

John Howlett BSc (Hons), Dip TP, MRTPI Planning Consultant

jhp

Our Ref: JHP/05/01

Your Ref:

Jill Bastow
North York Moors National Park Authority
Old Vicarage
Bondgate
Helmsley
YO62 5BP

NYMNP

17 MAY 2012

17th May 2011

Dear Jill,

PLANNING APPLICATION NYM/2012/0248/CU – High Dalby House.

I have been asked by Mr and Mrs Cowley of Nutwood, Low Dalby to review the above planning application and submit representations to express their concerns about the application.

The application is in part, retrospective for the change of use of the dwelling to form a guest house and for the conversion of the annexe to form holiday lets. No planning statement or other justification is submitted with the application and therefore the comments below relate solely to the information lodged with the application.

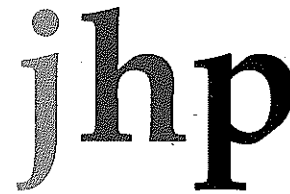
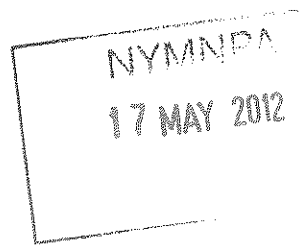
1. Extent of Application Site.

The Site Location Plan shows a red line around the existing dwelling and annexe, with the remainder of the land edged in blue. A concern here is that the extent of the red line, which defines the application site does not extend to the highway. Does this require amendment?

2. Lack of information

The lack of information submitted with the application does not inform or advise as to how the business is to be managed. The application as it stands would result in the loss of an existing dwelling as it is not clear if any rooms or part of the existing building is to be given over to residential use for the management of the business. A material consideration would be how the loss of this dwelling would impact upon the future management needs of the business and if all the accommodation were given over to guest house use, how the business would be managed and whether or not this would lead to future pressure for additional service accommodation or a new dwelling in the vicinity.

45 Windmill Rise York YO26 4TU



3. Car Parking

No indication is given to the scale of use proposed or what mix of uses are being applied for within the application forms. However it is clear that 20 car parking spaces are being proposed – or at least the form indicates the same. However the location of these spaces are not shown either within the planning application site or in the area of land edged blue. It therefore remains impossible to determine how these spaces will be integrated acceptably in to the local environment. In the absence of such information it is difficult to see how the Planning Authority can make an informed decision on this matter either.

4. Licensing Application

It is noted that an application to serve alcohol at the site has been submitted to Ryedale Council. This is material as there are apparent inconsistencies between information provided to the Planning and Licensing Authorities.

In the licensing application it is stated that the application is to serve residents of the 5 letting rooms and also the two “cottages”. This gives rise to a total of 14 persons (using the applicants figures on the application form). Assuming half come by car, this amounts to the need for 7 spaces (assuming 100% occupancy and car sharing). Allowing for a notional 2 spaces for the managers of the business (if there are to be any) – this equates to 16 spaces being required, 4 short of that indicated on the planning application forms (but not shown on the associated drawings). Are these remaining 4 spaces for none residents?

We ask, as when completing section O of the licensing application form, which seeks an answer the question “**Hours premises are open to the public**”, the applicant has confirmed the following “**As a hotel we are open 24 hours per day, seven days a week**”. Similarly, when completing question M on the licensing application form, which queries the intended use of the premises the following answer is given “**Supply of alcohol to non residents of the guest house/cottages between the hours of 1000 and 2300 each day within a 30 minute drinking up time.**” The only assumption that can be drawn from this is that there will be a material change to the planning unit in terms of range of uses and that the description of development should be addressed in the current planning application?

This level of activity would give rise to vehicle movements and associated noise and disturbance well into the evening – which given very low background noise levels in the evening, will harm the amenities of residents of the area and detract from the Parks special qualities.

We would appreciate clarification as to the precise nature of the use proposed and the disposition of parking to allow proper consideration of the application please. In

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jhp

the absence of the above, feel the proposal should be refused as insufficient information has been provided to allow full consideration of the application proposal.

Kind Regards,

John Howlett

NYMNDPA
17 MAY 2012

Wendy Strangeway

From: Jill Bastow
Sent: 21 May 2012 09:25
To: Planning
Subject: FW: Planning Application for D & S Wregglesworth - High Dalby House Pickering North Yorkshire

Importance: High

Please book in. Thanks.

NYMNP
21 MAY 2012
CB

From: Richard Laley
Sent: 21 May 2012 08:35
To: Jill Bastow
Subject: Planning Application for D & S Wregglesworth - High Dalby House Pickering North Yorkshire
Importance: High

Dear Jill

I refer to the above planning application and although I have no objections to Mr and Mrs Wregglesworth's plans to open the property as a guest house I am very concerned about the lack of parking spaces which they are able to provide within the boundaries of High Dalby House as nothing was shown on the planning application.

As you are aware I run a farm and campsite and it is imperative that my access (directly opposite High Dalby House) is kept clear at all times to enable me to carry on my business and manoeuvre large machinery out of my access and along the forest drive.

I have received assurances from Mr Wregglesworth that he has adequate parking and will not allow his guests to park outside the property but I wish to place on record my above concerns at this stage.

In the event that the planning team is happy with the application I wish Mr and Mrs Wregglesworth the best of luck with their venture.

If you require any further information please do not hesitate to contact me.

Kind regards

Richard

RA Laley, High Rigg Farm, Dalby, Thornton le Dale, Pickering, YO18 7LP
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Wendy Strangeway

From: Jill Bastow
Sent: 11 June 2012 10:03
To: Planning
Subject: FW: High Dalby House

Please book in as additional comments from neighbour. Thanks.

From: Richard Laley
Sent: 06 June 2012 14:24
To: Jill Bastow
Subject: High Dalby House



Dear Jill

You will be aware that Mr Wreglesworth has been granted a Premises licence for his hotel. Initially I was personally informed by Mr Wreglesworth that he was intending to operate as a Bed and Breakfast/Guest House but this appears now not to be the case. The Licence covers non-residents and therefore the parking situation concerns me more than ever.

A new plan has been prepared by Mr Wreglesworth and shows two types of parking; the red bays being adequate parking for the bed and breakfast guests and the small parties of non-residents. In order to provide these car parking spaces, in accordance with the plan, mature trees will need to be felled and considerable surfacing works will be required to bring them to a parking standard. The second type of parking ie the green bays are stated by Mr Wreglesworth as being utilised during dry weather only as they are located on a grass slope. My concern here is where guests will park if the weather is wet or has been wet and it is my worry that they will use the forest drive, the entrance to Overscar Lane and the entrance to High Rigg Farm as there are no alternatives. This will cause obvious obstruction, not only to myself and my guests but also to forest drive users as a whole. As I have previously stated farm machinery can only be manoeuvred when my entrance and the forest drive is clear of parked vehicles.

I would reiterate that I have no objections to Mr Wreglesworth's original business intentions ie Bed and Breakfast Guest House and small non-resident functions but with the scale of parking now proposed I doubt if his intentions will be limited to this in the future.

I look forward to hearing from you with your comments.

Your sincerely

Richard Laley

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Nutwood
Low Dalby
Pickering
YO18 7LT

North Yorks Moors National Park Planning Authority
The Old Vicarage
Helmsley

For the attention of Mr J Bastow



4th June 2012.

Dear Madam

High Dalby House NYM/2012/0248/CU

I am sure you are aware that Mr Wreglesworth has been granted a full alcohol licence by Ryedale District Council. I enclose a copy for your information. This licence is granted for non-residents to be served alcohol between the hours of 10am and 11pm. Should this be deemed acceptable for planning criteria, can you confirm that previous restrictions as to hours of opening of all activities within the forest will now be lifted?

Having studied the further information submitted by Mr Wreglesworth, I am more concerned than before as to the proposed scale of this proposal. I note from the plan submitted to you that he anticipates using up to 38 parking spaces regularly, and a further 37 'in emergency'. Using the parking places deemed by Mr Wreglesworth as regular, over 100 people may be expected at any one time on a regular basis. Including the 'Emergency parking' this equates to massive events for up to 200 people. As Mr Wreglesworth indicates, the potential to accommodate this level of activity is not shown on his existing floor plan, so I can only assume that the intention is to erect substantial temporary buildings for the purpose.

I believe that the size of this proposal, as indicated by the proposed car parking provision, together with the opening hours applied for, and granted by Ryedale District Council, will severely adversely affect my quality of life as a resident who's domestic house abuts the only legal means of access and egress from High Dalby House. Furthermore, I do believe that the proposals as outlined by Mr Wreglesworth will be far from complying with DP14 (The development should 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).

I have no objection to the original small scale proposals outlined by Mr Wreglesworth; these being 4/5 bedrooms on a B&B basis, and two 1 bedroom holiday cottages. However, as Mr Wreglesworth is asking for change of use to a full hotel (c1 usage together with the premise being described as a hotel on the licencing application, "open 24/7/365") I fear that any thoughts to increase this business, as identified by his amended parking plans and an all day alcohol licence, will have a substantial deleterious effect on my quality of life, and the peace and tranquillity of the forest after 6pm

If you are minded to approve this potentially large scale development, may it be possible to agree with Mr Wreglesworth certain restrictions, to ensure that the aims and objectives of the Local Development Framework are maintained? Perhaps such constraints may include

1. Hours of operation -- limited to 18.30 hours consistent with other uses in the Forest Area
2. Car parking management plan
3. Maximum number of visitors to not exceed a certain number.

and an agreed regime to ensure that any constraints are observed.

If the Planning Authority believe that this level of potential development is acceptable, I look forward to discussing similar opportunities at other locations within the forest.

Yours faithfully

Mrs E Cowley



LICENSING ACT 2003
NOTICE OF DETERMINATION TO GRANT APPLICATION FOR PREMISES LICENCE

To Mrs E Cowley
Of Nutwood
Low Dalby
Pickering
YO18 7LT

NYMNPA
- 7 JUN 2012

(a person who made relevant representation)

Ryedale District Council, being the licensing authority, received on the 5th day of April 2012 an application for a Premises Licence from Mrs Sandra Wreglesworth in respect of premises known as High Dalby House, Dalby, Pickering YO18 7LP.

Two representations were received from Interested Parties with regard to the application.

On 31 May 2012 as the two representations had not been withdrawn, a hearing was convened to consider them and having considered such representations the Council have determined as follows:

To grant the application with immediate effect.

The Sub Committee's decision reasons can be seen attached on Sheet A.

Dated...1 June 2012.....

Signed...
Name...R M McClure
Designation Licensing Officer..

Please address any communication to:

The Licensing Team
Environmental Health Services
PO Box 67
Ryedale House
Old Malton Road
Malton
North Yorkshire
YO17 7ZG

Note: An appeal against this decision may be made by the applicant/a person who made relevant representations/the Chief Officer of Police as applicable (see Schedule 5 of the Act) to the magistrates' court for the petty sessions area (or any such area) in which the premises concerned are situated within 21 days from the date of receipt of the notification of the decision.

The Clerk to the Justices
The Law Courts
First Floor
9 - 27 Northway
Scarborough
YO11 1JH

Decision of Licensing Sub-committee 31 May 2012

The Sub-committee decision is as follows:

The evidence presented to the Sub Committee both written and verbal did not persuade members of the Sub Committee that there was sufficient evidence that any of the four licensing objectives would not be promoted by the prospective premises licence holder. That the application should be granted and that the licence could be subject to a review under the Licensing legislation should any problems arise in the future.

In coming to this decision the members of the Sub Committee noted in particular:-

1. The Sub Committee felt that a 23:30 finish was not unreasonable for non residents using the premises in the circumstances.
2. The Sub Committee is aware that Government Guidance states that "the Licensing Authority may not impose any condition unless its discretion has been engaged following receipt of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions. It may then only impose conditions that are necessary to promote one or more of the Licensing objectives. Such conditions must also be expressed in unequivocal and unambiguous terms to avoid legal dispute. It is perfectly possible in certain cases, because the test is one of necessity, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions are needed to promote the licensing objectives. The Act requires that licensing conditions should be tailored to the size, style, characteristics and activities taking place at the premises concerned. This rules out standardised conditions which ignore these individual aspects. It is important that conditions are proportionate and properly recognise significant differences between venues."
3. The Sub Committee has also taken into account Government Guidance which states that "Each application must be considered on its own merits and any conditions attached to licences and certificates must be tailored to the individual style and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed, may be unlawful where they cannot be shown to be necessary for the promotion of the licensing objectives in any individual case. The licensing authority should only impose conditions on a premises licence or club premises certificate which are necessary and proportionate for the promotion of the licensing objectives. If other existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be necessary to impose the same or similar duties on the premises licence holder or club. It is only where additional and supplementary measures are necessary to promote the licensing objectives that necessary, proportionate conditions will need to be attached to a licence."

4. **The Sub Committee has also taken into account Ryedale District Council's Licensing Policy which states that " Where conditions are imposed at a licensing hearing, they shall be necessary to promote one or more of the four licensing objectives and shall be tailored to the size, style, characteristics and activities that take place at the licensed premises" Further, it also states that " Any conditions imposed by the Licensing Authority at a hearing shall be necessary, proportionate and reasonable in order to promote the four Licensing Objectives and to address the relevant representations. The Licensing Authority shall carefully consider any conditions it may impose following a hearing to ensure that they are practical, achievable and enforceable."**

NYMNPA
-7 JUN 2012