

North York Moors National Park Authority

District/Borough: Scarborough Borough Council
Parish: Sneaton

Application No. NYM/2016/0375/FL

Proposal: variation of condition 3 (in relation to ^{local} occupancy) of planning approval NYM/2003/0843/FL to allow the inclusion of Whitby and Sleights

Location: land adjacent to the Old Rectory (Holly Cottage), Beacon Way, Sneaton

Decision Date: 12 July 2016

Consultations

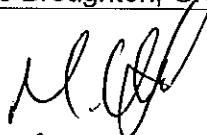
Parish - No objections.

Site Notice Expiry Date – 22 June 2016

Director of Planning's Recommendation

Approval subject to the following condition(s):

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| 1 | RSUO00 | <p>The occupation of the dwelling hereby permitted shall be limited to:</p> <p>(a) a qualifying person; and</p> <p>(b) a wife or husband (or person living as such), licensee, dependant or sub-tenant of a qualifying person.</p> <p>For the purpose of the above, a person is a qualifying person in relation to the dwelling if he has an interest in the dwelling (see Note A) and, immediately prior to occupying the dwelling, he satisfied the local planning authority that he was in need of affordable housing in terms of the criteria set out in Core Policy J of the adopted North York Moors Local Development Framework, namely that he:</p> <p>(1) has been permanently resident within the National Park (see Note B) or the Parishes of Whitby or Sleights for at least 5 years and needs separate or different accommodation (eg people forming a household for the first time, leaving tied accommodation on retirement, currently living in accommodation which is overcrowded or otherwise unsatisfactory); or</p> <p>(2) while not now resident within the parish, has either long standing links with the local community, which must include a previous period of residence of 5 years or more, or an essential need arising from age or infirmity to move to a village to be near relatives who have been permanently resident within the National Park for at least the previous 5 years; or</p> <p>(3) has an essential need to live close to his work in the parish or adjoining parishes within the National Park which may include people with the offer of a job within the parish who cannot take up the offer because of lack of affordable housing.</p> <p>and has obtained confirmation in writing from the authority that they were so satisfied.</p> <p>Note A: For the purposes of the above, a person has an interest in the dwelling if he has a freehold or leasehold interest in the whole or any part of it, or is a secure tenant or statutory tenant within the meaning of the Housing Act 1985 or the Rent Act 1977.</p> <p>Note B: For the purposes of the above, resident within the National park will include the whole of parishes, split by the National Park boundary with the exception of the following 'urban' parishes where the main town or village is outside the National Park: Pickering, Kirkbymoorside, Great and Little Broughton, Great Ayton, Newby and Scalby.</p> |
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| 2 | MATS00 | All new window frames, glazing bars and external door frames shall be of timber construction, white painted and thereafter be so maintained. |
| 3 | MATS00 | The external face of the frame to all new windows shall be set in a reveal of a minimum of 10 cm from the front face of the adjacent walling and thereafter be so maintained. |
| 4 | MATS00 | The guttering to the development hereby permitted shall be directly fixed to the stonework by means of gutter spikes with no fascia boarding being utilized in the development and shall thereafter be so maintained. |
| 5 | MATS00 | The rainwater goods utilized in the development hereby permitted shall be coloured black and thereafter so maintained. |
| 6 | MATS00 | Notwithstanding the details shown on the ground floor plan, garage doors shall be side hinged, timber vertical boarded doors, stained dark brown and thereafter be so maintained. |
| 7 | LNDS00 | The existing trees/hedging within the site shall be retained and shall not be pruned, lopped or felled without the prior written agreement of the local planning authority other than in strict accordance with the details forming part of the approved plans |
| 8 | LNDS00 | <p>i. No trenches including any trench for services or drains shall be sited within the crown spread of any trees both on site or overhanging the site from a neighbouring property.</p> <p>ii. No demolition, site clearance or building operations shall commence until chestnut paling fencing (or other type of fencing approved by the local planning authority) of a height not less than 1.3 metres has been erected around each tree or tree group to be retained on site or overhanging at a radius from the trunk of not less than 5 metres or within the crown spread. Such fencing shall be maintained during the course of the development operations and no materials, equipment or other items shall be placed or stored within the area enclosed by the fencing so erected</p> <p>iii. Destruction by burning of materials, including any obtained by site clearance or demolition, shall not take place within 6 metres of the furthest extent of the canopy of any tree or tree group to be maintained on the site or on adjoining land. No tree felling, lopping or removal of branches from trees to be retained on site shall be carried out without the prior approval in writing of the local planning authority. No topsoil or other spoil from excavations shall be disposed of by spreading on the site or shall be stored on site within the branch spread of trees to be retained.</p> |
| 9 | HWAY0 0 | Vehicular access, parking and turning facilities shall be formed in accordance with the submitted drawings before the development hereby permitted is first brought into use and shall thereafter be kept available for such use and maintained clear at all times of any other obstruction. |
| 1 0 | HWAY0 0 | The garage(s) hereby permitted shall not be used for purposes other than domestic purposes with sufficient space maintained free of obstruction for the parking of motor vehicles associated with the adjacent dwelling. |

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Reasons for Conditions

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| 1 | RSN RUSO13 | In order to comply with NYM Core Policy J which seeks to restrict the occupancy of new residential development to those with a local links and an essential need to live in the locality. |
| 2- 6 | RSN MATS02 | 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. |
| 7 & 8 | RSN LNDS04 | The trees within the vicinity of the site are of significant amenity value and every effort shall be made to protect them in accordance with NYM Core Policy C which seeks to conserve and enhance the quality and diversity of the natural environment. |
| 9 | RSN HWAY1 6 | In accordance with NYM Development Policy 23 and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development. |
| 1 0 | RSN HWAY1 7 | 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. |

Background

Permission was granted in January 2004 for the construction of a 3 bedroomed detached dwelling and garage now known as Holly Tree Cottage, Sneaton on an infill plot within the main built up are of the village under Local Plan policy H1. The planning permission included a local occupancy restriction on the property.

Under this application permission is sought to relax the occupancy restriction and the applicants have indicated that they would be happy with it being relaxed to include a slightly wider local area including the Parishes of Whitby and Sleights.



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Main Issues

Core Policy J is the 'cornerstone' of the housing policy adopted in the Park and has been in place in some form or other since 1992. Therefore in order to gain a relaxation in the local occupancy condition applied to a development, the applicant must demonstrate exceptional circumstances as to why the local occupancy condition is no longer applicable.

Local Occupancy conditions have been applied to new build properties in the National Park since 1992. The approach was adopted in order to ensure that the limited opportunities for new development met local need rather than external demand. The development to which this application relates was approved in January 2004 under the previous Local Plan, however the principles of local occupancy conditions were carried forward in the Core Strategy and Development Policies Document which was adopted in 2008.

The applicant's estate agent has stated that the property has been on the market for more than 12 months and rightmove states that it was first added to their site on 8 August 2015 (therefore 11 months ago). The applicant first contacted us in May 2015, stating that the property was on the market and was being rented out, however the Authority advised them in August that 4 months was not considered long enough to demonstrate a lack of demand and that 12 would need be needed at which point an extension of the Parishes around the edge of the park could be considered. Henderson's the estate agent have stated that they valued the property at £345,000 and have advertised it at £289,950 due to the Local Occupancy Restriction (15 to 20% reduction), although the Local Occupancy restriction is not mentioned on the Sales Particulars.

Before Officers can consider the merits of the removal or variation of the local occupancy condition they should be satisfied that the property has been robustly marketed for a minimum of 12 months for a price which reflects the existence of the local occupancy condition which is a reduction of 20% according to the DVS (based on valuation of properties in Staithes and Faceby).

The Authority has evidence that the property has been on the market for a reduced price for over 12 months. Furthermore the applicants have indicated they would accept a variation to the condition to include the Parishes of Whitby and Sleights where most of the interested parties currently live.

It is considered that the addition of Whitby and Sleights would still result in the dwelling meeting local need rather than external demand and it is also considered that the applicant had met the requirements of CPJ in terms of demonstrating the lack of demand within the National Park itself.

In view of the above, it is recommended that the local occupancy restriction be amended to include Whitby and Sleights.

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.

