

# North York Moors National Park Authority

## 08 February 2024 Planning Committee members update sheet

### Item 2, Minutes

Please note that the resolutions for plans list items 2 and 3 of the 30 November 2023 minutes were the wrong way round. For the avoidance of doubt the resolutions are as follows:

Plans list item 2, NYM/2023/0562 - Removal of oil tank from rear garden and installation of replacement tank in front garden (retrospective) at 69 South End, Osmotherley

**Resolved:** Approved as recommended.

Plans list item 3, NYM/2023/0372 - Change of use and alterations including 2 no. rooflights to former stables to form one principal residence dwelling at Pease Court, Guisborough

**Resolved:** Approved with an amendment to condition 2 as set out on the Members Update Sheet:

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Document Description	Document/Drawing No.	Date Received
Location Plan	N/A	12 June 2023
Proposed Elevations	1860 06 Rev B	12 June 2023
South Elevation	1860 02A	28 November 2023
Proposed Floor Plans	20/022/03A	7 November 2023
Mitigations set out in Bat, breeding bird and barn owl survey (MAB, 2022)	N/A	12 June 2023
Structural Appraisal Plans list item 4	N/A	12 June 2023

### Item 8, Plans list

#### Item 1, NYM/2023/0868

#### Further consultation responses

**Highways** – No objections on the understanding that the occupants and visitors to 43 Brook Lane will always have a right of access across the land between the public highway and the parking area.

**The applicant has provided further supporting information as follows:**

Dear Hilary,

04/02/2024

I hope you are well. Apologies I have not been in touch regarding this matter sooner, I have been visiting family overseas.

Upon my return yesterday and reading your report to committee, I feel that combined, the public responses, consultee responses the NYMNPA analysis paint a picture of wilful disregard for the approved extension design (which is not the case, nor have we built the design that was negotiated out, as suggested) and it is only fair that I am given the opportunity to explain what has happened. Therefore, I ask that this explanation be included with the information submitted to committee for them to make their decision.

Firstly, I would like to make clear that **the constructed extension has a smaller footprint, smaller overall built volume and is less tall than the approved design**. It is all round a smaller structure than was permitted.

I will now address the issues raised one by one, so apologies for the lengthy text, but I feel it necessary to offer a balanced view to committee.

**Extension Height/Subservience**

As previously mentioned, the constructed extension is not taller than the approved design, as follows:

	Approved Design (mm)	As Built (mm)
Ground to Eaves	4685	4610
Ground to Ridge	7000	6900

I understand that you have acknowledged these dimensions previously (and have visited site) but raised concern regarding the comparative levels between the constructed extension and the existing building, for example on the approved drawings the eaves of the extension are shown to be level with halfway up the existing first floor window, whereas the built extension's eaves align with the top of the existing first floor window. Approximately a 430mm rise. The reason this has happened is to do with the position of the extension. As follows:

The approved design placed the extension further forward, just 650mm back from the existing building's front elevation. When we began installing the foundations for the extension, a neighbour verbally raised a boundary concern. We decided to listen and to appease the situation moved the front wall of the proposed extension back to 1220mm behind the existing front elevation, hence some of the reduction in footprint. However, the ground inclines from the front to the back of the plot, meaning that when we moved the extension back the vertical position of the extension moved up slightly. This was my genuine error, for which I apologise. I realise now that I should have dug deeper into the ground to set the extension at a consistent level of altitude. Instead, I focussed on ensuring the ground to eaves height remained as approved and missed that the overall building had 'gone up the hill' slightly. This has made the comparative levels of the extension appear higher against the existing building. Figures 1A and 1B demonstrate the comparison directly and show the relevant dimensions. The drystone wall in Figure 1B has been photoshopped to show it complete, which will be done very soon. Hopefully this week, weather permitting.

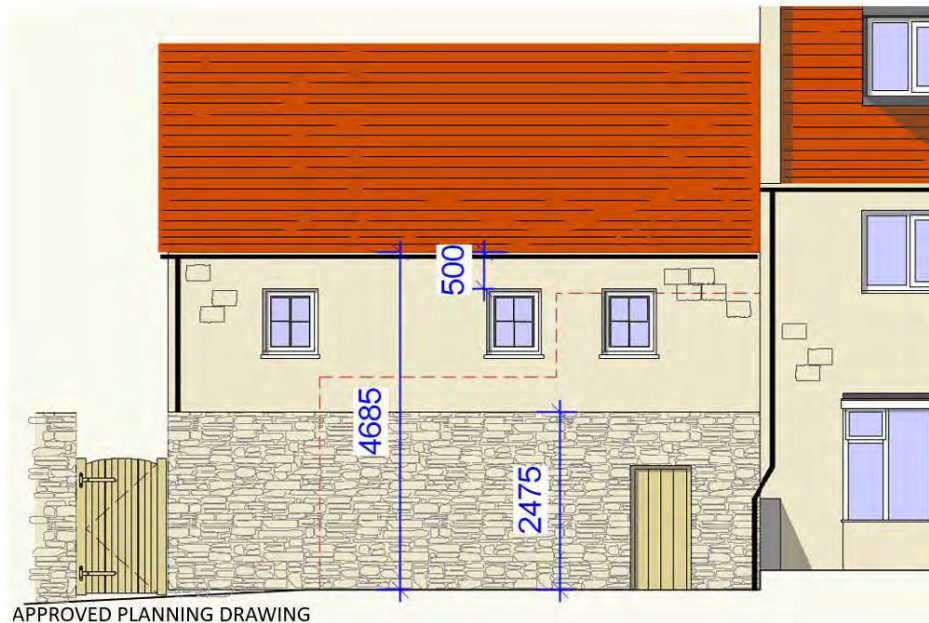


Fig 1A: The approved Planning Drawing with key dimensions shown.

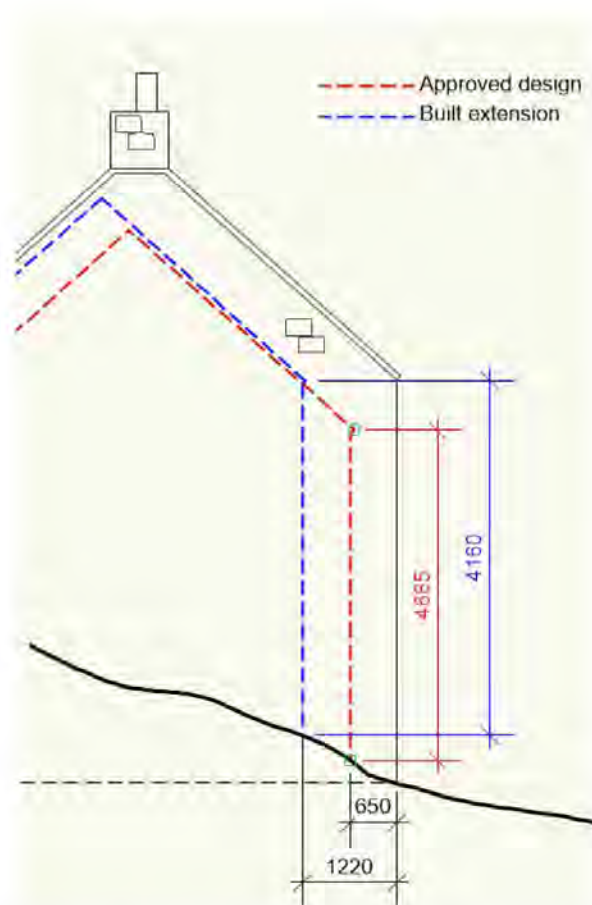


Fig 1B: Photograph of the constructed extension. The drystone wall has been photoshopped to appear complete. Completion of the stone wall will hopefully take place shortly. This week weather permitting.



*Fig 1C: Plan showing how the front façade of the built extension was moved back from the approved plans due to a boundary concern.*





*Fig 1D: Diagram (not to scale) showing how in moving the front façade of the built extension further back from the approved design inadvertently increased its altitude slightly when compared to the existing building.*

#### **Window Position relative to eaves**

The lower position of the windows is 'knock-on' effect of the previously explained decision to set the extension further back from the front elevation. With the building in this further back position, the cost of installing the approved below-ground bin store increased, with significantly more earth to excavate. We made the decision to omit the bin store and consequently lower the internal kitchen floor, to reduce the number of steps required between the existing building ground floor and the extension's ground floor. Lowering the windows by approximately 360mm was to enable users of the kitchen to see out.

#### **Drystone wall**

Currently incomplete, but we will progress the completion of the drystone wall to its approved height shortly (hopefully this week weather permitting), which will make a huge difference to the visual

appearance of the elevation. I have included a 'photoshopped' image below Figure 1E giving an impression as to the completed wall/elevation to the approved height.



*Fig 1E: Photograph of the constructed extension. The drystone wall has been photoshopped to appear complete. Completion of the stone wall will hopefully take place shortly. This week weather permitting.*

#### **Window/Door material**

I acknowledge that in the approved plans there is a note stating that the windows/doors will be timber and we have installed UPVC. This decision was made to reduce the cost of the extension, as we were running short of money to complete the build, and in the knowledge that the existing building (and neighbouring public house) already carried UPVC windows. We matched the design of the windows to the existing building. Now we have been able to save some more money, if you so require, we can replace the UPVC windows with timber.

#### **Mezzanine**

Installing a mezzanine was an after-thought, resulting from the lowering of the windows explained previously. When stood in the space, during construction, my partner and I realised there would be room for an additional bedroom above. As this was an internal alteration only and the building shell had been constructed to the approved dimensions, I thought it would not be a planning issue, so did not submit an application as such.

#### **Summary**

I would like to emphasise that this has not been wilful abuse of the planning system, as the unfounded accusation from the Parish Council suggests. The extension is not larger nor taller than the approved

design, it is simply set further back and consequently slightly higher, which was an honest error on my part.

I would also like to make clear that we did not build the negotiated-out design, as has been suggested. My original submission (that was negotiated-out) contained no mezzanine floor, was far larger, taller, wider and longer than what is built, and had roof lights to the front elevation. What is built is not representative of the original design that was negotiated-out.

Please can this explanation be submitted to committee, as I feel the current information they have is a misrepresentation of our intentions during the construction of this extension and it would be unfair to have them consider the situation without our input.

Thank you.

Kind regards

Colin

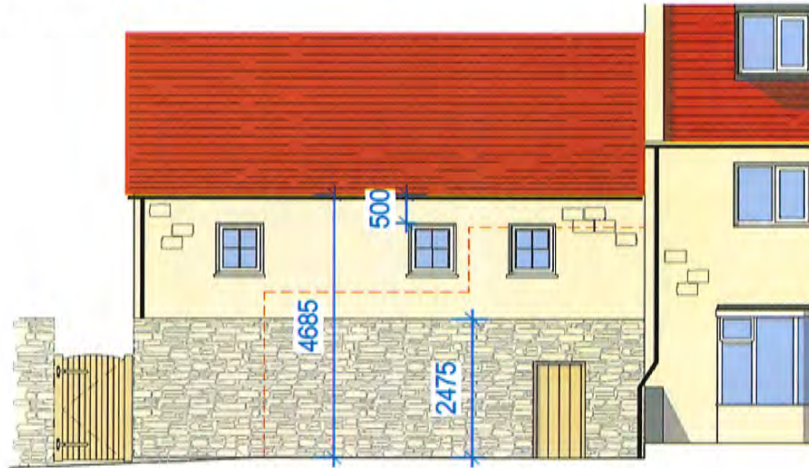


**APPLICATION - NYM/2023/0868**

**43 Brook Lane, Ainthorpe.**

Application is to vary Condition 2 (retrospective) - to regularise approved drawings with the as-built extension.

The as-built extension (shown below) is smaller than the approved design in terms of footprint, volume and overall size but is set 430mm higher against the host dwelling, due to a genuine error during construction.

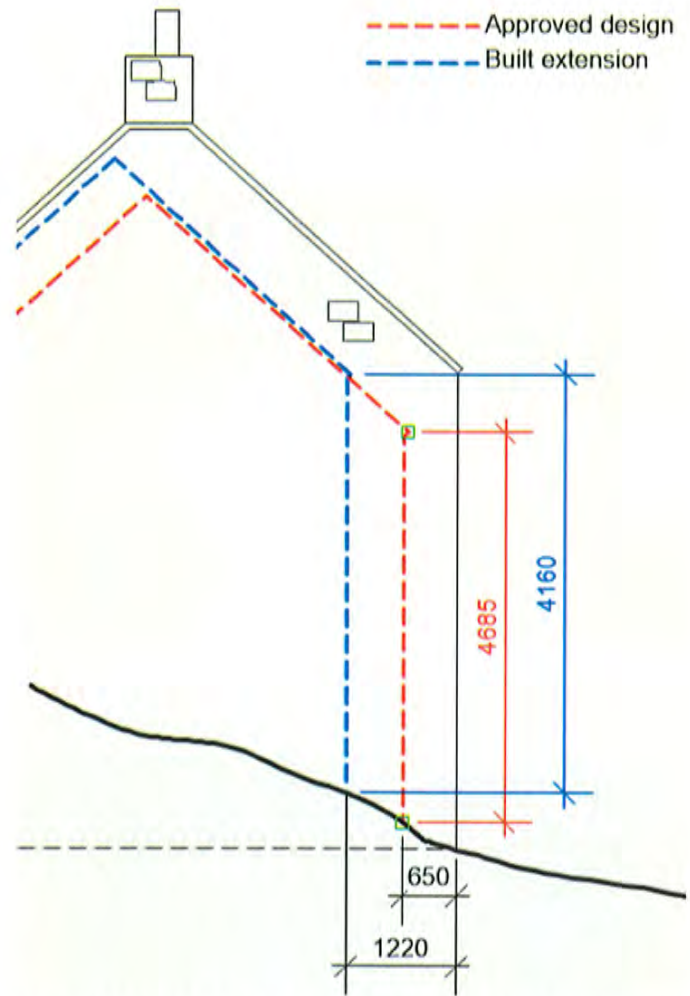


**Fig 1: Approved Design** – This design is considered to enhance the character of the host building, be subservient and enhance the character of the setting, in-line with Policy CO17.



**Fig 2: As-built extension** – Smaller than the approved design. It is built from the same approved wall and roof materials. (Drystone wall photoshopped to appear complete. Completion on site will hopefully be this coming week).





**Fig 3: Sketch (not to scale)** – Sketch showing that when the front façade of the extension was moved back by 570mm, its relative height to the host building also increased, due to the gradient of the site. This was a genuine error during construction.

### **Item 3, NYM/2023/0806**

Please note an amendment to condition 3 as follows:

3. The building hereby approved shall only be used ancillary to the existing tea hut building to which it is attached and for no other purpose, in accordance with the conditions attached to planning permission reference NYM/2018/0558 and the revised list of hot food and drinks and non-food goods which can be sold, and equipment as follows:

Hot drinks  
Soups  
Hot Sandwiches  
Toasted Panini  
Toasted Sandwiches  
American style Hot Dog  
Pizza Slices  
Warm freshly baked scones  
Donuts machine, Waffle toaster, Crepe griddle  
Small tabletop fryer not exceeding 8 Litres capacity  
Any cold food and cold drinks  
Guide/local information books  
Beach toys and equipment  
Seaside memorabilia.

No beach toys shall be displayed outside the building other than in a container of maximum diameter of 80cm

### **Item 5, NYM/2023/0857**

Comments from NYMNP Ranger – I wish to raise concerns regarding the proposed access to the above development:

- Vehicular access along the bridleway would be illegal without lawful authority. Does the applicant own the land or have private rights across it?
- Regular vehicular access is likely to have an impact on the surface of the bridleway and the verges (pulling in to let others pass and parking).
- Regular vehicular access will also increase traffic on a narrow enclosed public lane that is predominantly used for quiet, off-road recreation by pedestrians, cyclists and horse riders.
- No parking provision is available off the lane so cars will park on the lane, illegally encroaching on the width and cause a nuisance or obstruction.

### **Further third party responses**

The following people have **objected** to the proposed development for one, some or all of the following reasons:

**Mrs Margaret Thompson of Glebe Farm, 25 Main Road, Aislaby, Whitby, YO21 1SW**

08 February 2024 Planning Committee members update sheet

**Mrs Olga Moutrey of 5, Egton Road, Aislaby, YO21 1SU**

**Mrs Karen Edmond of Swallows Mill, Guisborough Road, Aislaby, YO21 1SH**

- The revised plans have not addressed the previous reasons for refusal
- Isolated and prominent in a field with a lack of sufficient screening
- Unacceptable scale and height
- Contrary to the Authority's adopted policies
- New building in an undeveloped field
- Visible to residents on Egton Road
- Concerns regarding impact on adjacent bridleway due to increase in activity and use
- Concern that the applicant does not have a right of vehicular access on bridleway. No permission has been sought from owner of the lane nor documentation provided to prove right of access
- Harm to the view from Grade II listed church

The following people have responded in **support** of the application for the same reasons listed on the committee report:

**Ms Emma Fitzgerald of 17 Queenshill Garth, Moortown, Leeds, LS17 6BW**

**John and Karen Toon of 24 The Avenue, Whitby, North Yorkshire, YO21 3NH**

**Miss Amy Cockrem of 6 Brownswood Cottages, Egton, YO21 1TZ**

**Mr Timothy Robinson of 1 Cliff Ave, Summerseat, Bury, Lancashire, BL9 5NT**

**Mrs Victoria Laburnam Grove, Whitby, North Yorkshire, YO21 1HZ**

**Mr Martin Beeforth, 10 Beacon Way, Sneaton, Whitby, YO22 5HR**

**Ms Kelly Crow of 47 Brambling way, Scunthorpe, North Lincolnshire, DN16 3AF**

**Mr Ian Garbutt of 12, Main Road, Aislaby, YO21 1SJ**

**Miss Helen Knaggs of 63, Lowdale Lane, Sleights, Whitby, North Yorks, YO22 5AD**

**Ms Carol Crowe of High Farm, High Hawsker, Whitby, YO22 4LB**

**Ms Victoria Smith of 17 Runswick Avenue, Whitby, Whitby, YO21 3UB**

**Mrs Jacqui Mould of Primrose farm, Ugthorpe, Whitby, YO21 2BJ~**

**Ms Victoria Verrill of High Leas, Hawsker, YO22 4LA**

**Ms Sharon Coulson of Highfield, High Hawsker, Whitby, Whitby, YO22 4LF**

**Mrs Gemma Yeoman of 67 High Street, Hinderwell, North Yorkshire, TS13 5ET**

**Mrs Amy Crabtree of 26 Rose Avenue, Whitby, North Yorkshire, YO21 3JA**

**Ms Jane Christopher of 3 Echo Hill, Sleights, Whitby, North Yorks, YO22 5AE**

**Mr Christopher Purvis of 42 St Peter's road, Whitby, North Yorkshire, YO22 4HX**

**Mrs Shelley Anderson of Ravenscroft, Thorpe lane, Robin hoods bay, YO22 4RN**

**Miss Emma Breckon of 23 Wagtail Crescent, Whitby, North Yorkshire, YO22 4QU**

**Mr John Kaiser of Queens Drive, Whitby, YO22 4HN**

**Ms Mel Eddon of 59 Mayfield road, Whitby, YO21 1LT**

**Mr Michael John Mothersdale of 9 Quaker Lane, Paddock, Huddersfield, HD1 4SL**

**Mr David Winspear of 32 Cliff Road, Staithes, Saltburn by the Sea, TS13 5AE**

**Mr Mark Jarvis of 12 Claremont Drive, Whitby, YO21 3FL**

**Mrs Sarah Tilley of 22 The Avenue, Whitby, YO21 3NH**

**Mr Chris Brunning of 11, Eskdale Road, Whitby, YO21 1DU**

**Miss Nicola Prince of 47 The Ropery, Whitby, Whitby, United Kingdom, YO22 4EY**

**Ms Bridget Eddon of 8 Stonecross Road, Whitby, North Yorkshire, YO21 3LT**

**Item 6, NYM/2023/0607**

Please see the proposed window example left by the applicant which is available to view in the committee room.

**Item 8, NYM/2023/0646**

**Further consultation responses**

**Natural England** – Have read the applicants shadow HRA in which they conclude there would be no likely significant effects and we disagree with the conclusions. The proposed development would result in loss of qualifying habitat, both dry heath and golden plover/merlin supporting habitat and the peat assessment does not consider the depth of the peat. The conclusion that the 'loss is small 'does not override the conservation objectives of designation. As such the assessment does not support the conclusion of 'no adverse effects on the SPA/SAC sites. Trust your Authority will take these comments into account. Should your Authority consider granting planning permission, under the terms of the WCA 198, you should so advise Natural England why and allow Natural England 21 days to respond.

The Authority's ecologist has clarified that the HRA position is that the development is likely to have significant effects and likely to have adverse effects and so the development would be unlawful unless IROPI can be invoked.



The agent has submitted the following information:

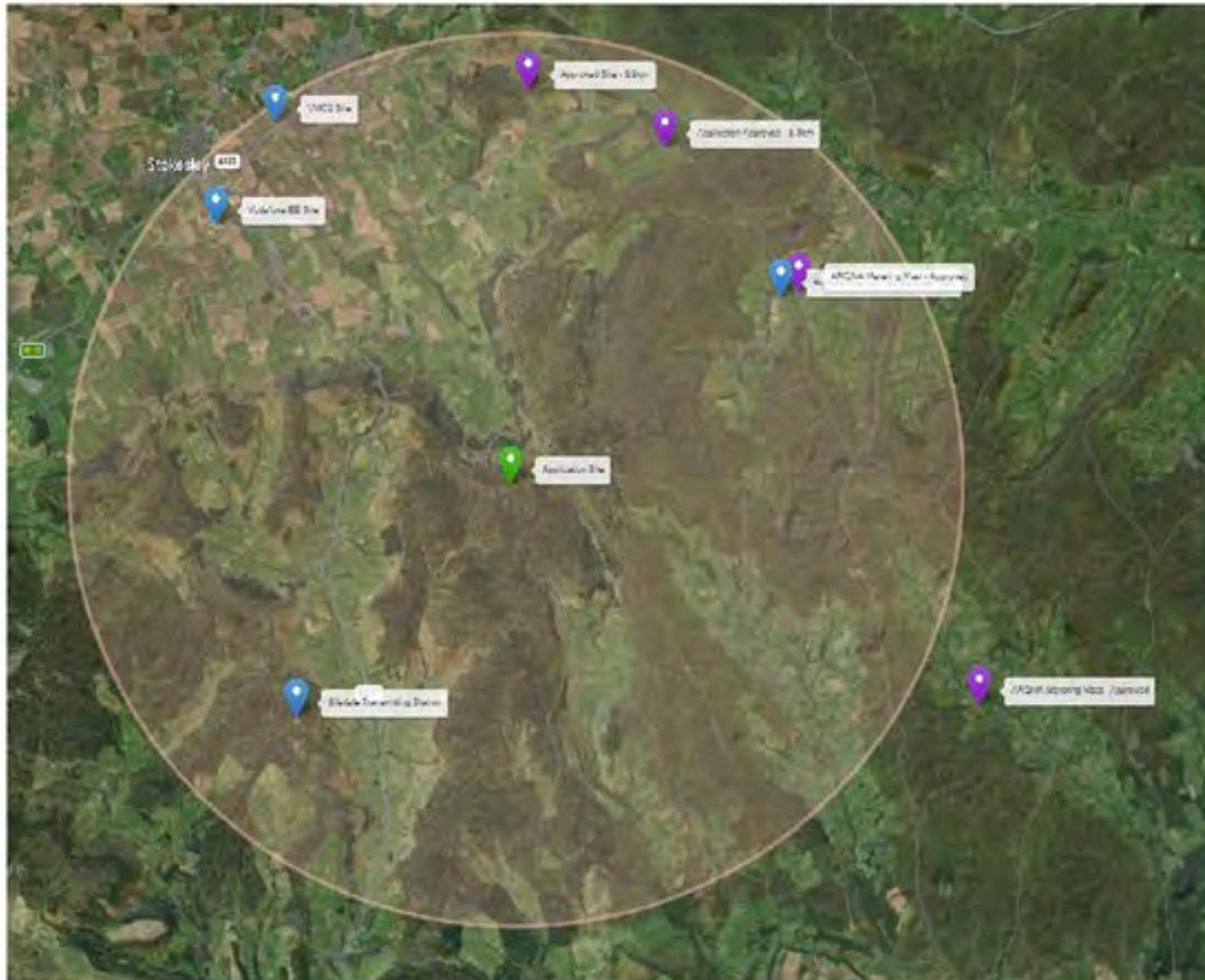


WHP Telecoms Ltd

**Professionals in  
Telecoms Infrastructure**

---

**Ref. NYM/2023/0646 – 17.5m Lattice Mast  
Planning Committee  
8<sup>th</sup> February 2024**

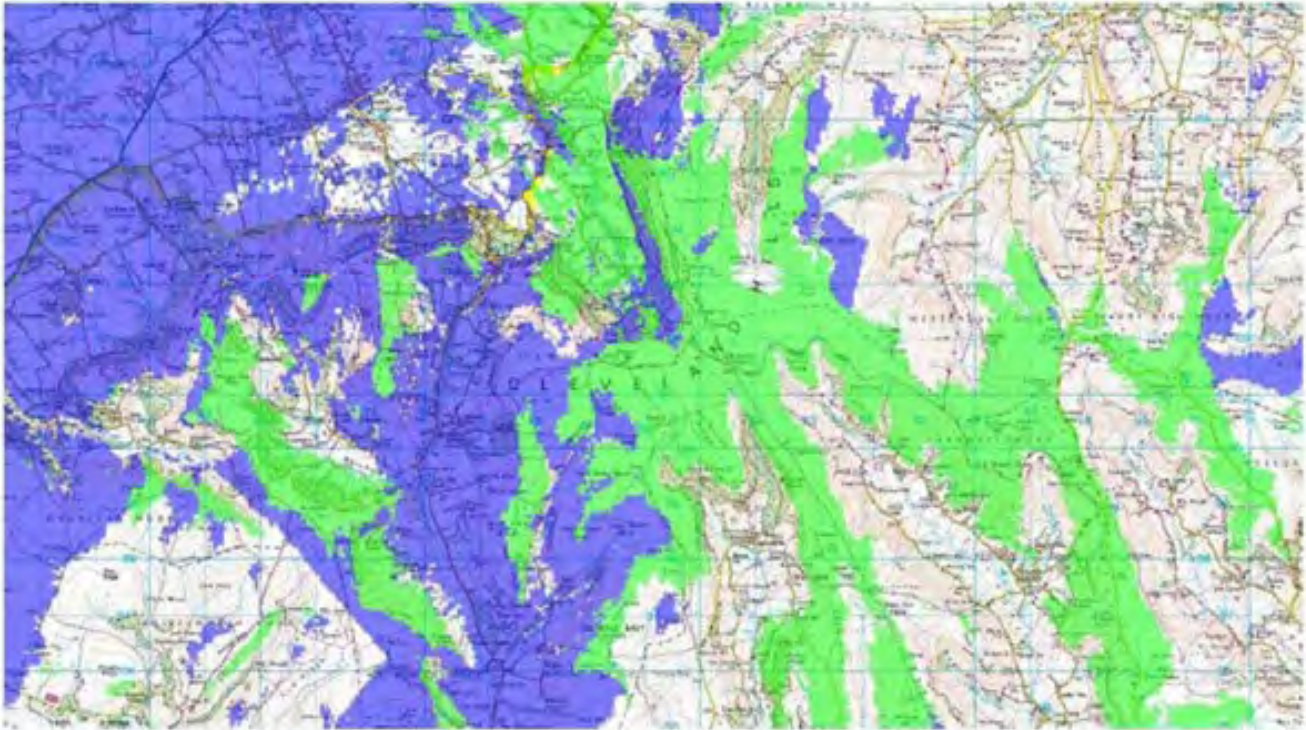


Classification: Public. Uncontrolled in hard copy format



# Proposed 4G Coverage

■	Existing Coverage
■	Planned Coverage



*Classification: Public. Uncontrolled in hard copy format*

## **Item 9, NYM/2023/0698**

### **The agent provided further supporting information on 30 January 2024 as follows:**

The agents have submitted shadow HRA and Primary Ecological Appraisal (PEA) ecological reports, in brief the HRA concludes that having regard to the distance between the site and protected sites and nature of the project and construction methodology there are not likely to be any likely significant effects on the designated features. The ecology report recommends mitigations if the development is to go ahead, these include: no night working, no use of temporary lighting, site clearance and construction works outside the bird breeding season unless an experienced ecologist considers there would be no disturbance & best practise clearing advice for species protection is followed.

### **Further information:**

- The applicants have supplied predictive plots showing the existing coverage and the improved coverage from a facility at the plateau location and photo montages from a number of locations.
- The applicants have supplied a shadow HRA assessment which the Authority's ecologist concurs with; it states that the development is not likely to have any likely significant effects on the nearby protected sites. However, if planning permission is to be granted, recommend that the mitigation measures contained in the PEA are conditioned and that given some non-international habitat will be lost that some BNG is negotiated to compensate.

On this basis refusal reason 2 should be removed from the Director of Planning's recommendation.



The agent has submitted the following information:



WHP Telecoms Ltd

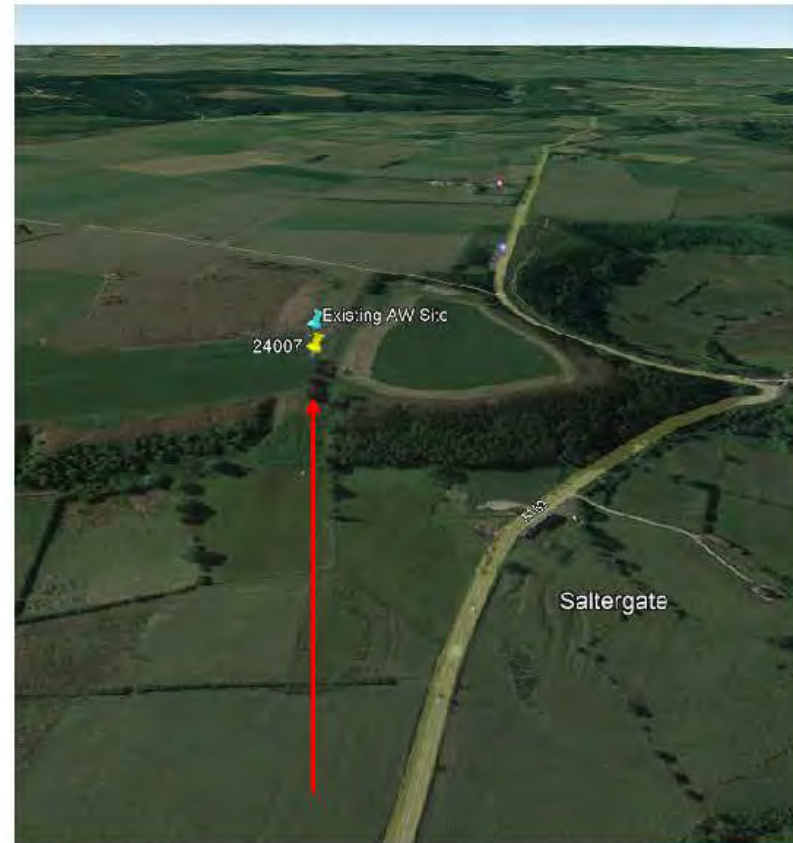
**Professionals in  
Telecoms Infrastructure**

---

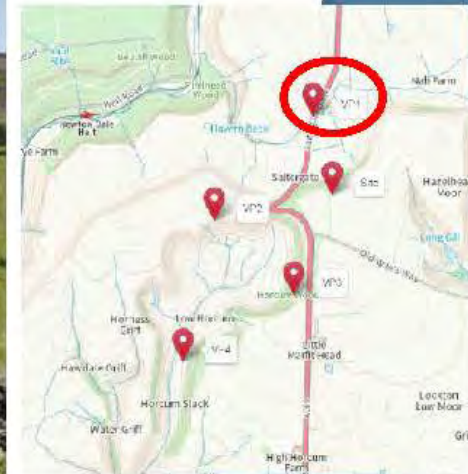
**Ref. NYM/2023/0698 – 25m Lattice Mast  
Planning Committee  
8<sup>th</sup> February 2024**



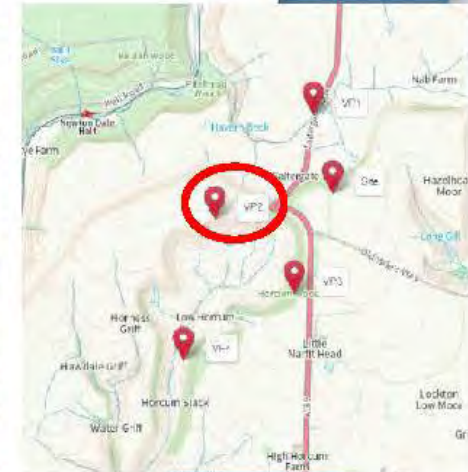
Classification: Company Public. Uncontrolled in hard copy format





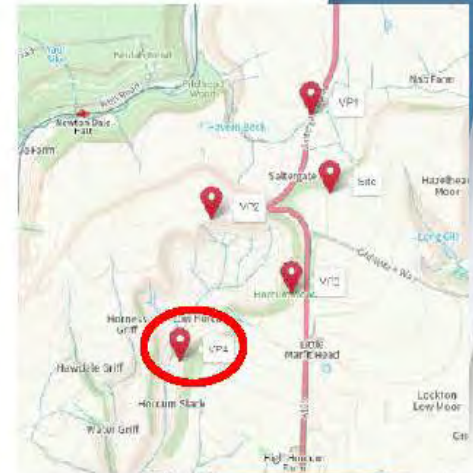


Classification: *Company Public, Uncontrolled in hard copy format*

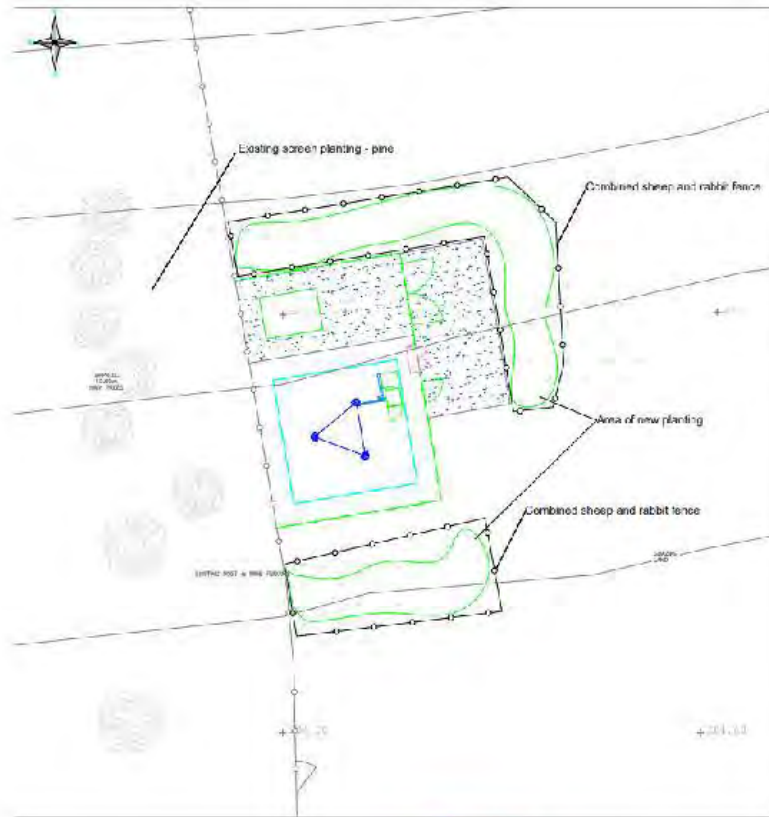


Classification: *Company Public, Uncontrolled in hard copy format*





Classification: Company Public; Uncontrolled in hard copy format



Item	Type	Quantity
Material	1000m x 1.5m	4
Barbecue	1000m x 1.5m	4
Screening	1000m x 1.5m	4
Planting	1000m x 1.5m	4
Structures	1000m x 1.5m	4
		4

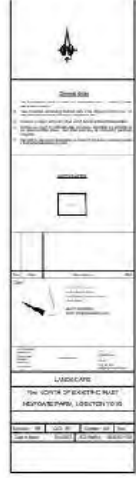
**NOTES**

1. All materials to be supplied and installed by the applicant.

2. All materials to be supplied and installed by the applicant.

3. All materials to be supplied and installed by the applicant.

4. All materials to be supplied and installed by the applicant.



RAL 7035

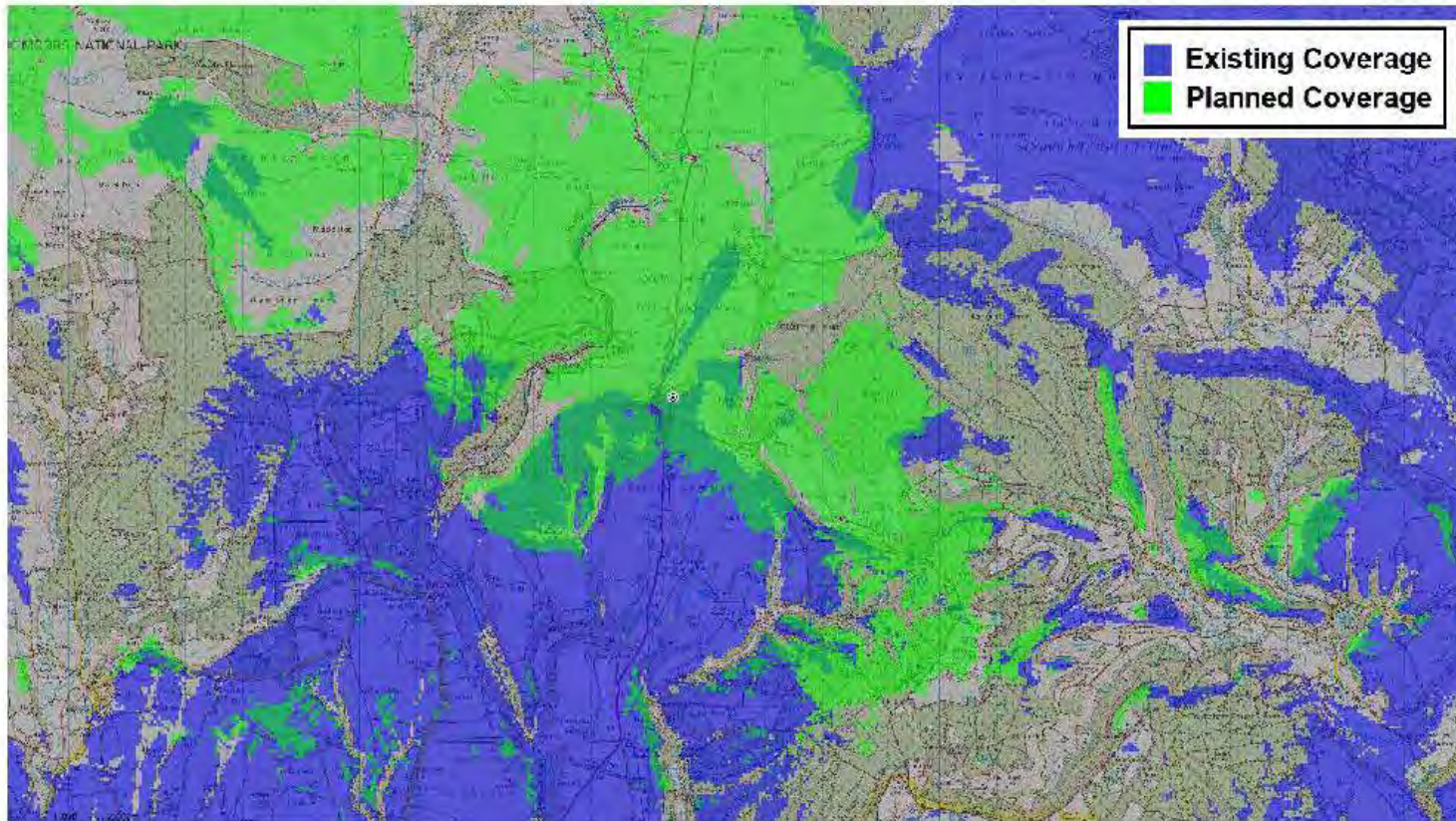
RAL 6009



Classification: Company Public, Uncontrolled in hard copy format



# Proposed 4G Coverage



*Classification: Company Public. Uncontrolled in hard copy format*