

North York Moors National Park Authority

District/Borough: Scarborough Borough Council
(North)
Parish: Egton

Application No. NYM/2020/0324/OU

**Proposal: outline application for construction of 2 no. principal residence dwellings
(all matters reserved)**

Location: land east of 12 Esk View, Egton

Decision Date: 02 July 2020

Extended to:

Consultations

Parish – 19 June 2020 – Support the application as long as don't become holiday lets

Highways –5 June 2020 – No objections subject to conditions. Pleased to see that the design has taken into consideration the pedestrian access for the future residents of the dwellings included within the application by extending the footway located at the western end of the site. As this proposal would effectively infill the gap up to the Overdale property, the footway should be extended to the gateway of Overdale. The advance directional sign is likely to be needed to be relocated due to the proposed agricultural access into the field. As this proposal would be extending the built up, continuous area, consideration should be given to extending the speed limit; please note that this would require a statutory process of consultation and advertising and would be at the cost of the applicant. The surrounding area does experience some drainage issues in heavy rainfall. The road fronting the site has a high point adjacent to a point near the middle of the site. Surface water from the opposite side of the road and from the carriageway often discharges either into the site or into the eastern plots. This matter should be considered to not intensify any issues in the neighbouring plots.

Environmental Health Officer – 15 May 2020 -No comments at this outline stage but reserve the right to comment any on future, more detailed, application should the current application be successful

Site Notice Expiry Date – 5 June 2020

Others –

Miss Katie Ventress, Windy Ridge, Egton - 25 May 2020 - Both sites directly affect us. "Windy Ridge" is positioned to the left of one of the plots and behind another proposed plot. When taking on the lease of this property we stretched ourselves financially in order to live somewhere quiet, detached and where we loved. The property is a small, 2 story building. It is set down into the ground at one end, and the upstairs is in the eaves of the building. The rooms are very low and upstairs. Our main seating area is on the end of a small outbuilding, which has a lawn that extends out from it and up a slight incline. This area has "our" view. The view is over the first plot mentioned and above the roof of the low cottage that has recently been renovated across the road. If the dwellings are built, in any size and in any orientation they will 100% block ALL of our view. We use this garden as our main recreational space. Our property will be able to see 3/4 (75%) at a Minimum, if not 80% of the new builds. The properties will look down on our drive, our garden, our seating, and into our actual home.

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The second plot is directly in front and across the road from our home. Again if dwellings are built here they will again block part of the view mentioned. This part of the view is seen from our drive, living room window and storage/very small spare room. Obviously we would prefer no development, but if say just the plot across the road (/0324/) were built, it would still leave us with some privacy and main view. But if both or the plot beside us are developed we will lose 100% of our privacy.

On the proposal it mentioned that bat boxes and bird boxes may be placed if possible. Why would the placing of new buildings on valuable wildlife rich land enrich biodiversity because of the placement of the odd bat box?

Miss C Jackson, Hamelin, Egton - 2 June 2020 – The site does not appear to constitute infill or lie within the village limits. Nevertheless I would welcome a couple of traditionally styled retirement bungalows.

Dr Rebecca Hodgson, Honeybee House, Egton – 7 June 2020 - I am writing as the owner of the neighbouring property Honeybee House, formerly Overdale.

The applications pose a risk to my right to privacy and enjoyment of my home, as the ground floor view from the west side of my home looks directly onto the site 0324. Whilst at the moment there is some screening from shrubs and small trees, these are deciduous and any autumn/winter/spring cover will be minimal. This mean any east facing windows from the proposed properties will directly see into Honeybee House. I was granted planning permission for the upper floor development of my property due to the fact that it was not overlooked nor did it overlook. This development, if allowed to go ahead, is at odds with that decision and significantly impacts upon my use and enjoyment of my home.

From a general perspective, in terms of biodiversity, the destruction of a significant proportion of established hedgerow will be necessary for 0324 to progress. In terms of housing policy, section 2.29 of local plan states the need for affordable housing. Therefore any houses should have a local sale restriction

If the development is to progress, I request significant modification in terms of planting of evergreen screening to ameliorate the impact on sight lines between my property, Honeybee House, and both the proposed developments. I would also request that consideration is given to the protection of existing hedgerow and / or replanting schemes, as well as a condition relating to the proposed use of the proposed properties (ie local sale restriction, not for rental market).

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Director of Planning's Recommendation

Approval subject to the following condition(s):

1. The development hereby permitted shall be commenced on or before whichever is the earlier of the following dates:
 - i) three years from the date of the outline permission NYM/2020/0324/OU;
 - ii) the expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
2. The development hereby permitted shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority:
 - i) the siting, design and external appearance of the building, including a schedule of external materials to be used;
 - ii) the means of access to the site;
 - iii) the landscaping of the site; and
 - iv) the existing ground levels and proposed finished floor and ground levels.
3. The dwellings hereby permitted, shall be used as principal residential dwellings (Class C3) and for no other purpose including any other use in Class C of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). The properties shall be the only or principal home of the main occupant and shall be occupied by the main occupant for at least 80% of the calendar year in the event that the main occupant occupies more than one property. The properties shall not be occupied by the main occupant as a second home. The occupants shall supply to the local planning authority (within 14 days of the local planning authority's request to do so) such information as the local planning authority may reasonably require in order to determine compliance with this condition. For the avoidance of doubt the properties shall not be used as a single unit of holiday letting accommodation.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), no development within Schedule 2, Part 1, Classes A to H Schedule 2, Part 2, Classes A to C and within Schedule 2 Part 14 Classes A to I of that Order shall take place without a further grant of planning permission being obtained from the Local Planning Authority.
5. No external lighting shall be installed in the development hereby permitted until details of lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.
6. No work shall commence on the construction of the walls and roof of the development hereby permitted until details of the exterior wall finish and tiles, including samples if so required by the Local Planning Authority, to be used for the external surfaces of the development (including dressings) have been submitted to and approved in writing by the Local Planning Authority. The materials used shall accord with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed with the Local Planning Authority.

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7. **Pointing - New Development - Standard Mix**
All pointing in the development hereby permitted shall accord with the following specification - a lime mortar mix of 1:2 1/2 (lime; sand (sand mix of 50% sieved sharp sand and 50% builders sand)) with a slightly recessed bagged finish.
8. **No work shall commence on the installation of any new windows or external doors in the development hereby approved until plans showing the details of all window frames and external doors to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Such plans should indicate the window and door construction material and colour.. The window frames and exterior doors shall be installed in accordance with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.**
9. **Trickle Vents Shall Not be incorporated into Windows**
Trickle vents shall not be incorporated into any new windows hereby approved and shall not be installed thereafter unless otherwise agreed in writing with the Local Planning Authority.
10. **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.
11. **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.
12. **Surface Water and Foul Drainage Details**
No work shall commence on excavation works to install drainage to serve the development hereby permitted until full details of the proposed means of disposal of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the drainage works have been completed in accordance with the approved details.
13. **The development must not be brought into use until the access to the site has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:**
 1. The crossings of the highway verge and/or footway must be constructed in accordance with the approved details and/or Standard Detail number E6W and the following requirements.
 2. Any gates or barriers must be erected a minimum distance of 6 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
 3. That part of the access extending 6 metres into the site from the carriageway of the existing highway must be at a gradient not exceeding 1 in 10.
 4. The final surfacing of any private access within 1 metre of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

All works must accord with the approved details.

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14. There must be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
15. The following schemes of off-site highway mitigation measures must be completed as indicated below:

1. Provision of a new footway across the front of the plot linking it to the existing footway to the west of the site, prior to occupation of the dwellings.
2. Approval and alteration to extending the speed limit to the revised line of the built up area, prior to construction work starting.

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.

Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

16. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.
17. Prior to the development being brought into use details of a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for mixed native species hedge planting along the southern boundary and shall include details of any existing hedges and trees to be retained on the site together with any measures for managing/reinforcing these and shall specify plant species, sizes and planting densities for any new areas of planting. The approved details shall be carried out no later than the first planting season following the occupation of the buildings, or completion of the development, whichever is the sooner, or in accordance with a programme agreed by the Local Planning Authority. The approved landscaping scheme shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
18. No work shall commence on the surfacing of the accesses hereby approved until full details of the access surfacing have been submitted to and approved in writing by the Local Planning Authority. The access surfacing shall then be implemented in accordance with the approved details and shall be maintained in that condition in perpetuity.

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19. No work shall commence on the construction of the walls of the development hereby approved until details have been submitted to and approved by the Local Planning Authority of the location of integral bat boxes/access tiles and in built swift boxes. The development shall be carried out and in accordance with the approved details and thereafter be so maintained.

Informatives

1. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.
2. In relation to condition regarding visibility splays an explanation of the terms used above is available from the Highway Authority.
3. Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and North Yorkshire County Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence.
4. To make the proposals acceptable to the Local Highway Authority a Traffic Regulation Order (TRO) type of Statutory process is required. This is governed by legislation outside the planning process and administered by the Local Highway Authority. Consequently, you should not commence your permitted works until details of the TRO type of Order at the application site location has been submitted to the Local Highway Authority. The approved details will be required to undergo the legal process required, including any public consultation at the applicant's expense. Subject to the successful completion of this legal process the measures will be implemented at the applicant's cost.
5. The applicant is advised that the Reserved Matters application should take into account the requirements of Local Plan Policy CO7 to provide for smaller dwellings.

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. In order that the Local Planning Authority can 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. In order to comply with emerging NYM Local Plan Policy CO7 which seeks to restrict the occupancy of new residential development to those people who will make the property their principal residency and thus contribute to the sustainability of the local community.

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4. In order to enable the Local Planning Authority to retain control over future alterations to the property in the interests of safeguarding the existing form and character of the building in line with NYM Development Policy 3 and NYM Core Policy A, which seek to enhance and conserve the special qualities of the NYM National Park and secure high quality design for new development.
5. In order to comply with the provisions of NYM Core Policy A which seeks to ensure that new development does not detract from the quality of life of local residents.
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 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.
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 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.
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 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.
9. 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.
10. 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.
11. 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.
12. To avoid pollution of watercourses and to comply with the provisions of NYM Development Policy 1, which seeks to ensure that new development has satisfactory provision for the disposal of foul and surface water.
13. In accordance with NYM Development Policy 23 and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.
14. In accordance with NYM Development Policy 23 and in the interests of road safety.
15. In accordance with NYM Development Policy 23 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
16. In accordance with NYM Development Policy 23 and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.
17. 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.
18. 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.
19. In order to comply with the provisions of NYM Core Policy C which seeks to protect species protected under national and international legislation.

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**Background**

This application relates to a field at the eastern end of the village of Egton. The field is situated between existing residential development of the row of dwellings known as Esk View and the detached property now known as Honeybee House (previously known as Overdale) and is considered to be located within built up area of the village.

Egton is designated as an 'Other Village' in the adopted Local Development Plan and a 'Larger Village' in the Draft Local Plan.

This Planning application seeks outline planning permission for the construction of 2 principal residence dwellings.

The site lies behind a front boundary hedge and slopes southwards away from the road.

All matters are reserved for a reserved matters application although an indicative site plan accompanies the application.

Main Issues**Policy Context**

The relevant policy of the Local Development Plan is Core Policy J which deals specifically with housing and is supportive of proposals for the development of local needs housing on infill sites in "other villages" such as Egton, which are defined as a small gap within a continuously built up frontage within the main built up area of the settlement, which can accommodate no more than one dwelling.

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Draft Local Plan

The relevant Policy in the Draft Local Plan is Policy CO7 (Housing in Larger villages). This draft policy seeks to permit principal residence housing on suitable small sites within the main built up area of the village.

This draft Policy can now be given substantial weight as the Local Plan has been amended in accordance with the Planning Inspectors comments following the examination in Public and is now close to adoption.

Material Considerations

This application is in outline form only, so the primary issue for consideration is whether the principle of the development of two principal residence dwellings in this location would be acceptable.

The proposal would not meet the requirements of the adopted Local Plan and this would only allow the development of a single local occupancy dwelling.

However, the draft local plan which is now very near to adoption, would allow the development on larger and suitable sites for the development of more than one principal residence dwelling.

The application site is considered to be a suitable site, having the characteristic of being part of the continuous built form of the village. Furthermore, the site drops away from the road, and would therefore result in a less intrusive form of development that would not have an unacceptable impact on the form and character of the village.

The Authority's Ecologist has commented on the application that it would be preferable for only one gap to be created in the hedge, and for compensatory hedge plaiting to be undertaken and also that bat access tiles into a segregated part of the roof and in built swift boxes should be considered.

These issues can be considered at reserved matters stage.

Neighbour concerns have been expressed regarding levels of overlooking and impact on ecology, but both of these issues, including the positioning of windows can be considered at design stage when considered a reserved matters application.

Pre-commencement Conditions

N/A

Explanation of how the Authority has Worked Positively with the Applicant/Agent**Approval (No Amendments Required)**

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.