

North York Moors National Park Authority

Plans list item 4, Planning Committee report 07 September 2023

Application reference number: NYM/2023/0129

Development description: Construction of two local occupancy dwellings together with reconfiguration of site to combine Blacksmiths Cottage and Anvil Cottage to one dwelling (with alterations to front elevation) and to provide parking and amenity spaces for existing dwellings and associated landscaping works

Site address: land to the rear of Blacksmiths Cottage, Back Lane, Hawsker,

Parish: Hawsker-Cum-Stainsacre

Case officer: Mrs Hilary Saunders

Applicant: E, D and E Holyfield c/o E Holyfield, 27 Cadman Street, Mosborough, Sheffield, S20 5BU

Agent: Cheryl Ward Planning fao: Cheryl Farrow, 24 Westfield Mews, Kirkbymoorside, York, YO62 6BA, United Kingdom

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>Drawing No.</th><th>Date Received</th></tr></thead><tbody><tr><td>Proposed site plan</td><td>009-P01 - rev B</td><td>06/07/2023</td></tr><tr><td>Existing and proposed part Street Elevation</td><td>009-P09</td><td>06/07/2023</td></tr><tr><td>Proposed entrance plan</td><td>009-P10</td><td>06/07/2023</td></tr><tr><td>Proposed plans</td><td>009-P02 - rev A</td><td>24/04/2023</td></tr><tr><td>Proposed plans</td><td>009-P03 - rev B</td><td>22/08/2023</td></tr></tbody></table>	Document Description	Drawing No.	Date Received	Proposed site plan	009-P01 - rev B	06/07/2023	Existing and proposed part Street Elevation	009-P09	06/07/2023	Proposed entrance plan	009-P10	06/07/2023	Proposed plans	009-P02 - rev A	24/04/2023	Proposed plans	009-P03 - rev B	22/08/2023
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3	UOR13 PT 1	<p>The occupation of the two new build dwellings 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> <ul style="list-style-type: none"> • Currently resident in the National Park, having been resident in the Park for at least the previous three years; or • Currently in employment in the National Park; or • Having an essential need to live close to relative(s) who are currently living in the National Park; or • Having an essential requirement for substantial support from relatives who are currently living in the National Park; or • 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>

Condition number	Condition code	Condition text
		<p>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)). In the event that this happens, 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>
4	PDR01	<p>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 of that Order shall take place without a further grant of planning permission being obtained from the Local Planning Authority.</p>

Condition number	Condition code	Condition text
5	MC00	Prior to the first occupation of the two dwellings hereby approved and the first use of the two parking spaces allocated for Hawksgarth House, the setback works to the front elevation of Anvil/Blacksmiths (as shown on drwg. nos. 009-P01-rev B and 009-P10) and the amalgamation of these two properties into one shall have been completed.
6	AC21	No up-lighting shall be installed on the development hereby permitted. Any external lighting installed on the development hereby approved shall be Dark Skies compliant and no other lighting shall be installed on the site. 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.
7	BCMT01	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.
8	GPMT03	All new stonework shall match that of the existing building (Blacksmiths/Anvil Cottage) including the colour and texture and finish and the method of coursing and pointing in the local tradition.
9	GPMT06	The external elevations of the elevations to be rendered, within three months of first being brought into use, be rendered in smooth finish render, coloured white/off-white or cream and shall thereafter be so maintained.
10	GPMT15	The external face of the frame to all new windows shall be set in a reveal of a minimum of 60mm from the front face of the adjacent walling and shall be maintained in that condition in perpetuity.
11	GPMT20	All new window frames shall be flush fitting with concealed trickle vents and thereafter be so maintained.
12	GPMT23	The guttering to the development hereby permitted shall be directly fixed to the masonry by means of gutter spikes located within the mortar joint with no fascia boarding being utilised in the development and shall thereafter be so maintained in that condition in perpetuity.

Condition number	Condition code	Condition text
13	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.
14	GPMT27	All flues associated with the proposed development shall be coloured matt black and maintained in that condition in.
15	MC00	No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.
16	ARC03	<p>No demolition/development shall take place within the application site until a Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions - and if necessary:</p> <ul style="list-style-type: none"> • the programme and methodology of site investigation and recording; • the programme for post investigation assessment; • the provision to be made for analysis of the site investigation and recording; • the provision to be made for publication and dissemination of the analysis and records of the site investigation; • the provision to be made for archive deposition of the analysis and records of the site investigation; • the nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
17	ARC04	No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 16.
18	LD07	No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in

Condition number	Condition code	Condition text
		<p>relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the Local Planning Authority. The scheme for the protection of the retained trees shall be carried out as approved.</p> <p>In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars.</p>
19	LD04	<p>All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p>
20	LD03	<p>Before the development is first occupied a schedule of landscape maintenance for a period of 30 years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Maintenance shall be carried out in accordance with the approved schedule.</p>
21	MHC-05	<p>There must be no access or egress by any vehicles between the highway and the application site at (insert location) until splays are provided giving clear visibility of (insert distance) metres measured along both channel lines of the major road from a point measured (insert dimension) metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.</p>
22	MHC-09B	<p>No part of the development must be brought into use until the access, parking, manoeuvring, and turning areas for all users at the application site have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.</p>

Condition number	Condition code	Condition text
23	MC00	Prior to the commencement of the development hereby approved, a Temporary Closure order for the duration of the works, for the public footpath to the north of the site, shall have been approved by the Local Planning Authority.

Informative(s)

Informative number	Informative code	Informative text
1	MC INF00	<p>The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.</p>
2	INF MHI-D	An explanation of the terms used above is available from the Local Highway Authority.
3	INF MHI-H	The proposals should cater for all types of vehicles that will use the site. The parking standards are set out in North Yorkshire County Council's 'Interim guidance on transport issues, including parking standards' and subsequent amendments available on the website .

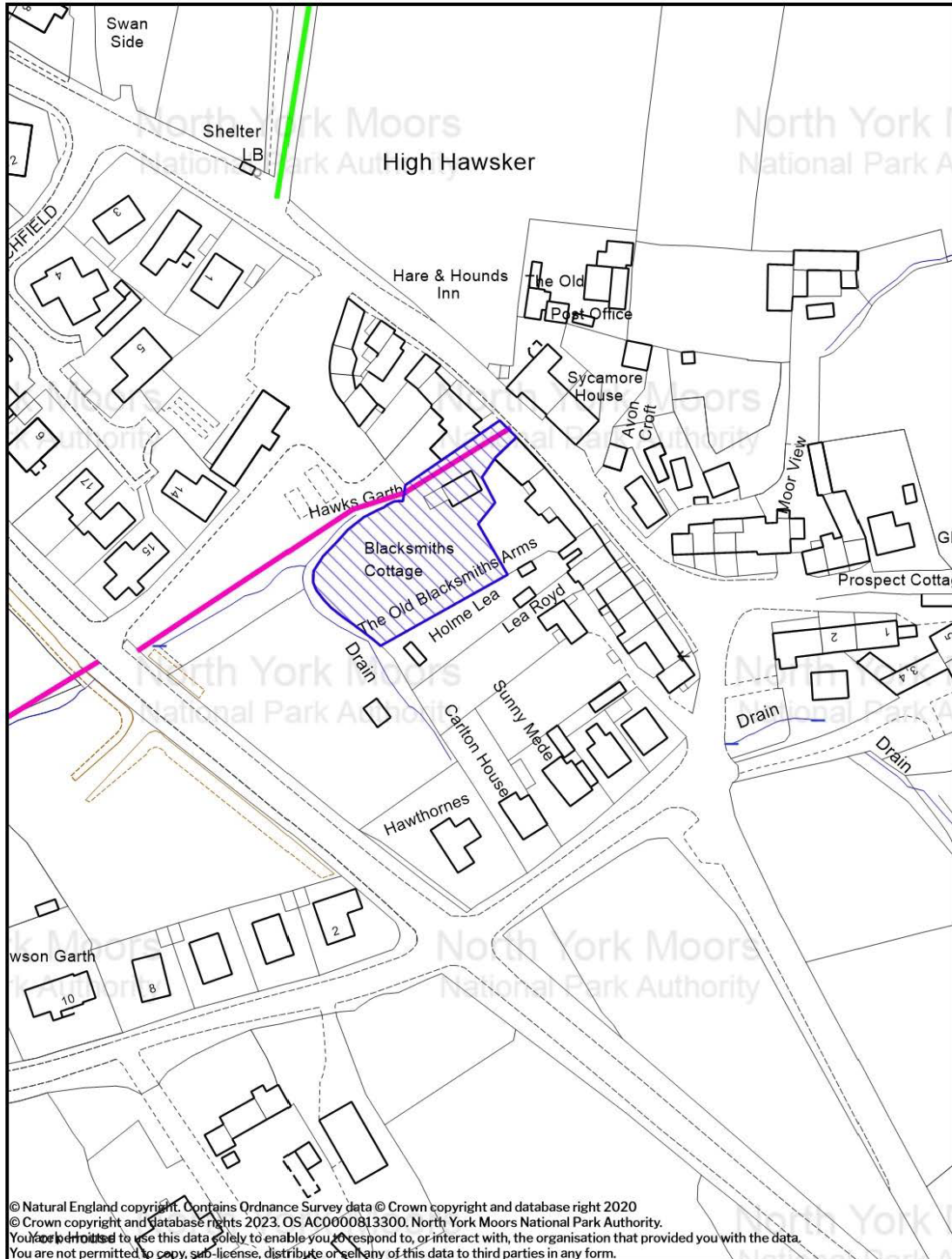
Map showing application site



**North York Moors
National Park**

Application Number: NYM/2023/0129

Scale: 1:1250



NYM/2023/0129

Photo showing Blacksmiths and Anvil Cottage and access into site along with unauthorised vehicular crossover into neighbours' property.



Photo showing rear elevations of Blacksmiths and Anvil Cottage and rear access along with rear outbuildings to be demolished and replaced with new dwellings (albeit they will further back).



Consultation responses

Parish

04/04/2023 - Object – Council has voiced concerns over the accessibility to the site and proposed new properties, it has also highlighted visibility concerns for drivers and pedestrians. Council feels that this is an over development of the space available and for the village.

01/07/2023 – Revised plans - Object – Council has voiced concerns over the accessibility to the site and proposed new properties, it has also highlighted visibility concerns for drivers and pedestrians. Council feels that this is an over development of the space available and for the village.

Highways

18/04/2023 – Original scheme – recommend refusal.

The existing vehicular access associated with the development is below the current required requirement which is 2.4 metres by 43 metres. The current available visibility is 2.4 metres by 5 metres looking south east and 2.4 metres by 4 metres looking north west.

Additionally, the area used as parking at the neighbouring property, Hawksgarth has a similarly bad visibility splay, but this is not an approved space as it does not have a dropped kerb. The proposed visibility for the realigned access as shown on the plans, scales off at 2.4 metres by 9 metres. Looking south east and 2.4 metres by 31 metres looking north west.

Footway improvements - These proposals show the marginal widening of the 800mm wide footway along the B1447 which aids the improvement of the visibility, but the LHA would not wish to see the 5 metre wide carriageway used as a bus route reduced any further.

Use of the access - The existing vehicular access serves the three properties, Blacksmiths Arms, Blacksmiths Cottage and Anvil Cottage. The allowance by the developer to provide a space for the neighbouring property, Hawksgarth and along with the two proposed dwellings would increase the use of the shared drive to six dwellings. The North Yorkshire residential highway design guide recommends that shared drives should serve no more than five dwellings.

Revised scheme

Awaiting Highway recommendation, but revised scheme produced following site meeting with applicant, agent, Case Officer and Highway Authority.

Yorkshire Water

24/03/2023 – No objection subject to condition re drainage.

NYM/2023/0129

Environmental Health

10/03/2023 – No objections.

05/07/2023 – Revised plans – No objections.

Ramblers

Revised plans – 08/07/2023 – No objections.

Police – Traffic

No comments received.

Third party responses

Mr S Hodgson, Land known as The Garth, Hawsker, c/o 9 Middlewood Close, Fylingthorpe, Whitby - As immediately adjacent land owners to the site proposal we wish to make the following comments:-

In order to assess any increase in flood risk further information/data is necessary specifically in respect of the volume of surface water likely to be created and the number and specific locations of soakaways and their release rate and potential surges/flow into the surrounding land drain/surrounding grounds which may ultimately affect other parties.

The proposal incorporates a significant expanse of access, parking, turning and manoeuvring area within the site creating a potential increase in surface water. The materials to be used in their construction and their permeability properties have not been specified in the formation of this area to make an informed opinion of its impact to the concerns raised in the previous paragraph.

Consultation expiry

13 April 2023

Background

Blacksmiths Cottage and Anvil Cottage are much altered one and a half storey cottages located in the centre of the village of High Hawsker. Immediately to the rear of the property is a hard surfaced parking area, with poor quality outbuildings to the rear and then beyond that, a detached garden area. A public footpath runs through the northern edge of the site.

This application seeks permission to demolish the rear outbuildings and construct a pair of modest local occupancy dwellings to the rear, one two-bed and one three-bed, and also to alter the front elevation of the northern end of the existing cottages, to improve vehicular access and sightlines.

It is also proposed to amalgamate the existing frontage cottages back into one cottage, provide off-street parking for the two new build houses, the combined Blacksmiths and Anvil and Hawksgarth (the cottage to the north that currently does not have off-street parking – although currently bumping over the kerb to park on the property but that is not authorised by the Highway Authority).

The footprint of the proposed dwellings would measure a maximum of 23m long with a depth of 9m; height to eaves of 2.3m and to the ridge of 6.8m. Materials would be primarily stone and pantile to match the locality, with a small element of render (also to match that in the locality, with upvc windows).

The existing outbuilding measures a minimum of 6.5m from the rear elevation of Blacksmiths/Anvil and the proposed new dwellings would measure 29.65m at the northern end and the minimum distance would be approximately 25m.

The majority of the living space windows would face out towards the rear gardens with the first floor dormers providing light to the bedrooms.

Main issues

Local Plan

Strategic Policy A (National Park Purposes) seeks to take a positive approach to new development, in line with the presumption in favour of sustainable development and where decisions are consistent with National Park statutory purposes, but that 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 B (The Spatial Strategy) sets out how development will be guided by the settlement hierarchy.

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.

Strategic Policy M (Housing) seeks to ensure the delivery of new homes to help meet the needs of local communities. The Authority will support proposals for a variety of

tenures, types and sizes of dwellings within the National Park, but schemes will be expected to meet the need for smaller dwellings.

It is explained within the supporting text that there is a predominance of larger homes within the existing housing stock in the National Park. At the same time there is a trend towards smaller households and there is also evidence that affordability is a problem.

Policy C08 (Housing in smaller villages) sets out that local needs and affordable housing will only be permitted on suitable small sites within the main built up area of the village, where development respects the form and character of the settlement and meets the need for smaller dwellings; or as a conversion of an existing building which lies within the main built up area and makes a positive contribution to the character of the settlement.

Policy C013 sets out the local connection criteria which will be applied to any dwelling approved under **Policy C08**.

Policy C02 (Highways) only permits new development where it is of a scale which the adjacent road network has the capacity to serve without detriment to highway safety; 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; and highway detailing, road improvements and street furniture are 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.

Strategic Policy H (Habitats, Wildlife, Biodiversity and Geodiversity) seeks to ensure the conservation, restoration and enhancement of habitats, wildlife, biodiversity and geodiversity in the North York Moors National Park is given great weight in decision making and goes on to state that development proposals that are likely to have a harmful impact on protected or valuable sites or species will only be permitted where it can be demonstrated that there are no alternatives, there are suitable mitigation measures, any residual harmful impacts have been offset through appropriate habitat enhancement and the wider sustainability benefits of the development outweigh the harm to the protected or valuable interest.

Policy ENV10 (Archaeological Heritage) sets out that development that would result in harm to the significance of a Scheduled Monument or other nationally important archaeological site will not be permitted unless it can be demonstrated that there are wholly exceptional circumstances and that there are substantial public benefits that outweigh the harm. The Authority will require applicants to provide sufficient information to allow an informed assessment of the significance of the archaeological heritage asset and its setting, and the impact of the proposed development on that significance.

Material considerations

Principle

This already partially developed area to the rear of Blacksmiths is considered to form a suitable small site within the main built-up area of High Hawsker for the purposes of Policy CO8, surrounded by a range of development (including other backland dwellings) to the north, east and south.

As such the development of this site for a pair of modest local needs dwellings is considered acceptable in principle.

Siting and design

This scheme has been amended through negotiations and it is considered that the revised scheme would provide a development in keeping with the dwellings on the frontage, in terms of materials, design and scale (particularly in terms of height) and due to their being set back would not have a detrimental impact on the street scene.

It is proposed to step back the front corner of the existing dwelling in order to meet the Highway Authority sight line requirements, and although an unusual solution, it is not considered that this would unduly harm the character of that existing property and would significantly improve the existing unsatisfactory highway safety situation.

Residential amenity

Whilst first floor bedroom windows would face towards first floor rear dormer windows and any rear curtilage, window to window distance would be well over 25m (21m is often used in Planning as a 'yardstick') and to the rear boundary would be at least 17m. As such it is not considered the proposal would have an adverse impact on residential amenity.

Parking and highways considerations

Whilst the Highway Authority recommended refusal to the scheme as originally submitted, the scheme has been significantly amended to reduce the number of properties that would be served by the development and also to significantly improve sightlines, through the amalgamation back into one of the existing two dwellings at the front, the setting back of the existing dwelling to the south of the access and setting back a boundary wall to the north.

Biodiversity Net Gain

Biodiversity Net Gain is not scheduled to become a legal requirement until November 2023 (Major Development and April 24 for non-major development)); however, the North York Moors Local Plan does contain policies to require that development does not cause a detrimental impact on habitats and wildlife, in effect requiring 'no biodiversity net loss'.

A Small Sites Metric and Technical Note has been submitted with this application, and the Authority's Ecologist is satisfied that there will be a net gain greater than 10%, providing the details included in these reports are secured as a condition, along with a 30-year Habitat Management Plan.

Archaeology

The origins of Hawsker are unclear: though the name is derived from Old Norse (Haukr's enclosure/yard) no early medieval archaeology is known. The village is not mentioned in Domesday but does appear in the 1301 tax records for the area. It is not clear whether High or Low Hawsker are the older site, but as the building fronting the street at this site is noted as an inn from at least the OS first edition in 1850 and evidently also a smithy at some point, there is a possibility of medieval/post-medieval domestic remains being present. Archaeological intervention here may help clear up the origins of the village, as well as add to the general knowledge of life in the hinterland of Whitby from the medieval to present.

Consequently, conditions are recommended to ensure that an archaeologist is present for all ground disturbance works, afforded access to observe and record any archaeological finds or features of significance, and submits a report on the site.

Conclusion

It is considered that the proposed development would accord with the policies outlined above and will contribute to the provision of smaller housing in the locality which is a key objective of the Local Plan. Consequently, approval is recommended.

Public Sector Equality Duty imposed by section 149 of the Equality Act 2010

The proposal is not considered to unduly affect any people with protected characteristics.

Pre-commencement conditions

Condition(s) 16-18 and 23 are pre-commencement conditions and have been agreed in writing with the applicant/agent.

Contribution to Management Plan objectives

Approval is considered likely to help meet Outcome 6 which seeks to create a place 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 improvements to the design and vehicular access, so as to deliver sustainable development.