

North York Moors National Park Authority

District/Borough: Scarborough Borough Council
Parish: Egton

Application No. NYM/2019/0165/FL

Proposal: variation of condition 1 of planning approval NYM/2004/0515/FL to allow the summerhouse to be used as annexe accommodation or as overnight guest/holiday accommodation

Location: Egton Manor, Barnards Road, Egton

Decision Date: 03 May 2019

Extended to:

Consultations

Parish - Support as it will provide local employment.

Highways - No objection.

Environmental Health Officer - No comments to make from a commercial regulation perspective.

Environment Agency - No objection subject to conditions and recommend informative.

Site Notice Expiry Date - 29 April 2019.

Director of Planning's Recommendation

Approval subject to the following condition(s):

1. The dwelling unit hereby approved shall not be used for residential purposes other than as ancillary family domestic use or 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. The unit shall form and remain part of the curtilage of the existing dwelling known as Egton Manor and shall not be sold or leased off from the main dwelling or let off except as holiday accommodation in accordance with the terms set out above without a further grant of planning permission from the Local Planning Authority.
2. The external wooden cladding of the development shall be retained and maintained in a natural or brown stain finish unless otherwise agreed in writing with the Local Planning Authority.
3. This permission has been granted in accordance with the details specified in the submitted Flood Risk Assessment prepared by Cheryl Ward Planning dated 06 March 2019 reference P2018#012 (Section 5) and the development shall be carried out in strict accordance with the above Flood Risk Assessment unless otherwise agreed in writing with the Local Planning Authority.
4. Prior to the development being brought into use as overnight accommodation, full details of a specific flood warning and evacuation plan must be submitted and agreed in writing with the Local Planning Authority. The flood warning and evacuation plan shall then be implemented and the accommodation shall not be occupied other than in accordance with the approved plan.

Informatives

1	<p>The Environment Agency has advised that they have records of the site having flooded in the autumn 2000 flood event, but do not have a depth of flooding recorded. The applicant's attention is therefore drawn to the following Environment Agency Advice:</p> <p>Signing up for Floodline Warnings Direct (FWD)</p> <p>The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit https://www.gov.uk/sign-up-for-flood-warnings. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.</p> <p>Flood warnings can give people valuable time to prepare for flooding ? time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.</p> <p>For practical advice on preparing for a flood, visit https://www.gov.uk/prepare-for-flooding.</p> <p>To get help during a flood, visit https://www.gov.uk/help-during-flood.</p> <p>For advice on what do after a flood, visit https://www.gov.uk/after-flood.</p>
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Reasons for Conditions

1. In order to enable the Local Planning Authority to retain control over the scale of activity at the site in accordance with Core Policy A and 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.
2. 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.
- 3 & 4. In order to comply with the provisions of NYM Development Policy 2 which seeks to mitigate the impact of flood damage to new development within areas at high risk from flooding and prevent additional flood risk to other properties.

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Background

The building is a timber summerhouse with area of raised decking at the front overlooking the River Esk. The building obtained retrospective planning permission in 2004 (ref.: NYM/2004/0515/FL) and this permission restricted the use of the structure to domestic purposes ancillary to the enjoyment of Egton Manor. The condition made specific mention to the fact that any form of self-contained residential use was not permitted.

The current application requests a variation to the original permission to allow overnight guest/holiday accommodation for non-family members. During the early part of the determination process, it became apparent that the summerhouse had been extended at the rear providing a toilet and shower room with store. This work had again been carried out without the relevant permission being sought and rather than submit a further retrospective application, the applicants submitted a Certificate of Lawfulness which has subsequently been issued. The determination of this proposal can now proceed.

There are also other applications under consideration at the site proposing the change of use of the Manor House, grounds and some of the outbuildings at Egton Manor to form a Corporate Events and Wedding Venue. This application is accompanied by a Listed Building Application and both include internal alterations, siting of a marquee and associated ancillary tents and temporary buildings (ref.: NYM/2019/0299/FL). That application is nearing its determination and is recommended for approval concluding that the use of Egton Manor as an events venue and conversion of the existing building on site to a function room is considered to have a minimal impact on the surrounding landscape or the listed buildings. It is understood that the proposed use of the summerhouse as overnight accommodation would be used in conjunction with the above larger scheme of alteration.

Main Issues

The relevant policies contained within the NYM Core Strategy and Development Policy Document to consider with this application are Development Policy 2 (Flood Risk) and Development Policy 14 (Tourism and Recreation).

DP2 states that development will only be permitted where it will not lead to an increase in flood risk elsewhere and DP14 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 existing summerhouse (which is used by the owners of Egton Manor as a fishing hut) occupies a secluded position and is well-screened despite being some distance from the host property. The siting and design however, does not form part of the consideration process as these matters have previously been addressed and accepted by the 2004 application.

Having regard to the proposed use, Officers are of the opinion that the secluded position, which is away from neighbouring occupiers and public rights of way, is such that any rise in activity levels will not result in an unacceptable impact to neighbouring occupiers.

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The Parish council has registered support for the application on the basis it will provide local employment and no objections are raised from either the Local Highway Authority or Environmental Health Officer.

The cabin is however, located in Flood Zones 2 and 3 so the application has been supported with a flood risk assessment. Officers had concern in respect of the offering of overnight accommodation in an area of flood risk but deferred that matter to the Environment Agency. The proposal has been considered by the Environment Agency and they have provided a detailed response of no objection subject to conditions requiring the accommodation use to be on a short term basis only and for a flood warning and evacuation plan to be created, agreed with the Local Planning Authority and thereafter implemented.

Further advice has been provided by the Environment Agency to be included as an informative.

On the basis of the Environment Agency's response and in view of the above considerations, the proposal is considered acceptable and unlikely to result in harm to either visual or general amenity of the area. Approval is therefore recommended.

Pre-commencement Conditions

Condition 4 is a pre-commencement condition and has been agreed in writing with the applicant/agent.

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

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.