

North York Moors National Park Authority

Ward: Scarborough Borough Council (North)
Parish: Egton

App No. NYM/2020/0311/FL
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Proposal: removal of condition 6 of planning approval NYM/2019/0480/FL removal of condition 6 of planning approval NYM/2019/0480/FL

Location: The Willows, Low Newbiggin North Farm, Egton

Applicant: Mr & Mrs I Gates,
The Willows, Low Newbiggin North Farm, Egton, Whitby, YO21 1TQ

Agent: Ursula Bradwell Architects,
Church Hall, Newton Street, Whitby, YO21 1QX,

Date for Decision: 25/06/2020

Extended to: 24/07/2020 **Grid Ref:**

Director of Planning's Recommendation

Approval subject to the following condition(s):

1. TIME15 Variation of Condition (insert)

The development hereby permitted shall be commenced before the 19 December 2022.
2. PLAN00 The development hereby permitted shall not be carried out other than in strict accordance with the following documents submitted in relation to NYM2019/0480/FL:

Document Description	Document No.	Date Received
Location Plan	1:2000	22 November 2019
Proposed Site Plan	6029G.19.06D	29 October 2019
Proposed Ground Floor Plan	6029G.19.07C	29 October 2019
Proposed First Floor Plans & East Elev	6029G.19.08D	04 November 2019
Proposed Elevation	6029G.19.09C	29 October 2019
Proposed 3D Views	6029G.19.10C	29 October 2019
Proposed Cartshed Plan & Elevations	6029G.19.13A	04 July 2019

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
3. MATS04 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.

Windows - Match Existing

4. MATS41 All new windows in the development hereby permitted shall match those of the existing building in terms of appearance, materials, section, dimensions, glazing bar pattern, method of opening, external finish, reveals cills and lintels and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Conservation Rooflights Only

5. MATS56 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.

Garage Conversion to Habitable Room

6. HWAY17 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.

Informative(s)

- 1 MISCINFO Bats
1
- 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.

Reason(s) for Condition(s)

1. TIME01 To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2. PLAN01 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. MATS01 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. MATS02 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. MATS02 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. HWAY17 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.

Consultations

Parish – No objections

Highways - There are no local highway authority objections to the proposed removal of condition 6 of approval NYM/2019/0480/FL on the clear understanding that the annexe plans have been withdrawn.

Site Notice Expiry Date – 17 July 2020

Application Number: NYM/2020/0311/FL

**Background**

“The Willows” was formerly a barn conversion scheme of two holiday cottages known as Primrose and Blue Bell Cottages, Low Newbiggin Farm North which was originally approved in 1987. There were no restrictions on the occupancy of the units and therefore the previous owner purchased them both to occupy as a single dwelling.

Permitted development rights were removed when the application was first submitted, hence the need for the original (NYM2009/0143/FL) application for the insertion of 2 velux windows, a new window in the north elevation and also the repositioning of a flue pipe. A later application (NYM2012/0146/FL) then also included the addition of a 3 bay timber garage building which is made up of an enclosed double garage and an open car port located to the

Application Number: NYM/2020/0311/FL

north east of the dwelling at the end of the access drive (not constructed). An extension to the domestic curtilage into the paddock area in front of the property has also been granted previously (NYM2009/0331). A non material amendment application (NYM2013/0608/NM) was also granted for a minor amendments to the original scheme to allow the insertion of patio doors in place of a window to the east elevation and a top hung casement window to the west elevation. This was granted as the alterations were considered to be acceptable given the domestic style property.

Previous applications have already gained approval for a number of alterations to the fenestration, rooflights and flue pipes, however even prior to this the building retained little of its original agricultural character.

In 2019 (NYM2019/0480/FL) permission was sought for further alterations to the main house including a side extension to accommodate an additional bedroom and the construction of a triple bay garage with a small leanto store to the south side of the access track. The original scheme submitted also sought permission for the construction of a detached new build annexe, however this was later removed from the application as it did not comply with policy.

When NYM2019/0480/FL was then approved a condition was imposed which the Highway Officer has requested in relation to the annexe, due to the intensification of the use of the site, however this was added in error to the final decision as the annexe had been removed from the application. This current application seeks to remove the condition and regularise the approval.

Main Issues

Condition 6 of NYM2019/0480/FL required the applicant to prove that they had a right of access from the Highway to the application site to ensuring that the intensification of the use of the site was considered to be acceptable. This condition was added to the final decision in error after the annexe element was removed from the application. The application now seeks to remove the condition to regularise the approval. No other aspects have changed from the original application.

The property in question already has a strong domestic appearance and the alterations already approved and implemented have actually enhanced the appearance of the building (following the original 1980s style conversion), although little of the original agricultural character ever remained.

Application Number: NYM/2020/0311/FL

The number and location of rooflights and flues has changed on numerous occasions during the last 10 years and as the building currently stands there are also unauthorised works. Negotiations took place in the original approval to remove the detached new build annexe from the proposed scheme and simplify the design of the extension.

Neither the Parish Council nor the Highway Authority have raised any concerns with the application and therefore approval is recommended to removed condition 6 of the pervious approval.

Draft Local Plan

The proposals are considered to be in accordance with Policy CO17 of the draft Local Plan.

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