

**Burgess Group PLC: Application for a Lawful Development Certificate for a
Proposed use or development.**

Site: Victory Mill, Thornton Le Dale.

NYMNPA

18/01/2024

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Burgess Group PLC
Victory Mill,
Priestmans Lane,
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Appendix relating to Section 7 of Application for a Lawful Development Certificate for a Proposed Use or Development: NYM/2023/0574

Appendix 7.1: Information About the Existing Use(s)

The land in question, the car and vehicle parking area at Victory Mill, has been used in this capacity for over 100 years.

Over this period, it has been used for a broad and often intense range of vehicle operations, including (but not exhaustive) parking and standing of HGVs, LGVs, vans, and other goods vehicles during its time as both a flour and an animal feed mill. More recently, its primary use has been as a parking lot for staff and visitors associated with the Burgess Group office-based business activities at Victory Mill.

Access has been available 24 hours a day, seven days a week if needed, albeit, in more recent times, it is accepted that this has generally been more readily used between 7:30 am and 8:30 pm. However, it is still accessible outside those hours if needed.

Appendix 7.2: Information About The Proposed Use(s)

The proposal is that the victory mill parking area remains a parking area as its primary use. In addition, it is proposed to include access to P&D visitors alongside the existing victory mill office and site users.

The parking area opening to P&D visitors is proposed with the following strictly enforced restrictions.

1. **Open to Passenger and Small Vehicles only.** Caravans, campervans, large high-sided vehicles, etc. are to be excluded. Notices will be displayed on the site and online to this effect, and the 24/7 operating ANPR camera will enforce the restrictions.

2. The site will **not allow P&D parking overnight**. Our proposal is for an opening of 07:30, in line with typical early office arrivals, and a closing time of 20:30.
3. **Twenty-four-hour site surveillance and** out-of-hours contact lines provided.
4. All the above will be communicated via **visually suitable signage** for the local environment.

Appendix 7.3 Please state why you consider that a Lawful Development Certificate should be granted for this proposal:

Firstly, we hope to have sensibly captured and addressed some of the main concerns from the original proposal, particularly around usage type and usage hours. In doing this, we have aimed to minimise the alterations made in the evolution of the victory mill parking area functions as far as possible, in line with the changing market-led need of the mill building itself. We have looked to keep the parking areas as a parking area, operating broadly in line with the opening hours of recent times.

Concerning the P&D element, we fully accept that this means using the parking area for commercial reasons. However, as it has historically only ever been used to support Burgess's business operations at Victory Mill, it's important to emphasise that it has always been a commercial parking area serving a vital activity – flour production for humans and animal feed.

In lieu of the fact that the site has always been a parking area that has continuously operated commercially, and given our amendments regarding opening hours and car use to bring those in line with recent times, we do not believe there is any element that accounts for a material change of use. Both the primary use function and use class remain as is.

In addition, the other significant point that arose from our initial submission is the importance of maintaining the visual aspect and keeping the village attractive for all concerned. The family company fully appreciates its responsibility for the whole site (including one of the village's largest and most historic buildings) being a part of this. Despite significant extra costs, the company has tried (and has been successful) to undertake its responsibilities for many years. In addition, the following have been voluntarily accepted:

- a) Hedges – maintenance of beech hedges needing twice yearly cutting instead of metal fences. Refer to Photos PDF
- b) Irish Bridge – Daily attention to prevent tunnels being blocked and Priestmans Lane being flooded (see photograph). The NYCC has always struggled to have available resources to keep up with this issue. Refer to Photos PDF

- c) The trout ladder (cost £90,000) was created solely for the public viewing from the right of way. This is from a much-admired view. Refer to Photos PDF
- d) Maintenance of visible verges.

In the feedback to our original application, we can fully see the strength of feeling concerning this point and the subsequent emphasis individual village members place on the Burgess company to maintain its voluntary commitments to this end; this is the feedback we welcome and embrace.

With this feedback in mind, it is hoped that the reasons for this application can be understood in light of this very issue. Maintaining a historical and old site like Victory Mill, in keeping with its current standard, requires considerable and regular capital expenditure. The car park in its own right requires annual capital expenditure to maintain its tidy, good repair and well-kept state. However, whilst it stands underutilised, as it is now, this maintenance cost far outweighs its income.

. The sands of time have pushed changes upon the business, so having the scope to pivot its operations is crucial to countering time-related change. Thus, implementing evolutionary projects like this is critical to supporting our ability to maintain our historical commitments regarding the upkeep and maintenance of the site (which have always been far beyond standard requirements!)

In aiming to keep the site as a parking area whilst adding P & D (rather than exploring other options), we have sought to find a route forward that is significantly less dynamically changed than all other alternative options for using this area.

All lorries had to be kept clean using the park wash.

1993



Beech hedges planted to improve the view especially for pedestrians.



Effect of severe flooding and Irish Bridge blocked with floating branches etc - 1999





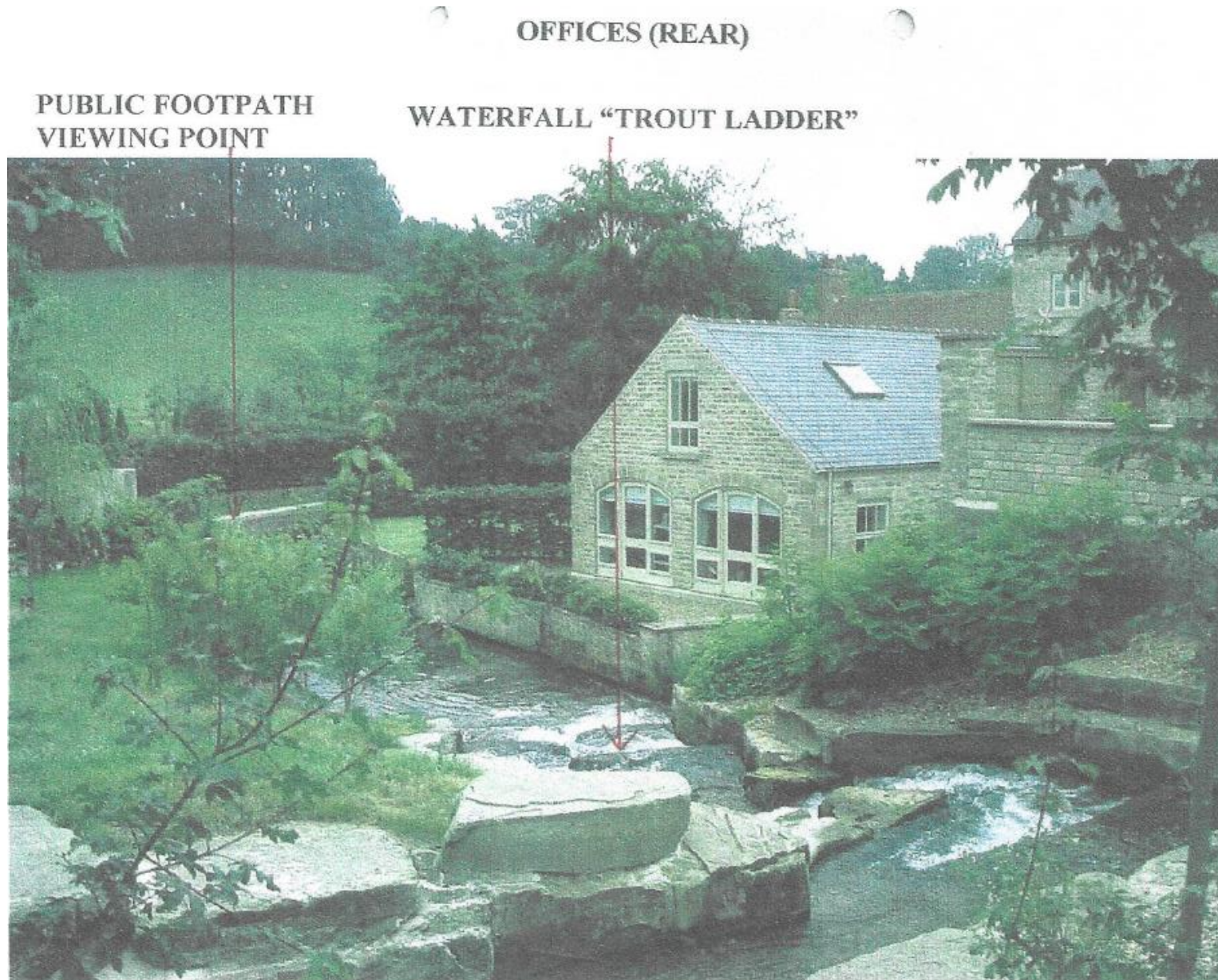
THE IRISH BRIDGE JUST ISN'T UP TO IT!



SIMPLY TOO MUCH FOR THE IRISH BRIDGE!



The Burgess family company at their cost (£90,000) altered the stream to flow over the newly constructed 'Trout Ladder' so people could view from the new public right of way which was re-directed so people could walk to Ellerburn alongside the stream. A hugely popular walk.



View showing the Vehicle Park, completed Mill after demolition and use of Beech hedges.

