

## North York Moors National Park Authority

<b>Scarborough Borough Council (North)</b> <b>Parish: Eskdaleside-Cum-Ugglebarnby</b>	<b>App Num. NYM/2010/0949/NM</b>
--	----------------------------------

**Proposal:** Non material minor amendment to planning approval NYM/2005/0416/FL to allow alteration of parking area layout, retention of retaining wall on south-eastern boundary and re-instatement of original site levels adjacent south-eastern boundary.

**Location:** 68 Iburndale Lane, Sleights

**Applicant:** Mr Paul Craven, 49 Iburndale Lane, Sleights, Whitby, YO22 5DP

**Agent:** BHD Partnership, Airy Hill Manor, Whitby, North Yorkshire, YO21 1QB

**Date for Decision:** 13 January 2011

**Grid Ref:** NZ 487130 507136

### Director of Planning's Recommendation

**Approval** subject to the following provision:

1. AP00 Notwithstanding the details of the approved plans to NYM/2005/0416/FL, this permission permits alterations to the parking area layout retention of retaining wall on south-eastern boundary and re-profiling of site levels adjacent south-eastern boundary. The existing footings shall be corrected and the landscaping re-profiling works completed within three months of the date of this decision and the development shall accord in all other respects with the approved plans and imposed conditions on planning permission NYM/2005/0416/FL (enclosed).

### Consultations

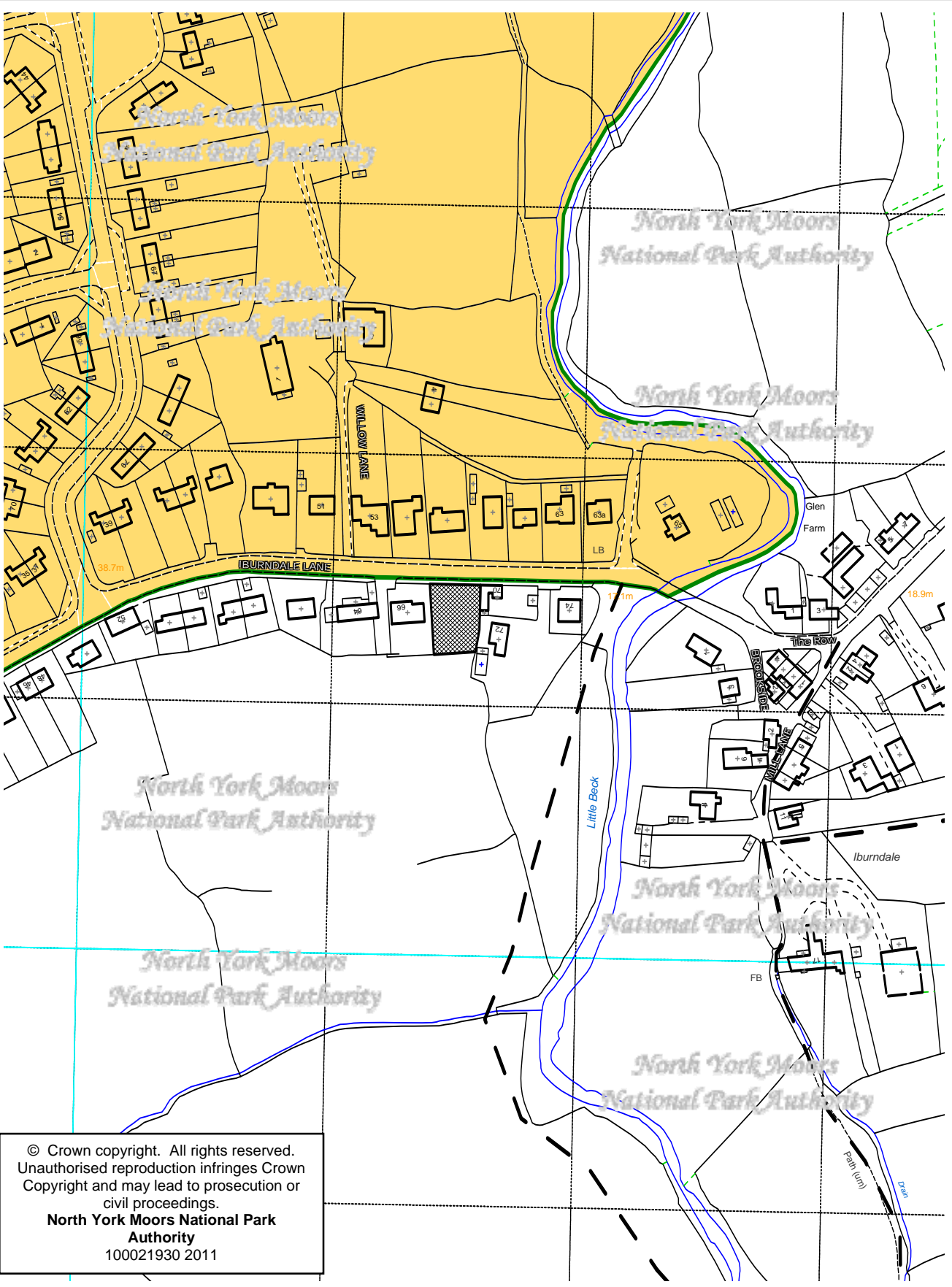
**Parish** -

**Highways** - Recommend conditions.

**Others - Mrs Nixon, 70 Iburndale Lane, Sleights** - Object. Very concerned regarding the amount of water that is standing in the area of the proposed parking and driveway, will there be drainage in place? There is no mention of the land being reinstated to its original state at the front of the property. It is currently at least a foot higher than it was originally, so therefore will the driveway be even higher with the proposed metre high fence on the top of that which will then be 1.5 metres high. Concerned about the detrimental effect on our property losing views and light. Objecting to the proposed plans until we have more clarification of the changes and a site meeting with the architect.

**Mr and Mrs Bradley, Pear Tree Bungalow, 72 Iburndale Lane, Sleights** - Pleased to see that Mr Craven's recent application is nearly the same as the original. Particularly pleased to see that the five feet of soil and stone immediately to the rear of our property is to be removed and the natural slope of the land is to be reinstated. Would like to make four observations about the latest plans:

- Existing footings do not match most recent plans. Will the existing footings have to be amended or removed should the new plans be approved?
- The amended parking area is very close to no. 70 and the land is slightly higher than it was originally. We are concerned that parked vehicles may spoil our view and that of our neighbours at no. 70. Also concerned that such a large area of hard surface may create flooding issues.




© Crown copyright. All rights reserved.  
 Unauthorised reproduction infringes Crown  
 Copyright and may lead to prosecution or  
 civil proceedings.  
**North York Moors National Park  
 Authority**  
 100021930 2011



**North York Moors National Park Authority**  
 The Old Vicarage  
 Bondgate  
 Helmsley  
 York  
 YO62 5BP  
 Tel: 01439 770657

**Application No:**  
**NYM/2010/0949/NM**

Scale: 1:2127 



---

**Application No: NYM/2010/0949/NM**

---

- When the site was being developed by the present owner, we believe that a culvert was broken in the middle of the site which may be the cause of the increased amount of water that our property has received in recent years.
- When access to the site was created, part of the dry stone wall was removed along with some soil and this was piled up in the field to the rear of the property. Unfortunately, this pile covers an inspection chamber which serves our property and other properties on Iburndale Lane.

### **Background**

This part of Sleights comprises an area of ribbon development with dwellings of varying age, design and materials facing the lane and farmland beyond. The North York Moors National Park boundary runs down the middle of the road. All the dwellings have been designed to reflect the relatively steeply sloping nature of the lane.

This site has a fairly long planning history dating back to the 1980s when outline planning permission was refused for the erection of a bungalow. However, in June 2000, an application for outline planning permission for the erection of a two storey detached open market dwelling was successful and reserved matters later approved in August 2000. This permission was never implemented and so, in 2005, renewal of that consent was sought and approved in July 2005.

The new site owners began work on the development, however, through routine monitoring of the development it came to the attention of the Authority that the permission was not being correctly implemented, there being significant differences between the approved plans, footings and site levels.

This application follows a lengthy process of dialogue and negotiation between the applicants' and the Authority and seeks a non material minor amendment to the 2005 approval to allow alterations to the access/parking area layout and to clarify land levels. The plans submitted as part of this application show the original layout and the proposed layout of the modest alterations to access/parking and levels at the site in order to restore the original character of the site and to ensure that there is no longer an intention to construct a rear extension.

### **Main Issues**

The relevant NYM Local Development Framework policies are Core Policy A (Delivering National Park Purposes and Sustainable Development) and Development Policy 3 (Design).

Core Policy A of the NYM Local Development Framework seeks to ensure that new development conserves and enhances the Park's special qualities; with priority being given to ensuring development does not detract from the quality of life of local residents and supports the character of a settlement.

Development Policy 3 seeks to maintain and enhance the distinctive character of the National Park by ensuring that the siting, layout and density of development preserves or enhances views into and out of the site; that the scale, height, massing, materials and design are compatible with surrounding buildings; that the standards of design details are high and complements that of the local vernacular; good quality sustainable design and construction techniques are incorporated; that there is satisfactory landscaping and that the design takes into account the safety, security and access needs for all potential users of the development.

---

**Application No: NYM/2010/0949/NM**

---

**Main Issues (continued)**

The alterations proposed under this non material minor amendment application are not considered to have a significant impact on the principle of development or the design of the approved scheme and as such the proposal complies with Development Policy 3 of the NYM Local Development Framework. In brief, they amount to a minor reworking of the access and parking arrangements, clarification of land levels but essentially those which were originally approved and clarification of the finished garden levels which include removal of much of the unauthorised raising of the site in the south east corner of the site.

Two neighbours have provided written representations which set out their concerns in relation to the development not being constructed in accordance with the approved plans, standing water at the site, alterations to site levels and potential obstruction of views and light as a result of parked cars and proposed boundary fencing. The current application seeks to approve alterations to the previously approved front garden parking/turning facility/access and to address neighbours concerns with regard to previous unauthorised changes to ground levels at the site.

Officers have spent a significant amount of time prior to the submission of this application discussing a pragmatic solution to address and correct the faults at the site and are satisfied that the submitted plans clarify what is to be built and that it is acceptable. It is considered, that the proposed boundary fence is unlikely to cause any significant obstruction of light to no. 70 due to its modest 1 metre height and the lack of ground floor windows in the elevation overlooking the proposed fence and although the loss of views may be regrettable, this is not a material planning consideration.

In summary the plans do differ from the existing footings, however the development would be built according to the plans rather than the situation currently on site, the hardstanding proposed for the driveway is proposed to occupy the land in front of no. 68 and the road (and set at original ground level); similarly to the original scheme it is not intended to hard surface the area between no. 68 and no. 70, this will be permeable. The issue regarding the culvert and standing water in the areas of excavation due the surface being clay will need to be addressed to comply with Building Regulations and the proposed 1.6 metre rear garden boundary fence is significantly lower to that what is currently allowed under permitted development.

**Reason for Approval**

The relatively modest alterations to the access/parking/turning area and clarification of land levels and fencing proposed under this non material minor amendment application are not considered to have a significant impact on the principle of development or the design of the approved scheme or any significant impact on neighbours and therefore approval is recommended. As such the proposal complies with Core Policy A and Development Policy 3 of the NYM Local Development Framework.