

North York Moors National Park Authority

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

Application No. NYM/2019/0602/FL

Proposal: variation of condition 2 (material amendment) of planning approval NYM/2011/0618/ETL to allow amended window/door details and insertion of flue to east elevation

Location: The Old Smithy, Dunsley

Decision Date: 28 October 2019
Extended to:

Consultations

Parish -

Site Notice/Advertisement Expiry Date – 10 October 2019

Director of Planning's Recommendation

Approval subject to the following condition(s):

1. 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
Existing Site Location and Proposed Block Plan	D10553-01	23 August 2019
Proposed Plans and Elevations	D10553-03	23 August 2019

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
2. 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.
3. Stonework and Roofing Tiles to Match
All new stonework and roofing tiles used in the development hereby permitted shall match those of the existing building, including the colour and texture of the stone and the method of coursing, pointing, jointing and mortar mix unless otherwise agreed with the Local Planning Authority.
4. 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.

Application Number: NYM/2019/0602/FL

5. **Window Frames in Reveals - Specify Set Back (insert)**
The external face of the frame to all new windows shall be set in a reveal of a minimum of 100mm from the front face of the adjacent walling and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
6. **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.
7. **Guttering Fixed by Gutter Spikes**
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.
8. **Black Coloured Rainwater Goods**
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.
9. **Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:**
 - (i) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E9A and the Specifications of the local Highway Authority.
 - (ii) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
 - (iii) That part of the access(es) extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 10.
 - (iv) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the Specification of the local Highway Authority.
10. **There shall be no access or egress by construction or other vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until visibility splays providing clear visibility of 2.4 by 45 metres measured down the centre line of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times thereafter.**

Application Number: NYM/2019/0602/FL

11. The development hereby permitted shall not be brought into use until the vehicular access, parking and turning facilities have been formed in accordance with the submitted drawing ref: D10553-01 . Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
12. No work shall commence on the driveway of the development hereby permitted until full details of the hard surfacing to be utilised on the site have been submitted to and approved in writing by the Local Planning Authority, including a timetable to implement the proposed works. The hard landscaping works shall then be implemented in accordance with the approved details.
13. Details of the proposed boundary treatment to the site, including the size and species of any hedging, the materials to be utilised to any walls or fences and the timetable to implement the proposed works, shall be submitted to and approved in writing by the Local Planning Authority. The site boundary works shall then be implemented in accordance with the approved details. The boundary treatment shall be maintained in perpetuity unless otherwise agreed in writing by 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. **Coal Referral Area**

The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 08457626848 or at www.groundstability.com
3. This consent is issued subject to the terms of the Agreement (under Section 106 of the 1990 Town and Country Planning Act) dated 3 February 2009 between the North York Moors National Park Authority and John William Mark Wooding.

Application Number: NYM/2019/0602/FL

Reason(s) for Condition(s)

1. 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. 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.
3. 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.
4. 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.
5. 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.
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. 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.
8. 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.
9. In accordance with NYM Development Policy 23 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
10. In accordance with NYM Development Policy 23 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
11. In accordance with NYM Development Policy 23 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
12. In the interests of the satisfactory appearance of the development and in order to comply with the provisions of NYM Development Policy 3 which seeks to ensure that development proposals incorporate suitable hard landscaping details.
13. In order to comply with the provisions of NYM Development Policy 3 which seeks to ensure that new development incorporates a landscaping scheme which is appropriate to the character of the locality and retains important existing features.

Application Number: NYM/2019/0602/FL

Background

Permission was granted for the conversion of a redundant barn to form a holiday cottage in 2007 under reference NYM/2007/1032/FL.

The converted barn is located on Dunsley Lane, just north of Dunsley Beck. The building is associated with and under the same ownership as the property (Hillcrest) on the opposite side of the road, which is one of two semi-detached houses.

This application is for the variation of condition 2 of NYM/2011/0618/ETL to allow for an amended window design and the insertion of a flue on the east elevation.

Main Issues

The relevant policies contained within the NYM Core Strategy and Development Plan Policy Documents to consider with this application are Development Policy 3 and Development Policy 8.

Development Policy 3 of the NYM Local Development Framework affirms that to maintain and enhance the distinctive character of the National Park, development will only be permitted where the siting, orientation, layout and density preserves or enhances views into and out of the site, spaces about and between buildings and other features that contribute to the character and quality of the environment. Furthermore, the Authority seeks a high standard of design detailing whether traditional or contemporary, which reflects or complements that of the local vernacular.

Development Policy 8 of the NYM Local Development Framework seeks to permit the conversion of traditional unlisted rural buildings which are situated within an existing group, for an employment use, short term self-catering holiday accommodation, residential annexe to an adjacent existing dwelling or long term/permanent residential letting units for local occupancy, where the building is of architectural or historic importance, and makes a positive contribution to the character of the area, is structurally sound, is of sufficient size to accommodate the proposed use without the need for significant alterations or extensions, is compatible in nature, scale and levels of activity with the locality, is of a high quality of design and does not require changes to the buildings curtilage or new vehicular access or parking areas.

The original openings in the barn have been utilised in the development of the building as per the Authority's adopted policies (DP8). There are no new openings on any of the elevations and the rooflights are located on the east elevation where they cannot be seen from the road. Therefore, the converted barn remains predominantly unaltered in a visual sense.

This application is for the variation of condition 2 of NYM/2011/0618/ETL to allow for the introduction of a flue on the east elevation. As with the rooflights, the flue will remain unseen from the road and is therefore not considered to have a detrimental impact on the overall design of the converted barn or the surrounding area.

The application also seeks to amend the design of the right window on the east elevation of the building. The approved design consisted of three identical full length glazed units with a door in the central unit.

Application Number: NYM/2019/0602/FL

The revised design in the current application comprises bi fold doors on the left and central unit and a half boarded timber unit. The upper section of the right window is identical to the left and central units, but with the addition of the boarded lower half.

It is regrettable that this amendment is necessary, as it is officer's opinion that the previous design was preferable and more sympathetic to the host building. However, it is appreciated that the original opening is being retained and as such the development is seen to be in accordance with DP3 and DP8.

Considering the above, the application is recommended for approval.

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.