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**16/01987/OUT**

**Outline application (considering appearance, access, layout and scale) for the demolition of buildings and the construction of 3 dwellings as amended by details received by Hambleton District Council on 25th May 2017.  
at The Garage Low Street Husthwaite North Yorkshire  
for Mr & Mrs Walker.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The 0.16 hectare site lies on the north side of the village. The land which is in a mixture of domestic and commercial use has a short frontage, about 12m, to Low Street, the site is deep extending 100m and widens out to the width of 'The Garage' site and the width of the adjacent dwelling, a width of about 21m, Cleveland House that is within the control of the applicant. Part of the proposal would involve work on or very close to the neighbouring dwelling Carlbury that stands to the east of the site.
- 1.2 The neighbouring properties are: to the west the Public House, and to the east a residential property as noted above, 'Carlbury'. The land to the north is in agricultural usage. To the south across the village street are residential properties.
- 1.3 The site frontage is occupied by a yard behind which stands a range of buildings smithy and stables and more recently in use in conjunction with a landscaping business.
- 1.4 The application is in outline form, unusually, the reserved matters are supplied for all but the landscaping details of the site. The scheme details have been amended during the life of the application, initially 4 dwellings were proposed. Following extensive discussions with neighbours, Parish Council, professional advisors and officers of the Council the details have been amended to show the layout of 3 dwellings, one standing close to Carlbury enclosed by a walled garden and with parking to the rear, two further dwelling set further to the north. The scheme comprises two 2 bedroom dwellings and one 3 bedroom dwelling, served by vehicular across the frontage of the site and provision of parking space for all 3 dwellings and the adjoining Cleveland House.
- 1.5 Drainage is proposed to be achieved by a mixture of soakaway, other sustainable drainage systems and the main sewer. No details are supplied of foul drainage.
- 1.6 Some parts of the land are acknowledged to be "suspected" to hold contaminants from previous uses. As the proposal is for a 'vulnerable' use decontamination is anticipated to be necessary.
- 1.7 The site lies within the Husthwaite Conservation Area. A Heritage Appraisal prepared in May 2017 to support the application notes that the village is considered to be a well preserved example of a medieval linear settlement. The site has a long history of commercial use including as a smith in the 18<sup>th</sup> century. The Appraisal in summary states:

"Plot 1 will be an infill development, situated between existing properties... The proposed dwelling will be of a small scale, set back from the road and will take design cues from other historic buildings in the vicinity, including its materials, form, fenestration and garden layout. Plots 2 and 3 will be located to the rear (north) of

Plot 1 and existing dwelling, Cleveland House, in the approximate historic location of the former smithy and stables. Landscaping will set these at a lower level than the road, in order to minimise visibility from Low Street and maximise the opportunity to open up new glimpse views of the North York Moors National Park to the north. These two dwellings will adopt the style of traditional agricultural or service buildings, such as smithies and barns positioned to form a courtyard layout.”

1.8 The Listed Grade II\* church of St Nicholas lies approximately 95m east of the site along with a Grade II Listed tomb. Other Grade II Listed dwellings in the village are more distant.

1.9 The front of the site is within Development Limits however much of the site is beyond the Development Limits.

## 2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 08/00898/FUL Outline application of the demolition of existing garage buildings and construction of three dwellings. Application withdrawn 30 June 2008

## 3.0 RELEVANT PLANNING POLICIES:

3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

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 DP6 - Utilities and infrastructure

Development Policies DP9 - Development outside Development Limits

Development Policies DP10 - Form and character of settlements

Development Policies DP17 - Retention of employment sites

Development Policies DP28 - Conservation

Development Policies DP29 - Archaeology

Development Policies DP30 - Protecting the character and appearance of the countryside

Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation

Development Policies DP32 - General design

Development Policies DP33 - Landscaping

Interim Guidance Note - adopted by Council on 7th April 2015

## 4.0 CONSULTATIONS

4.1 Husthwaite Parish Council – initially raised concerns but following consideration of the revised details advise that the Council wish to see the application approved and note that:

Although the two proposed dwellings to the rear of Cleveland House are still well behind the Husthwaite Development Limits, the proposed footprint will not exceed that which is already in existence. By replacing the derelict buildings there will be a positive visual improvement to the streetscene within the Husthwaite Conservation Area.

The reduction in height of the proposed dwellings is appreciated, given the concerns voiced by neighbours.

The modest residential courtyard development is more fitting to the character of our village.

4.2 NYCC Highways – Recommend conditions be applied relating to discharge of surface water, visibility splays, parking and turning and construction management.

4.3 Neighbour notification – representations have been received by and submitted by professional agent on behalf of neighbours raising the following concerns

The development has potential to harm the Conservation Area and the Howardian Hills Area of Outstanding Natural Beauty that it backs on to.

Scale, the lack of a topographical survey makes it impossible to discern whether the visual impact is acceptable.

Overlooking and loss of privacy – subject to the use of opaque glazing to reduced the potential for overlooking the impact on Carlbury and a condition to prevent additional opening on the east side and in the roof of the new dwellings if this could give rise to overlooking the revised proposal are considered acceptable in respect of privacy.

The lack of topographic survey and proposed details of the levels full assessment cannot be made.

The impact from the use of the carports cannot be fully assessed as the details of the car ports are not supplied.

The works would have an impact on the trees and hedgerows that is understated.

Foul drainage arrangements are unclear and due to the absence of levels it is not possible to ascertain if the dwellings will drain under gravity to the foul sewer that is assumed to be in the village street or will require pumping.

One comment is made noting support, advising they would rather see residential development than continued commercial use of the site.

## 5.0 OBSERVATIONS

5.1 The main issues to consider in this case are (i) the impacts upon the heritage assets (Conservation Area and Listed Buildings), (ii) the principle of residential development, (iii) the loss of the economic use (iv) neighbour amenity (v) access and highway safety

5.2 As noted in the first section of this report the application is in outline form. Landscaping is a reserved matter.

### Heritage assets

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 Planning (Listed Buildings and Conservation Areas) Act 1990 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 Assessment of the heritage asset has been undertaken by a heritage consultant "Humble Heritage Ltd" acting for a neighbour and subsequently by consultants acting for the applicant "Northern Archaeological Associates Ltd". The assessment work of each consultant considered the settlement and the heritage assets and then assessed the scheme that was proposed at the time of their report. Amendments were made to the proposal in the light of criticisms raised by neighbours. The most recent report is that of the applicant's consultant as this considers the amended scheme that is now under consideration.
- 5.7 The development will result in substantial change to the character of part of the Conservation Area. Both consultants conclude that the 'modern' buildings that occupy the site cause harm to the Conservation Area and removal would be beneficial, the harm is particularly severe due to the central position of the site to the Conservation Area, close to the village green and the Church of St Nicholas. These are described in the Husthwaite Village Plan as the:
- 'dominant site at the centre of the village' and the church is 'the spiritual and dynamic heart of the village, loved and valued by both its residents and visitors. From its centre, the curved flow of the ancient lines of dwellings give character to the village scene'*
- 5.8 Concern of the backland development shown in the initial proposals is identified, together with observation that this did not reflect the established grain of the settlement of 'toft and croft' (the dwelling and the land behind).
- 5.9 The concerns have been addressed by amendments to the scheme. The details show proposed infilling and restoration of the street frontage to a form that is appropriate to its neighbours, provision of a walled front garden and simply detailed dwelling of modest proportion set back so as not to dominate the scene or challenge the importance of the two dwellings, Cleveland House and Carlbury.
- 5.10 The plots to the rear have been shown to be reduced in scale and massing and make reference in siting and detailed design to the earlier use of the land for blacksmith and stables.
- 5.11 The Northern Archaeological Associated report summary identifies the benefits of the demolition of the corrugated metal clad shed which is an eyesore, and its *"sensitive replacement will have a positive impact upon the significance of the conservation area."* Note is made of the considerable potential for survival of medieval remains associated with the foundation of the settlement though subsequent uses are likely to have disturbed these and the need for mitigation strategy to be provided. The removal of the large shed will have a positive impact on St Nicholas' church by restoring it to prominence when viewed from Elphin Bridge Lane to the north of the site (Elphin Bridge Lane is the minor road between Husthwaite and Carlton Husthwaite). The recognition in the revised details of the significance of the heritage assets has led to a revised design that in the opinion of the conservation consultants respects the character of the place and allows an overall conclusion that:
- "no harm will be caused to the significance of the Husthwaite Conservation Area and there will be some positive impacts which function to preserve and enhance elements of the area's character."*
- 5.12 The conclusion reached by the consultant is considered to be supported by the evidence of the character assessment and the drawn details submitted with the

application and accordingly the scheme is considered to meet the policy requirements of the LDF as well as the NPPF and meets the requirements of the Act as set out above.

#### The principle of residential development

- 5.13 The site lies mainly 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".
- 5.14 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.
- 5.15 Hustwaite is a Service Village and therefore considered a sustainable location for small scale development by the IPG. The site is adjacent to and partially within Development Limits. It is noted that the site is very close to other properties within the settlement and close to local facilities including a public house and school. The proposals would relate well to the existing settlement and are acceptably located subject to detailed consideration of the design, layout and relationship to neighbouring properties.
- 5.16 The Interim Policy requires compliance with the 6 features of the policy
1. Development should be located where it will support local services including services in a village nearby.
  2. Development must be small in scale, reflecting the existing built form and character of the village.
  3. Development must not have a detrimental impact on the natural, built and historic environment.
  4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
  5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
  6. Development must conform with all other relevant LDF policies
- 5.17 It has been noted above that the site is well placed to support local services and that it is small in scale, comprising 3 dwellings. The consideration of the impact on the historic environment has found no harm and some benefits. The close relationship to the existing built form of the village is such that it would not lead to an adverse impact on the open character or appearance of the countryside, rather it would enhance the

scene by removal of an unsightly shed. There is no evidence to suggest that the capacity of existing infrastructure would be exceeded by the proposal. The following part of this report assesses whether the proposal would conform with the other relevant policies of the LDF, notably relating to the loss of an employment use and the design details of the scheme.

#### Loss of employment use

- 5.18 The redevelopment of the land would result in the loss of a place that has been used for the operation of a landscaping business. The applicants have advised that

“The business is called ‘All Seasons Lawn Turf’ and provides landscape gardening in the local area. It is a small business run by Mr Walker and employs one member of staff on a part-time basis. It generally operates through the summer months. Mr Walker intends to retire in the near future due to his age and the physical nature of the job. Furthermore, Mr Walker’s sons, Joe & Ben, are both employed in white-collar industries and do not wish to continue the business.

The former garage building is in a poor state of repair and would require significant investment to maintain an employment use on site.

Regardless of the outcome of this application, employment use on the site will cease in the near future.”

- 5.19 The value of the premises and the harm through the loss of the premises is to be considered in the light of the benefits explained above in the provision of additional housing in a sustainable location that are of a form that will meet the local needs and which achieve gains for the character of the place and remove a potential cause for disturbance to neighbouring residential occupiers. On balance it is considered that the loss of employment use is outweighed by the benefits of the redevelopment.

#### Design

- 5.20 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.”

- 5.21 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.

- 5.22 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. Paragraph 66 sets an expectation that applicants engage with the local community in drawing up the design of their schemes:

“Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.”

- 5.23 The design evolution documents clearly explains the efforts made to engage with the community to influence the design and how the design has evolved through dialogue to respect the character of the Conservation Area and to address the concerns of neighbours in respect of overlooking and loss of amenity through disturbance due to vehicle movements. It details how the site layout has changed to reduce the impact on hedgerow and trees and how the levels of the site can be addressed to avoid the new dwellings dominating the scene or being overbearing the neighbours.
- 5.24 The Statements supplied by the applicant (and the neighbours consultants) describes the character of the surrounding area and how the scheme has been adapted in the light of the findings of the consultants work and discussions with neighbours and Parish Council. Whilst there are no above ground features within the site that merit protection the revised scheme acknowledges the importance of: the boundary features of the site and the context of the site; the neighbouring dwellings and their amenity; as well as the Conservation Area and setting of Listed Buildings; to the success of the scheme.
- 5.25 The concerns expressed by neighbours at Carlbury in respect of the impact upon the amenity of their dwelling has been addressed, whilst there will be a changed impact it is considered that the impact overall through the removal of the current use and building and the introduction of a new residential use and buildings will be neutral or positive as the potential for disturbance from an unconditioned commercial use is reduced and the removal of the shed will enhance the scene. The protection and reinstatement (as appropriate) of boundary hedging between the application site and Carlbury can be required by planning condition.

#### Planning balance

- 5.26 In assessing the proposal considerable importance and weight has been given to the desirability of preserving and enhancing the character and appearance of the heritage asset. It has been found that the scheme will protect and enhance the Conservation Area and setting of the Listed Church of St Nicholas. The scheme will not cause harm to environmental interests and will create new housing of a size and type that will help to address local needs and any harm caused by the loss of the economic use of the land is outweighed by the benefits identified. There is potential for net gains to be achieved in respect of environmental matters through the decontamination of the site and landscaping proposals.

## **6.0 RECOMMENDATION:**

- 6.1 That subject to any outstanding consultations the application be **GRANTED**
1. The development hereby permitted shall be begun within two years of the date of this permission.
  2. The development shall not be commenced until the reserved matters have been submitted to and approved by the Local Planning Authority for the landscaping of the site.
  3. No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.
  4. The windows on the west elevation of buildings on Plot 1 and Plot 3 shall at all times be glazed with obscured glass.

5. 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.
6. 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.
7. The development shall not be commenced until a plan has been submitted to and approved by the Local Planning Authority to show all existing trees which are to be felled or retained together with the positions and height of protective fences, the areas for the storage of materials and the stationing of machines and huts, and the direction and width of temporary site roads and accesses. The approved scheme shall be implemented in full during the life of the development.
8. Prior to development commencing detailed cross sections shall be 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.
9. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.
10. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition above.
11. 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.
12. 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 2.4m 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.

13. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference "proposed site plan" received 25th May 2017). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

14. 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.

15. 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.

16. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.

17. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered proposed site plan and proposed details received by Hambleton District Council on 25 May 2017 unless otherwise approved in writing by the Local Planning Authority.

The reasons are:-

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.

2. To enable the Local Planning Authority to properly assess the landscaping of the site which is a reserved matter and details of which need to be approved before the development is commenced to secure a sustainable development providing net environmental gains.

3. This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest and the Hambleton Local Development Framework Policies CP16 and DP28.

4. To safeguard the amenities of occupiers of adjoining residential property in accordance with Local Development Framework Core Strategy and Development Policies CP1 and DP1.
5. 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.
6. 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 .
7. To safeguard the visual amenity of neighbourhood by ensuring the retention of existing trees in accordance with Local Development Framework Policy DP33.
8. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.
9. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
10. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
11. In accordance with Policy CP1 and in the interests of highway safety.
12. In accordance with Policy CP1 and in the interests of road safety
13. In accordance with Policy CP1 and DP1 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
14. In accordance with Policy CP1 and DP1 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
15. In accordance with Policy CP1 and DP1 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.
16. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Local Development Framework Policies CP1 and DP1.
17. 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(ies) CP1, DP1, CP16, CP17, DP28, DP30 and DP32.