

Item Number: 11
Application No: 22/00233/FUL
Parish: Pickering Town Council
Appn. Type: Full Application
Applicant: Mr Victor Buchanan
Proposal: Demolition of existing one and a half storey office building to allow for the erection of 11 no. one bed holiday apartments with associated parking
Location: White Swan Hotel Market Place Pickering YO18 7AA

Registration Date: 22 February 2022
8/13 Wk Expiry Date: 19 April 2022
Overall Expiry Date: 4 May 2022
Case Officer: Niamh Bonner **Ext:** 43325

CONSULTATIONS:

Building Conservation Officer	No objection
Environmental Health	Comments – No objection
Housing Services	Recommend condition
Highways North Yorkshire	
Pickering Town Council	No objection
Designing Out Crime Officer (DOCO)	No objection
Yorkshire Water Land Use Planning	Recommend condition
NYCC Natural Services	Recommend condition

Representations: ,

SITE:

The White Swan Hotel is a Grade II Listed Building, which together with its surrounding buildings and extensive curtilage is located on the north side of the Market Place in Pickering. This is located within the Pickering Conservation Area and Town Development Limits, as well as falling within a ground water protection zone.

The specific application site relates to a section of land associated with the White Swan, to the North West spanning c35.9m from north to south and c20.33m from east to west. It is noted that the site slopes significantly from east to west. Within this site, a one and a half storey timber clad office building is located, which would be demolished as part of this scheme. It is noted that this has previously had a workshop use and permission has been granted in 2007 for the erection of a replacement holiday letting building which was never enacted. Beyond the building to the west is an area of overgrown scrub land.

The site application site is adjoined to the east by an Annex building under the ownership of the White Swan and car parking. The site is adjoined to the south partly by a Bothy building under the ownership of the White Swan and also by the rear beer garden space associated with the Bay Horse Inn (in separate ownership.) Beyond the site to the west is a car park associated with the Toy and Model Warehouse. Beyond this lie the rear gardens of the properties along Park Street. To the north there is significant existing mature dense planting.

The site is accessed via the existing access from the Market Place and provides off street parking for site users.

PROPOSAL:

The application seeks planning permission for the Demolition of existing one and a half storey office building to allow for the erection of 11no. one bed holiday apartments with associated parking.

This was originally advertised as a major full application with the suffix 'MFUL' this was however reviewed and identified as a standard full application. This was readvertised for the avoidance of doubt.

Within the application period, the scheme has been amended through the submission of revised plans, however as these amendments related to the simplification of the design only, these were not considered necessary to readvertised.

The units would be sited in the location of the existing office/workshop building. The development would provide accommodation over two storeys with a further internal mezzanine, with a maximum length of c29.9m and a maximum width of c8.8m. This building as noted incorporates 11no. letting apartments, 5 on the ground floor together with a communal laundry/utility room and power room to the south and 6 further on the first floor with the internal mezzanine areas. The ground floor units would be accessed to the west with very small landscaped areas afforded to each unit, the first floor level units would be accessed to the east. The scheme would be completed with stone walling at ground floor level and within a central first floor level section, with larch cladding to the remainder of the upper floor. The building would be completed with a slate roof, including dark 'Conservation' style windows and dark grey metal windows. Along the western elevation at ground floor level the design would include 4 carriage style windows, reflecting a design which relates to the history of the White Swan as a Coaching Inn. The site would be completed with gravel surfacing.

The plans were amended during the consultation phase to reduce the visual impact of the building on the advice of the Council's Building Conservation Officer. This included the reduction of the ridge height by c0.49m, the previously stepped roof simplified to a single ridge, the amendment of certain openings to incorporate a more simplified form, with the installation of larch cladding on areas to glazing to reduce their prominence and the overhang to the southern elevation removed.

This was not considered necessary to fully readvertised, given it related to the simplification of the scheme.

It is noted that 11no. parking spaces are provided for this scheme as detailed on the proposed site plan. Surface water would be drained to soakaways and foul water would drain to mains sewers.

REPRESENTATIONS

A large number of surrounding residential properties and businesses have been consulted on this scheme and no representations have been received. This was also publicised in the local press and by site notice, as well as via consultation with the Town Council.

The Town Council have confirmed they have no objection to this scheme. The remaining statutory consultation responses will be identified in the relevant sections below.

POLICIES

Local Plan Strategy -Policy SP1 General Location of Development and Settlement Hierarchy
Local Plan Strategy - Policy SP8 Tourism
Local Plan Strategy - Policy SP13 Landscapes
Local Plan Strategy - Policy SP14 Biodiversity
Local Plan Strategy - Policy SP16 Design
Local Plan Strategy - Policy SP17 Managing Air Quality, Land and Water Resources
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

HISTORY:

The following application is considered most relevant however there is a detailed planning history within the site.

07/00146/FUL: Demolition of outbuildings and erection of two-storey building to form 10 additional letting rooms and associated parking space. Approved.

APPRAISAL:

The main considerations within the determination of this application are:

- i. The principle of development
- ii. Character, Form and Impact upon Conservation Area and Setting of Listed Buildings
- iii. Impact upon amenity
- iv. Impact upon ecology
- v. Highway safety
- vi. Other matters, including consultation responses.

i) The principle of the Development

Policy SP1 (General Location of Development and Settlement Hierarchy) of the Ryedale Plan, Local Plan Strategy identifies that in the Wider Open Countryside, development will be restricted to that which “is necessary to support a sustainable, vibrant and healthy rural economy or communities.”

Policy SP8 (Tourism) notes support in Market Towns such as Pickering for

- *New hotel, bed and breakfast, self-catering or other serviced accommodation within the towns through new building or the conversion of existing buildings*
- *Refurbishment and extension of existing buildings.*

This would be subject to the standard occupancy conditions as outlined in Policy SP21 (Occupancy Restrictions.)

This proposal would relate to the erection of 11no. one bedroom holiday apartments. The Design and Access Statement notes that “*The apartments will be sold as holiday homes with a long term lease for holiday letting purposes. This will allow the owners to use their apartments personally and to be managed by the White Swan as holiday letting accommodation.*”

In an email dated 13th April 2022 the Agent provided additional comments from the Applicant, expanding on the operational model for the units. This was in response the LPA querying on the 13th April 2022 “*Would there be potential scope for these remaining under the ownership of The White Swan? I note the 2007 permission for a similar scheme in the same location, included the following condition copied below. My initial concern, and this will be discussed with the Environmental Health Team is that a range of separate owners would afford the owners of the White Swan less control over how these units would be occupied and this could result in potentially wider amenity impacts. Your confirmation on this point would be welcomed.*”

The Applicant confirmed on the 13th April “*Any leases would be subject to strict control by us that would even stipulate our control of internal decoration (that must be kept to our house style with all repairs etc being done by us – even down to our choice of art etc), operation (bins, energy etc) and pretty much everything else. It will be a far more controlled environment than even if it were simple*

letting rooms (as we have a veto over who actually gets to purchase after our significant due diligence of prospects) As the units would also be let for short-term occupation we have to have this control. The model is a better version of fractional ownership not dissimilar to how the Holiday Bond property at Rosedale operates (Bell End Farm). We would be happy with a condition that does not allow 365 occupation by a single occupier and that is how this has been dealt with elsewhere (can find planning precedent if required).

In effect it is an up-market version of the static lodge model that Ryedale have consented elsewhere. This is a high quality proposal that we hope they will be grasping with open arms. It keeps relatively HNW people in a central location that will assist greatly in keeping the Market Town as a viable one. The other point is that if our purchasers were not to be able to come to us – they would invest in cottage properties around Pickering (and are doing just that). This significantly affects the local economy to the detriment of first-time buyers, families, local services etc and only serves to move the property market further beyond the reach of local working people.”

On this basis, following detailed review, it was considered that the application could be supported in principle with an amended version of the standard holiday condition to reflect the proposed occupancy type. This condition in its original form reads:

New un-serviced holiday accommodation (holiday cottages, caravan parks (static and touring), log cabins and holiday chalets) will be subject to the following conditions:

- The accommodation is occupied for holiday purposes only; and not as a person's sole, or main place of residence; and*
- It shall be available for commercial holiday lets for a least 140 days a year and no let must exceed 31 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: to ensure that accommodation is not used for residential development in this Open Countryside location, contrary to policies SP1, SP8 and SP21 of the Ryedale Plan- Local Plan

This was originally written to ensure such accommodation is not used as a sole of main place of residence and ensure the accommodation is available for holiday lettings for a prescribed period of the year. It was acknowledged in this situation that the standard condition would not be suitable, as it requires that ‘no let’ must exceed 31 days, however a leasehold purchaser would essentially not fit with that narrow requirement.

Affording flexibility to this element was considered appropriate as all the apartments would still remain available for holiday occupation for more than 140 days a year and it could be required that no period of occupancy should exceed a continuous period of 31 days, rather than ‘no let.’ It was considered by Officers that this would align with the spirit of Policies SP8 and SP21 and it is considered that this should acceptably control the actual occupation of the units. This approach has been undertaken on within static caravan sites in the District.

This was communicated with the Applicant/Agent and it was noted “There would be no limit on how many occupancies of up to 31 days could be undertaken annually so this really is quite flexible. This is a slightly altered version of the condition that we do on occasion use at static holiday parks to allow for people to buy a static unit and use them as a holiday home, regularly visiting throughout the year. “

However, the Applicant/Agent came back with a request for a 364 day condition to allow for full flexibility for holiday use, to help replace second home buying in the area and that there was precedent for such conditions already.

The Case Officer responded on the 22nd September 2022 to note the following: “We have carefully considered your request for a 364 day occupancy on the proposed holiday apartments. We maintain

that our proposed flexible version of the standard 31 day occupancy condition as originally outlined within Policy SP21 of the adopted Ryedale Plan Local Plan Strategy is the correct approach in this instance and should afford ample flexibility for any future occupiers purchasing this as holiday accommodation, whilst still ensuring the LPA can be confident that this truly will be occupied as holiday accommodation and not as a permanent residential dwelling. The same person/groups could come on holiday as many times as they wished during the year, the only caveat being that this couldn't be longer than 31 days in a row. I would suggest that anyone purchasing a holiday apartment should be able to adhere to these quite flexible requirements without any difficulty as it would not be their main address. This would also not prohibit any apartment being renting out to other third parties for holiday purposes.

The proposed condition we are suggesting would note:

The 11no. Holiday apartments are hereby approved subject to the following conditions:

- The accommodation is occupied for holiday purposes only; and not as a person's sole, or main place of residence; and*
- No one visit to the accommodation hereby permitted by a single person/group shall last for a continuous period of 31 days or more.*
- The owners/operators shall maintain an up - to -date register of lettings/occupation and advertising which will be maintained at all times and shall be made available for inspection to an officer of the Local Planning Authority on request.*

Reason: to ensure that accommodation is not used for residential development, as this has not been applied for, nor assessed on this basis in accordance with Policies SP1, SP2, SP8 and SP21 of the Ryedale Plan- Local Plan Strategy.

I would therefore be grateful if you could confirm the application of this is acceptable. If not, we cannot agree to the application of a 364 day condition. I appreciate that you have noted that other examples of this 364 day condition can be found, however in Ryedale, it is considered that this approach would be in discordance with Policies SP8 and SP21 of the adopted Ryedale Plan, Local Plan Strategy. In our view this would not provide the necessary safeguards against these apartments potentially being occupied akin to a standard residential property, which in our view cannot be supported. If we cannot agree on the modified flexible condition, I believe the LPA will have no option but to refuse the application on this basis. “

The Applicant responded on the 22nd September to note the following:

“I don't think RDC understand the concept of this type of holiday accommodation. The thirty one day rule would prohibit (for instance) summer residence in one of our quality apartments by an ex pat or foreign purchaser wishing to be in Yorkshire for the summer, or a city dweller wanting to be in Yorkshire for the school holidays. This development seeks to compete against similar developments in Cornwall, the Lake District or Scotland where no such restrictions apply. We could accept a shorter period than 364 days but 31 days is unreasonable. The minimum we could accept (and in line with non-dom residency rules) would be 90 days. There is legion of planning precedent even for 364 days and very little for 31 days.”

This 90 day request has been carefully reconsidered. It is noted that this is a significant reduction from the originally proposed 364 day occupancy condition which was considered entirely unacceptable. The variety in how certain groups of people may holiday, ie. travel for an extended period in the summer or potentially spending longer periods of time in a holiday home if retired etc, it is acknowledged, as is the situation that not all people would automatically holiday for shorter periods of time. The benefit holiday makers bring to the District is also noted and it is acknowledged that an occupancy such as this would afford such holiday makers to visit the area for a longer time, potentially avoiding further second home ownership in the area. It is noted that the applicant who would essentially be the freeholder also operates more short term letting rooms and this adds diversity to their overall holiday business. The units themselves would also be required to be let out at various points of the years to third parties given the business model proposed and whilst this would not be controlled by planning, this is acknowledged. It is not the case that all periods of occupancy would extend to 90 days, but it would allow greater flexibility,

all whilst controlled by not being any person's main place of occupancy. On balance, in this site specific instance, this flexibility of allowing visits of up to 90 days for holiday purposes is considered acceptable.

The following condition is consequently proposed:

The 11no. Holiday apartments are hereby approved subject to the following conditions:

- *The accommodation is occupied for holiday purposes only; and not as a person's sole, or main place of residence; and*
- *No one visit to the accommodation hereby permitted by a single person/group shall last for a continuous period of 90 days or more.*
- *The owners/operators shall maintain an up - to -date register of lettings/occupation and advertising which will be maintained at all times and shall be made available for inspection to an officer of the Local Planning Authority on request.*

Reason: to ensure that accommodation is not used for residential development, as this has not been applied for, nor assessed on this basis in accordance with Policies SP1, SP2, SP8 and SP21 of the Ryedale Plan- Local Plan Strategy.

It is therefore considered that subject to full consideration of the other sections below this proposal for the extension of an existing tourism accommodation site is broadly acceptable in principle and in line with Policy SP8 of the Ryedale Plan, Local Plan Strategy it would not be an inappropriate location for such a development.

This proposal as noted above (subject to the relevant conditions) would relate to development which broadly in principle accords with the requirements and aims of the Ryedale Local Plan, Local Plan Strategy. This however would also be subject to full consideration of the other material planning considerations which will be undertaken in the following sections.

As this does however technically represent a departure from the precise wording of Policy SP21, this application has been brought before Members of Planning Committee in line with the Council Scheme of Delegation.

ii) Character, Form and Impact upon Conservation Area and Setting of Listed Buildings

Policy SP12 (Heritage) of the Ryedale Plan - Local Plan Strategy notes: *"Designated historic assets and their settings, including Listed Buildings, Conservation Areas, Scheduled Monuments and Registered Parks and Gardens will be conserved and where appropriate, enhanced. Development proposals which would result in substantial harm to or total loss of the significance of a designated heritage asset or to the archaeological significance of the Vale of Pickering will be resisted unless wholly exceptional circumstances can be demonstrated. Proposals which would result in less substantial harm will only be agreed where the public benefit of the proposal is considered to outweigh the harm and the extent of harm to the asset."*

The Council also has a duty to assess whether a development proposal enhances or preserves the character of the designated Conservation Area (S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) or affects a Listed Building or its Setting (S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.)

SP16 Design of the Ryedale Plan, Local Plan Strategy notes: Development proposals will be expected to create high quality durable places that are accessible, well integrated with their surroundings and which *"Reinforce local distinctiveness and... Protect amenity and promote well-being."*

To reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings including:

- *Appropriate materials and traditional construction methods and techniques are used.*

- *Topography and landforms*

Policy SP20: Generic Development Management Issues of the Ryedale Plan, Local Plan Strategy notes:

- *New development will respect the character and context of the immediate locality and the wider landscape/townscape character in terms of physical features and the type and variety of existing uses*
- *Proposed uses and activity will be compatible with the existing ambience of the immediate locality and the surrounding area and with neighbouring land uses and would not prejudice the continued operation of existing neighbouring land uses*

Paragraph 130 of the National Planning Policy Framework notes “*Planning policies and decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit”*

The application site presently incorporates a relatively poor quality timber clad building and overgrown, unmaintained green space, which appears to have been utilised for the occasional storage of waste etc.

The Building Conservation officer, in her first response dated 6th April 2022 noted the following in relation to the originally proposed scheme:

“This application is associated with the White Swan pub and hotel, a Grade II listed building within the Pickering conservation area. Due to the land arrangements, it also lies to the rear of 4, 5 and 6 Market Place, also grade II listed buildings. As such, Ryedale District Council has a statutory duty to have special regard for the preservation of the setting of the listed buildings and the preservation or enhancement of the conservation area.

The building proposed for demolition is a utilitarian possibly early-mid 20th century timber structure measuring c. 22m long by c. 6m wide. It makes little contribution to the conservation area or setting of listed buildings and I have no objection in principle to its removal.

The area of land proposed for development is to the rear of Market Place in Pickering accessed through the White Swan stone carriage archway. It is an overgrown area of steeply sloping scrubland which falls away to the west of the site. The land itself makes a neutral contribution to the conservation area and setting of listed buildings however its location to the rear of Market Place makes it likely to have had a long association with those properties facing the street. The built form of the wider area includes traditionally scaled development running north at right angles from the back of the Market Place. This includes for development attached to the frontage buildings and also detached more isolated structures with typical gable measurements of c. 6m and c. 7.5m.

I have no objection in principle to the erection of a building for holiday apartments in this location and no objection to the overall design approach of a north/south orientated building as this reflects the wider conservation area and setting of listed buildings. I do however have strong concerns regarding the mass of the proposed structure with particular concern regarding its gable width. The building has a proposed gable width at first floor of c. 9.8m and a ridge height of c. 8.8m. In addition, I have concern regarding some of the fussy design elements to include variation in ridge height, projecting first floor, gable glazed dormers and ‘carriage arch’ glazing of c. 4.7m high. This is considered to be too large and

in combination with the fussy design does not reflect the simple utilitarian outbuilding nature of this historic backland location to the rear of the Market Place.

I also have concern regarding the slope of the site and the extent of necessary retaining structures. This should be clearly detailed on a drawing to better understand this element

In my opinion due to its large mass and fussy design the proposed building will appear alien in this context and result in an overly scaled and glazed intrusion. It will cause harm to the conservation area and setting of listed buildings. In my opinion the degree of harm caused to the conservation area will be on the higher mid point of less than substantial by virtue of its large mass, high degree of glazing and fussy design. This is however mitigated by lack of clear and close views from public vantage points. Notwithstanding that however, distant views of the building will be possible from the Public Right of Way across the valley to the west of the site at Porters headland.

In my opinion the degree of harm to the setting of listed buildings will be on the higher mid point of less than substantial due to the historic location to the rear of the Market Place, high number of surrounding listed buildings and the close vicinity of traditionally scaled curtilage listed outbuildings c. 8m from the proposed development."

The Agent provided updated plans, which have been outlined above in the 'Proposal' Section, together with a comprehensive document providing a heritage response sent on the 31st May 2022. This document works addresses the points made by the Building Conservation Officer and provides context, also outlining amendments made to the scheme. These will be provided to Members within the annexing.

Following review of the additional documents, the Building Conservation Officer in a response dated 25th August confirmed "*These plans address my previously identified concerns and I understand a formal consultation will take place.*" Following review, it was not considered necessary that a formal reconsultation was undertaken, but the BCO reconfirmed to the Case Officer that they remained content with the scheme.

It is considered that this revised scheme would relate to a high quality design, with a carefully considered external appearance incorporating the use of high quality materials. It is considered that following the design amendments this would successfully assimilate in this location. This is a significantly scaled building, however the Cross Sectional Plans also show the proposed ridge height in comparison to that of the existing building to be demolished and due to the reductions made to the original ridge height and setting down of the building within the rising land, it only relates to an additional c0.7m height. These plans also show this in the context of the annex building to the north which sits at a higher land level. It is not considered that this proposed building would appear harmfully dominant from wider views.

It is therefore considered that the revised plans now would not result in harmful impact to the setting of the Grade II Listed White Swan, its curtilage listed structures and listed building beyond the application site. It is also considered that this revised scheme would preserve the character of the Conservation Area. It is not considered that this would result in adverse impacts upon the wider streetscene or have further landscape impacts.

In terms of landscaping, it is noted that 2no. Sycamore Trees would be removed as part of this scheme, with 2no. Sycamore Trees retained and 6no. additional Silver Birch Trees to be planted. Native Yew Hedging will be planted to the west and south of the site and internal box hedging proposed. The Landscaping Plan (2021204 Rev A) is particularly detailed and will be conditioned for adherence. Other information is contained within the Sectional Plan, which will also be conditioned, this indicates 2m high hazel hurdle fence will be installed behind the hedging for the first five years, with the hedging aimed to grow up to 2.5-3m in height. The removal of the 2no. sycamores is considered acceptable. The Agent confirmed in an email dated 11th November "*they are self-seeded low quality specimens. The root system would likely be damaged by the excavation / construction works and utility lines that are all In this area.*

The trees have also been in decline for years and the client was planning to remove them regardless of

the project. The trees are damaging boundaries and the integrity of adjacent buildings (store).

They will be replaced with new mature planting more appropriate to the setting. The client has a good track record of high quality planting (Im sure you have seen all the silver birch and native planting around the rear / car park area.)” This point is agreed and considered acceptable.

A dual purpose further condition relating to trees will be recommended. This will seek details of Tree Protection measures during the construction phase, to ensure that the existing trees are not damaged (namely the sycamores to the western boundary which play a vital role in the wider landscaping of the site.) However this will also require consideration to be made as to whether these trees require permanent cellular protection within their canopy spread due to the proposed hardstanding at this point. This is included on the approved plans list and has been recommended by the Case Officer, but this more cautious approach will be reviewed with the Tree Officer in advance of the meeting and any updates will be reported to Members. It is noted that the wider site is very well landscaped with internal hedging and specimen trees planted throughout.

It is considered necessary to seek details of proposed lighting features in this currently unlit part of the site, to ensure these are appropriate in this location. Further conditions upon samples of materials and a stone panel will be recommended.

Therefore, by virtue of the appropriate scale and nature of the proposed dwelling, together with the use of appropriate conditions, it is not considered that this proposal would result in any harm to the historic character of the Conservation Area nor the setting of the Grade II Listed White Swan building in accordance with Policy SP12 (Heritage) of the Ryedale Plan, Local Plan Strategy and the Planning (Listed Buildings and Conservation Areas) Act 1990. Subject to the recommended conditions the proposal is considered to maintain the character of this part of the Conservation Area.

iii) Amenity, including Residential Amenity

Policy SP20 Generic Development Management Issues of the Ryedale Plan, Local Plan Strategy notes:

- *New development will not have 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 by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence*
- *Developers will be expected to apply the highest standards outlined in the World Health Organisation, British Standards and wider international and national standards relating to noise*

Paragraph 130 (f) of the National Planning Policy Framework notes that “*Planning policies and decisions should ensure that developments: create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.*”

The site is located in a town centre location, adjoined by various commercial and residential development.

The Council’s Environmental Health Team were consulted in relation to this proposal for the new holiday accommodation. Following a site visit, in a formal response dated 3rd May 2022 an objection was raised. Concerns were identified with this scheme in relation to the potential for noise and other amenity concerns including odour and light pollution being experienced by the apartment owners, and potentially affecting other businesses in the area as a result of their siting and the proposed site layout. The proximity to the Bay Horse Inn was noted and it was identified that if this were for letting rooms only, greater control could be afforded to management in terms of control, but the ownership and control would not rest entirely with the Applicant. Noise and odour surveys were requested.

The Agent provided a detailed response to this on the 12th May identifying why they felt the scheme would not result in harmful amenity impacts. This is particularly detailed but will be included in the annexing for Member's review.

A detailed Noise Impact Assessment (Peak Acoustics 15th July 2022) was submitted in support of this scheme which was fully reviewed by the Council's Environmental Health Team.

In their final response dated 25th August 2022, the EHO noted: *"Further to this proposal and submitted noise impact assessment, I must admit I am somewhat disappointed that a BS4142 type assessment was not carried out, particularly as they were aware of my comments that potential as well as existing noise and odour sources from surrounding businesses ...should be assessed, (in order to protect amenity of future occupants, and the continuing viability of local businesses).*

In addition Ryedale has local plan policy which ensures the highest standards of residential amenity are applied to noise, which we have always interpreted as levels achievable with windows partially open and outdoor amenity levels of 50dB(A).

However further to our discussions relating to the submitted noise report, I accept that the nature of this development is not fully 'domestic residents' and conditions can be applied to ensure that occupiers are not permanently resident.

Therefore, and in light of little to no outdoor amenity area, the standards for outdoor amenity will not be applied.

Internally however, I believe that a full house mechanical ventilation system, as recommended in the report, is not necessary, nor appropriate in this location, and considering issues of energy usage, overheating and purge ventilation, I recommend that windows are openable and fitted with trickle ventilators (check with Building control).

Having examined the graphical representation of the readings made, I believe the noise levels are vastly skewed by the early morning birdsong, artificially inflating the LAeq. See 4am to 6am each morning. If the applicant disagrees with this assumption it might be appropriate to examine the five minute readings for LAeq and L90, to examine the octave band analysis, and to listen to any recordings made.

I don't consider birdsong to be a 'noise' and therefore the night time LAeq target of 45 dBA may well be easily achieved to obviate the need for mechanical ventilation.

The daytime LAeq however is above 50dB with no obvious reason for the high levels, and I would recommend the glazing strategy outlined in the report be followed which will provide protection from outdoor noise sources.

I am therefore satisfied that with suitable glazing and limited outdoor amenity space that the amenity of 'holiday residents' is suitably protected."

It is therefore considered that the proposed development would not result in a harmful material impact upon amenity in terms of odour or noise. The advice provided by the EHO will be identified by an informative.

It is furthermore not considered that due to the distances from neighbouring residential dwellings that this proposal would result in any harmful loss of privacy or overbearing development.

It is considered that this scheme would accord with the requirements of Policies SP16 and SP20 of the Ryedale Plan, Local Plan Strategy and the NPPF.

iv) Ecology

NYCC Ecology were consulted on this proposal and the Bat Breeding Bird and Barn Owl Survey (MAB July 2022).

In their response dated 25th August 2022 the NYCC Ecologist noted “A thorough assessment has been undertaken and I am happy that the recommendations are sensible and proportionate, i.e. precautionary working methods during demolition, provision of 1 integral bat box and 1 bird nesting box, removal of ivy from the northern gable end outside the bird breeding season or after a check for nesting birds.

We’d recommend a Condition to adhere to the recommendations set out in section 9 of the report (Bat, breeding bird and Barn Owl Survey - The White Swan Inn, Pickering by MAB Environment & Ecology Ltd, dated July 2022). This cross-refers to the advice on precautionary working practices contained in Appendix 2 of the report.”

This condition will be recommended. It is therefore considered that this meets the requirements of Policy SP14 of the Ryedale Plan, Local Plan Strategy.

v) Access and Highway Safety

Policy SP20 Generic Development Management Issues of the Ryedale Plan, Local Plan Strategy notes:

Access to and movement within the site by vehicles, cycles and pedestrians would not have a detrimental impact on road safety, traffic movement or the safety of pedestrians and cyclists.

The proposed dwelling will be accessed via the existing approved access to the east of the site. The Local Highway Authority has raised no objection to the proposal. There are a number of car parking spaces available within the site/wider blue line land.

The North Yorkshire Highways Officer confirmed in a consultation response dated 17th March 2022 that “Taking into account that the existing office space is already a vehicular trip attractor and that additional parking is proposed the Local Highway Authority does not raise an objection to the proposal. However, it is recommended that the following condition is attached to any permission granted.” This condition relates to the provision and retention of the approved parking spaces.

It is considered that the proposal satisfies the requirements of Policy SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy.

vi) Other Matters including consultation responses.

It is noted that Yorkshire Water responded to this application to seek inclusion of a condition relating to further details of surface water disposal, however that they noted “is noted from the submitted planning application that surface water is proposed to be drained to soakaway- Yorkshire water fully endorse this means of surface water disposal.” The condition will be attached.

A further condition to ensure that all foul and surface water connections are undertaken to the satisfaction of an approved Building Control Inspector will also be recommended.

The site falls within a ground water protection zone, however does not meet the requirements for consultation with the Environment Agency. An informative will be attached.

The standard suite of contamination conditions will be recommended, given the historic use of the building as a workshop and due to evidence of bonfires and waste within the open space to the west.

Conclusion:

The proposed additional holiday accommodation has been very carefully considered and in principle, this is considered to be acceptable subject to the imposition of the amended holiday occupancy condition permitting up to 90 days occupancy. This has been a balanced taking into account the specific nature of the existing tourism business at the White Swan and the specific nature of the site, it would not give rise to precedence for any future decision making.

It is considered that the proposed physical development relates to a high quality, well designed scheme and will assimilate within and preserve the character of the Conservation Area, without impact to surrounding Listed Buildings. Subject to condition would not result in unacceptable harm to the character and appearance of the immediate and wider setting.

It is considered that the other recommended conditions, including the highway condition, materials and lighting conditions, the drainage, ecology and contamination are appropriate. As noted, Members will be updated if a specific condition relating to cellular protection for the retained sycamore trees to the south will be necessary and will help to ensure that a high quality scheme is delivered.

Therefore subject to all conditions which have been detailed above, it is considered that the proposed development meets the relevant policy criteria outlined within Policies SP1, SP9, SP13, SP14, SP16, SP17, SP19, SP20 and SP21 of the Ryedale Plan - Local Plan Strategy and within the National Planning Policy Framework.

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 documents/plan(s):

Location Plan (Drawing no. 2021204/A500)
Proposed Site Plan (Drawing no. 2021204/AS101 Rev A)
Proposed Section through Site (Drawing no. 2021205/AS103 Rev A)
Landscape Proposals (Drawing no. 2021204/AS012 Rev A)
Proposed Unit Details (Drawing no. 2021204/A102 Rev A)
3D View of Concept (Drawing no. 2021204/A104 Rev A)
Proposed Elevations (Drawing no. 2021204/A103 Rev A)
General Arrangement (Drawing no. 2021204/A101 Rev A)

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

- 3 Notwithstanding the approved plans, prior to any above ground construction of the development hereby approved, or such longer period as may be agreed in writing with the Local Planning Authority, further details and samples of all 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: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP12, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 4 Notwithstanding the submitted details, prior to any above ground construction of the development hereby approved, the developer shall construct on site for the written approval of the Local Planning Authority, a one metre square free standing panel of the external stone walling to be used in the construction of the development hereby approved . The panel so constructed shall be retained only until the development has been completed.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP12, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 5 Prior to its installation, full details of all new lighting within the application site shall be submitted to and agreed in writing by the Local Planning Authority. This shall include full details of types of lighting including levels of illumination.

Reason: To ensure appropriate lighting is secured and to prevent harm to visual amenity, in accordance with the aims of Policies SP16 and SP20 of the Ryedale Plan, Local Plan Strategy

- 6 Unless otherwise agreed in writing with the Local Planning Authority, all planting seeding and/or turfing comprised in the approved landscaping scheme (Drawing no. 2021204/AS012 Rev A) shall be carried out during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development hereby approved in accordance with policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 7 Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of development, the following documents shall be submitted for the prior approval of the Local Planning Authority:

1) A proportionate tree survey shall be submitted to the Local Planning Authority for full review. This shall be undertaken to the relevant British Standard BS5837 and this document shall

- A) accurately indicate and plot all the trees within/partially within the application site to be retained as part of the scheme (in particular the 2no. sycamores to the west of the site)
- B) map the Root Protection Areas of all said trees to be retained

2) An associated proportionate Arboricultural Method Statement shall be submitted to the Local Planning Authority for full review, outlining how the impact of the development on the trees will be minimised through the course of the development. This shall include details of ground protection measures throughout all phases of the development. This shall include details of tree protective fencing for installation during the construction phase (including type and alignment) and the identification of any areas where permanent cellular root protection is found to be necessary, with the submission of full details of proposed cellular protection and the timeline for its installation. If it is considered that permanent cellular root protection is not found to be necessary, appropriate justification should be provided for the review of the Local Planning Authority.

The approved development shall only be undertaken in accordance with the approved

Arboricultural Method Statement. All approved tree protection measures shall be undertaken in accordance with the approved details. No storage of any construction materials will be undertaken within the approved root protection areas.

Reason: To enhance the appearance of the development hereby approved and to preserve the existing mature trees within the site to comply with the requirements of Policy SP20 of the Ryedale Plan, the Local Plan Strategy.

- 8 No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at the White Swan Hotel have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

- 9 The accommodation hereby approved shall be occupied for holiday purposes only; and not as a persons sole, or main place of residence; and
The units shall be available for commercial holiday lets for a least 140 days a year and no let must exceed 90 days; and
The freeholder 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: In order to ensure it is available for holiday use only and to comply with Policy SP21 of the Local Plan Strategy.

- 10 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority. (To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network)

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding in accordance with Policies SP17 and SP20 of the Ryedale Plan, Local Plan Strategy

- 11 Unless otherwise agreed in writing with the Local Planning Authority, prior to the occupation of the dwellings hereby approved, the provision of surface and foul water discharges must be completed to the satisfaction of an approved Building Control Officer.

Reason: To ensure that no discharges take place until proper provision has been made for their disposal and to satisfy the requirements of Policies SP17 and SP19 of the Ryedale Plan - Local Plan Strategy

- 12 The development shall be carried out in full accordance with the following ecological measures:

i) Section 9 of the report (Bat, breeding bird and Barn Owl Survey - The White Swan Inn, Pickering by MAB Environment & Ecology Ltd, dated July 2022).

Reason: In the interest of ecological protection and mitigation in accordance with Policy SP14

of the Ryedale Plan, Local Plan Strategy.

- 13 Development shall not begin until an investigation and risk assessment of land contamination has been completed by competent persons and a report of the findings submitted to and approved in writing by the Local Planning Authority. This shall include an appropriate survey of the nature and extent of any contamination affecting the site, and an assessment of the potential risks to human health, controlled waters, property and ecological systems. reports shall be prepared in accordance with Contaminated Land Report 11 and BS 10175 (2013) Code of practice for the investigation of Potentially Contaminated Sites

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy

- 14 Where land affected by contamination is found which poses risks identified as unacceptable, no development or remediation shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved in writing by the local planning authority. The scheme must include proposed remediation objectives and remediation criteria, an appraisal of remedial options and proposal of the preferred option(s), all works to be undertaken, and a description and programme of the works to be undertaken including the verification plan.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

- 15 Unless otherwise agreed in writing by the local planning authority, the new holiday accommodation hereby approved shall not be occupied (or the site shall not be brought into use) until the approved scheme of remediation has been completed, and a verification report demonstrating the effectiveness of the remediation carried out has been submitted to and approved in writing by the local planning authority. The verification report shall include a description of the works undertaken and a photographic record where appropriate, the results of any additional monitoring or sampling, evidence that any imported soil is from a suitable source, and copies of relevant waste documentation for any contaminated material removed from the site.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

- 16 In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately to the local planning authority, and work must cease until an appropriate investigation and risk assessment must be undertaken. Where remediation is necessary, a remediation scheme must be prepared by competent persons and submitted to the local planning authority for approval. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

INFORMATIVE(S)

- 1 The advice within the Consultation Response provided by the Council's Environmental Health Team dated 25th August 2022 relating to appropriate window choices should be fully reviewed by the Agent/Applicant.