

Item Number: 16
Application No: 14/00362/FUL
Parish: Luttons Parish Council
Appn. Type: Full Application
Applicant: Mr David Pattison
Proposal: Change of use and alterations of public house to form a 4 bedroom dwelling.
Location: Three Tuns Inn Main Street West Lutton Malton North Yorkshire YO17 8TA

Registration Date:
8/13 Wk Expiry Date: 29 July 2014
Overall Expiry Date: 7 July 2014
Case Officer: Alan Hunter **Ext:** Ext 276

CONSULTATIONS:

Highways North Yorkshire	No objection
Property Management	No views received to date
Parish Council	Object
Tree & Landscape Officer	Request tree report

Neighbour responses: Andrea Dixon, Denise Winks, Vanessa Hottley, Mr & Mrs Keith, Dawn Hardcastle, Mr Paul Everett, Audrey Corbett, T.J. Phillips, Robert And Jayne Buck,

SITE:

The application site comprises a Public House, Three Tuns, which is located within the development limits of West Lutton. The application site is located within Flood Zones 2 and 3 by virtue of its proximity to the Gypsy Race. The Public House use is contained on the ground floor with a 3 bed unit of accommodation above. To either side are residential properties.

PROPOSAL:

Planning permission is sought to change the use of the Public House to form a 4 bedroom dwelling.

Internal alterations include:-

Ground floor

The bar is proposed to become a lounge
The beer cellar is proposed to become a bathroom
The pool room is proposed to become a dining room
The pub kitchen, and toilets is proposed to become a house kitchen.

First floor

The lounge is proposed to become bedroom 4.

External alterations

It is proposed to re-roof the property in a new terracotta pantiled roof

Brick up outer cellar doors in matching brick.

HISTORY:

2005 - Planning permission granted for the formation of a vehicular access with timber entrance gates (retrospective application)

1988 - Planning permission granted for the erection of a single story extension to form lounge extension.

1987 - Planning permission granted for the erection of a rear extension to form a function room and kitchen.

1979 - Planning permission granted for extensions to premises to provide Ladies and Gents toilet

POLICY:

National Policy Guidance

National Planning Policy Guidance 2014 (NPPG)
National Planning Policy Framework 2012 (NPPF)

Local Plan Strategy - adopted 5 September 2013

Policy SP1 - General Location of Development and Settlement Hierarchy
Policy SP2 - Delivery and Distribution of New Housing
Policy SP3 - Affordable Housing
Policy SP4 - Type and Mix of New Housing
Policy SP11 - Community Facilities and Services
Policy SP13 - Landscapes
Policy SP16 – Design
Policy SP19 - Presumption in Favour of Sustainable Development
Policy SP20 - Generic Development Management Issues

APPRAISAL:

The main considerations in relation to this are:-

1. The principle of the proposed change of use and the loss of the Public House;
2. Whether the proposed use can be undertaken without having a material adverse effect upon the amenity of the adjoining properties.
3. Whether the proposal will have a material adverse effect upon the amenity of adjoining properties.
4. Flood risk.
5. Parking and highway safety.
6. Trees.

Members are advised that the public consultation exercise on this application has generated:-

- An objection from the Parish Council. This raises the following issues, the loss of the Public House as an important community facility; suggested inaccuracies within the submitted information by the agent; and that some of the proposed ground floor rooms will not have windows
- A petition against the proposal signed by 113 people
- 5 letters of objection against the proposed change of use because of its importance as a community facility.

- 2 representations from adjoining properties raising no objection in principle to the proposed change of use, but do not wish to see the building extended.

The above responses are available to view online under the application reference number.

Principle of the proposed development

Para. 28 of NPPF seeks to protect and retain community uses, such as public houses within existing rural areas. Furthermore Policy SP11 of the Local Plan Strategy states:

'Existing local retail, community, cultural, leisure, and recreational services and facilities that contribute to the vitality of the towns and villages and the well-being of local communities will be protected from loss/redevelopment unless it can be demonstrated that:

- *There is no longer a need for the facility or suitable and accessible alternatives exist, or*
- *That it is no longer economically viable to provide the facility, or*
- *Proposals involving replacement facilities provide an equivalent or greater benefit to the community and can be delivered with minimum disruption to provision.'*

The agent has informed that the pub has been closed since June 2013 due to its poor economic performance. The agent has also confirmed that The Three Tuns has been marketed by Christie & Co (Leeds) since April 2013. Christie & Co have confirmed that whilst they have provided details of the property to a number of people interested in purchasing pubs in the Yorkshire area and there have been 7 viewings of the property. No offers have been received. Christie & Co have stated that the property was marketed online, by fixed advertising board outside the premises and in the Yorkshire Post and Morning Advertiser. The pub and accommodation above was marketed at £245,950. The Council's Valuer has considered the submitted marketing details and considers the marketing price represents an acceptable valuation for the Pub and accommodation. Furthermore the Council's Valuer considers that the marketing exercise carried out is reasonable. The Council's Valuer is of the opinion that the Pub is not economically viable.

Members should note that The Three Tuns is a 'wet sales' only pub. The Council's Valuer considers that to include food sales would require significant investment in a kitchen extension and cooking facilities, which would not represent viable expenditure given that the current use is already deemed economically unviable, and to which there has been no demand.

Whilst Officers are reluctant to see the loss of this village pubs, in view of the advice from the Council's Valuer, there are considered to be no sustainable planning grounds to object to the loss of this pub in principle. The Parish Council's comments (received 17 July 2014) about how the pub has been operated and marketed have been forwarded to the applicant and the Council's Valuer for their further views. However, preliminary discussions with the Council's Valuer do not indicate that his view would change. Members will be updated at the meeting.

There is already a unit of residential accommodation at the Pub and the proposed change of use would simply extend that use across both the ground and first floor. In view of this arrangement it is not possible to impose a Local Needs Occupancy condition or request a financial contribution towards Public Open Space as there is no net increase in the number of residential units.

Flood Risk

In accordance with Technical Guidance to NPPF, the existing drinking establishment use is a 'More Vulnerable' use and the proposed dwelling use is also a 'More Vulnerable' use. The flood risk vulnerability of the existing use and the proposed use is exactly the same. The sequential test in this case is considered to be met in view of the application representing a change of use within an existing building to a use that is no more vulnerable than the existing use.

Residential amenity

It is understood that the building was built as a dwelling originally. The proposed building is considered to be capable of being used as a dwelling without having a material adverse effect upon the amenity of the adjoining properties. The proposed use is also considered likely to have less impact than the current Pub use, in terms of noise and disturbance to surrounding properties and movements to and from the site.

The owners of the two neighbouring properties have also supported the proposed change of use to a dwelling but have reservations regarding potential extensions that would be undertaken to it in the future. It is therefore considered appropriate to withdraw permitted development rights by condition.

There are no new window positions proposed and no unacceptable level of potential overlooking arising from the proposal. There is also considered to be a reasonable sized rear garden in keeping with adjoining properties. The proposal is therefore considered to have a satisfactory level of residential amenity and not to have a material adverse effect upon the amenity of adjoining properties.

The Parish Council's comments about the proposed ground floor bathroom, dining room and kitchen having no windows have been forwarded to the applicant, for clarification. The applicant would need to include windows in the dining room and kitchen for Building Regulation purposes. However, both these rooms are at ground floor and it is considered that with some re-arrangement to the rear, these openings can be sympathetically accommodated without adversely affecting neighbours. Moreover, photographs of the property indicate windows on the front elevation that could be retained.

Highway Safety

The local Highway Authority has no objection to the proposal.

In addition the Tree and Landscape Officer recommends a condition in respect of protection measures in respect of a mature tree that stands in the south eastern corner of the garden of the property.

In view of the above assessment the recommendation is one of approval.

National Planning Policy Guidance
National Planning Policy Framework
Local Plan Strategy - Policy SP1 General Location of Development and Settlement Hierarchy
Local Plan Strategy - Policy SP2 Delivery and Distribution of New Housing
Local Plan Strategy - Policy SP3 Affordable Housing
Local Plan Strategy - Policy SP4 Type and Mix of New Housing
Local Plan Strategy - Policy SP11 Community Facilities and Services
Local Plan Strategy - Policy SP13 Landscapes
Local Plan Strategy - Policy SP16 Design
Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development
Local Plan Strategy - Policy SP20 Generic Development Management Issues

RECOMMENDATION: Approval

1 The development hereby permitted shall be begun on or before .

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

- 2 Before the development hereby permitted is commenced, or such longer period as may be agreed in writing with the Local Planning Authority, details and samples of the materials to be used on the exterior of the building the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

(NB Pursuant to this condition the applicant is asked to complete and return the attached proforma before the development commences so that materials can be agreed and the requirements of the condition discharged)

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 3 No service/or the storage of any materials connected with the approved development shall take place within a radius of 8.4m from the trunk of the mature tree which stands in the south eastern corner of the garden of the property.

Reason: To ensure that the rooting zone of the tree is not compacted or roots severed as a consequence of the development, in accordance with British Standard 5837:2012 'Trees in relation to Demolition Design and Construction – Recommendations', and in accordance with Policy SP13 of the Ryedale Plan - Local Plan Strategy.

- 4 Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning (General Permitted development) Order 1995 (or any Order revoking, re-enacting or amending that Order), development of the following classes shall not be undertaken other than as may be approved in writing by the Local Planning Authority following a specific application in that respect:

Class A: Enlargement, improvement or alteration of a dwellinghouse

Class B: Roof alteration to enlarge a dwellinghouse

Class C: Any other alteration to the roof of a dwellinghouse

Class D: Erection or construction of a domestic external porch

Class E: Provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwellinghouse or the maintenance, improvement or other alteration of such a building or enclosure.

Reason:- To ensure that the appearance of the area is not prejudiced by the introduction of unacceptable materials and/or structure(s) and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 5 Prior to the commencement of the development precise details of the front boundary details shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 6 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Site location plan

Downstairs floor plan – before

Downstairs floor plan – after

Upstairs floor plan before

Reason: For the avoidance of doubt and in the interests of proper planning.

Background Papers:

Adopted Ryedale Local Plan 2002
Local Plan Strategy 2013
National Planning Policy Framework
Responses from consultees and interested parties