

- a) 16/01370/FUL and
- b) 16/01721/FUL

a) Retrospective change of use of ancillary land associated with public house for use as staff car park with secure enclosure and proposed construction of 2m high close boarded fence.

b) Retrospective application for formation of a service area covered by a flat roof with double external doors; between kitchen and former external stores.

At The Carpenters Arms, Felixkirk

For Mr Michael Ibbotson, Provenance Inns Ltd.

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The Carpenters Arms is located in Felixkirk village. The public house consists of a bar, restaurant area, outside dining area and guest rooms. The guest rooms are located in a single storey section to the rear of the pub. There is a large car park located to the east of the pub and guest rooms.

1.2 The pub is located on the north western side of the village. The neighbouring property of The Howe is located to the south west and School House is located to the east. The western side of the public house is adjacent to agricultural land.

Application A: 16/01370/FUL

1.3 Provenance Inns seek retrospective consent to for the change of use of land to retain an area of hardstanding for use as a staff car park and secure enclosure, including gas and bin storage. The Carpenters Arms have carried out major building work over the last three years and the car park was originally constructed for use as a site compound (condition 6 of 11/01785/FUL). Before construction of the hardstanding the land was agricultural land. Since the construction works were completed the area of land has been used a staff car park. The car park is accessed through an entrance between The Howe and the Carpenters Arms off the classified Felixkirk to Kirby Knowle Road. The car park runs west along the northern boundary of The Howe, approximately 40 metres.

1.4 The current boundary treatment along the length of the car park consists of a large conifer hedge exceeding 3 metres in height. The hedge belongs to the neighbouring property of The Howe. As part of the application Provenance Inns are proposing to construct a 2m high close boarded fence to prevent any headlight intrusion into The Howe which may be possible under the conifer trees.

1.5 Provenance Inns are proposing to use the land as a staff car park between the hours of 8.00am and 10.00pm on an ad hoc basis. The site can accommodate up to 14 vehicles and has sometimes been used by staff as an overflow car park when the main car parking areas are full.

1.6 The staff car park area has not been used by the Carpenters Arms since May 2016. This is as instructed by the Planning Enforcement Section while this application is considered.

Application B: 16/01721/FUL

1.7 The Carpenters Arms seek retrospective consent for the construction of an infill service covered by a flat roof with double external doors, between the kitchen and

former external stores. The external stores were built as part of the redevelopment of the pub. The stores were shown on the approved proposed site plans for both planning approvals 11/01748/FUL and 12/00974/FUL although in both cases no reference was made to the store in the application description or the officer's report.

- 1.8 This application seeks consent for the store area which was created when a flat roof was installed between the main kitchen and the external store to provide a weather proof area. Double doors were added to the front of the building. The decision to cover the enclosed area was an improvement in the operation of the kitchen ensuring staff and goods are not exposed to weather when retrieving items from stores. The space is now used as an entrance and staff facilities containing a shower and toilet. The description of the proposal has been altered during the consultation period of the application to acknowledge the staff facilities in the extension.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 10/01553/FUL - Alterations to public house and change of use of private sitting room to public bar area; Granted 23 August 2010.
- 2.2 10/02378/FUL - Change of use of two bedrooms (first floor) to form private dining area for customers use; Granted 22 November 2010.
- 2.3 11/00481/FUL - Construction of eight bedrooms, car parking, two storage buildings and formation of entrance lobby; Granted 28 April 2011.
- 2.4 11/01785/FUL- Demolish flat roof extension, construction of a single storey extension, first floor extension, terrace and associated landscaping works; Granted 14 December 2011.
- 2.5 12/00974/FUL - Revised application for demolition of flat roof extension, construction of single storey extensions and terrace to public house and associated works and landscaping; Granted 3 July 2012.
- 2.6 16/00059/CAT3 - Enforcement case regarding unauthorised change of use of land to car park and air conditioning/kitchen extractor, application required and case on-going.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP3 - Community assets
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP15 - Rural Regeneration
Development Policies DP1 - Protecting amenity
Development Policies DP5 - Community facilities
Development Policies DP9 - Development outside Development Limits
Development Policies DP16 - Specific measures to assist the economy and employment
Development Policies DP25 - Rural employment
Development Policies DP30 - Protecting the character and appearance of the countryside
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

Application A: 16/01370/FUL

4.1 Parish Council - Object as follows:

- Concerns regarding several areas of development within the Carpenters Arms site that do not have the benefit of planning permission, the staff car park, single storey kitchen extension, and extension of beer garden;
- At the time of consultation period before major expansion of the Carpenters Arms Mr Ibbotson discussed the redevelopment with local residents and the Parish Council and reassured everyone that extra car parking would not be developed; and
- Concerns regarding the parking of cars so close to the neighbouring property of The Howe which will cause significant noise nuisance, significant light nuisance in the evenings and general disturbance.

4.2 Welcome to Yorkshire - Supports the application:

- By taking away valuable parking spaces, customers and staff may be forced to park on surrounding narrow lanes, blocking traffic and causing hazards for pedestrians; and
- This popular pub is a great asset to the local community, as well as a valued employer. The staff car park helps relieve local parking pressures and keeps traffic flowing through the village.

4.3 Environmental Health Officer - This service has considered the above application and based on the information provided we believe there will be no significant impact on the local amenity and therefore the Environmental Health Service has no objections. However, to protect neighbouring residents I recommend that the hours of use of the carpark are limited to 8:00am to 10:00pm as stated in the application.

4.4 Highway Authority - requested a speed survey to measure the traffic speeds at the location and required justification in line with national guidance regarding the available visibility at the access. The information has been submitted and the Local Highway Authority recommends conditions are attached to any permission granted.

4.5 Public comments - 26 comments have been received in support of the application and two comments against the development. The comments in support are summarised as follows:

- The Carpenters Arms is used by villagers and their guests, church goers and anyone else just visiting the village. It sometimes get full and rather than villagers and church goers cars having to narrow lane its surely better to for staff to have their own car park;
- While the pub is not using the staff car park the main car park is often full forcing customers to park on the lane and blocking traffic. The staff car park helps to relieve the parking pressures and keep the traffic flowing through the village which helps to create the idyllic country village which Felixkirk normally is;
- The pub has ensured that plenty of parking for customers and parking for staff to ensure the villagers are not inconvenienced by having lots of customers cars parking in the village and that there is close and safe parking for staff;
- Successful pub which brings life and economic benefits to the local area, the road outside pub is narrow with number of sharp bends and parking appears to be difficult in Felixkirk village. It would be unfortunate to add to problems by restricting available car parking at the pub, and at same time potentially damaging to the benefits which a thriving pub/hotel business can bring to village and its surrounds;

- The staff car park would hopefully reduce number of staff cars in main car park and prevent cars parking on a narrow lane.
- The main car park is used by people in village as well as a resource for visitors to the area and walkers and cyclists. It is not good for customers to need to park on park on blind bends through the village;
- Due to the location many staff need to be able to drive to work and due to long unsociable hours it is absolutely necessary to provide safe and secure car parking;
- The pub allows a cyclist to park here as no other significant parking in the village;
- Now that the pub is not allowed to use staff car park the main car park is full, forcing customers to park on the narrow lanes, blocking traffic. The staff car park helps relieve parking pressure and keep traffic flowing through the village;
- Provision of jobs in a rural area is a priority to keep the countryside vibrant and interesting;
- If employees are not allowed to park in the staff car park, cars will be forced to park on the road which is already narrow. It would be far more hazardous for this to happen;
- The car park is frequently used for cycling groups, walking parties, the church and village groups. The surrounding roads are busy with farm traffic, villagers often park in pub car park to reduce the risk of obstruction and damage to their vehicles. Since inn is rural and no staff accommodation is on site an accessible car park is a great benefit;
- An official car park on site is far safer and less unsightly than cars parked on the street;
- Secure bin storage out of public view is a good thing;
- Since The Carpenters Arms was extended it has won a number of awards. The public house is a successful rural business and a community facility for the village. Planning policy supports such enterprise (CP3) and new facilities and proposals to enhance existing buildings (DP5);
- The proposed fence along boundary will provide an acoustic screen better separating the continuing operation of the public house from the neighbouring property;
- The proposal is not in Felixkirk Conservation Area and the impact on wider landscape is minimised as parking is close to existing development and shaded by tall hedging along the south boundary;
- Additional cars parked outside the Conservation Area could be seen as an advantage or enhancement;
- The Carpenters Arms is of outstanding quality and leaders in the field. The business has invested huge sums of money in this and secured the future of vital community resource and created long term positions of employment; and
- The image of the pub would be hugely damaged if there were restricted parking access and other key 'behind the scenes' items on display.

4.6 The two comments in objection to the application are summarised as follows:

- The pub developed from small country pub into significant restaurant drawing a clientele from well beyond the hamlet;
- The neighbouring property of The Howe is just 11.5m from the nearest point to proposed car park;
- The success of The Carpenters Arms should not be achieved at any cost, particularly the amenity of residential neighbours;
- The description of development is not entirely accurate; the secure compound stores gas tanks, which raises questions about the appropriateness of this location for the storage of propane tanks;
- A key concern is the incremental development and expansion of the pub over time, out of scale with hamlet it serves;

- There has been a significant increase in staff numbers from what was proposed as part of 2011 application, increase in 12 full time staff and 9 part time staff;
- The proposed car park area was initially used as site compound for extensions to the pub. It was retained without planning consent and subsequently been used as a storage area for gas tanks and storage area for waste from the kitchen;
- A number of other potentially unauthorised developments are adjacent to the car park. It would appear that cooling/chilling units have been moved to west side of the building where they are audible from neighbouring property;
- The flat roofed extension has been constructed without planning permission. (Officer note: this is the subject of application (b)). If this is the case it would clearly constitute unauthorised development in a Conservation Area;
- The field adjacent to the north of the car park was used as beer garden without consent, although this has stopped following complaints;
- Worrying picture of a commercial use that is expanding outside of planning control with little regard for amenity and welfare of its neighbours;
- Over time it appears that as the use of the restaurant has intensified all the noisy operational uses of the restaurant have been moved to the west side of the restaurant building;
- Pressure on car parking should have been anticipated and catered for when previous proposals for extension and alteration of the restaurant were being considered and not addressed in an ad hoc way in a manner that adversely impacts on residential amenity;
- Car parking will give rise to issues of noise and headlights shining into adjacent property;
- Neighbour are affected by noise from car movements and car doors slamming, particularly at night;
- The proposal will not result in high quality design and good standard of amenity for all existing and future occupants of land and buildings and is in conflict with paragraph 17 of the NPPF and paragraph DP1 of the Local Plan;
- The applicants have not demonstrated any exceptional circumstances that would justify this development outside of development limits and there is in conflict with Local Plan Policy DP4;
- The application fails to demonstrate how the application proposal will affect Felixkirk Conservation Area and therefore is in conflict with policy DP28;
- Unclear what other needs the car park serves;
- Whilst may serve other needs in hamlet it cannot be used a factor in favour of staff car park that has adverse impact on a residential neighbour;
- No evidence that the car park is necessary for the continued viability of the restaurant;
- The confused situation regarding what elements of existing development on the west side of the restaurant are authorised (this refers to kitchen extraction and use of land as garden to the public house and guest accommodation) adds weight to the case for refusal of this application.

Application B: 16/01721/FUL

4.7 Parish Council - The comments have been summarised as follows:

- Fundamental issue for Councillors is that a planning application was not applied for at the outset and owners carried out work without permission.
- Design of the storage area, a rendered breeze block construction is not in keeping with the existing property.

4.8 Site notice was put up on the 7th September 2016 onto the Carpenters Arms sign at the front of the pub. One comment in objection to the application has been received. The comments have been summarised as follows:

- The extension has effectively moved the rear entrance of the kitchen to a position where it faces our property, creating noise directed towards our property which is combined with additional noise from the staff car park.
- Stores first showed on planning application drawings 11/01785/FUL but they are not on the front/side elevation plans and not mentioned in the application.
- If this is the case, this should not constitute approved external stores as stated in the application.
- It increases the footprint of the pub which would be in conflict with Policy DP9 of the Local Plan.

5.0 OBSERVATIONS

Application A: 16/01370/FUL

- 5.1 The main issues when considering the application relate to: (i) the principle of development; (ii) the impact on neighbour amenity; (iii) the impact on the character and appearance of the Conservation Area and the local landscape; and (iv) highway safety.

Principle of development

- 5.2 Core Strategy Policy CP4 supports development in rural settings providing it is necessary to meet the needs of tourism and will help to support a sustainable rural economy. Development Policy DP9 provides similar support. The retrospective change of use of land to construct a car park and secure enclosure has formed part of an existing commercial operation which has grown considerably over the last four years. It is considered the additional car park and storage area would help support the existing business and its long term viability and is in accordance with CP4 and DP9.
- 5.3 The growth of the Carpenters Arms is also supported in Paragraph 28 of the National Planning Policy Framework (NPPF) which seeks to “support the sustainable growth and expansion of all types of business and enterprise in rural areas². Paragraph 28 also supports the retention and development of local services and community facilities in villages including public houses. As such it is considered the development is in accordance with local and national policy and is considered to be acceptable in principle.

Impact on amenity of neighbouring properties

- 5.4 The staff car park and secure store have been constructed along the northern boundary of the neighbouring property of The Howe. The existing boundary treatment consists of a small stone wall and a large conifer hedge which is well over 3m high. Concerns have been raised from the owners of the neighbouring property and the Parish Council regarding the incremental development and expansion of the pub over time and the increase in staff numbers over this time. There are also concerns regarding the other potentially unauthorised developments adjacent to the car park area which appear to have had little regard for the amenity or welfare of its neighbours. In relation to this there have been issues raised with officers relating to nuisance and disturbance to the property with car headlights shining through the hedge, the noise from car engines starting and doors slamming and the noise from cars driving over the loose gravel surface.
- 5.5 The applicant proposes to construct a 2m high close boarded fence along the boundary with The Howe to prevent car lights from shining under the conifer hedge. It also proposes to restrict the hours of operation of the car park to between 8.00am

and 10.00pm. This would allow its use by kitchen staff working on a shift system preparing for lunches and evening meals. It is considered the restricting the hours of operation would help reduce the potential for disturbance to the occupiers of The Howe and the proposed fence would be sufficient to prevent headlights from shining through the hedge.

- 5.6 Concerns regarding other development by the Carpenters Arms are being dealt with by the Planning Enforcement Section. An application for the single storey extension to the kitchen to form a store is currently pending consideration, application reference 16/01721/FUL. Comments made in respect of that development should not be taken into consideration in determining this application; the two applications are legally distinct.

Impact on the character and appearance of the Conservation Area and the local landscape

- 5.7 The land which is subject to this application is outside of Felixkirk Conservation Area, with the exception of the area directly behind the entrance gates to the site. 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. 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. 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 in assessing the proposal. The site is located behind timber gates and as such the site is not visible from the front of the pub and does not have a detrimental visual impact on the appearance of the Conservation Area and the activity does not cause harm to the character of the Conservation Area.
- 5.8 The change of use of land has resulted in a loss of agricultural land, noted to have been grazing for sheep, which the applicant's agent has described as ancillary land to the public house. The site area is approximately 0.91ha. Whilst it is accepted the change of use of land has increased the boundary of the village into the countryside, the land in question is not visible when approaching the village from Thirsk nor can it be seen within the village due to hedgerows, trees and other buildings. As such it is considered the change of use as had a limited impact on the character and appearance of the local landscape and as such is acceptable.

Highway safety

- 5.9 The Highway Authority initially raised concerns regarding the increased use of the access and the limited visibility to the south west. The applicant has submitted a speed survey and justification regarding the available visibility at the access. The report concludes that low speeds were recorded on this part of the highway and the required visibility can be required can be achieved by marginal realignment of the access. The Highways Authority have confirmed a visibility splay of 2.4m by 25.5m is required and can be created in line with the Manual for Streets Design Standard and have no objections subject to the splays being provided.

Application B: 16/01721/FUL

- 5.10 The main issues when considering the application relate to: (i) the principle of development; (ii) the impact on neighbour amenity; (iii) the impact on the character and appearance of the Conservation Area.

Principle of Development

- 5.11 The original external store building was built as part of the redevelopment of the site in 2011/2012 and as such the question of the principle of the building relates to the infill extension consisting of the flat roof and double doors (covering a floor area of about 3.6 x 4.5m, 16.2sqm). Core Strategy Policy CP4 supports development in rural settings providing it is necessary to meet the needs of tourism and will help to support a sustainable rural economy. Development Policy DP9 provides similar support. The infill extension has formed part of an existing commercial operation which has grown considerably over the last four years. It is considered the infill extension has made an improvement to the operation of the kitchen, helping staff and food safety by ensuring access between the stores and staff facilities is weatherproof which will help support the existing business and its long term viability and is in accordance with CP4 and DP9.
- 5.12 The growth of the Carpenters Arms is also supported in Paragraph 28 of the National Planning Policy Framework (NPPF) which seeks to "support the sustainable growth and expansion of all types of business and enterprise in rural areas². Paragraph 28 also supports the retention and development of local services and community facilities in villages including public houses. As such it is considered the development is in accordance with local and national policy and is considered to be acceptable in principle.

Impact on neighbouring amenity

- 5.13 The service area extends out to the west from the main pub building. The building extends out towards the neighbouring residential property of The Howe. The maximum projection of the extension is approximately 3.4m. The double entrance doors are located on the southern elevation facing the timber access gates, to the staff car park that is the subject of the previous application, at the front of the site. A large conifer hedge belonging to The Howe separates the two properties and forms a solid boundary shielding views from either property. The neighbour has raised concerns that the extension has moved the rear entrance of the kitchen to a position where it faces The Howe and in doing so creates additional noise directed towards the neighbouring property. The original entrance doors into the kitchen on the west elevation of the building were approved as part of previous applications for the extension of the Carpenters Arms, the most recent being 12/00974/FUL. As such the principle of the entrance to the kitchen and deliveries at this side of the pub was considered and approved in previous permissions. It is considered the alterations to the building will not have any further detrimental impact on the neighbouring property than existing.

Impact on the character and appearance of the Conservation Area

- 5.14 The infill extension is set back from the front of the Carpenters Arms and is located behind 2m high timber gates. The extension has a low roof and a maximum height of approximately 2.1m high. The extension has been rendered to match the existing building. The front of the service area is set back from the wooden gates approximately 5.8m and as such only the roof and a small section of front wall and doors are visible above the timber gates. As noted in the previous report consideration is required of the impact on the character and appearance of the Conservation Area. It is considered the extension does not have a detrimental impact on Felixkirk Conservation area as it is set back from the front of the pub, behind the timber gates which when closed obstruct views of the extension and the materials are in keeping with the existing building as they use a light coloured render to match the colour of the white painted public house.

6.0 RECOMMENDATION

Application A: 16/01370/FUL

6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:

1. The car park approved by this permission shall not be used unless within 6 weeks of the date of this decision a 2m high close boarded fence has been constructed in accordance with plan 'siteplanP' received on 13th June 2016. Thereafter the fence shall be retained at 2m high at all times.
2. There shall be no access to vehicles and no vehicles movements shall be made to, from or within the car park outside the hours of 08.00 hrs to 22:00.
3. 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 25.5m measured along the western channel line of the C101 (Felixkirk Village Street) 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.
4. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings received on 13th June 2016, 27th June 2016 and 27th September 2016 by Hambleton District Council.

The reasons are:

1. In order to appropriate screening to the adjoining dwelling in the interest of residential amenity in accordance with Local Development Framework policy DP1.
2. To safeguard the amenity of the neighbouring property in accordance with Development Policy DP1.
3. In the interests of road safety to provide for drivers of vehicles using the access road to the site and the public highway with a standard of inter-visibility commensurate with the vehicular traffic flows and road conditions.
4. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, CP3, CP4, CP15, DP1, DP5, DP9, DP16, DP25, and DP30.

Application B: 16/01721/FUL

6.2 That subject to any outstanding consultations the application be **Granted** subject to the following condition(s)

1. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered EX10 01 A (location plan) and F/1/A received by Hambleton District Council on 28th July 2016.

The reasons are:-

1. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, DP1, DP28 and DP30.