

DAS (Incorporating Heritage Assessment)

Retention of Satellite Dish on Galatea Cottage, Whitby Lighthouse

BACKGROUND AND PROPOSAL

The application site comprises two former lighthouse keepers cottages associated with Whitby Lighthouse that are now let as holiday cottages. They are named Galatea Cottage and Vanguard Cottage.

In October 2007 the transmitter mast which served the surrounding area was relocated by the broadcaster. The result was that the two lighthouse cottages were left without a television signal. The cottages are let commercially as holiday cottages and the paying guests expect to be able to watch television when they want to. The only solution was to install a satellite dish.

Listed Building consent was applied for and granted (reference NYM/2008/0012/LB) and the dish was installed in 2008. The dish is of a standard size 39cm high x 53cm wide x 50 cm deep. It faces 28.2 degrees east and is fixed to the existing chimney stack of Galatea Cottage. The single dish serves both cottages.

Although permanent consent had been applied for, when Listed Building Consent was granted, it was granted only on a temporary basis, with a conditional requirement to remove the dish after 5 years. The Local Planning Authority evidently hoped that digital television signal would improve significantly enough to negate the 'need' for the satellite dish.

Upon the expiration of the 2008 Listed Building Consent in 2013, a fresh application for permanent consent was made. A fresh consent (reference NYM/2013/0251/LB) was granted, but again a condition made it into a temporary consent, with the term of the temporary consent due to expire on 25th June 2018.

This application is made – again seeking permanent consent - to continue to retain the satellite dish. Circumstances are unchanged with regard to reception of television signal in the locality and due to the remote location, there would seem to be little prospect of change.



HERRITAGE ASSESSMENT.

The cottages were Grade II Listed as part of a single listing with the lighthouse itself in 1989 (List entry number 1316184). The listing description reads as follows;

Whitby High Light - II Lighthouse and attached keepers' cottages. 1857-58; cottages extended in C20. By James Walker for Trinity House. Red brick, rendered and painted white; green-painted chamfered plinth and dressings. Painted corrugated iron lantern with painted iron gallery. Brass fittings. Slate roofs to cottages. Landward front: 1-stage octagonal tower with basement and lantern, flanked by linking bays to 1-storey, 2-window cottage fronts. Tower has 2-light window recessed in deeply splayed opening in lower stage. Above, a relief moulding of Trinity House arms. Gallery of horizontal railings and square-section standards with bulb and mushroom finials, on shaped corbels, encircles tower at lantern level. Lantern surmounted by conical cap, finial and weathervane. Linking bays have 4-panel doors beneath bracketed flat hoods. Cottage fronts have 4-pane sashes with painted sills. Cottage roofs are pyramidal with conjoined stacks at apex. Interior of tower. Basement (formerly oilroom) fitted with curved staging and furniture. Ground floor (formerly service room) has fitted furniture and contains encased clock weights for occulting mechanism in lantern. Lantern retains gallery and stairs with foliate brackets and standards respectively. Outer-door handle is traditional grasping hand. Replacement catadioptric lens of 1890 still in use, and the occulting mechanism of same date survives as back-up system to present light. Cottage extensions and peripheral buildings not of special interest. D.B.Hague and R.Christie, Lighthouses: Their Architecture, History and Archaeology. D.Jackson, Lighthouses of England and Wales. Trinity House leaflet, Whitby.

The listing description gives no indication as to any particular sensitivity of the listed building to the specific proposal.

The following factors contribute towards ensuring minimal impact on the historic character of the listed building

1. The small size of the dish – especially in context of the large chimney it is fixed to
2. The dark colour which so blends with the black chimney on which it is fixed as well as the slate roof tiles below it.
3. The gauzed material of the dish allowing a semi opaqueness
4. The small degree of fixing and removable character.

Together, these factors make it questionable whether there is any material impact on the historic character of the listed building requiring Listed Building Consent.

In any case, the necessity of television reception to modern living justifies this proposal. No more sensitive positioning could be achieved – especially factoring in the functional requirements of the dish that to a large part dictate its position. Impacts have been further kept to a minimum by sharing the single dish between the two holiday cottages – something that is only possible because the cottages are holiday homes in single ownership and control.





DAS and Heritage Assessment – Supplementary Statement

This supplementary statement is written in specific relation to condition 1 of planning listed building consent NYM/2018/0224/LB which is proposed for removal in this application.

It is submitted that the condition fails the 'tests' for appropriateness of conditions as set out in paragraph 206 of the NPPF which states; *"Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects."*

Temporary permission was not applied for nor did the Council approach the applicant to discuss imposing such temporary restriction. Permanent permission was applied for. The Council should therefore consider whether the satellite dish is acceptable in principle.

The satellite dish has had two previous 5 year temporary conditions imposed upon it. That is long enough for it to be evident to the Council that there is not likely to be any change in circumstances regarding the position of television mast – the change of which led to the original application 10 years ago.

Even if Television reception via traditional aerial was available, it is submitted that satellite dishes are so long-established and common as a piece of domestic infrastructure – both for television reception and for internet access – that their presence is no more unexpected and no less essential than a conventional TV aerial (which presumably would be the Council's preferred alternative). Furthermore, the dish is very unobtrusive and if there is any material harm to the historic character of the listed building it is minor in the extreme and entirely reversible should the dish no longer be needed. With this in mind, it is submitted that listed building consent should be given for the permanent retention of the dish regardless of whether there is, in the Council's mind alternative options.

Should the dish no longer be required for whatever reason, it will ultimately be removed. However, the applicant would have no objection to a condition requiring that if thought necessary by the Council.

To continue to apply such temporary conditions on such a minor and innocuous matter is unnecessary, disproportionate and unduly onerous, consuming time and resources of Trinity House, The Council and its consultees.

**Planning (Listed Buildings and Conservation Areas) Act 1990
North York Moors National Park Authority**

**Notice of Decision of Planning Authority on Application for
Listed Building Consent**

To: Corporation of Trinity House
fao: Peter Hill
Trinity House
The Quay
Harwich
Essex
CO12 3JW

NYMNPA

21/06/2018

The above named Authority being the Planning Authority for the purposes of your application validated 20 April 2018, in respect of the proposed **erection of a satellite dish at Whitby Lighthouse Cottages, Whitby** has considered your said application and has **granted** consent in respect of the proposed works subject to the following conditions:

1. The permission hereby granted is valid only for five years from the date of this permission and the satellite dish shall be removed from the site before this consent expires and the site restored to its former condition before that date.

Reasons for Conditions

1. To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended and to allow the Local Planning Authority to reconsider the need and impact of the satellite dish in the light of technological advances on this sensitive Grade II Listed Building in accordance with Development Policy 5 of the NYM Local Development Framework.

Explanation of how the Authority has Worked Positively with the Applicant/Agent

The Local Planning Authority has acted positively in determining this application by assessing the scheme against the Development Plan and other material considerations and subsequently granting planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



Mr C M France
Director of Planning

Date **15 JUN 2018**

Please Note your Rights of Appeal are attached to this Decision Notice

Notes

1. No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under the Building Regulations, of the District Council in whose area the site of the proposed development is situated; or of obtaining approval under any other Bye-Laws, local Acts, orders, regulations and statutory provisions in force; and no part of the proposed development should be commenced until further approval has been obtained.
2. Attention is drawn to Section 8 (2)(C) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the effect of which is that demolition of a Listed Building may not be undertaken (despite the terms of the consent granted by the Local Planning Authority) until notice of the proposal has been given to English Heritage, Architectural Investigation Section, 37 Tanner Row, York, YO1 6WP, and they subsequently have either been given reasonable access to the building for at least one month following the grant of consent, or have stated that they have completed their record of the building or that they do not wish to record it.
3. (a) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse Listed Building consent, for the proposed works, or to grant consent subject to conditions, they may appeal to the Secretary of State in accordance with Sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990 within six months of the date of this notice. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
(b) If Listed Building consent is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, they may serve on the council of the county/district a purchase notice requiring that council to purchase his interest in the land in accordance with the provision of Section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
(c) In certain circumstances a claim may be made against the Local Planning Authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Note: If an aggrieved applicant wishes to exercise their right of appeal as above mentioned, they should do so using a form which you can get from the Secretary of State at:

Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 00 00) or online at www.planningportal.gov.uk/planning/appeals

4. Please note, only the applicant possesses the right of appeal.
5. In your own interests your attention is particularly drawn to the conditions under which approval has been given to your proposals. Failure to comply fully with the conditions could lead to enforcement action resulting in work already done being demolished or prosecution in Magistrates' Court.
7. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within 28 days of the date of this notice.
8. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

Peter Hill

From: Harriet Frank
Sent: 19 June 2018 09:12
To: Peter Hill
Subject: RE: Whitby Lighthouse Cottages, Whitby
Attachments: Application-for-removal-or-variation-of-a-condition-following-grant-of-planning-permission.pdf

FilingDate: 20/06/2018 11:49:57

NYMNPA

21/06/2018

Dear Peter

Following our telephone call yesterday, I have spoken to my line manager and unfortunately we can't reissue it, but we can vary it for free if you apply within the next 12 months. The forms are attached for your consideration.

As discussed, there is some harm to the character of the Listed Building hence why a temporary consent has been issued in the past, however given your complaints about having to apply each year and having spoken to our building conservation officer, we would be willing to vary this condition in this instance.

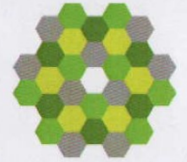
I am out of the office for the rest of the day, but will be picking up emails intermittently should you have any further queries.

Kind regards

Harriet

Land Registry
Official copy of
title plan

Ordnance Survey map reference **NZ9210SE**
Scale **1:1250** enlarged from 1:2500
Administrative area **North Yorkshire: Scarborough**



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Whitby High Light
(Lighthouse)
(Occulting White and Red)

NYMNP

21/06/2018