

Parish: Welbury
Ward: Appleton Wiske and Smeatons
14

Committee date: 9 November 2017
Officer dealing: Peter Jones
Target date: 21 August 2017

17/00784/FUL

**Demolition of outbuilding and construction of two storey building to provide 7 bed/breakfast units and 3 timber holiday cabins
At The Duke of Wellington, Welbury
For Levendale Properties Limited**

This application is referred to Planning Committee at the request of Councillor Stephen Watson. Consideration of the application was deferred at the August Planning Committee for further consideration

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site forms part of the car park and garden to the rear of the Duke of Wellington Public House. The site runs out from the rear of the public house at grade before a relatively steep slope down to the remaining area of the rear garden. The site is bounded to one side by the rear garden of Rosedene and to the other by partially redundant farm buildings. To the rear of the site the area runs out to open countryside.
- 1.2 The application, as amended, is for seven letting rooms within a new brick built structure within the car park and for the construction of three self-contained chalet units in the rear garden area. The original submission was for four chalet units but the one that was proposed closest to the boundary with Rosedene has been removed during the course of the application. The application also proposes a re-design of the car parking area to allow for the proposed development.
- 1.3 The application for the construction of the seven additional letting rooms would involve the demolition of an outbuilding and construction of a new building which would be physically adjoined to the present bed and breakfast building, by way of replacing the existing external staircase and projecting 90 degrees to it. The building would measure 14m long by 9m deep with an overall ridge height of 6.8m. The building would provide two bedrooms and one family room at ground floor with four bedrooms at first floor. Each unit would contain en-suite facilities with the upper rooms having balconies to the rear elevation. The southern roof plane would contain two rows of solar panels which would be black in colour.
- 1.4 The proposed chalet units measure 13.4m long and 6m wide with a ridge height of 4.9m. A decking area would extend a further 1.6m from the rear elevation. Each cabin would provide three bedrooms, kitchen and bathroom.
- 1.5 The proposed chalets are of timber framed construction with grey coloured slate roof tiles with six solar panels fixed to each roof plane.
- 1.6 The site currently provides a total of 22 car parking spaces although these are not delineated, 13 in the rear car park and 9 in the front car park. The proposed revision to the car parking arrangements would increase the provision to the rear to 28 spaces along with the 9 spaces to the front unchanged.
- 1.7 Through the course of the application the applicant has sought to address the concerns of neighbouring occupiers by removing one of the chalet units from the scheme. Additional information has also been provided with regard to the layout of the car park and the impact of the slope on the scheme.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 09/00109/FUL - Alterations and extensions to outbuilding to form five bed and breakfast units; Granted 10 March 2009.

2.2 09/02689/FUL - Change of use of restaurant to form a dwelling; Refused 17 November 2009 and appeal dismissed 7 September 2010.

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 CP12 - Priorities for employment development
Core Strategy Policy CP15 - Rural Regeneration
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP19 - Recreational facilities and amenity open space
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP5 - Community facilities
Development Policies DP10 - Form and character of settlements
Development Policies DP16 - Specific measures to assist the economy and employment
Development Policies DP17 - Retention of employment sites
Development Policies DP18 - Support for small businesses/working from home
Development Policies DP25 - Rural employment
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council – Recognises that the number of log cabins has been reduced from four to three but still considers the scale of the development to be too large for the village. Specific comments are:

- The main structure incorporating the seven extra bedrooms will be extremely dominant at the rear of the pub;
- The car parking scheme in the amended drawing is not accurate and very confusing. The proposal as detailed in the drawing does not add any parking. Taking into consideration the number of parking spaces that will be occupied by residents of the pub, there are no real extra spaces for general pub customers, therefore on street parking will be increased significantly; and
- The proximity of the new building to the boundary on the west side means the vehicle egress will be considerably narrower than at present and could cause major access problems.

The Parish Council also notes that the Duke of Wellington is a significant asset to the village and would not wish to lose it.

Following receipt of the revised drawings, the Parish Council has re-iterated its concerns.

- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Environmental Health Officer – No objection subject to condition regarding working hours during development.
- 4.4 Yorkshire Water – No objection subject to conditions.
- 4.5 Public comments – Eleven representations have been received, summarised as follows:
- The scale of the development is harmful;
 - The expansion will exacerbate problems already experienced with the pub;
 - Loss of privacy and impacts through overshadowing;
 - The access is not suitable for the level of use proposed and is owned by the neighbouring property;
 - Potential flooding due to the proximity of a nearby well;
 - The development has commenced;
 - Noise, disturbance and increase in anti-social behaviour;
 - Insufficient on-site parking;
 - Impact on sewerage systems;
 - The proposed development is at odds with the development form and character of the village;
 - The proposed brick structure would create a harmful form of enclosure to Rosedene; and
 - A more modest development could be created to support the pub business.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development in this location, including the viability of the public house as a community asset; (ii) the impact of the proposal on neighbour amenity; (iii) the impact of the proposal on the character and appearance of the site and the area; and (iv) the impact of the proposal on highway safety.

Principle and the viability of the community asset

- 5.2 Welbury did not appear in the Settlement Hierarchy published in the Core Strategy and as such an exceptional case for the development on one of the grounds identified in policy CP4 must be made if the proposal is to be considered to accord with the Development Plan. Welbury is listed as an Other Settlement within the updated Hierarchy published with the Council's Interim Policy Guidance (IPG) on development in smaller settlements, but this is concerned with new housing and therefore the IPG does not itself apply to this proposal.
- 5.3 Core Policy CP4 sets out the exceptional cases, including criterion i, where the development is necessary to meet the needs of tourism, and criterion vi, which favours development where it will support the social and economic regeneration of rural areas. In this case the applicant has sought to demonstrate an exceptional case in terms of the development being tourism development, advising that the development would support an existing business and local service, something which is offered support by Development Policy DP5, which seeks to protect community facilities.
- 5.4 Support can be offered for the principle of holiday accommodation in this location in line with policy CP4. However, given the nature and form of the site it is considered necessary to assess the quotient of development in terms of the sustainability of the

current public house business and the impact of the proposed development, in particular on neighbouring amenity.

- 5.5 The applicant has put forward accounts which suggest that the current business is at best marginal. The current owner has been marketing the business unsuccessfully, and the current application seeks to provide an improved tourism offer on the site, in order to make the business more attractive to a potential purchaser. The existing letting rooms have been successful.
- 5.6 The question of the need for the proposed number of letting rooms and chalet units has been put to the applicant due to the potential impact on neighbouring residential properties, with a view to establishing the quotient of development that would be necessary to protect the public house business.
- 5.7 This has resulted in a reduction in the scale of the development through the removal of one of the chalet units. The applicant states that due to the level of works to the car park, ground works and services the quotient of development now proposed is necessary in order to make the proposal viable and of benefit to the business as a whole.
- 5.8 Given the policy support for the principle of holiday accommodation in this location, combined with the benefits to the sustainability of the existing business, the scale of development proposed is considered acceptable in these terms. The impact of this scale of development on amenity and highway safety are considered separately below

Residential amenity

- 5.9 As with any operation of its type, the current public house use and associated letting rooms have the potential to cause harm to the residential amenity of neighbouring occupiers. The likely increase in activity at the premises, along with a greater concentration of activity toward the rear of the premises, has the potential to increase the impact on neighbour amenity.
- 5.10 Impacts are likely to come from a number of sources including noise and disturbance from vehicular traffic in close proximity to the immediate neighbours adjacent to the access; impacts from the activity of residents as a result of noise generated from external activity by groups staying on site, along with everyday noise from holiday makers.
- 5.11 These impacts are considered to potentially affect two neighbouring properties that adjoin the application site. However, the majority of the impacts would be to the neighbouring property at Rosedene.
- 5.12 The neighbour at Rosedene owns the access to the rear of the public house, over which the pub has a right of access. Whilst this is a private matter and not directly of relevance to the planning application, it is understood that this right would also apply to the proposed development if it went ahead. However, if that is not the case, the occupiers of Rosedene have a private legal remedy to their concerns.
- 5.13 The access runs immediately adjacent to the gable wall of Rosedene and alongside part of the rear boundary. An increase in vehicular activity in this setting would have some impact on residential amenity. However, due to the nature of the existing occupation of the site and use of the car park, compared with the profile of use likely to be experienced as a result of the proposed development, it is not considered likely that this additional impact would be sufficiently harmful to warrant refusal of planning permission.

- 5.14 The other main area of concern in terms of residential amenity is the introduction of the chalet units to the rear garden area, which immediately adjoins the garden to the rear of Rosedene.
- 5.15 The garden area currently bounds a somewhat under-utilised area to the rear of the public house, which is laid to grass. This area is considered to be within the lawful use of the public house and as such could be used in connection with functions held at the pub or as a beer garden. The applicant has recognised the potential for impact on the neighbours and has omitted the chalet nearest to the boundary with Rosedene in an attempt to mitigate any harm.
- 5.16 Environmental Health officers have assessed the scheme and have not raised any objection to the proposal and it is generally considered that whilst there would be a change in the experience of the neighbouring residential occupiers, the proposed development would not have a significant adverse impact on their amenity to the point that would warrant a recommendation of refusal. Given the position of the proposed cabins at the far end of the plot, away from the more sensitive parts of the adjacent garden area, safeguards that could be put in place through the imposition of conditions relating to the positioning of windows and doors in the chalets and landscaping on the boundaries are not considered necessary in this case.
- 5.17 The neighbouring property to the east is a farm and there are a number of redundant farm buildings adjacent the mutual boundary. There is the potential for the occupiers of the proposed chalets to suffer a loss of amenity through activity on the farm. However, due to the transient nature of their occupation and the proximity of other residential properties in the vicinity it is considered that the probability of this is low and the proximity to the farm is not considered to be harmful in this instance.

Design

- 5.18 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.19 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.20 The National Planning Policy Framework Planning supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The NPPF also states:
- "Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably."
- There is no indication that such discussion took place in this instance, although it is not mandatory.
- 5.21 The proposed letting rooms follow the existing vernacular of the site, utilising matching designs and materials. This element of the scheme would fit comfortably with the other buildings on the site and is considered to be acceptable in design terms.

- 5.22 The chalet buildings would be set physically apart from the main part of the site and would differ from the public house and surrounding development in terms of their design and siting. However, they would be relatively low key in terms of height, size, form, and detailing. Given the separation from the main built form of the village and the nature of the land form in the vicinity of the application site, the proposed chalets would be obscured from public view and as such have little impact on the character and form of the village.

Highway safety

- 5.23 The proposal does not seek any amendment to the access arrangements apart from modifications to the car parking to the rear of the public house which is within the control of the public house.
- 5.24 The Highway Authority does not object to the application and notes that the access is in the ownership of Rosedene, with the public house enjoying a right of access. As noted earlier, the right or otherwise for the additional use of the access is a civil matter and is not considered to be material to the determination of the application. The proposed development is considered to have no detrimental impact on road safety.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission 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 TPS003D/2017 received by Hambleton District Council on 03 October 2017 unless otherwise approved in writing by the Local Planning Authority.
 3. Development shall not commence in the relevant area of the site until evidence has been submitted to and approved by the Local Planning Authority that the surface water sewer laid along the northern boundary of the site has been site surveyed to ascertain the precise position, diameter and depth of the pipe in order to determine the required building stand off distance required. Furthermore, construction in the affected area shall not commence until appropriate protection measures have been fully implemented.
 4. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off -site works, have been submitted to and approved by the local planning authority. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.
 5. No construction work shall take place on site outside of the hours of 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays - these times shall also apply to construction and delivery vehicles associated with construction entering or leaving the site - there shall be no working on Sunday or Public Holidays.
 6. The development must comply with the following requirements that: (i) The accommodation hereby approved shall only be occupied for holiday purposes; (ii) The accommodation shall not be occupied as a person's sole, or main place of residence; (iii) The accommodation shall not be occupied by any persons or

connected group of persons for a period exceeding 28 days in any one calendar year; and (iv) The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual chalets on the site, and of their main home addresses. The owner/operator shall advise the Local Planning Authority of the name and address of the holder of the records and shall make the information on the register available at all reasonable times to the Local Planning Authority.

7. No part of the development shall be brought into use until the approved vehicle parking, manoeuvring and turning areas have been constructed and marked out in accordance with the submitted drawing (Reference TPS003A/2017). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
8. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase: (a) the parking of vehicles of site operatives and visitors; (b) delivery, loading and unloading of plant and materials; (c) storage of plant and materials used in constructing the development; and (d) wheel washing facilities.

The reasons for the conditions 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 DP32.
3. To ensure the protection of the public sewer and the structural stability of the proposed cabins and to accord with the requirements of Development Policy DP6.
4. To ensure that no surface water discharges take place until proper provision has been made for its disposal and to accord with the requirements of Development Policy DP6.
5. In order to protect the amenity of neighbouring occupiers and to accord with the requirements of Development Policy DP1.
6. In order to ensure that the development hereby approved is not occupied by as any person's permanent home and to ensure that the development contributes to the sustainability of the public house.
7. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development and to accord with the requirements of policy DP3.
8. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area and to accord with the requirements of Development Policy DP3.