

# North York Moors National Park Authority

District/Borough: Scarborough Borough Council  
(North)  
Parish: Newholm-Cum-Dunsley

Application No. NYM/2016/0057/FL

**Proposal: demolition of existing buildings and construction of extension to existing  
Tea Room/Retail Craft Sales Area (retrospective)**

**Location: High Farm  
Newholm**

**Decision Date: 06 July 2016**

## Consultations

**Parish** – Support due the removal of unsafe existing buildings and replaced with a lower building which is of similar construction to the existing tea room and craft shop area. The visual approach to the village is greatly improved by this development and is very popular to both locals and visitors, hence the need to extend the premises. The Parish Council is surprised with regard to the retrospective nature as support has always been given to this development. Comments with regards to kitchen and toilet ventilation may cause complaints in the future if not sensitively installed.

**Highways** – No objections

**Yorkshire Water** -

**Environmental Health Officer** – No comments from a food and occupational safety perspective, the extension and revised layout should improve facilities at the premises.

Whilst it is appreciated the proposed toilets are intended to ventilate towards the neighbours land and this perhaps is not ideal, the Department has no records of receiving complaints in respect of either ventilation or noise issues from commercial or domestic toilets previously. This does not preclude the Department taking action should there be an issue and a statutory nuisance is subsequently established.

**Fire Officer** -

**Site Notice Expiry Date** – 14 June 2016

**Others** –

**Mr and Mrs E Ambler, and Miss K Ambler, Highfield House, Newholm** -

No objection to the building in general however, we do have concerns that the building is not yet rendered. Also there are three windows, two of which look directly onto our property, in the original building there were no windows overlooking our property. It is also stated on the application that the windows are made of glass and wood, the glass is correct however they are plastic frames.

If the extension is to be turned into either toilet block or kitchen, the smell would not be acceptable less than 2 metres from a family dining room. This section of the original building was used purely for storage, so if the new building was to be used for the same purpose we would have no objections.

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Since moving into our property in 2011, this business has changed significantly into a major business, with both cafe and retail shop. Daily wagons delivering for both businesses are quite often parked at the side of the road and are only a matter 20 yards from a blind bend and making it very difficult for residents coming in and out of the village and will be made worse as the business gets bigger. When you go round the corner and there is a car on your side of the road passing the wagon on a blind bend it is very dangerous.

We believe a toilet block right next to our dining room and living room with windows opening into our private property is just not neighbourly and has the potential to be offensive, ie smell and noise from flushing. My husband is a paramedic and works shifts and has a night shift pattern, the vast majority of people using a rural cafe where toilets aren't readily available, will use the toilet before leaving and getting into their car, therefore the toilets are directly under the bedroom and will be constantly been flushed for the whole of the working day, and when evening entertainment nights are on they will be used all evening as in previous years.

We have no objection to the rest of the building just the positioning of the toilets which we feel are totally inappropriate, and could be moved to another area in the huge extension.

### Director of Planning's Recommendation

**Approval** subject to the following condition(s):

1.	PLAN 01	<p>The development hereby permitted shall not be carried out other than in strict accordance with the following documents:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Document Description</th> <th style="text-align: left;">Document No.</th> <th style="text-align: left;">Date Received</th> </tr> </thead> <tbody> <tr> <td>Site plan</td> <td></td> <td>20 June 2016</td> </tr> <tr> <td>Extension plan as built</td> <td>383 Sheet 1 Rev B</td> <td>20 June 2016</td> </tr> <tr> <td>Elevations as built</td> <td>383 Sheet 2 Rev A</td> <td>20 June 2016</td> </tr> </tbody> </table> <p>or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.</p>	Document Description	Document No.	Date Received	Site plan		20 June 2016	Extension plan as built	383 Sheet 1 Rev B	20 June 2016	Elevations as built	383 Sheet 2 Rev A	20 June 2016
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2.	RSUO 01	<p>The buildings outlined in red on the submitted site plan referred to in Condition 2 above, shall not be used other than for the sale of retail crafts and attached tearoom or purposes ancillary to that use, and shall not be used for any other purpose (including any other purpose in Class A1 and A3 of the Schedule to 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, or within Schedule 2, Part 3, Classes A-V of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order).</p>												
3.	RSUO 00	<p>The buildings outlined in red on the submitted site plan referred to in Condition 2 above shall form and remain part of the curtilage of the main dwelling known as High Farm, Newholm as a single planning unit and shall not be sold or leased separately from the main dwelling without a further grant of planning permission from the Local Planning Authority.</p>												
4.	GACS 06	<p>The extended retails craft sales and tearoom hereby permitted shall not be open to customers outside the hours of 09.00 hours to 18.00 Mondays to Saturday and 10.00 to 16.00 on Sundays and Bank Holidays. Any variation to these hours will require a new grant of planning consent from the Local Planning Authority.</p>												

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5.	GACS00	All windows on the rear (north facing) elevation of the building shall be installed such that they only open inwards so they do not protrude over the boundary with the adjoining property. Any future replacement windows shall also comply with this requirement.
6.	GACS 07	No external lighting shall be installed in the development hereby permitted until details of lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.
7.	MATS 12	The finish of the walls to be rendered shall match the existing render in colour and texture and thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority. Such rendering and colouring is to be completed no later than one month after the development hereby permitted being first brought into use.
8.	MATS 00	The roof materials utilised in carrying out the development hereby permitted shall match those of the existing building unless otherwise agreed in writing with the Local Planning Authority.
9.	MATS41	All new windows in the development hereby permitted shall match those of the existing building in terms of appearance, materials, section, dimensions, glazing bar pattern, method of opening, external finish, reveals cills and lintels and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
10.	MATS 70	The guttering to the development hereby permitted shall be directly fixed to the stonework by means of gutter spikes with no fascia boarding being utilised in the development and shall thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
11.	MATS 72	The rainwater goods utilised in the development hereby permitted shall be coloured black and shall thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
12.	MATS 74	All flues associated with the proposed development shall be coloured matt black and maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

**Reason for Condition(s)**

1.	RSN PLAN 01	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 & 3.	RSN RSUO 01	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.

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4-6.	RSN GACS 01	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	RSN MATS 01	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.
9 to 12.	RSN MATS 02	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.

### Background

The application site is located at the south end of the settlement of Newholm on the north side of the road which passes through the village which branches off from the main Whitby to Guisborough road. To the south, east and west are grass fields and to the north is the main settlement and neighbouring properties.

This retrospective application is for the extension of the tea room area to provide additional seating space and two toilets and also an extension in the form of a timber clad lean-to to provide storage for the sales area.

The single storey tea room extension immediately abuts the boundary with the adjacent dwelling and the timber lean to store building projects in the rear area adjacent the car park.

### Main Issues

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 H of the Local Development Framework seeks to strengthen and support the rural economy by providing local communities with a range of opportunities for entrepreneurship, education and training in various ways, including allowing new employment development in Whitby Business Park, service villages and local service villages.

Development Policy 3 of the NYM Local Development Framework seeks to maintain and enhance the distinctive character of the National Park by ensuring that the siting, layout and density of development preserves or enhances views into and out of the site; that the scale, height, massing, materials and design are compatible with surrounding buildings; that the standards of design details are high and complements that of the local vernacular; good quality sustainable design and construction techniques are incorporated; that there is satisfactory landscaping and that the design takes into account the safety, security and access needs for all potential users of the development.

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Development Policy 14 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.

The application has come about following an investigation by the Authority into the construction of extensions to the tea room which was approved in 2013.

The principle of a retail use here has already been established so what needs to be considered is whether the new buildings and the nature of the extended use of the tea room/retail use is likely to have a detrimental impact on neighbouring amenities and the character of the locality.

The Parish Council support the proposal but concerns have been expressed by the occupiers of the neighbouring property regarding particularly concerns about noise and smells emanating from the toilet windows that abut their boundary and are close to their dining rooms windows.

The Environmental Health Team have been asked to consider this specific concern but have raised no objections. However, on the basis that the windows when opened outwards would actually project over the neighbours land, a condition is recommended which would require the windows to open inward, which may also reduce concerns regarding smell.

In this case the scale of development proposed along with the nature of the existing retail/tea room development is considered to be satisfactory to the character of the area. The scale of the development proposed is considered acceptable as an ancillary element and with the necessary conditions imposed it is considered that the development will not be unduly harmful to the site or site surroundings. Approval is recommended.

**Positive working****Approval (No Amendments Required)**

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

*A. Allen* 6/7/16

