

North York Moors National Park Authority

Scarborough Borough Council (North) Parish: Danby	App Num. NYM/2015/0013/FL
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Proposal: variation of planning approval NYM/2013/0872/FL to allow occupation of the 1no. approved dwelling to be unrestricted and 2 no. local occupancy dwellings

Location: The Castleton Tearooms, Church Street, Castleton

Applicant: Mr Weldon & Mr Penter, The Castleton Tearooms, Church Street, Castleton, Whitby, YO21 EQ

Agent: David R Bamford Architects, The Old Grammar School, Manor Square, Otley, Leeds, LS21 3AY

Date for Decision: 05 March 2015

Grid Ref: NZ 468746 508063

Director of Planning's Recommendation

Approval subject to the following conditions:

1. TIME03 The development hereby permitted shall be commenced before the expiration of 3 March 2017.
2. PLAN01 The development hereby permitted shall not be carried out other than in strict accordance with the following documents:
3. WPDR01 Withdrawal of all PD Parts 1 & 2 and 40 Classes A to I
4. RSUO00 The occupation of units 1 & 2 referred to on plan P1 received 8 January 2015 hereby permitted shall be limited to:

- i) a qualifying person; and
- ii) a wife or husband (or person living as such), licensee, dependant or sub-tenant of a qualifying person.

For the purpose of the above, a person is a qualifying person in relation to the dwelling if he/she has an interest in the dwelling (see Note A) and, immediately prior to occupying the dwelling, he/she satisfied the Local Planning Authority that he/she was in need of local needs housing in terms of the criteria set out in Core Policy J of the adopted North York Moors Local Development Framework, namely that he/she:

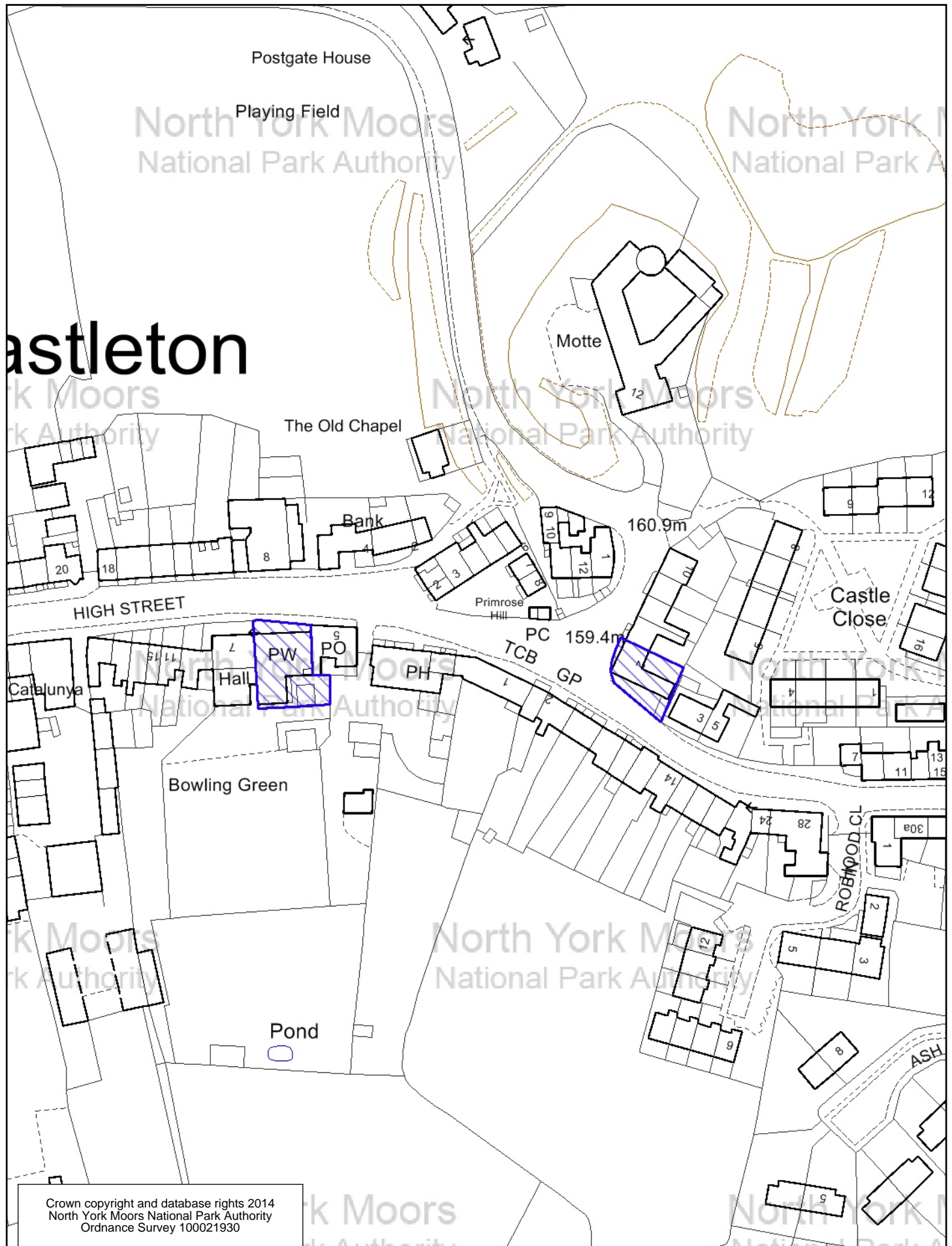
- a) is currently living in and has permanently resided in the National Park for five years or more and is living in accommodation that no longer meets their requirements or
- b) does not currently live in the National Park but has a strong and long standing link to the local community including a previous period of residence of five years or more or
- c) has an essential need to move to live close to relatives who are currently living in and have resided in the National Park for at least the previous five years or more and require support for reasons of age or infirmity or
- d) requires support for reasons of age or infirmity and need to move to live close to relatives who are currently living and have resided in the National Park for at least the previous five years or more or
- e) needs to live in the National Park as a result of current sole employment within that parish or adjacent parishes within the National Park.



North York Moors National Park
Authority
The Old Vicarage
Bondgate
Helmsley YO62 5BP
01439 772700

Application Number: NYM/2015/0013/FL

Scale: 1:1250



Application No: NYM/2015/0013/FL

Condition 4 (continued)

Prior to the occupation of the development the qualifying person shall have obtained confirmation in writing from the Authority that they satisfy the local need criteria outlined in points a - e above.

Note A: For the purposes of the above, a person has an interest in the dwelling if he/she has a freehold or leasehold interest in the whole or any part of it, or is a secure tenant or statutory tenant within the meaning of the Housing Act 1985 or the Rent Act 1977.

Note B: For the purposes of the above, resident within the National Park will include the whole of parishes split by the National Park boundary with the following exceptions; Allerston, Beadlam, Burniston, East Ayton, East Harlsey, Ebberston and Yedingham, Great Ayton, Great and Little Broughton, Great Busby, Guisborough, Ingleby Arncliffe, Irton, Kirkby in Cleveland, Kirkbymoorside, Lockwood, Nawton, Newby, Pickering, Potto, Scalby, Snainton, Sutton under Whitestonecliffe, West Ayton.

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| 5. | MISC00 | No work shall commence (including the stripping out of the existing café) to convert the café known as Castleton Tea Rooms into a dwelling until the proposed café / shop within the Methodist Chapel as approved under NYM/2013/0868/FL is operational. |
| 6. | MATS04 | Stonework and Roofing Tiles to Match |
| 7. | MATS60 | Windows and Doors - Timber |
| 8. | MATS61 | Windows and Doors - Submit Details of Colour/Finish |
| 9. | MATS74 | Flues to be Coloured Matt Black |

Consultations

Parish – (Original comments) – Object. Grounds for supporting the original application included the local occupancy commitment from the applicant.

(Revised comments) – Danby Parish Council objects to the variation of the original application and that all three units should be designated local occupancy dwellings on the grounds that there is a local need for this type of housing.

Advertisement Expiry Date – 27 February 2015.

Background

The application site is Castleton Tea Rooms which is located at the junction of Church Street, Station Road and the High Street in the centre of the Castleton Conservation Area. The site is currently occupied/operates with one unrestricted, open market dwelling and Tea Rooms.

In March 2013 planning permission was granted for the conversion of the café and adjoining open market dwelling into three local occupancy dwellings. The development has not commenced.

The original application was considered alongside a second application (NYM/2013/0868/FL) for the conversion of the Methodist Chapel in the centre of the village to form a new café along with a small shop with manager's accommodation and the erection of a new attached dwelling to the rear, on the footprint of the existing Sunday school.

The second application was approved with a condition placed on the development of the new café use being undertaken first.

Application No: NYM/2015/0013/FL

Background (continued)

The circumstances have since changed; the development at the Methodist Chapel has commenced and is well underway. Following the demolition of the former Sunday school the original rear elevation stonework and blocked up windows have been revealed to be fully in-tact. Subsequently, an application to vary that consent has been granted to allow (amongst other small scale changes) the omission of the unrestricted four bedroom cottage. The proposal essentially restores the rear elevation back to its original form.

The removal of the open market dwelling at the Methodist Chapel now has implications for the three properties earmarked at the tearooms, all of which have a local occupancy restriction placed on them.

This application seeks to remove the local occupancy clause from unit 3, the largest of the three approved dwellings and in all other respects the development remains as previously approved with the two remaining units (1 & 2) as local occupancy dwellings.

That being, along with the change of use, modifications are proposed to the front façade of the café to facilitate the conversion, along with dormer windows facing onto Church Street on the roof of the single storey outshoot.

Main Issues

The main issues are considered to be whether the removal of the local occupancy condition to one of the three dwellings is justified, given the circumstances surrounding this and the Methodist Chapel.

Policy Context

The relevant NYM Local Development Framework Policies are Core Policies A and J and Development Policies 11 and 15.

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.

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 locating all open market housing, including new build and converted units to the Local Service Centre of Helmsley and the Service Villages, as well as other measures including supporting the development of local needs housing within the main built up area of the Local Service Villages and Other Villages, and restricting new housing development in the Open Countryside to that which is proven as essential for farming, forestry or other essential land management activities.

Development Policy 11 of the NYM Local Development Framework is permissive of the re-use of existing employment sites and training facilities for other purposes where the premises are not capable of beneficial re-use for economic purposes; or the new use would result in a significant improvement to the environment or highway arrangements which outweigh the loss of employment land.

Development Policy 15 seeks to resist the loss of an existing tourist or recreation facility unless it can be demonstrated, to the satisfaction of the Local Planning Authority, that the business is no longer viable.

Application No: NYM/2015/0013/FL

Authority Case

Ordinarily, the National Park would require the marketing of the café for an economic use, prior to considering an application for its change of use to a residential use but due to the unique relationship with the proposed re-development of the Methodist Chapel for an economic use which would then result in no net loss of an economic use within the village, during the original application it was considered unreasonable to require the applicant to market the tea rooms as would normally be the case.

Although no third party comments have been forthcoming for this application the Authority received letters of support and letters from those who were opposed to the scheme previously. One of the comments pointed out that the property has been a viable business for over 100 years and should have been properly marketed for alternative business purposes.

The Parish Council originally supported the application stating that the proposed development will provide for three local occupancy dwellings in the centre of the village. Possible impact on parking but the benefits significantly outweigh the drawbacks.

The Parish comments concerned with this application maintain the Council's stance in that it is considered that all three units should be designated local occupancy dwellings on the grounds that there is a local need for this type of housing. As such they object to the variation of the original application.

The applicants did not market the Tearooms as the commercial use would not be lost rather it would simply be re-locating to the Methodist Chapel. The existing tearooms considered by DM Officers during the original application were considered to have one unrestricted unit of residential accommodation above them but as part of the approved application this open market benefit was "transferred" to the proposed new dwelling to the rear of the Methodist Chapel.

The provision of the new open market dwelling to the rear of the Methodist Chapel was contrary to Core Policy J; however it was considered a pragmatic solution by Officers at the time to facilitate the development.

The applicants have submitted financial information supported by sales details and some information in relation to the conversion costs for this application. This information demonstrates that the proposal is likely to provide a small profit however the applicants are seeking to remove the local occupancy condition in order to plan for difficulties or unforeseen costs which may arise.

There remains a planning policy argument that in the absence of robust information on viability the proposal would be technically considered contrary to Core Policy J.

Conclusion

In summary, the permission in place effectively grants consent for a total of five dwellings with four subject to an occupancy restriction, three as conversions at the tearoom and one tied to the café/shop, the new build to the rear of the Chapel was unrestricted.

The decision has been taken not to build the dwelling at the back of the Chapel and in planning terms equates to the loss of one unrestricted dwelling which the applicant wishes to now "transfer" back to the tearoom site. Officers do not consider this to be an unreasonable request as a like for like scenario.

Application No: NYM/2015/0013/FL

Main Issues (continued)

If the ultimate decision is to remove the occupancy condition of one unit, this needs to be clearly identified and a plan has been requested to identify the two restricted and one unrestricted units and will be conditioned as part of any approval.

It should also be made clear that the occupancy conditions on the other remaining properties will not be removed. In the future, evidence would need to be submitted to demonstrate that they have been marketed robustly at an appropriate price for at least 12 months to be considered eligible for removal of the conditions.

The mechanism requiring the new café to open, such that the development does not result in the loss of the commercial use, should for some reason the development at the Methodist Chapel not go ahead remains pertinent to the case and the conditions placed on the original permission are carried forward to this application.

On the basis that the applicant has agreed to accept one unrestricted, open market dwelling and two local occupancy units Officers are supportive of this scenario.

On this basis the application is recommended for approval.

Contribution to National Park Management Plan Objectives

The proposed conversion will provide two local occupancy dwellings which will help to meet the Management Plan objective (Policy C9) of providing more affordable dwellings within the National Park.

Explanation of how the Authority has Worked Positively with the Applicant/Agent

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and confirm that the development is likely to maintain the economic, social and environmental conditions of the area.