenfield levels of surface water run-off.
- 5.41 Bearing in mind the viability of the site's redevelopment as stated above in paragraph 5.10; the development not increasing the footprint of development (in fact, removing the commercial building); and due to the improved surface water drainage it is not anticipated that the proposed development would increase flood risk or endanger the residents to any greater extent than already exists. A condition is recommended requiring the submission of a flood plan relating to warning and evacuation in the event of flooding in order to protect the proposed residents of the new dwellings. The Environment Agency and Council's Drainage Engineer are satisfied with this approach in this case.

Ecology

- 5.42 A bat and barn owl survey confirms there are no potential habitats within the building.

Highway Issues

- 5.43 The Highway Authority has no objections to the proposed use of the existing access.

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. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement shall be carried out to the dwellings hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.
5. The development permitted by this planning permission shall only be carried out in accordance with the Flood Risk Assessment received by Hambleton District Council on 9 May 2017.
6. There must be no ground raising in the area defined within Flood Zone 3, and all spoil/arising from the application site are to be removed from the floodplain.
7. The dwellings hereby approved shall not be occupied until warning and evacuation procedures have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved procedures shall be implemented and retained.
8. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing reference EVO 515/01. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
9. 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.
10. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered EVO 515/01; 05; 06; 07; 08; and 09 received by Hambleton District Council on 14 March 2017 unless otherwise approved in writing by the Local Planning Authority.

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. 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. The Local Planning Authority would wish to retain control over the extension of this development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with LDF Policies CP17, DP1 and DP32.
5. To prevent flooding and to reduce the impact of flooding on the proposed development and future occupants in accordance with LDF Policies CP21 and DP43.
6. To ensure that flood flows are not displaced onto others as a result of the proposed development in accordance with LDF Policies CP21 and DP43.
7. To ensure the safety of the occupants in the event of flooding in accordance with LDF Policies CP21 and DP43.
8. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.
9. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area in accordance with LDF Policies CP2 and DP4.
10. 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.

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.