



**REPORT TO PLANNING &  
DEVELOPMENT COMMITTEE**

**TO BE HELD ON THURSDAY,  
15 AUGUST 2013**

**APPLICATION REFERENCE NO:**

**13/00209/FL & 13/00210/LB**

**TARGET DATE:**

**24 APRIL &  
1 MAY 2013**

**GRID REF:**

**509551 - 477429**

**REPORT OF THE PLANNING SERVICES MANAGER – 13/181**

**SUBJECT: CONVERSION OF THE WHITE SWAN PUBLIC HOUSE INTO THREE DWELLINGS, HAIRDRESSER'S SHOP INTO ONE DWELLING, STABLES INTO TWO DWELLINGS, AND CONSTRUCTION OF THREE NEW DWELLINGS IN THE COURTYARD, FOR ENTERPRISE INNS PLC**

**1.0 INTRODUCTION**

- 1.1 This joint report assesses the two applications seeking Planning and Listed Building Consent for the formation of nine residential dwellings on land at the White Swan, Hunmanby. The White Swan Public House is a Grade II Listed Building which is located off Church Hill in a prominent location adjacent to All Saints Church. The Public House is of brick construction (now painted) with slate roof tiles and brick chimneys. It has a small outside seating area facing Church Hill and a large tarmac courtyard car park to the west and rear, which contains an unused brick built, two-storey, stable block. The courtyard slopes to the east. The site contains at least one tree, a cherry and possibly a large elm tree, although as the survey plans forwarded by the applicant are not accurate this is unclear. The site is enclosed partly by a 2.5 metre high brick wall and adjacent buildings. The adjacent hairdresser's shop also forms part of the application site and is of similar construction to the Public House being of painted brick, but with exposed timbers and pantile roof tiles. The Public House is still trading, whilst the hairdresser's shop has been closed for some time.
- 1.2 Access to the site is taken from Church Hill, across the lower section of the Cross Hill public car park and is located between the hairdresser's shop and Public House. The access is 3.5 metres wide at its narrowest point and is secured by gates.
- 1.3 The site is located within the Development Limits of Hunmanby village in an area of mixed commercial, community and residential uses. To the north of the site are cottages on Church Hill, beyond the site to the west is the

Hunmanby Hall residential complex, to the south of the site is the Cottage Inn Public House and Cross Hill public car park and to the north and east the Listed All Saints Church. The site lies within the Hunmanby Conservation Area and is near to the Scheduled Monument of Hunmanby motte and bailey castle.

- 1.4 The White Swan has operated as a Public House for many years and was originally a Coaching Inn. It was listed Grade II in 1985, and the description is as follows:-

*“White Swan Inn GV II Inn. Late C18, with C19 alteration and extension. Whitewashed brick in Garden Wall bond; slate roof; brick stacks. 2-storey, 5-window front. Left of centre, half-glazed and panelled door with divided overlight, beneath bracketed, gabled porch. Doorcase of panelled pilasters. Similar doorway at end right with cornice in place of porch. Three 4-pane sashes with top row of fixed lights between doors, and two to left of main entrance. 4-pane sashes to first floor, paired at end left. Stepped brick eaves course. End left, centre and right of centre stacks. Included for group value.”*

## **2.0 THE PROPOSAL**

- 2.1 The application proposes a total of nine residential dwellings on a site area of 0.15 hectares. Six of the residential dwellings will be formed through the conversion of existing buildings: the Public House; the stable block; and hairdresser’s shop and there would be three new residential dwellings constructed on land within the rear courtyard.

- 2.2 The type of dwellings proposed are as follows:

- The Public House would be converted into 2 no. 4 bedroom dwellings and 1 no. 3 bedroom dwelling;
- The stables would be converted into 2 no. 2 bedroom dwellings;
- The hairdresser’s shop would be converted into 1 no. 3 bedroom dwelling;
- There would be 3 no. 4 bedroom new build properties at the rear of the site, one being detached.

- 2.3 The Public House would be converted into three dwellings, with internal alterations. It would retain the original main structure and only later additions, a rear extension and conservatory will be demolished. French windows will be inserted into the now vacant apertures behind the former conservatory on the south elevation, facing the hairdresser’s shop. Two small side windows also on this elevation adjacent the access road, would be bricked up. Two rooflights would be inserted into the rear, west elevation roof profile with two doors (one in an existing opening) and a window below. Two ground floor windows would be inserted into the north elevation within the small courtyard near to the existing kitchens.

- 2.4 The stable building would retain its original structure and new timber windows and doors would be installed in existing openings. In addition to this, another

three windows are proposed in the front façade of the stable block facing the courtyard.

- 2.5 The former hairdresser's shop would be converted into a single dwelling, with an additional first floor window and larger patio doors to the west elevation which overlooks the courtyard; larger first floor windows and a new window and door in existing openings to the east elevation the front façade; whilst the north elevation overlooking the access road would have 2 new rooflights and two existing door openings would be blocked up and replaced with a large and small window respectively.
- 2.6 The three new build dwellings would all be two storey in height, built in a mix of brick and brick/render finish with a mix of slate and pantile roof tiles. The houses would have timber sliding sash windows and timber doors with porches and they would have small gardens to the rear.
- 2.7 13 car parking spaces would be provided for the development within the internal courtyard area, which would be paved with concrete cobblestones and there would be limited landscaping.
- 2.8 The agent states that the Public House and guest rooms have seen a serious decline in trade, and the pub has been on the market for two years with no potential purchasers. As a result the owners are seeking alternative residential use for the pub and outbuildings.
- 2.9 A Viability Statement has been submitted during the planning process, which states that the level of trade is unsustainable, and the pub has been let on concessionary terms for the past two years, without being able to make a profit. It is only now that the applicants have considered disposal. They state that there is limited opportunity to expand the food business, and there has been no interest from prospective purchasers since the Public House was advertised as a going concern in early 2012. They states that a recent survey indicates that altering the building to create a viable layout with refurbishment would cost in excess of £250,000.
- 2.10 A Heritage Statement, Conservation Area Appraisal and a structural survey were submitted with the application.
- 2.11 Amended plans showing a revised layout and revised elevations were submitted on 4 July 2013. The amended plans show:
  - Minor changes to the layout of the access, placing two planters and white line marking outside the site for visibility purposes and a traffic calming measure in the entrance to the site;
  - A slight reduction in garden area, behind unit 8, to give a 5 metre passing place near to the main access point;
  - Changes to the car parking layout, to provide 16 spaces within the site;
  - Removal of proposed new openings to the front façade of the stable building;

- Changes to the design of the 3 new build properties, joining them to form a terrace, changes to the materials including clay pantile roofing, smaller windows including Yorkshire sashes and alterations to porch and door design;
  - An amended Design and Access Statement has been submitted;
  - An Archaeological Assessment has been submitted following trial trenching on site;
  - A drawing has been submitted showing obscurely glazed windows to the rear elevation of the stables.
- 2.12 A unilateral undertaking has been submitted confirming that a sum of £65,250 will be paid towards the cost of provision of affordable housing within the Borough.
- 2.13 A Tree Survey has been requested by the Case Officer, given the doubt over which trees lie within the boundaries of the site.

### **3.0 PRE-APPLICATION COMMUNITY ENGAGEMENT**

- 3.1 None undertaken.

### **4.0 CONSULTATIONS AND COMMENTS**

- 4.1 Parish Council – Object to the application. The Parish Council have stated the following concerns:-

- Over development of the site
- The building is an historical and social amenity
- Plans are not accurate
- There is an elm tree on site that will be lost
- The Parish Council have not been consulted by the developers regarding access to the site, as it crosses land maintained by the Parish Council
- It is contrary to section 3 of the NPPF
- It is believed that the stable block contains bats and no survey has been done.
- A change of use should have been submitted
- Alternative uses should be proposed
- The building has not been offered for sale as a Public House
- Approval would mean another commercial building taken out of the centre of the village
- There is no requirement for further housing in Hunmanby
- The mobile library parks in the car park – if the plans are approved there is nowhere for the library to go – the library in Stonegate closed last year.

Following re-consultation the Parish Council object to the proposal. No representative from Enterprise Inns has contacted the Parish Council to ask permission to carry out works on Parish land. The Parish administer the land on behalf of the village. Plans show white lines/barriers and planters outside the ownership of the applicant.

A letter from the law firm Pinkney Grunwells has been received on behalf of the Parish Council. This states that land directly in front of the White Swan car park entrance is owned by the Parish Council.

4.2 Highway Authority – Recommend refusal of the application.  
In assessing the proposals and reaching its recommendation the Local Highway Authority has taken account of the following matters:

Size and scope of the proposed development; its connection to the public highway and how its construction and future use will affect the existing publicly maintained highway;

The design and layout of the existing access and its visibility to and from the development, and whether there is a suitable connection to the public highway at Church Hill;

The current use of the existing site and its access and how the proposed intensification will affect the existing users and public highway;  
The current proposals impact upon the existing access, the suitability of the connection to the public highway and how this will set a precedent for future development;

Suitability of the proposed internal layout and off street parking within the development;

Number of dwellings accessed from an unadoptable layout;

Consequently the Local Highway Authority recommends that planning permission be refused for the following reasons:

The principal means of access to the site is not connected to, laid out or constructed to a standard such that its adoption could occur as a highway maintainable at public expense. Consequently it would not be in the best interests of the residents to approve this application thus leading to a proliferation of private streets contrary to the provisions of the Highways Act 1980 and the Policy of the County Council.

The intensification of the access to the development would interfere with free flow of traffic with consequent danger to highway users by virtue of proximity to existing junctions and visibility due to the alignment of the county highway and therefore is unacceptable in terms of highway safety.

Following the resubmission of revised plans NY Highways Authority recommend refusal of the scheme. Their amended response states that:

The intensification of the access to the proposed development would interfere with the free flow of traffic with consequent danger to highway users by virtue of the proximity of junctions and the village parking area and therefore the intensification of use would result from the proposed development is considered to be unacceptable in terms of highway safety.

The principal means of access to the site is not connected to, laid out or constructed to a standard such that its adoption could occur as a highway maintainable at public expense. Consequently it would not be in the best interests of the residents to approve this application thus leading to a

proliferation of private streets contrary to the provisions of the Highways Act 1980 and the Policy of the County Council.

The scheme should be refused for the reasons outlined above.

- 4.3 English Heritage – We welcome the proposals not to alter the front elevation of the Listed Building, preserving the positive contribution to the streetscape. However concerns are raised in respect of the new build element within the courtyard and in respect of the alterations proposed to the stable buildings. The historic character of the stables is well reflected in their appearance and the alterations undermine and detract from the character and create a more domestic experience. The need for additional openings on the principal façade should be questioned. Similarly the canopy porches should be omitted as an overly domestic feature. The new build house types do not respond to the character and appearance of the Conservation Area and the form and height is too large in relation to the stables, they compete with the dominance of the listed building. We would advise a more modest structure of subservient form and simpler design respecting the significance of the historic layout of the site. In our view, the development as proposed will have a harmful impact upon the significance of the place and should be amended to respond to the character and appearance of the Conservation Area and the setting of the Grade II Listed Building.

Following re-consultation on amended proposals, English Heritage state that they have no further comments to make and are now content to defer to the advice and judgement of the Local Planning Authority.

- 4.4 North Yorkshire Historic Environment Team – The application site lies within the historic core of the village in the market place, close to the Scheduled Monument of Hunmanby motte and bailey castle. As such the proposed development lies within an area of archaeological interest and following pre-application advice, the applicant has commissioned an archaeological report. The report by Durham University Archaeological Services recommends a programme of trial trenching to clarify the extent and character of any surviving archaeological remains within the site. The trial trenching, and all evaluation should take place prior to determination of the application, in line with the provisions of NPPF para 128. The full Archaeological Report should be submitted to the NY Historic Environment Team for their records. Following re-consultation on the trial trench evaluation, the comments of the NY Historic Environment Team are awaited.

- 4.5 SBC Conservation Officer – Whilst the alterations to the Listed Building are generally sympathetic, those to the curtilage barns and design of the new dwellings are more problematic. The sheer number of windows dominate the elevations and none of the alternatives appear successful. There should be more garden space allowing for trees in the courtyard and allowing for views of Hunmanby Hall. Notwithstanding the amended layout and elevations, it is still considered that the open space treatment, the scale and detailing of building fenestration harm the heritage significance of the curtilage buildings, the Hunmanby Conservation Area and setting of the principal Listed Building. Following the submission of revised plans the Conservation Officer states that, they improve significantly the character and appearance of both the Listed and new buildings with the exception of the conversion of the hairdresser's shop. Larger openings with casement windows replace smaller Yorkshire sashes at first floor level and an interesting vertical sash to the front elevation of the former shop is to be replaced with a casement window. The 4 panelled door replaces a timber door with grille over. These changes are not sympathetic to the original character of the building, harm the heritage

significance of the Hunmanby Conservation Area and setting of the principal Listed Building. The inaccurate plans and uncertainties over the structure in the north west corner of the site is an issue of concern.

- 4.6 SBC Trees and Woodlands Officer – A site inspection has been conducted. Although the application states that there are no trees that would be affected by the proposal, there are two trees that clearly will. A cherry tree and a mature elm tree that overhangs the site. In accordance with BS: 5837:2012 a full tree survey, report, plans, impact assessment and root protection plan should be compiled by a suitably qualified professional and submitted for consideration. The elm is a significant tree clearly visible from surrounding properties, including Hunmanby Hall. Both trees should be protected from any detriment through preparatory works until the tree survey has been considered. Is required to assess the impact upon these trees and the Conservation Area setting. The elm tree should be protected from construction works by the installation of secure fencing.
- 4.7 SBC Ecologist – The buildings have potential as bat roosts. A bat survey is required and this matter can not be conditioned.
- 4.8 SBC Engineers – Awaited.
- 4.9 SBC Environmental Health – Express concern re the useable space in the first floor of the hairdresser's shop conversion. If this can be addressed, we have no objections to the scheme.
- 4.10 Publicity – The consultation period expired on the 25<sup>th</sup> July 2013. 133 individual letters of objection have been received (76 for the Listed Building and 57 for the full application). Some have submitted identical responses to both applications. The responses include letters from the Save Our Swan (SOS) Action Group, Hunmanby Local History Group and Pigeon Club. Due to the volume of letters received, concerns regarding residential impacts by near neighbours are summarised, followed by a summary of the other main grounds of objection by near neighbours and other interested parties.
- 4.11 Mrs Vahid Kasiri, 5 Church Hill, Hunmanby – Objects to the proposal. There is no wall at the end of my garden adjoining the site as shown on the plans, it is a concrete retaining structure, the rear windows of the stables would overlook my garden and I would lose privacy, there is a mature elm tree in my garden that would be affected, access would be required to my garden and there is no separate rear access.
- 4.12 Mr I and Mrs C Mather, Music Hall House, Hunmanby Hall, Hall Park Road – Object to the proposals. The three new properties would block views, change the whole visual aspect from the estate and would overlook our garden causing loss of privacy.
- 4.13 J Ellis, The Annexe Music hall House, Hunmanby Hall, Hall Park Road – Objects to the proposal. The scheme would harm the visual aspect from Hunmanby Hall.
- 4.14 J D and M A Harrison, Castle House, Hunmanby Hall, Hall Park Road – Object to the application. The proposal would affect the whole aspect from Hunmanby Hall, this is so important that SBC have removed development

rights from it. The proposal would destroy the privacy of the estate gardens. The revised proposals are merely cosmetic and do not alter our objections.

- 4.15 J Rushworth, N8, The Quadrangle, Hunmanby Hall, Hall Park Road – Objects to the proposal. The new properties would overlook the garden area of the Hunmanby Hall apartments and other freehold properties in its grounds. It would impair views and would adversely affect privacy of residents. The revised proposals do not alter the objections made.
- 4.16 Parish Councillor P Riley – Reighton & Speeton – Objects to the proposal. The Public House has a 300 year history as a coaching inn. It is a Listed Building and community asset. It has a unique place in the townscape. The Public House has not been allowed run on a viable basis by Enterprise Inns. An enterprising owner could bring it back to life, or alternative community uses could be found. Other options should be explored fully before this special building is lost.
- 4.17 Other Comments from Interested Parties:

The White Swan is a valuable local and tourist facility and should not be lost. Its retention is required to sustain the vitality and economic success of the village. It should be retained and used as a community facility.

This development is inappropriate: in this historic Conservation Area/Listed building setting; in a tourist area which requires commercial activity; new residents of the development will complain about noise from the adjacent pub; the area can be busy with community uses/ fair/church which may also block the entrance to the site.

Unacceptable impact upon the Listed Building. It will become little more than a façade. It is historically valuable: it was a coaching inn; court room; has entertained royalty; and, was used by the Lord of the Manor. It should be listed as a Community Asset.

The Public House provides employment opportunities for the village. Previously the pub had been deliberately poorly run and has seen no investment. It is not closed as stated by the agent and has now seen an upsurge in trade with an experienced owner.

The marketing exercise is inadequate and has not been conducted correctly. The plans and information submitted are incorrect. Archaeological issues have not been addressed. The elm tree has not been included in the site plan. Bats are present on site.

The proposals show a cramped overdeveloped site, with highway safety issues. Parking will spill out into the busy Cross Hill car park. There will be problems with visitor parking.

The fire escape from the Cottage Pub opens into a garden within the new development.

The Public House car park is now the location for the mobile library as the main library has closed.

The applicants do not own the land outside their site.

There is no need for additional housing in Hunmanby and the Methodist Church development, approved for housing, is still empty and falling into disrepair.

The scheme will be for holiday homes that are not required.

The proposals are contrary to NPPF guidance and local policies. References are made to planning appeal cases where the loss of a Public House as a community facility and where viability and marketing details have been key issues.

The CAMRA Viability Test should be taken into account. The Public House scores highly on this test. CAMRA support the case for retaining the pub. The revised plans do not address any of the original objections. The planters would be a hazard for the visually impaired.

A site visit should be undertaken by Members of Planning Committee.

- 4.18 One letter of support has been received which states that the proposal will regenerate the area.

## **5.0 RELEVANT SITE HISTORY**

- 5.1 1985 – Demolition of garages to allow extension of car park area – approved

- 5.2 1985 – Demolition of outbuilding and erection of retaining wall – approved

## **6.0 PLANNING POLICY**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of The Town and Country Planning Act 1990 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. Attention is drawn to the following Planning Policy Guidance which is considered to be particularly relevant to the consideration of this application :-

### **Scarborough Borough Local Plan (saved policies)**

- E12 Design of New Development
- E14 Extensions and Alterations to Existing Buildings
- E23 Detailing in Conservation Areas
- E39 Development Affecting Landscape and Trees
- H3 Small Scale Development within Settlements
- H10 Protection of Residential Amenity
- H12 The Conversion and Sub-Division of Buildings for Residential Use

Supplementary Planning Guidance: A Guide to Flat Conversions, 2005

Supplementary Planning Guidance: Affordable Housing, 2012

Supplementary Planning Guidance: Public Open Space, 2012

## **National Planning Policy Framework**

Section 3	Supporting a Prosperous Rural Economy
Section 6	Delivering a Wide Choice of High Quality Homes
Section 7	Requiring Good Design
Section 8	Promoting Healthy Communities
Section 11	Conserving and Enhancing the Natural Environment
Section 12	Conserving and Enhancing the Historic Environment

## **7.0 ASSESSMENT**

- 7.1 Key issues in the assessment of this proposal are: the principle of the loss of the Public House and acceptability of the subsequent residential development, the suitability of access and highway safety issues; visual impact of the proposals and impacts upon the Conservation Area; impact on residential amenity; trees and landscape; archaeology; ecology; the quality of plans submitted and S106 contributions. Separately, in relation to the Listed building application, the effect of the proposals on the special historic and architectural character of the Listed Building.

### **Principle of the Development**

#### Loss of the Public House

- 7.2 It is noted that the applicant has sought to establish that the Public House is not viable and has submitted a report which states that the Public House has been trading at a loss for the past two years, despite low rents and barrelage discounts. In marketing terms, the report states that sale boards have been displayed for many months and that no interest has been forthcoming in the premises.
- 7.3 Officers are not convinced that a robust economic case has been made in terms of the lack of viability of the Public House, or that a clear lack of demand has been demonstrated, but as there is no Local Plan Policy requiring the retention of community facilities, there is no requirement for the applicants to demonstrate that the Public House is not viable, or to conduct a marketing exercise in this case.
- 7.4 The strength of local objection to the loss of the Public House facility is noted, as is that fact that the White Swan has been recently listed by the Council's Legal Department as an Asset for Community Retention. This allows the community the first opportunity to bid for the property prior to any sale. However, any sale would be a private not a planning matter. In the absence of a relevant Local Plan Policy, in policy terms, Officers are guided by the National Planning Policy Framework which seeks to support a prosperous rural economy and promote the retention and development of local services and community facilities such as Public Houses. Paragraph 70 states that, Local Planning Authorities should promote the retention and development of facilities in villages and guard against the unnecessary loss of valued

facilities, particularly where this would reduce the community's ability to meet its day to day needs.

- 7.5 In this instance, given the range of licensed facilities in Hunmanby Village including other Public Houses, the Cottage Inn (adjacent to the White Swan), the Horseshoe Inn, the Railway Tavern and Royal Oak (a short distance away from the village), the Wrangham House Hotel, the Hunmanby Playing Fields Association Sports Club and other facilities such as cafes in the locality, it is not considered that the loss of the White Swan Public House would significantly undermine the range of facilities within Hunmanby, or the ability for the community to meet its needs in this respect. Taking the above into account, it is not considered that refusal could be justified on the basis of the loss of the Public House at the present time.

#### Acceptability of Residential Scheme

- 7.6 Small scale residential development within the Development Limits of settlements is covered by Policy H3 of the Local Plan, which states that such development should have a vehicular access with the capacity to serve the level of development proposed, that the development should respect the character and physical form of its surroundings, and that development should not harm residential amenity. This is an area of mixed uses where a residential scheme could be acceptable, subject to the consideration of each of these matters and they are considered in turn below.

#### **Highways and Access Issues**

- 7.7 Access to the site is taken from Church Hill across a lower section of the Cross Hill public car park. The entrance to the development lies between the White Swan building and the former hairdresser's shop. Between these buildings the access is 3.5 metres wide.
- 7.8 Residents of the new development would have to leave the main highway at the public car park entrance, drive through the public car park and then enter the site through the narrow entrance between the buildings.
- 7.9 North Yorkshire Highway Authority objects to the scheme and recommends refusal on grounds of the unsuitability of the access for the intensity of residential development proposed. They consider that the proposal would interfere with the free flow of traffic with consequent danger to highway users by virtue of the proximity of junctions and the village parking area. This is considered to be unacceptable in terms of highway safety.
- 7.10 The Highway Authority also state that the principal means of access to the site is not connected to, laid out or constructed to a standard such that its adoption could occur as a highway maintainable at public expense. Consequently it would not be in the best interests of the residents to approve this application thus leading to a proliferation of private streets contrary to the provisions of the Highways Act 1980 and the Policy of the County Council.

- 7.11 The applicants have slightly modified the access proposals, to place planters outside their site boundary to improve sight lines, a portion of garden area from inside the scheme near to the access has been removed to create a 5 metre wide passing point, a traffic calming hump is proposed in the entrance to the site and painted lines are proposed outside the site boundary. It is noted that a letter from Pinkney Grunwells Law Firm, engaged by the Parish Council, states that the land immediately outside the site is within their ownership. Whilst this is a private matter and not a planning issue, there would undoubtedly be problems with securing improvements to visibility with the proposed planters on land controlled by others, outside of the site boundaries. Moreover, it would not be a sustainable solution or under the control of the Highway Authority.
- 7.12 These revisions do not overcome the fundamental objections of County Council Highways regarding of the unsuitability of the access with respect to the intensive scale and nature of the residential development proposed, or overcome the fact that principal means of access is not suitable for adoption. Following re-consultation on the revised proposals, the Highway Authority maintain their objection and recommend that the scheme be refused for the two reasons outlined above.
- 7.13 It has to be borne in mind that the Public House has operated with the courtyard car park, with the same access limitations as at present, the applicants state (although they do not show this on submitted plans) that some 30 car parking spaces are available and that they were regularly used for functions and weddings. However, it is considered that the nature of the operation as a Public House would be different to the day to day requirements of such an intensive scale of residential development. The long term liability for maintenance of a pub car park as a single entity and a residential access serving 9 houses, probably all in separate ownership, are quite different. The Committee should be satisfied that the amenities of any future residents will be protected, this can not be guaranteed given the access will not be adopted , and the access works are proposed on land not under the control of the applicant or Highway Authority.
- 7.14 Taking the above into account, the proposals would be contrary to Policy H3 which expects that vehicular access should have the capacity to serve the level of development proposed and Policy H10 which considers danger resulting from traffic generation of new developments and because the creation of a new private street would not be in the best interests of the new residents. Refusal is recommended on this basis.

### **Visual Impact of the Proposals and Impact upon the Character and Appearance of the Conservation Area**

- 7.15 The White Swan is an attractive Listed Building prominently located on Church Hill, opposite the Listed All Saints Church and within the historic Hunmanby Conservation Area.

- 7.16 It is noted that the main front elevation and side gable of the White Swan Public House would not be altered, preserving the positive contribution that the Listed Building makes to the streetscape, wider Conservation Area and setting of surrounding Listed Buildings including All Saints Church. Alterations proposed would be to the side and rear of the building and they would not be extensive. Two unsightly later extensions to the rear would be removed, revealing previously blocked up openings where French windows would be inserted. A number of new doors and windows would be inserted to the rear of the building and conditions could be imposed to ensure that window and door detailing would respect the character appearance of the Listed Building and wider Conservation Area.
- 7.17 A full assessment of the impact upon the Listed Building itself is included at Section 7.35.
- 7.18 The new build properties to the rear of the courtyard attracted criticism from both English Heritage and the Conservation Officer, because of their scale and appearance when more subservient structures with a simpler design were required. The location of the dwelling at the head of the courtyard is in line with advice given by Officers at pre-application stage, which was to create a focal point through the access into the wider area. Revisions to the scheme show the properties joined to form a short terrace, with two of the properties, appearing subservient in terms of scale and of a simpler design to the larger property at the head of the courtyard. Materials would be a mix of render and brick with pantile roof tiles. Proposed windows would now be smaller and would be a mix of timber sliding sash and Yorkshire sashes designed to replicate those styles found elsewhere in the village. It is now felt that subject to appropriate conditions, the design and scale of the new buildings would be acceptable as part of the wider scheme and that they would respect the character and appearance of the surrounding Conservation Area.
- 7.19 The original proposals for the conversion of the stables, proposed too many new windows and the installation of porch canopies which added an overall feel of domestication at odds with the historic character of the stable buildings. Because of this both English Heritage and the Conservation Officer objected to the proposals. Revised plans have been submitted and the additional windows and porch canopies have been removed from the scheme. Subject to conditions requiring window and door details, it is now felt that the simpler conversion is sympathetic to the original building and that it reflects the historic character of the building. The proposal would now respect the surrounding Conservation Area.
- 7.20 The conversion of the former hairdresser's shop is more problematic in conservation terms. Changes are proposed to the existing windows and front door on the main front elevation facing the wider Conservation Area. Two larger openings with 3 paned casement windows are proposed to replace 2 smaller Yorkshire sliding sash windows at first floor level and the existing large vertical sliding sash to the ground floor would be replaced with a 3 paned casement style window. The wooden door with iron grille over is proposed to be replaced with a plain timber 4 panelled door. It is considered

these changes do not respect the historic character of this building and that they would neither preserve or enhance the character or appearance of the Conservation Area, but would in fact detract from that interest. Other changes proposed to windows and doors in less prominent elevations on this building could be controlled by the imposition of conditions to secure appropriate quality, style and design. However, taking the above into account the proposal would be contrary to Policy E23 of the Scarborough Borough Local Plan and contrary to guidance contained within NPPF 12.

- 7.21 Although a number of concerns regarding the design of the scheme and its impact upon the Listed Building and wider Conservation Area have been addressed. Concerns remain with respect to the unsympathetic alterations to the front elevation of the hairdresser's shop. The former shop is situated in a prominent location within the Conservation Area, adjacent to the Listed Public House and the proposal would be contrary to E14 and E23 in this respect and NPPF 12 Conserving the Historic Environment.

### **Impact upon Residential Amenity**

- 7.22 The White Swan complex is sited in an area of mixed commercial, community and residential uses. In terms of the nearest neighbours, 5 Church Hill bounds the site to the north and to the west and rear of the site lies Hunmanby Hall, a substantial property consisting of converted apartments, which also has a number of detached residential properties within its curtilage. To the south of the site the hairdresser's shop is located adjacent to the Cottage Inn.
- 7.23 The stable block lies adjacent to the long rear garden of number 5 Church Hill and two new dwellings are proposed in this conversion. No new openings are proposed facing this property, but existing openings at first floor level are proposed to be altered to glazed windows. A letter of objection has been submitted by this occupier who is concerned with overlooking and loss of privacy. Whilst the openings are existing, it is noted that the stables have not been occupied for residential purposes and these windows would directly overlook the garden of number 5. The windows would serve bedrooms and landings. The applicants have revised their proposals to show obscurely glaze windows. Obscure glazing is not considered to be an acceptable design solution for bedroom windows which would offer a poor level of amenity for future occupiers of the building. The need for obscure glazing to a habitable room suggests the design and layout of the proposal is inappropriate. The proposal would be contrary to Policy H10 in this respect. The Public House would be converted to three dwellings, but there would be no new openings facing the front of 5 Church Hill in this conversion.
- 7.24 The three new build properties would be two-storey dwellings, located to the rear of the White Swan courtyard. There would be small gardens between the new dwellings and the site boundary and the new properties and would be partly screened from the Hunmanby Hall properties by the existing 2.5 metre high boundary wall. Although new windows are proposed at first floor level to the rear of the new dwellings, the separation distance between them and the existing properties exceeds 35 metres and this is considered to be sufficient.

Due to separation distances, it is not considered that the properties would be overbearing to the existing occupiers or result in excessive levels of overlooking and it is not considered that their residential amenity would be adversely affected by the proposal. Although raised by residents, the loss of views is not a planning issue.

- 7.25 Concern has been raised by Environmental Health in respect of the layout of the three bedrooms with regard to limited head height within the conversion of the hairdresser's shop. Due to restrictions on head height, there is limited useable space and this falls below the level required in Scarborough Borough Council's Guidance Note on Flat Conversions, 2005. The proposal should therefore be refused due to lack of adequate floor space to offer an acceptable level of amenity. This would be contrary to Policies H10 and H12 of the Scarborough Borough Local Plan.
- 7.26 The fire escape to the side of the Cottage Public House which exits into the White Swan Public car park has been raised as an issue. Clarification has been requested from the agent on this matter, although it is a private matter not a matter relating to the planning process.
- 7.27 The site plan is incorrect and does not show a structure within the north west corner of the site, adjacent to the stable block. This area is shown as a garden in the proposed plans and it is not known if the structure is to be retained or removed. The presence of the structure could affect the amount of garden space provided that could be provided for the new properties, again clarification of this has been requested.
- 7.28 The scheme does not offer a reasonable level of amenity to occupants of the stable block, due to the use of obscure glazing to bedrooms, it does not provide an adequate level of floor space to bedrooms in the hairdresser's shop conversion. Because the site plan is incorrect, there are also doubts about how outdoor amenity space would be provided for the stables. The proposals would not comply with the requirements of Policies H3, H10 and H12 in this respect.

### **Trees and Landscape**

- 7.29 The presence of trees on the site has been raised as an objection by the Parish Council, Save Our Swan Action Group and local residents. Although the applicant has stated in their application form that there are no trees on site and this is compounded by an inadequate site survey/site plan. Within the courtyard area are a number of self seeded shrubs, a cherry tree, and to the north-west rear corner of the site is a mature elm tree. There is also another cherry in 5 Church Hill, which may overhang the site depending on the precise boundaries, which are unclear from the submitted drawings. Consideration of these features is important, especially in the context of the Conservation Area setting and that of the Listed Building. The site has been inspected by the Trees and Woodland Officer and a Tree Survey has been requested. The findings of the survey will be reported to Committee.

## **Archaeology**

- 7.30 The application site lies within the historic core of Hunmanby Village and close to the Scheduled Monument of Hunmanby motte and bailey castle. Due to the sensitive nature of the site in archaeological terms, North Yorkshire County Council Heritage Team requested that trial trenching and evaluation be carried out prior to determination of this application. The applicants have engaged Durham University Archaeological Services who commenced work in line with these recommendations. Two trial trenches have been dug. An assessment has been received stating that nothing of importance has been found. The assessment is being considered by the NY Heritage Team and their conclusions will be reported to Committee.

## **Ecology**

- 7.31 The NPPF at Section 11, states that Local Planning Authorities should ensure that identified species are protected. The buildings have potential as bat roosts and the Council's Ecologist comments that a bat survey is required and this matter can not be conditioned. As no survey has been submitted by the applicant the proposal is contrary to the requirements of NPPF which states that biodiversity should be enhanced and protected.

## **Plans**

- 7.32 Despite a number of inaccuracies with the plans and existing site features already being raised with the applicants, plans are still inaccurate. They do not show a large structure within the north west corner of the site, located adjacent to the stable block and they do not identify any trees within the site when there could be at least two trees affected. This makes the application difficult to assess as it is not known if the structure is to be retained or removed and its retention could affect the amount of garden space provided for new residents. The impact of the proposals on trees is also unclear and this is an important consideration, especially in considering the visual impact upon the Conservation Area and setting of the Listed Building. Because of doubts and uncertainties arising from these omissions, it is considered that the proposal should be refused because of inaccurate plans.

## **Section 106 contributions**

- 7.33 With an application of this nature, a financial contribution toward affordable housing provision is required. A sum of £65,250 has been submitted by the applicants in a signed and completed Unilateral Undertaking, confirming that the sum would be payable for affordable housing purposes within the Borough.
- 7.34 In line with Supplementary Planning Guidance: Public Open Space, Adopted 2012. A contribution to Public Open Space is required as part of this application. The contribution would be used to improve the children's play area and sports fields in Hunmanby. The contribution required would be £13,804.20 in total. £3,913.80 would be required for the enhancement of

sports fields and £9,890.40 for improvements to the children's play area. The applicants have made no provision for this.

### **Impact upon the Listed Building**

- 7.35 The scheme to convert the Grade II Public House does not seek to make major external alterations to the building and the main front and side gable would not be altered. The proposals would remove two later extensions at the rear, of which the conservatory extension appears to be in a poor state of repair. The removal of the extension will allow for the restoration of French windows in now vacant apertures behind in the south elevation, facing the hairdresser's shop.
- 7.36 Two small side windows also on this south elevation adjacent the access road, would be bricked up. Two roof lights would be inserted into the rear, west elevation roof profile with two doors (one in an existing opening) and a window below. Two ground floor windows would be inserted into the north elevation within the small courtyard near to the existing kitchen. The new doors and windows would be of timber construction and larger scale drawings of door and window details would be required to ensure that the special interest of the Listed Building is not harmed and that the character and appearance of the wider Conservation Area is protected.
- 7.37 Internally there would be a number of existing doorways blocked up and partitions introduced. They are considered to be acceptable. A condition should be imposed to ensure that existing door and window surrounds, skirtings and cornices are retained and matched, to ensure that the special interest of the Listed Building is not harmed.
- 7.38 In conclusion, although the alterations to Listed Building itself could be acceptable, in the absence of an approved scheme for its curtilage and the associated buildings the Local Planning Authority are not satisfied that the setting of the Listed Building will be adequately preserved and as such the proposal is contrary to guidance contained within NPPF 12 which states that heritage assets should be sustained and enhanced, or better revealed and that the significance of assets can be destroyed by inappropriate development within their setting.

## **8.0 CONCLUSION**

- 8.1 The strength of local objection to the loss of the Public House is noted, but because there is no Local plan Policy requiring retention of community facilities and because of the range of other licensed premises and other facilities such as cafes available within the village, it is not considered that the loss of the Public House would significantly undermine the range of facilities on offer within Hunmanby village, or that it would undermine the ability of the community to meet its needs in this respect. It is not therefore considered that a reason for refusal could be justified on this basis at the present time.

- 8.2 In respect of the principle of residential development in this location, it is noted that the site falls within the Development Limits of the village and within an area of mixed uses where a residential scheme could be acceptable in principle, subject to the consideration of more detailed matters.
- 8.3 Issues leading to a recommendation for refusal comprise: access and highway safety concerns; that the access would not be adoptable; adverse impact upon the historic character of the hairdresser's shop frontage; failure to provide S106 contributions for open space; lack of amenity for future residents in the stable block due to obscure glazing; bedroom sizes being inadequate and inaccurate plans. It is considered that the fundamental objections raised by NY Highway Authority in respect of the unsuitability of the access can not be overcome.
- 8.4 However, there are matters which could be resolved or require further comment and they are: archaeology; trees and the potential for bat roosts in the outbuildings. An update of these matters will be provided at Committee.
- 8.5 The Local Planning Authority acted positively and proactively by negotiating with the applicant in an effort to reduce concerns with the scheme. Some concerns have been resolved but others remain as obstacles to the proposal.

## 9.0 RECOMMENDATION

- 9.1 It is recommended that **PLANNING PERMISSION BE REFUSED**, for the following reasons: -
- 1 The submitted plans are inaccurate. They do not show a large structure in the north west corner of the site and they do not identify trees within the site or that may be affected by the development. Therefore, it is not possible to fully assess this application as it is not known if the structure is to be retained or removed and its retention could affect the amount of garden space provided for new residents occupying the stables, with consequences for their residential amenity. The impact of the proposal on trees is also unclear and this is important, especially in considering the impact upon the character of the Conservation Area.
  - 2 The intensification of the use of the access to the site due to the scale and nature of the residential development proposed would interfere with the free flow of traffic with consequent danger to highway users by virtue of its proximity to of the site entrance to existing junctions of the public car park and Church Hill and to the village's public car park. This would be unacceptable in terms of highway safety. The proposal is therefore contrary to Saved Policy H3 of the Scarborough Borough Council Local Plan which expects that vehicular access should have the capacity to serve the level of development proposed and to Policy H10 which considers danger resulting from traffic generation of new developments and states that where this can not be achieved development will not be permitted.

- 3 The principal means of access to the site is not connected to the highway, laid out, or constructed to a standard such that its adoption could occur as a highway maintainable at public expense. Consequently it would not be in the best interests of the amenities of future occupants to approve this application. This would be contrary to the provisions of Saved Policy H10 of the Scarborough Borough Local Plan which seeks to protect the amenity of future occupiers and it cannot be guaranteed that their amenity would be protected if the access to the site will not be adopted.
- 4 Due to height restrictions, the bedroom sizes within the hairdresser's shop conversion are inadequate and they do not provide sufficient useable space resulting in an unacceptable level of residential amenity for future occupiers. Two bedrooms would only have 6.15 sqm of useable space and this falls below the level required by Supplementary Planning Guidance Note on Flat Conversions adopted in 2005. It would also be contrary to Policies H10 and H12 of the Scarborough Borough Local Plan which expect that the amenity of future occupiers is protected.
- 5 The alterations to window openings and doors in the main frontage of the hairdresser's shop to introduce larger less sympathetic casement style windows, the loss of the Yorkshire sliding sash windows and replacement of the door and grille, would not respect the historic character of this building and would not preserve or enhance the character or appearance of this part of the Hunmanby Conservation Area, but would in fact detract from that historic interest. This would be contrary to Policy E23 of the Scarborough Borough Local Plan which states that the replacement or alteration of doors and windows which would harm the character of the Conservation Area will not be permitted and would be contrary to guidance contained within NPPF 12 which states that heritage assets should be sustained and enhanced.
- 6 The impact on amenities of future occupiers of the stable block due to the use of obscure glazing in the bedrooms would be unacceptable, with no outlook and this would be contrary to Policy H10 the Scarborough Borough Local Plan which expects that the amenity of future occupiers is protected. The use of clear glass would, however, result in unacceptable levels of overlooking and loss of privacy for the neighbouring property.
- 7 The failure to provide Section 106 contributions for off site public open space would be contrary to the requirements of the Scarborough Borough Council's Supplementary Planning Guidance: Public Open Space, Adopted in 2012. This expects that new housing development makes appropriate provision for recreational facilities generated by the additional population. A contribution of £ 13,804.20 is required for the enhancement of sports fields and improvements to the children's play area in Hunmanby.

9.2 It is recommended that **LISTED BUILDING CONSENT BE REFUSED**, for the following reason: -

- 1 In the absence of an approved scheme for the curtilage and outbuildings of this Grade II Listed Building, the Local Planning Authority are not satisfied that the setting of the Listed Building will be adequately preserved and as such the proposal is contrary to guidance contained within NPPF 12 which states that heritage assets should be sustained and enhanced, or better revealed and that the significance of assets can be destroyed by inappropriate development within their setting.

A handwritten signature in black ink that reads "David Walke". The signature is written in a cursive style with a large, prominent 'D' at the beginning.

**Planning Services Manager**

**Background Papers:**

Those documents referred to in this report.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT PAUL COOPER ON 01723 383538 e-mail [paul.cooper@scarborough.gov.uk](mailto:paul.cooper@scarborough.gov.uk)