

North York Moors National Park Authority

Scarborough Borough Council (North) Parish: Fylingdales	App Num. NYM/2010/0979/FL
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Proposal: Change of use and alterations to existing petrol sales and office building to form 1 no. dwelling

Location: Building and land opposite Fylingdales Service Station, Nr Flask Inn, Fylingdales

Applicant: Mr J Norton, Fylingdales Service Station, Nr Flask Inn, Fylingdales, Whitby, North Yorkshire, YO22 4QH

Agent: Riverside Design Group, Barclays Bank House, Baxtergate, Whitby, North Yorkshire, YO21 1BW

Date for Decision: 06 April 2011

Grid Ref: NZ 493033 500782

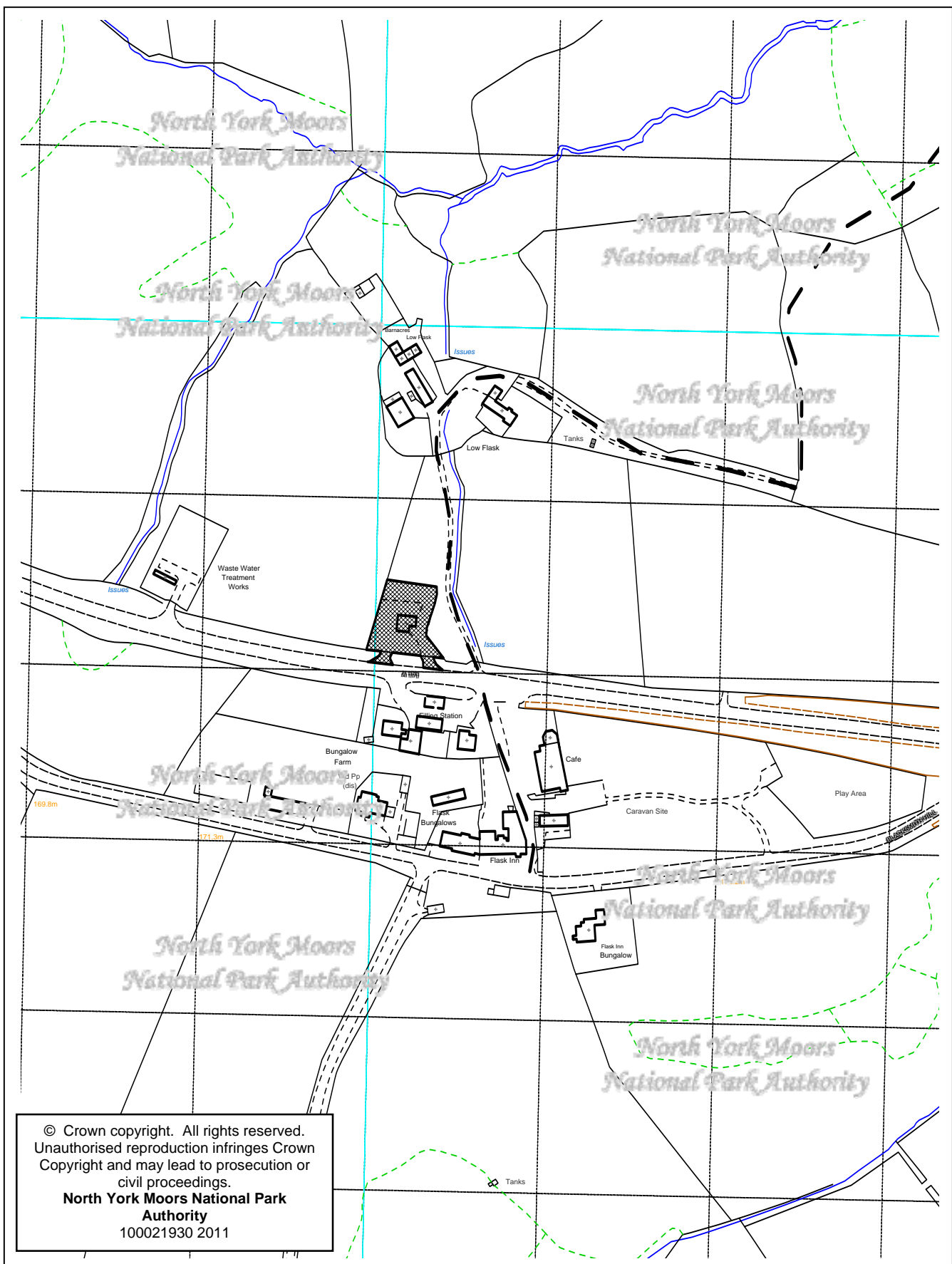
Director of Planning's Recommendation

Approval subject to the following conditions and Section 106 agreement to tie the ownership of the local occupancy dwelling to the main house:

1. TL03 Standard three year commencement date
2. AP07 Strict accordance with plans/specifications or minor variation
3. PD01 Withdrawal of all PD Parts 1 & 2
4. RU13 Occupancy in accordance with Core Policy J
5. MT04 Stonework and roofing tiles to match
6. MT41 Windows - match existing
7. MT70 Guttering fixed by gutter spikes
8. MT72 Black coloured rainwater goods
9. LS11 Details of access surfacing to be submitted
10. LS02 Landscaping scheme to be implemented

Reasons for Conditions

1. To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2. For the avoidance of doubt and to ensure the details of the development together with any subsequent insignificant variations as may be approved in writing, comply with the provisions of NYM Core Policy A and NYM Development Policy 3.
3. In order to enable the Local Planning Authority to retain control over future alterations to the property in the interests of safeguarding the existing form and character of the building in line with NYM Core Policy A and NYM Development Policy 3.
4. In order to comply with NYM Core Policy J which seeks to restrict the occupancy of new residential development to those with a local need to live in the village.
5. 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 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.




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Reasons for Conditions (continued)

- 6 to 8. 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.
9. In the interests of the satisfactory appearance of the development and in order to comply with the provisions of NYM Development Policy 3 which seeks to ensure that development proposals incorporate suitable hard landscaping details.
10. In order to comply with the provisions of NYM Development Policy 3 which seeks to ensure that new development incorporates a landscaping scheme which is appropriate to the character of the locality and retains important existing features.

Consultations

Parish - Strongly supports this application as it will tidy up the site and is for local occupancy in connection with local employment.

Highways - No objections.

Environmental Health Officer -

Site Notice Expiry Date - 11 March 2011.

Background

Fylingdales Service Station is a long established petrol filling station and vehicle repairs business with a managers dwelling located with frontage onto the A171 Scarborough to Whitby Road. It is situated adjacent the Flask Inn and Flask Cafe.

In 1989, planning permission was granted for the construction of single storey stone and pantile petrol filling station (to incorporate shop, toilets etc as well as petrol sales) on the opposite side of the road, to complement the existing service station and prevent vehicles waiting in the road to turn right. The filling station building was constructed in the mid 1990's but never brought into use. It has been unused ever since.

This application seeks full planning permission to convert the stone and pantile building into a local occupancy dwelling to be occupied by the owner of the service stations son who helps to run the existing business on the site. The resultant dwelling would comprise two bedrooms, kitchen/dining area, bathroom, separate w.c. and lounge area.

No alterations are proposed to the shape of the building although it is proposed to alter the size and shape of some of the existing windows. Other external alterations would be to construct a 1.5 metres high stone screen wall to create an enclosed domestic yard area. In terms of landscaping it is proposed to plant Thorn and Beech hedging around the site, with intermittent trees along the side boundaries and some additional soft landscaping along the roadside boundary.

In support of the application, the applicant's agent states that:

Over the past 20 years the owners have pursued many options for alternative commercial uses and the option of selling has been frustrated by the fact that Estate Agents were unable to value the property at anything other than the cost of construction. However, the use of the building for the applicant's son who helps sustain the existing business is considered the best use, particularly as the business is a community facility and it is difficult to get staff due to its location.

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Main Issues**Policy Context**

Core Policy I of the NYM Local Development Framework states that the loss of community facilities will be resisted unless it can be demonstrated that it is no longer suitable or viable for a community use.

Core Policy J of the NYM Local Development Framework seeks to ensure the provision of a mixture of housing types and tenure to maintain the vitality of local communities, consolidate support for services and facilities and support the delivery of more affordable housing. This is to be achieved through various criteria, including restricting new housing development in the Open Countryside to that which is proven as essential for farming, forestry or other essential land management activities, replacement dwellings and conversions of traditional rural buildings for residential lettings for local needs.

Development Policy 8 of the NYM Local Development Framework seeks to permit the conversion of traditional unlisted rural buildings which are situated within an existing group, for an employment use, short term self catering holiday accommodation, residential annexe to an adjacent existing dwelling or long term/permanent residential letting units for local occupancy, where the building is of architectural or historic importance and makes a positive contribution to the character of the area; is structurally sound; is of sufficient size to accommodate the proposed use without the need for significant alterations or extensions; is compatible in nature, scale and levels of activity with the locality; is of a high quality of design and does not require changes to the buildings curtilage or new vehicular access or parking areas.

Material Considerations (Design and Materials)

The existing building has a very domestic appearance and partly reflects the character of this stretch of the A171 which does have isolated bungalows located along the route. The proposals would not alter the overall design of the building, or material, but just bringing the building back into providing a useful function would result in an improvement to the appearance of the existing site.

Suitability for Conversion

Whilst the building is not a traditional rural building and was built only some 20 years ago, it is of stone and pantile construction with dark brown stained timber windows and is already of a very domestic appearance, despite built to be used as a petrol service station. Consequently, the proposal does not fall neatly within the criteria set out in Core Policy J or Development Policy 8. However, due to its current domestic appearance and very prominent location, it is considered that its use as a domestic property would not alter the character of the building, and actually bringing the building back into use, rather than being a vacant site as it has been for so many years, would be beneficial to the character of the area.

Furthermore, it is proposed to use the building as a local occupancy unit, in relation to a local business, which would be in accordance with spirit of adopted policies.

Ecology

The National Park Authority's Ecologist and Yorkshire Wildlife Trust have been consulted on this application and are of the view that because of the type of construction of the building and the lack of signs of any bats the proposed development will not affect bats, although an advisory informative should be added to any approval.

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Community Facility

Whilst it may be argued that the loss of an element of a petrol filling station represents the loss of a community facility, it is considered that in this case, as the second filling station was never brought into use, no real loss will occur. Furthermore, a filling station operates on the opposite side of the road so that facility is still available and the proposed use will provide accommodation for staff who will enable that existing facility to continue. The applicants have verbally advised Officers previously that they have marketed the building for sale for other potential users with little interest other than as a free market dwelling.

Access and Parking

The site has two entrances and ample space for parking to serve the proposed two bed unit. The area is already substantially hard surfaced and consequently the proposal would not have a detrimental visual impact on the character of the area.

Recommendation

In view of the above considerations, although the proposal is not considered to be in accordance with Core Policies I and J and Development Policy 8 of the NYM Local Development Framework negligible harm to the objectives of the policy are considered to arise given the unique circumstances in this case and therefore approval is recommended.

Reason for Approval

The proposed conversion of this building to provide local occupancy letting accommodation is considered to be in accordance with the objectives of Core Policies I and J and Development Policy 8 of the NYM Local Development Framework as the proposal would not harm the existing character and appearance of the building and would provide living accommodation ancillary to an existing community facility, without having a detrimental impact on the character of the immediate or wider landscape.