

North Yorkshire Council

Community Development Services

Richmond (Yorks) Area Constituency Planning Committee

12th October 2023

22/02741/FUL – Application for planning permission for the construction of a new 2 bed dwelling with a shop/post office and change of use of an existing shop/post office to residential use – as amended (revised plans/documents received by the local planning authority on 16.05.2023) at Village Shop and Post Office, Front Street, Appleton Wiske, DL6 2AA for Mr Antony Ramsay

1.0 PURPOSE OF THE REPORT

- 1.1 To determine a planning application for the construction of a two bedroom dwelling with a Shop/Post Office. The proposals are also seeking a change of use of the existing Shop/Post Office to residential use (as part of an existing residential dwelling) at Village Shop and Post Office, Front Street, Appleton Wiske.
- 1.2 This application has been brought to Planning Committee following a Member call-in.

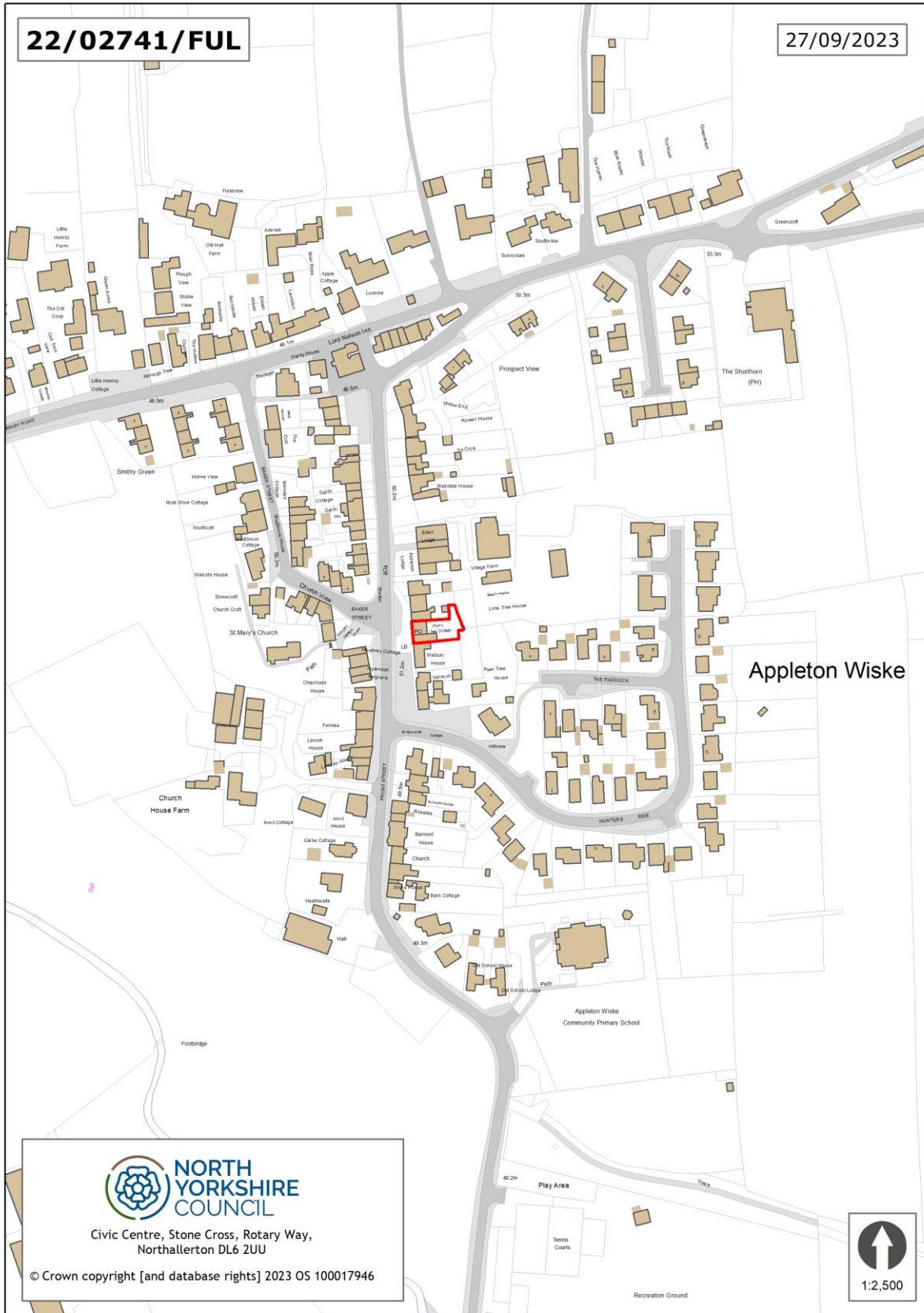
2.0 SUMMARY

RECOMMENDATION: That Planning Permission be **REFUSED**.

- 2.1 The application (as amended) is seeking planning permission for the construction of a two bedroom dwelling with a Shop/Post Office. The proposals are also seeking a change of use of the existing Shop/Post Office to residential use (as part of an existing residential dwelling) at Village Shop and Post Office, Front Street, Appleton Wiske.
- 2.2 The relatively narrow, rectangular former workshop site is located on the eastern side of Front Street and is positioned between the residential property of Welbury House to the south and the Appleton Wiske Post Office (and shop) premises and Cherry Tree Cottage to the north. The site is currently occupied by a brick workshop/store building which adjoins the respective properties to the north and south. During the course of the application, the 'land-edged-red' of the application site has been amended to include the Shop/Post Office building.
- 2.3 The two bedroom dwelling proposed lacks any on-site parking, which will result in vehicles associated with the development being parked indiscriminately outside of the site, including on Front Street (part of the Public Highway) to the detriment of the free flow of traffic and to highway safety. This is considered to be contrary to policy IC2 of the Local Plan and paragraph 111 of the National Planning Policy Framework. The application is therefore recommended for refusal.

22/02741/FUL

27/09/2023



Appleton Wiske

 **NORTH YORKSHIRE COUNCIL**
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3.0 PRELIMINARY MATTERS

3.1 Access to the case file on Public Access can be found here:

[Online Associated Documents](#)

3.2 Planning History

The Village Shop/Post Office

- 15/00758/FUL - Retrospective application for conversion of existing 5 bedroom house with shop to two dwellinghouses with shop, APPROVED, 23.07.2015.
- 88/1363/FUL - Alterations To Existing Shop And Dwelling, APPROVED, 08.09.1988
- 83/1257/EUC - Use Of Part Of Ground Floor Of Existing dwelling in connection with existing shop and change of use of existing store to residential use at The Post Office, APPROVED, 26.05.1983.
- 77/1601/FUL - Construction Of A Storage Building, APPROVED, 28.07.1977.

Garage/Workshop

- 2/89/008/0093 – Conversion of existing domestic garage to a dwelling with domestic garage, APPROVED, 01.06.1989.

Adjoining Welbury House

- 2/92/008/0104 - Extension To Existing Dwellinghouse To Include a Domestic Garage, APPROVED, 19.05.1992.

4.0 SITE AND SURROUNDINGS

4.1 The relatively narrow, rectangular former garage/workshop site is located on the eastern side of Front Street and is positioned between the residential property of Welbury House to the south and the Appleton Wiske Post Office (and shop) premises and Cherry Tree Cottage to the north. The site is currently occupied by a brick workshop/store building which adjoins the respective properties to the north and south. The roof structure and parts of the walls of the workshop building has been removed, leaving the front (west-facing) and rear (east-facing) elevations which both comprise a large sliding timber door with brick walling above. The existing floor plan submitted shows that there is a 0.9m wide right of access through the premises in order to provide access to the residential gardens to the rear of the buildings.

4.2 During the course of the application, the 'land-edged-red' of the application site has been amended to include the existing Shop/Post Office premises.

5.0 DESCRIPTION OF PROPOSAL

5.1 The amended proposals would involve the demolition of the existing workshop/garage building on the site and the construction of a new two storey building. The front element of the ground floor of the new building would be used as

a shop/post office, while the rear of the ground floor would consist of a living/dining area for a new two storey dwelling, with an internal staircase providing access to a first floor area consisting of two bedrooms, bathroom and ensuite for the proposed dwelling. Access to the dwelling would be via a set of folding patio doors within the rear elevation. The front elevation (facing onto Front Street to the west) would contain two first floor windows to serve the master bedroom (bed 1), while at groundfloor this elevation would contain a pedestrian door to serve the Post Office/Shop unit. A pedestrian access within the frontage would maintain the right of access between Front Street and the pedestrian access to the rear of the Post Office/Shop building, whilst also providing access to the rear curtilage of the new residential property, including a bin storage area.

- 5.2 It is confirmed within the Design and Access Statement that it is proposed to relocate the existing Post Office/Village Shop from the existing premises to the north into the frontage of the groundfloor of the new building, concluding that the proposed relocation of the Shop/Post Office (as part of the development) would provide the opportunity for Post Office/Shop to continue serving the local community. Discussions have been held between the Officers, agent and the owners of the site and existing Post Office/Shop during the course of the application regarding the means of ensuring that the existing Post Office/Shop use does not cease until the new proposed shop is operational, hence the amendment to the 'land-edged-red' of the application to include both the former workshop/garage and the existing Post Office/Shop premises.
- 5.3 The revised scheme also includes amendments to the design and scale of the proposed dwelling as well as the proposed provision of designated, off-site parking. These amendments are explained within section 10 below. The amended scheme also includes a change of use of the existing Village Shop/Post Office premises back to residential use as part of one of the applicant's existing dwelling.

6.0 PLANNING POLICY AND GUIDANCE

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2 The Adopted Development Plan for this site is:
Hambleton Local Plan adopted February 2022.
Minerals and Waste Joint Plan, adopted 2022

Emerging Development Plan - Material Consideration

- 6.3 The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

7.0 CONSULTATION RESPONSES

- 7.1 The following consultation responses have been received and are summarised below:

Parish Council – Responding to the reconsultation on the revised scheme, the Parish Council have stated that they remain in strong support of the application, adding that in their opinion refusal to grant planning permission would be contrary to the Local Plan and the need to sustain local services. If the Post Office/Shop were to close, residents of Appleton Wiske and surrounding parishes would be forced to travel to Northallerton or Yarm for their essentials, local produce, newspapers/periodicals, and Post Office facilities (including parcel deliveries and cash withdrawals)

Responding to the proposal (as originally submitted), Appleton Wiske Parish Council confirmed that they are 'strongly supportive' of the application making the following comments/observations:

- (a) The existing Post Office/Shop has been under threat of closure for approximately 18 months, as it is claimed that the owner of the premises wishes to turn the premises into domestic accommodation.
- (b) Although various other options for its relocation have been considered, none have been considered suitable.
- (c) The proposals would retain the shop within the centre of the village, adjacent to its current location, while the paved area in front of the site would be suitable to help facilitate deliveries.
- (d) The site has been derelict/used for storage of building materials for many years and the centre of the village would be enhanced by its development. The addition of accommodation behind and above the shop adds to the benefits.
- (e) The shop and post office are recognised as a valuable asset by parishioners.

Local Highway Authority (LHA) - Responding to the proposal (as originally submitted), the LHA have recommended that the application is refused due to the absence of adequate on-site parking space, meaning that the proposed development is likely to result in vehicles being parked outside of the site on the County Highway to the detriment of the free flow of traffic and road safety, further stating that for a residential property of the size proposed, a minimum of two dedicated off-street parking spaces would be required.

Following reconsultation on the amended application, the LHA have maintained their objection for the same reason as set out above. Although they have noted that the amended plans now include designated off-street parking spaces to be provided adjacent to the proposed property, the LHA have noted that these proposed spaces are not on land under the control of the applicant and are also located on an area which is registered Village Green. Therefore, the LHA is unable to regard the spaces as being dedicated for the exclusive use of residents of the proposed property.

Civil Aviation Authority (CAA) – No representations received.

Teesside International Airport – Responding to the proposals (as both originally submitted and as amended), the airport's safeguarding team confirmed that they have no aerodrome safeguarding objection the proposals.

Natural England – No representations received.

Yorkshire Wildlife Trust (YWT) – No representations received.

Yorkshire Water Services (YWS) – No representations received.

Local Representations

7.2 The application (as originally consulted on) generated no objections; ten representations of support and a single representation neither supporting nor objecting to the application (but raising several matters of concern). In respect of the reconsultation undertaken on the amended scheme in June, 2023, four representations in support of the amended scheme have been received, and two submitted neither supporting nor objecting to the proposals (although raising several matters of concern). These representations are summarised below:

7.3 Representations in Support (as submitted in relation to the amended scheme/reconsultation).

- The Village/Post Office provides an essential service for Appleton Wiske and surrounding Villages. Its loss would be a significant blow to the community.
- The proposed location (of the new Shop) would be ideal, being centrally situated, and providing the best compromise for access in Appleton Wiske.
- If the planning permission is not granted, the village (and surrounding villages) will lose a vital community asset.
- It is understood that notice has been given to the operators of the existing shop to vacate the current premises, so time 'is rapidly running out.'
- The workshop site remains an eyesore in the village, and the proposed development will transform the site.
- The proposed development would ensure the continuation of the village Shop/Post Office, a vital community facility for the village and surrounding settlements, providing vital services and a 'life-line' to residents and acting as a *defacto* community hub, particularly for elderly residents.
- The new proposed Shop premises would provide more dedicated facilities and premises.
- The retention of a shop in the village would reduce the need for additional car journeys and reduce climate-change emissions.
- The retention of a shop in the village would continue to support local jobs.
- On-street parking concerns are not an issue.
- Without the shop, the village would cease to be a living community.

7.4 Representations in Support (as originally submitted).

- The site is an eyesore and potential health and safety risk and thus is in dire need of improvement.
- The proposed development will support the Post Office/Shop as an essential service and vital community asset to the village (and other surrounding villages/communities), including elderly and disabled residents, by providing grocery shopping, newspapers, postal services, a deposit and safe place for doctor's prescriptions and many other useful services.
- The shop is also a vital asset for local business, cyclists and tourists visiting the area.

- The proposed development will help with the necessary and viable relocation to new premises within the village, thus retaining the facility within the village.
- The proposal represents a much needed and sensible development of the proposed plot.
- The existing shop next door is outdated; the proposed replacement will be much more fit for purpose.
- Parking for the shop will not be affected.
- The additional dwelling will have a low impact.

7.5 Comments Neither in Objection nor Support (as originally submitted).

- The proposed building would extend halfway down the boundary with the garden of the adjoining property to the south, directly on the boundary. As a proposed two storey building, this would dominate the garden (of the property to the south) in an overbearing manner.
- The proposed building would have a window within the side elevation (facing south) that would overlook the garden of the adjoining property to the south. The proposed rear balcony would also overlook the garden, severely curtailing the privacy of the occupants.
- The application plans use a boundary line that 'has not been in use since the early 1990's' and therefore the development would impinge onto an area used by the neighbouring adjoining property for the stationing of an oil tank.
- Concerns expressed that the applicant has not, or will not in the future, follow the appropriate procedures (e.g. the requirements of The Party Wall Act)
- The planning application appears to have no provisions for shop waste and rubbish storage...there are already existing issues associated with the village Post Office/shop with storage bins and related items on the village green.
- There are already issues with parking within the centre of the village, with cars, delivery vans and post vans often blocking the pavement, with no solution forthcoming. [several photographs have been submitted throughout the course of the application by the same local resident purporting to show indiscriminate parking on the public highway and the adjacent paved area on the village green]
- If planning permission is granted, it should be ensured that the side of the adjoining residential property to the south (which has been exposed by the works) is finished in a manner that is acceptable in terms of appearance.
- Overall, would be supportive of having access to a Post Office/village shop which would be a benefit to the village. However, the size and scope of the proposals is questioned, as is the appropriateness of the location. Could the 'purpose-built' village hall that has a large car park not prove to be a solution to the situation?

7.6 Comments Neither in Objection nor Support (as submitted in relation to the amended scheme/reconsultation), although concerns raised.

- The application site still appears to be encroaching on the adjacent property (Welbury House) The owner of Welbury House has commissioned a boundary report (which has subsequently been submitted to the LPA and to the agent) and has requested that the LPA to take this into consideration.
- Parking associated with the Village Shop has been, and remains, a topic of discussion for the Parish Council (including the involvement of the police)

without any measurable success...the existing shop causes massive on-road parking and road safety issues

- The plans show two parking spaces on the village green. These spaces are typically already habitually used by adjacent householders, and the current proprietor of the shop, and the space provides access to other residents to their properties.
- A more suitable location for the Village Shop should be considered. (e.g. the site of the current village hall or 'farm space')
- It would be reasonable to believe that new residents of the property if approved would have one, possibly two cars. Is there any provision provided for this eventuality, and to accommodate their access? (i.e. as required by the LPA for the previous planning application)
- There is a continuous stream of vehicles that park on the pavement near the shop in order to visit the premises. This includes customers and delivery vans. This seems to be the case whether the area in front of the shop is clear or occupied.
- Everyone believes the shop is an asset to the village.
- Concerns regarding why planning permission wasn't initially applied for.
- The proposed dwelling is unnecessary and will lead to major construction works involving new sewerage, electrical work and plumbing.

8.0 ENVIRONMENT IMPACT ASSESSMENT (EIA)

8.1 This development is not Schedule 1 or 2 development and is not considered to require an Environmental Statement.

9.0 MAIN ISSUES

9.1 The key considerations in the assessment of this application are:

- Location and Principle of Housing Development
- Existing and New Community Facilities
- Highway Safety, Accessibility, Permeability and Connectivity
- Design, Landscaping and Impact on Townscape Character
- Impact on Residential Amenity
- Ecology, Biodiversity Net Gain and Green Infrastructure
- Other Matters

10.0 ASSESSMENT

Location and Principle of Housing Development

10.1 The Local Plan includes a series of 'strategic policies' that sets strategic targets and directs the distribution of future development within the plan area to meet the identified housing and employment needs for the plan period (2014-2036) Policy S2 (Strategic Development) states that housing provision within the 22 year plan period (2014-2036) of the Local Plan will be at least 6,615 (net) new homes, made up of both market and affordable units. This equates to approximately 315 homes per year within the plan area, and a minimum of 55 affordable units as part of the overall housing target.

- 10.2 Policy S2 (Strategic Priorities and Requirements) confirms that the housing strategy, including the aforementioned housing targets, will be achieved through development that has already happened, existing commitments (i.e. extant planning permissions) and a series of allocated sites. There are sufficient allocated sites within the Local Plan to meet the aforementioned overall net housing requirement and to provide additional spatial distribution flexibility and to address other housing needs. Policy
- 10.3 Policy S3 (Spatial Distribution) sets out the Local Plan's strategy for the focus and spatial distribution of development across the Hambleton Plan area. While the main focus of housing growth will be in the Plan area's Market Towns, limited development will be accommodated within the defined 'Service Villages' and 'Secondary Villages' (as identified within the 'settlement hierarchy') reflective of their size, character and range of services/facilities. Identified 'Small Villages' are expected to accommodate limited development to help address affordable housing requirements and to support social, economic and social sustainability. Appleton Wiske is identified as a 'Secondary Village' within the settlement hierarchy.
- 10.4 The Local Plan also makes provision for additional 'housing exceptions' (Policy HG4) and 'windfall sites' (Policy HG5) to come forward within the plan period on sites either within and/or adjacent to the 'existing built form' of certain 'defined settlements' as specified within the settlement hierarchy of Policy S3. Policy S5 defines the 'existing built form' as, 'the closely grouped and visually well related buildings of the main part of the settlement and land closely associated with them', further clarifying that the built form excludes five specific scenarios (a-e).
- 10.5 Policy HG5 supports so-called 'windfall' housing development on unallocated sites within specific defined settlements (including 'Service Villages') in two general scenarios:
- (1) on sites within the 'built form' of a defined settlement, and
 - (2) on sites adjacent to the built form of designated Service, Secondary and Small Villages.
- 10.6 It is considered that the application site is a brownfield site within the built form of a defined settlement (Secondary Village) within the settlement hierarchy, therefore scenario (2) of Policy HG5 is considered to be relevant to the consideration of this application.
- 10.7 Scenario (2) of Policy HG5 states that housing development proposals within the main built form of a defined settlement (such as Appleton Wiske) will be supported where the site is not protected for its environmental, historic, community or other value, or allocated, designated or otherwise safeguarded for another type of development. The application site is not allocated, designated or safeguarded for any specific value or other type of use, therefore the proposal would be supported by Policy HG5 as a windfall site within the built form of the village.

Existing and New Community Facilities

- 10.8 In relation to existing community facilities, Policy IC4 (Community Facilities) states that a proposal that would result in the loss of premises or land currently or last in community use will not be supported unless it can be demonstrated that:

- (a) prior to the commencement of development a satisfactory replacement facility will be provided in a suitably accessible location for the catchment area or the community served;
- (b) the existing use is no longer financially or operationally viable and there is no reasonable prospect of securing a viable satisfactory alternative community use;
- (c) the continued use of the site for community purposes would conflict with other planning policies; or
- (d) the loss of the community facility is integral to a strategic proposal to improve community services within the locality.

10.9 In respect of new community facilities, Policy IC4 states that a proposal that provides for new or enhanced community facilities will be supported if the proposed facility will be accessible to the community it is intended to serve and the development would not detract from the character of the local area. In considering the suitability of a site for a new community use, the Council will have regard to the local need for the facility. It is stated within the supporting text of the policy that the definition of a community facility would include a village shop.

10.10 The proposals have been amended to include within the 'land-edged-red' the existing Post Office building as well as the site of the former garage/workshop. This has been done so that the closure of the existing shop can be controlled (via condition) to coincide with the opening of the new shop premises within the proposed building adjacent to the existing shop. This would ensure that there would remain a shop within the centre of the village without any gap in provision and of comparable floorspace. Subject to this condition, the proposal would therefore comply with criterion (a) of Policy IC4 of the Local Plan which requires a satisfactory and accessible replacement facility to be provided prior to the commencement of the development.

10.11 No evidence has been submitted with the application to demonstrate that the proposals would comply with criteria b, c and d of Policy IC4, although as Policy IC4 only requires the proposal to demonstrate compliance with one of the four criteria, the proposal would comply with Policy IC4 in respect to the loss of an existing community facility.

10.12 In respect of the provision of new community facilities, the proposed new shop premises would be located immediately adjacent to the building within which the existing shop is located within the centre of the village. Due to its location similar to that of the current village shop, the proposed new shop premises would be within safe and convenient walking distance for the majority of Appleton Wiske residents. The lack of other similar provision within the village or the immediate surrounding area and the overwhelming level of support for the proposals within the representations received (both from local residents and the Parish Council) would indicate that there remains a local need for a village shop within the village.

10.13 Policy IC4 states that the new development should not detract from the character of the local area. This matter is considered in more detail in the design and settlement character sections below, although the amended proposals are considered to comply with this requirement of Policy IC4.

10.14 Overall, the amended proposals are considered to comply with the relevant requirements of Policy IC4 with regards to the loss and provision of new community facilities (i.e. a village shop in this case), subject to the imposition of a condition restricting the use of the existing village shop for residential use until the new proposed shop is operational.

Highway Safety, Accessibility, Permeability and Connectivity

10.15 Policy IC2 (Transport and Accessibility) states that the Council will seek to secure a safe and efficient transport system...accessible to all and that supports a sustainable pattern of development. As such, development will only be supported where it is demonstrated (amongst other less relevant considerations) that: the development is located where it can be satisfactorily accommodated on the highway network, including where it can be well integrated with footpaths, cycle networks and public transport (criterion a.); the need to travel is minimised and that walking, cycling and the use of public transport are maximised (criterion c.); highway safety would not be compromised and that safe physical access to be provided to the proposed development from footpath and highway networks (criterion e.), and appropriate provision for parking is incorporated taking account, amongst other matters, highway safety and access to from and in the vicinity of the site; the needs of potential occupiers, users and visitors now and in the future and the amenity of existing and future occupiers and users of the development and nearby property ...(criterion g.) Policy E1 (Design) reinforces the need for the proposals to be designed to achieve good accessibility and permeability.

10.16 The Local Highway Authority (LHA) have maintained their objection to the application due to the lack of adequate on-site parking for the proposed dwelling, which they consider is likely to result in vehicles being parked on the Public Highway outside of the site to the detriment of the free flow of traffic and road safety. The LHA have confirmed that a two bedroom dwelling in this location would require a minimum of two 'off-street' parking spaces (in accordance with the Council's interim minimum parking standards).

10.17 Given the size-limited, constrained, and in-fill nature of the garage / workshop site, the agent has not been able to design a scheme capable of achieving any on-site parking provision for either the new village shop or the proposed two storey dwelling. This is understandable given the lack of any land within the ownership of the applicants in front of the building line and limited space to the rear which would need to be prioritised for outdoor amenity space. Furthermore, an integral or attached double garage would not be feasible in design terms due to the limited plot size and access issues.

10.18 Nevertheless, it does mean that neither the new village shop nor the proposed two bed dwelling are capable of meeting the requirement of criterion g. of Policy IC2 of the Local Plan that requires appropriate provision for parking to be incorporated into development proposals. While the agent has sought to include three off-site parking spaces within the amended scheme, these are located on registered village green and outside of the ownership of the applicant, and thus cannot be considered to be 'appropriate parking' in respect of Policy IC2.

10.19 As referred to in section 6 above, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the determination of planning applications in

accordance with Development Plan unless material considerations indicate otherwise. There are material considerations in this case that need to be given due weight and consideration in the determination of the application. It is the case that the NPPF is a material planning consideration, and its contents need to be taken into consideration in the determination of the planning application.

- 10.20 Paragraph 111 of Section 9 (Promoting sustainable transport) of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The thresholds within para.111 are set relatively high and means that even proposals that are considered to have an impact on highway safety can be acceptable, providing that the highway safety impact is not considered to be 'unacceptable'. In addition, the cumulative impact on the road network needs to be severe in order to not comply with the NPPF.
- 10.21 In relation to the proposed new shop, it is acknowledged that the existing adjacent village shop also doesn't have any designated parking, with patrons consistently relying on on-road parking or parking on the paved area in front of the shop which is part of the registered village green. Therefore, the provisions of the new shop (which is of comparable size to the existing shop it is proposed to replace) is unlikely to result in any notable net increase in indiscriminate parking in the surrounding area, including on the Public Highway. While the lack of any suitable designated parking provision for the proposed Village Shop/Post Officer premises is not ideal, any highway safety impact resulting from the new shop element of the proposals is not considered to meet the 'unacceptable' threshold of para.111 of the NPPF. This is supported by the LHA's representations which do not mention the lack of parking for the new village shop in their recommended reason for refusal.
- 10.22 In respect of the proposed dwelling, it is accepted that the lack of any associated on-site parking provision would lead to additional off-site parking, which is likely to utilise the Public Highway which is already used in the village for on-street parking. While the LHA have not mentioned in their reason for refusal whether they consider the resulting highway safety impact to be 'unacceptable', given the nature of the recommendation and the reasons given, it can be reasonably inferred that the LHA consider the impact on highway safety to be unacceptable.
- 10.23 The amended scheme includes provision for three designated parking spaces adjacent to, but outside of the application site and not within the ownership of the applicants. It has been subsequently established by the agent that the proposed parking spaces are within registered village green, including a section of blocked paving. The Parish Council have confirmed that they cannot give explicit consent for parking on the registered village green, although state that vehicles have been parked in this area for many years and wish to see the proposed development go ahead. The Local Highway Authority have confirmed that they are unable to take into account in their recommendation the proposed parking spaces on the registered village green given that they cannot be dedicated for use by residents of the proposed dwelling. Therefore, no material weight can be given to the proposed dedicated parking outside of the application site, as shown within the plans of the amended scheme.

10.24 Overall, the lack of any appropriate parking provision for the proposed dwelling and its impact on highway safety is considered to be contrary to both Policy IC2 of the Local Plan and paragraph 111 of the NPPF.

Design, Landscaping and Impact on Townscape Character

- 10.25 Policy E1 (Design) states that all development should be high quality...integrating successfully with its surroundings in terms of form and function...reinforcing local distinctiveness and...a strong sense of place. As such, development will be supported where the design is in accordance with the relevant requirements of Policy E1 (amongst other less relevant considerations): Responding positively to its context...drawing key characteristics from its surroundings...to help create distinctive, high quality and well-designed places (criterion a.); Respects and contributes positively to local character, identity and distinctiveness in terms of form, scale, layout, height, density, visual appearance/relationships, views/vistas, materials and native planting/landscaping (criterion b.); and makes efficient use of the site (criterion h.)
- 10.26 Criterion b. of Policy E1 (Design) states that a proposal will be supported where it respects and contributes positively to local character, identity and distinctiveness in terms of (inter alia) native tree planting and landscaping
- 10.27 In respect to townscape, Policy E7 states that the Council will protect and enhance the distinctive character and townscapes of settlements by ensuring that development is appropriate to, and integrates with, the character and townscape of the surrounding area.
- 10.28 It is stated within the Design and Access Statement that the design of the proposed building would reflect the existing built form and general character of the village, respecting the existing linear/terrace form of this part of Front Street. This is considered to be an accurate assessment of the form and character of the proposed building (as it fronts Front Street) with the frontage of the property respecting the building line along the eastern side of Front Street. The eaves and ridge heights of properties along the eastern side of Front Street vary. However, the scale, height and form of the proposed building is not considered to be out of place within its surroundings.
- 10.29 In terms of materials, the external walls of the proposed building would consist of cream-painted render with a red brick plinth and corbelled brickwork detail to the eaves. A grey concrete tile would be used as the roof covering. The doors and windows would have white uPVC frames. Properties in Appleton Wiske have utilised a range of different materials, including buildings with brick and rendered external walls. As such, the external materials proposed are considered to be in keeping with those of other properties on Front Street.
- 10.30 Landscaping within the development site is inevitably limited due to the limited size of the plot, and thus restricted to a small outdoor amenity area at the rear of the property. In the circumstances, this is considered to be acceptable.
- 10.31 A concern has been raised within the consultation responses that because the workshop building is current attached to Welbury House, its full demolition would leave visible a degree a damage to the side elevation of Welbury House, and it is

requested that if planning permission is granted, that a condition is imposed to 'make good' the north (side) elevation of Welbury House. Such a condition is considered to be reasonable.

- 10.32 No physical changes to the frontage of the existing Shop/Post Office building are proposed within the current application.
- 10.33 Overall, the proposed development would be designed to be a congruous and acceptable addition to the street scene and townscape of Appleton Wiske making use of an unsightly brownfield infill plot, in accordance with policies E1 and E7 of the Local Plan

Impact on Residential Amenity

- 10.34 Policy E2 (Amenity) of the Local Plan expects all proposals to maintain a high standard of amenity for all users/occupiers as well as for occupiers/users of neighbouring land and buildings, particularly those in residential use. This is echoed in criterion c. of Policy E1 which requires proposals to achieve a satisfactory relationship with adjacent development and not to have an unacceptable impact on the amenities or safety of future occupiers, for users and occupiers of neighbouring land and buildings or the wider area or creating other environmental or safety concerns.
- 10.35 Amendments to the design of the proposed building have been made in order to reduce the impact on the rear curtilage of the adjacent property of Welbury House to the south. The amendments include the removal of a balcony to the rear (eastern) element of the building, and the removal of a window within the side (south-facing) elevation of the proposed building. Despite the omission of the rear balcony, the length of the building would remain the same and would still extend the same length along the southern boundary (i.e. 7m beyond the rear wall of Welbury House), although the length of the two storey element has been reduced and effectively replaced with a lower single storey element at the rear of the building, meaning that the two storey element of the building extending beyond the rear wall of Welbury House would be reduced to approximately 4m.
- 10.36 While the length of the proposed building and its proximity to the rear curtilage boundary of Welbury House would, despite the amendments, still have an impact on the amenities of its occupants. Crucially, the amendments made to the scheme would ensure that there would no longer be any material overlooking and privacy issues through the removal of the window within the southern elevation (creating a blank facing elevation to the rear garden of Welbury House) and through the removal of the rear balcony. In addition, the physical impact on the rear garden of Welbury House would be markedly reduced through the reduction in the length of the two storey element as explained above. The proposed building is to the north of Welbury House which would in any case limit the degree of overshadowing of this neighbouring property. Overall, the proposed amendments to the scheme would result in an acceptable amenity relationship between the proposed building and the neighbouring residential dwelling of Welbury House to the south, in accordance with Policy E2 of the Local Plan.
- 10.37 The proposals, if approved, would relocate the current shop to the plot and new building immediately to the south, thus moving the facility adjacent to Welbury

House. The proposed groundfloor shop would be adjacent to the integral garage of Welbury House, and although Welbury House has a habitable room above the garage, the additional noise impacts on the residents of Welbury House would not be significant or unacceptable, particularly given the modest size of the premises and opening hours. Given the similar location and comparable size/scale of the enterprise, there is not considered to be any material change in the amenity impact on residents as a result of deliveries and other traffic movements associated with the new shop. The proposed development would comply with Policy E2 of the Local Plan in this regard.

- 10.38 The amenity impact on Cherry Tree Cottage to the north has also been reduced as a result of the reduction in the length of the two storey element and removal of the balcony, and no unacceptable overlooking and physical impact in relation to the rear elevation and curtilage of this property to the north are anticipated. While there would inevitably be some increased overshadowing of the property as a result of the proposals, no significant loss of lighting/overshadowing would be expected given the existing closed nature of the rear of the property. The amended proposed plans show a single first floor window within the side (north-facing) elevation that would face northwards towards Cherry Tree Cottage. Although this is shown on the proposed floor plans as serving a bathroom, if planning permission is approved it is recommended that a condition is imposed ensuring that this window is permanently fitted with obscure glazing.

Ecology, Biodiversity Net Gain and Green Infrastructure

- 10.39 In accordance with the Environment Act (2021) and the NPPF, Policy E3 (The Natural Environment) is clear that all development is expected to demonstrate the delivery of a net gain in biodiversity or Biodiversity Net Gain (BNG), with paragraph 6.46 of the supporting text stating that the latest DEFRA guidance and relevant metric tool should be used to demonstrate compliance with the policy. Policy E3 also states that direct or indirect adverse/negative impacts on SINC's, European sites (SACs and SPAs), and SSSIs should be avoided and will only be acceptable in specific circumstances as detailed in Policy E3. Policy E3 also states that a proposal that may harm a non-designated site or feature(s) of biodiversity interest will only be supported in certain circumstances.
- 10.40 Policy E4 (Green Infrastructure) states that the Council will seek to protect existing green infrastructure and secure green infrastructure net gains by, amongst other things, incorporating green infrastructure features as integral parts of a development's design and landscaping, while also enhancing links and functionality between the site and any surrounding or adjacent areas of green infrastructure.
- 10.41 No ecological appraisal or species surveys have been submitted with the application, although given the characteristics, features and brownfield nature of the site and its immediate surroundings as well as the condition of the existing building (i.e. lacking a roof), the proposals are considered unlikely to affect any protected or priority species (or their habitats) or impact any important habitats. Furthermore, the modest size of the proposed development is not considered to impact on any designated or non-designated nature sites in the local area.
- 10.42 The form and design of the proposed building and its limited-sized curtilage is not conducive to achieving any notable BNG, and given the nature and size of the

development, it is considered unreasonable to require BNG through off-site provision in this particular instance. Overall, the development is considered to comply with paragraph 174 of the NPPF and Policy E3 of the Local Plan.

Other Issues

- 10.43 In order to help achieve the Council's aim of creating sustainable and inclusive communities, criterion (a) of Policy HG2 (Delivering the Right Types of Homes) states that the Council will seek the use of good quality adaptable housing designs that provide flexible internal layouts and allow for cost-effective alterations to meet changing needs over a lifetime and reduced fuel poverty. In addition, criteria (g) of HG2 states that housing development will be supported where all homes meet the NDSS. The proposed (amended) layout plans show the potential for the dwelling to be adaptable in the future, while the Design and Access Statement confirms that level access would be provided for the dwelling. As a 2 bed dwelling (with three bed spaces), the size and internal layout of the proposed dwelling is considered to comply with the current NDSS
- 10.44 Policy RM2 (Flood Risk) states that the Council will manage and mitigate flood risk by avoiding development in flood risk areas...(criterion a.); and requiring flood risk to be considered for all development commensurate with the scale and impact of the proposed development and mitigated where appropriate (criterion c.) the application site is within Flood Zone 1 of the Environment Agency's flood maps, and as such is in an area at the lowest risk of fluvial flooding.
- 10.45 Policy RM3 (Surface Water and Drainage Management) of the Local Plan states that a proposal will only be supported where surface water and drainage have been addressed such that it complies with the following requirements (amongst others not considered relevant to the proposals): where appropriate, sustainable drainage systems (SuDS) are to be incorporated. The application documents state that surface water would be disposed of via the mains sewer, which is believed to be the existing means of disposing of surface water for the existing workshop building. The location of the site and its limited curtilage area may mean that more sustainable means of surface water drainage are appropriate or feasible, however if planning permission is granted it is recommended that a condition is imposed requiring details of the surface water drainage schemes to be submitted and approved by the LPA, having considered sustainable drainage options. In relation to the disposal of foul drainage, it is stated on the application form that a mains sewer connection is proposed which would represent a sustainable means of foul sewage disposal.
- 10.46 Policy RM5 (Ground Contamination and Groundwater Pollution) states that where there is a potential for a proposal to be affected by contamination or where contamination may be present a risk to the surrounding environment, the Council will require an independent investigation to determine: the nature, extent and any possible impact (criterion a.) No report or other information showing that the potential contamination risks on site have been investigated has been submitted with the application. Given the previous commercial use of the site as a workshop, it is recommended that if Members resolve to approve planning permission, that a condition is imposed requiring the submission and approval of an investigation report to determine the nature, extent and any possible impact of any potential contamination and any mitigation measures. It is also recommended that Members impose a condition stating the procedures and measures to be followed should

unexpected contamination to be found during construction should it be resolved to approve planning permission.

- 10.47 The owner of Welbury House has maintained that part of the 'land-edged-red' includes land within their ownership, with the potential for the new property to be constructed on land outside the ownership of the applicants. This matter has been put to the agent before the reconsultation exercise who confirmed (having spoken to the applicant) that the land-edged-red was on land owned by the applicant, albeit that it did include some land that was being used in association with Welbury House. Following the reconsultation exercise, the owner of Welbury House has maintained his concern that part of the land in his ownership is included within the 'land-edged-red', and the owner of Welbury House has commissioned a written opinion/recommendation from a building surveyors company, which states that the boundary line on site appears to be different to the line shown on the Registered Title Plan [and Land Registry plan], and concludes that there appears to be sufficient evidence (on site) to support a claim for possessory title for the 'stepped back' section of garden currently being used in conjunction with Welbury House. This matter has again been raised with the agent, although there remains no agreement between the applicants and the owner of Welbury House on this matter.
- 10.48 It is beyond the scope of the planning process to decide boundary and land ownership disputes. While there remains a clear difference in opinion between the owner of Welbury House and the concerned applicant on this matter, the applicants assert (as confirmed by the agent) that the land within the current 'land-edged-red' is within their ownership and is consistent with the current Land Registry plan and Registered Title Plan. Therefore there is no compelling reason for the LPA to conclude that the incorrect ownership certificate has been signed as part of the amended application.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 The element of the proposals to create alternative premises for the existing village shop has the support of the Parish Council and the majority of local residents who have submitted representations, and providing it is ensured (by condition) that the new shop is operational prior to the change of use of the existing shop to residential use, the creation of the new shop and the change of use (and loss of) the existing shop is supported by Policy IC4 of the Local Plan. Retaining the provision of a community facility that is important to residents and the local community should be afforded moderate weight in the planning balance.
- 11.2 The proposed redevelopment of the workshop site would result in a localised improvement to the character and appearance of the village in accordance with policies E1 and E7 of the Local Plan, which should be given modest-moderate weight in the planning balance.
- 11.3 The two bedroom dwelling proposed as part of the application lacks any on-site parking, and while the amended plans show that three parking spaces are proposed to the land immediately to the west of the site, this is on land understood to be registered village green and not in the ownership or control of the applicant, and as such are not considered to be appropriate parking for the development. The lack of appropriate parking for the development, and the proposed two bed dwelling in

particular, will result in vehicles associated with the development being parked indiscriminately outside of the site, including on Front Street (part of the Public Highway) to the detriment of the free flow of traffic and to highway safety, where the impact on highway safety is considered to be unacceptable. Having been consulted and reconsulted on the application, the Local Highway Authority have maintained their objection to the application on this basis. It is considered that the proposed dwelling without any appropriate on-site parking is contrary to Policy IC2 of the Local Plan and paragraph 111 of the National Planning Policy Framework. This unacceptable impact on highway safety and the additional impediment posed to the free flow of traffic through the village (particularly given the existing high levels of on-street parking experienced on Front Street) should be given substantial weight in the planning balance.

- 11.4 In conclusion, while there are clear benefits to the local community and to the character and appearance of the village that would result from approving the amended proposals, such benefits will be outweighed by the unacceptable additional risk posed to highway safety and to the impediment of the free flow of traffic through the village that will result from the provision of an additional two bedroom dwelling without any suitable off-street parking.

12.0 RECOMMENDATION

- 12.1 That planning permission be **REFUSED** for the following reason:

- i. The two bedroom dwelling proposed lacks any on-site parking, which will result in vehicles associated with the development being parked indiscriminately outside of the site, including on Front Street (part of the Public Highway) to the detriment of the free flow of traffic and to highway safety.

The proposals will therefore be contrary to Policy IC2 (Transport and Accessibility) of the Local Plan that states that the Council will seek to secure a safe and efficient transport system only it is demonstrated that the development is located where it can be satisfactorily accommodated on the highway network (criterion a.); where highway safety will not be compromised (criterion e.); and where appropriate provision for parking is incorporated taking account highway safety and access to and from the site and the needs and amenities of potential occupiers (criterion g.)

The proposals will also be contrary to paragraph 111 of the National Planning Policy Framework which states that planning permission should be prevented or refused on highways grounds if there will be an unacceptable impact on highway safety.

Target Determination Date: 24 February 2023

Case Officer: Mr Ian Nesbit ian.nesbit@northyorks.gov.uk