

North York Moors National Park Authority

District/Borough: Scarborough Borough Council
Parish: Newholm-Cum-Dunsley

Application No. NYM/2019/0365/FL

Proposal: change of use of and alterations to first floor of stable/garage to form 1 no. holiday cottage

Location: Bannial Flatts Cottage, Guisborough Road, Whitby

Decision Date: 16 July 2019

Extended to:

Consultations

Parish – No objection

Highways – The access for vehicles associated with this application would be via the existing privately maintained road off the A169 / A171 roundabout. There is one recorded collision in the vicinity of the roundabout but there is no evidence to say there is any association with vehicles turning into or out of the private access. Consequently there are **no local highway authority objections** to the proposed development.

Environmental Health Officer –

Site Notice Expiry Date – 3 July 2019

Director of Planning's Recommendation

Approval subject to the following condition(s):

1. **Standard Three Year Commencement Date**
The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. **Strict Accordance With the Documentation Submitted or Minor Variations - Document No.s Specified**
The development hereby permitted shall not be carried out other than in strict accordance with the following documents:

Document Description	Document No.	Date Received
Location Plan	D11600-01 Rev A	20 May 2019
Proposed Plans and Elevations	D11600-03 Rev B	20 May 2019

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
3. **Use as Holiday Accommodation Only - Outside Villages**
The dwelling unit hereby approved shall not be used for residential purposes other than holiday letting purposes. For the purpose of this condition 'holiday letting' means letting to the same person, group of persons or family for period(s) not exceeding a total of 28 days in any one calendar year.
4. **Holiday Unit Not Sold or Leased Separately - Outside Villages (inserts)**
The holiday unit(s) hereby permitted shall form and remain part of the curtilage of the existing dwelling known as Bannial Flatts Cottage and shall not be sold or leased off from the main dwelling or let off except as holiday accommodation in accordance with the terms of condition 3 above without a further grant of planning permission from the Local Planning Authority.

Application Number: NYM/2019/0365/FL

5. For the avoidance of doubt the permission hereby approved relates only to the use of the first floor as holiday accommodation, the ground floor shall be retained as a garage and stable unless otherwise approved under a separate planning application.
6. **Rooflight Details to be Submitted**
No work shall commence on the installation of any rooflights in the development hereby approved until full details of the proposed rooflights have been submitted to and approved in writing by the Local Planning Authority. The rooflights shall be conservation style rooflights and shall be installed in accordance with the approved details and maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
7. **Conservation Rooflights Only**
The rooflights to be installed in the development hereby permitted shall be a conservation style rooflight unless otherwise agreed in writing with the Local Planning Authority.
8. **Windows and Doors - Timber**
All new window frames, glazing bars, external doors and door frames shall be of timber construction and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
9. **Window/Door Frames to be Painted Wood - Colour to be Agreed**
All new window frames, glazing bars and external door frames shall be of timber construction, painted in a colour to be approved by the Local Planning Authority. The work shall not be carried out otherwise in accordance with the approved details within six months of the date of installation and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Informatives

1. **Bats**
All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 39(1) of the Conservation (Natural Habitats etc.) Regulations 1994. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted on 0300 060 3900 for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given information to contact Natural England or the Bat Conservation Trust national helpline on 0845 1300 228.
2. **Birds**
Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. In addition, certain species such as the Barn Owl are included in Schedule 1 of the Act and are protected against disturbance while nesting and when they have dependent young. Offences against birds listed in Schedule 1 of the Wildlife and Countryside Act are subject to special penalties. An up-to-date list of the species in Schedule 1 is available from Natural England
<http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/speciallyprotectedbirds.aspx>. Further information on wildlife legislation relating to birds can be found at www.rspb.org.uk/images/WBATL_tcm9-132998.pdf.
If advice is needed please contact the National Park Authority's Conservation Department on 01439 772700 or conservation@northyorkmoors.org.uk.

Application Number: NYM/2019/0365/FL

Reason(s) for Condition(s)

1. To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2. 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.
3. The site is in a location where new residential development would be contrary to NYM Core Policy J but permission for holiday accommodation has been permitted to ensure that a traditional rural building is conserved in line with NYM Development Policy 8.
4. The site is in a location where the occupation of the accommodation hereby permitted as a separate independent dwelling unit would be contrary to NYM Core Policies B and J.
5. In order to enable the Local Planning Authority to retain control over the scale of activity at the site and ensure compliance with NYM Core Policy A which seek to conserve and enhance the special qualities of the NYM National Park.
6. 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.
- 7 – In order to comply with the provisions of NYM Core Policy C which seeks to protect
9. species protected under national and international legislation.



Application Number: NYM/2019/0365/FL

Background

Bannial Flatts Cottage is a former pair of cottages now in single residential use, prominently located at the junction of the A169 with the A171 just outside Whitby. The property is a double gable fronted building situated just off the joint access road which serves the property and Bannial Flatt Farm, now mainly in residential use.

This application relates to the use of the first floor area of the existing stable and garage block for holiday accommodation. This building was approved in 1996. Permission was also granted for an extension to this building to create a residential annexe, however this was not implemented. The first floor already appears to have been converted to some form of residential use by the previous owner, however under this application permission is sought to improve and regularise this situation, improving access and lighting/ventilation and by make the roof space available as one unit rather than two.

The external alteration proposed include the increase in size of the gable end windows and the installation of three additional rooflights on the Eastern, courtyard side of the building. The new unit will have a bedroom, shower room, kitchenette and living room with an access stairway at the North end of the building. Parking and an amenity space will be provided within the existing curtilage.

Main Issues

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.

This application meets all of the above criteria, being easy to access and having no impact on any neighbouring properties. The alterations proposed are minimal and again will not have any adverse impact on the appearance of the existing stable and garage block in this setting. No adverse comments have been received to the application and therefore approval is recommended.

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 confirmed to the applicant/agent that the development is likely to improve the economic, social and environmental conditions of the area.