

North York Moors National Park Authority

Scarborough Borough Council (North) Parish: Egton	App Num. NYM/2011/0850/FL
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Proposal: Reinstatement of residential use without a local occupancy condition together with construction of two storey and single storey extensions following demolition of existing rear extensions and landscaping works

Location: Dalton Cottage, Egton Bridge

Applicant: Ms Laura Heath, Windy Ridge, Egton, Whitby, North Yorkshire, YO21 1VE

Agent: Malcolm Watson Architect, Delves Farm, Egton Grange, Whitby, YO22 5BB

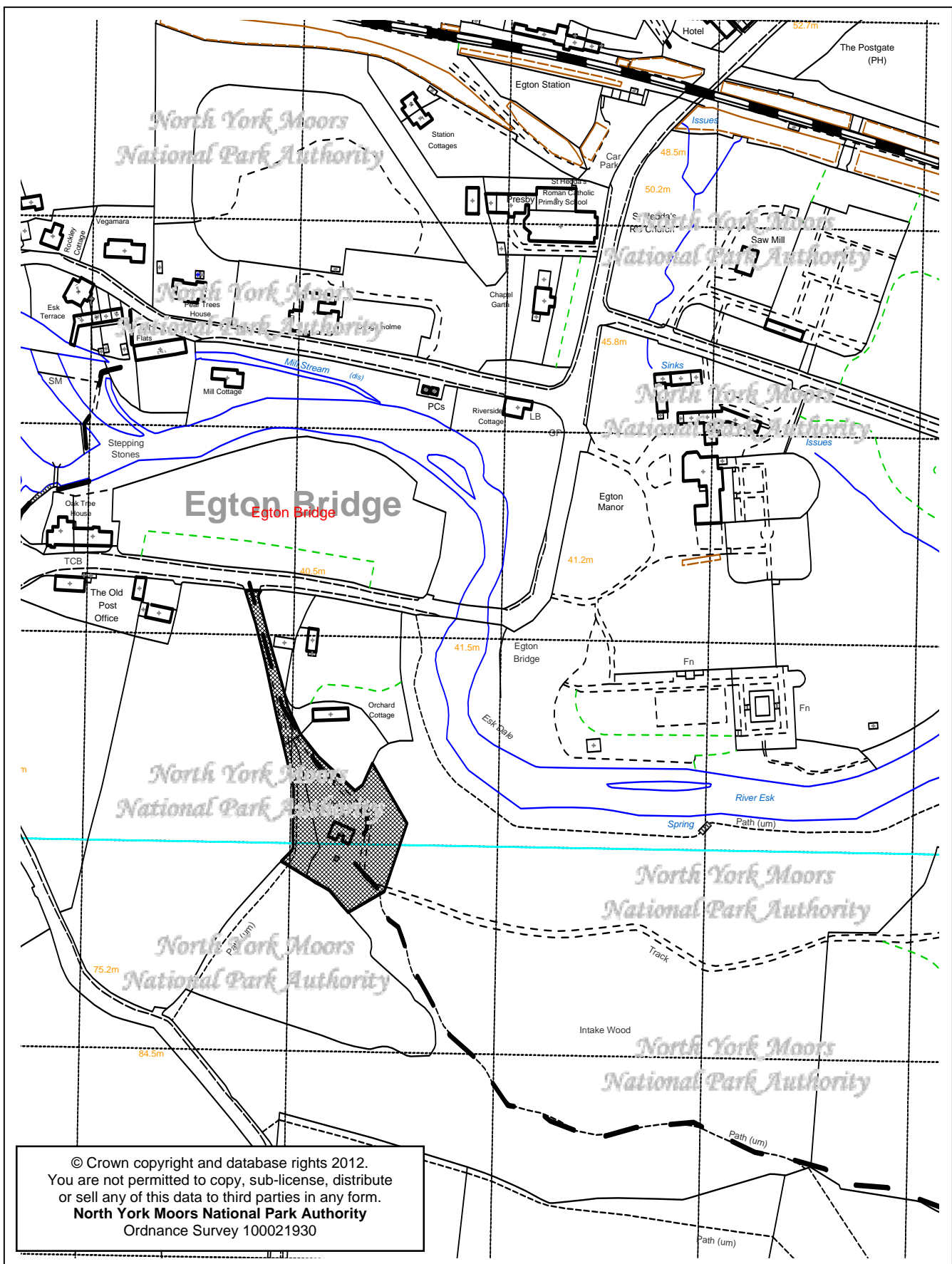
Date for Decision: 06 April 2012

Grid Ref: NZ 480415 505264

Director of Planning's Recommendation

Approval subject to the following conditions:

1. TL03 Standard three year commencement date
2. AP01 Original plans amended by plans received on 2 April 2012
3. DE01 Conversion- recording works - submit details
4. DE04 Re-building schedule of works - submit details
5. DE07 Demolition-schedule for stabilising elements affected by works - submit details
6. DE11 Listed Buildings repairs - submit schedule
7. DE00 Notwithstanding the submitted drawing the detailing around the new openings between the evening room/day room and the kitchen/day room, such as architrave detailing around the resultant nibs, should replicate the existing joinery that is evident elsewhere within the property.
8. MT06 Stone panel
9. MT21 Roof slate to be agreed
10. MT22 Pointing - new development - standard mix
11. MT30 Doors - details of construction to be submitted
12. MT40 Detailed plans of window frames required
13. MT45 Window frames in reveals to match existing
14. MT60 Windows and doors - timber
15. MT47 Rooflight details to be submitted
16. MT71 Black painted cast iron rainwater goods
17. GA00 Prior to any excavation works being undertaken in connection with the development hereby permitted a detailed scheme to provide for the maintenance of the structural stability and integrity of the existing and neighbouring buildings and boundary structures during the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in strict accordance with the approved scheme.
18. DR02 Surface water disposal details
19. MT00 Prior to the commencement of works to clear the site for the proposed timber storage shed, full detail of the building shall be submitted to the Authority for written approval. These details shall include full elevational drawings as well as details of materials and their proposed finish.
20. HC14B Provision of Approved Access, Turning and Parking Areas




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Scale: 1:2500 



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Conditions (continued)

- 21. LS01 Landscaping scheme required (boundary treatment (if required) as well as full details of hard surfacing to be utilised on the site
- 22. LS06 Tree Protection Scheme - protection zone specified
- 23. MIS0 In order to ensure that there will be no chance of bats being affected by the works, work should take place between September and November. If bats are present at this time they will not be breeding or hibernating so will not be so vulnerable to disturbance. The development shall be carried out in accordance with the mitigation measures set out in pages 13 and 14 of the submitted Bat Survey dated 29 November 2011. If work is to be carried out earlier than September then a further Emergence Survey would be required from mid May to August.

Reasons for Conditions

- 1. To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
- 2. 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 Plan Policy 3.
- 3. In order to ensure that any features of historic and/or architectural interest are adequately recorded prior to development commencing on site and to comply with NYM Development Policy 5.
- 4. 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 NYM Development Policy 5.
- 5. In order to ensure that the development is carried out in a manner which safeguards the existing fabric of the building and to minimise the risk of any unforeseen collapse of the building and to comply with the provisions of NYM Core Policy A.
- 6 & 7. In order to comply with NYM Development Policy 5 which seeks to ensure that alterations to Listed Buildings do not have an unacceptable impact on their special historic or architectural interest.
- 8 to 11. 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.
- 12 to 16 & 19. 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.
- 17. In order to avoid any unforeseen collapse of the building and ensure measures are in place to deal with potential problems in this respect and to comply with the provisions of NYM Core Policy A which seeks to ensure development does not prejudice the operation of adjacent land users.
- 18. To avoid pollution of watercourses and to comply with the provisions of NYM Development Policy 1 which seeks to ensure that new development has satisfactory provision for the disposal of foul and surface water.
- 20. In accordance with NYM Development Policy 23 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
- 21. 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.
- 22. 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.
- 23. In order to comply with the provisions of NYM Core Policy which seeks to protect species protected under national and international legislation.

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Consultations

Borough - We have no objections to the above proposal on the grounds of Housing.

Parish - No objection.

Highways - Recommend a condition to be attached to any approval granted.

Yorkshire Water - From the information submitted, no comments are required from Yorkshire Water. The agent has confirmed, in a telephone conversation, that a package treatment plant system is to be installed (site is some distance from the nearest public foul sewer network, and also on the wrong side of the River Esk).

Environmental Health Officer -

Forestry Commission -

Ramblers -

Advertisement Expiry Date - 16 March 2012.

Others - T Jones & S Ellison, Orchard Cottage, Egton Bridge - We have concern with regard to the proposed development at Dalton Cottage with regard to the stability of the rebuilding on a landslip site. Our anxieties are mounting because we do not feel reassured from the plans supplied that sufficient details have been given in addressing fully the intended foundation and drainage work to be properly carried out. If these two major concerns are not undertaken with the utmost skill they could present enormous problems in the future, not only for Dalton Cottage but could seriously undermine Orchard Cottage and its site. Our major considerations that test bores should have been undertaken at specific points to determine the structure and stability of the hillside and building site already determined as a landslip area.

The stream that runs down the hillside from Blue Beck Cottage and across the rear of Dalton Cottage and travels down past Orchard Cottage following the track to the road, often floods down heavily in times of heavy rain or snow. The existing drain during bad weather conditions does not cope making it enormously difficult to walk the track on foot and often floods down at these times onto the main road. In order to fully re-divert and take the water away from Dalton Cottage and environs could not be achieved satisfactorily by means of the proposed French drain and then into a soakaway. We would rather know exactly where the water is going. A suggestion for this might be a controlled channel above ground instead of buried underground to enable us all to monitor what the water is doing and where it is going.

The second point that we are anxious about is how the foundations are correctly addressed in the rebuild. By lying a substantial concrete raft of great weight without taking into account the suggested bores at specific points in order to know where to anchor the building to the very nature of the site could result in making the build unstable. This in the long term could cause the land to move again and that heavy heave could cause serious problems for the stability of Orchard Cottage.

Although we have no objections to the finished plans submitted for the design of Dalton Cottage and welcome the restoration of the present dangerous and unstable old building being restored to its former glory by a young family breathing new life into it, we do have reservations about the necessary problems in work being carried out to a high standard to avoid any future difficulties as a result of this restoration. We therefore ask the National Parks who are considering this planning application to assure us that the two major points stressed are given the correct attention as stipulations during the re-build. Your reassurance will give us future peace of mind.

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Background

This application is for full planning permission for the reinstatement of the residential use and refurbishment of Dalton Cottage, Egton Bridge, an abandoned Grade II Listed Building which is considered to be a Building at Risk. A Listed Building application has previously been approved for the refurbishment works.

The dwelling has not been lived in since a landslip in the hot summer of 1976 made the property structurally unsafe and uninhabitable.

A Structural Survey from a structural engineer has been submitted with the application which describes the present condition and also recommends action to be taken to ensure structural stability, although no detailed Method Statement of how the works are to be carried out has been provided.

It is proposed to retain the main double fronted element of the property which was constructed in the 19th Century, however the two storey rear extension and various outbuildings around this, where the most significant movement has taken place are proposed to be removed. Permission is also sought for the construction of a replacement two storey and single storey extension to the rear on the footprint of the existing extensions as well as a new parking area and timber outbuilding. To stabilise the land a retaining wall is proposed to the south side of the house and planting is proposed to bind the topsoil together. Ten trees are proposed for removal to re-open up the garden area to the front of the dwelling.

A covering letter submitted with the application stated that the proportion of the building requiring demolition is extremely unsafe and therefore it would only be feasible to use mechanical means from the ground level to demolish it. This is an area of great concern for the Authority as the reinstatement of the rear extension of the property should be constructed of the existing stone of the Listed Building. The most recent letter from the agent now states that to enable the demolition of the rear section of the building to be undertaken by hand, further advice will need to be taken from a structural engineer before work commences.

The application is accompanied by a Structural Report, Bat Survey (with a later Emergence Survey appended), a Tree Survey and also a Valuation Appraisal which provides financial justification as to why the applicants wish the application to be considered without a local occupancy condition.

Main Issues

Aside from the design of the proposed scheme which is considered to be acceptable and to which no objections have been raised; the main issue to be considered in determining this application is whether Members feel that there is significant justification to allow the reinstatement of this abandoned residential use without imposing a local occupancy condition in line with Local Development Framework policies to safeguard the future of a Listed Building on the Building at Risk register. If this is considered to be acceptable then a number of conditions have been proposed to ensure that the works are carried out in an appropriate manner as some areas of the application are lacking detail at present. The Authority is keen to ensure that the section of the building to be taken down and rebuilt is done so in a careful manner as it would not be considered appropriate to construct the new extension from new stone. The conditions proposed mean that if the extension is bulldozed, which is more likely to damage the existing stone, then the applicants would be in breach of conditions.

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Policy Context

The recently adopted NPPF states at paragraph 140 that Local Planning Authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

Core Policy G of the NYM Local Development Framework seeks to ensure that the landscape, historic assets and cultural heritage of the National Park are conserved and enhanced, with particular protection being given to those elements which contribute to the character and setting of Listed Buildings and Conservation Areas.

The policy also states that the reuse of buildings of architectural and historic importance which make a positive contribution to the landscape and character of the National Park will be encouraged.

Development Policy 4 of the NYM Local Development Framework seeks to ensure that development within or immediately adjacent to a Conservation Area either preserves or enhances the character and appearance or setting of the area and that the scale, proportions, design and materials respect the existing architectural and historic context with particular reference to traditional buildings, street patterns, the relationship between buildings and spaces and views into and out of the area.

Development Policy 5 of the NYM Local Development Framework only permits extensions or changes of use of a Listed Building, or the construction of any structure within its curtilage where such development will not have an unacceptable impact on the special historic or architectural interest, or the setting of the Listed Building.

Core Policy J of the NYM Local Development Framework seeks to ensure the provision of a mixture of housing types and tenure to maintain the vitality of local communities, consolidate support for services and facilities and support the delivery of more affordable housing. This policy restricts new housing development in the open countryside to that which is proven as essential for farming, forestry or other essential land management activities.

Development Policy 21 of the NYM Local Development Framework states that the replacement of existing dwellings outside the main built up area will only be permitted where residential use has not been abandoned, the building is in an unsatisfactory state of repair or lacks basic amenities and its replacement would enable an unsatisfactory dwelling which is incongruous in the landscape to be replaced by one which makes a positive contribution to the character of the area, and where the replacement dwelling is in the same position and of similar floor area, volume and scale. All replacement dwellings will be restricted to local occupancy as defined in Core Policy J.

Development Policy 3 of the NYM Local Development Framework 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.

This application is before the Planning Committee as it is considered to be contrary to the Local Development Framework policies as the residential use is considered to have been abandoned. The applicant would also like the application to be determined without a local occupancy restriction as they feel that restricting the value of the property in this way would make the whole project economically unviable.

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Significance of the Listed Building

Dalton Cottage is a Grade II Listed Building wherein good practise is to seek to conserve and retain as much of the historic fabric of the building as possible. The building is one of the most 'at risk' buildings on the Authority's Buildings at Risk (BAR) register.

It is evident that a significant amount of damage was/has been incurred to the rear extension of the building as a result of a landslip in 1976. As a direct consequence the extension has torn away from the main house at the rear, which has rendered the eastern half of the structure unstable and in need of demolition and rebuilding. The western half, whilst having suffered serious cracking has been identified as repairable.

These assertions are supported in the conclusions of the Structural Appraisal (commissioned by the proponents), dated May 2011.

Building Conservation advice provided to Simon Foster (in July 2005) suggested that a pragmatic way forward (at that time) might be the submission of a Listed Building application for a scheme that involved a 'modern interpretation' of the original eastern section of the house. The current proposals have taken this approach.

As a designated heritage asset, the scheme provides a welcome opportunity for the structural 'reinstatement' of a Grade II Listed historic building that is currently identified (by the Authority) as a 'Building at Risk' and requires significant investment.

The historical significance of the building lies predominantly within the 'core' of the original (early 19th Century) farmhouse and is based around a combination of both its age (as an early 19th Century central-entry plan farmhouse) and its architectural detailing, which includes: tooled sandstone elevations; 16 pane sash windows; stone sills; tooled lintels; a raised eaves course; coped gables and block kneelers. Also of note is the six panel door with two glazed lights set within an attractive (though incomplete) stone moulding.

Records on our files appear to illustrate that some of the internal historic features -including doors, architraves, alcoves and window linings remain in-situ. Such features serve to contribute to the overall character of the building and are typical of a farmhouse of this period. On this basis, and in accordance with the aims and objectives of the NPPF, as much of the historic fabric should be retained as reasonably possible.

A means of clearly establishing which components are to be retained and those to be replaced might be through the preparation of a detailed schedule of repairs/replacement. This could deal with matters such as door and window repairs and/or replacement, extent and means of re-plastering and details of which stone (from the dismantling of the later 19th Century service extension) is to be reused.

Whilst the Authority has no objection to the proposed creation of new openings between the evening room/day room and kitchen/day room – architrave detailing around the resultant nibs should replicate existing joinery that is evident elsewhere within the property (i.e. around the alcoves in the front dining room).

During the course of the determination of the Listed Building application the agent was been advised of the draft conditions likely to be imposed as a means of getting the proposed details up front, however the additional schedules of repairs and works were not forthcoming. Notwithstanding this, approval of the Listed Building application was considered to be able to be granted with the conditions as proposed above to ensure that the methods and details proposed are considered to be appropriate for the building and to ensure that the proposed works would accord with the policies of the NYM Local Development Framework.

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Discussion with Regard to the Imposition of a Local Occupancy Restriction

The site lies on the edge of Egton Bridge, within the village Conservation Area. The relevant housing policy is Core Policy J of the NYM Local Development Framework which permits the 'conversion' of non-residential buildings into local occupancy dwellings for sale. In this case, the building has not been used as a dwelling since 1976 and therefore the proposal is contrary to Core Policy J.

The applicants have considered submitting a 'certificate of lawfulness' to establish that the previous residential use has not been 'abandoned' but have opted for the full planning route citing the 'conservation benefits' to outweigh the normal presumption in favour of imposing an occupancy condition. The building is on the Authority's 'at risk' register and the NPPF makes provision for enabling development where securing the repair and long term use of a heritage asset outweighs the disbenefits of departing from the adopted policies.

The cottage is modest but of traditional scale, materials and character and makes a positive contribution to the Park. It is also at a high risk of collapsing. There is sufficient justification to set aside the normal policy requirements in the Local Development Framework in order to secure its repair and reuse as enabling development. The issue is whether the permission should be granted without a local occupancy condition in place.

The applicant's agent has submitted a substantial bundle of constructional/financial information in support of the proposal and to justify why a local occupancy condition should not be imposed.

In brief the applicants claim there would be a £147,000 shortfall between cost of renovation and market value with an occupancy condition, the information does not provide an overwhelming financial case to justify the setting aside of the condition because of the various assumptions but it does demonstrate sufficiently why an owner would not be prepared to go ahead with the significant expenditure needed to rescue this important listed 'Building at Risk'. Had the building not been listed the financial case, with its many assumptions, as it stands would not justify setting aside the local occupancy condition on its own. Taking account of the fact this house was designed and built as a dwelling, has been a dwelling for the majority of its life and the substantial conservation benefits likely to accrue from the proposal Officers consider there is sufficient justification for not imposing a local occupancy condition.

Other Material Considerations

The original Bat Survey undertaken as part of this application was conducted on the 29 January at a time when bats would not be active. Although no signs of bats were recorded in the building the Authority's Consultant Ecologist felt that it was very likely that bats would be using the abandoned building as the surrounding habitat is ideal for many bat species. The Survey recommends a number of actions in case bats are in fact present. For example that building work should not take place between April and August, plus a method for stripping the roof, tool box talk etc. The problem with this approach is that the time when the work can be done is suggested as between November and March, however if bats are hibernating in the building they are likely to die if they are disturbed. As a result of this information an Emergence Survey was requested to give more information on whether there will be an impact on bats and allow clearer mitigation and timings of the work. The Emergence Survey took place on 2 April 2012, although no bats were seen emerging from the building three species of bats were present despite fairly low temperatures very early in the survey season. If the building were to have a maternity roost, bats would not be there until later in the season. Although no signs of bats were noted during the initial survey of the building not all areas were accessible due to the condition of the structure. In order to ensure that there will be no chance of bats being affected by the works, the Authority's Consultant Ecologist has recommended that works should take place between September and November.

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Other Material Considerations (continued)

If bats are present at this time they will not be breeding or hibernating so will not be so vulnerable to disturbance. Also the mitigation on pages 13 and 14 of the Bat Scoping Survey carried out on 29 January 2012 should be conditioned. If work is to be carried out earlier than September then a further Emergence Survey would be required from mid May to August.

The Authority's Woodland Officer has stated that he has no particular concerns regarding trees on the site either those to be removed or the impact of the development on those to be retained.

The Public Rights of Way Officer has stated that a public footpath runs up the track through the site, this should be kept free from obstruction and open for use at all times. If the applicant feels that it would be safer to close the footpath whilst work is taking place on the property, then they can apply for a Temporary Closure Order which would incur costs.

Planning Balance

The balance in this instance is the weight that is to be given to the conservation desires against the NYM Local Development Framework policy requirements to avoid creating open market housing outside the main larger settlements. Consideration needs to be given to the Authority's desire to remove this building from our 'at risk' register which the Conservation Team has been trying to facilitate for several years, against the policy requirement that all new or replacement dwellings should have an occupancy restriction imposed on them. In this instance, the applicant has made it clear from the outset that if a local occupancy restriction were to be imposed on the dwelling then the works would not take place and the Dalton Cottage would remain as it stands with potential to actually collapse. As this is the first time over the last 36 years that an owner has seriously considered committing financially to the future of this Listed Building then the Officers feels that on balance they are able to recommend that the residential use is reinstated without a local occupancy restriction to help facilitate this development.

Reason for Approval

Approval of this scheme will reinstate the use of an important Listed Building within the Egton Bridge Conservation Area in accordance with the requirements of Core Policy G and Development Policies 3, 4 and 5 and therefore approval is recommended.