

**Parish: Pickhill with Roxby**

Ward: Tanfield

**9**

Committee Date:

10 November 2016

Officer dealing:

Mrs H M Laws

Target Date:

11 November 2016

**16/01594/OUT**

**Construction of three two-storey dwellings including garages, parking area and gardens  
At Nags Head, Pickhill  
For Mr Geoff Simpson**

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The site lies to the rear of the Nags Head Public House, which is located in a central position within the village on the eastern side of the village street, and covers an area of approximately 700sqm. Pickhill Beck lies to the east of the application site at a lower ground level.
- 1.2 Part of the land is currently an area of grass on which a static caravan is positioned. The caravan is used to provide staff accommodation. The remaining land forms part of the existing pub car park and access driveway.
- 1.3 It is proposed to construct three dwellings on the site including garages, with parking and gardens included. The application is in outline only with all matters reserved although it is anticipated that access will be from the main village street, shared with the pub car park.
- 1.4 The pub and the application site lie adjacent to the boundary of the Pickhill Conservation Area.
- 1.5 Additional details have been submitted with regard to the use of the access, following receipt of the Highway Authority's recommendation. The access previously served Fryer Villa, which was an annexe to the pub and provided seven letting bedrooms. The building is no longer part of the pub's premises and is occupied as an independent dwelling. The supporting information suggests therefore that vehicle movements have significantly reduced.

**2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY**

- 2.1 16/00315/OUT - Outline application with all matters reserved for three dwellings; Withdrawn 6 May 2016.

**2.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Core Strategy Policy CP21 - Safe response to natural and other forces  
Development Policies DP1 - Protecting amenity  
Development Policies DP4 - Access for all  
Development Policies DP10 - Form and character of settlements  
Development Policies DP28 - Conservation

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

Development Policies DP32 - General design

Development Policies DP43 - Flooding and floodplains

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

National Planning Policy Framework - published 27 March 2012

#### **4.0 CONSULTATIONS**

4.1 Parish Council - no objections

4.2 Highway Authority - The design standard for the site is Manual for Streets and the required visibility splay is 2.4 metres by 43 metres. The available visibility is 2.4 metres by 8 metres in a southerly direction. Increased visibility is available over the frontage of Fryer Villa however this is not in the control of the applicant and still does not meet the requirements of Manual for Streets even if it could be relied upon. Visibility is also restricted in a northerly direction as a result of an A-board being placed in the splay but this is removable. Consequently, the Local Highway Authority recommends that Planning Permission is refused as the intensification of use that would result is unacceptable in terms of highway safety.

Whilst it currently may be possible to see to 34 metres, that visibility is reliant on looking over the wall and through the railings on the frontage of the adjoining property known as Fryer Villa. I understand that Fryer Villa was sold off in 2015 and therefore is no longer in the control of the applicant and whatever visibility had been available cannot now be relied upon. The applicant can now only rely on an available splay of 8 metres that is within the highway. For example, if the wall was raised in height or the railings changed to a fence or something planted in the frontage of Fryer Villa then visibility could be reduced to 8 metres. The recommendation of refusal therefore remains applicable.

4.3 Ministry of Defence - no safeguarding objections

4.4 Swale and Ure Internal Drainage Board - The EA flood risk map shows the Pickhill Beck at this location to be at risk of medium and high flood risk, albeit over a very narrow width. The village has flooded regularly the last time being in the Christmas 2015/16 event. Consequently, more vulnerable development close to the bank of the Beck must be considered at sufficient risk to require a site specific FRA and drainage strategy which properly assesses the risk against historical information and demonstrates the viability of the suggested "sustainable drainage system". I would recommend that the application be held pending submission of more detailed documentation re: drainage and flooding. Otherwise these matters should be reserved.

4.5 HDC Drainage Engineer - In the absence of Flood Zone 2 and 3 I am content to have drainage design as reserved matter. Subsoil conditions at Pickhill are uncertain and surface water discharge to Pickhill Beck may be required instead of soakaways.

4.6 Public comment - None received.

#### **5.0 OBSERVATIONS**

5.1 The main issues for consideration relate to (i) the principle of new dwellings in this location outside Development Limits; and an assessment of the likely impact of the proposed dwelling on (ii) the character and appearance of the village, particularly the Conservation Area and the surrounding rural landscape; (iii) neighbour amenity; and (iv) highway safety.

## Principle

- 5.2 The site falls outside the Development Limits of Pickhill, which is defined in Policy CP4 of the Core Strategy as a Secondary Village. Policy DP9 states that development will only be granted for development "in exceptional circumstances". The applicant has submitted a statement to the effect that the development would help to support the public house business. It is stated that the sale of the site with planning permission would allow the owners of the Nags Head to achieve a stable financial position and would help to prevent the pub's closure. Financial information has been received, which has been kept confidential but much of the pub's trading difficulties were associated with the A1 upgrade, when roads into the village were closed for a considerable period of time. However, that was some years ago and should not have an impact on business now or in the future. It is also stated that Skipton Bridge, which is the most commonly used route from Thirsk, was also closed for between seven and nine months. Again, this was a past event and should not affect future viability.
- 5.3 The applicant states that monies received from the sale of the application site would allow them to reduce borrowings and upgrade the property by (i) repainting the outside of the building; (ii) starting to renovate three bedrooms; (iii) repainting and upgrading public areas; and (iv) looking at the possibility of a general store/delicatessen (in addition to fresh meat, fish, fruit, vegetables and dry goods currently in stock). There is, however, no business plan to demonstrate the future viability of the business, with or without the receipts that might be expected from sale of the application site. Furthermore, it is not clear from the information provided whether the loans arose from the periods of road and bridge closures or from other vulnerabilities of the business that might be expected to recur.
- 5.4 It is evident that the business could benefit from the receipts that would be generated from sale of the application site with planning permission, although it has not been demonstrated that the required financial security could not be provided by a smaller development. Policy CP4 does not set the financial viability of the business as an exception to normal policy to support new development of this kind, nor is it clear how the capital receipts from the sale of the land could be ring fenced to ensure that they were re-invested into the business. On the basis of the evidence presented, an exceptional case has not been demonstrated in terms of business viability.
- 5.5 It is necessary to consider more recent national policy in the form of the NPPF. To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council has adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas.
- 5.6 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets a set of criteria.
- 5.7 In the 2014 settlement hierarchy contained within the IPG, Pickhill is still defined as a Secondary Village and therefore a sustainable settlement; within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The site lies within the centre of Pickhill which has facilities including a school, church and pub. Criterion 1 would be satisfied regarding the site's sustainability.

- 5.8 A total of 20 dwellings have been granted planning permission in Pickhill since the adoption of the Interim Policy Guidance and it is therefore important to consider the cumulative impact of further development in the village. All of the approved dwellings are in different parts of the village and, although the current application site lies opposite the Chapel Farm site (8 dwellings), it does not relate to that site in terms of form and character. The site does not extend the village into the adjacent countryside and would help to support the existing services in the village, including the pub itself, and would not therefore be of too large a scale.

Character and appearance of the village, Conservation Area and effect on the rural landscape

- 5.9 It is important to consider the likely impact of the proposed development with particular regard to criteria 3 and 4 of the IPG. The proposal should also provide a natural infill or extension to an existing settlement and also conform with other relevant LDF Policies. This part of Pickhill is characterised by linear, frontage development although there are sporadic examples of backland development within the village. Permission has recently been granted for a terrace of three dwellings to the rear of an existing terrace at the north western edge of the village. All applications are however considered on their own merits and this proposal would introduce a form of tandem development in a part of the village where it is currently absent.
- 5.10 The development would result in a second row of development behind the existing public house. Additional details have been submitted to illustrate the position of the proposed dwellings when viewed from the nearby village green, which lies within the Pickhill Conservation Area. The boundary between the village green and the neighbouring properties is landscaped and therefore, at certain times of the year, would help to screen the proposed development from public view in this direction. Although these trees are outside the control of the applicant the application proposes to plant additional trees along the northern boundary of the site to provide additional screening. Other available views would be glimpses from the main village street through the access between the pub and Fryer Villa and from the east from Lowfields Lane (glimpses through and above a well-established hedgerow) and from the public footpath that lies parallel to the beck, approximately 30m to the east of the site.
- 5.11 The dwellings would therefore be visible from outside the site. If well-proportioned and well designed, the development would not necessarily be harmful to the appearance of the Conservation Area; the illustrative scheme shows a narrow gable end, set at a height that would not cause visual harm. If constructed in a similar form therefore, the proposed development may be acceptable. The application site is however set at a higher level than the land to the east and also the neighbouring land between the site and the village green and, following comments from the Internal Drainage Board it is unlikely that the ground level of the dwellings could be dropped below the existing ground level due to its proximity to the beck. It is suggested therefore that a terrace of three two storey properties, positioned at a relatively high ground level, would result in a prominent development that would appear out of context with the remaining part of the village. It is not considered that adequate supporting information has been received to outweigh these concerns and the development would therefore be contrary to LDF Policies CP17 and DP32.
- 5.12 The site lies within the defined boundary of the public house at the end of the car park and forms part of the village rather than the adjacent countryside. It is not considered that the development would harm the character of the natural environment or wider countryside setting of the village.

### Residential amenity

- 5.13 The effects of the proposed dwellings on the amenity of existing local residents would be properly assessed following the submission of a detailed reserved matters application but it is anticipated that an appropriately designed scheme would avoid overlooking or an overbearing aspect on the neighbouring properties, particularly the adjacent dwellings at Fryer Villa and Westholme, and would not therefore be contrary to LDF Policy DP1.

### Flood risk

- 5.14 The site does not lie within an area of flood risk although the Internal Drainage Board has expressed an element of concern due to relatively recent flood events. It is recommended that a condition be imposed on any permission granted requiring the submission of details relating to drainage at reserved matters stage.

### Highway safety

- 5.15 The application site meets the highway at the village street where access is currently gained into the pub's car park; it is proposed to serve the three dwellings from the same access. Visibility is currently restricted by the boundary fencing at the front of the neighbouring property, Fryer Villa. The railings above the dwarf wall could be altered and replaced with fencing in the future without requiring planning permission, which may further restrict visibility. The available visibility, without relying on land within the control of the neighbouring property, is 8m, which is inadequate and would lead to issues of highway safety. The Highway Authority therefore recommends refusal of the application for this reason.

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reasons:
1. The Council's Interim Policy Guidance, adopted April 2015, sets out 6 criteria to be met in order for new development to be considered to be acceptable. The proposed development does not reflect the existing built form and character of the village as required by the Interim Policy Guidance. The proposal also fails to meet any of the exceptional circumstances set out in Policy CP4 of the Core Strategy that would justify development outside Development Limits, and would therefore also be contrary to LDF Policies CP1, CP2, CP4 and DP9 and the Council's Interim Planning Guidance (2015).
  2. All new development should be of a scale appropriate to the size and form of its setting. It is considered that the proposal, in the absence of adequate details, is out of context and character with its surroundings and would be unduly prominent on an area of high ground at the eastern edge of the village. The proposal therefore fails to respect the character of the local area and would result in a form of development that would have a detrimental impact on the surroundings, contrary to the high quality design principles of LDF Policies CP17 and DP32.
  3. The existing access, by which vehicles associated with this proposal would leave and re-join the County Highway is unsatisfactory since the required visibility of 2.4 metres x 43 metres cannot be achieved at the junction with the County Highway in a southerly direction and therefore, in the opinion of the Planning Authority, the intensification of use which would result from the proposed development is unacceptable in terms of highway safety. The proposed development is therefore

contrary to LDF Policies CP2 and DP4, which require all development to ensure safe access.