

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2024/0179

Development description: variation of condition 13 of planning approval NYM/2022/0249 to allow uPVC windows to the six new build dwellings (plots 1, 2, 3 and 4)

Site address: Low Farm, Beacon Way, Sneaton

Parish: Sneaton

Case officer: Hilary Saunders

Applicant: Mr J Sutton

Beacon House, Beacon Way, Sneaton, Whitby, YO22 5HS

Agent: BHD Design Ltd

fao: Neil Duffield, Airy Hill Manor, Waterstead Lane, Whitby, YO21 1QB

Director of Planning's Recommendation

Approval subject to the following:

Condition(s)

Condition number	Condition code	Condition text																					
1	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>Proposed block plan</td><td>D11107-03 Rev K</td><td>12/08/2022</td></tr><tr><td>Plot 1 Proposed floor Plan & elevation</td><td>D11107-05 Rev G</td><td>12/07/2022</td></tr><tr><td>Plot 3a/b proposed floor Plan & elevation</td><td>D11107-07 Rev E</td><td>12/07/2022</td></tr><tr><td>Proposed plans & elevation</td><td>D11107-11 Rev F</td><td>12/07/2022</td></tr><tr><td>Proposed outbuildings Store/studio plans & elevation</td><td>D11107-13 Rev C</td><td>12/07/2022</td></tr><tr><td>Windows Details for Plots 1,2,3a &b and 4a & b</td><td>Veka Flush Sash Casement Windows</td><td>11/03/2024</td></tr></tbody></table>	Document Description	Document No.	Date Received	Proposed block plan	D11107-03 Rev K	12/08/2022	Plot 1 Proposed floor Plan & elevation	D11107-05 Rev G	12/07/2022	Plot 3a/b proposed floor Plan & elevation	D11107-07 Rev E	12/07/2022	Proposed plans & elevation	D11107-11 Rev F	12/07/2022	Proposed outbuildings Store/studio plans & elevation	D11107-13 Rev C	12/07/2022	Windows Details for Plots 1,2,3a &b and 4a & b	Veka Flush Sash Casement Windows	11/03/2024
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2	MC00	<p>The occupation of dwellings 1, 2, 3 a&b and 4a &b hereby permitted shall be limited to:</p> <p>a qualifying person; and a wife or husband (or person living as such), licensee, dependant or sub tenant of a qualifying person.</p> <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>Allerston; Beadlam; Burniston; East Harlsey; Eberston and Yedingham; Great Ayton; Great and Little Broughton; Great</p>

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		<p>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)).</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>
3	MC00	<p>Cottages 5 and 6 of the development 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</p>

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		<p>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.</p> <p>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	MC00	<p>The Annexe accommodation hereby approved shall not be occupied as a separate independent dwelling and shall remain ancillary to the use of the main attached dwelling annotated as Cottage 6 on the plans hereby approved shall form and shall remain as part of the curtilage of this main dwelling as a single planning unit, and shall be used only for members of the family or the occupier of the main dwelling.</p>
5	AC20	<p>No external lighting shall be installed in the development hereby permitted until details of lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be Dark Skies compliant, and no other lighting shall be installed on the site. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.</p>
6	MC00	<p>No work shall commence on to clear or strip out the buildings to be converted, to which this permission relates until a full Structural Survey and condition report from an appropriately qualified professional has been submitted to and approved in writing by the Local Planning Authority. This report shall include an assessment of the extent to which works or repairs are necessary and the amount of new structural work needed to enable the conversion. The work shall not be carried out otherwise than in accordance with the approved details</p>
7	MC00	<p>No work shall commence on the installation of any external fixtures to Cottages 5 & 6 to which this permission relates until details of all external fixtures have been submitted to and approved in writing by the Local Planning Authority. The details</p>

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		should include for provision for any exterior lighting, meter boxes, signage, wall or roof flues, television antennae and satellite dishes that may be proposed to be installed. The external fixtures shall be installed wholly in accordance with the approved details.
8	MC00	The external walls of the development hereby permitted shall be constructed in accordance with the stone panel constructed on site, as the photograph submitted on 29 November 2023. All new stonework shall match that of the approved panel both in terms of the stone used and the coursing, jointing and mortar mix and finish exhibited in the panel unless otherwise agreed in writing by the Local Planning Authority. The stone panel constructed shall be retained on the development site until the development hereby approved has been completed.
9	MC00	The roofs of plots 1, 2, 4a & 4b, 5 and 6 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 unless otherwise agreed in writing with the Local Planning Authority.
10	MC00	The roof of plots 3a & 3b hereby permitted shall be clad in natural slate to match the roof of the existing building in terms of materials, colour and course height and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
11	GPMT12	All new window frames, glazing bars and external door frames in Cottages 5 & 6 shall be of timber construction and no work shall commence to stain/paint these windows until details of the paint colour/finish of the windows has been submitted to and approved in writing by the Local Planning Authority. The work shall not be carried out otherwise than in accordance with the approved details, completed within six months of the date of installation and shall be maintained as timber and in the finish approved in perpetuity.
12	MC00	All new windows and replacement windows installed in Plots 1, 2, 3a & b and 4a&b shall be in accordance with the details submitted on 11/03/2024 (Veka Flush Sash Casement Windows), finished white and shall be maintained in that condition in perpetuity.

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13	MC00	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 unless otherwise agreed in writing with the Local Planning Authority.
14	MC00	No trickle vents other than concealed trickle vents shall be incorporated into any new windows hereby approved.
15	MC00	The lintels and cills of all new windows hereby approved, together with any replacement lintels and cills, shall be of natural or reclaimed stone and shall be maintained in that condition in perpetuity.
16	MC00	The rooflights to be installed in the development hereby permitted shall be a conservation style rooflight unless otherwise agreed in writing with the Local Planning Authority.
17	MC00	The solar panels hereby approved shall have black frames and thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority.
18	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.
19	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.
20	MC00	The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed in writing with the Local Planning Authority prior to the laying of the drainage systems .
21	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.

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22	MC00	<p>The development (in relation to Plots 1+2, 3a/b and 4a/b) must not be brought into use until the accesses to the site at the three locations to serve these Plots 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> <p>The crossing of the highway verge 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. - Provision to prevent surface water from the site/plot discharging onto the existing highway must be constructed in accordance with approved details and maintained thereafter to prevent such discharges. - 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. <p>All works must accord with the approved details.</p>
23	MC00	<p>The development (in relation to Cottages 5 + 6) must not be brought into use until the access to the site to serve these cottages at this location 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> <p>The existing crossing of the highway verge must be improved by constructing an access in accordance with the Standard Detail number E50 and the following requirements.</p> <ul style="list-style-type: none"> - Any gates or barriers must be erected a minimum distance of six metres back from the carriageway of the existing highway

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		<p>and must not be able to swing over the existing or proposed highway.</p> <ul style="list-style-type: none"> - 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. - Provision to prevent surface water from the site/plot discharging onto the existing highway must be constructed in accordance with approved details and maintained thereafter to prevent such discharges. -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. <p>All works must accord with the approved details</p>
24	MCOO	<p>Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.</p>
25	MCOO	<p>All hard and soft landscape works comprised in the approved details (including the submitted measures to achieve Biodiversity Net Gain) shall be carried out no later than the first planting season following the occupation of the buildings, or completion of the development, whichever is the sooner, or in accordance with a programme agreed by the Local Planning Authority. The approved landscaping scheme shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.</p>
26	MCOO	<p>No work shall commence on the installation of any garage door in the development hereby approved until details of the finish of the external doors have been submitted to and approved in writing by the Local Planning Authority. The work shall accord with the details so approved, completed within six months of installation and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.</p>

Condition number	Condition code	Condition text
27	MC00	The development hereby permitted shall not be brought into use until the approved renewable energy measures to generate energy on site from renewable sources to displace at least 10% of predicted CO2 emissions have been installed and thereafter maintained in a working condition.

Reason(s) for condition(s)

Reason number	Reason code	Reason text
1	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.
2	RSN UOR16	In order to comply with Strategic Policy M of the North York Moors Local Plan which seeks to restrict the occupancy of new residential development to those with a local links and an essential need to live in the locality.
3	RSN UOR13	In order to comply with Strategic Policy M of the North York Moors Local Plan which seeks to ensure the permanent occupancy of new residential development in order to support the viability of local communities.
4	RSN MISC00	The site is in a position where the occupation of the accommodation hereby permitted as a separate independent dwelling unit would be likely to be detrimental to the residential amenities of existing and future occupiers of the annexe and main dwelling in accordance with Strategic Policy M of the North York Moors Local Plan.
5	RSN 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.

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6	RSN MISC00	In order to ensure that the development is carried out in a manner which safeguards the existing fabric of the building and to comply with the provisions of Strategic Policy I and Policy ENV11 of the North York Moors Local Plan.
7	RSN MISC00	In order to comply with Policy ENV11 of the North York Moors Local Plan which seeks to ensure that alterations to heritage assets do not have an unacceptable impact on their special historic or architectural interest.
8	RSN GPMT02	For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
9	RSN GPMT02	For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
10	RSN GPMT02	For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
11	RSN GPMT02	For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
12	RSN GPMT02	For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are

Reason number	Reason code	Reason text
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13	RSN GPMT02	For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
14	RSN GPMT02	For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
15	RSN GPMT02	For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
16	RSN GPMT02	For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
17	RSN GPMT02	For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
18	RSN GPMT02	For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are

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		safeguarded.
19	RSN GPMT02	For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
20	RSN DR01	To avoid pollution of watercourses and to comply with the provisions of Policy ENV7 of the North York Moors Local Plan, which seeks to ensure that new development has satisfactory provision for the disposal of foul and surface water.
21	RSN DR01	To avoid pollution of watercourses and to comply with the provisions of Policy ENV7 of the North York Moors Local Plan, which seeks to ensure that new development has satisfactory provision for the disposal of foul and surface water.
22	RSN MISC00	In accordance with Policy CO2 of the North York Moors Local Plan and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
23	RSN MISC00	In accordance with Policy CO2 of the North York Moors Local Plan and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
24	RSN MISC00	n accordance with Policy CO2 of the North York Moors Local Plan and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.
25	RSN MISC00	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.
26	RSN MISC00	For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are

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27	RSN MISC00	In order to comply with the provisions of Policy ENV8 of the North York Moors Local Plan which seeks to ensure that new development contributes to reduce carbon emissions.

Informative(s)

Informative number	Informative code	Informative text
1	MC INF 12	Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. In addition, certain species such as the Barn Owl are included in Schedule 1 of the Act and are protected against disturbance while nesting and when they have dependent young. Offences against birds listed in Schedule 1 of the Wildlife and Countryside Act are subject to special penalties. An up-to-date list of the species in Schedule 1 is available from the Gov.UK web site . Further information on wildlife legislation relating to birds can be found on the Royal Society for the Protection of Bird's web site . If advice is needed, please contact the National Park Authority's Conservation Department on 01439 772700 or conservation@northyorkmoors.org.uk .
2	MC INF 13	Swift populations are declining in the UK due to the loss of nest sites in roof spaces as old buildings are renovated or demolished. Swifts occupy nest sites between May and August, making little noise and causing no mess or smell. Swift populations can be supported by the inclusion of simple and affordable measures during building construction or renovation, such as purpose-made 'swift bricks' or the creation of small loft voids. Guidance can be found on the Swift Conservation website ; with additional swift box ideas from Action for Swifts .
3	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.

Consultation responses

Parish

None received.

Third party responses

None received

Publicity expiry

Advertisement/site notice expiry date – 10 April 2024

Plot one which is under construction



Background

The application site is located at the eastern end of the village of Sneaton. The site comprises a derelict range of traditional stone and pantile agricultural buildings which were de-listed in 1989 (but are still a non-designated heritage asset), and vacant land between this derelict range and a number of 20th Century detached dwellings.

The application site has been allocated as an environmental enhancement site in the adopted North York Moors Local Plan and consequently a design brief has been prepared for the site.

Planning permission was granted in 2022 for partial demolition works and the conversion of and extension to the derelict range of buildings to form two principal residence dwellings, with an annex attached to one unit, along with the construction of six local occupancy dwellings.

This application relates to the new build dwellings (not the conversions) and seeks permission to vary the condition that required the use of timber windows, to allow these six properties to have upvc windows. The windows proposed would be flush fitting casements all produced by the same manufacturer, for overall consistency of the development.

Main issues

Local Plan

Strategic Policy C- Design - seeks to maintain and enhance the distinctive character of the National Park, and states that development will only be supported where it is of a high quality design; incorporates good quality construction materials and design details that reflect architectural character and form of the original building or the local vernacular; the siting, orientation, layout and density complement existing buildings; the scale, height, massing and form are compatible with surrounding buildings and not have an adverse impact upon the amenities of adjoining occupiers; sustainable design and construction techniques are incorporated; there is a good quality landscaping and planting scheme; local wildlife and biodiversity is enhanced; provision is made for adequate storage, cycling facilities and car parking are provided and the proposal ensures the creation of an accessible, safe and secure environment for all potential users.

Policy ENV11 – Historic Settlements and Built Heritage - seeks to resist development that results in loss of or harm to the significance of designated and other heritage assets of national importance. In order to accept any loss or harm proposals will be required to present clear and compelling justification for the development, including the public benefits which will arise from the proposal. This includes assets which are recognised through formal designation such as Listed Buildings and Conservation Areas which benefit from statutory protection, but also non-designated assets of local or regional significance that contribute to the special qualities of the National Park.

Material considerations

The principle of the development and overall design of this scheme has already been accepted through the original permission.

The main issue for consideration therefore is whether the use of well-designed white upvc windows in the new build dwellings (not the conversion) would have a detrimental impact on the quality and appearance of the development as a whole.

It is considered important that traditional materials are used in the conversion of the historical buildings, particularly as it is sited adjacent to a Listed Building.

However, the new build dwellings are not located within a Conservation Area and are of modern building construction. It is considered important that there is consistency of design and materials for these new buildings, but it is not considered the use of well-designed upvc windows would be harmful to their character.

Conclusion

In view of the above, 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.

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.