

Parish: Sutton-on-the-Forest
Ward: Huby
16

Committee Date: 21 July 2016
Officer dealing: Mr Andrew Thompson
Target Date: 28 September 2015
Extension agreed until: 22 July 2016

15/01667/FUL

**Part demolition, change of use, alterations and extensions to existing public house to form 3 dwellings and erection of detached dwelling with associated garaging and accesses
at Blackwell Ox, Huby Road, Sutton-on-the-Forest
for Howardian Developments**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application was originally reported to Planning Committee at its meeting of 3 March 2016, where it was resolved that planning permission would be granted subject to conditions. However, the assessment of the application had taken account of the fact that the Ministerial Statement "Small-scale developers" of 28 November 2014, which had prevented an affordable housing contribution being secured in line with Council policy, had been declared unlawful and quashed by the High Court.
- 1.2 On that basis, the Planning Committee's resolution to grant planning permission had been subject to securing 50% affordable housing in line with Development Plan policy. Subsequent to the Committee's resolution, the Court of Appeal overturned the High Court's decision on 11 May 2016; the Planning Practice Guidance has been updated to restore the guidance to accord with the 28 November 2014 Ministerial Statement and its prevention of affordable housing contributions being secured from schemes of this scale.
- 1.3 The matter is presented to Planning Committee again for decision in view of this significant policy change to enable members to decide whether the scheme should still be approved without the affordable housing contribution.
- 1.4 The site relates to the Blackwell Ox Public House, situated to the north-east of Sutton-on-the-Forest. The property is accessed directly from Huby Road. The Public House is a two storey, double fronted period property with rear extensions containing seven letting rooms. The property is finished in a mix of brick and render with slate and clay pantile roofing. It has a seating area to the rear and a surface car park to the west side of the building. Boundary treatments include a low brick wall, hedging and trees. The applicants state that the Public House has been closed since July 2014.
- 1.5 Permission is sought for the conversion of the public house into two dwellings, a new detached dwelling to the side on the corner with Grey Close and a further building to the rear of the public house fronting Grey Close.
- 1.6 The site is located in the Sutton-on-the-Forest Conservation Area and within the Defined Development Limits of the village. The site is located in Flood Zone 1, the lowest level of risk.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 04/00355/FUL - alterations and extensions to form new restaurant, public bar and supporting facilities; granted 17 May 2004.
- 2.2 15/00182/FUL - Change of use of Public House to dwelling; Granted 30 April 2015

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 CP3 - Community assets
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP7 - Phasing of housing
Core Strategy Policy CP9 - Affordable housing
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 DP2 - Securing developer contributions
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP5 - Community facilities
Development Policies DP8 - Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP12 - Delivering housing on "brownfield" land
Development Policies DP13 - Achieving and maintaining the right mix of housing
Development Policies DP15 - Promoting and maintaining affordable housing
Development Policies DP28 - Conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Affordable Housing - Supplementary Planning Document - Adopted 7 April 2015
National Planning Policy Framework - published 27 March 2012
National Planning Practice Guidance

4.0 CONSULTATIONS

4.1 Highway Authority - No objection subject to conditions

4.2 Environmental Health Officer - No objections

4.3 Yorkshire Water - no comment

4.4 Sutton-on-the-Forest Parish Council objects to the proposal on the following grounds:

- The developer is trying to pack in as many houses as possible onto the site.
- Site is within a conservation area, the proposal needs to preserve or enhance the character or appearance of the conservation area.
- The proposed demolitions and packing of the site with new houses, garages and parking bays is not regarded as conserving or enhancing the appearance of the conservation area.
- The opportunity to continue the terrace style of the street westwards along the entire frontage has been lost
- The lost existing buildings are replaced by the incongruous structures at plot 3 and the plot 4 garage.
- The former open aspect across the pub car park experienced by the residents of Grey Close is replaced by the mass of the new house at plot 4.
- Notwithstanding the on-site parking provision, the further intensification of use would inevitably result in additional parking in Grey Close and on Huby Road which is at this point very narrow and close to the busy junction with York Road.
- A reduction in the number of proposed units and a design more sympathetic to the character of the area is required.

4.5 A site notice has been displayed and neighbours were notified. Six letters of objection have been received raising the following grounds:

- Overcrowding/overdevelopment
- Now no public houses in Sutton on the Forest which is a significant social and economic issue for the community.
- No need for additional dwellings
- Out of keeping with the aesthetics of Sutton on the Forest
- Would provide cheaper/smaller houses which would have a negative impact on surrounding property.
- Should be reduced to three dwellings
- Site is location on a rat run for vehicles leaving York and wanting to join the A19 while missing the outer ring road (A1237) which is also the main route for farm vehicles linking fields and storage during harvest and deliveries and is a school bus route.
- Poor access and insufficient space to manoeuvre vehicles to ensure they enter and leave Huby Road in a forward gear
- The estimated parking requirements cannot be accommodated on site
- Plot 1 has a parking area that is totally unsuitable - tracking is required to confirm that up to three vehicles can enter and leave the parking area in a forward gear
- Plot 3 only has windows facing north and west. The parking layout and minimal green space will cause conflict at the turning head of Grey Close.
- Noise pollution during development.
- Light blocked for surrounding houses
- The removal of the existing tall hedges and trees to create access to Plots 2 and 3 would result in the loss of the vital screening
- There is no indication of where refuse will be located
- The internal arrangements of some dwellings leaves no space for personal storage, coats or shoes
- The internal arrangement of some dwellings leave no space without ensuring doors are always closed in sequence

5.0 OBSERVATIONS

5.1 The application site is located within the Development Limits of Sutton-on-the-Forest with the principle of development accepted and supported in terms of the site being previously developed. The residential re-use of the site and conversion of the public house have also been established through planning permission in April 2015 which remains extant. The policy tests set out in Local Development Framework Policy DP5 relating to the retention of Community Facilities have already been determined to have been met and the fall-back position of the 2015 permission is a matter of significant weight in the determination of this application.

5.2 The approved scheme related to the conversion of the existing public house into a single dwelling with the existing extensions to the public house being retained. The existing car park was to be retained for at least 4 car parking spaces. The public house would now be converted into two dwellings with extensions demolished. A new dwelling would be built on the car park and a new dwelling to the rear, located on the Grey Close frontage. The application proposes four dwellings on the site at a density of 50 dwellings per hectare and incorporates a mix of small and larger dwellings. Whilst the proposed density would be higher than the surrounding area the proposals utilise the existing public house and provide a frontage to Grey Close. The increase in the amount of development on the site is considered to be appropriate, taking account also the demolition of aspects of the public house.

- 5.3 The comments of the Parish Council and neighbouring residents are noted and carefully considered. Plot 4 provides definition to the corner of the site with Grey Close. The proposed architecture of the new buildings on site would be in keeping with the surrounding area and of traditional architectural design of brick and pitched roof with the proposals providing an active frontage to the public frontages. The proposed layout and the scale of the development, including that of plot 4, as amended, is considered acceptable.
- 5.4 The proposed garages to plot 4 and plot 3 provide a frontage and enclosure to the development, and therefore whilst the gardens, in particular to plot 2 are modest in size, the proposal would present an appropriate level of amenity both to existing residents on Grey Close and to future residents of the development with the separation distances to properties on Grey Close sufficient not to cause issues in terms of loss of light, privacy or an overbearing form. The gardens would also provide space for refuse bin storage.
- 5.5 In terms of access and parking the proposals would provide appropriate parking provision on the site and the comments of the Highway Authority are noted, noting the remarks of a neighbour above, there is no requirement for all vehicles to be able to turn within the site. Access within the site will be to Building Regulation Part M standards. The proposals are therefore acceptable in highways terms.
- 5.6 The proposals are located within Flood Zone 1, and the proposals would replace an impervious area which makes up the public house car park and beer garden with gardens. The proposals are therefore likely to increase the opportunity for soakaway and natural drainage.
- 5.7 The proposals would continue to be subject to the provisions of the Community Infrastructure Levy (CIL). The implications of the loss of affordable housing are noted but it is considered this does not result in the scheme being unacceptable.
- 5.8 Overall having considered all relevant matters it is considered that the proposals are acceptable and are recommended for approval

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 2051/01, 2051/02, 2051/04A, 2051/05A, 2051/06, 2051/07, 2051/08A, and 2051/09.
 3. The external surfaces of the development shall not be constructed other than of materials, details of which have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.
 4. 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.

5. 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. The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority; d. The crossing of the highway verge and/or footway shall be constructed in accordance with the Standard Detail number E6; e. Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway; f. That part of the access(es) extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1:15; h. The final surfacing of any private access within 6 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway; and i. Provision of tactile paving in accordance with the current Government guidance. All works shall accord with the approved details.
6. 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 15 metres measured along both channel lines of the major road Grey Close from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
7. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved have been constructed in accordance with the submitted drawing (Reference 2051/04A Site Layout) and are available for use. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times
8. 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.
9. 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.
10. 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.

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. 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 DP1.
3. To safeguard the visual amenities of the area in accordance with Development Management Policies DP1 and DP32
4. In accordance with Policy DP4 of Development Management Policies and in the interests of highway safety.
5. In accordance with Policy DP4 of Development Management Policies 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.
6. In accordance with Policy DP3 of Development Management Policies and in the interests of road safety
7. In accordance with policy DP4 of Development Management Policies and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development
8. 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.
9. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
10. In accordance with the policy 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.