

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2023/0476

Development description: alterations to building and change of use from light industry (E(g)) to three retail units (Use Class E(a))

Site address: Former Sawmill (Fossil Workshop), East Row, Sandsend, Lythe,

Parish: Lythe

Parish: Newholm-Cum-Dunsley

Case officer: Mrs Hilary Saunders

Applicant: The Mulgrave Estate, fao: Mr Robert Childerhouse, The Estate Office, Mulgrave Castle, Lythe, Whitby, North Yorkshire, YO21 3RJ

Agent: John Long Planning, fao:Mr John Long, 45 The Street, Surlingham, Norwich, NR14 7AJ

Director of Planning's Recommendation

Approval subject to the following:

Condition(s)

Condition number	Condition code	Condition text
1	TM01	The development hereby permitted shall begin not later than three years from the date of this decision.
2	PL02	The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved.
3	UOR01	The premises shall be used for the retail sale of goods (excluding hot food) (Class E(a) and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 2020 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
4	GPMT03	All new external materials used in the development hereby permitted shall match that of the existing building including the

Condition number	Condition code	Condition text
		colour and texture and finish and where these include stone and/or brick, the method of coursing and pointing in the local tradition.
5	GPMT00	All new doors, door frames, window frames and glazing bars shall be of timber construction and no other materials shall be used and the external face of the frame to all new windows and doors shall be set in reveals to match those of the existing windows and shall be maintained in that condition in perpetuity.

Reason(s) for condition(s)

Reason number	Reason code	Reason text
1	RSN TM01	To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2	RSN PL01	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	RSN UOR01	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 North York Moors Local Plan , which seek to enhance and conserve the special qualities of the National Park and ensure that development does not have an adverse effect on the amenities of adjoining occupiers.
4	GPMT01	For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to ensure that building materials are of a high quality and compatible with the character of the locality and that the special qualities of the National Park are safeguarded.

Reason number	Reason code	Reason text
5	GPMT02	For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan 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.

Consultation responses

Parish

Newholm-Cum Dunsley - Object – No reasons have been provided even though case officer contacted Parish Clerk to advise there needed to be a material planning reason given. Therefore, application still falls within the Scheme of Delegation.

Lythe-No objections, however the Council have the following comments/observations;

- the Council have been advised that buildings are not occupied as the two last commercial tenants had been given notice to vacate.
- should the application be approved, a condition of approval must be, the premises must not be used for residential, or holiday let purposes or any other purpose out with the planning decision.
- the development would be suitable for the incorporation of public conveniences for car park users.

Highways

No objections – but have comments on works required in relation to a previous planning application, which is within North Yorkshire Council's jurisdiction.

Third party responses

None received.

Publicity expiry

22 September 2023

Existing building, located within the pay and display car park in Sandsend



Background

This application relates to a disused fossil workshop that is located within the newly constructed (and recently approved) 148 car park created in the previously disused Mulgrave Estate sawmill site alongside East Row beck.

The site is within The Former Sawmill (Fossil Workshop) in the Mulgrave Castle Registered Park and Garden. The Mulgrave Castle Registered Park and Garden (RPG) is registered primarily for its historical and natural significance.

This planning application seeks permission to convert the building in the car park, which was previously approved as a fossil workshop, into 3 small shop units with associated storage space.

No external alterations, other than repairs are proposed. All external works are limited to repairs, reinstatement and refurbishment of the windows, doors and external wall render.

In support of the proposals the applicant's agent has stated the following: -

The retail/shop use is considered small scale and intended to support the local Sandsend / East Row catchment, aimed mostly at holiday makers and day visitors. The size and nature of the scheme will not draw customers from a wider catchment. The small amount of retail floorspace and its nature (i.e., to serve the Sandsend and East Row tourism and day visitor market) is considered not to require the need for a retail impact assessment, or sequential test. Furthermore, the benefits accrued from making the appropriate and sympathetic use of an existing building would outweigh any very minor impacts that would be caused by the small-scale retail use. The number of workers at the shops and opening hours are not yet known.

Main issues

Local Plan

Policy BL8 (Shops, Offices and Food and Drink Services) supports new retail development, professional and financial and food and drink services where the proposal is in accordance with the policies in the Helmsley Local Plan; is 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 or in Open Countryside where new proposals are ancillary to an existing enterprise. Proposals resulting in the loss of retail development will only be permitted if it can be demonstrated robustly that the facility is no longer suitable for retail use, in accordance with the viability and marketing tests.

Policy ENV9 (Historic Landscape Assets) – this requires that development affecting historic landscape assets of the North York Moors will be required to conserve and, where appropriate, enhance its landscape quality and character by taking into

consideration the elements which contribute to its significance and, where relevant, the public's experience of it. Such assets include Registered Historic Parks and Gardens.

Material Considerations

Whilst new retail outlets in the open countryside are not usually supported, the building itself already has planning permission for Class E use, albeit that is currently conditioned to be used as a fossil workshop.

This application therefore seeks permission for the broadening of the remit of the Class E use.

The building is now located within a large public car park and if the fossil workshop was brought back into use, would be likely to attract visitors. It is not considered the creation of 3 small retail units, within this car park would generate greater activity of more vehicle movements, as it is most likely to attract those already parking in the car park or walking into the woods.

In view of the above the proposal is considered to be in accordance with Policy BL8, particularly as it is in association with an existing tourism enterprise.

The proposal is not considered to have any impact on the historic landscape of the Mulgrave Woods historic parks and garden as the site is an existing building located with a tarmacked car park and no extension or alterations are required. The proposal is therefore not in conflict with Policy ENV9

In view of the above, approval is recommended.

Public Sector Equality Duty imposed by section 149 of the Equality Act 2010

The proposal is not considered to unduly affect any people with protected characteristics.

Pre-commencement conditions

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 confirmed to the applicant/agent that the development is likely to improve the economic, social and environmental conditions of the area.