

Item Number: 10
Application No: 18/01001/FUL
Parish: Kirby Misperton Parish Council
Appn. Type: Full Application
Applicant: Flamingo Land (Mr James Paterson)
Proposal: Erection of a two storey extension to south elevation and single storey orangery extension to east elevation of hotel, demolition of timber storage shed and erection of two storey detached building with ground floor storage and first floor guest rooms, erection of 8no. pre-manufactured guest accommodation pods and formation of adjacent outdoor swimming pool with single storey pool house
Location: Ashfield Country Manor Hotel Main Street Kirby Misperton Malton North Yorkshire YO17 6UU
Registration Date: 29 October 2018
8/13 Wk Expiry Date: 24 December 2018
Overall Expiry Date: 29 November 2018
Case Officer: Alan Goforth **Ext:** Ext 332

CONSULTATIONS:

Designing Out Crime Officer (DOCO)	No comments
Kirby Misperton Parish Council	Comments
Highways North Yorkshire	Recommend conditions
Environmental Health Officer	Recommend conditions
Yorkshire Water Land Use Planning	Any comments received will be reported at Planning Committee

Neighbour responses: J Hudson, David Watkinson, Mr David Corton,

SITE:

The application site is Ashfield Country Manor Hotel and associated grounds and parking areas and amounts to approximately 0.3 hectares in area. The hotel/public house is a two storey building with single storey additions to the rear with a footprint of approximately 400m². The building is predominately red brick under a pantile roof although the east and west walls are of coursed sandstone rubble. Access is via an inclined road on the western side of the site which leads to the tarmacadam car park.

The hotel/public house is situated in Kirby Misperton approximately 4 miles from Pickering and 8 miles from Malton. The hotel/public house is at the northern end of the village on the southern side of the inside bend of Kirby Misperton Road. The Parish Church of Saint Laurence is on the other side of the road to the north-east and the theme park, zoo and resort village occupies land to the north. A static and touring caravan site is to the west and the nearest residential properties are Church View and Chestnuts to the east and numbers 9 and 10 Shire Grove and Horsley House to the south.

The main hotel building, the access to the side and the outdoor areas immediately to the north, west and east of the building stand within the village Development Limits. The existing car park, turning area and detached single storey timber store are outside of the development limits. There are no national or local designations applicable to the land. It is understood that the hotel and restaurant closed for business in 2017.

PROPOSAL:

Planning permission is sought for the erection of a two storey extension to south elevation and single storey orangery extension to east elevation of the hotel, demolition of timber storage shed and erection of two storey detached building with ground floor storage and first floor guest rooms, erection of 8no. pre-manufactured guest accommodation pods and formation of adjacent outdoor swimming pool with single storey pool house.

The northern part of the existing building would continue to function as the bar and dining areas at ground floor level and the kitchens would still occupy the eastern part of the building that is orientated north-south. The existing rooms at first floor level would be subject to minor internal alterations to the layout to create seven en suite double bedrooms.

The proposed two storey extension off the south elevation of the main building would create a cellar, fire escape egress point and customer WCs at ground floor and three en suite double bedrooms and fire escape stairway at first floor. The extension would be constructed from red brick and clay pantiles to match the existing. A single storey entrance lobby/reception area linking to the two storey extension would be constructed off the south elevation and would be formed from oak posts with aluminium framed glazing under a terracotta rosemary tiled roof containing a glazed roof lantern. An oak pergola would be constructed off the western elevation of the existing building to provide a covered outdoor area with access to the bar.

A single storey structure (orangery dining area) formed from oak posts with aluminium framed glazing under a terracotta rosemary tiled roof would be constructed off the east facing elevation. The orangery would have a floor area of approximately 50m². The building would allow access to the existing outdoor area on the eastern side of the site that would comprise a paved external terrace and landscaped garden containing a pond feature. The plans show that a kitchen garden would be located to the south of the orangery adjacent to the boundary. A stone boundary wall would replace the existing post and rail fence which forms the boundary with Church View. The extraction flues that serve the ground floor kitchen would be enclosed within a brick chimney on the east elevation.

The existing detached, single storey, timber storage shed that stands parallel to the eastern boundary wall would be demolished and replaced by a two storey building that would provide storage at ground floor level and two en suite double bedrooms at first floor. The building would have a rectangular footprint of approximately 72m². The store/accommodation building would be part render (ground floor) part vertical timber cladding (first floor) with a clay pantile pitched roof and aluminium framed double glazed windows. A glazed balustrade decked walkway would link the new detached building to the existing building at first floor level and steps down to ground level would allow access to the pool area.

To the rear there would be eight pods formed from four prefabricated units on the western and southern sides of the site arranged around a central pool which would be encircled by non-slip decking and screen walls. Immediately to the east of the pool there would be a single storey building (changing, sauna, steam rooms) with coloured render walls under a zinc standing seam roof covering. Each pod would provide en suite double bed accommodation. Externally the pods would have vertical timber clad walls and clay pantile roof and aluminium framed double glazed windows. The pods and swimming pool area at the rear of the site would be enclosed by a 1.8m high stone wall with raised planters.

The frontage along the northern and eastern boundaries would be landscaped with shrub planting. Low level external lighting would be installed to walkways, adjacent to the pool and within the car park. An existing compound containing propane gas cylinders would be removed to allow for a larger car park on the southern side of the site comprising 16 parking spaces. The bin store would be positioned on the eastern side of the car park.

Once refurbished and extended the property, which would be renamed Dewar's Hotel, would contain a total of 20 double bedrooms and the application documents state that it aims to offer a spa feel with bistro dining. The hotel and restaurant would create employment for 6 full time and 10 part time members of staff.

POLICIES:

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning authorities are required to determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. The Development Plan for the determination of this particular application comprises the following:

- The Ryedale Plan- Local Plan Strategy (2013)

The Ryedale Plan - Local Plan Strategy (2013)

Local Plan Strategy -Policy SP1 General Location of Development and Settlement Hierarchy

Local Plan Strategy - Policy SP8 Tourism

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

Local Plan Strategy - Policy SP21 Occupancy Restrictions

Material Considerations

Revised National Planning Policy Framework 2018 (NPPF)

National Planning Practice Guidance 2014 (PPG)

APPRAISAL:

The main considerations in the determination of this application are:

- i) Principle of the development;
- ii) Design, character and form;
- iii) Impact on residential amenity;
- iv) Highway impacts;
- v) Occupancy restrictions; and
- vi) Other matters.

Principle of development

The main building, the entrance off the main road and the outdoor amenity areas immediately to the north, west and east stand within the village Development Limits. Development Limits for settlements define the boundary within which development in principle will be generally acceptable. The part of the site proposed to be developed for the detached two storey building, the accommodation pods and spa pool are beyond development limits (open countryside) and Policy SP1 seeks to restrict development to that which is necessary to support a sustainable, vibrant and healthy rural economy and communities. At the national level paragraph 83 of the revised NPPF supports a prosperous rural economy and states that planning decisions should, *inter alia*, enable “(a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; and...(c) sustainable rural tourism and leisure developments which respect the character of the countryside”.

Tourism makes a significant contribution to the local economy and Policy SP8 seeks to develop tourism in a sustainable way which does not undermine some of the very special qualities that visitors come to enjoy and experience. The site is in close proximity to an established and notable visitor attraction and a hotel and restaurant has operated from the site for a number of years prior to the closure. With regard to the sites location in relation to the village it is acknowledged that the land proposed for development to the rear of the existing building is beyond development limits. However, it is not considered to be isolated in an open countryside context and is adjacent to the existing settlement boundary. The

proposed development would contribute to the range and choice of tourist accommodation available in the District and would generate employment. The proposal represents the expansion of an existing hotel guest house and the principle of the development aligns with the aims of the NPPF and Policy SP8.

Design, character and form

Policy SP16 (Design) requires that the location, siting, form, layout, scale and detailed design of development should respect the context provided by its surroundings and be well related to adjacent buildings.

The existing building occupies a prominent position on the corner of the Kirby Misperton Road and stands on higher ground in relation to the public highway. The proposed extensions would be substantial in size and footprint but would be to the rear of the site and largely screened by the existing building that fronts the public highway. The ridge and eaves height of the two storey extension would follow those of the host building as would the depth of the new build to provide visual symmetry of form on the western elevation.

The detached two storey building would stand to a ridge height of 6.6m which, taking account of the upward incline of the land to the rear, would appear slightly higher than the existing building but lower than the nearest residential property (Church View) to the east. The building would be orientated north-south and would flank and enclose the pool on the eastern side.

The single storey timber clad pods would provide a visual break from the substantial, brick built hotel building as extended. The eight pods would be arranged in four units separated by walkways leading to the pool. The pod arrangement and spacing would be visually sympathetic in terms of breaking up the mass of built development to the rear of the site and allows for a landscaping scheme around the pods to soften and complement the setting and appearance of the development.

The existing building is part brick and part stone. The use of matching brickwork for the extensions and render and timber cladding for the detached buildings would be compatible with the host building whilst also providing appropriate variation and visual interest. The use of clay pantiles on pitched roofs would be consistent across the site. A condition shall be included to secure the final materials and finishes for the buildings and boundary walls.

The single storey orangery extension off the eastern elevation would be visible from Church View and the public highway. The apex of the roof would sit below the eaves of the adjoining main building and it would appear as a subservient addition. The adjacent external area would be landscaped and the tiled roof, glazed panels and oak posts would result in an appearance that would not be detrimental to the street scene. The Parish Council welcomes the additional planting in this area and the reinstatement of the pond. The proposed brick chimney on the east elevation is to hide the unsightly exhaust flues from the kitchen and would stand to the same height as the existing chimneys on the main building.

The taller elements of the buildings are to the front and side of the site (north and east) whereas the new additions to the rear are subordinate in scale. The additional accommodation would be set out in a courtyard arrangement around the spa pool which historically references a fold yard layout associated with a former small holding at the site. It is also acknowledged that the external fabric of the main building, particularly the rear, south facing side is in part dilapidated condition and the site generally appears tired and neglected. In light of this the new build elements off the south elevation which would replace the poor quality single storey additions that comprise a brick built flat roof toilet block and white upvc glazed entrance lobby would result in a visual improvement. The location, scale and design of the proposed extensions and detached buildings are considered acceptable and can be accommodated without an unacceptable visual intrusion and impact on the character of the locality in compliance with Policies SP8, SP16 and SP20.

Impact on residential amenity

As required by Policy SP20 (Generic Development Management Issues) development should respect the character of the area without having a material adverse impact on the amenity of present or future

occupants, the users or occupants of neighbouring land and buildings or the wider community. There are detached residential properties to the east and south that are relatively close to the site.

The main concern raised by the nearest properties on Shire Grove and Church View and also referred to by the Parish Council is noise disturbance from the use of outdoor areas.

The proposed covered outdoor area off the western elevation of the existing building is adjacent to the bar and this area is not immediate to any residential properties and the raised paved area at the front (north) of the building is also land that has functioned as a beer garden. The grassed area in the eastern corner of the site amounts to approximately 550m² and forms part of the outdoor areas associated with the hotel/public house and at present a set of sliding doors provide access to this lawn from the restaurant. This area would contain a terrace, pond and kitchen garden adjacent to the boundary. The eastern corner of the site would function as an outdoor area associated with the adjacent dining space and due to the proposed layout of features in this area the kitchen garden and pond would act as a buffer from the boundary. In light of this it is not anticipated that the use would give rise to any unacceptable noise disturbance to the occupants of Church View.

The proposed arrangement of buildings facing onto the central pool would enclose and act as a buffer to contain any noise from the guests using the outdoor areas. Any escape of noise from between the buildings is not anticipated to give rise to a significant adverse effect on the amenity of neighbours. Furthermore the outdoor pool at 11m in length by 5m in width is relatively small and would be for adults enjoying the spa facilities and not a public swimming pool. A concern raised by a neighbour about the provision of a lifeguard is a health and safety consideration for the operator to address and is not a matter of planning control. In response to a disturbance related concern raised by a neighbour it is not anticipated that it would be the subject of late night pool parties and the hours of use shall be restricted by condition to no later than 21:00 hours. In addition a condition shall be imposed to restrict amplified music in external areas and also control the hours of work during construction. The Environmental Health Specialist has provided advice in relation to potential impacts arising from noise nuisance and the aforementioned conditions would address those concerns. With regard to the potential for noise disturbance it is considered that the proposed development would comply with the requirements of Policy SP20 in that the activity associated with the development would not be incompatible with the existing ambience of the immediate locality.

A neighbour has cited anti-social behaviour as a concern. In light of this the LPA has consulted North Yorkshire's Designing out Crime Officer. Having reviewed the documents the Officer has confirmed that there are no comments to make on the application. It is considered that hotels and public houses by their very nature can be subject to anti-social behaviour but in this instance, bearing in mind the established use of the site, it is not considered that the likelihood of antisocial behaviour would be exacerbated by the proposed built development at the site and is a matter for the police and not planning control.

The occupant of Church View is concerned that the two storey building to be constructed on higher ground on the eastern site of the application site would result in loss of light to the rear, western side of Church View. The west facing elevation of Church View is approximately 13m from the boundary which comprises a 1.8m high stone wall. The pitched roof of the existing timber shed is visible above the wall.

The new detached two storey building would have an eaves height of 4.6m and ridge height of 6.6m and the upper floor and roof of the building would be visible from the rear of Church View. The span of the proposed building along the boundary (12m) is identical to the existing single storey timber shed and the new building would occupy a similar footprint albeit with a slightly greater width and approximately 1m closer to the eastern boundary. The ridge line would generally follow the existing two storey elements of the existing building and the rear of the proposed building would be approximately 15m from the west elevation of Church View. It is acknowledged that there would be an additional degree of shadowing in the rear garden but given the separation distance it not anticipated that there would be any shadowing or loss of light to the habitable rooms of Church View.

With regard to potential overlooking and loss of privacy the new accommodation has been designed to

be inward facing with no openings on the sides or rear elevations. As a result there would be no impact on residential properties to the south or east. There are existing openings at ground and first floor level in the east elevation of the main building which face towards the rear of Church View and this is a result of the historical arrangement of the properties. The applicant has agreed to infilling the ground floor kitchen window with stone work as shown on the Proposed Site Plan. In addition the first floor bathroom window will be obscure glazed. The sole bedroom window (bedroom 10) would remain transparent glazing but the Applicant has confirmed that they will install plantation shutters on the inside to screen views and these alterations will be secured by planning condition should permission be granted. The additional rooflights in the east facing pitch would provide light to bathrooms and do not directly face towards any nearby residential properties.

The boundary between the proposed orangery garden in the eastern corner of the site and Church View currently comprises a timber post and rail fence. With the exception of the limited screening provided by a small collection of trees adjacent to the fence line there are currently open views between across the boundary. The north facing elevation of Church View, which is 5m from the boundary, contains six windows that currently overlook the hotel/public house garden. The proposed development is an opportunity to establish a clear boundary and the applicant proposes a stone wall that is 1.8m high adjacent to the east elevation of the building falling away to 0.9m high beyond the gable of Church View. In light of the change in level of the land along this boundary (which falls away eastward from the building) it is recommended that the wall is stepped downwards to ensure that appropriate levels of privacy are ensured but without resulting in a boundary wall that is overbearing or oppressive to the occupants of Church View. If permission is granted a condition shall be included to secure the final details of the boundary walls.

Highways impact

Policy SP8 states that tourist attractions should be accessible by a choice of means of transport. With regard to sustainable transport it is noted that there is a bus stop at the roundabout that is within walking distance of the application site. Due to the demand associated with the adjacent theme park the village benefits from a regular bus service that provides an alternative to the private car for both staff and guests/customers.

A neighbour has commented on future parking pressures at the site and the Parish Council have commented on visibility onto the unlit road. The existing compound at the southern end of the car park would be removed to allow for a larger car park. In addition the applicant states that any overflow parking would be provided within the nearby theme park which is within walking distance. No concerns have been raised by the LHA in relation to on-site parking provision.

The speed limit is 30mph along the stretch of public highway through the village and the LHA have not raised concerns in relation to visibility. The existing access that serves the hotel and restaurant is shared with Horsley House to the south and would be narrowed to 4.5m to allow for a new pedestrian walkway from the car park to the main building. Taking the volume and type of traffic and vehicle speeds into account it is considered that the width of the road is appropriate and can safely accommodate the associated vehicle movements. The LHA have no objections subject to the inclusion of conditions to cover the provision and retention of parking and turning areas, precautions to prevent mud on the highway and the provision of on-site parking and material storage for the contractors during the construction period.

The hotel/public house is an established use and whilst there is likely to be an increase in traffic associated with the expanded facilities available at the site it is not anticipated that the proposed development would create traffic movements that would give rise to a materially significant adverse impact on highway safety either individually or cumulatively. It is considered that the proposed development can be accommodated without detriment to the capacity of the local highway network or highway safety and complies with the relevant parts of Policy SP20.

Occupancy restrictions

Should planning permission be granted for the accommodation pods it would be subject to the relevant

restricted occupancy conditions as set out in Policy SP21 (occupied for holiday purposes only).

Other matters

The objections raised in relation to loss of view and impact on value of property are not material to the consideration of this application.

Conclusion

The principle of the development is in line with national and local planning policy relating to the sustainable development of tourism and the rural economy. The proposed development would create employment and the site is physically well-related to the existing settlement and well served by the public transport network. The extensions and detached elements would increase the built footprint of the hotel but would revitalise the site without detracting from the character of the area.

The proposed development would not have an unacceptable impact on the appearance of the site, residential amenity or highway safety and any adverse impacts can be controlled by condition. In light of the above assessment, it is considered, on balance, that the proposal is acceptable and complies with Policies SP1, SP8, SP16, SP19, SP20 and SP21 of the adopted Ryedale Plan - Local Plan Strategy and the revised National Planning Policy Framework. The recommendation to Members is one of conditional approval.

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 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Plan ref. 1344_EX20_01, dated 22.02.18
Proposed Site Plan ref. 1344_AR20_03_D, dated 25.01.19
Proposed Elevations Sheet 1 ref. 1344_AR30_01_C, dated 04.10.18
Proposed Elevations Sheet 2 ref. 1344_AR30_02_C, dated 25.01.19
Proposed Ground ref. 1344_AR20_01_E, dated 25.01.19
Proposed First Floor Plan ref. 1344_AR20_02_C, dated 25.01.19

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

3 Prior to the commencement of construction work, 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 buildings the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity.

4 Notwithstanding the provision of any Town & Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on Proposed Site Plan ref. 1344_AR20_03_D, dated 25.01.19 for parking spaces, turning areas and access shall be kept available for their intended purpose at all times.

Reason: To ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

- 5 There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site, and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

Reason: To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

- 6 Unless approved otherwise in writing by the Local Planning Authority, there shall be no establishment on a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction of the site, until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

(i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway

(ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.

The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

Reason:- To provide for appropriate on-site vehicle parking and the storage facilities, in the interests of highway safety and the general amenity of the area.

- 7 The outdoor pool hereby permitted shall not be open to customers outside the following times 08:00 -21:00 hours.

Reason:- To ensure that the amenities of nearby residents are not unreasonably affected.

- 8 No amplified or other music shall be played in the external areas of the premises.

Reason:- To ensure that the amenities of nearby residents are not unreasonably affected.

- 9 The accommodation pods shall be occupied for holiday purposes only; and not as a person's sole, or main place of residence. It shall be available for commercial holiday lets for a least 140 days a year and no let must exceed 31 consecutive days; and the owners/operators shall maintain an up-to-date register of lettings/occupation and advertising will be maintained at all times and shall be made available for inspection to an officer of the Local Planning Authority on request.

Reason: It is not considered that the accommodation is suitable for permanent residential use and to satisfy Policy SP21 of the Local Plan Strategy.

- 10 Prior to the commencement of construction work, or such longer period as may be agreed in writing with the Local Planning Authority, details of the proposed boundary treatments, including a schedule of materials and details of the height above ground level shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development is first brought into use.

Reason:- To ensure that the development does not prejudice the enjoyment by the

neighbouring occupiers of their properties or the appearance of the locality.

- 11 Full details of any new or additional external lighting at the site, including lighting for site security purposes, shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The details shall include the position, height, angle of lighting, illuminance level and hours of operation. All lighting shall be installed and maintained in accordance with the approved details.

Reason: In the interests of the reduction of light pollution.

- 12 Any demolition, excavation or construction work activities associated with the development hereby approved shall be carried out only between the hours of:-

0800 -1800 hours Mondays to Fridays

0800 -1300 hours Saturdays

and at no time on Sundays and Bank (or Public) Holidays.

Reason: To protect local amenity during construction.

- 13 Prior to the development being first brought into use the east facing ground floor kitchen window as shown on as on the approved Proposed Ground Plan drawing shall infilled with matching stonework.

Reason: To protect local amenity.

- 14 Prior to the development being first brought into use the east facing first floor bathroom window as shown on as on the approved Proposed First Floor Plan drawing shall incorporate obscure glazing.

Reason: To protect local amenity.

- 15 Prior to the development being first brought into use the east facing first floor bedroom window as shown on as on the approved Proposed First Floor Plan (bedroom 10) drawing shall incorporate plantation shutters on the inside.

Reason: To protect local amenity.

- 16 The use of the outdoor pool and spa facilities shall be limited to only the guests staying in the on-site accommodation or customers of the hotel.

Reason: In the interests of the general amenity of the area and control on-site vehicle parking.