

## North York Moors National Park Authority

|   |                                 |
|---|---------------------------------|
| <b>Scarborough Borough Council (South)</b><br><b>Parish: Newby and Scalby</b> | <b>App No. NYM/2015/0197/FL</b> |
|---|---------------------------------|

**Proposal:** alterations and subdivision of existing dwelling into 3 no. dwellings and construction of 1 no. dwelling with detached garage, together with associated access, parking and amenity space

**Location:** Ryefield, Hackness Road, Scalby

**Applicant:** Mr Barry Ricketts, Ryefield, Hackness Road, Scalby, Scarborough, North Yorkshire, YO13 0QY

**Agent:** Malcolm Tempest Ltd, High Parks, Newton le Willows, Bedale, North Yorkshire, DL8 1TP

**Date for Decision:** ~~30 June 2015~~ extended to 30/09/2016 **Grid Ref:** 500851 490010

### Director of Planning's Recommendation

**Approval** subject to the following conditions:

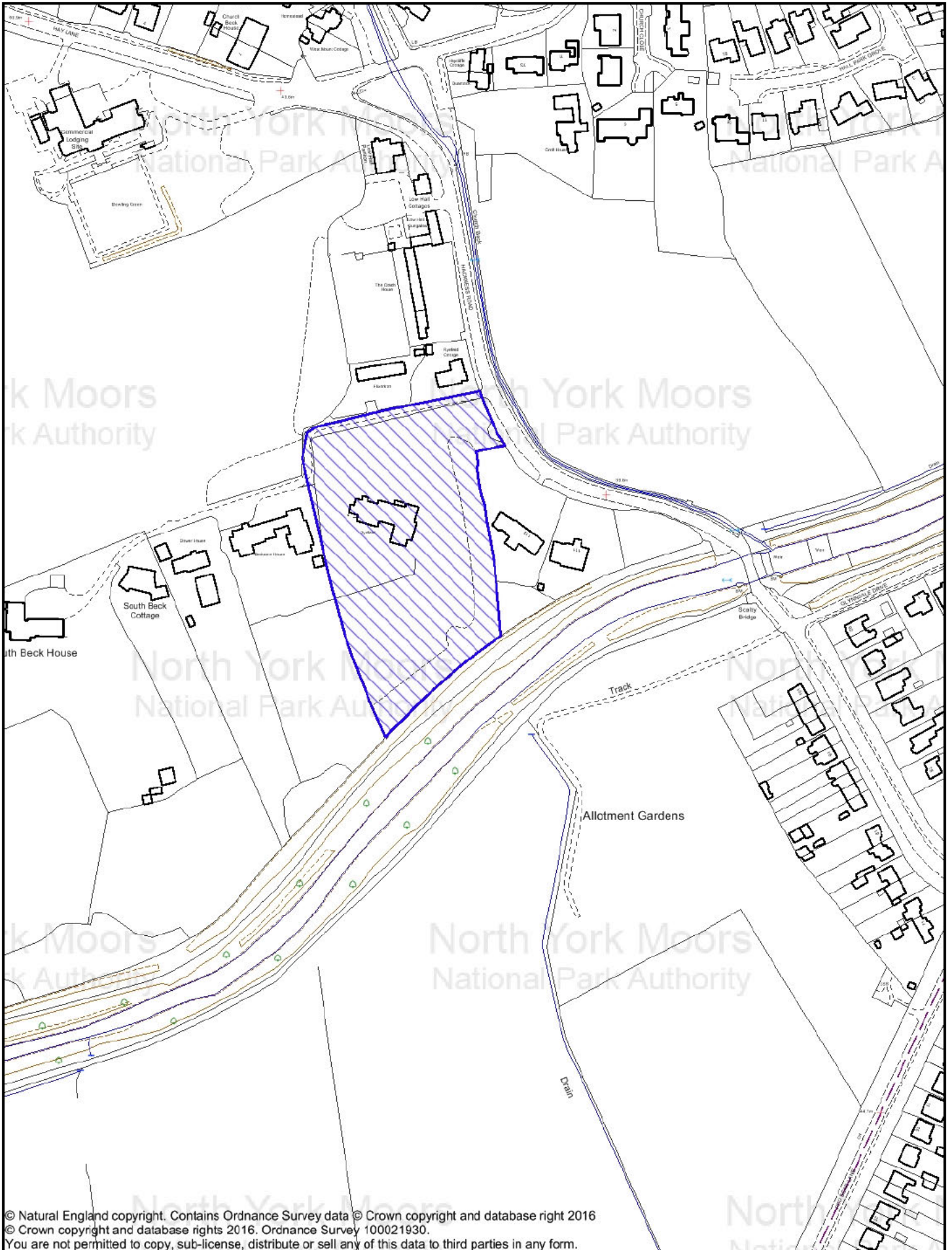
1. TIME01 Standard Three Year Commencement Date
2. PLAN01 Strict Accordance With the Documentation Submitted or Minor Variations – Document No's Specified
3. WPDR02 Withdrawal of Domestic PD Part 1 Classes A to H
4. GACS00 During construction, no machinery shall be operated on the premises before 0700 hrs on weekdays and 0800 hrs on Saturdays nor after 1800 hrs on weekdays and 1300 hrs on Saturdays nor at any time on Sundays or Bank Holidays without the prior written agreement of the Local Planning Authority.
5. GACS07 External Lighting – Submit Details
6. MATS10 Brickwork and Roofing Tiles to Match
7. MATS62 Window/Door Frames to be Painted Wood (white)
8. MATS72 Black Coloured Rainwater Goods
9. DRGE00 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works, as described in the submitted Flood Risk Assessment and Drainage Statement (prepared by Stevenson Associates dated 18 July 2013)
10. DRGE00 There must be no rising of ground levels within flood zone 3 and all excess spoil is to be removed from the flood plain.
11. HWAY14A Details of Access, Turning and Parking
12. HWAY14B Provision of Approved Access, Turning and Parking Areas
13. HWAY17 Garage Conversion to Habitable Room
14. LNDS03 Trees/Hedging to be Retained (within the red line)



North York Moors National Park Authority  
The Old Vicarage  
Bondgate  
Helmsley YO62 5BP  
01439 772700

Application Number: NYM/2015/0197/FL

Scale: 1:2500



© Natural England copyright. Contains Ordnance Survey data © Crown copyright and database right 2016  
© Crown copyright and database rights 2016. Ordnance Survey 100021930.  
You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form.







---

**Application Number: NYM/2015/0197/FL**

---

**Informative**

1. HWAY00 The proposals shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development – A Guide' available at [www.northyorks.gov.uk](http://www.northyorks.gov.uk)
2. MISC INF01 Bats

**Consultations**

**Parish** – Object for the following reasons:

- No knowledge of active marketing of the donor property over recent years, it is a large house set in its own grounds - an appropriate setting for this type of house in the locality, and there is nothing within the application to demonstrate there is a need for new properties at this location.
- Concerns regarding the increase in traffic levels on a section of road which is already very busy and is within 100 yards of a narrow bridge.
- The application site is immediately adjacent a Conservation Area (the north east boundary of the application site is the south west boundary of the Conservation Area) and the proposals will result in an inappropriate massing.
- The application site is not within the main built up part of Scalby village.
- The site is very close to the sea cut and Church Beck, both of which have (in recent times) been known to flood.
- The property could not be described as a traditional rural building.

Council **objects** to the amended application as submitted on the grounds it is contrary to Core Policy J paragraphs 1, 2 and 3 by virtue of the fact it is not within the main built up area of Scalby village, does not provide any local needs housing and an essential need for the development has not been proven.

**Scalby Village Trust** - On original scheme – It is implied that the sub-division and modernisation of the main house into three properties is dependent on permission to build three more dwellings within the site. This is a financial issue not a planning one.

Extremely concerned about the historic flooding issues which surround the site. Further development will increase surface water run-off along with the inevitable foul water/sewage.

The existing driveway entrance is already hazardous with limited vision onto a narrow roadway; therefore any increase of vehicle movements can only exacerbate this problem.

There does not appear to be any covered parking or garage, so would all vehicles be left out for all to see? This would harm the visual amenity of our beautiful National Park. Any additional new buildings would constitute an over development of the site and therefore must be seen as "garden grabbing" at odds with neighbouring properties and surrounds.

---

**Application Number: NYM/2015/0197/FL**

---

Consultations continued

Unsure what the requirements of affordable housing are but hope that of six new dwellings, at least one would be made eligible.

The Trust believes that there has been a deliberate and systematic "development by stealth" approach to recent planning applications. The site lies within the National Park boundary and abuts the Scalby Conservation Area. Any further large scale development will harm the area's visual amenity and detract from a very peaceful and natural rural setting in harmony with its surrounds. Scalby Village Trust hopes that planning permission is refused.

Revised plans – maintain objection.

**Comments on revised plans (omitting dwellings 2 & 3) – Object** - This still constitutes "garden grabbing" and any new additional dwellings compromises the open aspect of the development and is not in keeping with the natural surrounding landscape

**Highways** – The design standard for the site is MfS and the required visibility splay is 45 metres by 2.5 metres. There is adequate available visibility. The alterations to the drive within the curtilage of the site remove the exiting passing areas, as the number of dwellings is to increase; it is advised that any alterations to the internal alignment retain, at least, the same number of passing areas.

**Yorkshire Water** – As the developer is no longer intending to construct the two properties that would have impeded the ability of Yorkshire Water to properly repair and maintain the public sewer, no objections subject to a condition regarding surface water discharge.

**Environment Agency** – Comments on original submissions – In the absence of an acceptable Flood Risk Assessment (FRA) which takes a sequential approach to the layout of the site and provides details demonstrating how the loss of storage in Flood Zone 3 will be compensated for, we object. However, this would be overcome by submitting an FRA which covers these deficiencies and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall.

**Comments on revised plans – No objection** - The revised plans confirm that all built development is now located entirely within Flood Zone 1 so we remove our objection. Provided all dwellings are located in Flood Zone 1 we have no objections subject to a condition regarding ground levels.

**Environmental Health Officer** – No objections on housing grounds. Restrictions should be in place for construction hours.

**North Yorkshire Police** – No comments.

**Advertisement Expiry Date** – 11 June 2015

**Others – Michael Whiteley, 52 Hackness Road, Scarborough** – Can only see this as "garden grabbing" and will have a substantial impact on the character of a lovely part of Scarborough.

**Doug Jennings, Chartered Town Planner, 7 Kingtree Ave, Cottingham, E. Yorks, on behalf of Mr J Robinson, Ryefield Cottage, Hackness Rd** – Comments on original scheme. Object for the following reasons:

---

**Application Number: NYM/2015/0197/FL**

---

**Consultations**

- Significant overdevelopment which would harm the character of the local area. This character must have influenced the drawing of the National Park boundary and therefore special emphasis on conserving it should be given.
- Contrary to Core Policy A as it would not conserve or enhance the quality of the local landscape and detract from the quality of life of local residents.
- It is not clear how many trees will be removed which makes it difficult to consider the impacts properly, but their loss would have a significant impact on the character of the area.
- The siting of dwellings on plots two & three will result in all trees being removed, which will affect the amenity and outlook of Mr Robinson's property. Also these two houses and the widening of the driveway will alter the sites relationship with Hackness Road, and the adjacent Conservation Area.
- The building of the house behind Ryefield Cottage [allowed on appeal] has resulted in the flooding of its gardens and there is concern that more buildings and hard surfaces will result in further problems.
- Concerns regarding highway safety as this is a relatively busy road.

**Amended plans** (omitting two dwellings) – Previous objections still stand.

**Stephen Sadler, Walker Morris LLP, Kings Court, 12 King Street, Leeds –**

On original scheme - Instructed to object to the proposal by the following local residents:  
Mr & Mrs Thomas, Beckdale House, Hackness Road  
Mr & Mrs Adamson, The Dower House, Hackness Road  
Mr P Berry, 113 Hackness Road  
Mr G Jenkinson, Southbeck Cottage, Hackness Road  
Mr & Mrs Ward, Southbeck House

The residents regard the development as seriously flawed for the following reason: -

- The applicant has failed to provide a Statement of Community Involvement, contrary to best practice.
- The quality of the information is very poor and does not enable the NPA to reach a reasonable judgement.
- Detrimental impact on the character and appearance of the Park and Scalby Conservation Area.
- Loss of trees and detrimental landscape impact.
- This is a low density residential area and no justification has been given for the proposed spatial layout which will have a detrimental impact on the character of the locality.
- Proposed units two and three will have a detrimental impact on the amenity and space about Ryefield Cottage.
- Detrimental impact on highway safety; visibility is poor and intensified use of the access with worsen this.

**On amended plans** (omitting two dwellings) – The residents still have not been contacted by the applicant so there is no positive engagement and additional information in terms of accurate plans, Statement of Community involvement, Heritage Impact Assessment, Landscape Assessment, Highways Assessment, a more detailed Design and Access Statement, details regarding sub-division of plots, and a full FRA have not yet been submitted.

---

**Application Number: NYM/2015/0197/FL**

---

Consultations continued

**Mr & Mrs Jenkinson, South Beck Cottage, Hackness Road** – Object to the revised plans.

**Mr & Mrs Fearn, Flixorton, Hackness Road** – Object

**Mrs A Ward, Mr & Mrs R Ward, Ms N Ward** – Object

**Mr & Mrs Adamson, Dower House, Hackness Road, Scalby** – Object. Ryefield sits at an important site at the southern boundary of Scalby which is well demarcated from Newby by Scalby Sea Cut. It also sits prominently at the entrance to the National Park and can be viewed from many surrounding angles in a leafy setting. It also lies immediately adjacent to a Conservation Area.

There is no evidence that the house will not sell as it is, the three adjacent houses are all of a similar size and are occupied by single families. There is no need for more housing in Scalby as 500 houses have recently been granted permission by Scarborough Borough Council. The village's infrastructure is already under severe pressure.

Ryefield lies immediately adjacent to Flood Zone 3 and is within 20m of Church Beck which floods frequently. In the past 15 years every building on the original Ryefield site (house, garage, stables etc.) has had its footprint extended with no planning consideration to flooding. Further development will significantly add to surface water run-off and increase risk to properties downstream of the Sea Cut which have previously been subject to flooding. Proof must be provided that there is no additional risk. Given that there is no prospect of flood defences improving, it is doubly important that flood risk is not increased.

The proposal would also have an adverse impact on local wildlife through resultant noise and disturbance. Additional development would also have an impact on local amenities and result in an increase in traffic noise. The entrance to the property is close to the bend in Hackness Road has poor visibility and has been the site of several accidents.

Numerous trees would have to be sacrificed and significant sections of these beautiful gardens would be bulldozed.

**Amended plans** (omitting two dwellings) – Continue to object as the proposed amendments do not alter the points raised previously.

### **Background**

Ryefield is a substantial eight bed dwelling situated within extensive gardens, on the edge of the village of Scalby, outside, but adjacent to the Scalby Conservation Area and close to the bridge to Newby and Scarborough.

The property dates from the 1920's and is constructed in red brick with a rosemary tile roof. A scheme for single storey extensions to the dwelling were approved in 2005 but have not yet been built.

---

**Application No: NYM/2015/0197/FL**

---

**Background continued**

This existing dwelling comprises six bedrooms, games room and three bathrooms on first floor and swimming pool, two kitchens, two sitting rooms, two utility rooms, two bedrooms, lounge and breakfast room, double garage and approved conservatory (not yet built) at ground floor. The house is set within extensive, well treed gardens, to both rear and side, and extensive drive, parking and turning area at the front of the house.

A planning application was refused in 2008 to extend and convert the existing dwelling to provide eight, two bed residential units. In support of that application it was stated that there was a market for more modestly sized properties, particularly flats with secure grounds. The application was refused on the grounds that no affordable housing provision was proposed, an inadequate Flood Risk Assessment (FRA) was submitted, and no renewable energy details were submitted demonstrating how 10% of any predicted energy needs of the proposed flat units could be provided through renewable energy sources.

This application seeks full planning permission to subdivide the existing house into three dwellings; in the form of a four bed, five bed and three bed dwelling. This would be achieved through conversion of the swimming pool to additional living accommodation, installation of two small dormer windows in the swimming pool roof to enable first floor use of that roof space as bedrooms, and to construct the conservatory previously approved.

It is also proposed to construct a new substantial L-shaped five bedroom, two storey dwelling and detached double garage, to the south eastern side of the existing dwelling. This would be at a significantly lower ground level than Ryefield and would be positioned between that dwelling and 113 Hackness Road, which is a bungalow which fronts onto the main road. This dwelling would measure 20.8m long along the east elevation which faces the substantial boundary planting facing towards no. 113 and 17m long along the south elevation which would face into the rear garden. The elevations facing the entrance drive and the existing dwelling at Ryefield would be visually broken up by the gable ends of the L-shaped building. This would measure 5.3m to the eaves and 8.2m to the ridge.

In support of the application, the applicant's agent states that:

Marketing suggests it is too big and unlikely to sell but that some form of subdivision of the house and land could provide units of a saleable size. If you look at the pattern of development in the locality, this could sit comfortably. The extensive gardens could also accommodate this development.

This application was deferred from July's Planning Committee in order for Members to undertake a site visit.

The applicant has also clarified that no significant trees will be removed as part of this proposal and states that a few small garden trees were proposed to be removed adjacent the new gravel drive but these could be retained if necessary by moving the drive slightly.



---

**Application No: NYM/2015/0197/FL**

---

**Main Issues****Policy Context**

Core Policy J of the NYM Local Development Plan 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 is to be achieved through locating all open market housing, including new build and converted units to the Local Service Centre of Helmsley and the Service Villages, including Scalby.

Core Policy G of the NYM Local Development Plan seeks to ensure that the landscape, historic assets and cultural heritage of the National Park are conserved and enhanced, with high quality sustainable design being sought which conserves or enhances the landscape setting.

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 and design are compatible with surrounding buildings; that the standards of design are high; 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.

Development Policy 4 of the NYM Local Development Plan 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. The recent written Ministerial Statement on affordable housing which is now formal government guidance states that affordable housing should not be sought on sites where less than five houses are involved.

**Material Considerations****Settlement Limits and Principle of Development**

Scalby is listed as a Service Village in the NYM Core Strategy where new and conversions for open market housing are permitted in the main built up part of the village.

This part of Scalby is characterised by a loose knit pattern of dwellings within a “green wedge” between the villages of Newby and Scalby. Whilst the site could be considered as open countryside within the housing framework of the Local Plan, the on-the-ground situation is that the site is effectively part of the urban fringe of Scalby and Newby settlements. As such it is not considered that there is any conflict with housing policies, in terms of the principle of development; the key issue is whether the site represents an important undeveloped open space, which should remain free from development to protect the character of this part of the National Park.

The Authority has resisted development along this part of Hackness Road in the past and has been successful at appeal where the sites have been visually prominent on Hackness Road, due to the loss of widely visible open space. However, in December 2008, the Planning Inspectorate allowed an appeal for a new dwelling on the opposite side of Ryefield Drive, to the current application site. The Inspector’s reasoning was as follows:-

- The distinction between Park and built-up area is somewhat blurred.
- The site was not open, being visually enclosed by buildings and trees.
- No important views to be kept open; even if there were views from or along Ryefield Drive, the size, scale and location of the proposed dwelling would not obscure them to any marked degree.



---

**Application No:** NYM/2015/0197/FL

---

**Main Issues continued**

- The appeal site is not an important space to be protected from development on visual, recreational, amenity, historical or cultural grounds.
- The proposal would do no harm to the character or appearance of the Conservation Area.
- The proposed development would cause no harm, so allowing the appeal cannot set a precedent for development elsewhere that would.
- The area has a loose-knit character that distinguishes it from the more densely developed parts of Scalby and Newby. However, this appeal site is neither particularly open nor visually prominent.

In this case it is not considered that the proposed new build dwelling would have a detrimental impact on the open character of the locality and the conversion of the existing extremely large dwelling, into three smaller units of accommodation, would provide a better mix of additional and more affordable residential accommodation.

The proposal is therefore considered to be in accordance with Core Policy J.

**Scale, Design and Materials.**

It is considered that the scale and design of the proposed new dwelling would be in keeping with the immediate locality. Whilst a substantial dwelling is proposed, it is set in the context of a group of very large dwellings along Ryefield Drive, and would be well situated on lower ground level adjacent to the existing dwelling.

Materials proposed would match those of the existing dwellings along this private drive. Furthermore, the sub-division of Ryefield will have no impact on its scale or character and would therefore still be in keeping with the size and scale of nearby dwellings.

The proposal is therefore considered to be in accordance with Development Policy 3.

**Impact on Conservation Area**

The main concern with this scheme when originally submitted was the impact of the two semi-detached properties proposed at the frontage of the site, on the setting of the Conservation Area, however, this element of the scheme has been withdrawn and it is not considered that the proposal would have a detrimental impact on the character of the conservation area as the visual impact on the character of the existing dwelling would be minimal and the proposed new dwelling is set well within the grounds of the property and would not have a detrimental impact on the open character of the street scene.

The proposal is therefore considered to be in accordance with Core Policy G and Development Policy 4 of the NYM Local Development Plan.

**Impact on Neighbouring Properties**

The proposed sub-division of the dwelling into three would have very little impact on the neighbouring properties to the north, other than perhaps a little more activity in the rear garden area. The proposed new dwelling would be located a minimum of 12 metres from the boundary with 113 Hackness Road, and a minimum of 19m from the corner of that house, which is positioned at approximately a 45 degree angle from the proposed dwelling and is also completely screened by a well-established and dense tree belt which will be retained.



---

**Application No: NYM/2015/0197/FL**

---

**Other Considerations**

Concerns have been expressed by the Parish Council and local residents regarding flood risk and highway safety. However, both the Environment Agency and the Highway Authority have confirmed that they have no objections to the proposals.

Following from recent Government written Ministerial Statement, no affordable housing contributions can be sought in relation to this proposal.

**Contribution to Management Plan Objectives**

The proposed development helps to meet the National Park Management Plan target set out in Policy C10 which seeks to ensure all new housing will be of a high quality design and conserve and enhance the built heritage.

**Conclusion**

In view of the above considerations, the proposal is considered to be in accordance with Core Policies G and J and Development Policies 3 and 4 and consequently 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 recommended changes to the proposal including omission of two new dwellings, so as to deliver sustainable development.