

North York Moors National Park Authority

Ward: Scarborough Borough Council (North)
Parish: Sneaton

App No. NYM/2020/0389/FL
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Proposal: demolition of existing cafe and w.c. buildings and construction of replacement building
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Location: Ruswarp Market, Sneaton Lane, Ruswarp,

Applicant: Mr R Smith,
Ruswarp Market, Sneaton Lane, Ruswarp, Whitby, YO22 5HL

Agent: Cheryl Ward Planning,
5 Valley View, Ampleforth, York, YO62 4DQ

Date for Decision: 31/07/2020

Extended to: Grid Ref: 488756
508910

Director of Planning's Recommendation

Approval subject to the following condition(s):

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. The development hereby permitted shall not be carried out other than in strict accordance with the following documents:

Document Description	Document No.	Date Received
Proposed Block Plan	D11650-03 Rev B	5 June 2020
Proposed Ground Floor Plan & Elevations	D11650-13 RevA	5 June 2020

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
3. The café building hereby permitted shall form and remain part of the curtilage of the Ruswarp Auction Mart as a single planning unit and shall not be sold separately from that main business without a further grant of planning permission from the Local Planning Authority.
4. The external surface of the roof of the building hereby permitted shall be coloured and thereafter maintained dark grey and shall be maintained in that condition in perpetuity unless otherwise be agreed in writing with the Local Planning Authority.
5. The external elevations of the cafe hereby approved shall, within three months of first being brought into use, be clad in vertical timber boarding and shall thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority.

6. The premises shall not be used other than as a Cafe and shall not be used for any other purpose (including any other purpose in Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 2010 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, or within Schedule 2, Part 3, Classes A-V of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order).

The Cafe hereby permitted shall not be open to customers outside the hours of 0730 to 2100 Mondays to Saturday and 1000 to 1700 on Sundays and Bank Holidays. Any variation to these hours will require a new grant of planning consent from the Local Planning Authority.
- 7.
8. No external lighting shall be installed in the development hereby permitted until details of lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.

Informatives

MISC INF01 Bats

All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 39(1) of the Conservation (Natural Habitats etc.) Regulations 1994. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted on 0300 060 3900 for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given information to contact Natural England or the Bat Conservation Trust national helpline on 0845 1300 228.

MISC INF 12 Birds

Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. In addition, certain species such as the Barn Owl are included in Schedule 1 of the Act and are protected against disturbance while nesting and when they have dependent young. Offences against birds listed in Schedule 1 of the Wildlife and Countryside Act are subject to special penalties. An up-to-date list of the species in Schedule 1 is available from Natural England

<http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/speciallyprotectedbirds.aspx>. Further information on wildlife legislation relating to birds can be found at www.rspb.org.uk/images/WBATL_tcm9-132998.pdf.

If advice is needed please contact the National Park Authority's Conservation Department on 01439 772700 or conservation@northyorkmoors.org.uk.

Reason(s) for Condition(s)

1. To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2. For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.
3. In order to enable the Local Planning Authority to retain control over the scale of activity at the site and ensure compliance with NYM Core Policy A which seek to conserve and enhance the special qualities of the NYM National Park.
4. For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 which seek to ensure that building materials are of a high quality and compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
5. For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
6. In order to enable the Local Planning Authority to retain control over future changes of use to the property which would otherwise be permitted by the Town and Country Planning (Use Classes) Order 2010 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order) or the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), and to comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to enhance and conserve the special qualities of the NYM National Park and ensure that development does not have an adverse effect on the amenities of adjoining occupiers.
7. In order to comply with the provisions of NYM Core Policy A which seeks to ensure that new development does not detract from the quality of life of local residents.
8. In order to comply with the provisions of NYM Core Policy A which seeks to ensure that new development does not detract from the quality of life of local residents.

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Consultations

Parish -

Highways – 29 June 2020 – No objections. The proposed building does not extend onto the areas used by vehicles. The Local Highway Authority does not anticipate any highway issues arising as consequences of this proposal.

Forestry Commission - 1 July 2020 – Standing advice regarding ancient woodlands

Environmental Health Officer – 18 June – No comments

North Yorkshire Fire & Rescue - 18 June 2020 – No objection/observation

Police Designing out Crime Officer – 19 June 2020 – No comments

Site Notice Expiry Date – 8 July 2020

Others –

M Holliday, Oakley Garth, Sneaton Lane, Ruswarp, 7 July 2020 - This will be a definite improvement on the existing buildings, however, my points of concern are whether the proposed café facilities be only in use on the days that the mart is held? Also concerned that there will be no provision for takeaway food/drinks, as this would inevitably result in an increase of roadside rubbish.

The planning application states that there will be no onsite storage for waste or recyclable materials. Would this all be removed from site and disposed of responsibly at the end of each day's trading? There is already a problem with rat infestations in Ruswarp.

Background

The Livestock Market at Ruswarp is a long established business located on the approach to Ruswarp village from Sneaton on Sneaton Lane. The site is bound to the north by the railway line, the west by residential properties, to the east by the BATA Country Store and to the south by Sneaton Lane. Opposite the market lays Ruswarp Service Station and beyond this are further industrial units.

This application relates to a small café building to the rear of the site, which has been on site for many years. It is a small and unobtrusive building of poor architectural and build quality. The café comprises an ancillary use to the livestock market.

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The existing café building comprises a small monopitched timber clad café building with some outside picnic benches and a separate monopitched brick toilet building.

This application seeks permission to replace this building with a single large building dual pitched timber clad café building which would incorporate kitchen café seating and toilets in one building with space retained outside for picnic benches.

The building would be clad externally with vertical timber boarding and a grey profile sheet roof incorporating roof lights and solar panels.

Main Issues

Core Policy H of the Local Development Framework seeks to strengthen and support the rural economy by providing local communities with a range of opportunities for entrepreneurship, education and training in various ways, including allowing new employment development in Whitby Business Park, service villages and local service villages.

Development Policy 3 seeks to maintain and enhance the distinctive character of the National Park by ensuring that the siting, layout and density of development preserves or enhances views into and out of the site; that the scale, height, massing and design are compatible with surrounding buildings; that the standards of design are high; that there is satisfactory landscaping and that the design takes into account the safety, security and access needs for all potential users of the development.

Draft Local Plan

Strategic Policy K - The Rural Economy - seeks to support development that fosters the economic and social well-being of local communities where it promotes and protects existing businesses by providing flexibility for established rural businesses to diversify and expand; it helps maintain or increase job opportunities in the agricultural, forestry and tourism sectors and provides for and supports small and micro business through the provision of flexible start-up businesses; it provides additional opportunities to diversify and better equip the National Park's workforce, or provides additional facilities, or better use of existing facilities for educational and training uses.

Policy BL8 - Shops, Offices and Food and Drink Services - supports new retail development, professional and financial and food and drink services where the proposal is in accordance with the policies in the Helmsley Local Plan; is within the main built up area of Larger Villages; within the main built up area of Smaller Villages where they are compatible with the character of the area or in Open Countryside where new proposals are ancillary to an existing enterprise. Proposals resulting in the loss of retail development will only be permitted if it can be demonstrated robustly that the facility is no longer suitable for retail use, in accordance with the viability and marketing tests.

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This proposal would replace an existing facility which serves a long standing agricultural business. It would not result in an intensification of the use or result in extra activity levels in the locality. However, it would provide a much improved facility in a better designed building that would not have a detrimental impact on the character of the locality or neighbouring amenity.

In view of the above, approval is recommended.

Pre-commencement Conditions

N/A

Explanation of how the Authority has Worked Positively with the Applicant/Agent

Approval (No Amendments Required)

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and confirmed to the applicant/agent that the development is likely to improve the economic, social and environmental conditions of the area.