

Members Update Sheet

Item 1 Election of Chair

This Planning Committee would normally follow the Authority AGM and deal with election of Chair and Deputy Chair for the following year. However the AGM will now take place on 27 July and will consider the utilisation of the recent Coronavirus “Flexibility” Regulations (SI 392/2020) to continue all present Chair, Deputy Chair and similar appointments until a later date. Accordingly Planning Committee Chair and Deputy Chair appointments remain unchanged for this Committee.

Item 3 Public Minutes of the Meeting held on Thursday 21 May 2020

Please note that the resolution for Plans List Item 1 shown at 22/2020 of the minutes should read as follows:

List No	Plan No and Description of Proposal
1.	NYM/2018/0039/FL - construction of 4 no. dwellings with associated access, parking, garage/car ports, amenity space and landscaping works at land to the west of Byland Road, Coxwold for Newburgh Priory Estate, fao: Mr Stephen Wombwell c/o agent
	Decision Caroline Patmore declared a personal and non prejudicial interest in this item as the site is located within her North Yorkshire County Council ward area however whilst maintaining an open mind confirmed that she would abstain from voting on the application. Approved as recommended. Members requested that the wording of the Section 106 Agreement requires repair work to the culvert to alleviate the flooding , to the satisfaction of the Lead Flood Authority, the work to be completed before commencement of development and its maintenance in perpetuity, and that all of the funding generated is dedicated to the works to, and long term maintenance of, the heritage structure and heritage fabric of the Grade 1 Listed Building(s) at Newburgh Priory (based on appropriate Historic England assessment and priorities).

Plans List

Item 2 NYM/2020/0227/FL

Nick Love, Pub Protection Officer, York Campaign for Real Ale (CAMRA) - 8 July 2020 - Add our unequivocal support to local residents of Fadmoor who are strongly opposed to the permanent loss of the Plough Inn, which although closed at present could still be reopened and play a pivotal role in village life and under an appropriate business model run successfully and viably.

There has been no compelling financial evidence supplied by the applicant that the pub was not viable when it was shut and length of time inoperative is not an indicator of lack of viability.

There are numerous examples of public houses that have been rescued from similar situations by the local community.

There is much made as to the current state of the public house – but the blame lies squarely with the owner. If the owner doesn't want to run this as a public house then we believe

planning permission should be refused with a view to encouraging the owner to open dialogue with interested local residents who want to pursue a community pub project.

There is scope for investigation more fully into a compulsory purchase order for The Plough, especially as there could be funds raised by local people to cover the cost of such a purchase that could make such a move by a local authority cost neutral.

None of the other community facilities adequately replicate the offering of a public house. The Plough Inn could also be an additional alternative to the nearby Royal Oak in terms of its complementary offering and there is no evidence supplied within the application that there is only sufficient local disposable income to support one public house.

No further holiday accommodation is needed.

The proposal is contrary to The National Planning Policy Framework (NPPF) published February 2019, which seeks to promote healthy communities and contains explicit wording supporting the retention of community pubs such as the Plough Inn.

Public houses make a valuable contribution to the community and cultural life of neighbourhoods in villages, towns and cities, but also offer a source of identity and distinctiveness.

Pubs are economically important, having a significant impact upon the economic vitality in that area. Research also shows that a good quality pub is a major selling point for 23 per cent of buyers. This is more prevalent in rural areas

In conclusion

There are numerous examples of pubs that have been shut for a considerable amount of time being revived and brought back into community service. There are over 120 community run pubs in the UK now (with a 100% success rate of remaining in business) and the government is actively seeking to increase that.

If planning permission is granted then the village loses a pub forever. This will cause permanent longer term damage to the community and negatively impact on the social ecosystem of the village. It may well be shut now – but local sentiment that it should be retained and brought back into use is as strong now as when it was first closed. We hope that the planning officers and council members take the overwhelming reaction of local residents into account – who strongly object to this scheme.

Gary Housden, Head of Planning and Regulatory Services, Ryedale District Council -
14 July 2020 -

Site Compulsory Purchase:

Outwith the consideration of this application Ryedale District Council has been approached to consider the use of compulsory purchase powers available to it to purchase the site. This matter remains under consideration at the current time.

The Plough is listed as an Asset of Community Value (ACV) most recently added to the Council's list on 24th May 2019. The presence of the ACV is considered to be a material planning consideration which is required to be weighed in the planning balance. The status of the premises as an Asset of Community Value has previously been acknowledged by the North York Moors National Park Authority as being an important consideration. It is relevant that a previous scheme (Ref NYM/2016/0280/FL) sought to change the use of the building to offices and this was refused for the following reasons:-

1. The change of use of the public house, which is listed as an Asset of Community Value, to another use would result in the loss of a community facility and reduce choice when seeking to use a drinking establishment or pub restaurant facility within the locality. Although there is a public house in the adjacent village which is in walking distance, it is accessed along an unlit footpath and does not cater for the specific needs of the local community of Fadmoor, in terms of providing a base for social functions, activities and facilities... It is therefore considered that irrespective of the existence of a competitor PH, the loss of a valued facility and community asset such as this would have a detrimental effect upon the long-term wellbeing of the community. The proposal is therefore contrary to Core Policy I ...

2. The information submitted does not demonstrate, to the satisfaction of the Local Planning Authority, that the commercial proposition is no longer viable or that no licensee could reasonably be expected to make a living from the enterprise. The proposal is therefore considered to be contrary to Core Policy I of the NYM Local Development Plan which resists the loss of such facilities unless it can be demonstrated that it is no longer viable for a community use.

Whilst it is appreciated that the current application is for a combination of 4 holiday lets and 2 Local needs occupancy residential units the weight to be attributed to both existing and emerging policy relating to the loss of community facilities is a significant factor in the consideration of the current application.

Existing Policy: Core Policy CPI supports the provision of new health, sport, education and other community facilities, and seeks to resist the loss of community facilities unless it can be demonstrated that they are no longer suitable or viable for a community use. The Conversions and the Economic Use Test Planning Advice Note sets out how the Core Policy will be applied and sets out the tests for ensuring a viable community use is not lost. However it currently states that holiday letting and local needs letting are considered to be an economic use and therefore in circumstances for the change of use to this purpose the viability and economic use tests will not be applicable.

Emerging Policy:

The NYMNPA website confirms that policies contained in the new plan shall have substantial weight when deciding planning applications because the Inspector's final report has been released and the NYMNPA intends to adopt the new plan on 27 July 2020.

Strategic Policy L - Community Facilities - Development that would result in the loss of a community facility or would compromise its use will not be permitted, unless it can be demonstrated that the facility is no longer suitable or viable in that location or that it is no longer needed through application of the viability and marketing tests set out at Appendix 2.

The officer report acknowledges that the existing adopted development plan is less stringent- on the basis of the local needs letting and holiday uses as being viewed as representing economic uses, and so there is no specific requirement for viability. However the limited information submitted in relation to this issue with the current application is considered to be out of date (from 2011) and of little value to the consideration of the application at the present date.

It is considered that the purpose of the policy objectives both in the existing plan and in particular in the soon-to-be-adopted emerging plan require rigorous testing to be carried before a loss of a valuable community facility can be justified. It is considered that this change of use will bring limited community benefits. The local needs lettings and the holiday units are not considered to be community facilities, and the extensive responses from the local community are testament to this. In line with Strategic Policy L it is considered that the applicants should have sought a new valuation of the property, and all attempts to sell the business should be demonstrated. There appear to have been no consistent recent efforts to sell the property, and the scheme has been articulated to avoid current viability assessment requirements of the existing development plan which is shortly to be superseded.

The lack of up to date viability evidence and marketing should be fully explored to satisfy the emerging Policy L Community Facilities, and it is considered that a decision should be deferred until that body of evidence is presented. In the absence of such justification it is considered that the loss of the listed community asset should be resisted and the application refused.

The officer report has rightly engaged with heritage considerations and the state of the building and adjacent land. However the current neglected appearance of the site and the building is not in itself considered to be sufficient to justify approval of the application as part of the consideration of the overall planning balance. In any event the Local Planning Authority retains other controls under Section 215 of the Planning act to secure improvements to the appearance and buildings where the visual amenity of a locality is considered to be adversely affected.

Site Layout and Amenity:

During the processing of the application the scheme has been redesigned to address the comments of consultees. It appears that a key change has been to the configuration and layout of on-site parking provision. The amended plans appear to show a communal courtyard area and on-site parking in close proximity to the local needs (permanent) residential units. The associated amenity areas for the residential units also appear to be divorced from the units that they are intended to serve by the communal courtyard area. The close proximity to the communal court yard and car parking areas which is intended to serve the entirety of the development proposed is likely to result in significant levels of noise and disturbance to the future occupiers of the permanent dwellings. Notwithstanding the comments raised in relation to the principle of the development above it is considered that this aspect of the application should be revised to provide for a scheme that meets the needs for all future users in accordance with Current Development Policy 3 Design and emerging policy – Strategic Policy C – Quality and Design of Development.

Item 3 NYM/2019/0628/FL

Withdrawn from the Planning Agenda in order that proper consideration can be given to the comments recently received from the Council for British Archaeology

Item 5 NYM/2020/0268/FL

Officer's Additional Note:

The two storey element of the existing dwelling measures 11.2m wide x 10.9m deep.

The proposed dwelling would measure 17.3m long by 8m deep with a height to the eaves of 5m and to the ridge of 8m.

The datum height of the existing dwelling is 108.18 and the datum height of the proposed is 108.02, so the proposed dwelling is 16cm lower than the existing.