

North York Moors National Park Authority

Delegated decision report

Application number

NYM/2020/0887/LB

Development description

Listed Building consent for relocation and replacement of extractor flue and internal alterations to enable use of upper floors as 1 no. principal residence dwelling or 1 no. holiday cottage

Site address

Maryondale Cottage and Chip Shop, Albion Street, Robin Hoods Bay,

Parish

Fylingdales

Case officer

Mrs J Bastow

Director of Planning's Recommendation

Approval subject to the following:

Condition(s)

Condition number	Condition text									
1	The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.									
2	<p>The development hereby permitted shall not be carried out other than in strict accordance with the following documents:</p> <table border="1"><thead><tr><th>Document Description</th><th>Document No.</th><th>Date Received</th></tr></thead><tbody><tr><td>Proposed floor plans</td><td>BI2021 1 A</td><td>1 June 2021</td></tr><tr><td>Proposed elevations</td><td>IB2020 3 of 3</td><td>12 May 2021</td></tr></tbody></table> <p>or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.</p>	Document Description	Document No.	Date Received	Proposed floor plans	BI2021 1 A	1 June 2021	Proposed elevations	IB2020 3 of 3	12 May 2021
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Proposed floor plans	BI2021 1 A	1 June 2021								
Proposed elevations	IB2020 3 of 3	12 May 2021								
3	The flue hereby approved shall be coloured matt black and maintained in that condition in perpetuity unless otherwise agreed in writing with the Local									

Document title

	Planning Authority.
4	Within three months of the flue hereby approved being installed to the front elevation in accordance with the approved plans, the existing flue to the north gable elevation shall be removed and the wall restored to its original condition.
5	All pointing in the development hereby permitted shall accord with a specification approved in writing by the Local Planning Authority, which includes mortar mix (based on a typical mix of a non-hydraulic quicklime mortar mixed at 1:3 dry non-hydraulic quicklime: sand), method of application, finish and may include a sample area if so required by the Local Planning Authority. The pointing shall thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority.
6	The roof of the development hereby permitted shall maintain its original structure and covering; the details any additional tiles required to make good shall first be submitted to and approved in writing by the Local Planning Authority and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority
7	No work shall commence on the installation or removal of any doors in the development hereby approved until detailed plans showing the constructional details and external appearance of all doors (and glazing if included) have been submitted to and approved in writing by the Local Planning Authority. Such plans should indicate, on a scale of not less than 1:20, the longitudinal and cross sectional detailing including means of opening. All doors shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
8	No work shall commence on the installation of replacement plasterwork (excluding modern studs), limewash/paint finishes and insulation in the development hereby permitted until a specification has been submitted to and approved in writing by the Local Planning Authority , which includes a traditional lime mix, method of application, finish, details of function and may include a sample area if so required by the Local Planning Authority. The plaster shall thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority.
9	All pipework/cabling and other services related to the internal accommodation are to be located internally unless agreed in writing with the Local Planning Authority. No work shall commence on the demolition, alteration or renovation of any part of the building to which this permission/consent relates until the applicant has submitted, for the written approval of the Local Planning Authority, a schedule of works to strengthen

	any wall or vertical surface, to support any floor, roof or horizontal surface (affected by the works) and to provide protection for the building against the weather during the progress of works. The work shall not be carried out other than in accordance with the details so approved.
10	The new internal stud walls in the development hereby approved shall be timber boarding where possible and shall be constructed so as to scribe around existing skirting, dado, cornice and other similar mouldings and shall not cut into or in any way damage the said architectural features.

Reason(s) for condition(s)

Reason number	Reason text
1	To ensure compliance with Sections 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
2	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 North York Moors Local Plan which seek to conserve and enhance the special qualities of the National Park.
3	In order to comply with Policy ENV11 of the North York Moors Local Plan which seeks to ensure that alterations to heritage assets do not have an unacceptable impact on their special historic or architectural interest.
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Informative(s)	
Informative number	Informative text
1	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.
2	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 .
3	Swift (<i>Apus apus</i>) populations are declining in the UK due to the loss of nest sites in roof spaces as old buildings are renovated or demolished. Swifts occupy nest sites between May and August, making little noise and causing no mess or smell. Swift populations can be supported by the inclusion of simple and affordable measures during building construction or renovation, such as purpose-made 'swift bricks' or the creation of small loft voids. Guidance can be found on the Swift Conservation website; https://www.swift-conservation.org/ with additional swift box ideas from Action for Swifts; http://actionforswifts.blogspot.com/search/label/nestbox%20design
4	Planning permission has also been granted for this development. You are advised to obtain sight of the notice of planning permission and the approved plans and ensure that the development is carried out strictly in accordance with the approved plans and the terms and conditions of the planning

	permission.
5	This Listed Building Consent relates solely to the plans, drawings, notes and written details submitted with the application and listed on the decision notice. Any variation of the works or additional works found to be necessary before work starts or while work is in progress, or required separately under the Building Regulations, may only be carried out subject to approval by the Local Planning Authority. Unauthorised modifications, alterations, or works not covered by this consent may render the applicant, owner(s), agent and/or contractors liable to enforcement action and/or prosecution.

Consultation responses

Fylingdales Parish Council

No objection - The building is in poor condition as such it is appropriate that it be brought back to a good standard. The new extractor fan would be a lot quieter. Would prefer the development to be residential due to car parking issues.

National Amenities Societies

No comments received.

Publicity expiry

21 January 2021



Existing flue

Front elevation

Background

Maryondale Cottage and Chip Shop is situated on Albion Street in the heart of the old town of Robin Hoods Bay. It is a grade II listed terraced property built of coursed sandstone under a pantile roof with stone copings and kneelers, brick chimney stacks and raking dormer windows.

Listed building consent is sought for internal alterations to facilitate the change of use of the first floor to a one bedroom dwelling unit for either permanent occupation as a principal residence or a holiday letting unit as part of the existing business. The first floor is presently vacant and used for storage in association with the ground floor fish and chip shop although it benefits from planning permission granted in 2007 (and subsequently implemented) for use as a café in association with the ground floor takeaway.

Listed building consent is also sought for the position of an extraction flue to the front roof slope of the property. The existing extractor flue is a large unsightly fixture on the north gable elevation where it overhangs the neighbour's property. The owners are under pressure to re-site the flue to avoid any overhanging and to provide a more efficient flue.

There is a companion application for planning permission (NYM/2020/0885/FL).

Main issues

The relevant policies of the Local Plan are considered to be Spatial Policy C (Quality and Design and Development), Spatial Policy I (The Historic Environment) and Policy ENV11 (Historic Settlements and Built Heritage).

The principle of the change of use is considered under the application for planning permission however it is considered appropriate to secure a viable use for the upper floors of the property so as to ensure the long term investment and maintenance of this heritage asset.

With regard to the impact on the significance of the heritage assets this being a grade II listed building within the conservation area, the agent advises that all options have been explored with regard to the relocation of the extraction flue to the chip shop. Unfortunately it cannot be inserted into the chimney breast and exit through the stack because it is simply too narrow at upper levels and any removal of the fabric to accommodate the flue would render the chimney stack unstable. The proposal to exist the flue in the front roof slope as close to the eaves as possible is considered to be the least intrusive alternative and in wider views of the roofscape of Robin Hoods Bay should not be unduly prominent.

The Building Conservation Officer has expressed regret that the chimney cannot be used but offers no objection to the application, and comments that the re-use for the first floor would not result in the loss of any historical fabric or interest.

In conclusion, the proposal would provide a one bedroom dwelling unit for use as either holiday letting or principal residence accommodation which would secure a viable use for the first floor of this listed building and the repositioning of the flue would conserve the character and appearance of the host building and the wider conservation area in accordance with Spatial Policy C (Quality and Design and Development), Spatial Policy I (The Historic Environment) and Policy ENV11 (Historic Settlements and Built Heritage).

Pre-commencement conditions

There are no pre-commencement conditions proposed.

Explanation of how the Authority has worked positively with the applicant/agent

The Local Planning Authority has acted positively in determining this application by assessing the scheme against the Development Plan and other material considerations and subsequently granting planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.