

**CEO Urgent Decision Session – Planning
10 June 2020
Officer Update Note**

Item 1.1.

APPLICATION NUMBER:	2019/1318/COU	PARISH:	Bolton Percy Parish Council
APPLICANT:	Mr & Mrs Houseman	VALID DATE: EXPIRY DATE:	17th December 2019 11th February 2020
PROPOSAL:	Change of use of barn to tearoom (excluding associated extension/alterations), change of use of former tearoom back to domestic use and proposed change of use of land to form an extension to the existing car park (Retrospective)		
LOCATION:	North House Farm Oxton Lane Bolton Percy York North Yorkshire YO23 7AN		
RECOMMENDATION:	GRANT planning permission subject to the recommended conditions		

Following publication of the Officer Report, comments from Planning Committee Members and the applicant's agent have been received. This update report addresses those comments.

1. Listed Building Consent

- 1.1. Members have queried the position with listed building consent. For clarification, the extent of these works within this planning application do not need listed building consent.
- 1.2. It is the case that listed building consent is necessary to retrospectively regularise works that have already taken place at the site and a valid and extant application to do so remains with officers for determination.
- 1.3. However, given the differing position of the Council and the agent, in order to determine this listed building consent application both parties agree a joint visit to the site is necessary. Unfortunately, under current Covid-19 related practice such a visit is not possible.

2. Car Park Extension

- 2.1. Comments are made that the car park is within the conservation area. Officers clarify that the car park is *not* within the conservation area, although it both is immediately adjoining and within the setting of it.

- 2.2. Regarding the extension of the car park, officers reiterate that the scale of this extension is proportionate to the proposed tearoom extension and will alleviate existing inappropriate on-street parking by visitors to this facility.
- 2.3. In relation to inappropriate parking on the highway (outside of the car park), as per paragraph 2.2 above officers consider that the scale of the car park will assist in alleviating this existing situation concern and lessen rather than exacerbate the issue. This therefore lessens the need for physical restrictions, which officers consider from a heritage perspective would have a greater impact upon the conservation area and listed building than the appropriately scaled car park extension.

3. Conditions

- 3.1. Comments have been raised by Members regarding the timing and sequencing of conditions, with particular concern that the tea-room can commence without car park improvements being in place (N.B. the tearoom is already trading). Officers agree that there could be an instance in which the applicants either delay or do not complete the car park extensions whilst the tea room continues to trade at a larger scale than previously permitted and therefore the following additional condition is recommended to ensure this instance does not occur:

7. *Within 6 months of the date of this planning permission the approved vehicle access, parking, manoeuvring and turning areas contained within approved plan PO5_Rev.A Proposed Site Plan shall have be available for use unless otherwise approved in writing by the Local Planning Authority.*

Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

REASON:

In accordance with SDLP policy T1 & T2 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

- 3.2. Upon review of the recommended conditions the agent raised a query in relation to the wording of Condition 1 (timescales) asserting that the retrospective and non-retrospective elements should be addressed differently, noting that both changes of use have already commenced. Officers agree that such a change would add precision and therefore Condition 1 is recommended to be reworded accordingly:

1. *The car park extension for which permission is hereby granted shall be begun within a period of three years from the date of this permission.*

REASON:

In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

4. Description of Development

- 4.1. The agent raised a further query of the description of development which officers had altered from that suggested by the agent, again this relates to seeking each element of the application be precisely identified as either retrospective or not. Officers agree that this provides greater precision and therefore the description of development is recommended to be altered to the following:

Change of use of barn to tearoom (excluding associated extension/alterations) (retrospective), change of use of former tea room back to domestic use (retrospective) and proposed change of use of land to form an extension to the existing car park.