

Item Number: 8
Application No: 18/01112/FUL
Parish: Sand Hutton Parish Council
Appn. Type: Full Application
Applicant: Mrs Karen Griggs
Proposal: Change of use and alteration of outbuildings to form a two bedroom holiday cottage with courtyard garden (revised details to part of approval 13/01256/FUL dated 11.02.2014)
Location: The Old Forge Main Street Sand Hutton Malton YO41 1LB
Registration Date: 23 November 2018
8/13 Wk Expiry Date: 18 January 2019
Overall Expiry Date: 2 January 2019
Case Officer: Alan Hunter **Ext:** 43276

CONSULTATIONS:

Sand Hutton Parish Council	No response received
Highways North Yorkshire	Recommend conditions
Countryside Officer	No response received
Environmental Health Officer	No objection

Neighbour responses: Mrs Jill Cheney, Mrs Annette Webb, Mrs Louise Misell, Mrs Angela Appleby, Mrs Joanne Wedgwood, Miss Katherine Tilsed, Miss Emma Hamilton, Mr Nathan Chapman, Mr Chris Thornton-Holmes, Miss Chloë Griggs, Mr Paul Raper, Mr Joseph Pett, Mr Tom Symes, Mrs Judy Griggs, Mrs Catherine Phillips, Mr Laurence Wayne, Ms Louise Gould, Mrs Natalia Willmott, Mr Sean Everett, Miss Sarah Jackson, Miss Charlotte Robinson, Ms Karen Knox, Mrs Gill Gimes, Mr John Goodrick, Mrs Sue Davies, Mr Adam Griggs, Mr Jack Bowman, Miss Josephine Wareham, Ms shan hawley,

SITE:

The application site is located to the north of Main Street (C176), Sand Hutton. The site equates to an area of land just under 0.48 ha, and includes a single entrance drive to the house (which fronts onto Main Street) and the numerous outbuildings to the side and rear of the property. The outbuildings proposed to be altered/extended straddle the western boundary adjoining Whey Carr Farm.

The site is located within the Conservation Area and is adjacent to St Mary's Church and the remains of St Leonard's Church beyond the rear boundary of the site, which are both Grade 2 listed.

PROPOSAL:

The proposal relates to amendments to an approval for the change of use, alteration and extension of outbuildings to form a holiday cottage. The main changes to the approved scheme are:

- A reduction in the size of the extension. The previous extension contained 3 bedrooms and the proposal seek permission for 2 bedrooms. The approved scheme extended had a floor area of approximately 121m² and the proposed scheme has a foot print of approximately 97.5m².

The approved scheme also extended a further 9.5m beyond the proposed scheme to the rear (northern side) and along the western boundary.

- The accommodation previously approved for a manager's office is proposed to be included within the footprint of the holiday cottage.
- The roof design is has been amended from a mono pitch to a gabled design, incorporating a small flat roofed area between the attached buildings to the west and along part of the northern side, both the approved and proposed roofs had ridge heights measuring 4.7m.

HISTORY:

2014: Planning permission granted for the change of use and alteration to outbuildings and detached chalet to form a three bedroom holiday cottage and a one bedroom holiday cottage with managers office to include removal of roof and timber clad upper wall areas of barn to form a courtyard garden for the three bed holiday accommodation together with erection of single storey rear extension to main dwelling and associated car parking.

POLICY:

Ryedale Plan - Local Plan Strategy (LPS)

Policy SP2 - Delivery and Distribution of New Housing
Policy SP8 - Tourism
Policy SP9 - Land based and rural economy
Policy SP12 - Heritage
Policy SP14 - Biodiversity
Policy SP16 - Design
Policy SP17 - Managing Air Quality, Land and Water Resources
Policy SP19 - Presumption in Favour of Sustainable Development
Policy SP20 - Generic Development Management Issues
Policy SP21 - Occupancy Restrictions

National Policy Guidance

National Planning Policy Framework (NPPF) 2018
National Planning Practice Guidance (NPPG) 2014

APPRAISAL:

The main considerations are as follows:

- Policy Principle;
- The design, scale and appearance of the proposed alterations and extension;
- Impact of Residential Amenity;
- Impact upon heritage assets;
- Highway Impact; and
- Other matter

Members will appreciate from the planning history that this application seeks an amendment to approved holiday cottage, which reduces the size of the holiday cottage (the current proposal contains one less bedroom). An amended roof design featuring a gabled roof is also proposed. Copies of the

extant planning permission for the 3 bedroom holiday cottage are appended to this report for Members information. The extant scheme is a significant material consideration on this application, as that scheme can still be implemented without the need for any further permission. During the consideration of this application, the applicant has omitted a single storey kitchen extension (to revert back to the approved extant extension), slightly amended the design of the openings on the eastern elevation and provided a plan showing how the small flat roofed area is to be drained. Given the minor nature of these changes, formal re-consultation is not considered to be necessary, and the objector's Planning Consultant has been notified as a courtesy should they wish to make any further views before the Planning Committee meeting.

Policy Principle

The LPS aims to promote a healthy rural economy and supports appropriate diversification subject to it respecting the local environment and character.

The proposal represents the conversion, extension and alteration of existing outbuildings to provide a small holiday cottage development.

The proposal accords with the NPPF in terms of supporting appropriate tourism development, promoting a strong economy, and a prosperous rural economy.

The scheme also accords with the Ryedale Plan - Local Plan Strategy policies which advocate visitor accommodation/tourism:-

Policy SP8 supports:

'self-catering or other serviced accommodation through conversion of existing buildings; refurbishment and extension of existing buildings and chalet self-catering on the edges of settlements'.

It is noted that there is an existing business that operates from Whey Carr Farm engaged in the design and manufacture of stables, field shelters and loose boxes together with services to livery businesses such as temporary boarding of horses. Both NPPF and the LPS support rural business. The application has been discussed in principle with the Environmental Health Specialists who do not object to the proposal. It is further advised that in the event that a complaint is made by the occupier of the proposed holiday cottage, such a complaint could not be investigated as potential statutory nuisance in view of the temporary occupation of the holiday cottage. A condition is also recommended to ensure that the holiday cottage is not used a dwelling. As such, the development of a holiday cottage on the adjoining site is not considered to be capable of adversely affecting that adjoining business.

As such the principle of the proposed holiday cottage remains acceptable. Furthermore, there is an extant planning permission for a holiday cottage in the same location, but with a larger floor area.

The design, scale and appearance of the proposed alterations and extension

Policies SP16 and SP20 of the Local Plan Strategy require extensions to buildings to be sympathetic to the character and appearance of the host building. In regard to extensions Policy SP16 states:

Extensions and alterations to existing buildings will be appropriate and sympathetic to the character and appearance of the host building in terms of scale, form and use of materials and in considering proposals for the alteration, re-use or extension of individual historic buildings the Council will seek to ensure that:

- *A building is capable of conversion to the use proposed without the need for extensions or alterations that would be detrimental to its character*
- *Proposed extensions and alterations, considered acceptable in principle, that are of an architectural style which complements the traditional character of the main building*
- *Appropriate materials and traditional construction methods and techniques are used.*

The removal of the existing outbuilding and the proposed replacement extension is considered to relate well to the existing building in terms of its scale, design, form and proposed materials. The amended window designs are considered to be acceptable and to relate well to the existing property. The proposal is considered to comply with the requirements of Policy SP16 and SP20 of the Local Plan Strategy.

Impact of Residential Amenity:

Policy SP20 of the Local Plan Strategy states:

'New development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence'

The proposed holiday cottage use will have its windows and doors on the elevation facing Main Street or facing eastwards towards its own courtyard and the garden of the Old Forge. The accommodation is provided on ground floor level only. The proposed accommodation is not considered to give rise to an unacceptable impact in terms of its noise or disturbance to the amenities of the adjoining occupiers. Furthermore, given the orientation of the proposed holiday cottage to the front and eastern sides there is not considered to be any unacceptable potential overlooking, or loss of sun lighting or day lighting. The proposal is also not considered to result in an adverse effect upon the amenities of the occupiers of The Old Forge.

Impact upon heritage assets:

There have been 3 heritage assets identified that could be affected by the proposal:

- o Sand Hutton Conservation Area
- o Church of St Leonard - Grade 2 listed building; and
- o The remains of the Church of St Leonard (Grade 2 listed).

In addition, it has been mentioned in one objection that the Old Forge could be regarded as a non-designated heritage asset. Officers concur that the property is a non-designated heritage asset by virtue of its age, character and appearance. Its front elevation and the contribution that it makes to the Sand Hutton Conservation Area is considered to be its most significant feature.

S66 of the Planning & Listed Buildings Act 1990 states:

'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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.'

In terms of the Conservation Area, S72 of the Planning & Listed Buildings Act 1990 states:

'In the exercise, with respect to any buildings or other land in a conservation area, of any of the provisions mentioned in subsection, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

Both NPPF and Policy SP12 of the LPS requires the impact of proposals upon heritage assets to be carefully assessed.

Policy SP12 states:

Designated historic assets and their settings, including Listed Buildings, Conservation Areas, Scheduled Monuments and Registered Parks and Gardens will be conserved and where appropriate, enhanced. Development proposals which would result in substantial harm to or total loss of the significance of a designated heritage asset or to the archaeological significance of the Vale of Pickering will be resisted unless wholly exceptional circumstances can be demonstrated. Proposals which would result in less substantial harm will only be agreed where the public benefit of the proposal is considered to outweigh the harm and the extent of harm to the asset

In regard to proposals affecting heritage assets, NPPF states:

'189. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

190. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

191. Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

192. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.'*

In relation to non-designated heritage assets, NPPF paragraph 197 states:

'197. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

In this case, the proposals will result in the removal of existing structures, which are not considered to be in a good state of repair or that make a positive contribution to The Old Forge, or indeed the Conservation Area. The proposed extension is located in a concealed location to the rear of the property and there are no public viewpoints of the proposed extension. The design and form of the proposed extension is considered to be an improvement to the current situation. As such the proposal is considered to enhance the appearance of the Conservation area. Due to the distance and intervening structures there is considered to be no adverse effect upon the setting of the nearby Grade 2 listed buildings. The proposed extension is not considered to detract from the non-designated heritage asset, moreover it is considered to improve that part of the current building by rationalising the current roof structures and arrangements. The gabled form and roof pitch is considered to be consistent with an outbuilding that would be associated with such a building of this period. In terms of the test within Policy SP12, there is considered to be no harm or loss of significance to heritage assets as a result of the proposed extension.

An objection letter argues that the applicant has not submitted sufficient information in relation to heritage assets. Officers consider that a proportionate approach to the consideration of heritage issues has been taken based on the scale of the development proposed.

Highway Impact

The Old Forge is located on the village street close to the village green which branches off onto the road between Sand Hutton and Upper Helmsley.

The road is not a major access route, but can be busy with local village traffic & school at commuting times with the bulk of the traffic cutting through to the A64. The proposal maintains the existing access to The Old Forge from the highway.

The existing vehicular access to the site currently serves The Old Forge and an existing holiday chalet. There is a shared parking area to the rear of the property for the existing dwelling, the existing and the proposed holiday cottages. This arrangement was approved on the 2014 permission. With adequate on-site car parking provided there is considered to be no expectation that the proposal would create the need for on-street parking.

The Highway Authority has recommended detailed planning conditions regarding the use of the existing access, to ensure that the parking provision as already approved is available, precautions to prevent mud on the highway and a condition to prevent windows and doors from opening over the highway, which are detailed below. As such there are considered to be no sustainable objections to this proposal in terms of highway safety.

Other issues

The extant approval for the holiday cottage included a planning condition (Condition 10) in relation to contaminated land. That condition was discharged and a condition is recommended in respect of this proposal to ensure the development is undertaken in accordance with the submitted assessment.

A condition is also recommended to ensure compliance with the Method Statement contained in the previously submitted ecology report.

There have been three objections received in relation to this application. One from the occupier of Whey Carr Farm, one from a representative (ID Planning) of the occupiers of Whey Carr Farm, and one from the occupier of The Paddock to the south west of the application site. The issues raised include:

- The impact of the proposals in relation to the heritage assets;
- Surface water drainage in relation to the party wall between the application site and Whey Carr Farm;
- Design;
- On street parking and its implications;
- Potential formation of a new dwelling;
- Permitted working hours;
- Impact upon the existing business.

The proposal has been assessed in relation to its design and its impact upon heritage assets above. The adjoining business is noted, and the holiday cottage use is not considered likely to be capable of prejudicing that operation, (please see the appraisal above). The agent has provided additional information in relation to the method of draining the proposed flat roof between the buildings on the party wall, which shows that surface water will be drained to the eastern side to a downpipe on the applicant's side. The Highway Authority has not raised objection to the scheme, and considers that there is sufficient off-street parking for the proposed development, Members should also note that the proposal results in a net reduction of 1 bedroom for the proposed holiday cottage from the extant scheme. A condition regarding occupancy is recommended that will ensure the holiday cottage cannot be used as a dwelling, a planning application would need to be submitted and considered for such a

change of use. It is not considered reasonable to impose an hours of use condition in relation to construction works on this application, given the scale of the proposal, this is consistent with the approach taken to other developments across the District. An informative is recommended to advise the applicant/developer to adhere to the Considerate Construction Scheme.

The amendments to this application since its initial submission relate to the omission of the single storey kitchen extension (to which there were objections to its design and appearance); amendments to the opening on the inward facing elevation of the proposed holiday cottage and further details of draining the surface water from the flat roof. The Local Planning Authority has not undertaken formal re-consultation. As a courtesy, ID Planning have however been informed of the changes and if they need to make any further comments asked to provide any additional views they have prior to the Committee meeting. Members will be updated of any further information.

At the time of completing this report, 27 representations supporting this application have been received. One of these responses is from the applicant and has been indexed as a supporting document and not a third party response. There are 2 further responses from other occupiers of The Old Forge, who are not the applicant but appear related. The other letters of support come from residents of Sand Hutton, the wider Yorkshire region and beyond. The reasons for supporting the application include:

- The conversion of the buildings that are in a poor state of repair will make a positive contribution and retain structures;
- The design of the scheme;
- The proposed holiday cottage use will support the local economy; and
- The high quality and good management of the existing holiday chalet.

The recommendation on this application is one of approval.

RECOMMENDATION: Approval

1 The development hereby permitted shall be begun on or before .

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

2 Prior to the construction of any new walling, or such longer period as may be agreed in writing with the Local Planning Authority, details and samples of the materials to be used on the exterior of the building the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

(NB Pursuant to this condition the applicant is asked to complete and return the attached proforma before the development commences so that materials can be agreed and the requirements of the condition discharged)

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of the National Planning Policy Framework and Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

3 The new holiday accommodation hereby permitted shall be subject to the following:

- The accommodation is occupied for holiday purposes only; and not as a person's sole, or main place of residence;
- It shall be available for commercial holiday lets for a least 140 days a year and no let must exceed 31 days; and
- The owners/operators shall maintain an up-to-date register of lettings/occupation and advertising will be maintained at all times and shall be made available for inspection to an officer of the Local Planning Authority on request.

Reason: It is not considered that the application site is suitable for permanent residential use and to comply with Policy SP2 and Policy SP21 of the Local Plan Strategy.

- 4 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:

a. There shall be no access or egress between the highway and the application site by any vehicles other than via the existing access with the public highway at Main Street. The access shall be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway occurring during construction.

Reason: In accordance with Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy 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.

- 5 Notwithstanding the provision of any Town & Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on drawing no. GRI-356-01-06 for parking spaces, turning areas and access shall be kept available for their intended purpose at all times.

Reason: In accordance with Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

- 6 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 in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway 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 in consultation with the Highway Authority agrees in writing to their withdrawal.

Reason: In accordance with Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

- 7 All doors and windows on elevations of the building(s) adjacent to the existing and/or proposed highway shall be constructed and installed, such that from the level of the adjacent highway for a height of 2.4 metres they do not open over the public highway, and above 2.4 metres no part of an open door or window shall come within 0.5 metres of the carriageway. Any future replacement doors and windows shall also comply with this requirement.

Reason: In accordance with Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy and to protect pedestrians and other highway users.

- 8 The application shall be carried out in complete accordance with the Method Statement in the submitted bat survey by MAB Environment & Ecology Ltd dated 2013 that accompanied planning application 13/01256/FUL.

Reason: To satisfy the requirements of the Wildlife & Countryside Act 1981 (as amended), and the National Planning Policy Framework.

- 9 The development shall be undertaken in accordance with the details agreed to discharge condition 10 of planning permission 13/01256/FUL.

Reason: In order to ensure the proposed development takes account of potential ground contamination and to satisfy Policy SP17 of the Local Plan Strategy and NPPF 2018.

- 10 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Reason: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVE(S)

- 1 You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.
- 2 An explanation of terms used above is available from the Highway Authority.
- 3 The applicant/developer is advised to adhere to the Considerate Construction Scheme to limit potential disturbance to surrounding occupiers.