

## North York Moors National Park Authority

<b>Scarborough Borough Council (North)</b> <b>Parish: Grosmont</b>	<b>App Num. NYM/2012/0119/FL</b>
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**Proposal:** Variation of conditions 8 & 9 of planning approval NYM/2008/0210/FL to allow extended opening hours on 24 days per calendar year and takeaway facility (hot drinks only)

**Location:** Grosmont School, Front Street, Grosmont

**Applicant:** Mr & Mrs Thwaite, Flat 2, Moss Brow House, Sandsend Road, Whitby, North Yorkshire, YO21 3SR

**Agent:** BHD Partnership, Airy Hill Manor, Waterstead Lane, Whitby, North Yorkshire, YO21 1QB

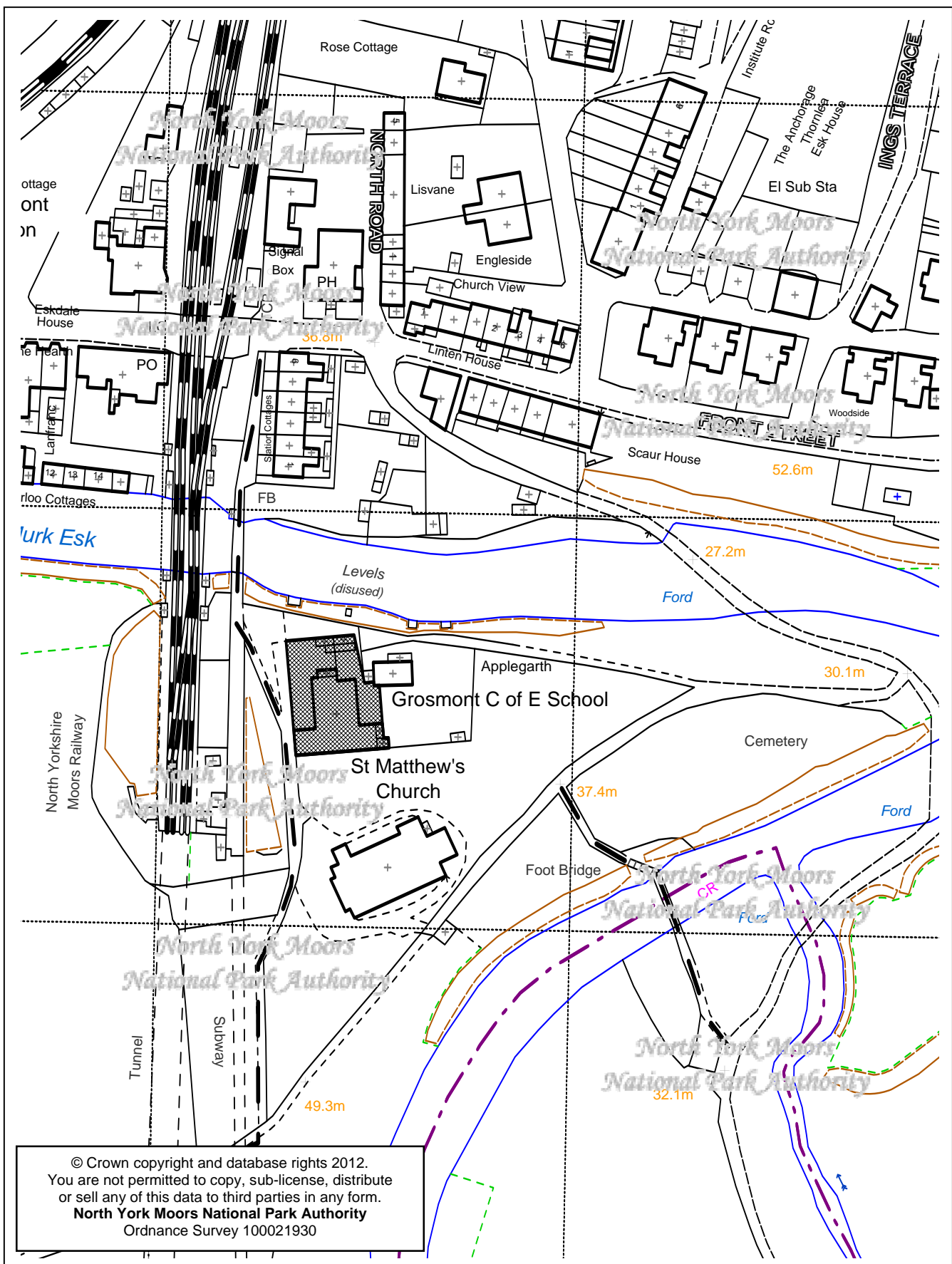
**Date for Decision:** 18 April 2012

**Grid Ref:** NZ 482768 505235

### Director of Planning's Recommendation

**Approval** subject to the following conditions:

1. AP01 Original plans amended by plans received on 10 April 2012
2. PD01 Withdrawal of all PD Parts 1 & 2
3. RU00 There shall be no increase in the level of retail sales from the site above that which has been stated in the original application and the letter accompanying the application dated 9 June 2008, unless otherwise agreed in writing with the Local Planning Authority.
4. RU00 The tearoom hereby approved shall form and remain part of the curtilage of the main dwelling known as The Old School, Grosmont as a single planning unit and shall not be sold or leased off separately from the main dwelling without a further grant of planning permission from the Local Planning Authority.
5. RU00 No external facilities shall be provided for customers of the tearoom including bins; notices and seating until specific details of the type and location of these facilities have been agreed in writing with the Local Planning Authority before installation.
6. MT60 Windows and doors - timber
7. GA00 This permission permits the sale of hot drinks only for consumption off the premises. There shall be no sale of hot food from the premises for consumption off the premises
8. GA00 The café hereby permitted shall only be open to the public from 10am to 6pm on any day and shall not be open outside of these hours except for a maximum 24 evening events as agreed in writing with the Local Planning Authority when the time limit is extended to 10am to 10.30pm.
9. GA00 A list of the proposed dates shall be submitted to and approved in writing by the Local Planning Authority at the beginning of each year. A diary of the events which have taken place shall be kept and the information shall be made available upon request in writing by the Local Planning Authority.




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**Application No:**  
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Scale: 1:1250 



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**Reasons for Conditions**

1. For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Core Policy A and Development Plan Policy 3.
2. 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.
3. In order to enable the Local Planning Authority to retain control over any retail activity at the premises and to ensure compliance with NYM Core Policy A and NYM Development Policy 18.
4. The operation of the tearoom as a separate unit to the attached dwelling would be likely to result in a detrimental impact on the residential amenity of the occupiers of the main dwelling and therefore this tie is proposed to accord with NYM Core Policy A.
5. In order to enable the Local Planning Authority to retain control over the scale of activity at the site and ensure compliance with NYM Core Policy A which seeks to safeguard public amenity.
6. 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.
- 7 to 9. In order to comply with the provisions of NYM Core Policy A which seeks to protect the residential amenities of adjoining occupiers.

**Consultations**

**Parish -**

**Highways -** No objections.

**Environmental Health Officer -** No objection/adverse comment as far as food hygiene/health and safety Issues are concerned.

**Site Notice Expiry Date -** 6 April 2012.

**Others - The Planning and Environment Studio on behalf of Mr and Mrs Orme of Applegarth, Grosmont -** My clients wish to object to the proposals. Our concerns are based upon the inevitable harm later operating hours and takeaway services would have in relation to the residential amenity of Applegarth. In addition the site location plan submitted as a formal part of the application is inaccurate.

Both buildings are located to the south of the river and are therefore slightly separated from the main built elements of the village. This affords Applegarth with a particularly peaceful location, a characteristic which was an important consideration for my clients in purchasing the property. Vehicular access is severely restricted.

Our concerns relate primarily to the disturbance likely to be generated through evening 'events' for which opening hours are sought to 10.30pm.

The application states that these opening hours are to accommodate evening events and to act as a 'venue with all services available'. It is unclear exactly what such functions are intended or what the building would be a venue for and this remain a significant concern. It is incumbent on the National Park Authority to make sure that any such 'events' would be lawful in terms of the planning consent for the property which is limited to café and dwelling only.

My client's strong concern relates to the immediate proximity of the application property to Applegarth, which makes it very susceptible to noise and disturbance generated from within and outside the application building at unsocial hours. We believe that noise will be generated by, the visitors – especially when gathering or leaving, from whatever the 'event' entails and from the operations of the kitchens/extractor fans etc which are located within the parts of the site closest to Applegarth.

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The Planning and Environment Studio on behalf of Mr and Mrs Orme of Applegarth, Grosmont (continued)

Whilst the application states that most of the late opening evenings will be 'off-season' there is no guarantee of this and therefore these could quite feasibly coincide with summertime when the amenity of Applegarth would be more seriously affected.

My clients are concerned that should this relaxation of control be permitted that it would be difficult for the National Park Authority to control the extended use through appropriate monitoring.

My clients do not object in principle to the sales of hot drinks off the premises as applied for within current opening hours, but are concerned that this would increase the likelihood of litter in the area which would be to the detriment of the special qualities of the National Park.

In addition to these reasons for objecting to the application, it is important to note that my clients believe that the application site as presented on the location plan includes part of their property, and that no formal notification of intent has been sent to them.

**W Norman, 2 Station Cottages, Grosmont** - In short we do not foresee any problems or inconvenience arising at all. In fact the motivating reasoning behind the application is heartily appreciated by the people of Grosmont. The village has for many years been virtually a desert of evening cultural activity basically due to a lack of available, suitable accommodation. I feel the owners of the café are to be commended for their willingness to provide this facility and encourage evening activities for residents of Grosmont and neighbouring villages. I have every confidence that this venture would prove a resounding success. As a member of the Parish Council here, I know that we supported the application as a body – I am now enthusiastically doing so as an individual. I would hope that my views on this matter can be taken into consideration in your decision making process.

### **Background**

This application is for variation of conditions to allow extended opening hours over 24 days per calendar year and a takeaway facility for hot drinks only at Grosmont School Coffee Shop, Grosmont.

The building in question lies to the south of the village of Grosmont adjacent to the North Yorkshire Moors Railway line next to St Matthew's Church.

Grosmont School is a two storey, Victorian building constructed from coursed sandstone with a slate roof. There is no vehicular access to the property, but the site can be reached on foot via a public footpath which runs from the village alongside the railway line from a point close to the railway crossing. This route forms part of the Rail Trail and is popular with visitors going to the North York Moors Engine Sheds etc to view steam trains as well as walkers on the Rail Trail.

The school was closed in 1996 because it was surplus to requirements and has been used more recently as a temporary educational visitor centre. It is understood that the adjacent property 'Applegarth' was the former School House and was sold separately to the school building. Planning permission was granted in 1997 for use of the school as walkers/cyclist accommodation and tearoom. However, this use was not implemented and the permission expired. In 2005 an application was approved for the reuse of the building as a residential centre for a school in Surrey and in 2006 permission was granted for a residential dwelling with a small scale refreshment facility. In 2008 planning permission was granted to form a café and dwelling and is now being implemented.

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## Background (continued)

The works are now reaching completion and the owners wish to look at the specific operation of the coffee shop facility.

Condition 8 of the 2008 planning approval (NYM/2008/0210/FL) states that:

*'there shall be no sale of hot food or drink from the premises for consumption off the premises'*

This application seeks to relax part of the condition to allow the sale of hot drinks (not hot food) from the premises as this is a service the applicants believe would be successful for a variety of reasons. For example customers may need to catch a train and therefore not have time to sit and drink, they may require a hot drink as they continue on their walk or for walkers to simply have the opportunity to be able to have their flasks refilled. In this respect biodegradable containers made using recycled materials will be used.

In addition, condition 9 of the 2008 planning approval (NYM/2008/0210/FL) states that:

*'the café hereby permitted shall only be open to the public from 10am to 6pm on any day and shall not be open outside of these hours without a grant of consent from the Local Planning Authority'.*

The applicant also wishes to increase the opening hours of the café area on a limited maximum number of 24 occasions over the year. These would be accompanied by drinks and light refreshments. No further detail is available at this time.

Wheeled access is available from the village to the venue for those needing assisted mobility.

The applicants consider that the proposed flexibility of operation forms a logical base for running a successful business in this established visitor attraction village and providing a facility for local use by residents at a time of the year when facilities and services often shut down.

The applicants have submitted a revised red line site boundary plan and written in with the following comments:

We agree that the Old School and Applegarth are in a peaceful location. However it should be noted that the properties are no more than 50 and 60 yards respectively from the steam railway line and its associated observation platform, as well as a public footpath. The line and the observation platform are bustling and not without noise in the season when the trains are running. The footpath, which provides the main access to both cottages, is used regularly by walkers and visitors all year round.

We feel our application is in accordance with this pattern of community use, on no more than 24 out of the 365 evenings of the year.

We are interested in events aimed primarily at the local community (residents in Grosmont and the surrounding area) and we envisage running them on an occasional basis, mainly in the off-season parts of the year, that is between October and March. We have not excluded the possibility of occasional events on an exceptional basis during 'the season'. We might, for example, want to run an event linked to this year's Royal Jubilee or promote an evening tea dance as part of the annual War Weekend programme.

We intend to run small scale arts events, for example, folk and jazz evenings, poetry readings, and travelling community theatre shows. We have already, subject to permission being granted, proposed to run a fundraising event for St Matthew's Church, probably a quiz night.

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**Background (continued)**

The vicar has received the proposal enthusiastically. On a similar basis, we are exploring running a fundraising event for Esk Valley Theatre, again, if permission is granted.

We would use the facilities of our coffee shop to offer drinks and light refreshments of the type we provide during our daytime operation to those attending the events.

As further evidence of our bona fides as people interested in participating in local community life, we would like to mention that we have agreed with North Yorkshire County Council Library Service to act as a community micro library for the village of Grosmont. We have made space in our coffee shop and have built a special bookcase to house a community loan collection which local adults and children will be able to make use of.

As we have said, visitors will primarily be local people who know the area well. As there is no vehicle access to either property, visitors will arrive on foot without any of the noise associated with cars. We are not intending to run evening events out of doors.

The entrances and exits for the coffee shop are on the opposite side of the building (the west) to Applegarth. The only public rooms on the east side are the toilets. The old school's stone walls are over half a metre thick and a further 100mm of insulation has been installed along with high performance double glazing on all windows. Taken together this provides a good level of acoustic baffling that will limit the amount of noise from performances audible outside the building. We would monitor external sound levels as part of our operating procedure to ensure they remained within acceptable limits.

At the end of all events we would be asking visitors to leave quietly taking account of local residents.

**Main Issues**

The main issue in this instance is not perhaps the sale of hot drinks from the premises but with regard to the extended opening hours on 24 days per year and whether the increase is likely to cause undue harm to the amenity of neighbouring residential properties or the special qualities of this part of Grosmont and the National Park.

**Policy Context**

Core Policy A of the NYM Local Development Framework reflects National Park purposes and seeks to ensure a scale of development and level of activity which will not impact on the peace and tranquillity of the Park or the quality of life of local residents or the experience of visitors. Core Policy A also seeks to ensure that new development strengthens and diversifies the rural economy by providing tourism based opportunities and access to services and facilities.

Core Policy H of the NYM Local Development Framework (Rural Economy) states that the rural economy will be strengthened and supported by providing local communities with a range of opportunities for entrepreneurship, education and training. In this location this will be achieved through supporting the agricultural sector and opportunities for diversification or sustainable based tourism based on recreation activities and tourism development related to the understanding and enjoyment of the Park.

Development Policy 14 of the NYM Local Development Framework seeks to ensure the quality of the tourism and recreation product in the National Park will be maintained and improved through adopting the principles of sustainable tourism. Amongst other criteria the policy states that the development will not generate an increased level of activity, including noise, which would be likely to detract from the experience of visitors and the quality of life of local residents.

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**Policy Context (continued)**

Advice recently published in the National Planning Policy Framework, Section 3, 'Supporting a Prosperous Rural Economy' encourages Local Planning Authorities, local and neighbourhood plans to support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.

**Increase in Activity**

During the day the proposed business use will remain only to serve passing trade along the busy footpath which fronts the property and is unlikely to result in any additional impact on the locality.

Officers have carefully considered the objectors comments received and it is considered that the key question remains whether the additional four and a half hours open over a maximum of 24 evenings per year will have a detrimental impact on the amenity of Applegarth, the nearest neighbouring property to the proposed business premise.

**Neighbour Impact and Loss of Amenity**

On balance Officers consider the level of operation remains to be relatively low key and would remain within the existing building and curtilage boundary.

Environmental Health Officers confirm there is no objection as far as food hygiene and health and safety issues are concerned.

**Planning Balance**

The applicant has chosen to vary two conditions of the original planning consent prior to the premises being opened to members of the public rather than first opening and there being a demand for the sale of hot drinks and evening events which is generally the ordinary approach following the success of a business. In all other respects the proposal is to be implemented as originally approved.

The proposed sale of hot drinks only and relatively small increase in hours over 24 evenings per year is considered to be acceptable for this small business alongside the Rail Trail to Grosmont Motive Power Depot and is unlikely to lead to an unacceptable impact on the amenity of neighbouring residential properties, particularly Applegarth the nearest property, or the special qualities of this part of Grosmont and the National Park.

**Reason for Approval**

The proposed sale of hot drinks and increase in hours over 24 evenings per year is considered to be acceptable for this small business and is unlikely to lead to an unacceptable impact on the amenity of neighbouring residential property, particularly Applegarth or the special qualities of this part of Grosmont and the National Park. The proposal is therefore considered to be in accordance with Core Policies A and H and Development Policy 14 of the NYM Local Development Framework.