

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2022/0074

Development description: Listed Building consent for external repointing, window repair works and replacement extractor together with internal alterations including but not limited to removal of non-historic doors, fireplace and handrail, installation of replacement sanitaryware, kitchens, sockets, partition walls and misting fire suppression system

Site address: Mariondale Fish and Chips, Albion Road, Robin Hoods Bay

Parish: Fylingdales

Case officer: Miss Lucy Gibson

Applicant: Mr Ian Ford

Mariondale Fish and Chips, Albion Road, Robin Hoods Bay, Whitby, North Yorkshire, YO22 4SW

Agent: Duckworth Planning and Design Ltd

fao: Mr Rob Duckworth, 2 Knightley Farmhouse, Callingwood, Needwood, Burton, DE13 9PU

Director of Planning's Recommendation

Approval subject to the following:

Condition(s)

Condition number	Condition code	Condition text									
1	TIME02	<p>Standard Three Year Commencement Date - Listed Building</p> <p>The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p>									
2	PLAN01	<p>Strict Accordance With the Documentation Submitted or Minor Variations - Document No.s Specified</p> <p>The development hereby permitted shall not be carried out other than in strict accordance with the following documents:</p> <table border="0"> <thead> <tr> <th>Document Description</th> <th>Document No.</th> <th>Date Received</th> </tr> </thead> <tbody> <tr> <td>Amended plans</td> <td>DPD/2022/003/LBC/001/B</td> <td>29 March 2022</td> </tr> <tr> <td>Heritage statement</td> <td>N/A</td> <td>03 February 2022</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	Amended plans	DPD/2022/003/LBC/001/B	29 March 2022	Heritage statement	N/A	03 February 2022
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Amended plans	DPD/2022/003/LBC/001/B	29 March 2022									
Heritage statement	N/A	03 February 2022									
3	MATS00	<p>No work shall commence on the installation of any external fixtures to the building to which this permission/consent relates until details of all external fixtures have been submitted to and approved in writing by the Local Planning Authority. All other external lighting and paraphernalia should be removed. The details should include for provision for any exterior fittings including but not limited to lighting, meter boxes, alarm fittings, security cameras, cabling, signage, wall or roof flues that may be proposed to be installed. The external fixtures shall be installed wholly in accordance with the approved details.</p>									
4	CDLB12	<p>Listed Buildings - Stud Walls</p> <p>The new internal stud walls to be constructed in the development hereby approved 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.</p>									
5	MATS00	<p>All pipework/cabling and other services related to the internal</p>									

		accommodation is to be located internally unless agreed in writing with the Local Planning Authority.
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Reason(s) for condition(s)

Reason number	Reason code	Reason text
1	TIME02	To ensure compliance with Sections 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
2	PLAN00	For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Strategic Policy A and NYM Strategic Policy C, which seek to conserve and enhance the special qualities of the NYM National Park.
3	MATS00	For the avoidance of doubt and in order to comply with the provisions of NYM Strategic Policy A and NYM Strategic Policy C which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
4	CDLB06	In order to comply with Policy ENV11 which seeks to ensure that alterations to Listed Buildings do not have an unacceptable impact on their special historic or architectural interest.
5	MATS00	For the avoidance of doubt and in order to comply with the provisions of NYM Strategic Policy A and NYM Strategic Policy C which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.

Informative(s)

Informative number	Informative code	Informative text
1	MISCINF01	Bats 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	CDLBINF01	Listed Building - No Other Internal/External Alterations Approved For the avoidance of doubt, no permission or consent is given for the removal of, or works to, any internal features other than as hereby approved without the prior submission to and approval by the Local Planning Authority of a formal application for Listed Building consent.

Consultation responses

Fylingdales Parish Council

Although Fylingdales Parish Council have no objection to this planning application, we are keen to know if a change of use has been applied for. Historically, the 1st floor of this premises has been used as a restaurant.

Third party responses

None

Publicity expiry

Advertisement/site notice expiry date: 17 March 2022



This photograph shows the front elevation of Mariondale Fish and Chips, Robin Hoods Bay



This photograph shows the 1st floor internal space.

Background

Mariondale Fish and Chip Shop is situated on Albion Street in the heart of the old town of Robin Hoods Bay, sited within the Robin Hoods Bay Conservation Area which is protected by an Article 4 (2) Direction. 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.

Planning Permission and Listed Building Consent were granted consent in 2020 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. Consent was also granted for the repositioning of the extractor flue to the front roof slope of the property.

This application seeks Listed Building Consent for internal alterations including the removal of non-historic doors, fireplace and handrail, installation of replacement sanitaryware, kitchens, partition walls, ceilings and misting fire suppression system.

Listed Building Consent is also sought for external repointing, window repair works and the installation of an internal extractor flue.

Main issues

Statutory Duties

Section 16, paragraph 199 of the National Planning Policy Framework 2019 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Section 16, paragraph 200 of the National Planning Policy Framework 2019 goes on to state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

The Authority has a statutory duty to protect Listed Buildings within the Park as they form part of the significance of the built and cultural heritage of the North York Moors. These buildings represent a significant part of the history and culture of the National Park and their considerable importance, once lost, cannot be replaced.

The Authority has a general duty in respect of listed buildings in its exercising of planning functions as set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special

regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

NYMNPA Policies

The most relevant policy contained within the North York Moors Local Plan to consider in relation to this application is Strategic Policy I (Historic Environment) and Policy ENV11 (Historic Settlements and Built Heritage).

Strategic Policy I states that all developments affecting the historic environment should make a positive contribution to the cultural heritage and local distinctiveness of the National Park through the conservation and, where appropriate enhancement of the historic environment.

Policy ENV11 seeks to resist development that results in loss of or harm to the significance of designated and other heritage assets of national importance. In order to accept any loss or harm proposals will be required to present clear and compelling justification for the development, including the public benefits which will arise from the proposal.

This application for Listed Building Consent comprises a sensitive scheme to repair and renovate the exterior and upper floors of the building.

An internal extractor flue would be installed to replace the existing, this would be routed vertically upwards in the north-western corner of the building and will exit the roof to the front elevation. The internal route for the extractor flue has been changed from that approved in 2020 as this route results in less impact on the historic fabric. The flue will exit the roof space in the same location as approved in 2020 (ref: NYM/2020/0885).

The use of traditional materials such as linseed oil paint and hot lime mortar and plaster to repair the windows, pointing and internal plaster are supported as these would be to the benefit of the whole building. The specifications of these products have been provided and are considered to be acceptable by the Authority's Building Conservation team.

The other internal alterations are supported by the Authority's Building Conservation team, including the retention of the remaining portion of historic floorboards which will be boarded over and the installation of a replacement timber banister.

Overall, the proposals would conserve the significance and character of the Grade II Listed Building and the wider Conservation Area in accordance with Strategic Policy I, Policy ENV11 and Section 16 of the NPPF. As such, approval is recommended.

Pre-commencement conditions

N/A

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.