

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2021/0616/FL

Development description: variation of conditions 6, 7, 9 and 11 of planning approval NYM/2021/0504/FL to allow the installation of uPVC doors and windows

Site address: Land at Toft House Caravan Site, Main Road, Aislaby

Parish: Aislaby

Case officer: Mrs Hilary Saunders

Applicant: Mr Craig Hall

West Cottage, Aislaby Lane, Aislaby, Whitby, YO21 1AG

Agent:

Director of Planning's Recommendation

Approval subject to the following:

Condition(s)

Condition number	Condition code	Condition text									
1	TIME00	The development hereby permitted shall be commenced before the 30 April 2024.									
2	PLAN00	<p>The development hereby permitted shall not be carried out other than in strict accordance with the following documents:</p> <table border="1"> <thead> <tr> <th>Document Description</th> <th>Document No.</th> <th>Date Received</th> </tr> </thead> <tbody> <tr> <td>Proposed construction two bedroom cottage</td> <td>KH20202/1 Rev B</td> <td>13/4/2021</td> </tr> <tr> <td>Proposed construction of three bedroom cottage and streetscene</td> <td>KH2020/1 Rev B</td> <td>13/4/2021</td> </tr> </tbody> </table> <p>or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.</p>	Document Description	Document No.	Date Received	Proposed construction two bedroom cottage	KH20202/1 Rev B	13/4/2021	Proposed construction of three bedroom cottage and streetscene	KH2020/1 Rev B	13/4/2021
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Proposed construction two bedroom cottage	KH20202/1 Rev B	13/4/2021									
Proposed construction of three bedroom cottage and streetscene	KH2020/1 Rev B	13/4/2021									
3	WPDR00	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.									
4	RSU000	<p>The occupation of the dwelling hereby permitted shall be limited to:</p> <ol style="list-style-type: none"> i. a qualifying person; and ii. a wife or husband (or person living as such), licensee, dependant or sub tenant of a qualifying person. <p>For the purpose of the above, a person is a qualifying person in relation to the dwelling if he/she has an interest in the dwelling (see Note A) and, immediately prior to occupying the dwelling, he/she has satisfied the Local Planning Authority that he/she was in need of local needs housing in term of the criteria set out in Policy CO13 of the adopted North York Moors Local Plan, namely that he/she is:</p> <ol style="list-style-type: none"> 1. Currently resident in the National Park, having been 									

	<p>resident in the Park for at least the previous 3 years; or</p> <ol style="list-style-type: none"> 2. Currently in employment in the National Park; or 3. Having an essential need to live close to relative(s) who are currently living in the National Park; or 4. Having an essential requirement for substantial support from relatives who are currently living in the National Park; or 5. Former residents whose case for needing to return to the National Park is accepted by the Authority. <p>Prior to the occupation of the development the qualifying person shall have obtained confirmation in writing from the Authority that they satisfy the local need criteria outlined in points 1 to 5 above.</p> <p>Note A: For the purpose of the above, a person has an interest in the dwelling if he/she has a freehold or leasehold interest in the whole or any part of it, or is a secure tenant or statutory tenant within the meaning of the Housing Act 1985 or the Rent Act 1977.</p> <p>Note B: For the purpose of the above, resident within the National Park will include the whole of parishes split by the National Park boundary with the following exceptions: Allerston; Beadlam; Burniston; East Harlsey; Ebberston and Yedingham; Great Ayton; Great and Little Broughton; Great Busby; Guisborough; Irton; Kirkby in Cleveland; Kirkbymoorside; Lockwood; Nawton; Newby; Pickering; Potto; Scalby; Snainton; Sutton under Whitestonecliffe.</p> <p>Note C: A mortgagee of the owners exercising its statutory power of sale, a receiver appointed thereby, or a successor in title thereto is not bound by the provisions of this Condition, (provided always that any such mortgagee must be a body corporate registered with and regulated by the Prudential Regulation Authority (or any successor body whose function is to regulate mortgages and loans)).</p> <p>The local occupancy restriction shall however be replaced by a principal residence restriction as follows:-</p> <p>The application property hereby permitted, shall be used as a principal residential dwelling (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 2020 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without</p>
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		<p>modification). The property shall be the only or principal home of the main occupant and it 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 property shall not be occupied by the main occupant as a second home.</p> <p>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 property shall not be used as a single unit of holiday letting accommodation.</p>
5	GACS00	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	MATS00	The stone utilised in the development hereby approved shall be in accordance with the details submitted in the email from Craig Hall dated 17 August 2021. The roof of the development hereby permitted shall be clad with traditional, non interlocking, non pre-coloured natural red clay pantiles and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
7	MATS00	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.
8	MATS00	All new window frames shall be of flush fitting design coloured cream or white and shall be maintained in that condition in perpetuity, unless otherwise agreed in writing with the Local Planning Authority.
9	MATS70	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.
10	MATS72	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.

11	HWAY00	<p>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:</p> <p>The crossing of the highway verge and footway must be constructed in accordance with the Standard Detail number E6W and the following requirements.</p> <ul style="list-style-type: none"> - Any gates or barriers must not be able to swing over the existing highway. - 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. - Provision to prevent surface water from the site/plot discharging onto the existing highway must be constructed in and maintained thereafter to prevent such discharges. - The final surfacing of any private access within one metre of the public highway must not contain any loose material that is capable of being drawn on to the existing public highway. - Measures to enable vehicles to enter and leave the site in a forward gear. <p>No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing KH20202/1 Rev B. Once created these parking areas shall be maintained clear of any obstruction.</p>
12	HWAY00	<p>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.</p>
13	HWAY00	<p>The area of land to the north east of the hedgeline shown on the layout plan on drawing no. KH20202 Sheet 1 Revision B shall not form part of or be used as domestic curtilage.</p>
14	LNDS00	<p>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 boundary hedge planting and shall include</p>

		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.
15	LNDS00	The existing leylandii hedge shall not be removed during the bird breeding season (March to August inclusive).

Reason(s) for condition(s)

Reason number	Reason code	Reason text
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 National Park.
3	WPDR00	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 National Park.
4	RSU000	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 Strategic Policies A and C of the North York Moors Local Plan, which seek to enhance and conserve the special qualities of the National Park and secure high quality design for new development.
5	GACS00	In order to comply with the provisions of Strategic Policy A and ENV4 of the North York Moors Local Plan which seeks to ensure that new development does not detract from the quality of life of local residents or the character of the locality, and so that development helps maintain the National Park's status as an international dark sky reserve.

6-7	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.
8-10	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.
11&12	HWAY00	In accordance with Policy CO2 of the North York Moors Local Plan and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.
13	LNDS00	In order to comply with the provisions of Strategic Policy C of the North York Moors Local Plan 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.
14 & 15	LNDS00	In order to comply with the provisions of Strategic Policy C of the North York Moors Local Plan 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.

Informative(s)

Informative number	Informative code	Informative text
1	MISCINF01	<p>Bats</p> <p>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</p>

		aware of this requirement and given information to contact Natural England or the Bat Conservation Trust national helpline on 0845 1300 228.
2	MISCINF12	<p>Birds</p> <p>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/speciallyprotectedbirds.aspx. Further information on wildlife legislation relating to birds can be found at www.rspb.org.uk/images/WBATL_tcm9-132998.pdf.</p> <p>If advice is needed please contact the National Park Authority's Conservation Department on 01439 772700 or conservation@northyorkmoors.org.uk.</p>
3	INFO0	New build houses provide an excellent opportunity to incorporate features for biodiversity such as integral bat boxes and bird nest boxes (especially for swifts) at minimal additional cost, which help to offset losses of habitat caused by the development. Consequently the applicant is requested to consider incorporating a number of inbuilt features into their homes during the construction phase to provide ongoing habitat for species which depend on the built environment.

Consultation responses

Parish

None

Third party responses

None

Publicity expiry

Site notice expiry date 3 September 2021

Background

Planning permission for these two dwellings was granted in April 2021.

This application seeks variation of conditions relating to the requirement for timber windows and door details and seeks permission for high quality flush fitting cream upvc windows rather than timber and also has submitted details of the proposed door rather than submit a discharge of condition application.

Main issues

Local Plan

Strategic Policy C- Design - seeks to maintain and enhance the distinctive character of the National Park, and states that development will only be supported where it is of a high quality design; incorporates good quality construction materials and design details that reflect architectural character and form of the original building or the local vernacular; the siting, orientation, layout and density complement existing buildings; the scale, height, massing and form are compatible with surrounding buildings and not have an adverse impact upon the amenities of adjoining occupiers; sustainable design and construction techniques are incorporated.

Material Considerations

Whilst timber windows were originally proposed, it is considered that the use of flush fitting upvc windows on this pair of new build properties which are not within the Conservation Area would be acceptable and would not have a detrimental impact on the locality, particularly in view of the setback location of the site.

The proposed upvc dark green door would also not have a detrimental impact on the character of the development or the locality.

Conclusion

In view of the above, approval is recommended.

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.