

Members Update Sheet

Item 2 NYM/2020/0275/FL

Please note amendments to the following conditions and an additional condition.

Existing wording of conditions 6, 22, 24 and 25:

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| 6. | RSUO00 | 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. |
| 22. | MISC00 | Bat survey Information to be submitted. |
| 24. | MISC00 | No development shall be commenced until further bat activity surveys have been undertaken and the results have been submitted to and approved in writing by the Local Planning Authority, together with an Ecological Mitigation and Enhancement Strategy that includes provision of alternative nesting sites for swallows. |
| 25. | MISC00 | Before the development hereby permitted commences, the applicant/ecological consultant shall forward a copy of the Natural England European Protected Species Licence covering approved mitigation to the National Park Authority. |

Amended wording of conditions 6, 22, 24 and 25 and additional condition 29:

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| 6. | RSUO00 | 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 and the further bat survey reports (required by condition 22 below) and EPSL have been supplied. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity. |
| 22. | MISC00 | Prior to the commencement of any works to the fabric of the masonry outbuildings, further activity survey(s) are to be carried out by a suitably qualified ecologist in the optimum bat breeding season (May – August inclusive). A copy of the survey findings as well as a copy of the European Protected Species Licence (EPSL) once obtained must be provided to the Authority and acknowledged in writing prior to any works covered under the licence commencing. |
| 24. | MISC00 | Works must comply with proposed Mitigation and Compensation as detailed within section 4 of the Bat Emergence Report Survey dated 2 October 2020 and any further guidance on mitigation and compensation – including method statements - as provided by a suitably qualified ecologist within subsequent bat survey reports, including the EPSL conditions. When in conflict, the most recent survey recommendations should be given precedence. |
| 25. | MISC00 | Before the development hereby permitted commences, the applicant/ecological consultant shall forward a copy of the Natural England European Protected Species Licence covering approved mitigation to the National Park Authority. |

29. MISC00 Works to any buildings should not be commenced within the bird breeding season (March to August inclusive) unless the site has been thoroughly checked by a suitably qualified ecologist for bird breeding immediately prior (within 48 hours) of works commencing. Any nests found must be left undisturbed until chicks fledge and the nest is abandoned.

Others: Miss Justine A Bushrod, Grange Farm, Guisborough Road, Whitby

I would like to make the following comments in addition to those already submitted.

In communication with the Highways Department they have informed me that as the developers own land they are in a position to provide passing places. Over the busiest section, from the junction of the A1471 to the Bridlepath to Mulgrave Farm just under half the land on either side of the road is not in the ownership of the developers and contains what is perhaps one of the most difficult sections.

In assessing road usage the Highways Department tell me they cannot make use of anecdotal reports. With limited resources the department I would suggest cannot accurately assess the current road usage. They go on to tell me on the 11 September during a site visit, they encountered four farm vehicles, but reported no difficulties, however what is not clear is the duration of the visit, had they been visiting on the 23 August then they would have encountered some 37 tractors and trailers on the road on a two and a half hour period, that equates to almost one every five minutes. Subsequently on a busy day I observed a vehicle having to reverse twice in the same position on that part of the road where the land is not in the ownership of the developer.

I informed the Highways Department on the 31 August that the entrance to the underground dyke, whose entrance is on my property, was collapsing and that there was evidence of the tunnel wall bulging near the beginning of the dyke. An Officer of the department visited on the 15 September who confirmed there was no immediate danger, he would report his findings to the area manager and that the department would keep an eye on the situation, in the meantime should the headstones collapse I was to inform them. Since the Officers visit there has been further movement, should the planning application go ahead, then the use of heavy vehicles will inevitably cause the collapse of the headstones, if it has not already done so.

Item 4 NYM/2020/0272/FL

Others: 12-10-2020 - Mr D Dockerty, 18 Yedmandale Road - I am grateful that the Head of Development Management viewed the site from my garden but I disagree with his statement. The report identifies that there would be a negative impact on the outlook from my home, overshadowing and loss of garden amenity but it appears that these are not considered important enough? I disagree with the statement "the impact would be generally consistent with the proximity and interrelationship of existing extensions to neighbours in the locality" is wrong. No other property is overlooked or overshadowed by extensions new or otherwise as can be seen from any street map. The proposed two-storey extension negatively affects my home and family. I am strongly disappointed that the planning department don't consider this "unneighbourly enough".

Due to the coronavirus outbreak, my wife and I are currently working from home and the disruption that this development would cause would be very unneighbourly and potentially damaging.

I therefore ask that the Committee further review the true impact this development would have on my home and family and refuse planning for the two storey extension.

Additional Background Information

The applicant has made the following comments: Having read the Officer Report, would ask the Committee to consider whether the external lighting condition is really needed as we have not shown any lighting on the plans, could this be an informative? Feel the titling on the photos in the report are misleading, also feel that some of the favourable pre-application advice we were given was not clear across all the pre-application correspondence regarding the need to reduce the size of the extension but have agreed to the reduction.

Item 5 NYM/2020/0500/FL

Others: Mrs K Leese, Fryup Hall Farm - Please find my three minute statement below.

Please be without any doubt that we all object to any additional goods being sold at the site, including bikes.

The Officer Report for this determination fails to highlight the main issues raised by local people

- Objection to the sale of any additional goods at the site.
- The increase in retail space to a size larger than the Coop in Castleton.
- Section 106 Legal Agreement. No change should be made to this important Deed, including selling bikes. If these agreements can be randomly changed, what is their relevance?
- Single track lanes for 3 miles each side of the venue are protected by policy L. C02. The adjacent road network does not have the capacity to serve a retail development in this location without detriment to highway safety. Road users would be compromised from delivery vehicles and additional visitor cars.
- “perception of remoteness” Fryup is remote this is not questionable it is in open countryside, it is not near to the Esk Valley, it is 4 miles from the nearest station and there is no public transport. Visitors arrive mainly in vehicles, occasionally on cycles. The idea that they arrive in great numbers by train with their cycles is not physically possible with only two carriages used on any service on this line.
- Covid-19 is given as the reason to extend the retail space for business viability, this is not quite true. We spoke with Philip Thurlow in October 2019 when he explained the need for the unauthorised evening slalom events with floodlights, he said the events were required to make money that they had used £12,000 of their own funds for the business that year, there was an attempt to regularise the use in this application, that part has been withdrawn. Yet the floodlights remain on the roof of the café today.
- It may be helpful for the Committee to visit the site and experience the rural single track lanes, also to request a copy of the accounts from when this venue opened in 2017, the unauthorised evening events operated from the beginning, indicating financial problems from the start.
- This site has already breached many of the conditions of the Section 106 Agreement and the Planning Decision Notice. They made the changes to move the bike shop in June, before putting in the planning application at the end of July. There is no doubt at all that they will continue with their own business plans regardless of your decision in this matter.

Gareth & Sally Gibbons, Lealholm Village Shop, Lealholm - We would like to take this opportunity to further object to the change in use of bike shop at The Cycle Hub in Fryup. Once a change like this has been made it is forever even if the development is sold and it becomes a large retail destination and cafe only. A new owner or indeed the current owners could diversify into many different markets which would result in larger vehicles needing to deliver; perishable items for instance require refrigerated vehicles.

A retail outlet means is not for the walkers and cyclists because they are not likely to buy goods which they would have to carry away with them. The remote location means that not many local residents can walk to the shop either so this means that all the customers for the retail side of this development will have to drive there. This would result in a lot more traffic on the very narrow roads around Fryupdale. My personal experience during my paper and grocery delivery round is that many of the drivers are not very capable of driving safely on these narrow roads. They approach blind bends at unsafe speeds with poor positioning and many are unable to reverse their cars safely to passing places. I have sometimes had to reverse ½ mile to a passing place because a driver couldn't go back 50 yards. I would have thought less traffic is what a beautiful amenity like Fryupdale needs to allow visitors and residents a much safer and more pleasant environment.

I hope that you will consider these points when making a decision.

Item 6 NYM/2020/0646/RRC

Recommendation

Delegated to the Director of Planning to **Approve** subject to receipt of full details of the proposed extractor unit (including details of noise and odour emissions and a reduction in size) and no objection from Environmental Health, and subject to the following conditions:

1. TIME01 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. PLAN02 The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved or in accordance with any minor variation thereof that may be approved by the Local Planning Authority.
3. RSUO00 The premises shall not be used other than as restaurant and shall not be used for any other purpose within Schedule 2, Part 4, Class DA of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order).
4. GACS06 The restaurant/cafe hereby permitted shall not be open to customers outside the hours of 16.00 to 21.00 Tuesday to Saturday and at no time on Sundays and Bank Holidays. Any variation to these hours will require a new grant of planning consent from the Local Planning Authority.
5. MATS74 The extractor flue hereby approved shall be coloured matt black and maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Consultations

EHO - The premises is small and therefore will only cater for a limited number of covers. Noise and odour can be controlled via section 79 EPA 1990, as statutory nuisance; however the main noise and odour source would be from the extractor, and therefore once full details of this have been received, will be able to offer further comments. The department has not had previous complaints with regard to waste collection; if the objector is concerned that the waste will be food waste then there is food safety legislation to ensure that food waste is controlled so as not to attract vermin or flies.

Others -

Richard Beckett, 33 Bridge Street, Helmsley
Ian Taylor, The Ginger Bear, The Old Fire Station, Borogate, Helmsley
Mr Mark Chetwynd-Talbot of 2 Sawmill Lane, Helmsley
Carolyn Miller, Millers Tale, Borogate, Helmsley
Mrs Vickie Luckhurst. 11 Clothes Prop Alley, Helmsley
Ken and June Claridge, Bramleys, The Courtyard, Church Street, Helmsley

Object for some or all of the following reasons:

- A3 usage is currently restricted to the stretch of Bridge Street north of Borogate/Barker's Yard, with quieter daytime retail usage permitted to the south where it is heavily residential.
- An encroachment of A3 usage to southern Bridge Street would give rise to disturbance into the evening hours, higher footfall on a very narrow pavement, smells and noise from the proposed extraction mechanism, and yet more pressure on the parking spaces in Buckingham Square with the likelihood of blocked garage access.
- There are more than sufficient, almost too many, A3 premises in or near to the Market Place, some of which are vacant or struggling to survive, but it would be injurious to the interests of many residents if such usage is allowed to "creep" into a residential area.
- A further A3 use will do nothing to give Helmsley greater appeal and the balance of retail to hospitality is affecting the viability of the town to function properly in a capacity for both locals and tourists alike. A balance is needed for this small market town to thrive.
- The fact that many tourists already just come for a "rest and a cuppa" is turning away viable business that might have a larger spend power due to parking restrictions and proliferation of cafes.
- It is important to maintain a mix of commercial properties as well as private homes.
- The matter of the extractor is extremely worrying; from personal experience there is a continuous strong and unpleasant smell of food all day long from the fish and chip takeaway/café, not to mention rubbish and food being eaten in public on the street. The residents of Bridge Street proposal will be inundated with foul smells of cooking.
- The sight, sound and smell from a large extractor flue will be offensive to all those who live or have a business in the vicinity, and will be unsightly for visitors.
- Traffic congestion arising from additional food deliveries at bottom of Borogate.
- It will cause late evening parking disturbance for residents, as will the competition to find parking nearby during the day.
- The inclusion of a takeaway service would lead to cars parked at bottom of Borogate and on Bridge Street causing obstruction to free flow of traffic, deliveries to other premises and emergency services.

- It will increase the amount of late evening disturbance to local residents and the proposed extractor fan will make living more unpleasant.
- It will cause a biohazard with waste food being stored outside.
- It will affect the value of neighbouring property.
- Traditionally the property is in a part of Helmsley which has been and should remain retail or residential.
- Obviously the Estate does not want an empty property but this should not be a reason to accept a change of use: with proper advertising in the right place it should surely be possible to find a retail tenant to add to those which over recent years have become part of Helmsley's great appeal.
- It would take away a small property that could allow an interesting small local retailer to exist.
- We are letting a similar property on Church Street and have advertised to let, excluding food use, to protect surrounding residential properties. This does not appear to have deterred an interest.

Martin Davies, Barkers Cafe Bar, 5 Barkers Yard, Borogate, Helmsley - Supports the proposal for the following reasons:

- Change should be embraced for the betterment of all. Helmsley is full of people who move here because of their visits during the years. They experience Helmsley as it is, a busy market town with independent shops, cafes etc. It's visited all year round by walkers, shooters, bikers and more. This application will mean another venue for people to try and if it proves popular they will return and put their hard earned money into the local economy instead of spending it elsewhere. All visitors spend money in Helmsley, every business depends on them and all the businesses employ local people. The owner of the neighbouring property let it out to a tattoo parlour to which those objecting to this current application for a restaurant use did not object to; obviously this seems to be a far more acceptable proposal for Helmsley than another eatery.