

North York Moors National Park Authority

Scarborough Borough Council Parish: Aislaby	App Num. NYM/2010/0381/FL
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Proposal: Change of use and extension of existing garage block to form relaxation spa together with the construction of a side extension, replacement windows and installation of 2 bay windows to ground floor of main house

Location: Yeoman Hall, Woodlands, Sleights

Applicant: Simon Jay, Yeoman Hall, Woodlands, Sleights, Whitby, North Yorkshire, YO21 1RY

Agent: Journeyman Design Limited, Unity Centre, Bole Hill Road, Sheffield, South Yorkshire, S6 5DD

Date for Decision: 20 July 2010

Grid Ref: NZ 486105 507924

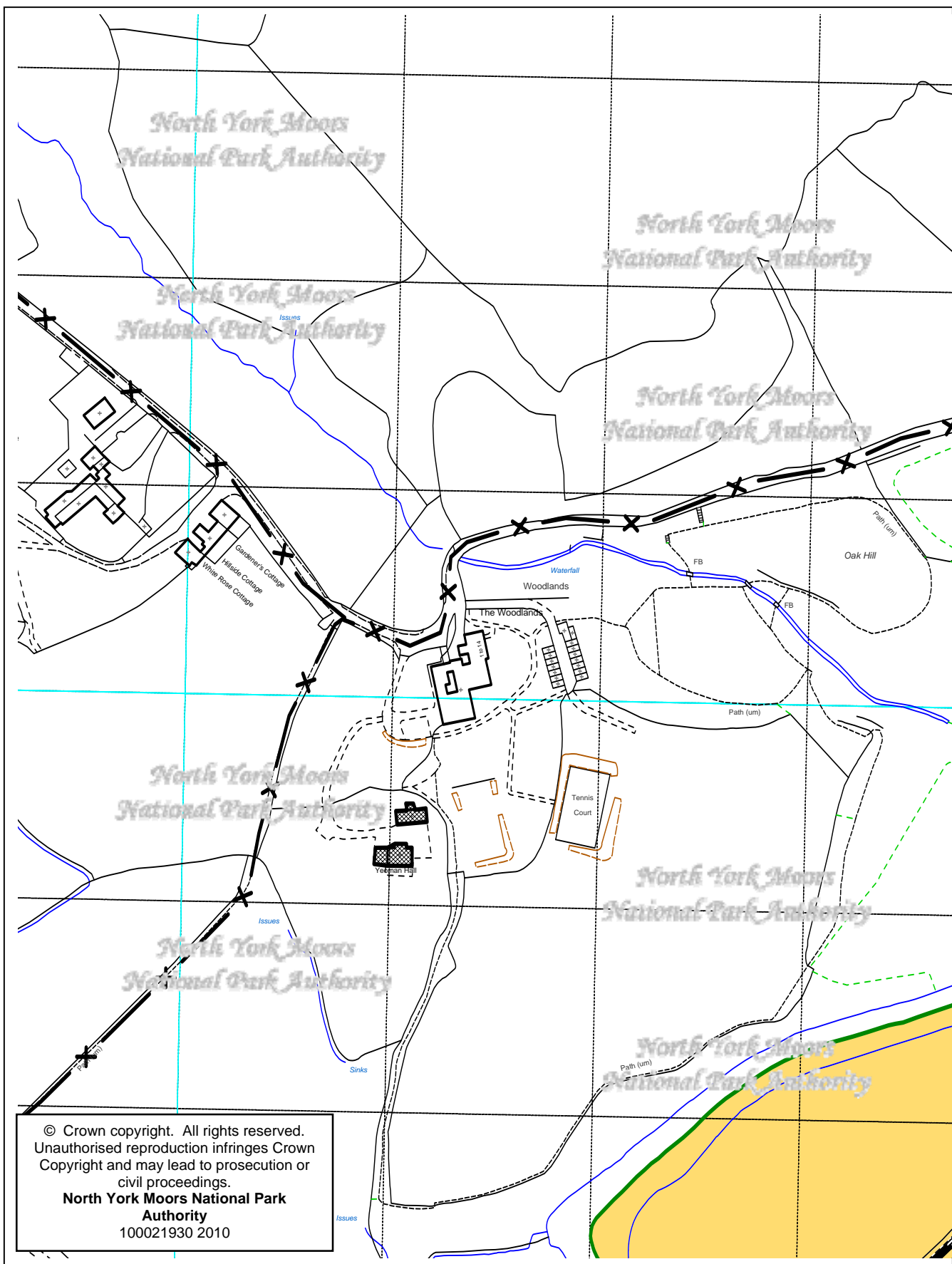
Director of Planning's Recommendation

Approval subject to the following conditions:

1. TL00 The operational development hereby permitted shall be begun before the expiration of three years from the date of this permission
2. TL14 Temporary use for 2 years
3. AP01 Original plans amended by plans received on 28 June 2010
4. RU00 The outbuilding hereby permitted shall not be used other than as a relaxation spa or for any other purpose unless a separate grant of planning permission is required from the Local Planning Authority.
5. RU00 The relaxation spa hereby permitted shall not be open to customers outside the hours of 10.00am to 19.00pm Mondays to Saturdays and shall not be open to customers on Sundays or Bank Holidays. Any variation to these hours will require a new grant of planning consent from the Local Planning Authority.
6. RU03 Domestic outbuildings - no conversion to accommodation - outside villages
7. MT04 Stonework and roofing tiles to match
8. MT60 Windows and doors - timber
9. MT61 Windows and doors - submit details of colour/finish
10. LS06 Tree Protection Scheme - protection zone specified

Reasons for Conditions

- 1 & 2. To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
3. For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Core Policy A and Development Policy 3.
4. In order to enable the Local Planning Authority to retain control over future changes of use to the property which would otherwise be permitted by the Town and Country Planning (General Permitted Development Order) 1995 and to comply with the provisions of NYM Core Policy A and safeguard the amenities of adjacent occupiers.
5. In order to enable the Local Planning Authority to retain control over the scale of activity at the site and ensure compliance with NYM Core Policy A which seeks to safeguard public amenity.




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 Authority**
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Scale: 1:2500 



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Reasons for Conditions (continued)

6. In order to enable the Local Planning Authority to control any future changes to the building which is in a location where the formation of a separate dwelling unit would not normally be permitted in line NYM Core Policy J and would be likely to adversely affect the amenities of existing and future occupiers of the site.
7. 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.
- 8 & 9. 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 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. In order to comply with the provisions of NYM Core Policy C which seeks to ensure that trees, woodlands and hedgerows of landscape amenity, nature conservation or historical value are safeguarded.

Consultations

Borough -

Parish -

Highways -

Yorkshire Water - No comments to make.

Site Notice Expiry Date - 6 July 2010.

Others - The following list of people object to the development for one or more of the reasons stated below:

Andrew Green, Flat 2 Woodlands, Sleights
Mike & Pauline Jackson, Flat 4 Woodlands, Sleights
John & Aedeon Caplin, Flat 6, Woodlands, Sleights
Dr & Mrs J Tomenson, Flat 14, Woodlands House, Sleights
Robert O'Donnell, 13 Woodlands, Sleights
John H Robinson, Flat 8, Woodlands, Sleights
John N Oldroyd, 11 Woodlands, Sleights
F M Metcalfe, Skell Cottage, Borrage Green Lane, Ripon

- Access to this property is via a private road and land owned by the Woodlands Flats and maintained by the management company Nicholsons Management at the expense of Woodlands residents.
- Such access is granted on the understanding that the property is used as a private dwelling only.
- Conversion to other use would be wholly inappropriate given its setting next to a Georgian Grade II* Listed Building.
- Clients would have to drive over our land and past our window.
- Do not feel the development of a commercial spa would fit in with the rural environment.
- Road up to Yeoman Hall is not wide enough for two vehicles to pass.
- Further traffic would endanger walkers, cyclists and children.
- Indicates a considerable number of customers each day.

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- Traffic generated by a holiday let would be far less of a problem than a procession of customers to the spa.
- Plans for the garage do not show some trees at the back.
- Recently been a lot of tree felling.
- Safety issues at the main road junction.
- Approval for Yeoman Hall was only granted originally on the basis that it was needed for the manager of the (then) nursing home.
- The garage to be converted is not an 'under used building structure' needing a new use.
- Do not think the intention of Core Policy H was to allow people to create new businesses in sensitive locations to generate revenue.
- Cause significant loss of amenity to Woodlands residents.
- Significant loss of amenity to the many walkers using the Esk Valley Way, cyclists and horse riders.
- Yeoman Hall should pay a higher proportion of the maintenance costs of the drive reflecting the significant increase in use.
- Unjustified intensification of a right of way.
- Showing little concern for the spirit of the National Park.
- The fact the hall is set in green belt in National Park should automatically mean refusal.
- Traffic and increase human presence would be damaging to natural habitats found in the grounds and woodland.
- Sites elsewhere in town centre etc which would be more suited to a commercial spa.
- If granted they should pay a larger proportion of the costs of maintaining the shared drive.
- The Tree Statement (YH PL-08) is incomprehensible, and does not accord with the data obtained from Google Map which clearly show multiple trees in close proximity to the intended development.
- We are sure that the applicants, having a young family, would appreciate the dangers posed by the inevitable increase in traffic in an area where young children have always been able to play unsupervised.

Background

Yeoman Hall is situated within the grounds of the former Woodlands Nursing Home which is accessed via a long drive from the main A169 Pickering to Sleights road near Sleights Weir.

Yeoman Hall was originally granted permission as a managers house in connection with the nearby nursing home and subsequently constructed in the grounds of the Grade II* Listed Hall. Following the closure of the nursing home and permission being granted to convert the Hall to residential flats, permission was granted to allow the occupation of Yeoman Hall without complying with the tied occupancy condition. As such the property now has an unrestricted use and is divorced from Woodlands House, under private ownership.

The former nursing home was converted into residential flats several years ago and other residential dwellings including the St Oswalds' Pastoral Centre located on Woodlands Drive, all share the same access which incidentally is also a Public Right of Way and bridleway and is used by cyclists of the National Cycle Network.

Yeoman Hall comprises the main house, a substantial mock Georgian property and a large four bay garage block with a first floor set in considerable grounds with ample parking and amenity/garden space surrounding the property.

The proposal for the site is submitted on one application although there are two parts to the scheme.

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Background (continued)

The first involves alterations to the main house to provide an extension to the west elevation to form a new kitchen/dining area to the ground floor with en-suite master bedroom to the first floor. The extension will measure 4.9 metres wide by 7.7 metres deep with lower ridge height and 'in-set' from the front and rear elevation, it will reach an overall height of 8.25 metres. The south facing elevation incorporates a first floor level structural glass balustrade and the remainder of the extension constructed in coursed stone masonry with clay pantiles to match the existing.

To give the property an improved appearance it is proposed to introduce new windows across the whole of the building along with two new bay windows formed at ground floor level on the south elevation. All windows and doors are to be constructed from timber with double glazed units and painted.

The existing hard landscaping area to the front of the main house will be enhanced to provide a new terrace areas across the frontage of the property which will link into the extensive gardens below.

The second stage of the scheme involves the change of use of half of the existing garage block to form a home based business for the applicant to run based on a relaxation spa and massage unit facility including waiting and changing facilities, masseurs table, floatation tank and relaxation area. Two garages will be retained for the applicants own domestic storage.

The changes required to the existing building include new timber and glass screens to the existing ground floor garage door openings and rooflights in the south elevation of the roof structure.

To the north of the building a glazed hexagonal garden type enclosure will be formed to provide a sheltered seating area. The site has ample parking.

The applicant's agent has written in support of the scheme:

The objective of carrying out works on the existing garage block is to establish a small scale business venture which the applicants can run on site whilst raising their family.

The new venture will allow the applicants to practice their background training in this specialist field and offer a high quality niche service to not only the immediate surrounding communities but also residents of the larger towns of Scarborough, Pickering and Middlesbrough.

The ability to offer this service on site will allow the applicant to generate revenue and income from a small business to support the needs of their young family in a sustainable manner by employing an existing under-used building structure.

Officers have negotiated the removal of the dormer window addition to the front roofscape of the garage building as it was considered to be an unnecessary addition. The application is brought to Members for consideration in view of the large amount of opposition from residents of Woodlands House, mainly from the disturbance from traffic movements.

The agent has submitted revised plans omitting the front dormer from the garage conversion. In response to the concerns of neighbours regarding traffic movements, he advises the home based business will be run by the applicant in between normal running of the household including school runs. As such the scale of activity is likely to be one or two clients a day, say one to three car movements which would not cause the disturbance suggested by neighbours.

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Main Issues**Policy Context**

Core Policy H (Rural Economy) of the NYM Local Development Framework states that the rural economy will be strengthened and supported by providing local communities with a range of opportunities for entrepreneurship, education and training. This will be achieved through new employment development in the Services Villages hierarchy of the Local Development Framework of which Sleights is one.

Development Policy 19 of the NYM Local Development Framework covers householder development and is the most relevant for consideration of this case. The policy states that proposals for development within the domestic curtilage of a dwelling will need to take full account of the special qualities of the Park's nine landscape character areas and 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.

Development Policy 10 permits the re-use of existing buildings in the open countryside subject to a range of criteria which include; not needing significant alterations/extensions, there is sufficient land for its function e.g. parking, would not have an adverse impact on the character or the locality and would have adequate access arrangements.

Development Policy 3 of the NYM Local Development Framework states that in order to maintain and enhance the distinctive character of the National Park, development will only be permitted amongst other things where a high standard of design detailing is used whether traditional or contemporary, which reflects or complements that of the local vernacular.

The main issue in this instance is whether the cumulative impact of the extension and alteration/extension of part of the garage building will have a detrimental impact to the character and form of the original dwelling and its setting within the landscape and whether a small scale business venture together with associated activity levels will have a significant impact on the surrounding locality.

Impact on the Setting of a Listed Building

The property and garage structure are separated from Woodlands House by trees of significant importance, which provide a positive contribution to the character and amenity of the landscape and are individually subject to Tree Preservation Orders and their removal is unlikely.

On site and from wider distance views (Sleights to Grosmont road) the trees provide a useful buffer between Woodlands House (the former nursing home) and Yeoman Hall (the application site) which were formerly linked. The two buildings have been in separate ownership since 2000 and during that time neither the property known as Yeoman Hall or the shared access arrangements through Woodlands Drive and the grounds of the flats appear to have given rise to access issues or other forms of complaint.

In view of the distance between and the position of the protected trees the impact of the development on the setting of the Woodlands House (Grade II* Listed) is not considered to be materially affected by the proposal.

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Impact on Trees

The applicant's agent has acknowledged that the site includes a large number of mature trees positioned around the boundary line and particularly to the northern area of the site. Drawing No. YH-PL-01 illustrates the position of the existing buildings in relation to the trees on site and the works to the rear of the garage block which will be closest in proximity to the adjacent trees. In view of the proximity of the trees and the proposed development the plans illustrate root protection areas (rpas) for those trees that may be affected by the works. These areas have been calculated in line with the recommendation set out in British Standard 5837: 2005 Trees in Relation to Construction.

Officers are currently seeking the views of the Authority's Woodlands Officer to ensure the suggested measures for the protection of the trees are adequate if the development is permitted. It is hoped the comments will be received in time to report at the Meeting.

Access, Parking and Public Right of Way

There have been numerous concerns raised from some of the residents of Woodlands House (flats) with particular reference to the extra use of the existing shared access drive and access arrangement through the grounds and whether these are in fact inadequate to cope with the additional demand. It is a private drive which is maintained by those who require access to their properties on the Drive. Some of the objections are based on highway safety particularly the increased risk to children who play on the Woodlands site. The communal access and parking arrangements were an integral feature of the original permission and owners would have been aware of the additional access through to Yeoman Hall

The comments from the local Highway Authority are awaited and it is hoped that these will be received in time to report at the Meeting.

The Authority's Public Right of Way Officer has pointed out that a public bridleway runs along the western boundary of the application site as shown on the plans, however it does not run within the site so will not be affected by the proposal.

Officers are satisfied that the applicants low key business model with one to two clients maximum a day would generate minimal additional traffic using the shared access. It will be the applicant running the relaxation spa and therefore in reality can only treat one customer at a time. It would be little different to existing traffic movements in the locality including family members visiting residents of the flats.

The scale of activity is not considered likely to have an unacceptable impact on the quality of life of local residents or the experience of visitors using the public bridleway or footpaths in the Woodlands area.

The development will not adversely affect the residential amenity of the host building given the ample garden and parking availability on site. Furthermore it is not considered that the development will harm the amenities of adjoining occupiers of Woodlands House (flats) by reason of noise, disturbance, smell or other adverse impact.

As the key to the acceptability of this home based low key business is likely to revolve around the scale of activity and given the operational works are little more than would be required to create a hobby room, Officers consider a two year temporary permission would allow the Authority and local residents to assess the impact of the development on the adjacent occupiers and be appropriate in this case.

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Commercial Venture

In addition, given the scope of activities which can take place within Use Classes D1 and D2, Officers consider it necessary to remove these uses from the development description and limit it to a relaxation spa only, this use can be appropriately conditioned if the development is found to be acceptable.

With the conditions described above Officers consider that the change of use of the garage to a relaxation spa is a relatively small scale home working business venture and will be run by the applicant's themselves and as such this is not considered to be an un-neighbourly or unsustainable proposal.

Planning Balance

The proposed extension has been sympathetically designed with lowered ridge height, 'in-set' from the front and rear elevations so as to appear subservient. The extension and other alterations do seek to change parts of the dwelling but also help soften the overall visual appearance to ensure it fits more harmoniously with the character of the site. In view of the sizeable plot and underused space in the garage building the applicant has taken the opportunity to combine this with a small scale business venture for which she has a trained professional background and which does not justify taking on full time commercial premises in a village/town centre. Due to the large curtilage area the cumulative impact of the extension and change of use of the garage to a relaxation spa is not considered to reduce the amenity space or increase activity levels by an unreasonable amount.

Officers have considered the proposal against the criteria of Development Policy 19, 10 and 3 and Core Policy H and in weighing up the proposal it is considered unlikely that the development in terms of visual appearance or activity levels associated with the use will not overly dominate the site on which the dwelling house and garage structure are positioned or unduly impact on the levels of residential amenity enjoyed by adjacent occupiers. A temporary permission would allow the Authority to re-assess the business in two years time in the light of the neighbours actual experiences of the operation of the business in terms of whether it is a genuine low level and therefore acceptable home based activity.

Reason for Approval

The cumulative impact of the extension and change of use of the garage to a relaxation spa is not considered to reduce the amenity space or increase activity levels in the immediate vicinity by an unreasonable amount. As such the development will respect the character and form of the host building in terms of scale, height, form, position and design and a small scale business venture on the edge of Sleights village is considered unlikely to detract from the immediate surroundings. The development therefore accords with Development Policies 19, 10 and 3 and Core Policy H of the NYM Local Development Framework. A temporary permission has been granted to permit the Local Planning Authority to re-assess the proposals following a trial period of operation.