

North York Moors National Park Authority

Plans list item 2, Planning Committee report 12 October 2023

Application reference number: NYM/2023/0513

Development description: construction of access (retrospective) and two principal residence dwellings with associated amenity space, parking and landscaping works (submission following expiration of outline approval NYM/2020/0324/OU)

Site address: Land east of 12 Esk View, Egton

Parish: Egton

Case officer: Mrs Hilary Saunders

Applicant: The Mulgrave Estate fao: Mr Robert Childerhouse, Estate Office, Lythe, Whitby, YO21 3RJ

Agent: John Long Planning Ltd fao: Mr John Long, 45 The Street, Surlingham, Norwich, NR14 7AJ

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	The development hereby permitted shall be carried out in accordance with the following approved plans: <table><thead><tr><th>Document Description</th><th>Document No. Rev.</th><th>Date Received</th></tr></thead><tbody><tr><td>Location Plan</td><td>05-2023-1001</td><td>08/08/2023</td></tr><tr><td>Plans & Elevations Plot 1</td><td>05-2023-1003 Rev A</td><td>01/09/2023</td></tr><tr><td>Landscaping plan</td><td>05-2023-1004 Rev A</td><td>01/09/2023</td></tr><tr><td>Illustrative Street View</td><td>05/2023-1005 Rev A</td><td>01/09/2023</td></tr></tbody></table>	Document Description	Document No. Rev.	Date Received	Location Plan	05-2023-1001	08/08/2023	Plans & Elevations Plot 1	05-2023-1003 Rev A	01/09/2023	Landscaping plan	05-2023-1004 Rev A	01/09/2023	Illustrative Street View	05/2023-1005 Rev A	01/09/2023
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Landscaping plan	05-2023-1004 Rev A	01/09/2023															
Illustrative Street View	05/2023-1005 Rev A	01/09/2023															
3	UOR14	The application properties hereby permitted, shall be used as a principal residential dwellings (Class C3) and for no other purpose including any other use in Class C of the Schedule to															

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		<p>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. 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 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.</p>
5	AC21	<p>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.</p>
6	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 tableting, new lintels and cills, cladding and render if necessary) shall also be made available. The development shall</p>

Condition number	Condition code	Condition text
		be constructed in accordance with the approved sample(s), which shall not be removed from the site until completion of the development.
7	MC00	All pointing in the development hereby permitted shall accord with the following specification - a lime mortar mix of 1:2½ (lime; sand (sand mix of 50% sieved sharp sand and 50% builder's sand) with a slightly recessed bagged finish.
8	MC00	No work shall commence on the installation of any new windows or external doors in the development hereby approved until plans showing the details of all window frames and external doors to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Such plans should indicate the window and door construction material and colour. The window frames and exterior doors 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.
9	GPMT20	No external trickle vents (other than concealed trickle vents) shall be incorporated into any new windows hereby approved and shall not be installed thereafter.
10	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.
11	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.
12	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 disposal of foul and surface 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.

Condition number	Condition code	Condition text
13	MC00	There must be no access or egress by any vehicles between the highway and the application site at Esk View until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2 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.
14	MHC-10	No dwelling must be occupied until the related parking facilities 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.
15	LD04	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. - This condition may be appropriate where the landscaping is either not a major element of the development or is small in scale or where compliance is likely without any problems.
16	MC00	No work shall commence on the construction of the walls of the development hereby approved until details have been submitted to and approved by the Local Planning Authority of the location of integral bat boxes/access tiles and in built swift boxes. The development shall be carried out and in accordance with the approved details and thereafter be so maintained.
17	MC00	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.

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 . The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.
2	INF MHI-D	An explanation of the terms used above is available from the Local Highway Authority .

Map showing application site



**North York Moors
National Park**

Application Number: NYM/2023/0513

Scale: 1:1500

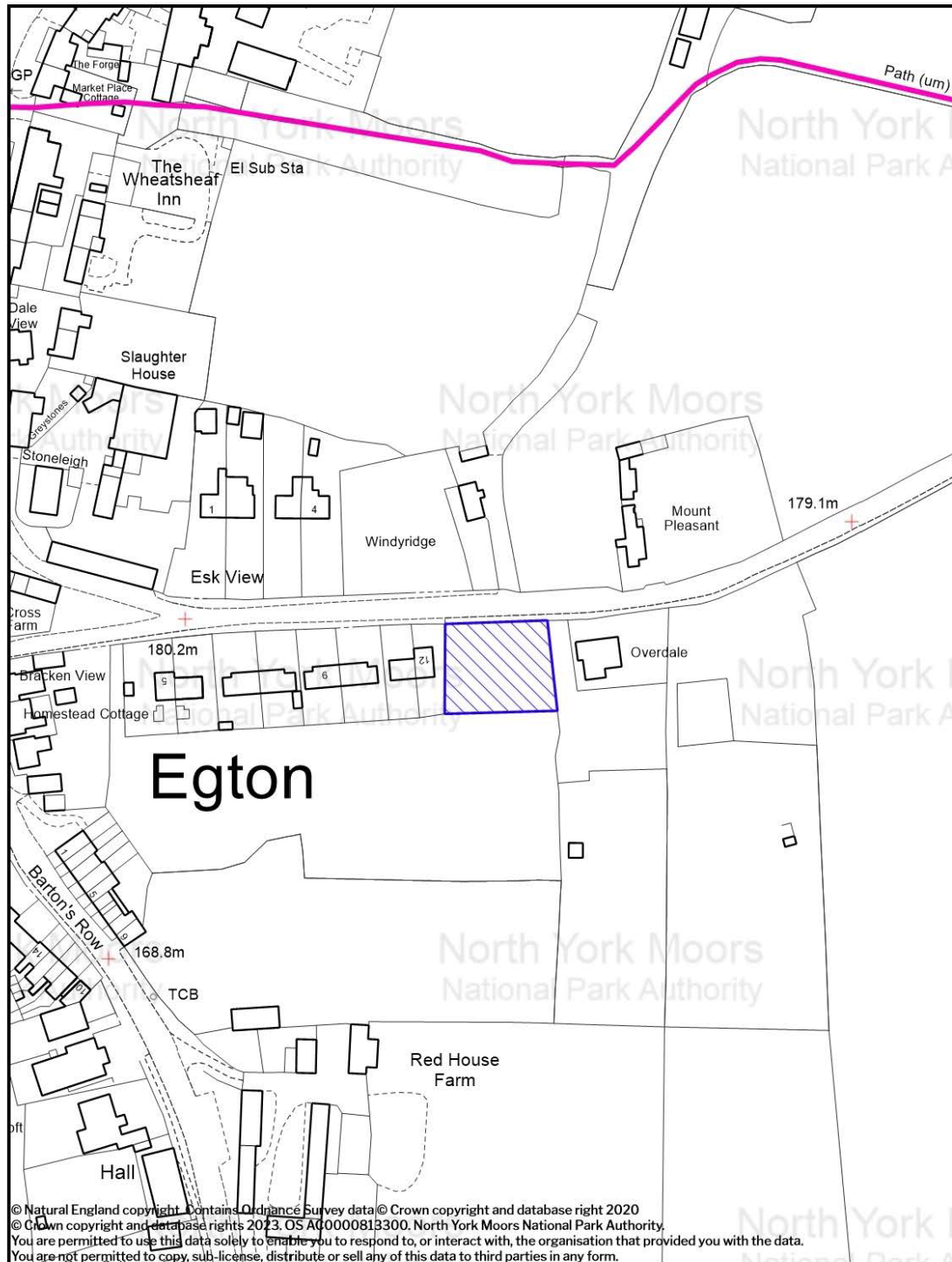


Photo of site, showing constructed access into site (retrospective element of application)



Consultation responses

Parish

Strongly object.

Have received concerns from residents -they are keen to see that planning law etc is adhered to by the applicant. Work commenced before full planning permission was granted. The applicant failed to comply with the reserved matters of application NYM/2020/0324/OU, and removed a mature hedge, constructed a tarmac road and constructed a fence with gated access to a field to the rear of the plot.

The biodiversity statement of this application represents the site as it is now and not as it was before the applicant commenced work without permission.

We strongly feel this access road should be removed. It is not necessary, as a field access already exists at grid reference: NZ 80871 06343. This access has been in use for centuries, to access the grazing land in question.

We feel that if this plot is to be used as an infill site for much needed housing, then as much of the land as possible should be utilised as housing and not as an access road to the agricultural field behind. The plot in question was once part of this agricultural field and if the field is so important, maybe we should be refusing permission for infill housing.

Houses are still too high to fit into the street scape and object to the houses being detached. Semi-detached, with parking to the front will best suit and fit into the street scape of Esk View.

Hedge should be reinstated with a narrow access to allow the parking of cars to the front of the prospective houses only.

Access should not be constructed in tarmac, as it is not in keeping with the driveways already in place on Esk View.

This plot of land did contribute to the amenity and character of the village, therefore if infill housing is to be allowed, it needs to be sympathetic to the surroundings.

The Parish Council would also like the comments previously submitted to be added to this reply: -

Aware that approval was given for the outline proposal for two dwellings on the site. The plan initially submitted indicates that the dwellings would be semi-detached facing onto the road. The plan also indicated that access to the field behind the site would via a track at the side of the site.

The original proposal discussed "retained space" to allow agricultural vehicles to access the land to the rear but they have now constructed a large tarmac access drive through the middle of the site, in doing this, they have completely removed a mature hedge, that no doubt has formed the boundary of the field with the road for many decades.

In order to develop the site, there was no need to remove the complete hedge. Access could have been gained through a more limited access through the hedge.

Concerned about the access road that has been constructed to the field behind. There was no access to the field behind through the site previously. The access road is completely unnecessary and out of proportion to the stated need. If there was no access through the site before, why is it necessary to provide access now?

If this is to just be an access to the field behind the site, one would suppose that this would only be used occasionally. The access to the field would need to be kept clear, creating a “dead space” that the owners of the two dwellings would not be able to use to park their cars. This would therefore require additional off-street space for both dwellings, thus reducing the available space for the two dwellings. Also, the access drive has been extended right to the far boundary of the site. The approved plan for the access road was that it should only extend around halfway across the site, with the remainder of the space to the boundary to be a grassed area.

Given there was no access through the site before, the Council is requesting that the Planning Authority review the desirability of the work that has been completed and explain the reasoning by which it was approved. Given access to the field behind already exists, this access road appears to be completely unnecessary.

The Parish Council request consideration be given to directing the applicant to return the site to the state it was in before the works were carried out. As it stands, this looks like a very poor proposal for developing the site. The access road, as built, significantly reduces the size of the plots for the 2 dwellings. The overall layout, as far as one can tell, would also not be in line with the traditional layout of Egton.

Highways

Awaiting comments

Environmental Health

No objections

Police – Traffic

None received

Yorkshire Water

None received

Third party responses

The following people object for all or some of the following reasons:

IT Woodcock, Dale View, Egton

K Colley, Linden Grove, Egton

NYM/2023/0513

Professor R Hodgson, Honeybee House, Egton

Comments

- Without discharging any of their obligations, the applicants have commenced development, without attempting to adhere to any approved plans.
- The existing hedgerow has been ripped out, an ugly and non-compliant tarmac road has been installed and the road signs have been located in the footpath and a new fence and gate has been installed. This access is not required as the field already has a suitable gated access point.
- The current planning legislation states that a person who has undertaken unauthorised development has only one opportunity to obtain planning permission after the event. As the applicants have already applied and then withdrawn an application (reference NYM/2023/0246) with respect to these reserved matters, question if this current application is even permitted under the Town and Country Planning Act. If it is, then the latest application must be rejected.
- The field is not critical to the operation of Plough Farm as the applicant has secured the new gate with a padlock and chain which it seems the current tenant farmer has no access.
- The plot did contribute to the amenity of the village until the hedgerow was ripped out and an expanse of tarmac laid across the field. The development would suit a suburban setting and is not appropriate for a village in a National Park.
- New hedgerows will not compensate for the loss of hedgerow on the site frontage.
- This field already has a suitable gated access point (grid reference: NZ 80871 06343). If this new access is solely required for field access at this precise location, then they should be required to enter into a legally binding covenant that prohibits the extension of this access any further towards Red House Farm.
- There has never been access to this field from the road at this point. There is already a perfectly good access point into this field at the other end of Esk View which has always been utilised by the farmer in the past so why do you need a further access point.
- The original outline planning application was for a pair of semi-detached houses along with the retained space for access. However, this submission is for two very small, detached dwellings. In my opinion the original proposal is more in keeping with most properties in the area.
- If granted, a condition must be put in stating that this access road cannot under any circumstances be extended further.
- This new application must be assessed in the context of the previous application for this site, and not viewed as a separate entity. The applicants have already commenced development, without adhering to planning legislation, approved plans and conditions, and in disregard of reserved matters. If this is allowed to stand, this sets a precedent for illegal development in the National Park.

- The Biodiversity Assessment has been submitted after 'Phase 0' of the development has been completed. This has resulted in a factually inaccurate report.
- The height of properties is still out of line with the gable height of all other properties on this side of the street, and significantly higher than Honeybee House risking privacy intrusion. When the development on the opposite side of the road was approved ('Rainbow's End', ref: NYM/2021/0208/FL), the applicants were required to ensure that the property aligned with the properties on either side (Mount Pleasant and Windy Ridge), to the extent of maintaining an eastern front facing aspect (towards Grosmont) rather than facing onto the street. It is reasonable to expect that this application should likewise be in keeping with the houses on this side of the street in terms of both gable height and location of car parking.
- Would object to windows on elevation facing east.
- The position of plot 2 to the boundary is much closer than plot 1 to the boundary. This risks damage to mature trees and hedging on the boundary line. The plans must state and have approved in advance the exact distance from the boundary line to ensure this is not in breach of National Park and planning legislation.
- Parking at rear of plots is completely out of keeping with all other properties on this side of the street. There is sufficient space on the plot with the houses in the current proposed position for parking at the front – as with all other properties. Creation of parking bays at the rear will result in a significant increase in noise and disturbance to Honeybee House and 12 Esk View given multiple vehicles arriving and leaving from behind the houses and travelling further to reach the main road. Parking at the rear of the properties significantly impacts visually on Honeybee House as well as houses below and across the valley.
- The previous hedgerow was estimated to be over 100 years old, and its existence as the boundary of an arable / grazing field contributed significantly to the amenity, form, and character of Egton as a farming village. The new tarmac road is completely inappropriate in its form, size and location; it is entirely out of keeping with the local vernacular.

Consultation expiry

6 September 2023

Background

This application relates to a field at the eastern end of the village of Egton. The field is situated between existing residential development of the row of dwellings known as Esk View and the detached property now known as Honeybee House (previously known as Overdale) and is considered to be located within the built-up area of the village.

Egton is designated as a 'Larger Village' in the North York Moors Local Plan.

Outline planning permission for the construction of two principal residence dwellings was approved in 2020 (NYM/2020/0324). An indicative plan was submitted illustrating a pair of semi-detached dwellings and new agricultural access to the side. However, this was an outline permission, and the position of the dwellings and access were not part of that approval, just the principle of development.

In November 2020, a reserved matters application was submitted and subsequently approved in relation to access to the site only (NYM/2020/0913). This application proposed a central access road, to serve both the proposed dwellings and the field access. That differed from the indicative sketch submitted at outline stage and indicated a pair of detached dwellings (still to be considered through a further reserved matters application) with the access road running between them.

In support of the application, it was explained that this layout was required as the central part of the site has the best visibility and is the only section where the visibility splays required by the Highway Authority can be achieved. However, the scheme was amended to reduce its engineered appearance.

Subsequent to this approval, whilst the remaining reserved matters had not been submitted or approved, a longer tarmac access road was constructed.

The original proposal was for a hard surfaced access, 16m in length, with the remaining 12m of track being grassed. However, as constructed, the entire length (28m) has been tarmacked. This was without the benefit of planning permission and the outline planning permission has now expired.

Consequently, rather than submit a further outline planning application, a full application for two detached dwellings along with the retention of the access as constructed has been submitted.

The current application seeks planning permission for two modest, two storeys, two bed principal residence dwellings. Each dwelling would be constructed of course dressed stone with timber/composite doors and windows and clay pantile roofing tiles. The dwellings would be located in line with adjacent dwellings, towards the frontage of site, with gardens and associated parking spaces to the rear.

Each dwelling would measure 7.7m to ridge (reduced from the originally proposed height of 8.7m), with first floor windows partly set within the roof slope. Each dwelling would have a footprint of 6.9m wide by 7.48m deep with ground floor space comprising a

kitchen/diner area, wc, lounge/study area and hallway leading up to two bedrooms, one ensuite bathroom and one main bathroom.

The design would be of a simple cottage of the local vernacular, but the two plots, whilst of the same design would mirror each other so there would be no windows on the side elevations of either property facing towards their existing neighbouring properties. The landing and bathroom side windows on each would face towards the central access road.

The distance of the side elevation of Plot 1, to the boundary of the neighbour at 12 Esk View is 2.1m and side elevation to side elevation would be approximately 5.5m to 9m (due to the orientation of the properties).

Between the application site and the neighbouring property to the east (Honeybee House) is an access into a neighbouring field which is in separate ownership. The distance from Plot 2 to the boundary to the track is between 0.6m and 1.2m and from side elevation to side elevation is between 8.3m and 9.3m.

Both dwellings would be higher than their neighbouring properties. Honeybee House comprise an extended single storey dwelling with first floor accommodation primarily in the roof space and measures approximately 5.7m to the ridge. The neighbour to the west (12 Esk View) comprises a full height two storey dwelling with a height to ridge of approximately 7.4m (0.3m lower than the proposed dwellings).

The following information has been submitted by the agent in support of the application:

The landscaping scheme proposes front and rear gardens with a hedgerow planted behind a post and rail fence to the front, rear and side. The new hedgerows will more than compensate for the loss of hedgerow on the site frontage to create the access and footpath. The landscaping scheme also offers benefits for biodiversity gains. Four urban trees of native species will also be planted onsite. Additionally, a total length of 106m of native hedgerow will be planted as part of the development.

The single access will serve each residential plot's rear vehicular access and the field (rather than each individual residential plot having a direct access onto the Grosmont Road). This will ensure that the necessary visibility splays can be met and avoid a proliferation of accesses onto the main road. The access extends to the stock fence to allow cattle/sheep to be loaded onto a trailer/cattle truck directly from the main part of the agricultural field rather than being funnelled onto a narrow gap between the two proposed residential dwellings.

The extended area of tarmac and relocated gate will enable tractors and trailers/cattle trucks to fully pull off the main road to load/unload cattle/sheep direct from/into the main part of the field (with space for cattle/sheep handling equipment); and avoiding potential for animals to enter into rear gardens; and to avoid soil compacting and mud being transferred onto the access road.

The field access has already been constructed and retrospective consent is sought to retain this access. The arrangement will ensure that the access conditions requirements of the outline consent can be achieved i.e., 43m visibility splays each way along the main road from a point 2m down the access road; and any gates and barriers having a minimum set back of 6 metres. These requirements are assumed likely to be applicable to any detailed planning consent.

A further letter of support has been submitted by the applicant's agent, in response to objections received as follows:

Use of the existing access to access the field to the rear (west of 1 Esk View) - The existing field gate and access is narrow; visibility is limited and to enter and leave the access, agricultural vehicles have to cross to the opposite side of the carriageway, and for larger farm vehicles overrun the verge on the opposite side of the road. It also restricts the type of farm vehicles that can use this access. The new field access provides for better visibility and safer access and egress for use by the Estate's farm vehicles.

Design of the installed access - The construction of the installed access is in accordance with the previously approved drawings referred to in consent NYM/2020/913/RM, other than the final section of tarmac surface and gate location (nb the kerbing is in accordance with the previously approved plans).

The access' siting/position/materials etc - previously approved, as the only location where the required visibility splays to serve the previously approved dwellings could be achieved - i.e., splays to provide clear visibility. To achieve these splays the frontage hedgerow required removal. The additional section of surfacing and gate relocation to the rear of the access will allow for cattle/sheep to be loaded onto a trailer/cattle truck directly from the main part of the field rather than being funnelled onto an access road between the two proposed residential dwellings. It will enable tractors and trailers/cattle trucks to fully reverse off the main road to load/unload cattle/sheep direct from/into the main part of the field (with space for cattle/sheep handling equipment); will help to avoid disturbance to the residents of the proposed new dwellings caused by funnelling cattle/sheep into a narrow area between the two properties, including avoiding potential for animals to enter into rear gardens; and to avoid soil compacting and mud being transferred onto the access road).

Individual access direct off the main road are not achievable because of the Highway Authority visibility splay requirements.

Loss of frontage hedgerow

The principle of the removal of the frontage hedgerow was previously accepted as a consequence of the approval of the reserved matters consent (NYM/2020/913/RM), in order to achieve the necessary visibility splays. The hedgerow loss will be more than adequately compensated in biodiversity terms through the implementation of the landscaping scheme. This includes a new hedgerow to the front, side and rear of the properties. The proposed landscaping scheme will soften the impact of the access.

Size and height of the properties

The two proposed properties are designed to meet the requirement of Local Plan which expects proposals to meet the need for smaller dwellings. T

Main issues

The principle of this development has already been accepted with the approval of the outline application in 2020. Whilst that permission has now expired, it was considered against the current Local Plan (albeit was at Draft status at the time) and was considered to comprise a suitable site for development, having the characteristic of being part of the continuous built form of the village.

Furthermore, the location of the access has also been approved, through the reserved matters application approved in 2020, which had the support of the Highway Authority.

Consequently, the main issues to be considered with this application are the design and scale of the proposed development and the suitability and visual impact of the unauthorised access road. Concerns regarding the applicants' possible future intentions regarding the submission of further planning applications are not a material planning consideration.

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 CO7 (Housing in Larger villages) sets out that in order to support the wider service function of Larger Villages, principal residence and affordable housing will only be permitted on suitable small sites within the main built up area of the village, with proposals meeting 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 CO2 (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.

Material considerations

Principle

This land between 12 Esk View and Honeybee House is considered to form a suitable small site within the main built-up area of Egton for the purposes of Policy CO7, surrounded by a range of development (including other new development and extant permissions for dwellings on the opposite side of the road) a continuous run of housing to the west and a further dwelling immediately to the east.

As such the development of this site for two modest principal residence dwellings is considered acceptable in principle and has previously been considered acceptable through the granting of an outline planning permission and further part reserved matters application.

Siting, design and scale

This scheme has been amended through negotiations in order to reduce the height of the dwellings and it is considered that the revised scheme would provide a development in keeping with the dwellings in the locality, in terms of materials, design and scale and would not have a detrimental impact on the street scene. It is not considered that the variation in ridge heights would have a harmful impact on the street scene.

The dwellings would be positioned in line with the general building line along this frontage, which has a linear character. Whilst other properties have parking either along the road or on the property frontage, parking to the rear would enable more green space within the frontage, beneficial to the street scene.

In addition, if the dwellings were set further back into the site, they would have a detrimental impact on the outlook of the occupiers of neighbouring properties.

In accordance with Strategic Policy M of the local Plan, two small dwellings would be created, contributing to the housing mix and vitality of the National Park.

Residential amenity

Objections have been received from neighbouring properties, concerned with the proposed heights of the dwellings, overlooking and distance from boundaries.

However, it is considered that the layout and design of the proposed development would be unlikely to have a detrimental impact on the amenities enjoyed by adjacent residential properties, in terms of privacy and outlook. The dwellings would be side elevation to side elevation and the new dwellings would have no windows on these elevations. There are some windows in the side elevation of existing dwellings and Honeybee House has a balcony, but they would not be overlooked, and the primary rear outlook would be unaffected.

In terms of positioning in the plot, if set further back, they would have an overbearing impact/overshadowing on the neighbours, particularly to the plot to the west, in terms of light to the garden.

Access

The access that has been constructed meets the requirements of the Highway Authority, and whilst it looks incongruous at present, once the two dwellings have been constructed, the access will be seen in the context of these and their rear gardens, combined with the drop in ground levels will mean that the access will not be unduly prominent or out of character with the locality. Whilst compacted gravel or stone is often used in more rural locations, the use of tarmac drives for access drives in the locality is not unusual and it is not considered that a refusal of such surfacing material would be upheld at appeal.

With the reserved matters scheme previously approved, the scheme as originally submitted was considered to be overly engineered and provided too wide a road, . However, following advice from the Highway Authority that this was the only position in

the site that safe access could be achieved, a revised scheme, with a narrower entrance was negotiated, which is considered to be acceptable in terms of its impact on the character of the area. The access track constructed differs in its hard surfaced length, not the width or details at the entrance.

Biodiversity Net Gain and hedgerow removal

Biodiversity Net Gain (BNG) was scheduled to become a legal requirement in November 2023 (Major Development and April 24 for non-major development) however very recent announcements indicate that this is being put back to an unspecified date next year. In any case the North York Moors Local Plan contains policies to require that development does not cause a detrimental impact on habitats and wildlife, in effect requiring 'no biodiversity net losses.

A strip of 31m of hedgerow was previously located to the north of the site however was removed prior to this application being submitted. That hedgerow removal was unauthorised and breached the Hedgerow Regulations, however, it is not considered appropriate to pursue criminal proceedings where replacement planting can be agreed and required through the planning application process.

A Small Sites Metric and Technical Note has been submitted with this application, and the Authority's Ecologist has taken into account the hedgerow removal and is satisfied that the BNG calculation includes sufficient hedgerow creation to compensate for this, as well as providing enhancements to the hedgerow habitats onsite. Whilst a new hedgerow does not adequately compensate for an established hedgerow that has been removed the metric is demonstrating nearly 60% increase in hedgerow units, as 106m will be replanted thereby meeting Development Plan policy.

In addition, four urban trees of native species will also be planted onsite. These will be planted as extra heavy standard specimen trees.

Other matters

The Parish Council's material planning objections have been covered in the material considerations above. However, concerns about the reasons for unauthorised development and future possible proposals are not a material consideration and would require submission of further planning application.

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

Not applicable.

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 reduction in height of the proposed dwellings, so as to deliver sustainable development.