

North York Moors National Park Authority

Ward: Ryedale District
Parish: Rosedale East Side

App No. NYM/2020/0499/FL
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Proposal: variation of condition 2 (material amendment) of planning approval NYM/2019/0786/FL to allow installation of flue, enlargement of window and additional window

Location: The Old Chapel, Daleside Road, Rosedale East

Applicant: The Tree Relaxation Retreat, fao: Edward Harpin, Rosedale East, Pickering, YO18 8RH

Date for Decision: 10 September 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 18 February 2023.
2. PLAN01 **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
Location Plan	N/A	16 July 2020
Upper Ground Floor Plan as Proposed	N/A	16 July 2020
Attic Plan as Proposed	N/A	16 July 2020
Proposed Elevations	N/A	16 July 2020

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
3. RSUO00 The accommodation hereby approved shall not be used for residential purposes other than holiday letting purposes and shall remain ancillary to the business known as The Tree and shall not be sold or leased separately without a further grant of planning permission from the Local Planning Authority. 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.
4. RSUO00 The total number of overnight guests accommodated in the building shall not exceed sixteen without a further grant of planning permission first being obtained from the Local Planning Authority.
5. GACS07 **External Lighting - Submit Details**
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.

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6. MATS00 All new 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.
7. MATS41 **Windows - Match Existing**
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.
8. MATS55 **Rooflight Details to be Submitted**
No work shall commence on the installation of any rooflights in the development hereby approved until full details of the proposed rooflights have been submitted to and approved in writing by the Local Planning Authority. The rooflights shall be conservation style rooflights and shall be installed in accordance with the approved details and maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
9. MATS00 No work shall commence on the installation of any solar PV panels in the development hereby approved until full details of the proposed solar PV panels have been submitted to and approved in writing by the Local Planning Authority. The solar PV panels shall be installed in accordance with the approved details and maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
10. MISC02 **Bat Survey Submitted**
The development hereby permitted shall be carried out in accordance with the mitigation measures set out in section 11 'Mitigation and Compensation Measures' of the submitted Bat Survey dated 12 December 2019.
11. MATS74 **Flues to be Coloured Matt Black**
All flues associated with the proposed development shall be coloured matt black and maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Informatives

1. MISCINF02 **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

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2. MISCINF01 **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.
3. MISCINF12 **Birds**
Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. In addition, certain species such as the Barn Owl are included in Schedule 1 of the Act and are protected against disturbance while nesting and when they have dependent young. Offences against birds listed in Schedule 1 of the Wildlife and Countryside Act are subject to special penalties. An up-to-date list of the species in Schedule 1 is available from Natural England <http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/specialyprotectedbirds.aspx>. Further information on wildlife legislation relating to birds can be found at www.rspb.org.uk/images/WBATL_tcm9-132998.pdf. If advice is needed please contact the National Park Authority's Conservation Department on 01439 772700 or conservation@northyorkmoors.org.uk

Reasons for Conditions

1. TIME01 To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2. PLAN00 For the avoidance of doubt and to ensure that the details of the development comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan, which seek to conserve and enhance the special qualities of the NYM National Park.
3. RSUO00 The site is in a location where new residential development would be contrary to Strategic Policy M of the North York Moors Local Plan but permission for holiday accommodation has been permitted in accordance with Policy UE4 and to ensure that a traditional rural building is conserved in line with Policy CO12.
4. RSUO00 In order to enable the Local Planning Authority to retain control over the scale of activity at the site and ensure compliance with Strategic Policy A of the North York Moors Local Plan which seek to conserve and enhance the special qualities of the NYM National Park.

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5. GACS00 In order to comply with the provisions of NYM Strategic Policy A which seeks to ensure that new development does not detract from the quality of life of local residents and in accordance with Local Plan Policy ENV4 which seeks to protect dark night skies.
6. MATS00 For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan 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 to 9 & 11. MATS00 For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan 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. To ensure protection of a species protected under the Wildlife and Countryside Act and compliance with Strategic Policy H of the North York Moors Local Plan which seeks to conserve and enhance the quality and diversity of the natural environment.

Consultations

Parish - No objection.

Natural England - No comment.

Fire Officer - No observation to make.

Environmental Health Officer -

Site Notice Expiry Date - 18 August 2020.

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Background

Rosedale Ebenezer Methodist Chapel occupies an isolated location to the north of the village of Rosedale Abbey and is situated on the south side of Daleside Road, between the terraced properties known as Hill Cottages and The Tree, an established bed and breakfast and relaxation centre. The Chapel is an imposing stone building which appears as a single storey building facing the road with central porch. However, due to the steeply sloping site, it is arranged over two floors with the lower-ground floor being evident at the rear of the property. There is a car park immediately to the north-west of the property set at the lower ground floor level. The property is now in the same ownership as The Tree, next door.

Planning permission was granted in June 2015 for the installation of replacement windows, the replacement of the cement render to the side elevation with coursed stone to match the host property together with internal refurbishment works in order to provide improved accommodation for group bookings. In addition planning permission was granted for the refurbishment of an existing outbuilding to accommodate a biomass boiler including the installation of a flue pipe which was then later amended in order to allow/retain the flue pipe at a greater height than originally approved.

A further grant of planning permission was issued in February 2020 for external alterations to allow the conversion of the attic space to dormitory accommodation together with the installation of solar PV panels on the rear facing roof slope. That permission has commenced and the work undertaken to date, has led to this proposal for additional small scale works. Permission is sought for the variation of condition 2 to allow the installation of a flue (to serve a wood burning stove) together with the enlargement of an existing 'slit' window in the upper gable facing The Tree.

Policy Context

SPC (Quality and Design of Development) seeks to maintain and enhance the distinctive character of the National Park and is supportive of developments which are: of a high quality of design; incorporate good quality construction materials and design details that reflect and complement the host building or local vernacular; respectful of existing views and spaces around buildings; of a scale, height, massing and form which is compatible with surrounding buildings and land uses; in the case of conversions, the design detailing must respect the architectural form and character of the building; incorporate sustainable design and construction techniques including making provision to reduce energy use and use energy from renewable sources; include a good quality landscaping scheme and provision to improve biodiversity; provision is made for adequate storage and where the proposal ensures the creation of an accessible, safe and secure environment for all users.

The design guide recognises that the conversion of traditional rural buildings is guided on the one hand by the original structure and on the other, the requirements of the new use. A balance must be struck between facilitating the new use and maintaining the character of the building. In general it is considered that the building should be capable of accommodating the new use without the need for significant extensions or alterations to the original fabric of the building. Insensitive and inappropriate conversions are often characterised by extensions, excessive or regular window openings, introducing porches, conservatories and alterations to the roof.

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Main Issues

The principle of the use of the attic space as additional accommodation and some external alterations has been established by the previous permission. Therefore the main issues to consider with this application are whether the proposed flue and enlargement of the window opening are acceptable for the building and its location.

The proposed flue is of very modest size and scale in relation to the host property and would be discreetly located in the rear roofsope. The roof slate has previously been replaced by modern materials and permission has already been granted for other additions including solar PV panels and rooflights. Consequently, the insertion of a flue is not considered to cause unacceptable harm to the host property or wider setting.

The proposed enlargement of the existing slit window in the upper gable is also considered acceptable. The original scheme showed a twin-casement window – almost square in proportion and therefore the principle of the work has been established. The proposed plans show a more sensitive alteration, retaining the rectangular form and only one sash or (a single fixed pane). It is considered that this variation is more sensitive to the character of the building and therefore supported.

The Parish Council has no objection to the scheme and no comments have been offered from either the Fire Officer or Natural England. No other representations have been submitted. The proposed variations are considered to be of a scale, nature and position which is compatible with the host building and its setting. The proposal is therefore considered to accord with the above NYM Local Plan policies and approval is recommended.

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.