

North York Moors National Park Authority

District/Borough: Scarborough Borough Council
(South)
Parish: Newby and Scalby

Application No. NYM/2018/0580/FL

**Proposal: alterations to and change of use of part of Low Hall and grounds to cafe/bar
(Use Class A3) together with erection of pergola**

**Location: Low Hall
Hackness Road
Scalby**

**Decision Date: 05 November 2018
Extended to:**

Consultations

Parish -No objections. However concerns were expressed about additional traffic using the entrance opposite Church Hill since that was also the main entrance used by the people staying at Low Hall many of whom are less abled and have walking difficulties.

Highways – No objections

North Yorkshire Police Designing Out Crime Officer – No concerns or issues

North Yorkshire Fire & Rescue – No objections

Environmental Health Officer - no comments to make from a food and occupational safety perspective.

Site Notice Expiry Date – 29 October 2018

Others –

Mr Robert Walton, 10 Hay Brow Crescent, Scalby - I am pleased to see this application, as it supports the Government's (and, in turn, the National Parks England's) Vision (as set out in Circular 2010 by Defra, March 2010) for sustainable tourism.

It will be a place for tourists and residents alike to enjoy.

I am, therefore, in support of the application, but would suggest that there might be conditions attached for landscaping around the additional car parking spaces, so that cars are not seen from Hackness Road.

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Director of Planning's Recommendation

Approval subject to the following condition(s):

1.	TIME01	The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.															
2.	PLAN01	<p>The development hereby permitted shall not be carried out other than in strict accordance with the following documents:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Document Description</th> <th style="text-align: left;">Document No.</th> <th style="text-align: left;">Date Received</th> </tr> </thead> <tbody> <tr> <td>Site location plan</td> <td>423-A10 rev B</td> <td>20/09/2018</td> </tr> <tr> <td>Proposed site plan</td> <td>423-A05</td> <td>30/08/2018</td> </tr> <tr> <td>Elevations as proposed (excluding signage)</td> <td>423-A04 rev B</td> <td>15/10/2018</td> </tr> <tr> <td>Floor plan as proposed</td> <td>423-A02 rev A</td> <td>30/08/2018</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	Site location plan	423-A10 rev B	20/09/2018	Proposed site plan	423-A05	30/08/2018	Elevations as proposed (excluding signage)	423-A04 rev B	15/10/2018	Floor plan as proposed	423-A02 rev A	30/08/2018
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Floor plan as proposed	423-A02 rev A	30/08/2018															
3.	RSUO01	The premises shall not be used other than as a café/bar and shall not be used for any other purpose (including any other purpose in Class A3 of the Schedule to 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 within Schedule 2, Part 3, Classes A-V of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order).															
4.	GACS06	The café/restaurant/bar hereby permitted shall not be open to customers outside the hours of 0900 to 2300 Mondays to Saturday and 0900 to 1600 on Sundays and Bank Holidays. Any variation to these hours will require a new grant of planning consent from the Local Planning Authority.															
5.	GACS00	Notwithstanding the submitted details, no external lighting shall be installed in the development hereby permitted until details of lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.															
6.	CDLB01	No work shall commence on site to clear or strip out the building to which this permission relates until digital photographs of both halls, the snooker room and the library as they exist have been submitted to and approved in writing by the Local Planning Authority. These photographs should comprise at least two photographs taken from opposite corners for each room, capturing full coverage of all walls to each room. If two shots do not provide sufficient cover, extra photographs should be taken until this is provided. In addition to this detailed pictures should be taken of the glazing between the rooms.															
7.	MATS00	The pergola hereby approved shall be constructed of natural timber and thereafter be so maintained.															
8.	HWAY15	Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on 423-A10 revB for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.															

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Informative(s)

1.	<p>MISC INF01 Bats</p> <p>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.</p>
2.	<p>The applicant is advised that the adverts shown on drawing no. 423-A04 revB do not form part of this application and cannot be implemented until the associated Advertisement consent has been approved by the Local Planning Authority.</p>

Reason for Condition(s)

1.	TIME01	To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2.	PLAN01	For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.
3.	RSUO01	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 NYM Core Policy A and NYM Development Policy 3, which seek to enhance and conserve the special qualities of the NYM National Park and ensure that development does not have an adverse effect on the amenities of adjoining occupiers.
4&5	GACS01	In order to comply with the provisions of NYM Core Policy A which seeks to ensure that new development does not detract from the quality of life of local residents.
6.	CDLB00	In order to ensure that any features of historic and/or architectural interest are adequately recorded prior to development commencing on site and to comply with Paragraph 100 of the NPPF (2018), which require developers to record and advance understanding of the significance of any heritage assets to be lost.
7.	MATS02	For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 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.
8.	HWAY15	In accordance with NYM Development Policy 23 and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

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**Background**

Low Hall is a substantial two and a half storey red brick detached property set within extensive grounds located on the edge of the village of Scalby and partly within the Conservation Area. The property is owned by the National Union of Mineworkers and currently operates as a holiday home for members of the Yorkshire branch of the National Union of Mineworkers.

This application seeks full planning permission and the proposal is to convert an under-used area of the building into a café/bar and make this open to the public.

The proposed café/restaurant would be located at the eastern end of the building closest to the entrance with access for the proposed café being via the existing access off Hay Lane/Hackness Road, with car parking provided.

The details of the proposal comprise the use of two rooms internally as café/restaurant area, along with an area of outside seating on an existing patio area. This would be protected by a timber pergola. An existing large window on the western elevation would be enlarged to provide sliding doors out onto this patio area, and the existing fire escape which provides an external escape route from the first and second floors of the buildings, would be replaced with a more discreet spiral metal staircase.

The relevant policies of the NYM Local Development Plan are Development Policies 3, 4 and 14 and Core Policy G.

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Core Policy G of the Local Development Plan seeks to ensure that the landscape, historic assets and cultural heritage of the National Park are conserved and enhanced, with particular protection being given to those elements which contribute to the character and setting of Conservation Areas, Listed Buildings, Historic Parks and Gardens or Scheduled Monuments and other sites of archaeological importance.

Development Policy 3 of the Local Development Plan is concerned with design and states that a high standard of design is sought with regard to proposals within the National Park. Materials, scale, massing, height and proportion should all be taken into account.

Development Policy 4 of the NYM Local Development Framework seeks to ensure that development within or immediately adjacent to a Conservation Area either preserves or enhances the character and appearance or setting of the area.

Development Policy 14 of the NYM Local Development Framework seeks to ensure that new tourism development and the expansion or diversification of existing tourism businesses will be supported where the proposal will provide opportunities for visitors to increase their understanding, awareness and enjoyment of the special qualities of the National Park; where the development can be satisfactorily accessed from the road network (by classified roads) or by other sustainable modes of transport including public transport, walking, cycling or horse riding; where the development will not generate an increased level of activity and where it will make use of existing buildings.

This application relates to an existing tourism facility within the National Park and seeks permission for use of part of the site to provide additional facilities to serve the residents of the Hall and the general public. It is considered that a café at this location would not be out of character with the current function of the building and would also provide a wider use of the building that would benefit residents of the hall, visitors and the local population, in terms of improved facilities in the area.

In terms of the external works, it is considered that the proposed replacement fire escape would represent an improvement in terms of appearance and design from the existing fire escape, and has been amended in accordance with advice from the Authorities Building Conservation Team. The pergola would be lightweight in appearance and is considered to be in keeping with the character of the area.

The Building Conservation Team has advised that whilst:-

“The internal works are not restricted by the Planning (Listed Buildings and Conservation Areas) Act 1990, however, the NPPF provides some protection for undesignated heritage assets. The glazed windows between the current snooker room and library, and snooker room and hall have the potential to be historic. Historic photographs indicate that the original windows to Low Hall were metal. If this is the case they would have historic merit. Paragraph 100 of the NPPF (2018) states that “Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible”

The applicants have agreed for this to be dealt with by condition.

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Concerns have been expressed with regards to the illuminated sign and down lit canopy, but the lighting will can dealt with by condition and a separate advertisement consent application.

In view of the above considerations, it is considered that the proposal would be in accordance with Core Policy G and Development Policies 3, 4 and 14 and approval is recommended.

Explanation of how the Authority has Worked Positively with the Applicant/Agent**Approval (Amendments Requested and Received)**

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and recommended changes to the proposal including re-design of the fire escape, so as to deliver sustainable development.