

North York Moors National Park Authority

Plans list item 3, Planning Committee report 10 February 2022

Application reference number: NYM/2021/0722/FL

Development description: creation of parking area with electric vehicle charging points, construction of cafe/kiosk building, alterations to existing structure to facilitate use as electric cycle charging store and use of land as outdoor seating

Site address: land at Fox and Hounds Inn, Slapewath, Guisborough

Parish: Guisborough

Parish: Lockwood

Case officer: Miss Megan O'Mara

Applicant: Mr A Hussain, Fox and Hounds Inn, Slapewath, Guisborough, TS14 6PX

Agent: Gpdesigns Architectural Services, fao: Mr Garry Phillipson, 12 Chestnut Avenue, Redcar, TS13 3PB

Director of Planning's Recommendation

Refusal for the following reasons:

Reason(s) for refusal

Refusal reason code	Refusal reason text
1	By reason of siting, layout and design, the proposed development is considered to be contrary to Strategic Policy C of the Authority's adopted policies as set out within the Local Plan, together with Part 1 of the Authority's Design Guide. It is considered that the proposed hard surfacing for electric vehicle charging points, the café/kiosk building and the bike charging shelter would have a harmful visual impact on the surrounding area.
2	The development is considered to be contrary to Policy BL8 of the Authority's adopted policies as set out within the Local Plan in that the proposals are not ancillary to an existing enterprise and would result in a cumulative increase in activity which would have an unacceptable impact on the character of the area, together with a detrimental impact on the amenity of local residents.

Map showing application site



**North York Moors
National Park**

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Scale: 1:2500

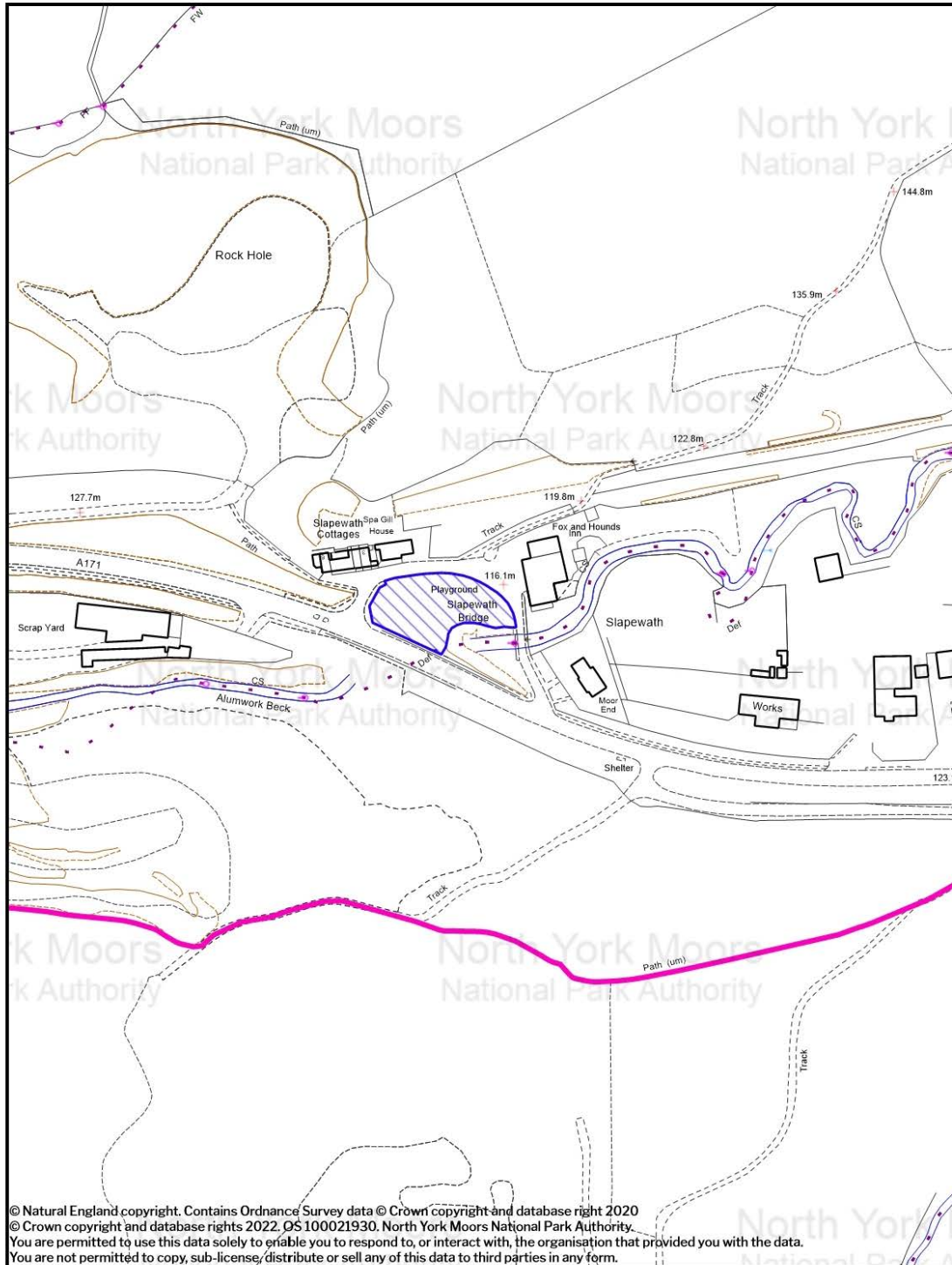


Photo showing the development site with the Fox and Hound Hotel in the background



Consultation responses

Guisborough Town Council

20 October 2021 - No objection.

Parish

1 December 2021 - The development site is a focal point of the village and there are concerns that the development would damage existing trees and vegetation on site. There are also concerns that the development would generate additional traffic in the village which could cause obstruction to walkers and cyclists. It is also noted that there is an existing café on site with sufficient open hours to serve the local area. Finally, it is commented that there is a large parking area and vacant area behind the hotel which could be used for the charging points.

Ward

29 November 2021 – Object. The proposals within the application will desecrate a valuable green space which, for decades, has added amenity to the small hamlet of Slapewath. It would also upset the delicate balance which now exists between the Fox and Hounds, its customers, and the residents of Slapewath Cottages. The proposed development would cause additional litter, noise, and light pollution to the detriment of residents who overlook the green from a very short distance. There would be a loss of vegetation and the development would be damaging to wildlife. It is therefore considered that the proposals are contrary to Strategic Policy C and Policy BL8. There is reference in the application to an ‘existing building’ to be used for cycle charging. This building appears to be a redundant shopping-trolley shelter which already detracts from the amenities of the area.

Highways

No response received.

Cleveland Fire Brigade

8 November 2021 – Recommends the installation of sprinklers or a suitable alternative AFS system.

Environmental Health

19 October 2021, 9 November 2021, and 30 November 2021 - No objection but comments and recommend condition.

Cleveland Police

11 November 2021 - It is recommended that the applicant actively seeks to develop to Secured by Design standards.

Environment Agency

16 November 2021 – No objection.

Forestry Commission – Regulation

No response received.

Third party responses

There has been a significant number of third party responses in support of the application. The comments submitted state that the development would be beneficial to the environment by providing renewable energy and will be convenient for people with electric cars who regularly use the A171.

It has been brought to the Authority's attention that the applicant's relative has solicited support for the application through Instagram. Some of the letters of support are identically worded and this can be taken into account in the weight given to these comments.

The following people support the application:

Marie O'Neill of 37 Mowden terrace, DL3 6AN

Bilal Ali of 63 Chalford Oaks, TS5 8QG

Mr Lewis Rogers of 96 station road, Billingham, Stockton on tees, TS23 1AB

Kayleigh Reddington of 54 Hammond drive, DL1 5TR

Mr Daniel Nicholson of 54 Hammond drive, DL1 5TR

Mr Arthur Rix of 21 Stanghow Road, Cleveland, TS12 3ED

Mrs Jodie Brown, 21 Stanghow Road, Cleveland, TS12 3ED

K Metcalf of 12 Hadleigh Crescent, Middlesbrough, TS4 2TG

Ajay Singh of 14 Danby Grove, TS17 8BX

Mr Luke Taylor of 10 Witton Park, TS18 3BE

Chloe Beckwith of Mowden Terrace, Darlington, DL3 6AN

Mr Derek Wall of 3 Moordale Court, Lingdale, TS12 3DX

Saneaah Mahmood of 2 Raby Road, TS18 4JA

Miss Zara Hussain of 19 Church Lane, Middlesbrough, TS5 7EQ

Miss Christina Hauxwell of Fox and Hound Hotel, Slapewath, Cleveland, TS14 6PX

There has also been a high number of objections to the application. These are listed below.

Julie Best of 4 Slapewath Cottage, Slapewath, Guisborough, TS14 6PY

The objector considers that the development will have a detrimental impact on the character of the area, together with the wildlife and environment in the small hamlet. There is already a pub and café trading daily, together with a number of structures on the development site. The impact on the area would cause disruption, lighting issues, noise, antisocial behaviour, and litter. This is the only green land which needs to stay green land.

K Dryden, 6 Slapewath, Guisborough, Cleveland, TS14 6PY

The objector considers that the development will result in an increase of vehicular activity which would be dangerous to pedestrians. There would also be an increase in light and noise pollution as well as litter. The development would destroy the much-needed green space in the middle of the hamlet. In addition, the development would be detrimental to the existing café business.

C Dryden, 6 Slapewath, Guisborough, Cleveland, TS14 6PY

The development would have a direct and potentially hazardous impact on pedestrians, cyclists and horse riders using the area.

The objector also states that the development could result in antisocial behaviour. The development would destroy the only green space at Slapewath which would have a direct impact on the wildlife.

The objector also notes that the applicant has failed to provide important information such as opening hours for the café/kiosk, drainage, flooding, mining, and contamination. It is also noted that the existing car park to the rear of the hotel would be the most appropriate location for the charging points.

Mrs N K Frankland-Jones, Spa Gill House, Slapewath, TS14 6PY

The comments state that the development would spoil the character of the hamlet and that the objector's property will directly overlook the development site. The green space is important for wildlife and is prone to flooding. It is also considered that the development would result in a significant increase in traffic and noise.

It is noted that the carpark to the rear of the hotel would be a more suitable location for the charging points.

Mr Glenn Lightfoot, 5 Slapewath Cottages, Guisborough, Cleveland, TS14 6PY

It is felt that there is not a demand for such facilities in a small hamlet and that it would have a direct impact on the wildlife in the area as well as creating extra litter, noise, and light pollution. The development would also result in an increase in vehicular activity causing congestion and would impact pedestrians.

The objector also notes that there is no demand for an additional café given the existing facilities close by.

Tanya Lightfoot, 5 Slapewath Cottages, Guisborough, Cleveland, TS14 6PY

The development site is the only green area in Slapewath and houses wildlife and trees and there is no need to replace this with café/kiosk facilities as there is an existing café and pub adjacent to the site. The development would result in disturbance from noise and lighting as well as litter. It is believed that the proposals would be detrimental to the community, wildlife, and environment.

It is appreciated that charging points are useful but that the rear carpark of the hotel would be more appropriate. It is also noted that the building proposed to charge bicycles is an old trolley shelter not a building.

It is also noted that the plans are a low-risk flood area, when according to Department for Environment, Food & Rural Affairs it is a high-risk area.

Julie Iseton of Moorend, Slapewath, TS14 6PX

The objector considers that the proposed development will cause antisocial behaviour, noise, litter, and an increase in activity. There is also high flood risk in the area. The charging area could be created in the large carpark to the rear of the hotel where there is already hardstanding, meaning that the green space can remain.

Julie is also proprietor of The Chase Café which is adjacent to the development site and states that the proposals will have a direct impact on her business.

Robert Iseton of Moorend, Slapewath, TS14 6PX

The existing businesses in the hamlet already provide adequate facilities and the proposed development would affect the character and amenity of the hamlet. It is felt that there is a need to protect and conserve our green areas for the local community and the planet.

The proposed development could result in antisocial behaviour, noise, and pollution as well as an increase in traffic which would be dangerous to pedestrians.

The charging area could be created in the large carpark to the rear of the hotel where there is already hardstanding.

Professor Tracy Shildrick and Mr Steven Shildrick, 3 Slapewath Cottages, TS14 6PY

The proposal to build on the green space and install car parking charge points, a toilet facility and kiosk would constitute a significant change to the area and negatively impact the quality of life of the residents of Slapewath and surrounding areas.

The objectors have significant concerns regarding the impact on the environment and wildlife in the area. It is also noted that there are a number of structures on the site that fail to enhance the character of the area. They point out that the large car park to the rear of the hotel could be utilised instead.

It is appreciated that the charging points are a good idea but the development on a whole would increase levels of traffic, noise, activity, and pollution in the small hamlet of Slapewath.

Lily Quinn, 17 Ayton Meadows, Nunthorpe, Middleborough, TS7 0AY

Ms Quinn's main reason for objecting is that the development would affect her employment status at The Chase Café as the proposed café/kiosk could be detrimental to business. She also states that the development could affect the character of the area and result in an increase in cars that would be dangerous to walkers and children.

Consultation expiry

20 January 2022

Background

Slapewath is an unusual part of the National Park, it sits alongside the A171 just outside Guisborough. It is visually characterised by a very large HGCV/plant and machinery business and a large commercial car salvage yard. Between those two large businesses is a small community comprising a public house/restaurant/cafe and a hand full of dwellings overlooking a small green area used as a play and outside eating area.

The application site is the green space located opposite the Fox and Hound Hotel and The Chase Cafe, which is situated just off the A171 at Slapewath and screened by trees. The Fox and Hound Hotel and The Chase Café are not located within the National Park, nor are the residential properties adjacent to the development site; the National Park boundary follows the shape of the green space.

The applicant owns the Fox and Hound Hotel as well as the development site, which is the only green space in the small hamlet of Slapewath. The site has no planning history, however there are a number of structures, including areas of decking, an undercover seating area, former trolley shelter and an elephant slide on the land. The site is currently used predominately to provide an informal outdoor seating area for the hotel/pub and as a children's play area.

This application seeks planning permission for the creation of parking area with 6 no. bays, each fitted with electric vehicle charging points. The development also includes the construction of cafe/kiosk building adjacent to the parking area for the sale of food and drink with the provision of toilet facilities. In addition, the proposals include alterations to an existing structure (former supermarket trolley shelter) to facilitate electric bicycle charging. The application also seeks to formalise the use of the remaining land as an outdoor seating area associated with the hotel/pub and proposed café/kiosk.

Main issues

Local Plan

The most relevant policies of the Local Plan in the determination of this application are Strategic Policy C (Quality and Design of Development) and Policy BL8 (Shops, Offices and Food and Drink Services).

Strategic Policy C relates to the quality and design of development within the National Park. The policy seeks to ensure that proposed development maintains and enhances the distinctive character of the National Park through appropriate siting, orientation, layout, and density together with carefully considered scale, height, massing, and form. Proposals should incorporate good quality construction materials and design details that reflect and complement the architectural character and form of the original building and/or that of the local vernacular.

Policy BL8 relates to Shops, Offices and Food and Drink Services within the National Park. The policy states that development will only be permitted where the proposal is in accordance with the policies in the Helmsley Local Plan; 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 and are of a scale that is appropriate to the community in which they are located, or in open countryside where new proposals are ancillary to an existing enterprise provided that the proposal does not result in a cumulative increase in activity which would have an unacceptable impact on the character of the area, the amenity of local residents, or the wider vitality and viability of villages.

Principle of development

The application seeks to establish a new business in the form of an electric vehicle charging area, accompanied by the construction of a café/kiosk building to provide food, drink, and toilet facilities to members of the public using the charging points. Policy BL8 relates specifically to Shops, Offices and Food and Drink Services; the policy explains that the cumulative impact of new enterprises, particularly those which are aimed primarily at the visitor market, can be detrimental to the character of settlements within the National Park and can undermine their viability and vitality. Policy BL8 allows for proposals which are ancillary to existing enterprises for example, farm shops. This aims to ensure that commercial development is not introduced into quiet areas; therefore, preventing damage from increased activity levels on the character and appearance of the National Park.

Although the applicant owns the Fox and Hounds, it has been confirmed that the electric vehicle charging, and café/kiosk will be run independently from the existing hotel business. The development site does not fall within any of the larger or smaller villages listed in the Settlement Hierarchy as set out within the Local Plan and therefore point 4 of Policy BL8, which relates to open countryside, is applicable in this instance. Point 4 of the policy states that development can only be supported where new proposals are ancillary to an existing enterprise, provided that the proposal does not result in a cumulative increase in activity which would have an unacceptable impact on the character of the area, the amenity of local residents, or the wider vitality and viability of villages. The proposed development is not ancillary to an existing enterprise and as such, it is considered to be contrary to Policy BL8 of the Authority's adopted policies.

Design of development

Strategic Policy C is clear that proposals must be of a high-quality design that will make a positive contribution to the local environment in accordance with the principles set out in the North York Moors National Park Authority Design Guide. The policy also states that proposals must incorporate good quality construction, materials and design details that reflect and complement the architectural character and form of the original building and/or that of the local vernacular.

Firstly, it is considered that the block-paved parking area would result in a considerable loss of green space which would have a harmful impact on the character of the small hamlet. There are also concerns that the loss of green space could have a harmful impact on local wildlife and biodiversity, which would be in direct contravention with Strategic Policy C. There is already a substantial area of hard surfacing to the rear of the Fox and Hound hotel, in which wall mounted vehicular charging points could be installed without planning permission and without losing existing green space; however, the applicant is not in favour of pursuing this alternative.

In addition, the proposed café/kiosk building fails to respect the local vernacular in terms of design and materials. The single pitched roof, horizontal timber cladding and basic fenestration result in a poor quality, off-the-shelf appearance. The proposals also fail to comply with Strategic Policy C in that the scale and position of the café/kiosk building, and car parking/charging space would result in an inappropriate scale of development in a small hamlet by infilling a large proportion of the only open green space in the area. The policy explains that development should only be supported where the siting, orientation, layout, and density of the proposal complements existing buildings and the form of the settlement, preserving or enhancing views into and out of the site and creating spaces around and between buildings which contribute to the character and quality of the locality.

The application also seeks planning permission to convert an existing structure into a bicycle charging shelter. Generally, the Authority will only support the conversion of existing buildings where they are worthy of retention or reflect the local vernacular; in this instance the structure subject to the proposed re-use is a repurposed supermarket trolley shelter. It is not considered that a structure of this form or materials is appropriate, and it would be harmful to the character of the local area if retained.

Therefore, by reason of siting, layout and design, the proposed development is considered to be contrary to Strategic Policy C of the Authority's adopted policies as set out within the Local Plan, together with Part 1 of the Authority's Design Guide. It is considered that the proposed hard surfacing for electric vehicle charging points, the café/kiosk building and the bike charging shelter would have a harmful visual impact on the surrounding area.

Impact on local residents and surrounding area

One of the main points of contention raised in the third party objections is the wider impact that the proposed development would have, specifically on local residents. A few of the objections make reference to the impact that the proposed café/kiosk would have on the existing café business at The Chase, however competition is not a planning consideration and therefore cannot be given any weight.

Both Strategic Policy C and Policy BL8 are clear in that new development can only be supported where proposals will not have an adverse impact upon the amenities of adjoining occupiers or result in a cumulative increase in activity which would have an unacceptable impact on the character of the area and the amenity of local residents. It is considered that the introduction of 6 no. vehicle charging points and a café/kiosk building would result in an increase in vehicular and pedestrian activity in the hamlet; the impact of which would be worsened by the applicant's intentions to operate during the early hours of the morning/late at night, outside of the standard retail hours of operation. The increase in activity would likely result in a considerable increase in noise; however, the applicant disputes this stating that electric cars are almost silent. Officers consider that the drivers and passengers themselves would be likely to generate noise whilst using the site. The headlights of the cars using the charging points, together with internal and external lighting on the café/kiosk building, would likely lead to an increase in light pollution. In addition, the proposed café/kiosk building is likely to generate additional noise and smells which due to its close proximity to the dwelling in Slapewath, would have a direct and harmful impact on the local residents.

It is appreciated that the hamlet is located just off a busy carriageway, however the development would bring vehicular activity closer to the residential properties. Therefore, the development is considered to be contrary to Strategic Policy C and Policy BL8 of the Authority's adopted policies as set out within the Local Plan in that the proposals would result in a cumulative increase in activity which would have an unacceptable impact on the character of the area, together with a detrimental impact on the amenity of local residents.

Conclusion

It is appreciated that electric vehicle charging points are required to meet future electric car demands and undoubtedly contribute positively towards climate change interventions. More electric vehicles will be on the road in the next few years and as such the presence of charging points in appropriate locations within the National Park is supported by the Authority in principle. The Authority does not however support development that fails to accord with the policies set out within the Local Plan. It is considered that the proposals to introduce an electric vehicle charging area, the construction of a café/kiosk building, and a bicycle charging shelter would have a harmful impact on the character of the surrounding area. The proposed business is likely to result in an increase in activity and noise, which would have an adverse impact on local residents.

Therefore, in view of the above, the application is recommended for refusal.

Pre-commencement conditions

Not applicable.

Contribution to Management Plan objectives

Not applicable.

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 concluded that the scheme represents a form of development so far removed from the vision of the sustainable development supported in the Development Plan that no changes could be negotiated to render the scheme acceptable and thus no changes were requested.