

North York Moors National Park Authority

Plans list item 4, Planning Committee report 09 February 2023

Application reference number: NYM/2022/0563

Development description: Construction of one local connection dwelling with associated access, parking, amenity space and landscaping works

Site address: High Cragwell, Aislaby

Parish: Aislaby

Case officer: Miss Megan O'Mara

Applicant: Mr & Mrs Pearson, High Cragwell, Aislaby, Whitby, YO21 1SZ

Agent: David Bamford Architects, Ridge Hall, Ridge Lane, Staithes, Saltburn by the Sea, TS13 5DX

Director of Planning's Recommendation

Approval subject to the following:

Condition(s)

Condition number	Condition code	Condition text												
1	TM01	The development hereby permitted shall begin not later than three years from the date of this decision.												
2	PL01	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table><thead><tr><th>Document Description</th><th>Document No.</th><th>Date Received</th></tr></thead><tbody><tr><td>Location Plan</td><td>N/A</td><td>25 July 2022</td></tr><tr><td>Amended Plans & Elevations</td><td>drwg no p1 Rev 2</td><td>20 January 2023</td></tr><tr><td>Access Road Widening Plans (Highway Assessment Report)</td><td>drwg no p2</td><td>15 November 2022</td></tr></tbody></table>	Document Description	Document No.	Date Received	Location Plan	N/A	25 July 2022	Amended Plans & Elevations	drwg no p1 Rev 2	20 January 2023	Access Road Widening Plans (Highway Assessment Report)	drwg no p2	15 November 2022
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3	PDR01	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 F 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.												

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4	UOR13	<p>The occupation of the dwelling hereby permitted shall be limited to:</p> <ul 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 resident in the Park for at least the previous three years; or 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:</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:</p> <p>Allerston; Beadlam; Burniston; East Harlsey; Eberston and Yedingham; Great Ayton; Great and Little Broughton; Great Busby;</p>

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		<p>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 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	GPMT02	<p>No work shall commence on the construction of the walls hereby approved until a sample of the materials to be used in the construction of the external surfaces shall have been prepared on site for inspection and approved in writing by the Local Planning Authority. A sample panel showing the construction materials shall be at least 1 metre x 1 metre and show the proposed material, coursing, jointing, method of tooling (if necessary), bond, mortar, pointing technique. A palette of other materials to be used in the development (including roofing, water tabling, new lintels, and cills,</p>

Condition number	Condition code	Condition text
		cladding and render if necessary) shall also be made available. The development shall be constructed in accordance with the approved sample(s), which shall not be removed from the site until completion of the development.
6	MC00	No work shall commence on the installation of any door in the development hereby approved until detailed plans showing the constructional details and external appearance of all external doors and frames (and glazing if included) have been submitted to and approved in writing by the Local Planning Authority. All doors shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
7	MC00	No work shall commence on the installation of any windows (and glazing if included) in the development hereby approved until detailed plans showing the constructional details of all window frames to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Such plans should indicate, on a scale of not less than 1:20, the longitudinal and cross sectional detailing including means of opening. The window frames 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.
8	GPMT21	No work shall commence on the installation of any rooflights in the development hereby approved until full details have been submitted to and approved in writing by the Local Planning Authority. The rooflights shall be fixed or top-hung metal conservation style and shall be installed in accordance with the approved details and maintained in that condition in perpetuity.
9	GPMT20	External trickle vents shall not be incorporated into any new windows hereby approved and shall not be installed thereafter.
10	GPMT26	All rainwater and foul water goods utilised in the development hereby permitted shall be coloured black and shall thereafter be so maintained in that condition in perpetuity.
11	MC00	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 proposed lighting shall be of a style and luminance (typically a warm white bulb

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		of 3000k or less and no more than 500 lumens) which minimises glare and light pollution. All lighting fixtures should be shielded/fully cut off to prevent upward and minimise horizontal light spill and all lighting shall be installed to minimise its impact on neighbouring amenity. The lighting shall be installed in accordance with the above and shall be maintained in that condition in perpetuity.
12	MC00	<p>Prior to the development being brought into use details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:</p> <ul style="list-style-type: none"> • a statement setting out the design objectives and how these will be delivered; • earthworks showing existing and proposed finished levels or contours; • boundary treatment[s]; • vehicle parking layouts; • hard surfacing materials (including samples); <p>The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.</p>
13	MC00	No work shall commence on excavation works to install drainage to serve the development hereby permitted until full details of the proposed means of foul 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.

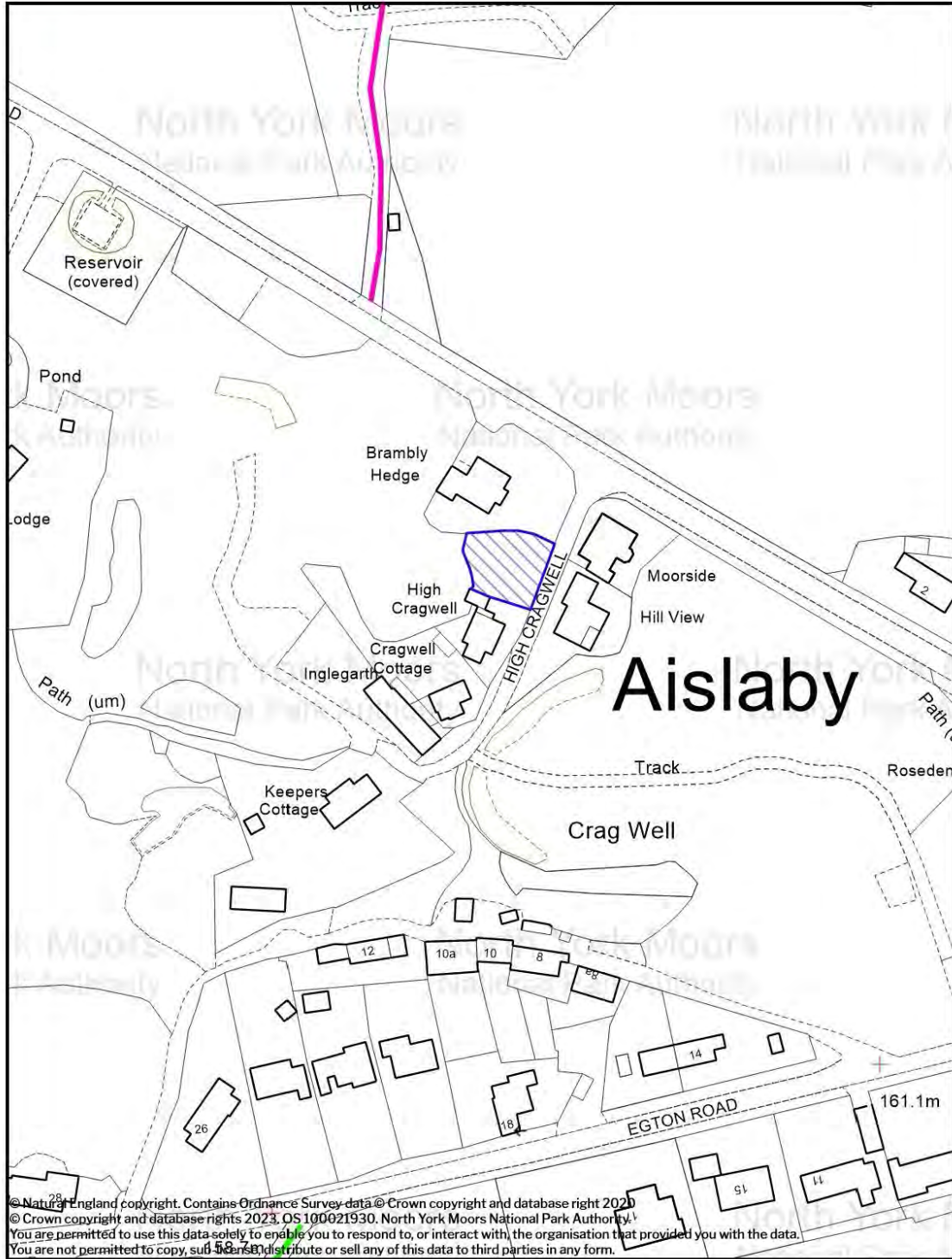
Map showing application site



**North York Moors
National Park**

Application Number: NYM/2022/0563

Scale: 1:1250



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This photo shows the development site as existing (including High Cragwell access)



This photo shows the development site as existing (looking southwest)



This photo shows that the development site is currently occupied by a number of apple trees.



Consultation responses

Parish

Concerns – 7 October 2022 – the application was discussed at the Parish Council meeting and unfortunately the Council do have some concerns with regards to the access and also drainage. Concerns were raised as to whether the sewage system can cope with an additional property.

Highways

Recommend refusal – 2 September 2022

The Local Highways Authority states that High Cragwell is a private access road which appears to be the only vehicular access for five existing dwellings plus another dwelling, Moorside, has vehicular access on this access and on Moor Lane. The access road is not shown as being within the applicants control and neither is it shown on the definitive map as a Public Right of Way. Whilst it is assumed that the applicants, as residents of the property called High Cragwell, have a right of access along the access road, permission will need to be obtained from the landowner of the track for the new proposed new residents to have a right of access.

The North Yorkshire County Council (NYCC) highways design guide recommends that private drives should not serve as the vehicular access to more than five dwellings. Any more than this the access should be constructed up to adoptable standards. The access is a single vehicle width track and cannot be reasonably conditioned to be improved to an adoptable standard, principally because of the width available.

Therefore, the reason for recommending refusal is the road leading to the site are by reason of its insufficient widths, poor condition and lack of footways/lighting/turning area is considered unsuitable for the traffic which would be likely to be generated by this proposal.

Recommend refusal – 17 January 2023

In the additional information provided, the applicant has suggested that access between the site and the publicly maintainable highway could be improved and widened to a minimum width of 3.5 metres. For a road layout to be up to adoptable standards, the minimum width should be 4.5 metres. For a private drive where there is a possibility of two cars passing, the drive width of a private drive, section 3.8 of the NYCC highways design guide is recommended to be a minimum width of 4.1 metres.

The design standard for the site is Manual for Streets and the required visibility splay is 2 metres by 43 metres. The available visibility is 2 metres by 15 metres. The Local Highway Authority are also concerned about the visibility splay for drivers leaving High Cragwell onto Aislaby Road. The hedges on both sides of the access restrict the visibility and neither of these are shown as being in the control of the applicant. The available visibility splays have been assessed as 2 metres by 15 metres in both directions.

Natural England

No objection – 16 August 2022

Environmental Health

No objections

Yorkshire Water

No comments received

Police – Traffic

No comments received

Third party responses

No responses received

Consultation expiry

6 September 2022

Background

High Cragwell is a small lane off Moor Road at the western end of the main built-up area of Aislaby. The lane serves six dwellings and ends at a disused quarry, which is privately owned.

The development site is a small plot of land, situated between two existing dwellings, known as High Cragwell and Brambly Hedge. The applicants own the dwelling known as High Cragwell, immediately south of the development site. Planning permission was granted in February 2022 (NYM/2021/0935/FL) for the demolition of existing garage and replacement conservatory, together with alterations to dwelling and construction of two storey extension.

This application seeks planning permission for the construction of one local occupancy dwelling within the vacant plot of land, together with associated landscaping and access. It is proposed that the three-bedroom dwelling is to be constructed of local coursed stone and slate, to complement the adjacent property known as High Cragwell.

Main issues

Local Plan

The most relevant policies of the Local Plan in the determination of this application are Strategic Policy A (Sustainable Development), Strategic Policy C (Quality and Design of Development), Policy C017 (Householder Development), Strategic Policy M (Housing), Policy C08 (Housing in Smaller Villages) and Policy C02 (Highways).

NYM/2022/0563

Strategic Policy A relates to Achieving National Park Purposes and Sustainable Development. Within the North York Moors National Park, a positive approach to new development will be taken, in line with the presumption in favour of sustainable development set out in the National Planning Policy Framework and where decisions are consistent with National Park statutory purposes. New development should conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park and also promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public. Where there is an irreconcilable conflict between the statutory purposes the Sandford Principle will be applied, and greater weight will be attached to the first purpose of conserving and enhancing the natural beauty, wildlife, and cultural heritage of the National Park.

Strategic Policy C relates to the quality and design of development within the National Park. The policy seeks to ensure that proposed development maintains and enhances the distinctive character of the National Park through appropriate siting, orientation, layout, and density together with carefully considered scale, height, massing, and form. Proposals should incorporate good quality construction materials and design details that reflect and complement the architectural character and form of the original building and/or that of the local vernacular.

Policy C017 states that development within the domestic curtilage of dwellings should only be permitted where the scale, height, form, position, and design of the new development does not detract from the character and form of the original dwelling or its setting in the landscape. The policy also states that the development should reflect the principles outlined in the Authority's Design Guide.

Strategic Policy M relates to Housing within the National Park. To help meet the needs of local communities a minimum of 551 new homes (29 per year) will be completed over the period of this Plan. The Authority will support proposals for a variety of tenures, types, and sizes of dwellings within the National Park, including accommodation for older people and those needing special facilities, care, or support at home. Schemes will be expected to meet the need for smaller dwellings. All proposals should be of a high quality design and construction to ensure that the character and distinctiveness of the built environment and local landscape are maintained.

Policy C08 states that local needs and affordable housing will only be permitted on suitable small sites within the main built up area of the village where additional development will respect the form and character of the settlement. Conversions of existing buildings that lie within the main built up area should make a positive contribution to the character of the settlement.

Policy C02 relates specifically to Highways. The policy states that new development will only be permitted where it is of a scale which the adjacent road network has the capacity to serve without detriment to highway safety and the external design and layout and associated surfacing works take into account, as appropriate, the needs of all users including cyclists, walkers, horse riders and users of mobility aids. Highway detailing, road improvements and street furniture must be sensitive to the character, heritage, built

form and materials of the area, the need to conserve and enhance biodiversity and are the minimum required to achieve safe access. New roads and significant roads widening schemes are not considered appropriate in the National Park and will not be permitted unless it can be robustly demonstrated that they will meet a compelling need which cannot be met in any other way and are acceptable in terms of landscape and other impacts.

Principle of development

Aislaby is identified within the Local Plan as a Smaller Village and as such, the principle of constructing a dwelling on the development site is assessed against Policy CO8 of the Authority's adopted policies. This policy clearly states that local needs and affordable housing will only be permitted on suitable small sites within the main built-up area of the village where additional development will respect the form and character of the settlement.

The development site is considered to be an infill plot, sandwiched between two existing dwellings at the western end of the main built-up area of Aislaby. The application proposes one local occupancy dwelling and as such, it is considered that the proposed dwelling is acceptable in principle, in line with Strategic Policy M and Policy CO8.

Design of development

The applicants engaged in constructive pre-application advice, prior to the submission of this application. It was advised by Officers that a two-storey dwelling had the potential to look out of place in this specific location, given that the surrounding properties are a mix of single storey and one and a half storey dwellings. The scheme submitted under this application reflects the pre-application discussions with Officers, proposing a dwelling that is not quite a full two storey height and involves some landscaping to set the building down into the existing topography of the site.

The proposed dwelling incorporates dormer windows in order to reduce the overall height of the building. The applicant was advised that the dormer windows as originally proposed were not in line with the Authority's Design Guidance. As such, amended plans were submitted, reducing the width of the proposed dormer windows, now adhering to the Authority's Design Guidance.

In regard to the main construction materials of the dwelling, it is proposed that local coursed stone and slate is utilised. The dwellings along High Cragwell Lane have been constructed in a mix of materials, some very traditional and some of relatively modern construction and not reflective of the local vernacular. The proposal to construct the dwelling in stone is supported by the Authority and it is agreed that it will complement its surroundings well. Whilst the Authority would prefer that the dwelling is roofed in pantiles, to match other properties down High Cragwell, the use of slate would not look out of place as the property immediately adjacent to the development site has recently been reroofed with slate, replacing poor quality concrete tiles.

Finally, the dwelling has been designed appropriately to minimise wider impact on private amenities of neighbouring residents. It is unlikely that the development will result in unacceptable levels of overlooking or encroachment and no objections have been received by any neighbours.

Overall, it is considered that the proposed local occupancy dwelling has been designed to complement the surrounding properties and reflects the principles set out in the Authority's Design Guide and in accordance with Strategic Policy C and Policy CO17.

Highways concerns

Whilst the principle and design of the proposed development is considered to be acceptable, according to the Authority's adopted policies, there are Highways Authority concerns in regard to the proposed dwelling.

The Local Highways Authority recommended refusal on the grounds that the NYCC highways design guide recommends that private drives should not serve as the vehicular access to more than five dwellings; High Cragwell currently serves six dwellings. To appropriately serve more than five dwellings, the access should be constructed up to adoptable standards. The existing access is a single vehicle width track and cannot be reasonably conditioned to be improved to an adoptable standard, principally because of the width available.

In response to the Local Highways Authority's comments, the applicants commissioned a Highways Consultant to produce a report to establish the overall impact of the proposed development.

The first comments from the Local Highways Authority note that the access road is not shown as being within the applicants control and neither is it shown on the definitive map as a public right of way. Whilst it is assumed that the applicants, as residents of the property called High Cragwell, have a right of access along the access road, permission will need to be obtained from the landowner of the track for the new proposed new residents to have a right of access. In response to this, the owner of the track has confirmed he will meet the costs of any work needed to improve the standard of the access track.

The report submitted by the applicants suggests that the access track can be improved by increasing the overall width of the track by removing some hedging. The proposed work to widen the track has been included as a condition of this recommendation of approval in order that the development adheres to Policy CO2 of the Authority's adopted policies.

The report was submitted to the Local Highways Authority for their comments. The Highways Officer assessed the comments but did not retract the original recommendation of refusal. The Highways Officer states that in the additional information provided, the applicant has suggested that access between the site and the publicly maintainable highway could be improved and widened to a minimum width of 3.5 metres. For a road layout to be up to adoptable standards, the minimum width should be

4.5 metres. For a private drive where there is a possibility of two cars passing, the drive width of a private drive, section 3.8 of the NYCC highway design guide is recommended to be a minimum width of 4.1 metres.

The design standard for the site is Manual for Streets and the required visibility splay is 2 metres by 43 metres. The available visibility is 2 metres by 15 metres. The Local Highway Authority are also concerned about the visibility splay for drivers leaving High Cragwell onto Aislaby Road. The hedges on both sides of the access restrict the visibility and neither of these are shown as being in the control of the applicant. The available visibility splays have been assessed as 2 metres by 15 metres in both directions.

Whilst it is appreciated that the access track, which currently serves six dwellings, does not meet the national standards as an access for 5 or more dwellings, the Authority does not consider that a single additional dwelling would result in a detrimental impact on road safety, given that the applicants and owner of the private track are willing to make efforts to improve the visibility and width of the track as far as physically possible, despite certain limitations, this weighs against the application. The proposed amendments will improve the track as exiting, enhancing the safety of current users as well as the proposed dwelling.

Ecology

The proposed development results in a loss of 5 apple trees and 13m of hedge along the front boundary of the site. The Authority's Woodland Officer has no objection to the removal of these trees, stating that they do not appear to be of any particular value and do not form part of a historic orchard. The Woodland Officer also identifies that there is insufficient space to replace these trees within the site.

The Authority's Ecology Team have requested an aspiration for 10% net gain for biodiversity, however this is not mandatory until November 2023, and it is accepted by the Authority that this particular site does not provide sufficient space to deliver the full 10% net gain requested. This matter weighs slightly against the planning balance given that current national policy is that opportunities to improve biodiversity in and around developments should be integrated as part of their design.

Conclusion

Notwithstanding the Local Highway Authority's recommendation of refusal, it is considered that the planning balance of material considerations, (principally addition to the Authority's local occupancy housing stock & acceptable design) lie in favour of the application being approved.

In view of the above, the application is recommended for approval.

Pre-commencement conditions

Not applicable.

Contribution to Management Plan objectives

Approval is considered likely to help meet Outcome 6 which seeks to achieve a place of great beauty where local communities thrive.

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 recommended changes to the proposal including amendments to dormer windows and provision of additional Highways details, so as to deliver sustainable development.