

Parish: Appleton Wiske
Ward: Appleton Wiske & Smeatons
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Committee Date : 21 July 2016
Officer dealing : Mrs B Robinson
Target Date: 12 April 2016
Date of extension of time (if agreed): 22 July 2016

16/00398/OUT

**Outline planning permission for a residential development with all matters reserved.
at Shorthorn Inn Hornby Road Appleton Wiske North Yorkshire
for Mr Mark Robinson.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site includes a public house and car park, overall dimensions 85m x 45m. The site lies at the eastern edge of Appleton Wiske. There is an existing access from the road. The site is bounded by post and rail fences from the roadside.
- 1.2 To the west, the site abuts the rear boundaries of properties in Prospect View, where the houses are two storey, and mainly semi-detached. To the south and east the site abuts open countryside, with part hedge and part fence boundary treatments. To the north, across the road the facing properties are bungalows.
- 1.3 Appleton Wiske is classified as a secondary village and at present has two pubs, a school, village hall and a combined post office and shop. The site is within development limits.
- 1.4 The proposal is for the demolition of the public house and the site used for housing development. The application is in outline, with all matters reserved. The planning application form proposes 12 dwellings and an indicative siting plan has been submitted showing a layout with one house on the road frontage and 10 pairs of semi-detached houses in a longitudinal arrangement within the plot. The indicative layout uses the existing access, with an internal road along the west side of the plot.

2.0 RELEVANT PLANNING HISTORY

- 2.1 05/02457/FUL Construction of two dwellings. Refused 22.02.2006
This proposal was for two dwellings at the rear of the plot.

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
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP3 - Community assets
Development Policies DP5 - Community facilities
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP30 - Protecting the character and appearance of the countryside
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP33 - Landscaping
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP43 - Flooding and floodplains
National Planning Policy Framework (NPPF)

4.0 CONSULTATIONS

- 4.1 Parish Council - Following discussion at the Parish Council meeting that took place on 07 March 2016, it was felt that at present the Parish Council cannot support this application as it does not meet the housing needs analysis carried out as part of the Neighbourhood Plan. However, they would be willing to work with the land owner and developers to try to work to meet the aspirations of the neighbourhood plan and needs identified of 2 & 3 bedroom properties. It is requested that further discussion take place with the Parish Council before a detailed plan is submitted.
- 4.2 Neighbours and site notice -
Objections summarised below;
- Harm to outlook
 - Loss of privacy
 - Highway safety
 - Proximity to electricity transformer could compromise services
 - Would result in more noise than pub car park
- Representations in support summarised below;
- Prime site for housing
 - Will help Lord Nelson (pub)
 - No disruption to existing residents and saves green belt
 - Pub serves customers from outside the area
 - Services available
 - Access good
 - Within village planning boundary
 - Site right size for number of dwellings the village has asked for
 - Could be included in neighbourhood plan
 - Preferred to other sites due to easy access to main road towards Teesside and Great Smeaton/Northallerton, avoiding existing junctions
 - Meets housing need identified in Appleton Wiske Neighbourhood plan
- 4.3 NYCC Highways - Required visibility is achieved at main access. Access for single house on frontage would need addressing at time of detailed application. Footway into Appleton Wiske will be required. Conditions requested.
- 4.4 Yorkshire Water - provided surface water to soakaway (as described) no condition requested. Re-consult if public sewer.

5.0 OBSERVATIONS

- Policy Principle
- 5.1 The site is within the settlement limits of a village within the hierarchy set out in CP4 where development is acceptable in principle subject to other relevant policies of the Local Development Framework, together with other relevant considerations including the development of the Appleton Wiske Neighbourhood Plan, which is in progress, and any highway safety issues.
- 5.2 In terms of the Local Development Framework, the issues below are relevant;
- Loss of the public house (Community asset) (CP3/DP5)
 - Affordable housing (CP9/DP5)
 - Amenity (CP1/DP1)
 - Design (CP 17/DP32)
 - Highway safety

- Issues related to the Neighbourhood Plan
 - Loss of a community facility
- 5.3 Policy DP5 sets out support for community facilities and that the loss of community facilities will only be permitted if:
- i) there is a demonstrable lack of community need for the facility, and the site or building is not needed for an alternative community use; or
 - ii) retention of the community facility is clearly demonstrated not to be financially viable when operated either by the current occupier or by any alternative occupier; or
 - iii) an alternative facility is provided, or facilities are combined with other facilities, which meets identified needs in an appropriately accessible location
- and that:
The involvement of the local community will be sought in identifying the importance of local facilities and in developing appropriate solutions for their retention and enhancement.
- 5.4 In this case, the application does not claim that there is demonstrable lack of community need for the facility. However, the application does identify other community facilities in the village including an alternative public house and village hall. Responses from the public and the Parish Council do not identify any objection to the loss of the public house. One comment suggests that the pub does not primarily serve this community, but draws its customers from a wider area. One comment received suggests that the proposal might result in more business for the existing pub. On this basis, no community need for the existing facility has been identified.
- 5.5 On financial viability, supporting information has been put forward by the applicant noting that over the past 7 years business turnover has dramatically declined and the business has been run with little or no profit. Additionally, extensive repairs are needed, making further financial demands on the business. Additional information in the form of abbreviated accounts is proposed to be submitted (awaited) to demonstrate the lack of financial viability of the business.
- 5.6 An alternative facility is available in the village in the form of another public house, the Lord Nelson.
- 5.7 Policy DP5 requires that only one of the three criteria need be fulfilled, and it has been noted that there is an alternative pub facility, and an apparent lack of community need for the existing pub. The financial viability of the business has not been tested sufficiently to demonstrate whether an alternative user might be able to operate the business successfully. However, taking into account that 2 of the criteria are satisfied, and the viability difficulties declared by the existing operator, for which further evidence is expected, on balance it is considered that the criteria of policy DP5 are satisfied.
- Affordable housing
- 5.8 In accordance with recent government criteria and Hambleton District Council's adoption of the lower threshold for affordable housing, affordable housing provision is required for developments of 6 or more dwellings, and in this location the aim under CP9 would be 40% affordable housing.
The applicants have declared their understanding of the requirement, and their willingness to provide affordable housing. Given the scale of the proposed development and the applicant's willingness to deliver affordable housing, it is

considered appropriate to secure a scheme of affordable housing by condition, with any viability issues to be addressed at the detailed stage.

Amenity

- 5.9 There is scope to ensure that neighbouring houses to the west can be protected from harm to amenities by ensuring sufficient distance between the properties and attention to roof heights and window placements at the detailed stage.

Design

- 5.10 An indicative layout has been submitted showing one property on the road frontage and a further 5 pairs of houses accessed from a spine road on the west side of the plot. The indicative plan has 11 houses in total. Other information submitted in connection with affordable housing has suggested 13 dwellings could be accommodated on the site. At the outline stage the question of numbers could remain flexible. The layout of the site will be restricted by the long rectangular shape of the plot. This would reflect the layout of Prospective View, adjacent to the site. The inclusion of a frontage plot, as suggested on the indicative layout, will help integrate the scheme into the wider street-scene.

Highways Safety

- 5.11 There is an existing access into the site, and NYCC as highway authority does not suggest that the proposal would give rise to highway safety concerns, subject to details, and the recommendation that a footway be provided to link the site to the existing footway in the village.

Neighbourhood Plan

- 5.12 The site is not included in the prospective sites for development to meet identified need within the village which forms the central plank of the emerging Neighbourhood Plan. A housing needs study identifies that 10 units are required with 3-4 to be affordable the rest open market. The neighbourhood plan is in draft stage and has not been the subject of consultation and cannot be given significant weight in terms of current decision making. Some public comments received suggest that this site has some advantages over sites identified within the plan, in terms of managing traffic through the village.

6.0 RECOMMENDATION:

- 6.1 That subject to any outstanding consultations the application be **Granted** subject to the conditions detailed below.

1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Five years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the siting, design and external appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site.

3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local

Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

4. 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.

5. 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.

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 details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority

8. No dwelling shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 7 above. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.

9. The development shall not begin until a scheme for the provision of affordable housing as part of the development (the 'Affordable Housing Scheme') has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the Affordable Housing Scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The Affordable Housing Scheme shall include: a the numbers, size, type, tenure and location on the site of the affordable housing provision which unless otherwise agreed shall consist of not less than 40% of the overall total number of housing units on the site. The affordable housing provision shall comprise either houses or bungalows and shall accord with the Council's Affordable Housing SPD and/or any additional or successive planning policy document adopted by the Council b the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing which shall provide for the final affordable unit to be made available for occupation before occupation of 5 open market dwellings on the site; c the arrangements for the transfer of the affordable housing to an affordable housing provider at the Council's agreed transfer price as defined in the Council's Affordable Housing SPD and/or any additional or successive planning policy document adopted by the Council the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and d the

occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

10. 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 following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority: A survey showing: • the proposed highway layout including the highway boundary • dimensions of any carriageway, cycleway, footway, and verges • visibility splays • the proposed buildings and site layout, including levels • accesses and driveways • drainage and sewerage system • lining and signing • traffic calming measures • all types of surfacing (including tactiles), kerbing and edging. b. Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing: • the existing ground level • the proposed road channel and centre line levels • full details of surface water drainage proposals. c. Full highway construction details including: • typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths • when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels • kerb and edging construction details • typical drainage construction details. d. Details of the method and means of surface water disposal. e. Details of all proposed street lighting. f. Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features. g. Full working drawings for any structures which affect or form part of the highway network. h. A programme for completing the works. The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.

11. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the Highway Authority before the first dwelling of the development is occupied.

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 Hornby 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. 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 in connection with the construction of the access road or building(s) or other works until: (i) The details of the following off site required highway improvement works, works

listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority: a. A footpath that will connect the development to the existing footway on Hornby Road. (ii) An independent Stage 2 Road Safety Audit for the agreed off site highway works has been carried out in accordance with HD19/15 - Road Safety Audit or any superseding regulations and the recommendations of the Audit have been addressed in the proposed works. (iii) A programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

14. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 13: a. A footpath that will connect the development to the existing footway on Hornby Road.

15. 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 in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority: (i). vehicular turning arrangements and parking arrangements within the site

16. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 15: are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times

17. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

18. 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.

19. 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 b. on-site materials storage area capable of accommodating all materials required for the operation of the site. c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

20. Unless otherwise approved 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 details of the routes to be used by HCV construction traffic have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. Thereafter the approved routes shall be used by all vehicles connected with construction on the site.

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 these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. 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.
4. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
5. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
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 CP17 and DP33.
7. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
8. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
9. To ensure that the development provides affordable housing that meets the needs of the local community in accordance with the LDF Policies CP9 and DP15.
10. In accordance with policy CP2 and DP4 and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.
11. In accordance with policy CP2 and DP4 and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

12. In accordance with policy number CP2 and DP4 and in the interests of road safety.
13. In accordance with policy CP2 and DP4 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
14. In accordance with policy CP2 and DP4 and in the interests of the safety and convenience of highway users.
15. In accordance with policy CP2 and DP4 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
16. In accordance with policy CP2 and DP4 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development
17. In accordance with policy CP2 and DP4 and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.
18. In accordance with policy CP2 and DP3 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
19. In accordance with policy CP2 and DP4 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.
20. In accordance with policy CP2 and DP4 and in the interests of highway safety and the general amenity of the area.