

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2022/0613

Development description: variation of condition 2 (material amendment) of planning approval NYM/2015/0197/FL to allow the omission of arched window heads and replacement with straight window heads together with the installation of double doors to detached dwelling

Site address: Ryefield, Hackness Road, Scalby

Parish: Newby and Scalby

Case officer: Mrs Hilary Saunders

Applicant: Mr Barry Ricketts

Ryefield, Hackness Road, Scalby, Scarborough, YO13 0QY

Agent: Malcolm Tempest Ltd

fao: Mr Malcolm Tempest, High Parks, Newton le Willows, Bedale, DL8 1TP

Director of Planning's Recommendation

Approval subject to the following:

Condition(s)

Condition number	Condition text																		
1	<p>The development hereby permitted shall not be carried out other than in strict accordance with the following documents:</p> <table><thead><tr><th>Document Description</th><th>Document No.</th><th>Date Received</th></tr></thead><tbody><tr><td>Proposed site layout</td><td>Drwg no. R034/1 39F</td><td>7 Sept. 2021</td></tr><tr><td>Proposed floor layouts</td><td>Drwg no. R034/1 33B</td><td>20 July 2016</td></tr><tr><td>Garage details</td><td>Drwg no. R034/1 41</td><td>7 April 2016</td></tr><tr><td>Proposed elevations</td><td>Drwg no. R034/1</td><td>23 March 2015</td></tr><tr><td>New dwelling</td><td>Drwg no. 37 R034-01 Rev E</td><td>15 August 2022</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 site layout	Drwg no. R034/1 39F	7 Sept. 2021	Proposed floor layouts	Drwg no. R034/1 33B	20 July 2016	Garage details	Drwg no. R034/1 41	7 April 2016	Proposed elevations	Drwg no. R034/1	23 March 2015	New dwelling	Drwg no. 37 R034-01 Rev E	15 August 2022
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Document title

2	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 of that Order shall take place without a further grant of planning permission being obtained from the Local Planning Authority.
3	During construction, no machinery shall be operated on the premises before 0700 hrs on weekdays and 0800 hrs on Saturdays nor after 1800 hrs on weekdays and 1300 hrs on Saturdays nor at any time on Sundays or Bank Holidays without the prior written agreement of the Local Planning Authority.
4	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.
5	The brickwork and roofing tiles of the development hereby permitted shall match those of the existing building unless otherwise agreed in writing with the Local Planning Authority.
6	All new window frames, glazing bars and external door frames shall be of timber construction, painted white within six months of the date of installation and shall be maintained in that condition in perpetuity, unless otherwise agreed in writing with the Local Planning Authority.
7	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.
8	Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works, as described in the submitted Flood Risk Assessment and Drainage Statement (prepared by Stevenson Associates dated 18 July 2013).
9	There must be no raising of ground levels within flood zone 3 and all excess spoil is to be removed from the flood plain.
10	Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks,

	<p>except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:</p> <p>i) vehicular turning arrangements;</p> <p>ii) manoeuvring arrangements</p>
11	<p>No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 10:</p> <p>i) have been constructed in accordance with the submitted drawing</p> <p>ii) are available for use unless otherwise approved in writing by the Local Planning Authority.</p> <p>Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.</p>
12	<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	<p>No trees, shrubs or hedges within the red line of the site shall be felled, uprooted, wilfully damaged or destroyed, cut back or removed without the prior written consent of the Local Planning Authority. Any work approved shall be carried out in accordance with British Standard 3998:2010 Tree Work - Recommendations. If any retained tree/hedge is removed, uprooted, destroyed or dies within five years of the completion of the development, it shall be replaced with trees, shrubs or hedge plants of a similar size and species, unless the Local Planning Authority gives written consent to any variation.</p>

Reason(s) for condition(s)

Reason number	Reason code	Reason text
1	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.
2	WPDR00	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.
3	MISC00	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
4	MISC00	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.
5	MISC00	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.
6	MISC00	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.
7	MISC00	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.

8	MISC00	To avoid pollution of watercourses and to comply with the provisions of Policy ENV7 of the North York Moors Local Plan, which seeks to ensure that new development has satisfactory provision for the disposal of foul and surface water.
9	MISC00	In order to comply with the provisions of Policy ENV5 of the North York Moors Local Plan which seeks to mitigate the impact of flood damage to new development within areas at high risk from flooding and prevent additional flood risk to other properties.
10-12	MISC00	In accordance with Policy CO2 of the North York Moors Local Plan and in the interests of highway safety.
13	MISC00	In order to comply with the provisions of Policy ENV1 of the North York Moors Local Plan which seeks to conserve and enhance the quality and diversity of the natural environment.

Informative(s)

Informative number	Informative code	Informative text
1	INFO0	The proposals shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development - A Guide' available at www.northyorks.gov.uk
2	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 aware of this requirement and given information to contact Natural England or the Bat Conservation Trust national helpline on 0845 1300 228.</p>

Consultation responses

Parish

No objections

Highways

No objections

Third party responses

None received

Publicity expiry

Site notice expiry date – 28 September 2022

Background

Ryefield is a substantial eight bed dwelling situated within extensive gardens, on the edge of the village of Scalby, outside, but adjacent to the Scalby Conservation Area and close to the bridge to Newby and Scarborough.

Planning permission was granted in 2015 to subdivide the existing house into three dwellings; in the form of a four bed, five bed and three bed dwelling.

Permission was also granted to construct a new substantial L-shaped five-bedroom, two storey dwelling and detached double garage, to the south eastern side of the existing dwelling at a significantly lower ground level than Ryefield. A start has been made on this permission.

A revised application was approved in 2019 to amend the design of the proposed new house and further amendments were subsequently approved to alter primarily the fenestration details but also including a small lean-to at the rear to provide utility and wc and a further variation was approved in 2021 to allow further design amendments (2021/0709).

The variation of condition application seeks permission to change the style of the ground floor windows to straight heads rather than curved heads and to replace a rear window with French doors.

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; there is a good quality landscaping and planting scheme; local wildlife and biodiversity is enhanced; provision is made for adequate storage, cycling facilities and car parking are provided and the proposal ensures the creation of an accessible, safe and secure environment for all potential users.

Material Considerations

The principle of the development has already been accepted, so the issue for consideration here is whether or not the revised design would have a detrimental impact on the character of the adjacent conservation area, the host dwelling or neighbouring amenities.

The development would retain a similar scale and bulk to the approved plans and it is not considered that the revised proposal would have a detrimental impact on the character of the conservation area as the proposed new dwelling is set well within the grounds of the property and would not have a detrimental impact on the open character of the street scene.

The proposal is therefore considered to be in accordance with Strategic Policy C of the NYM Local Plan and consequently approval is recommended.

Pre-commencement conditions

N/A

Explanation of how the Authority has worked positively with the applicant/agent

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.