

North York Moors National Park Authority

Parish: Glaisdale

App No: NYM/2020/0936/FL

Proposal: variation of condition 4 of planning approval NYM/2020/0430/CU to allow amended opening hours (08:00 - 22:00 Monday to Saturday and 10:00 - 22:00 Sunday)

Location: Stepping Stones, Lealholm

Applicant: Mr Patrick Featherstone
Stepping Stones (Beech Cottage), Lealholm Lane, Lealholm, Whitby, YO212AJ

Agent:

Date for Decision: 15/04/2021

Extended to:

Director of Planning's Recommendation

Approval subject to the following condition(s):

1. TIME15 Variation of Condition (insert)
The development hereby permitted shall be commenced before the 8 September 2023.
2. PLAN00 The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the original approval NYM/2020/0430/CU 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 Shop and Cafe/Tea room and shall not be used for any other purpose (including any other purpose in Classes A1 and 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).
4. RSUO00 The Shop and Cafe/Tearoom hereby permitted shall not be open to customers outside the hours of 08.00 to 22.00 hours Mondays to Saturday and 10.00 to 22.00 hours on Sunday. Any variation to these hours will require a new grant of planning consent from the Local Planning Authority.

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Reason(s) for Condition(s)

1. TIME01 To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2. PLAN01 For the avoidance of doubt and to ensure that the details of the development comply with the provisions of Strategic Policies A and C of the NYM Local Plan, which seek to conserve and enhance the special qualities of the NYM National Park.
3. RSUO00 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 Strategic Policies A and C of the NYM Local Plan, 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.
4. RSUO00 In order to comply with the provisions of Strategic Policy A of the NYM Local Plan which seeks to ensure that new development does not detract from the quality of life of local residents.

Consultations

Parish –

Highways – The proposal is not anticipated to have any significant change to the amount of traffic that could be generated for visiting the premises. Consequently, there are no local highway authority objections to the proposed development.

Police – I have carried out an update analysis of crime and disorder for the same study area as that used in my previous response dated 27 July 2020, for a 12 month period which shows that the premise continues to be located in an area with low crime and disorder levels. I have reviewed the application and in terms of Designing Out Crime I have no concerns and would make the following observation. The amended closing hours applied for will bring the planning permission in line with the permitted hours shown on the Premises License issued under the Licensing Act 2003.

Fire – North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority have no objection/observation to the proposed development. The North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority will make further comment in relation to the suitability of proposed fire safety measures at the time when the building control body submit a statutory Building Regulations consultation to the Fire Authority.

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Site Notice Expiry Date – 24 March 2021



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Background

Stepping Stones Bakery is located in the centre of the Lealholm Conservation Area, to the south west of the Board Inn. The property is a Grade II listed building constructed of stone, under a clay pantile roof. The property was formerly an antiques shop but is currently used as a Bakery offering takeaway sales but no space to eat on site

Planning permission was granted under NYM2020/0430/CU for the change of use from the bakery to a shop and Café/ Tea Room with a slight increase in opening hours from 5pm to 8pm on an evening, but no internal or external changes were proposed to the fabric of the building which would require the submission of a Listed Building consent application.

Under this application permission is sought for an increase in the opening hours up to 10pm on all nights of the week to align with the alcohol license.

Main Issues

Applications for new Shops, Offices and Food and Drink Services are covered by Policy BL8 of the NYM Local Plan. The policy states that new retail development, professional and financial and food and drink services in Lealholm will only be permitted where the proposal is compatible with the character of the area and are of a scale that is appropriate to the community in which they are located.

The proposal put forward is to increase the length of opening hours into the evening up until 10pm on all nights of the week to accord with the alcohol license held. It is not considered that the scale of the enterprise proposed will be significantly different to that which have already been granted approval and all the statutory consultees are happy with the proposed scheme. The site is located close to the village pub and therefore there is already an existing level of evening activity in the area and therefore the proposal is considered to be acceptable.

The proposed is not considered to have an adverse impact on the amenity of the surrounding residential properties and is therefore considered to be appropriate and in accordance with the Policy BL8 of the Local Plan and therefore approval is recommended.

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

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.