

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2023/0284

Development description: proposed dropped kerb and creation of parking area (revised scheme following refusal of NYM/2022/0915)

Site address: land adjacent to The Bungalow, Kingston Garth, Fylingthorpe

Parish: Fylingdales

Case officer: Mrs Hilary Saunders

Applicant: Mr Geoff Simms
Gordon House, Thorpe Green Bank, Fylingthorpe, YO22 4TU

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	PL02	The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved.
3	MCO0	The parking area hereby approved shall only be used for the parking of cars or vans, and at no time shall be used for the parking of caravans, motorhomes or trailers.
4	MHC-03	The development must not be brought into use until the access to the site at land adjacent to The Bungalow, Kingston Garth, Fylingthorpe 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>The crossing of the highway footway must be constructed in accordance with the Standard Detail number E50 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. -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 or proposed public highway.
5	MC00	<p>A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:</p> <ul style="list-style-type: none"> a) details of additional hedge planting, including the species to be planted; b) details and locations of bird/bat boxes; c) details of initial aftercare and long-term maintenance. <p>The works shall be implemented in accordance with the approved details and shall be maintained in that manner in perpetuity.</p>
6	LD27	<p>The hardstanding hereby permitted shall be surfaced with a stone coloured permeable surface or grasscrete, and the development shall not be brought in to use until the area has been surfaced in accordance with these details. The hardsurface shall be maintained in that condition in perpetuity.</p>
7	MHC-10	<p>Once constructed, the parking facilities hereby approved shall be maintained clear of any obstruction and retained for the parking of vehicles only, at all times.</p>
8	AC19	<p>No external lighting shall be installed in the development hereby permitted.</p>

Reason(s) for condition(s)

Reason number	Reason code	Reason text
1	RSN TM01	To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2	RSN PL01	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 & 7	RSN AC07	In order to comply with the provisions of Strategic Policy A 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 and to preserve and enhance the National Park's Dark Night Skies, in accordance with Policy ENV4.
4	RSN MHC-03	To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.
5	RSN LD01	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.
6	RSN LD03	In the interests of the satisfactory appearance of the development and in order to comply with the provisions of Strategic Policy C of the North York Moors Local Plan which seeks to ensure that development proposals incorporate suitable hard landscaping details.
7	AC01	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 North York Moors Local Plan Strategic Policies A and C, which seek to enhance and conserve the special qualities of the National Park and secure high quality design for new development that does not detract from the quality of life of local residents; in accordance with Policy ENV4 which seeks to protect dark night skies.

Informative(s)

Informative number	Informative code	Informative text
1	INF MHI-C	Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's website [https://www.northyorks.gov.uk/road-adoption]. The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

Consultation responses

Parish

None received.

Highways

No objections subject to conditions; the area is sufficiently large enough to meet the standard size for a parking space perpendicular to the road.

Third party responses

None received.

Publicity expiry

Advertisement/site notice expiry date – 13 June 2023

Proposed hardstanding/parking area would be immediately to the right of the parked cars



Location of proposed parking area



Background

This application relates to a piece of land (currently lawned and hedged) that is located adjacent to “The Bungalow” which fronts onto Thorpe Green Bank and no. 13 Kingston Garth (another bungalow). However, the proposal does not relate to either of these properties and is not associated with them; the applicant lives approximately 50 metres to the northwest in a property known as Gordon House.

Planning permission was refused earlier this year for the construction of a garage (with a roller shutter door and clad in a stone effect finish). The application was refused on the basis of the detrimental impact the proposed garage would have on the character of the locality and neighbouring amenity; there were a number of neighbour objections.

This revised application now just seeks permission to use this land for parking, with the provision of permeable surfacing.

In support of the application, it is stated that: -

The applicant owns a family car and a large van in connection with their business, and also likely to be acquiring another vehicle shortly.

Thorpe Green Bank is the only practical access to Middlewood Lane camping and caravan site, and the road is narrow so on street parking is a problem, with people half-parking on the pavement. The proposal would provide the applicant with much needed off-road parking.

Main issues

Local Plan

Policy CO3 - Car Parks – states that new parking facilities will only be permitted where it is the only way to solve existing identified parking problems; it will benefit the needs of both communities and visitors to the National Park; it uses an existing or previously developed site unless it can be demonstrated that no such suitable sites are available; and the scale, design, siting, layout, and surfacing do not have an unacceptable impact on the natural beauty, wildlife or cultural heritage of the National Park.

Policy CO17 does not apply in this instance as the application site does not form part of an existing domestic curtilage, albeit it is to serve a nearby residential property.

Material Considerations

It is considered that the construction of a parking area, without any buildings, would not have a detrimental impact on the character of the area or the amenities of neighbouring properties, providing the use of the hardstanding is carefully controlled so that large

vehicles are not stored here which could have a detrimental impact on the neighbour's outlook and enjoyment of their gardens.

It is considered that this revised proposal overcomes the refusal reasons of the previous application, and the provision of additional off-street parking is likely to help reduce congestion on the surrounding roads.

The applicant has endeavoured to meet the requirements of biodiversity and it is considered that the proposal would not be damaging to ecological interests in the area.

In view of the above, approval is now recommended.

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

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

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.