

North York Moors National Park Authority

Ryedale District Parish: Thornton Le Dale	App Num. NYM/2012/0443/FL
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Proposal: Variation of condition 3 of planning approval NYM/2003/0709/CI to allow ancillary retail sales other than craft goods from units 1 to 6 (part retrospective)

Location: Dalby Forest Courtyard, Dalby Forest Drive, Thornton-le-Dale

Applicant: Mr James Lee, North England & Yorkshire Forest Districts, Eals Burn, Bellingham, Hexham, NE48 2HP

Agent: Carter Jonas, Regent House, 13- 15 Albert Street, Harrogate, HG1 1JX

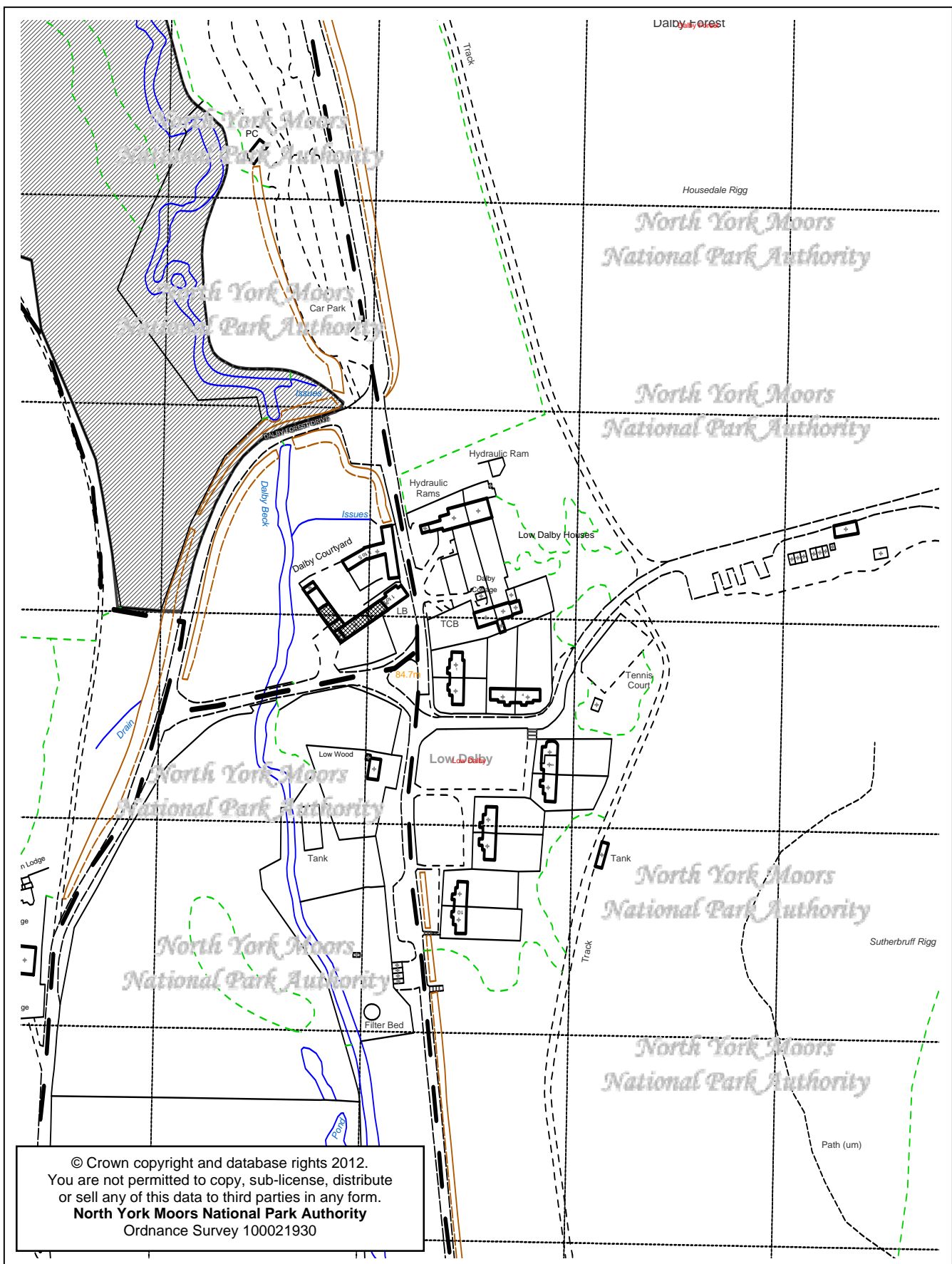
Date for Decision: 17 August 2012

Grid Ref: SE 485593 487395

Director of Planning's Recommendation

Approval subject to the following conditions:

1. PLAN00 The development hereby permitted shall not be carried out other than in accordance with the application plans as amended by the plans received at the National Park Office on the 16 October 2003, 7 November 2003 and further plan received on 19 December 2003.
2. RSUO00 The use of the workshops hereby permitted shall be restricted to uses falling within Class B1 of the 1987 Town and Country Planning (Use Classes) Order (as amended) or any provisions equivalent to that Class in any statutory instrument revoking and re-enacting that Order.
3. GACS00 The bike hire facilities and the snack bar hereby permitted shall not be open to the public except between the hours of 08.30 hours and 19.30 hours April to September and 08.30 hours to 17.30 hours October to March.
4. LNDS00 No new boundary treatment shall be erected or constructed until full details of the proposed boundary treatment to the site, including the size and species of any hedging, the materials to be utilised to any walls or fences and the timetable to implement the proposed works, has been submitted to and approved in writing by the Local Planning Authority. The site boundary works shall then be implemented in accordance with the approved details.
5. RSUO00 The use of rooms/space shall be and shall remain as shown on plan 4395/PL/04 Revision B received at the National Park Authority on 16 October 2003 unless otherwise agreed in writing by the Local Planning Authority.
6. GACS00 Full details of all external lighting shall be submitted to and approved by the Local Planning Authority in writing prior to its installation and thereafter no external lighting other than that approved by the Local Planning Authority shall be installed.
7. DRGE00 Prior to being discharged into any watercourse, surface water sewer or soak away system, all surface water drainage from parking areas, impermeable roads and hardstandings shall be passed through trapped gullies installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.




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Application No:
 NYM/2012/0443/FL

Scale: 1:2500 



Application No: NYM/2012/0443/FL

Conditions (continued)

8. DRGE00 Prior to being discharged into any watercourse, surface water sewer or soak away system, all surface water drainage from parking areas and hardstanding shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. Roof water shall not pass through the interceptor.
9. MISC00 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10 percent. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10 percent. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

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 NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.
2. 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) 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.
3. 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.
4. 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.
- 5 & 6. 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.
- 7 & 8. In accordance with NYM Development Policy 23 and to ensure satisfactory highway drainage in the interests of highway safety and the amenity of the area.
9. In order to ensure that the environment is protected from potential contaminants in the interests of the health and safety of future occupiers of the development and to meet the requirements of NYM Development Policy 1 which permits new development only where there will be no adverse effects arising from sources of pollution.

Consultations**Parish -****Site Notice Expiry Date - 02 August 2012.**

Application No: NYM/2012/0443/FL

Others - Victoria Griffin, Purple Mountain, Moor House, Castleton - Objects to the proposed development on the following grounds: Public money has been used to support craft units and not to allow a monopoly by one operator; other cycle uses have been excluded by the Forestry Commission; Forestry Commission has not acted in an even handed manner in terms of business plan requirements; legal matters concerning declarations of interest at the Forestry Commission and the proposed development will detract from the visitor offer to the area.

Background

Dalby Forest Courtyard is located in the village of Low Dalby and comprises a community hall, craft workshops and offices and biking centre within a courtyard setting. The site is approximately 1 mile from the entrance to the Forest Drive.

The Courtyard was the subject of a Crown Notification application in December 2003 for the significant upgrading of facilities at Dalby village, it included the new visitor centre and the conversion and extension of the existing courtyard buildings (to form craft workshops). Among other conditions attached to this Notification was a condition limiting any retail sales from the site to craft goods made on the premises. The consent as a whole is a B1 Business Use which normally allows a retail element which is ancillary to the main B1 use.

The applicant now wishes for the condition to be amended to remove the wording 'and there shall be no retailing of goods from any of the workshop units except for the ancillary sales of craft goods made on the premises'. The applicant has set out the justification for this change in their supporting statement.

Main Issues

The main issue is whether the proposed amendment to the condition will generate a detrimentally high level of activity likely to harm the special qualities of the National Park or local residential amenity.

Core Policy A of the NYM Local Development Framework seeks to ensure that new development conserves and enhances the Park's special qualities; with priority being given to ensuring development does not detract from the quality of life of local residents and supports the character of a settlement.

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; where it will make use of existing buildings and where proposals for new accommodation do not have an adverse impact on the character of the local area.

Development Policy 18 of the NYM Local Development Framework states that new retail development will be supported within existing defined commercial areas or where ancillary to an existing enterprise provided that the proposal does not result in a cumulative increase in activity which would have an unacceptable impact on the character of the area, the amenity of local residents or the wider vitality and viability of villages.

Main Issues (continued)

The main question in this case is whether the proposed relaxation of the condition limiting retail sales to craft goods made on the premises will have a detrimental impact in terms of the amount of visitor activity to the site and whether this change will detrimentally impact on the character of the development.

An objection has been received to the application. The majority of the objection is focused on competition and other related non-planning and civil matters and not material planning considerations. Concern has also been raised about generally changing the character of the site which is a planning consideration.

The application does not propose to change the Use Class of the units and as such the proposal does not envisage the units being changed into retail units. It has been found that the units in this location are difficult to let and the restriction on ancillary sales is believed to be part of the reason for this difficulty. The poor letting record is considered to be prejudicial to the viability of the site as a whole.

When the condition was imposed in December 2003, Low Dalby was a relatively low key visitor attraction. Following the building of the visitor centre and courtyard and associated road/parking arrangements, Low Dalby is now a busy established visitor attraction. In this context, ancillary sales are not considered to be out of keeping with the character and nature of the locality.

Development Policy 18 is supportive of this type of development where it will not result in an increase in activity to the detriment of the area and local residents. The proposed amendment whilst likely to increase the viability of the units as a whole is not considered to change the overall character of the site nor is it likely to result in such significant increase in activity in the locality such as to result in a detrimental impact on either the special qualities of the National Park or the residential amenity of the occupiers of any neighbouring properties.

Approval is recommended.

Reason for Approval

The proposed development is not considered to be likely to generate high levels of activity in itself and as such will not increase the impact of the development on the special qualities of the National Park or the amenity of the occupiers of any neighbouring residential properties. The proposed development is considered to be in accordance with Core Policy A and Development Policies 14 and 19 of the NYM Local Development Framework.