

North York Moors National Park Authority

Scarborough Borough Council (North) Parish: Hinderwell	App No. NYM/2019/0393/FL
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Proposal: conversion of domestic store to holiday cottage

Location: Bank Bottom, High Street, Staithes

Applicant: Mr and Mrs G Hill, 2 South View, Carlton, Middlesborough, TS9 7BB

Agent: BHD Partnership, fao: Neil Duffield, Airy Hill Manor, Whitby, YO21 1QB

Date for Decision: 30 August 2019 **Grid Ref:** 478101 518729

Director of Planning's Recommendation

Approval subject to the following conditions:

1. TIME01 Standard Three Year Commencement Date
2. PLAN01 Strict Accordance With the Documentation Submitted or Minor Variations - Document No's Specified
3. WDR09 Withdrawal of PD Part 2 Class A - Gates, Walls, Fences
4. RSU012 Use as Holiday Accommodation Only - Inside Villages
5. GACS07 External Lighting - Submit Details
6. CDLB05A Conversions - Extent of Rebuilding/Repair Work
7. MATS00 No work shall commence on the pointing of the structure hereby approved until a one metre square sample area of lime pointing to be used in the finished appearance of the development hereby permitted has been carried out on site and approved in writing by the Local Planning Authority. The building shall then be pointed to match that of the approved panel both in terms of lime mortar mix and finish exhibited in the panel unless otherwise agreed in writing by the Local Planning Authority.
8. MATS03 Stonework to Match
9. MATS09 Brickwork to Match
10. MATS14 Roof Tile to be Agreed
11. MATS16 Handmade Clay Pantiles to be Used
12. MATS75 Exterior Paint Scheme
13. MATS26 Timber Cladding
14. MATS30 Doors - Details of Construction to be Submitted
15. MATS40 Detailed Plans of Window Frames Required
16. MATS47 Window Frames in Reveals - Specify Set Back (100mm)
17. MATS73 External Fixtures
18. ARCH02 Archaeological Interest Requiring Full Survey
19. HWAY24 On-site Parking, On-Site Storage and Construction Traffic During Development
20. LNDS10 Details of Hardsurfacing to be Submitted

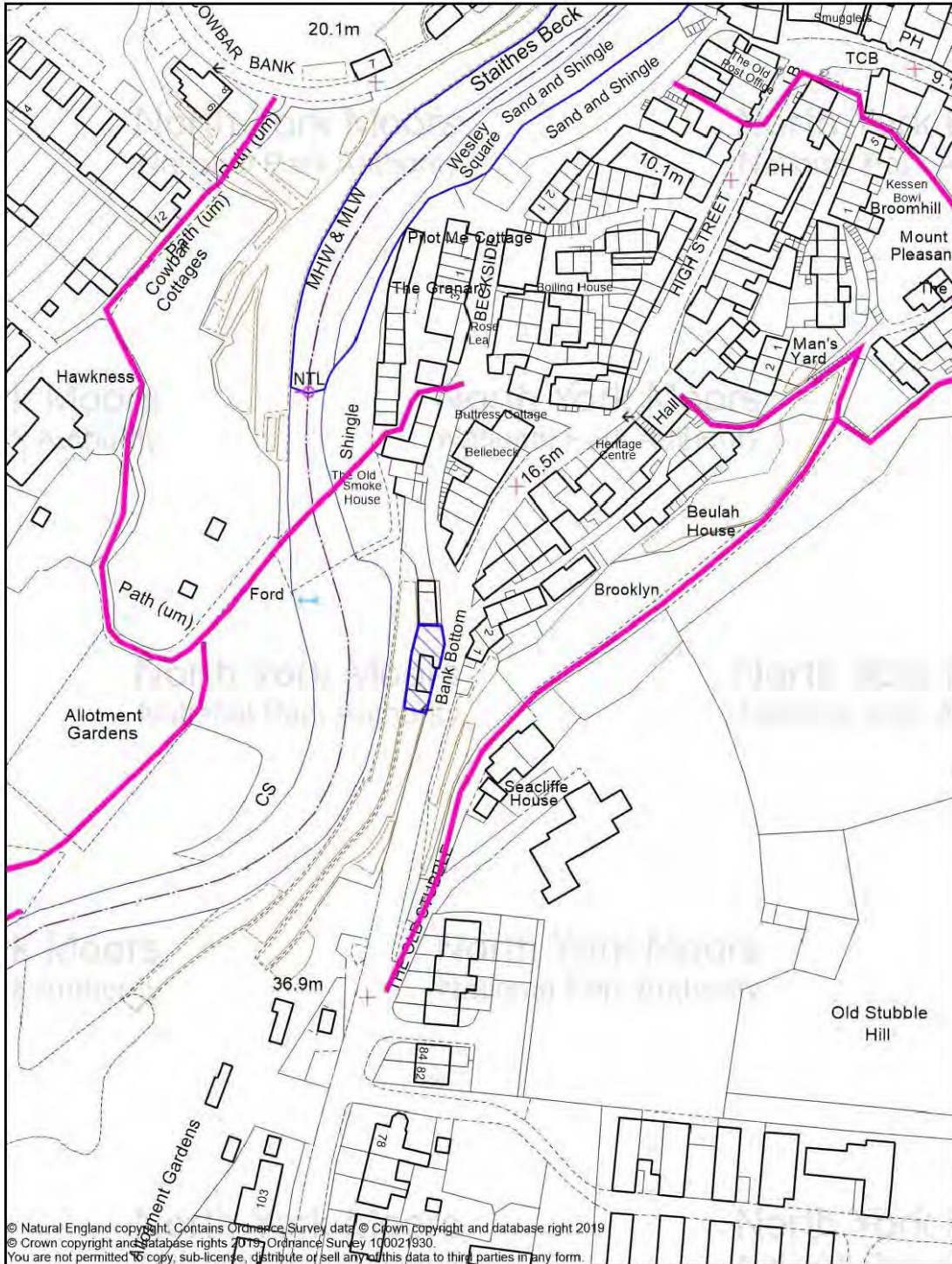
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Conditions continued

21. MISC00 Due to the proximity of the site to Staithes Beck there is a significant risk during the construction phase of sediments and pollutants falling, or being washed, into the beck. Prior to works beginning on site in connection with the conversion hereby approved a Construction Method Statement which details how this will be avoided shall be submitted to the Local Planning Authority for approval in writing and thereafter works shall take place in accordance with the methods detailed.
22. MISC00 The scrubby vegetation which surrounds the building could be of value to nesting birds. Clearance of the vegetation from around the property should be done out with of the nesting season (March - September inclusive) unless checked immediately prior (within 24 hours) by a suitably qualified ecologist.
23. GACS00 Prior to any site clearance work being undertaken in connection with the development hereby permitted, a detailed scheme to provide for the survey of the existing rock face and a ground investigation of the "shelf" area shall be undertaken which provides information with regards to the existing footing and the founding material relative to the possible rock head, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in strict accordance with the approved scheme.

Informatives

1. Birds
2. Bats
3. There shall be no site clearance, demolition, excavation or depositing of material in connection with the construction of the development until an APPROVAL IN PRINCIPLE form has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved details shall, at the applicant's expense, undergo the legal process required. Subject to the successful completion of this legal process the measures will be implemented at the applicant's cost prior to the development being brought into use.



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Consultations

Parish – 5/8/2019 - Objection - Perceived safety issues as cliff is crumbling now and the neighbouring property, lower down the bank, has already collapsed. Grave doubts about safety and stability of the area and the effects it may have on the only access into the lower village – particularly during building works.

Scarborough Borough Council Coastal Engineer – 4/11/2019 - Having read the report submitted following my meeting with the agent/developer I am satisfied that a detailed geological assessment of the site has been undertaken and provided the suggested measures to secure stability of the foundation/building are implemented I would have no objections to the development taking place.

27/08/2019 - I would request a report undertaken by a suitably qualified engineer to assess the condition of the existing rock face and in addition a ground investigation of the “shelf” area including providing information with regards to the existing footing and the founding material relative to the possible rock head. These reports need to specifically state whether the development is susceptible to becoming undermined and conclude on the viability of the site.

Highways – 17/07/2019 - In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters: The current access from the public highway to the building is not expected to change. The Local Highway Authority will require assurances that the construction of the building will not undermine the adjacent highway and therefore the applicant should provide details following the County Council's "Approval in Principle" procedure. Consequently the Local Highway Authority recommends that an Informative is attached to any permission granted:

Yorkshire Water –

Environmental Health Officer – 13/12/2019 - I refer to your e-mail of the 12 December 2019 regarding the above application and my previous response dated 16 October 2019. I am now satisfied that a satisfactory engineers report has been obtained for the property. However I would still wish to see a restriction limiting the use of the property to a “holiday cottage” as I do not consider the layout conducive to permanent occupation as a residential dwelling.

16/12/2019 - I note that the statement supplied by BHD Partnership states “A structural engineer must be employed to specify sequence of work and type of permanent and temporary supports.” It is my view that a structural engineers report is essential; there have been stability issues with other dwellings along the beck side and it is clear from the photographs that the existing structure has suffered some settlement in the past.

In relation to the proposal I would ask that any permission limits the future use of the site as a holiday cottage. I do not consider the layout conducive to permanent occupation as a residential dwelling.

Police – Traffic -

Advertisement Expiry Date – 8 August 2019

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Others – Mrs B Jones, Holly Cottage, 133 High Street, Brotton

2/9/2019 - I am the owner of Valley View, Staithes, the cottage next door to the application site. Having been in my property when it collapsed I would hope people's safety is priority in this decision.

Background

This application relates to a property now known as Bank Bottom, High Street, Staithes, however formerly it has been known as The Old Blacksmith's Shop, High Street, Staithes.

'Bank Bottom' is the first building on the left down Staithes bank. The building is a small garage type store building with a parking area to the side of it, built into the cliff edge beneath the access road to the lower part of the village and therefore occupied a very discreet location where the north elevation is only really visible as you drive back up the road from the lower village and the western elevation is only visible from footpaths on the opposite side of the gorge of Staithes Beck.

The building is in a semi derelict state. A Certificate of Lawfulness was granted in 2018 (NYM2018/0758/CLE) confirming that the building has not had a commercial use in the last 10 years. There is no other planning history associated with the building.

This application seeks approval to convert the building within its current envelope to a holiday cottage. The building is made up of a mixture of stone, brick and pantile and corrugated sheeting to the roof. This mix of materials will be retained in the proposed scheme. Reports originally submitted with the application include a Heritage Statement, Bat Scoping Survey and Structural Survey, however more recently this has been supplemented with a Geotechnical Engineer's report and Schematic stage drawings of works detailing how the conversion will actually take place in a safe manner, following a meeting on site with the Scarborough Council Coastal Engineer.

The proposal is for the conversion of the building into a two bedroom holiday cottage unit over two floors. Externally there will be a small patio area and the existing parking area will be retained. The gorge to Staithes Beck will be fenced with a timber fence with circular rails and stainless steel wire in-between. Much of the current fenestration detailing will be re-used as part of the application although most of the southern elevation which is the least visible by the public will be removed to create bi-folding patio doors to the ground floor and a timber louvered window to the bedroom at first floor level.

Main Issues**Policy**

The site is the conversion of a building within the village of Staithes, however not on a site which would be considered suitable for a new dwelling if unoccupied. The conversion of the existing building to a tourism use is considered against Policies CP G (Landscape, Design and Historic Assets), DP 4 (Conservation Areas), DP 8 (Conversion of Traditional Unlisted Rural Buildings and DP14 (Tourism and Recreation) of the NYM Local Development Framework.

Core Policy G of the Local Development Framework seeks to ensure that the landscape, historic assets and cultural heritage of the National Park are conserved and enhanced, with particular protection being given to those elements which contribute to the character and setting of Conservation Areas.

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Main Issues continued

Development Policy 4 of the Local Development Framework seeks to ensure that development within or immediately adjacent to a Conservation Area either preserves or enhances the character and appearance or setting of the area and that the scale, proportions, design and materials respect the existing architectural and historic context with particular reference to traditional buildings, street patterns, the relationship between buildings and spaces and views into and out of the area.

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.

Principle of Conversion

The conversion of the unit is considered to be acceptable without the need for further marketing as it has been proven through a certificate of lawfulness application that the building has been in a domestic rather than commercial use for the past ten years.

The building in question is very characterful and clearly historic as evidence of a building in this location, identified as a "smithy", is shown on the 1894 maps. The building is also located within the Staithes Conservation Area. The Appraisal summarises the character of the immediate area in question, where at para.8.16 it states that views are afforded over the stone wall to be back below...upturned fishing boats, derelict sheds, pigeon coops and allotment garden give an 'unkempt' if not traditional introduction to the area.

Although the building has been much altered, due to its historical significance and its location within the Staithes Conservation Area (itself a designated heritage asset) the building would be deemed to be a non-designated heritage asset and as such the Authority sees this application as an opportunity to enhance the significance of this building. It is therefore important that any scheme retains its character and features as a functional service building rather than a domestic house. At pre-app the Authority did raise concerns about the capability and structural soundness of the existing building and whether it was possible to convert the building without rebuilding. A Structural Report was submitted with the original application, which, while quite brief, does conclude that the building can largely be retained in its current form. Further reports into the condition of the cliff below and further details of how the conversion will be undertaken have since been received and on the basis of the findings of these reports, Officers believe that the building is convertible and therefore we have no objections to its conversion to holiday accommodation in order to secure the long term future of this building.

Design

The applicant has taken on board some of the comments raised at pre-application stage when designing the final scheme, however further amendments were requested again in order to maintain and enhance the smithy character of this building. The small extension of the south elevation has been removed and the rendering (to cover up the blockwork wall) has been replaced with waney edged timber boards.

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Main Issues continued

The original details of the boundary fence proposed a close boarded timber fence which was considered to be too suburban in character and not appropriate for this location. A more traditional simple picket fence was suggested as being more appropriate; however this has been replaced with a timber post and circular rail fence with a stainless steel wire running through it.

Further alterations requested but that remain unaltered include the addition of timber to the lower section for the main entrance door (west elevation) and for the windows to have some vertical glazing bars or possibly be constructed of an inward opening hopper style. Each of these elements would have been considered to be more preferable and more characteristic, however even without these elements the proposed scheme is still considered to improve the character and appearance of the current building.

Ecology

The site is in close proximity to Staithes Beck, albeit significantly vertically displaced! This being the case, there is a significant risk during the construction phase of sediments and pollutants falling, or being washed, into the beck. The Authority's Ecologist has therefore requested a pre-construction condition to be imposed requesting a Construction Method Statement to be submitted for approval by the Authority before works start on renovating the building.

It is noted from site photographs submitted that the building is surrounded by scrubby vegetation which could be of value to nesting birds. The submitted Bat, Breeding Bird and Barn Owl Report covers only use by these animals of the buildings. Clearance of the vegetation around the property should be done out with of the nesting season (March – September inclusive) unless checked immediately prior (within 24 hours) by a suitably qualified ecologist.

The Ecologist is happy with the Bat Survey carried out by MAB Ecology carried out in June 2019 which concludes that there were no signs of bats using the building and there is a very low chance that bat roosts will be affected by the development.

Parish Council Comments

The application is before members for determination as the Parish Council have objected to the application on the grounds of perceived safety issues as the cliff is crumbling now and the neighbouring property, lower down the bank, has already collapsed. They have grave doubts about safety and stability of the area and the effects it may have on the only access into the lower village – particularly during building works.

These comments were raised prior to the Geotechnical Survey being undertaken, and no further comments have been received, although verbally the clerk has stated that the submission of a report would not change their recommendation.

The report points out the differences between the structure/joints in the rock formation on the subject site when compared to other areas on the coastline. Confirming improved stability in the site location due to the angle of the rock formation. Officers have been informed by the Coastal Engineer that the failings in the property next door were with regard to construction techniques rather than erosion of the cliff face.

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Main Issues continued

The report suggests measures which should be taken to help the situation. These are sensible including infilling of the excavated areas under the current road to improve stability.

The applicant is happy to include these in the project and the Highway Officer has made their comments with regard to this matter and has recommended an Informative detailing the process that they will need to follow from a Highways Point of view.

Conclusion

The duty as set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPA's to pay special attention to the desirability of preserving or enhancing the character and appearance of the area. Para.200 of the NPPF requires LPAs to look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance, or better reveal their significance. It is considered that the conversion of this building would secure the long-term future of this historic building and provides an opportunity to enhance/better reveal the buildings significance and therefore the application is recommended for approval.

Prior to commencement Conditions

Conditions with regard to lime pointing, the proposed building compound, hardsurfacing and the submission of a construction method statement are all prior to commencement conditions which the applicant has been advised of.

Contribution to Management Plan Objectives

Approval is considered likely to help meet Policy B3 which seeks to promote overnight tourism within the National Park.

Draft Local Plan

The application is considered to accord with the requirements of Strategic Policy J (Sustainable Tourism and Recreational Development). However, due to comments raised in relation to this draft policy, at this moment in time no weight can be afforded to it.

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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.