

North York Moors National Park Authority

District/Borough: Scarborough Borough Council
Parish: Aislaby

Application No. NYM/2018/0722/FL

Proposal: construction of subterranean double garage

Location: 8a Egton Road, Aislaby

Decision Date: 10 January 2019

Extended to:

Consultations

Borough/District -

Parish – No objections

Highways – The application site is not directly connected to the publicly maintainable highway of Egton Road, Aislaby and the applicant has not shown whether he has vehicular rights to travel from Egton Road to the application site. However, as the application is not increasing the size of the dwelling but is to provide a covered over area for his vehicles, the LHA is not anticipating any intensification of traffic using the access.

Therefore, there are no local highway authority objections to the proposed development

Natural England – No objection

Site Notice Expiry Date – 18 December 2018

Director of Planning's Recommendation

Approval subject to the following condition(s):

1.	TIME01	The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.						
2.	PLAN01	The development hereby permitted shall not be carried out other than in strict accordance with the following documents: <table border="1"><thead><tr><th>Document Description</th><th>Document No.</th><th>Date Received</th></tr></thead><tbody><tr><td>Plans and Elevations</td><td>D11372-03 Rev B</td><td>30/11/0218</td></tr></tbody></table> or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.	Document Description	Document No.	Date Received	Plans and Elevations	D11372-03 Rev B	30/11/0218
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Plans and Elevations	D11372-03 Rev B	30/11/0218						
3.	MATS00	All new stonework used in the development hereby permitted shall match that of the existing wall including the colour and texture of the stone and the method of coursing unless otherwise agreed with the Local Planning Authority.						
4.	HWAY17	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.						

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5.	LNDS02B	All hard and soft landscape works comprised in the approved details 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.
6.	LNDS00	The grass roof hereby approved shall be seeded using a locally sourced seed of native, indigenous species only to tie in with the remaining part of the field within which it will be created. The seeding shall take place in accordance with the requirements of Condition 5 above.
7.	MISC00	In recognition of a number of ponds nearby and the rough habitat that currently exists to provide terrestrial habitat to Great Crested Newts and in order to ensure that there is no impact on protected species, any areas of vegetation which will be disturbed by the work should be carefully strimmed to a height of 10cm, and then left for 24 hours for any newts present to disperse. The vegetation should then be cut low to the ground and raked off before any earth movement takes place. If any Great Crested Newts are found, then all ground work must cease and Natural England contacted regarding obtaining a licence.
8.	MISC00	There is the potential for nesting birds to use some of the rough habitats within the work area to nest. Works should be carried out outside of the bird nesting season (March to September inclusive) unless the site is checked for signs of bird breeding within 24 hours of work commencing by a suitably qualified person.

Informative(s)

1.	The applicant is advised that the proposals affect Registered Village Green and/or Common Land and accurate information can be obtained from County Searches Information. For general advice please see DEFRA 'Common Land Consents policy' dated November 2015. No works should be carried out on them until such time as consent has been granted under the Commons Act 2006. The applicant should contact: The Planning Inspectorate Commons and Greens Protection Team Room 4/05 2 The Square Temple Quay House Temple Quay Bristol BS1 6PN
2.	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 Natural England http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/speciallyprotectedbirds.aspx . Further information on wildlife legislation relating to birds can be found at www.rspb.org.uk/images/WBATL_tcm9-132998.pdf . If advice is needed please contact the National Park Authority's Conservation Department on 01439 772700 or conservation@northyorkmoors.org.uk .

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Reason for Condition(s)

1.	RSN TIME01	To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2.	RSN PLAN01	For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.
3.	RSN MATS01	For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 which seek to ensure that building materials are of a high quality and compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
4.	RSN HWAY17	In accordance with NYM Development Policy 23 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.
5 & 6.	RSN LNDS01	In order to comply with the provisions of NYM Development Policy 3 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.
7 & 8.	RSN MISC04	To ensure protection of a species protected under the Wildlife and Countryside Act and compliance with NYM Core Policy C which seeks to conserve and enhance the quality and diversity of the natural environment.



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Background

This application relates to the construction of a subterranean garage at 8a Egton Road in Aislaby.

Planning permission for a detached dwelling was granted on this site in February 2007 (NYM/2009/0909/FL) by the Planning Committee following a Committee site visit and a revised scheme was then approved under NYM2010/0610/FL as the property being built differed from that which was approved under the original application. Under the second application approval was also granted for the construction of a detached garage at the bottom of the garden although this has not yet been constructed.

The site rises up from the frontage development on Egton Road and the properties in this area near Crag Well and next to the site of the proposed dwelling inevitably to some extent overlook the rear elevations and gardens of those dwellings fronting Egton Road, however they also have views across the valley above these dwellings.

Under this application it is proposed to construct a subterranean garage within the rising land to the north of the access road to the rear of the property. The construction will take the form of a double walled double garage with a stone retaining wall to replicate the existing wall, within which the garage doors will be placed. The double wall construction will create a void into which the land drains will drain to so that the garage building itself is not damp. The garage and void area will be roofed over in a slab style arrangement the roof area will be graded back into the slope above with soil that will be seeded with local grass to tie-in with the surrounding field.

Main Issues

The proposed garage should be considered against Development Policy 19 of the NYM Local Development Framework which covers householder development. The policy states that proposals for development within the domestic curtilage of dwellings will need to take full account of the special qualities of the Park's landscape character and the architectural character of settlements and will only be supported where: The scale, height, form, position and design of new development does not detract from the character and form of the original dwelling or its setting in the landscape; The development does not adversely affect the residential amenity of neighbouring occupiers or result in inadequate levels of amenity for the existing dwelling; The development does not harm the amenities of adjoining occupiers by reason of noise and disturbance, smell or other adverse impact.

The design of the proposed building will also be considered against Development Policy 3 of the NYM Local Development Framework. Development Policy 3 covers issues of design and states that applications should maintain and enhance the distinctive character of the National Park through seeking a high standard of design detailing which reflects or complements the local vernacular. Siting, orientation, layout and density should preserve or enhance views into and out of the site, spaces about and between and other features that contribute to the character and quality of the environment and should not result in the loss of an open space which contributes to the amenity, character and setting of a settlement. The scale, height, massing, proportion, form, size, materials and design features of the proposal should be compatible with surrounding buildings, and should not have an adverse effect upon the amenities of adjoining occupiers.

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The garage as proposed has been well design to take into account the slope of the land and create storage space associated with the property which does not have a detrimental impact on the character of the surrounding landscape.

The Authority's Ecologist has raised comments with regard to the construction methods taking into account possible Great Crested Newt habitat and also nesting birds. The ecological issues have been discussed with the agent who has confirmed that the applicant would be happy to accord with any conditions imposed along the lines of the Authority's ecologist advice.

The development as proposed is not considered to have a significant detrimental impact on the street scene, wider landscape setting or on the amenities enjoyed by the neighbouring properties and therefore the proposed garage is considered to accord with the requirements of Development Policies 3 and 19 of the NYM Local Development Framework and therefore approval is recommended.

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.