

Agenda

Meeting: Planning Committee

Venue: The National Park Office, The Old Vicarage, Bondgate, Helmsley

Date: Thursday 7 September 2023, 10.00am

Business

- 1. Apologies for absence
- 2. Public minutes of the meeting held on Thursday 13 July 2023
- 3. Public minutes of the site visit minute held at land to the rear of 3 Church Street, Helmsley on Friday 18 August 2023
- 4. Public minutes of the site visit minute held at Coate Moor, located north of Bankside Farm, Kildale on Friday 18 August 2023
- 5. Public question time (an opportunity for members of the public to ask questions)
- 6. Members are reminded that it is their responsibility to declare the nature of any personal, prejudicial and/or disclosable interests relating to any agenda item immediately prior to its consideration and are encouraged to complete a written declaration using the form provided.
- 7. Emergency evacuation procedure The chair to inform members of the public of the emergency evacuation procedure.
- 8. Miscellaneous items
- a) Appeals (Development Management)
- b) Appeals (Enforcement)
- c) Planning applications determined by the Director of Planning
- d) List of enforcement matters determined by the Director of Planning
- Response to Government Consultation on Changes to Permitted Development Rights
- 10. To consider applications, together with the Director of Planning recommendations thereon:-

Plans List Item	Application	Development description and site address
Number	Reference	
1	NYM/2023/0257	Erection of 25 metre high lattice mast with antennas, dishes and remote radio heads together with associated ground based equipment, siting of generator container and access track at Coate Moor, located north of Bankside Farm, Kildale
2	NYM/2023/0279	Demolition of workshop and garage and construction of three holiday units with associated parking and amenity spaces at land to the rear of 3 Church Street, Helmsley
3	NYM/2023/0025	Construction of 10 buildings to create 18 business and industrial units (use classes B2 and E) with associated access road, parking, cycle and bin stores, landscaping and realignment of public right of way at Enterprise Way, Whitby
4	NYM/2023/0129	Construction of two local occupancy dwellings together with reconfiguration of site to combine Blacksmiths Cottage and Anvil Cottage to one dwelling (with alterations to front elevation) and to provide parking and amenity spaces for existing dwellings and associated landscaping works at land to the rear of Blacksmiths Cottage, Back Lane, Hawsker
5	NYM/2023/0394	Variation of condition 4 of planning approval NYM/2019/0347/FL to allow the installation of heritage style uPVC windows to the front elevation together with submission of stone sample to discharge condition 8 at Grove Cottage, Thorpe Bank, Fylingthorpe

Relevant planning files are available for inspection prior to the Meeting upon request. Photographic evidence will be on display in the Committee Room (where applicable).

11. Such other business as, in the opinion of the Chair, should, by reason of special circumstances, be considered as a matter of urgency.

Chris France
Director of Planning

Press Contact: Nina Beadle, Media and Communications Officer, 01439 772700

Note:

- To ensure this meeting is conducted in an open and transparent manner it will be live streamed to the public and recorded. A link will be published under the relevant meeting heading on the Authority's website. The recording will be held in accordance with the Authority's retention policy.
- The Authority allows the recording and reporting of public meetings but asks that any party wishing to do so informs the Authority in advance of the meeting. Recording

and reporting that disrupts the meeting is not allowed. Persons expressly refusing consent, children and vulnerable adults cannot be filmed or photographed. The existing rules relating to confidential and exempt information, defamation, Data Protection and Public Order apply. The Authority accepts no liability whatsoever for the recording and reporting carried out by other parties.

- Members are reminded to turn all electronic equipment to silent mode, including
 mobile phones, laptop computers and tablets. Please note that only information that
 is available to Members during the Committee meeting should be accessed from a
 computer in the interests of sound decision making.
- Please note that the meeting may be adjourned to enable Members and Officers to have appropriate breaks (including lunch). This will only be undertaken when absolutely necessary and at the Chair's discretion. Lunch will be available at approximately 12.30 pm. Members taking lunch will have the appropriate amount deducted from any subsistence claim they may make.
- Tea and coffee will be available a quarter of an hour before the meeting.
- Please ensure when parking in the car park that you have not caused an obstruction which could prevent emergency vehicles accessing the building.
- Judith Seaton should be notified of any apologies.
- This agenda and application documentation are also available on the website
 <u>www.northyorkmoors.org.uk</u>. Comments on planning applications can be submitted
 by post to North York Moors National Park Authority, The Old Vicarage, Bondgate,
 Helmsley, Y062 5BP or by e-mail to <u>planning@northyorkmoors.org.uk</u>
- This agenda is available in large print on request.

North York Moors National Park Authority

Item 2, Public minutes of the meeting held on Thursday 13 July 2023, 10.00am

Present:

Jim, Bailey, Malcolm Bowes, Bridget Fortune, David Jeffels, John McCue, Heather Moorhouse, Abida Nayyar, Clive Pearson, Curt Pugh, John Ritchie, Christine Robertson, Arnold Warneken, Colin Williamson

Apologies:

Joy Andrews, Michelle Donohue-Moncrieff, George Jabbour, Patrick James, Bob Marley

Copies of all documents considered are in the minute book

31/2023 Election of Chair

Resolved: That Mr Clive Pearson be elected Chair of the Planning Committee, to take office until the first meeting of the Planning Committee following the Annual General Meeting of the Authority.

Mr Clive Pearson in the Chair

32/2023 Election of Deputy Chair

Resolved: That Mr John Ritchie be elected Deputy Chair of the Planning Committee, to take office until the first meeting of the Planning Committee following the Annual General Meeting of the Authority.

33/2023 Minutes

That the public minutes of the meeting held on Thursday 18 May 2023, having been printed and circulated, be taken as read and be confirmed and signed by the Chair as a correct record.

34/2023 Public question time

There were no questions from members of the public.

35/2023 Members interests

Members were reminded of their responsibility to declare any personal, prejudicial and/or disclosable interests relating to any agenda item prior to its consideration.

36/2023 Emergency evacuation procedure

The Chair informed members of the public of the emergency evacuation procedure.

37/2023 Miscellaneous items

Considered: The report of the Director of Planning

Resolved: That the report be noted.

38/2023 Planning Customer Satisfaction Survey 2022

Considered: The report of the Head of Development Management

Resolved: That Members noted the content of the report, asked for thought to be given as to how the Authority can seek feedback from third parties involved in the planning process and expressed the importance of consistency in decision making.

Members attention was drawn to the performance indicator being 80% not 85% as stated in the report.

39/2023 Draft Local Development Scheme and Statement of Community Involvement

Considered: The report of the Head of Strategic Policy

Resolved: That Members noted and agreed to publish the revised Local Development Scheme 2023 and Statement of Community Involvement 2023.

40/2023 Adoption of five new Conservation Area Appraisals

Considered: The report of Heritage & Conservation Officer

Resolved: That Members agreed to the adoption of five new Conservation Area Appraisals (Castleton, Osmotherley, Thornton-le Dale, Fylingthorpe and Robin Hoods Bay), endorsed the documents as informal guidance and authorised the proposed boundary changes to be put forward at a future date, subject to public consultation.

41/2023 Forest Plan Consultation – Kilburn and Oldstead

Considered: The report of the Woodland Officer

Resolved: That Members welcomed the Kilburn and Oldstead Forest Plan for the contribution it makes to National Park purposes. Members asked that Officers include in their response to Forestry England and Forest Services a request for rights of way access to be maintained at all times and that they demonstrate how the Management Plan objectives; particularly in relation to nature improvements and biodiversity are being met.

42/2023 Applications for planning permission

The following members of the public addressed the meeting regarding the plans list items indicated:

Plans list item 1: Cheryl Farrow spoke as the agent; Linda Lloyd spoke in support of the application and Richard Findlay spoke on behalf of the Parish Council.

Plans list item 6: Rob Hepplewhite arrived late, however at the Chair's discretion was allowed to speak as the agent and Mark Newby spoke in object to the application.

Plans list item 7: Peter Shackleton spoke on behalf of the applicant, Andrew Sutcliffe (of Kildale Estate) spoke in objection to the application and Rose Sutcliffe spoke on behalf of the Parish Council.

Plans list item 8: Craig Shell spoke as applicant.

Considered: The report listing applications and the Director of Planning's recommendations thereon.

Members also considered further information circulated on the Members' update sheet including; updates from the Director of Planning and comments received after the agenda was printed from: consultees, objectors and supporters.

Resolved:

That with regard to all applications listed in the report and subject to:

the amendments specified below; and

the imposition of conditions in accordance with the relevant provisions of Sections 91-94 of the Town and Country Planning Act 1990, except in those instances where an alternative condition is contained in the Director of Planning's recommendation or in an amendment referred to in (i) above:

Decisions be given in accordance with the Director of Planning's recommendations.

Plans list item 1

NYM/2023/0318 – Conversion of cattery building to form one local occupancy live/work unit together with increase in roof height (0.4m), partial use of joiners workshop as living accommodation, re-cladding/roofing of the adjoining workshop (no asbestos) use of land as garden and associated landscaping works (revised scheme following withdrawal of NYM/2022/0588) at Valley View Farm, Station Road, Castleton

Resolved: Approved contrary to officer recommendation with the Director of Planning authorised to clear conditions to include restricting the dwelling to local occupancy, tying the dwelling to the workshop building, removal of permitted development rights and requirement to submit a structural survey. Notwithstanding a previous recorded resolution by Members to refuse application NYM/2022/0588 which was subsequently withdrawn, whilst Members recognised the development conflicts with Local Plan policy CO12, great weight was given to the local need, delivery of housing, economic benefits of a live/work unit, the nature and level of local responses, the reduction in scale of the alterations proposed, environmental benefits in terms of the alterations proposed to the workshop building and the low level of landscape harm.

Plans list item 2

NYM/2023/0139 – Use of land for the siting of one touring caravan for seasonal residential use (01 April to 30 September in any one calendar year) for a temporary five year period (retrospective) at land adjacent Red Barn, Hawsker Lane, Hawsker

Resolved: Refused as recommended.

Plans list item 3

NYM/2023/0193 - Conversion of store to form one holiday letting unit. at Store, Lion Yard, High Street, Staithes

Resolved: Approved as recommended 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:

Existing Layout Plan N/A 19 April 2023 Amended plans 04/23/FP/E1 12 June 2023 Amended floor plan 04/23/FP/E1 05 July 2023

Plans list item 4

NYM/2023/0213 - Variation of condition 2 (material amendment) of planning approval NYM/2022/0435 to allow revised cross section and colour details of the approved windows at Garr End Cottage, Garth End, Staithes

Resolved: Approved as recommended.

Plans list item 5

NYM/2023/0197 - Conversion of and extension to stable block to form residential annexe accommodation (revised scheme to NYM/2020/0721/FL) at Foxhill Paddocks, Low Road, Throxenby, Scarborough

Resolved: Approved as recommended.

Plans list item 6

NYM/2023/0279 - Demolition of workshop and garage and construction of three holiday units with associated parking and amenity spaces at land to the rear of 3 Church Street, Helmsley

Resolved: Consideration deferred to enable a site visit to be undertaken to fully assess the potential amenity impact of the development on neighbouring properties and to consider the detailed landscape plan, with the attendance of Members being regarded as an approved duty for the purposes of the payment of Members' allowances.

Plans list item 7

NYM/2023/0257- Erection of 30 metre high lattice mast with antennas, dishes and remote radio heads together with associated ground based equipment, siting of

generator container and access track at Coate Moor, located north of Bankside Farm, Kildale

Resolved: Consideration deferred to enable a site visit to be undertaken to fully assess the visual impact of the development, with the attendance of Members being regarded as an approved duty for the purposes of the payment of Members' allowances. Members requested that the height of the mast is shown for example by balloon, cherry picker etc at the site visit.

Plans list item 8

NYM/2022/0685 - Retention of outdoor bar building and change of roof material to thatch at land to the south of The Horseshoe Hotel, Egton Bridge

Resolved: Approved as recommended.

Plans list item 9

NYM/2023/0259 - Use of land for the siting of an additional six camping pods for holiday letting purposes at Fox and Hounds, 45 Brook Lane, Ainthorpe

Resolved: Approved with the decision delegated to the Director of Planning to clear an amendment to condition 9 to improve the landscaping by requiring the number, species and position of trees and to provide more planting to the east of the site.

North York Moors National Park Authority

Item 3, Public minutes of the site visit held at land to the rear of 3 Church Street, Helmsley on Friday 18 July 2023 at 10.15am

Members present: Mr J R Bailey, Mr M Bowes, Mr D Jeffels, C Robertson, Mr C Pearson, Mr G Jabbour, Mrs J Andrews, Mr J Ritchie

Member apologies: Ms Donohue-Moncrieff, Mr C Williamson

National Park Authority Officers present: Chris France (Director of Planning), Jill Bastow (Senior Planning Officer)

Others present: Mr Steve Barker (Agent), Mrs Carol Swift (Neighbour)

NYM/2023/0279: Demolition of workshop and garage and construction of three holiday units with associated parking and amenity spaces

The Chair opened the meeting at 10.15am by welcoming Members and members of the public. Chris France set out the protocol for the visit and reminded all present that this was not an opportunity for either the agent or the objector to present their case although Members were able to ask questions through the Chair.

Jill Bastow then talked through the reasons for the site visit and outlined the proposed development at the entrance to the site. She then led Members through the site stopping at various points to advise on the position of the proposed units, parking areas and amenity spaces.

There were several questions from Members regarding the proposed landscaping and boundary treatment of the site and the amount of hard surfacing/parking proposed, along with the height and width of the units and position of windows. Members questioned the agent why the proposed development had been located along the southern boundary rather than the northern boundary where the existing garage/workshop building and partially built stores lay. The agent responded that the development had been the subject of extensive pre-application discussion with the Authority, and it was felt that the development of the existing buildings would have an adverse impact on the residential amenity of the residents to the north facing onto the site as the existing buildings on that site had several windows, rooflights and door facing the site. Jill Bastow also advised Members that the existing garage building was of no architectural or historical merit that made it worth retaining and adapting the approved scheme for the stores would not enhance that character and appearance of the conservation area.

Once Members were satisfied that they had seen sufficient of the site, Jill Bastow led then round into the neighbours garden to the south and advised where the proposed units would extend along the common boundary and at what height.

The Chair thanked the Members and members of the public for attending and closed the meeting at 10.40am.

North York Moors National Park Authority

Item 4, Public minutes of the site visit held at Coate Moor, located north of Bankside Farm, Kildale on Friday 18 August 2023 at 11.45am

Members present: Mr J Bailey, Mr M Bowes, Mr G Jabbour, Mrs J Andrews, Mr C Williamson, Mr D Jeffels, Mrs C Robertson, Mr J Ritchie, Mr C Pearson

Member apologies: Ms Donohue-Moncrieff

National Park Authority Officers present: Chris France (Director of Planning) & Mark Hill (Head of Development Management)

Others present: Mr A Sutcliffe, Mrs Sutcliffe, Mr P Shackleton, Mr S McHenrie

NYM/2023/0257: Erection of 25 metre high lattice mast with antennas, dishes and remote radio heads together with associated ground based equipment, siting of generator container and access track

North York Moors National Park Authority officers and those Members who travelled by minibus met Members who travelled separately at Kildale Station Car Park before travelling up to the small Cleveland Way Car Park close by then proceeded on foot approx. 80m along the Cleveland Way to the site where the applicant's agents and representatives of the objectors were waiting. A 26m extendable mini lattice mast had been sited adjacent to the site for locating the position and height of the proposed mast for later viewing from medium distance viewpoints. Unfortunately, the weather conditions were such that low cloud was just at the heigh of the wooded ridge which meant that long distance viewing was not possible. The mock mast could not be discerned from locations even in Kildale village.

At 11.45, The Chair opened the site visit, the Director of Planning explained the protocol for the visit, he affirmed that it was not a decision making visit but a simple visual inspection of the site and surroundings to help Members assess whether the visual impact of the mast was an acceptable or unacceptable in the wider landscape.

The Head of Development Management briefly explained the character of the development design and the change that had occurred in the intervening period between Planning Committee meeting and the site visit which had reduced the height of the proposal from 30m to 25m and also the colouring of the lattice mast and the associated equipment including emergency generator and its housing and the timber fenced compound. He explained the need for the mast to have clear line of sight radio shadow coverage of the target area that the three mobile companies were seeking to fill for their 'notspot' coverage customers and the 'backhaul' arrangements for linking the mast into the wider network with particular emphasis on linking to a microwave tower in Stockton on Tees. It was confirmed that the reduction in height of the mast brought it within the permitted development regulations which meant that a planning application

was not necessary to determine the proposal, but the applicant had confirmed their wish to continue it being determined under this process.

Members asked a number of questions about whether the reduction in height would affect the mobile & broadband coverage to the agent who explained the main loss of benefit was resilience rather than coverage and why an emergency generator was required and how this proposal linked with the emergency services network and how EE would serve their customers as they were not part of the group funding the proposal.

Members also asked the objectors about the visual concerns, and these were explained, with regret for the poor visibility conditions.

Members then asked about the wider mobile programme and the applicant explained this proposal was part of the Government supported "Shared Rural Network" which seeks to deliver rural digital connectivity nationwide in an effort to provide 95% mobile cover across the UK by 2025.

Other questions concerned the potential for loss of tree screening in the event that 'Larch' disease impacted on the forestry screening cover which included some Larch trees.

In light of the restricted mist visibility, the medium distance viewpoints were abandoned and only the village hall viewpoint was visited by the Members in the minibus. Members viewed the photo montages taken in good weather that were presented on the site visit presentation boards as a poor weather back up. The Chair closed the meeting when there were no more questions.

North York Moors National Park Authority

Item 5, Public Question Time

When?

Public Question Time will be at the beginning of each meeting, immediately after the minutes of any previous meeting have been agreed and will be limited to a maximum of 15 minutes of questions and answers in total.

What?

- Only questions will be allowed, and these must relate to the business of the Authority.
- Any questioner will be limited to two minutes maximum speaking time.
- Supplementary questions will only be allowed for purposes of clarifying an earlier answer.
- If answers cannot be provided on the day a reply in writing will be offered

How?

Any questions must be delivered in writing to the Director of Planning at least two clear working days before the meeting. The Chair will then call questioners at the meeting in the order questions were received.

Answers to questions will normally be given by the Chair.

Exclusions?

No question relating to an individual recipient of services will be allowed, as appropriate alternative channels exist for such inquiries.

The opportunity to ask questions under this scheme does not apply to staff or their representatives, since other mechanisms are available.

No questions can be accepted which relate to matters which would normally be dealt with in private session because they relate to exempt information, for example: -

- Legal actions
- Financial and business affairs of other organisations
- Individual members of staff
- Trade Union negotiations

No questions can be accepted where there is a statutory procedure in place for public consultation, for example: -

- Traffic regulation orders
- Public rights of way orders, etc

Notice of questions should be sent to:

Director of Planning, National Park Office, Old Vicarage, Bondgate, Helmsley, YO62 5BP or by email to planning@northyorkmoors.org.uk.

North York Moors National Park Authority

Item 8, Miscellaneous items

Appeals

a) Development Management

Please note that the appeal documentation for each of the applications listed below can be found by clicking on the application reference number.

Hearings and inquiries

None

Appeals received

Reference	Appellants	Development description and site address	
number	name		
NYM/2022/0254	The Farndale Estate	Conversion of outbuildings to domestic accommodation and home office, construction of double garage and connecting workshop together with alterations to stable building at Rawson Syke, Daleside Road, Farndale East.	

Appeals determined

Reference	Appellants	Development description and site	Decision	
number	name	address		
NYM/2022/0442	Mr A Bancroft	Listed Building consent for installation of replacement double glazed timber windows at Demesne Farm Holiday Cottages, Fylingdales.	Decision attached at Appendix 1	

b) Enforcement appeals

Please note that the appeal documentation relating to the enforcement cases listed below can be found by clicking on the reference number.

Hearings and inquiries

None

Appeals received

None

Appeals determined

None

Applications determined by the Director of Planning

A list of applications determined by the Director of Planning in accordance with the scheme of delegation is attached at appendix 2.

NB: Members wishing to enquire further into particular applications referred to in the Appendix are asked to raise the matter with the Director of Planning in advance of the meeting to enable a detailed response to be given.

List of enforcement matters determined by the Director of Planning

A list of enforcement matters determined by the Director of Planning in accordance with the scheme of delegation is attached at appendix 3.

Tom Hind

Chief Executive

Chris France

Director of Planning

Background documents to this report

Document	File Ref	Location	
Signed letter: dates as given	3024	The Old Vicarage, Bondgate, Helmsley,	
		York, YO62 5BP	

Appeal Decision

Site visit made on 22 June 2023

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2023

Appeal Ref: APP/W9500/Y/22/3305119 Demesne Farm, Fylingdales, Whitby YO22 4QF

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mr Alan Bancroft (Demesne Farm) against the decision of North York Moors National Park Authority.
- The application Ref NYM/2022/0442, dated 21 May 2022, was refused by notice dated 12 August 2022.
- The works proposed are installation of replacement double glazed timber windows and a door at Demesne Farm Holiday Cottages.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the proposed works in the banner heading above is taken from the decision notice which succinctly describes the proposal. However, it does not refer to the proposed replacement door which is shown on the plans and is referred to in the decision notice. As such, I have included reference to the door in the description for clarity. As the scheme relates to a listed building, I have had special regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). The site lies within the North York Moors National Park thus I have also had regard to the statutory purposes of the national park designation.

Main Issue

3. The main issue is whether the proposed works would preserve the Grade II listed building, known as Demesne Farmhouse and attached farm buildings and garden walls, or any features of special architectural or historic interest which it possesses.

Reasons

Special interest and significance

- 4. Demesne Farmhouse and attached farm buildings and garden walls are Grade II listed and date from the 18th century. It has a distinctive formal layout with the main two-storey farmhouse facing into a courtyard enclosed by the smaller farm buildings. The courtyard is entered by an arched entrance where the main farmhouse dominates at the opposite side of the courtyard.
- 5. Both the farmhouse and farm buildings are built from sandstone with slate roofs. Although converted into holiday accommodation, the farm buildings fenestration pattern, layout, scale, form and more simple vernacular contrast

- with the greater sense of grandeur and importance resulting from the scale, fenestration and architectural detailing of the farmhouse. The contrasting characteristics between the house and farm buildings provide a historical narrative to the site's former use as a small traditional farmstead.
- 6. From the evidence available to me, the significance of the listed building, insofar as it relates to this appeal, is largely derived from its architectural and historic qualities as an intact planned estate farmstead with its preserved courtyard layout.

Appeal proposal and effects

- 7. The windows and doors in the farm buildings are not original and were installed several years ago. They include top and side hung casement windows with glazing bars. Entrance doors to the individual holiday units are timber with half glazed doors. Windows and doors are often among the most prominent features and an integral part of the design of a listed building. In this case they have little historic interest, yet their design appears to generally replicate that of historic windows and doors found in vernacular farm buildings. They are single glazed, timber with relatively small panes of glass divided by structural glazing bars. In these respects, they have some aesthetic value, and they are in keeping with the character and style of the listed building.
- 8. I have had regard to the poor condition of some of the timber windows. Although it is clear from my observations on site that some windows need restoration work, no detailed robust assessment of the condition of the windows, or the door, has been submitted. As such, I cannot be certain that their condition is so poor that all or some could not be retained and sensitively refurbished by an experienced tradesperson.
- 9. Even if I accept that they are beyond repair and require to be totally replaced, the sealed units of the double glazing in the proposed windows and door would form a flat uniform plane of glass. This would be distinct from the existing single glazing, due to the double reflection that arises from the use of two panes and its bulkier appearance. Even with high-quality workmanship and a similar depth to the existing glazing bars, the 'sandwiched' dividers would be evident behind the applied glazing bars. Moreover, the continuous plane of the front glass of the sealed unit would be clearly discernible revealing their modern technical fabrication. Accordingly, the proposed windows and door would lack both the constructional integrity and the important visual subtleties of texture that traditional carpentry and glazing methods offer.
- 10. From a distance, the existing and proposed windows and door design would appear similar. However, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether close public views of the building can be gained. In this regard, on closer inspection the new windows and door would lack many of the subtleties of single glazed individual panes with structural glazing bars. As such, the replacement windows and door would be clearly identifiable as non-traditional modern fixtures, they would appear jarringly out of place on this listed building and the aesthetic value attributable to the existing windows and door would be lost.
- 11. Consequently, the works would fail to preserve, and instead harm, the special architectural and historic interest, and hence significance of the Grade II listed

building, known as Demesne Farmhouse and attached farm buildings and garden walls.

Public benefits and heritage balance

- 12. Paragraph 199 of the National Planning Policy Framework (the Framework) (2021) advises that great weight be given to the conservation of designated heritage assets (and the more important the asset, the greater the weight should be). Paragraph 200 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.
- 13. With reference to paragraphs 201 and 202 of the Framework, in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. In this instance, given that the windows and doors in the farm buildings are not original and the layout and form of the farm buildings would be retained, the harm to the listed building would be 'less than substantial' but, nevertheless, of great weight. Under such circumstances, paragraph 202 advises that this harm should be weighed against the public benefits of the proposal, which includes securing the asset's optimum viable use.
- 14. The timber proposed would have a long-life span. Moreover, any improvements to energy efficiency, would have public benefits through the potential for lower energy consumption and by reducing carbon emissions. However, the extent of improvements to the building's thermal insulation and energy efficiency from the proposal have not been quantified. Given the size of the farm buildings, any environmental benefits which would flow to the public at large are likely to be minimal. Moreover, I have not been presented with any substantiated reasons that energy efficiency could not have been improved in other ways.
- 15. There would also be some very small economic and social benefits associated with the installation works and the general investment into the property. These outcomes assist the delivery of the main objectives of the planning system as outlined in the Framework. However, the scale of these public benefits is limited by the modest extent of the works.
- 16. There is no evidence that the use as holiday accommodation would not, or could not be, secured without the works. In this regard, clear and convincing justification for the harm that would occur to the significance of the designated heritage asset because of the proposed works, has not been provided.
- 17. Overall, the weight that I ascribe to the public benefits that would accrue from the proposed works, is not sufficient to outweigh the great weight that I attach to the harm I have found. As such, the works would not comply with paragraph 202 of the Framework.
- 18. The proposed works would fail to preserve the Grade II listed building known as Demesne Farmhouse and attached farm buildings and garden walls, or its features of special architectural or historic interest which it possesses. This is contrary to the requirements of sections 16(2) of the Act.
- 19. In so far as it is a material consideration the works would conflict with Strategic Policy I and Policy ENV11 of the North York Moors National Park Authority Local Plan (2020). These say, amongst other things, that harm to an element which contributes to the significance of a designated heritage asset (or to non-

designated archaeology of national importance) will require clear and convincing justification and will only be permitted where this is outweighed by the public benefits of the proposal. Accordingly, it would also be inconsistent with the first purpose of the national park designation, albeit to a very small degree.

Other Matters

- 20. The merits of an alternative window style or concerns regarding the processing of the application are not matters for my consideration as part of this appeal and do not alter the merits of the proposed works before me.
- 21. I have been referred to replacement windows at other listed buildings in the vicinity of the appeal site. However, I do not have full details of the circumstances that led to those replacement windows being accepted. As such, I am unable to make any meaningful comparisons with the proposal before me. In any event, I have determined the appeal on its own planning and conservation merits and concluded that there would be harm, which is not outweighed by sufficient public benefits.

Conclusion

22. For the reasons given, the appeal is dismissed.

Mr R Walker

INSPECTOR

Appendix 2

List of applications determined by the Director of Planning in accordance with the scheme of delegation for the period of 13 June 2023 to 10 August 2023.

Please note that the decision notice for each of the Authority's applications listed in this report can be found by clicking on the application reference number.

North Yorkshire Council (Ham

Application reference: NYM/2023/0077

Alterations to main dwelling, including construction of porch, bay window, new window openings and introduction of juliet balcony, together with construction of garage with driveway at Box Tree House, 13 The Crescent, Carlton In Cleveland for Mr and Mrs Brown

Approved on 23/06/2023

Application reference: NYM/2023/0109

Conversion of barn, stable and storage building together with construction of link extension to form one local occupancy dwelling at Hillcrest Farm, Over Silton for Mr & Mrs I Harper

Approved on 18/07/2023

Application reference: NYM/2023/0118

Conversion of former methodist chapel to form local occupancy dwelling (revised scheme to planning approval NYM/2018/0448/FL) (part retrospective) together with siting of sewage treatment plant at Methodist Church, Chop Gate for Henry Stamp

Approved on 24/07/2023

Application reference: NYM/2023/0175

Variation of condition 2 (material amendment) of planning approval NYM/2021/0671/FL to allow a larger footprint to create additional floorspace at both ground and first floor levels together with alterations to fenestration and doors, introduction of chimneys and changes to landscaping at Woodbine Cottage, Kilburn for Ms Smith

Approved on 16/06/2023

Application reference: NYM/2023/0255

Demolition of side extension and car port and construction of two storey side extension at 27 Faceby Road, Carlton In Cleveland for Caroline Cosgrove and James Lester

Approved on 20/06/2023

Application under Regulation 3 (Town and Country Planning General Regulations 1992) for installation of coir tolls into stream, stabilise a culverted track surface and replace an existing culvert at north of Stingamires, Bilsdale for North York Moors National Park Authority

Approved on 10/07/2023

Application reference: NYM/2023/0316

Variation of condition 2 (material amendment) of planning approval NYM/2022/0547 (allowed on appeal) to change from horizontal to vertical timber board cladding at Bilsdale House, Chop Gate for Mr D Mc Donnell

Approved on 28/07/2023

Application reference: NYM/2023/0335

Alterations to fenestration and doors to dwelling and outbuilding together with remedial works to existing outbuilding, installation of air source heat pump, construction of steps and terracing to the rear and erection of boundary fencing (retrospective) (revised scheme to NYM/2021/0413/FL) at Middle Cottage, Thimbleby for Mr and Mrs Tones

Approved on 10/08/2023

Application reference: NYM/2023/0336

Listed Building consent for internal alterations comprising but not limited to the removal of internal walls, alterations to staircase and to the adjoining workshop to create bedroom together with alterations to fenestration and doors to dwelling and outbuilding and remedial works to existing outbuilding (revised scheme to NYM/2021/0416/LB) at Middle Cottage, Thimbleby for Mr and Mrs Tones

Granted on 10/08/2023

Application reference: NYM/2023/0339

Removal of wall, insertion of dropped kerb, creation of parking area and installation of railings at 81 South End, Osmotherley for Mrs Jennifer Rutter

Approved on 26/07/2023

Application reference: NYM/2023/0352

Change of use from tearoom to dwelling at Glebe Cottage, Station Road, Kildale for Mr Colin McCosh

Approved on 09/08/2023

Construction of dormer, removal of chimney and installation of flue together with demolition of timber garage and construction of replacement brick garage to side (revised scheme to planning approval NYM/2023/0148) at 29 Faceby Road, Carlton In Cleveland for Mr Andrew Sykes

Approved on 04/08/2023

North Yorkshire Council (Rye)

Application reference: NYM/2022/0091

Demolition of barn and construction of residential annexe and replacement of pole barns to the rear with workshop/studio (for personal use) along with replacement timber windows to the front elevation of main dwelling at Cold Kirby Farm, Main Street, Cold Kirby for Mr and Mrs Lawson

Approved on 07/07/2023

Application reference: NYM/2022/0924

Erection of dairy cubicle building and milking parlour together with above ground covered manure storage tank (revised scheme to planning approval NYM/2021/0257/FL) at New Leys Farm, Stokesley Road, Helmsley for W H Dunn & Sons

Approved on 27/07/2023

Application reference: NYM/2023/0021

Listed Building consent for strengthening works to the three-span stone masonry arch bridge by casting a reinforced concrete saddle, whilst rebuilding bulging and replacing damaged stonework at Rievaulx Bridge Cottage, Rievaulx for North Yorkshire County Council

Granted on 07/07/2023

Application reference: NYM/2023/0163

Listed Building consent for masonry repairs to window head and mullions to ground floor window at St Mary's, Appleton le Moors for Ms Nicola Oldroyd

Granted on 19/06/2023

Application reference: NYM/2023/0188

Listed Building consent for installation of slimline double glazed panes to existing windows at Pear Tree Cottage, High Street, Thornton le Dale for Miss Wendy Jones

Granted on 21/06/2023

Demolition of conservatory and construction of single storey rear extension with rooflights and installation of replacement front door together with alterations to garage at Coromoor House, Ings Lane, Lastingham for Mr & Mrs Edwards

Approved on 13/06/2023

Application reference: NYM/2023/0219

Conversion of redundant agricultural building to two holiday letting units with associated amenity space and parking at Stape Head Farm, Stape Road, Stape for Mr Colin Barker

Approved on 27/07/2023

Application reference: NYM/2023/0237

Variation of condition 2 of Listed Building consent NYM/2022/0401 to allow additional rebuilding works at Moor Houses Farm, Bransdale for The National Trust

Granted on 16/06/2023

Application reference: NYM/2023/0238

Alterations to rear entrance lobby and outhouse together with construction of timber extension and relocation of oil tank at West View Farm, Lockton for Mr Jason Coughlin

Approved on 20/06/2023

Application reference: NYM/2023/0239

Listed Building consent for alterations to rear entrance lobby and outhouse together with construction of timber extension at West View Farm, Lockton for Mr Jason Coughlin

Granted on 19/06/2023

Application reference: NYM/2023/0240

Installation of shutter doors, proposed timber cladding and change of use of agricultural barns to Use Class B8 (Storage or distribution) to allow the storage of caravans within the barns with associated parking, drop off point and turning area at West View Farm, Lockton for Mr Jason Coughlin

Approved on 20/06/2023

Application reference: NYM/2023/0249

Demolition of outbuildings and construction of single storey side extension at Harland Beck Cottage, Daleside Road, Low Mill Farndale West for Susan, James , Fiona, Audrey Trueman, Trueman, Baldwin , Lewis

Approved on 31/07/2023

Application reference: NYM/2023/0265

Construction of one agricultural workers dwelling with associated parking, amenity space and landscaping works at Westfield Lodge, Yan Brow, Hutton Le Hole for Ms Annabel Strickland

Approved on 27/06/2023

Application reference: NYM/2023/0271

Removal of existing render and re-rendering using hot-mixed lime at Daleside Farm, Hawnby for Mexborough Estates

Approved on 26/06/2023

Application reference: NYM/2023/0272

Listed Building consent for removal of existing render, re-rendering using hot-mixed lime, refurbishment/repair of existing windows and installation of one replacement window at Daleside Farm, Hawnby for Mexborough Estates

Granted on 26/06/2023

Application reference: NYM/2023/0283

Application under Regulation 3 (Town and Country Planning General Regulations 1992) for installation of four wood structures at work area 1 and realignment of existing channel at work area 2 together with siting of welfare unit at land at and north of Bonfield Ghyll Farm, Helmsley for North York Moors National Park Authority

Approved on 03/07/2023

Application reference: NYM/2023/0297

Removal of condition 10 of planning approval NYM/2021/0472/FL which requires highway mitigation measures at Land off Sutherland Road, Cropton for Mr Russell Stripling Scott

Refused on 23/06/2023

Application reference: NYM/2023/0311

Construction of single storey rear extension (resubmission following expiration of NYM/2020/0198/FL) at Church Farm Cottage, Scawton for Miss Ann Sturdy

Approved on 10/07/2023

Creation of wildlife pond at Barr Farm, Saltersgate for Mr Anthony Evans

Approved on 13/07/2023

Application reference: NYM/2023/0326

Construction of porch to front and replacement single storey extension to rear together with installation of replacement windows to dwelling and change of use of annexe above the Tea Room to holiday letting accommodation and construction of dormer window with French doors (part retrospective) at Greenways, High Street, Lockton for Andrew Graham

Approved on 24/07/2023

Application reference: NYM/2023/0330

Erection of shed, bin store, compost bins and log store (retrospective) at rear of 29 Bondgate, Helmsley for Greenhill Holidays Ltd

Approved on 17/07/2023

Application reference: NYM/2023/0333

Erection of replacement agricultural storage building at land east of Longlands Lane, Thornton-le-Dale for Hall Farming Ltd

Approved on 19/07/2023

Application reference: NYM/2023/0371

Application under Regulation 3 (Town and Country Planning General Regulations 1992) for variation of condition 1 of planning approval NYM/2018/0382/R3 to allow the use of car park as a mixed use of car park and single pitch for refreshments van for a further five years at Saltergate Car Park, Hole of Horcum for North York Moors National Park Authority

Approved on 07/08/2023

Application reference: NYM/2023/0383

Installation of cast iron 'corridor' sculpture at Courtyard, Dalby Forest Visitor Centre Low Dalby for Forestry England

Approved on 10/08/2023

Application omitted from the report in the July Planning Committee agenda which was determined by the Director of Planning in accordance with the scheme of delegation during the period of 28 April 2023 to 13 June 2023.

change of use of land to form extended garden and installation of tennis court surface with associated works and landscaping at Abbey Cottage, Byland Abbey for Mr T Porritt

Approved on 25/05/2023

North Yorkshire Council (Sca)

Application reference: NYM/2021/1021

Demolition of single storey extension, alterations including rendering and construction of two storey extension and porch at The Gatehouse, Porret Lane, Hinderwell for Richard and Emma Thompson

Approved on 26/06/2023

Application reference: NYM/2022/0302

Erection of 30m lattice tower supporting 9 no. antennas, 6 no. transmission dishes, 6 no. equipment cabinets, 1 no. meter cabinet, and ancillary development thereto, including a GPS module, a generator and fuel tank, access track, hardstanding, and gabion walled compound at Land at north eastern plantation, off Shop Lane, Botton for Hutchison 3G UK Limited

Approved on 28/07/2023

Application reference: NYM/2022/0555

Erection of steel portal framed agricultural livestock building at Burgate Farm, Harwood Dale for Mr J Cook

Approved on 10/07/2023

Application reference: NYM/2022/0706

Change of use of part of ground floor from restaurant to breakfast room for B&B guests and one holiday letting unit, alterations to fenestration and doors and alterations to existing front balcony ballustrade at The Wayfarer, Station Road, Robin Hoods Bay at The Wayfarer, Station Road, Robin Hoods Bay for Mr Neil Mossley

Approved on 29/06/2023

Application reference: NYM/2022/0775

Removal of bay windows, installation of four windows and infilling of stonework together with installation of louvre and roof fan at Dolphin Hotel, King Street, Robin Hoods Bay for Mrs Lydia Gibson

Approved on 03/08/2023

Use of land as a campsite comprising two bell tents with decking, access path, landscaping works and erection of toilet building at Low Hollins Farm, Egton Bridge for Anna and Steve Helm and Williamson

Approved on 01/08/2023

Application reference: NYM/2023/0024

Variation of condition 2 (material amendment) of planning approval NYM/2022/0672 to allow a change in colour of the side panels of the approved building from green to anthracite grey and repositioning of door to west (front) elevation together with submission of lighting details for approval as required by condition 4 at Sandfield House Farm, Sandsend Road for Mr Craig Horrocks

Approved on 22/06/2023

Application reference: NYM/2023/0044

Erection of agricultural livestock and storage building and associated hardstanding at Mill Inn, Harwood Dale, Scarborough for Mrs Hazel Coverdale

Approved on 24/07/2023

Application reference: NYM/2023/0126

Demolition of pole barn and lean-to agricultural building, conversion of agricultural outbuildings into three holiday letting units with associated parking together with landscaping works at Prospect House Farm, Hay Lane, Scalby for Mr & Mrs Joe & Kimberley Marshall

Approved on 24/07/2023

Application reference: NYM/2023/0152

Listed Building consent for conversion of agricultural outbuildings into three holiday letting units at Prospect House Farm, Hay Lane, Scalby for Mr & Mrs Joe & Kimberley Marshall

Granted on 24/07/2023

Application reference: NYM/2023/0167

Alterations to and change of use of garage to ancillary annexe accommodation together with erection of link extension to dwelling (revised scheme following withdrawal of planning application NYM/2022/0812) at Highfields, Ugglebarnby Lane, Sneaton for Mr & Mrs K & A Dowson

Approved on 13/06/2023

Listed Building consent for phased underpinning of the dwelling together with rebuilding of the southern gable wall at Brookside Farm, Fryup for Dr Kevin Turpin

Granted on 09/08/2023

Application reference: NYM/2023/0195

Certificate of lawfulness for the conversion of adjoining outbuilding to holiday letting accommodation in excess of ten years at Underhill Cottage, Blue Bank, Sleights for Mr Andrew Hodgson

Issued on 26/06/2023

Application reference: NYM/2023/0204

Erection of stable building for equestrian and livestock purposes at Land south of St Margarets Church, Aislaby for Miss Jade Birch

Refused on 22/06/2023

Application reference: NYM/2023/0210

Construction of single garage along with alterations to dwelling comprising amended roof pitch, installation of rooflights and replacement of window with Juliette balcony at Oaktree Cottage, Carr End, Glaisdale for Mr T Bentley

Approved on 06/07/2023

Application reference: NYM/2023/0215

Variation of condition 2 (material amendment) of planning approval NYM/2022/0395 to allow alterations to roof height of covered walkway and retention of existing vertical timber cladding to south west elevation, fibre cement corrugated roof sheeting to the lean-to extension, alterations to roof windows and addition of door and external steps to south east elevation together with retention of existing vertical timber cladding and addition of roof window to north east elevation at Danby Castle, Castle Lane, Danby for Danby and Liverton Estate

Approved on 24/07/2023

Application reference: NYM/2023/0223

Listed Building consent for the replacement of the front six panel timber door, door surround and internal lobby (submission following appeal decision NYM/2019/0706/LB) at 3 Bloomswell, Robin Hoods Bay for Mr Timothy Knight

Granted on 15/06/2023

Siting of a timber clad portacabin for use as office space for a temporary five year period (resubmission prior to expiration of NYM/2018/0308/FL) at Office at 5 High Street, Hinderwell for Hinderwell Parish Council

Approved on 12/06/2023

Application reference: NYM/2023/0228

Variation of condition 1 of planning approval NYM/2018/0322/FL to allow siting of pre-fabricated classroom for a further temporary period at Castleton Primary School, 38 High Street, Castleton for Yorkshire Endeavour Academy Trust

Approved on 13/06/2023

Application reference: NYM/2023/0229

Variation of condition 1 of planning approval NYM/2019/0194/FL to allow the erection of canopy to provide covered play area for a further temporary period at Castleton Primary School, 38 High Street, Castleton for Yorkshire Endeavour Academy Trust

Approved on 13/06/2023

Application reference: NYM/2023/0235

Change of use from care home (Use Class C2) to one principal residence dwelling (Use Class C3) (no external alterations) at Moorview House, Station Road, Robin Hoods Bay for Moorview Care

Approved on 03/07/2023

Application reference: NYM/2023/0242

Replacement front door and door surround (submission following appeal decision NYM/2019/0704/FL) at 3 Bloomswell, Robin Hood's Bay for Mr Timothy Knight

Approved on 15/06/2023

Application reference: NYM/2023/0248

Erection of timber clad cabin for use as holiday accommodation (retrospective) at Suffield Cottage, Suffield for Ms Frances Lockey

Refused on 03/07/2023

Application reference: NYM/2023/0252

Erection of storage building following demolition of existing building together with re-routing of access to serve three properties and associated landscaping works at Fern Farm, Normanby for Mr K and Mrs C Stringer

Approved on 07/07/2023

Application reference: NYM/2023/0258

Construction of single storey side extension at 39 Runswick Lane, Hinderwell for Mrs Mellalieu

Refused on 13/07/2023

Application reference: NYM/2023/0270

Construction of timber orangery and first floor belvedere to west elevation at 11 Main Road, Aislaby for Dr A Stevenson

Approved on 28/07/2023

Application reference: NYM/2023/0273

Listed Building consent for construction of timber orangery and first floor belvedere to west elevation at 11 Main Road, Aislaby for Dr A Stevenson

Granted on 28/07/2023

Application reference: NYM/2023/0274

Variation of condition 2 and condition 4 of planning approval NYM/2013/0583/FL to introduce 1 no. additional roof light to the east elevation and to allow the rebuilding of the southern gable wall. at Brookside Farm, Fryup for Dr Kevin Turpin

Approved on 10/08/2023

Application reference: NYM/2023/0276

Construction of first floor rear extension with balcony at Underhill Cottage, Bluebank, Sleights for Mr Andrew Hodgson

Refused on 18/07/2023

Application reference: NYM/2023/0277

Variation of conditions 7 and 9 of planning approval NYM/2022/0773 to allow aluminium framed bi-fold doors and roof windows at Windy Ridge, Egton for Ms Rachel Barker

Approved on 29/06/2023

Application reference: NYM/2023/0286

Demolition of existing decked area and construction of raised patio with balustrade and paved area at Stockdale View, Westerdale for Mr G and Mrs M Matthews

Approved on 03/07/2023

Construction of two rear timber porches at 1 & 2 Coastguard Cottages, Robin Hood's Bay for Mr & Mrs M. Butterworth & Ms S. Mallard

Approved on 12/07/2023

Application reference: NYM/2023/0303

Erection of agricultural workshop building at Hunt House Farm, Hunt House Road, Goathland for Mr Sam Graham

Approved on 07/08/2023

Application reference: NYM/2023/0315

Alterations and construction of pitched roof to existing extension at School Cottage, Robin Hood Road, Ravenscar for Ms Emma Marshall

Approved on 13/07/2023

Application reference: NYM/2023/0324

Change of use of and alterations to building currently run as a tea room and tapas restaurant to form one holiday letting unit at North Ings House, Station Road, Robin Hoods Bay for Mr Fretwell-Kirkham

Approved on 13/07/2023

Application reference: NYM/2023/0337

Construction of conservatory at Mill House, Green Gates Lane, Low Hawsker for Mr M Tindale

Approved on 21/07/2023

Application reference: NYM/2023/0338

Installation of solar panels to south roof slopes at Swallow Mill, Hawthorndale Farm, Guisborough Road, Aislaby for Mr & Mrs Edmond

Approved on 21/07/2023

Application reference: NYM/2023/0341

Listed Building consent for removal of mortar and repoint all joints with a breathable lime mortar at Oakdene, High Street, Lythe for Mrs Lauren Smith

Granted on 24/07/2023

Installation of 20 ground mounted solar panels at Hayburn Dene, Staintondale for Mr Kelsall McEwen

Approved on 27/07/2023

Application reference: NYM/2023/0368

Change of use of four local occupancy dwellings to dual use of either local occupancy letting dwellings or holiday letting accommodation (no external alterations) at Jevans View, Marys View, South Cheek and Old Peak, Raven Hall Road, Ravenscar for Mr John Gordon Cordukes

Refused on 28/07/2023

Application reference: NYM/2023/0370

Construction of single storey rear extension and decking at 9 Cliff Road, Staithes for Mr and Mrs Simon Theaker

Approved on 07/08/2023

Application reference: NYM/2023/0382

Variation of condition 2 (material amendment) to planning approval NYM/2022/0105 to allow the installation of replacement sewage treatment works to serve the pavilion together with submission of window and door details to discharge condition 7 at Glaisdale Cricket Club, Glaisdale at Glaisdale Cricket Club, Glaisdale for Mr Mark Hollingworth

Approved on 01/08/2023

Redcar and Cleveland

Application reference: NYM/2023/0342

Installation of 18 solar panels to the south roof slope and air source heat pump at 24 - 27 Bousdale Cottages, Hutton Village Road, Guisborough for Dr Ruth Roberts

Approved on 07/08/2023

Application reference: NYM/2023/0355

Use of annexe as holiday let, local occupancy dwelling or annexe (triple use) together with change of window/door colour from dark stain to Farrow and Ball - Elephants Breath or similar at Greenhowe Farm East, Grinkle Lane, Easington for Mr M Chisholm

Approved on 28/07/2023

Notifications under Schedule 2, Part 6, of The Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order)

North Yorkshire Council (Ham)

Application reference: NYM/2023/0262

Prior notification for creation of track for agricultural purpose under Part 6 at Thimbleby Grange, Thimbleby For Thimbleby Farms Ltd

Approved on 20/06/2023

North Yorkshire Council (Rye)

None

North Yorkshire Council (Sca)

Application reference: NYM/2023/0299

Prior notification for erection of agricultural straw storage building under Part 6 at Briscoe Farm, Hutton Mulgrave for G T Nicholson & Son Ltd

Approved on 13/07/2023

Redcar and Cleveland

None

Post committee applications determined by the Director of Planning on expiry of advertisement, receipt of further amended plans and observations

Application reference: NYM/2023/0213

Variation of condition 2 (material amendment) of planning approval NYM/2022/0435 to allow revised cross section and colour details of the approved windows at Garr End Cottage, Garth End, Staithes.

The above planning application was approved by the Planning Committee on 13 July 2023. Following the meeting, additional information was submitted by the applicant, as such the decision has been issued with an amendment to condition 2, as follows:

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

Document Description	Document No.	Date Received
Elevations and Plans	01	16 May 2023
Supporting Statement	01	06 April 2023
Additional Section Detail	02	06 July 2023
Correspondence confirming depth	N/A	12 July 2023

of glazing bar (no more than 26mm)

Application reference: NYM/2023/0318

Conversion of cattery building to form one local occupancy live/work unit together with increase in roof height (0.4m), partial use of joiners workshop as living accommodation, re-cladding/roofing of the adjoining workshop (no asbestos) use of land as garden and associated landscaping works (revised scheme following withdrawal of NYM/2022/0588) at Valley View Farm, Station Road, Castleton.

The above planning application was approved by the Planning Committee on 13 July 2023 contrary to officer recommendation. The decision notice has been issued with the following conditions and informatives:

- 1. The development hereby permitted shall begin not later than three years from the date of this decision.
- 2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Document Description Document No. Date Received Red line plan --- 18 May 202 Proposed plans Page 02 18 May 2023

- 3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), no development within Schedule 2, Part 1, Classes A to H; Schedule 2, Part 2, Classes A to F of that Order shall take place without a further grant of planning permission being obtained from the Local Planning Authority.
- 4. The business floorspace of the live/work unit (annotated as barn on the approved plans) shall not be used for any purpose other than as a joiners/builder's workshop within Class E of the Schedule to the Town and Country Planning (Use Classes) Order 2020 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) or including any other purpose in Classes I and P, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.
- 5. The residential floorspace of the live/work unit shall not be occupied other than by a person solely or mainly employed, or last employed, in the business occupying the business floorspace of that unit, a widow or widower or surviving civil partner of such a person, and to any resident dependants.
- 6. No up-lighting shall be installed on the development hereby permitted. Any external lighting installed on the development hereby approved shall be Dark Skies compliant and no other lighting shall be installed on the site. All lighting shall be installed to minimise its impact on neighbouring amenity. The lighting shall be installed in accordance with the above and shall be maintained in that condition in perpetuity.

- 7. No work shall commence on site to clear or strip out the building to which this permission/consent relates until a structural survey and condition report from an appropriately qualified and experienced professional has been submitted to and approved in writing by the Local Planning Authority. This report shall include an assessment of the extent to which works, or repairs are necessary, and the amount of new structural work needed to enable the works. The work shall not be carried out otherwise than in accordance with the approved details. Reason: 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 CO12 of the North York Moors Local Plan.
- 8. No work shall commence on the construction of the roof of the dwelling hereby permitted until details of the roof material, including samples if so, required by the Local Planning Authority, to be used in the development have been submitted to and approved in writing by the Local Planning Authority.
 - The roof material used shall accord with the approved details and shall be maintained in that condition in perpetuity.
- 9. Within five years of the date of the dwelling hereby approved being first brought into use, the external surface of the roof of the workshop building shall be clad in dark grey coloured profiled roofing and thereafter maintained dark grey and shall be maintained in that condition in perpetuity.
- 10. Within 3 years of the date of the dwelling hereby approved being first brought into use the external elevations of the workshop building shall be clad in vertical timber boarding and shall thereafter be so maintained.
- 11. The external elevations of the dwelling hereby approved shall, within six months of first being brought into use, be rendered and coloured off white/cream/light grey and shall thereafter be so maintained.
- 12. All rainwater and foul water goods utilised in the development hereby permitted shall be coloured black and shall thereafter be so maintained in that condition in perpetuity.
- 13. The development hereby permitted shall be carried out in accordance with the mitigation measures set out in paragraphs 9.5 of the Supporting Statement.

Informatives

1. All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 39(1) of the Conservation (Natural Habitats etc) Regulations 1994. Should any bats or evidence of bats be found prior to or during development, work must stop immediately, and Natural England contacted on 0300 060 3900 for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given information

- to contact Natural England or the Bat Conservation Trust national helpline on 0845 1300 228.
- 2. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. In addition, certain species such as the Barn Owl are included in Schedule 1 of the Act and are protected against disturbance while nesting and when they have dependent young. Offences against birds listed in Schedule 1 of the Wildlife and Countryside Act are subject to special penalties. An upto-date list of the species in Schedule 1 is available from the Gov.UK web site. Further information on wildlife legislation relating to birds can be found on the Royal Society for the Protection of Bird's web site. If advice is needed, please contact the National Park Authority's Conservation Department on 01439 772700 or conservation@northyorkmoors.org.uk.
- 3. With reference to condition no. 6 above, further advice and guidance in relation to suitable external lighting fixtures is available on the <u>Authority's web site</u> or by contacting the Authority at planning@northyorkmoors.org.uk. Where the development includes enlarged areas or new glazing developers measure need to be incorporated in order to remove or minimise light spill. Such measure may include treated or tinted glazing, solar film, electronically controlled blinds and smart glass. Any new lighting installed should be designed and installed to minimise the effects of light pollution. This could include the use of shielding to avoid upward glare, avoidance of the use of higher intensity lights and use of lighting triggered by movement sensors. Further general information on lighting can be found on the International Dark-Sky Association web site together with more detailed information about outdoor lighting. This is to protect the nocturnal wildlife and the quality of the dark night skies above the National Park in accordance with Policy ENV4 of the North York Moors Local Plan and to support the North York Moors National Park's Management Plan Objective 9 - 'Increase the intrinsic darkness of the National Park International Dark Sky Reserve by expanding the current dark sky core zone by twenty percent by 2027'.

Use of land for the siting of an additional six camping pods for holiday letting purposes at Fox and Hounds, 45 Brook Lane, Ainthorpe.

The above planning application was approved by the Planning Committee on 13 July 2023 subject to an amended condition regarding boundary planting. The decision notice has been issued with conditions 8 and 9 replaced and with an additional condition requested by the Authority's ecology team as follows:

8. No works or development shall commence until a full specification of all proposed tree and hedge planting on the southern and eastern boundaries has been submitted to and approved in writing by the Local Planning Authority. The specification shall include the quantity, size, species, and positions or density of all

trees to be planted, how they will be planted and protected and the proposed time of planting. The tree and hedge planting shall be carried out in accordance with the approved specification.

- 9. If, within a period of ten years from the date of planting, the trees or hedges (or any tree planted in replacement for it) are removed, uprooted, destroyed or dies or become, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or hedge of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree or hedge.
- 12. A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:
 - a) purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans;
 - d) details of initial aftercare and long-term maintenance.

The works shall be implemented in accordance with the approved details and shall be maintained in that manner in perpetuity.

Applications adjacent to the National Park (3024)

Application reference: ZF23/00639/FL

Construction of steel frame Agricultural Store building at Aislaby View, 3 Eskdale Close, Sleights, Whitby

The Authority has assessed the details of the proposed development and raised no objections.

Application reference: ZE23/00671/FUL

Erection of a general purpose agricultural building for the storage of machinery and produce at Holly Tree Farm, High Lane, Cropton, Pickering.

The Authority has assessed the details of the proposed development and commented that there should be some concern about the further development of this isolated site, however, it is unlikely that the proposal would have a detrimental impact on the character and setting of the National Park or views out of it. It was suggested that if approval is recommended the roof should be dark grey, and a landscaping scheme implemented.

Application reference: ZE23/00837/GPAGB

For change of use of agricultural building to form 1 three-bedroom dwelling (Use Class C3) at Field 7443, Boonhill Road, Fadmoor, Kirkbymoorside.

The Authority has assessed the details of the proposed development and raised no objections subject to a condition being attached to control external light to ensure it is of a style and luminance which minimises glare and light pollution, in order to protect the Dark Sky Reserve above the National Park.

Appendix 3

List of enforcement matters determined by the Director of Planning in accordance with the scheme of delegation for the period of 21 June 2023 to 11 August 2023.

Reference	Development description and site	Decision taken
number	address	
19594	Alleged unauthorised building works and parking of cars at School Cottage, Robin Hoods Bay.	Permitted development and Highways advised. No further action.
18111	Alleged unauthorised change of use of land for camping/outdoor events at 'Community Hub', on land behind Goathland Hotel, Goathland.	Not expedient to pursue. No further action.
19213	Alleged unauthorised works to a curtilage Listed Building and unauthorised shed in garden at Hawthorn Hill Farm, Goathland.	Not expedient to pursue. No further action.
19763	Concerns regarding building works associated with NYM/2020/0140, NYM/2019/0700 and NYM/2019/0347 at Grove Cottage, Thorpe Bank, Fylingthorpe.	Civil matter. No further action.
19493	Concerns regarding planning approval NYM/2020/0301/FL at The Apiary, The Howe, Ashfield Road, Castleton.	Not expedient to pursue. No further action.
15903/19596	Concerns with regard to use of site and alleged unauthorised use of touring caravan as permanent residency at Brow House Farm, Goathland.	Not expedient to pursue. No further action.
16551	Potentially unauthorised development at land past Cedar Lodge, Egton.	Not expedient to pursue. No further action.
17239	Dormer window potentially not in accordance with plans approved under NYM/2019/0779/FL at 4 Glebe Gardens, Easington.	Not expedient to pursue. No further action.
16602	Alleged unauthorised shooting platform/ arena lighting at land to the rear of Glebe Gardens, Easington.	Not expedient to pursue. No further action.
19738	Alleged unauthorised removal of window in Grade II Listed Building and replaced with ice cream hatch at Osmotherley tea and coffee shop.	Not expedient to pursue. No further action.
16107	Footpath obstruction and formation of children's play area on common	Not expedient to pursue. No further action.

Reference number	Development description and site address	Decision taken	
	land at Ugthorpe Lodge Caravan Site, Guisborough Road, Ugthorpe.		
19760	Alleged unauthorised replacement garage door at Heatherview, Rake Lane, Lealholm.	No further action as permitted development.	
16454	Alleged unauthorised development and uses of land at rear of Town End Farm, Easington.	Not expedient to pursue. Use of land and sheds lawful (four and ten year rule) and logs not too visually harmful and landowner has been requested to tidy.	
15782	Alleged unauthorised door and window replacement at Castleton Tearooms, Castleton.	No further action.	
17654	Alleged unauthorised hardstanding at Brereton Lodge Car Park, Goathland.	Not expedient to pursue. No further action.	
16305	Possible unauthorised works at 7 Church Street, Castleton.	Planning permission sought for windows and door.	
17900	Alleged removal of topsoil from field for sale and backfilling with builder's rubble (potential engineering operation and waste transfer) at land to East of Fair View, Robin Hoods Bay.	Breach no longer ongoing. No further action.	
16972	Alleged untidy land and use of caravan as residential accommodation at Coney Springs, Robin Hoods Bay.	Land did not appear to be untidy. No further action at present. Caravan within curtilage of dwelling, so no change of use.	
19702	Potential non-compliance with condition 4 of planning approval NYM/2021/0846 at land at Hall Farm, Westerdale.	Mast has now been painted in accordance with condition 4.	
19733	Alleged unauthorised campsite at land to the south of Oldstead Road, Kilburn.	Permitted development (Class B – temporary use of land). No further action.	
19399	Alleged unauthorised disposal of builder's waste at land off Spaunton Lane, Spaunton.	Breach no longer ongoing.	
18075	Harland Moor Quarry, Farndale.	Duplicate case has been opened.	
19083	Alleged unauthorised erection of gate, formation of pond and potential breach of planning application NYM4/024/0110A/PA conditions 9, 10, 11, 14, and 15 at Horseshoe Cottage, Cloughton.	Civil matter and pond not visible.	

Reference number	Development description and site address	Decision taken
19732	Unauthorised advertising opposite Lavender Tearooms, Thornton le Dale.	Advert removed and breach rectified.
19741	Potential breach of planning approval NYM/40/159K and NYM/4/40/159J at Red House Farm, Common Lane, Glaisdale.	No breach of conditions is taking place.
18717	Alleged unauthorised works in relation to NYM/2021/0722/FL at land at Fox and Hounds Inn, Slapewath, Guisborough.	Unauthorised structures removed.
17752	Alleged unauthorised satellite dish at South View Cottage (Lopp Hall) Lead Lane, Nether Silton.	Dish sited to have least visual impact and therefore no further action.
17788	Alleged unauthorised Shepherds Hut at Incline Cottages, Ingleby Greenhow.	Certified caravan licence site, no further action.
16895	Potential unauthorised works at Former Ugglebarnby Reservoir, Pasture Field Lane, Ugglebarnby.	Shed removed from site.
19817	Works potentially not in accordance with NYM/2023/ENQ/19539 at Bluebell Yard, Fairfield Way, Whitby.	Works in accordance with planning approval.
19616	Alleged unauthorised siting of timber cabin at former hay meadow, off Station Lane, Cloughton.	Cabin removed. Breach rectified.
19718	Alleged breach of conditions (condition 20) and untidy site at Greenhills, High Lane, Robin Hoods Bay.	Works have ceased. No further action required.
16952	Alleged unauthorised patio and hot tub at 78 Rosedale Lane, Port Mulgrave.	Not expedient to pursue.
16999	Alleged unauthorised works/ unauthorised business at Greystones, Fylingthorpe.	No evidence of unauthorised development sufficient to investigate in the public interest.
17018	Alleged unauthorised demolition and rebuilding of former pigsty for use as timber processing for personal use at Stag Hall Farm, Barmoor Lane, Scalby, Scarborough.	Not expedient to pursue. No further action required.
18443	Alleged unauthorised works at Fryup Hall, Fryup.	Hardstanding permitted development as within domestic curtilage. Listed Building consent received for change of doors.

North York Moors National Park Authority

Item 9, Government consultation on additional flexibilities to support housing delivery, the agricultural sector, businesses, high streets and open prisons; and a call for evidence on nature-based solutions, farm efficiency projects and diversification.

1. Purpose of the report

- 1.1 To set out the Government's proposals for changes to permitted development rights (PDRs) to allow additional flexibilities to support housing delivery and to seek Member's views on a potential response.
- 1.2 To set out the Government's proposed changes to the plan making process and confirmation of changes to planning fees.

2. Background

- 2.1 On 24 July the Government announced a raft of proposals for changes to the planning system. The most significant part of the consultation are extensive changes to permitted development rights, particularly within protected areas including National Parks. Permitted development rights remove the requirement for planning permission to be granted in a range of circumstances, including when converting buildings from one use to another.
- 2.2 The Government has also set out potential changes to the plan-making process. These largely reflect changes already known through progress of the Levelling Up and Regeneration Bill. It has also asked various questions around how planning can better support farm efficiency and nature-based projects; and has set out its response to earlier consultation on changes to planning fees. Given the significant likely detrimental impacts on the National Park this report concentrates on proposed changes to permitted development rights.

3. Summary of consultation/announcements

Permitted development rights.

- 3.1 The consultation states the justification for changes is that "permitted development rights provide flexibilities and planning freedoms to different users, including businesses, local authorities and local communities. They are an important tool to support growth by providing certainty and removing the time and money needed to submit a planning application."
- 3.2 Proposals would for the first time apply the following permitted development rights within National Parks, which would mean that planning permission would no longer be required in the following instances:

Changes to residential use

- The conversion of **shops**, **offices and employment uses to residential use.** This right currently applies outside protected areas. Premises would not need to be vacant for the right to apply (currently a three month period is required). It also proposes doubling the size threshold to which it would apply to 3,000 square metres.
- The conversion of agricultural buildings to residential use of up to 1,000 square metres/ten units. Again, this right currently applies outside protected areas when it was introduced widely in 2014, however only up to 465 square metres/five units. The building would no longer have to be part of an agricultural unit i.e., a solitary barn on the edge of a village or remote moorland situation could be converted.
- The conversion of hotels & guesthouses to residential use.
- The conversion of commercial, business and service (Class E), betting office or pay
 day loan shop (Class M) to mixed use residential: an existing right which allows for
 change of use to mixed use with up to two flats.

Changes from agricultural use

- The conversion of other rural uses other than agricultural uses (for example equestrian or forestry development) to residential use.
- The conversion of agricultural buildings to **flexible commercial uses (Class R).** This already exists allowing change of use from agricultural use to storage and distribution (Class B8), hotels (Class C1), commercial and business services (Class E). The consultation proposes adding general industrial uses (Class B2), and outdoor sports, recreation and fitness uses (and a mix of these uses) to the list. It also proposes raising the floorspace limit below which permitted development rights apply from 500 square metres to 1,000 square metres.

The erection or extension of agricultural buildings

 A right currently operates in a National Park for up to 1000 sq.m without the need for planning permission. The consultation proposes raising this threshold to up to 1,250 square metres for on holdings of less than five hectares and 1500 square metres for holdings of more than five hectares.

Plan making

- 3.3 The main new announcements are the creation of three 'gateway assessments' during the plan making process for which local planning authorities will be charged and a four month 'pre-scoping' stage prior to preparation of a plan within a 30-month timescale. The new system is due to be in place Autumn 2024. The main proposals are:
- Authorities will produce one single Local Plan only (plus a Minerals/Waste Plan where relevant).
- Plan review to start within five years of adoption of the last plan.
- A Local Plan 'timetable' to be produced and updated every six months, replacing the Local Development Schedule.

- Plan should be produced within a 30-month timescale.
- A four month 'pre-scoping' stage will begin with publications of a 'Project Initiation Document.'
- Three external 'gateway assessments,' each taking a month will be undertaken by 'assessors' at scoping/evidence stage, and the Planning Inspectorate for a legal/procedural check and then a final pre-examination check.
- Examinations to take no longer than six months.
- 'Community Land Auctions' to be piloted.
- 3.4 Officers propose to say little in response as the suggested changes mostly carry merit. The main two aspects of the response would be:
- To question how realistic a 30-month timetable is. Once two consultation periods, three gateway assessments and the need to seek the views of members and associated committee cycles are considered the timetable looks extremely ambitious.
- To request that if the gateway assessments carry a charge to the local planning authority this charge is minimal, or Government makes sure that the amount charged for the main examination in public is reduced accordingly.

Changes to planning fees

3.5 The Government also announced its response to February's consultation which proposed an increase in planning fees for major applications by 35 per cent and all other applications by 25 per cent from Summer 2023. The response confirms that the fee rises will now take place, but they will come into effect on 1 April next year. Fees will not be ringfenced for planning purposes and will be increased in line with inflation annually. Plans to double fees for retrospective applications which were proposed are not being brought forward and the Government has confirmed its intention to charge for repeat applications, i.e., no 'free go' applications following refusal or withdrawal.

4. Consideration – permitted development right changes

4.1 Government has released the consultation over the summer with a limited time for reply, and with a great deal of material to go through. It has also asked for views in the form of 120 questions covering permitted development rights and plan-making. Given time limitations due to the gap between the announcement and planning committee deadlines, this report does not contain a full response to these questions. Instead, it focusses on changes to permitted development rights and sets out the outline of a potential response (see **Appendix 1**). It asks for Members views and their support for officers to make a response in line with the views set out in the appendix. Officers will also be contributing to a joint response from National Parks England. In responding we will produce evidence as to why changes will be detrimental to National Park purposes whilst not delivering the rural housing that is needed. Should the changes go ahead we propose that officers investigate the possibility of applying Article 4 Directions to disapply

- some new permitted development rights where they would risk undermining landscape quality or the economic and social viability of some areas.
- 4.2 Whilst officers recognise the need for new homes and that additional flexibilities may benefit some through an easier process and financially, they consider that these proposals pose significant and material threats to the achievement of National Park purposes in the long term. They would likely result in a raft of new routes for unrestricted open market homes to be delivered speculatively in the National Park and in unsustainable open countryside locations. These threats include:
- Significant harm to the protected landscapes and special qualities of National Parks.
 Sporadic, often isolated new homes have the potential to stand out in the landscape, especially once new access roads are created and the curtilage contains residential accourrements such as patios, garden furniture, play equipment, lighting etc. and run counter to the long established planning principle of focussing development in settlements for clear sustainability reasons.
- Removing the requirement for a change of use of shops, offices, employment uses
 and agricultural buildings to residential uses to be subject to a planning application
 process. This will prevent the Authority from being able to restrict occupancy to local
 need only. Given the cost of converting buildings there is a significant risk that most
 housing created this way will be used for second homes.
- The loss of the above employment and retail floorspace to new housing in an
 uncontrolled manner, undermining the second purpose and duty. Residential values
 will typically outcompete commercial values, meaning there is an economic incentive
 to convert economic uses to residential use, potentially leading to a rapid loss of
 shops, offices and cafes with subsequent adverse impact on the viability and
 sustainability of rural communities.
- Widespread residential conversion in centres will undermine town and village centres in terms of their function as a tourism attraction. Instead of supporting the features which make them resilient, it will likely actively support their decline and the decline of businesses operating within them.

5. Financial and staffing implications

5.1 None at present. If permitted development changes go ahead in relation to the extension or erection of agricultural buildings and change of use from other uses to residential this may result in a loss of planning fee income as prior approval notifications will be charged at half the rate of a full planning application.

6. Contribution to National Park Management Plan

6.1 Officers consider that proposals to change permitted development rights could undermine many of the Management Plan outcomes and particularly no. 3 - "A landscape rich in heritage and highly valued for its sense of remoteness and tranquillity".

7. Legal and sustainability implications

7.1 None.

8. Recommendation

8.1 That Members:

Agree this report and Appendix form the basis for the National Park Authority's response to the consultation and to is also used to feed into the wider National Parks England response.

Contact Officer:

Name: Paul Fellows

Title: Head of Strategic Policy

01439 772724

Background documents to this report

1. Appendix 1 - Outline of a proposed response to Government.

Appendix 1 - Outline of a proposed response to Government

We fully support the Government's intention to boost economic growth in rural areas and would support the delivery of more rural housing for our local communities. However, we strongly object to many of these proposals on the basis that they:

- Would undermine the statutory purposes and duty applying to National Parks and significantly harm important cultural landscapes, including those of international status. They also risk a rapid loss of rural shops and services that would undermine the sustainability and vitality of small rural communities.
- Are not based on any evidence that the current planning process is harming rural economic growth or housing delivery for National Park communities.
- Be counter-productive in that they will undermine many of the Government's own policy objectives including its stated "vision" for National Parks and existing policy in the National Planning Policy Framework (NPPF).
- Risk disenfranchising local people who would be excluded from the decision-making process over important planning and land use changes affecting them. There is no evidence of public support for these changes.
- Would undermine the Government's commitment to a plan-led system and the effectiveness of current local plans covering National Parks.

In our view they have more potential to damage to the special qualities of national parks and the wellbeing of the communities within them than any other change to the planning system since its inception in 1947. Our objections are:

Proposals would undermine the statutory purposes and duty applying to National Parks and cause substantial harm to important heritage assets and protected landscapes.

They would undermine the Government's statutory requirement to have regard to the second purpose of national parks, a duty that has been in place since 1949. This is to promote opportunities for the understanding and enjoyment of the special qualities of the national park by the public. By damaging protected landscapes and reducing the range of facilities - small scale shops, cafes in towns and villages that attract people into National Parks -the proposals would lead to the loss of the employment and retail floorspace to new housing in an uncontrolled and rapid manner. This will undermine the economic health of towns and villages in national parks. We can understand the need to apply permitted development rights to urban high streets where there has been an ongoing failure of high street chains leading to high vacancy rates, however in National Parks shops are typically occupied by independent retailers and café owners reflecting their traditional retailing and tourism role. Residential values will typically outcompete commercial values, meaning there is an immediate market incentive to convert economic uses to residential (which is very apparent in the rash of current public house closures and change of use applications to residential). Furthermore, the proposed increased threshold of 3,000 square metres will cover almost all office and shops in this

- National Park, and the requirement to not demonstrate that a unit has been vacant will further incentivise rapid change of use.
- 2. Removing restrictions on development runs counter to the Government's statutory duty to **have regard to the first National Park purpose**. The statutory purpose to conserve and enhance the natural beauty, wildlife, and cultural heritage of the National Park would be significantly undermined by unrestricted conversions in isolated locations in the open countryside and run counter to the long-established planning principle of restricting housing development in open countryside unless there are special agricultural or forestry reasons for doing so.
- 3. National Parks were designated for their landscape value, including their built environment. Agricultural buildings generally have a rural, open and undeveloped setting with few features or embellishments and residential conversions can undermine the simple characteristics of historic rural buildings and their setting by introducing domestic gardens, patios, furniture, lighting, play equipment and other residential paraphernalia which all serve to divorce the building from its rural nondomestic beginnings. The result is the conversion disturbs the relationship the building has with the surrounding landscape and its value to the National Park is lost irreparably. The cultivated valley landscapes of many of the northern upland national parks is the result of many centuries of low impact land management which has left a legacy of stone walls and simple, robust barns and other agricultural structures. These form an important "historic landscape" which is of significant cultural value which contributes to the special qualities and unique beauty of these landscapes and in many cases was influential in their original designation as national parks. These distinctive agricultural landscapes would be irreversibly changed and harmed by the development of sporadic, isolated residential development which would take place because of these new permitted development rights and threaten the very reasons for the National Park designation. Furthermore, some national parks, or parts of national parks (the Lake District and Frontiers of the Roman Empire) are designated as World Heritage sites and the North York Moors is a designated one of only 21 International Dark Sky Reserves, as are the Yorkshire Dales National Park and Cranbourne Chase AONB.
- 4. They would undermine the Government's statutory duty -to seek to foster the economic and social well-being of local communities. Many conversions would end up as second homes. Houses delivered through this route would be likely to attract a significant premium and be unaffordable to many local people because their size, location in desirable isolated locations in a protected landscape, their unrestricted open market nature and suitability for the short-term let and second home market. At present, through the planning application process National Park Authorities have a long-standing policy of restricting occupancy to people living or working in the National Park and ensure the resultant dwellings are permanent and principal residences. Changes would remove this ability. This would directly conflict with the Government's stated aim of preventing further loss of permanent homes in the recent consultation on creation of a new permitted development right for holiday lets and the doubling of council tax on second homes.

Proposals are not based on any evidence.

- 1. The proposals are not evidence based. Over the past few years we have repeatedly seen that permitted development rights are often amended with little or no evidence as to whether there is a need to do so the default approach seems to be that planning is seen as a barrier rather than an enabling mechanism to manage development and negotiate for improved design in the public interest.
- 2. The Government has provided no impact assessment or evidence that the planning system as it currently operates in National Parks is preventing conversion of appropriate buildings in sustainable locations into residential use. The Government's own planning application (PS2) statistics show that since 2014 when a permitted development right for agricultural to residential use was last mooted in National Parks, the ten English National Park Authorities approved 90% of all planning applications and 87% of all change of use applications. The figure for the North York Moors National Park was higher at 94% for both. An analysis of our own planning statistics shows that over the 5 years 2017/18 2022/23 the authority granted permission for 46 building conversions to residential (total housing completions over the same period were 261) and refused only four, two of which were then refused on appeal.
- 3. We are aware that the Country Landowner's Association has lobbied for an extension of rights into protected landscapes as part of their Rural Powerhouse campaign and what appears to be opposition in principle to the process of applying for planning permission. Whilst it's always possible to find examples of delays or complications around the planning process it is not a fundamental problem with the system. We note their "a planning system designed for the rural economy" report says that members have reported that on average it takes 8.1 years to secure planning permission. We cannot find detailed results of this survey, but it does seem to run counter to the evidence of the Government's own PS2 returns which show that since 2014 83% change of use applications made within National Parks were permitted within the Government's own timescales, as well as our own evidence. We (and I'm sure other National Parks) would be happy to share all examples of cases where planning permission has been denied for agricultural conversions so Government can make a judgement on whether this was justified in terms of the weight given to other material considerations. We are also happy to provide analysis of the evidence the Government is using to justify the extension of permitted development rights into National Parks (including that of the CLA). Government, quite rightly, requires that we defend our own policy positions through an evidence based approach, and we ask that the Government do the same.

Proposals are counter-productive in that they will undermine many of the Government's own policy objectives.

- 1. Many of the Government's own planning policies will be seriously undermined, and in particular:
- NPPF paragraph 176 "Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these

issues...The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas." How are these proposals meeting the Government's own 'great weight' test when considering how planning operates in National Parks or adhering to the need for development to be limited in its scale and extent if it is allowed to take place unhindered and outside the planning system which is a fundamental role of delivering National Park purposes? Giving permission in principle to a development takes away any subsequent assessment of other very important planning considerations let alone the ability to weigh such matters in a proper planning balance. Allowing such development to take place outside the planning system will necessarily require the removal of this existing government advice which requires decision makers to give the greatest weight possible to the conservation and enhancement of the landscape and cultural heritage of protected areas.

- NPPF paragraph 93 "Policies and decisions should plan positively for the use of shared spaces, community facilities (such as local shops, meeting places, sports venues...and other local services to enhance the sustainability of communities..." and "guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. How does a regulatory change to allow change of use of shops, cafes, and offices to residential use without planning permission support this policy?
- NPPF paragraph 105 The planning system should actively manage patterns of growth in support of (promoting sustainable transport). Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes."
 Allowing highly dispersed patterns of development across large swathes of countryside as a matter of principle would seem to clearly undermine this objective.
- NPPF paragraph 152 The planning system should support the transition to a low carbon future in a changing climate...it should help to shape places in ways that contribute to radical reductions in greenhouse emissions. Again, the proposals would lead to additional greenhouse gas emissions through allowing development in locations which are currently not accessible to most forms of vehicular traffic.
- Paragraph 78 and 79 of the Government's English National Parks and the Broads Circular 2010: "The government recognises that the Parks are not suitable locations for unrestricted housing and therefore does not provide general housing targets for them. The expectation is that new housing will be focused on meeting affordable housing requirements, supporting local employment opportunities and key services. The government expects the Authorities to maintain a focus on affordable housing and to work with the local authorities and other agencies to ensure that the needs of the communities in the parks are met and that affordable housing remains so in the longer term." As mentioned, buildings converted to residential uses will seldom be affordable to local people.

There is no evidence of public support for the proposals, which would disenfranchise local people as they would be excluded from the decision-making process.

Planning is about managing land in the wider public interest. Removing some 1. developments from the planning process removes the ability to negotiate for a mutually acceptable outcome and removes the ability of people locally to have their say on the acceptability of new development. Discussion and negotiation often result in more successful schemes and less tension between residents, neighbours, parish councils and their local planning authority. Proposals in 2014 originally suggested applying the Class MA agricultural to residential PDR to protected areas but was not taken forward due to "strong opposition". Two years ago, the Government said that change of use from Class E to residential should not apply to "sensitive" landscapes and again noted strong opposition to them being extended into protected areas. Proposals also run counter to one of the recommendations in the government commissioned Landscapes Review (published in September 2019¹) which recommended a full review of PD rights of all types in protected landscapes and that "further PD rights should be added to the list of those currently withdrawn within national landscapes to ensure that the full application process applies before determining planning approval" (page 64 – part of Proposal 6).

Proposals would undermine the Government's commitment to a plan-led system and the effectiveness of current local plans covering National Parks.

- The accompanying consultation on plan-making states: "Plans direct where new development should be located including new homes and places to work and ensure our buildings and places are beautiful and of a high quality. They facilitate the delivery of local infrastructure, such as new schools, health and community facilities, transport, and green infrastructure such as parks, street trees, local wildlife areas and woodlands. They help to protect and enhance those things communities hold important, including the natural, built and historic environment. They also help us respond to climate change, support nature recovery and level up economic opportunity." If this is the case, why is Government proposing to remove the need for significant amounts of new development to require permission in accordance with a local plan?
- 2. Extending permitted development rights to allow conversions from commercial and agricultural uses would seriously undermine the objectives of our Local Plan (and that of other National Parks):
- Local plans typically require that when buildings are converted in the open countryside, occupancy is restricted to local people only. Applying permitted development rights would allow conversions to be used as second homes.
- It will lead to sporadic development in the open countryside, which as well as having an impact on landscape will have a higher carbon footprint due to the need to travel further.
- Local plans contain policies to resist the loss of employment and retail premises to residential use unless it can be demonstrated that they are unviable. These proposals would entirely undermine this policy objective.

¹ Landscapes Review, Final Report, September 2019 - <u>Landscapes review: National Parks and AONBs - GOV.UK (www.gov.uk)</u>

List of planning applications together with the Director of Planning's recommendations

The time period for responses to consultations/publicity carried out on individual applications may not have expired before the given closing date for such responses to be reported to the committee meeting. Any responses received within the various specified consultation periods but not reported to the meeting will be taken into account. If such responses are contrary to the Committee's resolution and raise new matters the application will be presented for reconsideration by the Committee at a future meeting.

The background papers taken into account when considering planning applications on this list include all or some of the following items. Items 1 to 4 are included on the file for each individual application.

- 1. Application: includes, the application form, certificates under Section 65 of the Town and Country Planning Act 1990, plans, and any further supporting information submitted with the application.
- 2. Further correspondence with applicant, including any amendments to the application: includes any letters to the applicant/agent with respect to the application and any further correspondence submitted by the applicant/agent together with any revised details and/or plans.
- 3. Letters from Statutory Bodies includes any relevant letters to and from the District Councils, Parish Councils, Departments of North Yorkshire County Council, Water Authorities and other public bodies and societies.
- 4. Letters from Private Individuals includes any relevant letters to and from embers of the public with respect to the application.
- 5. Statutory Plans and Informal Policy Documents some or all of the following documents will comprise general background papers taken into account in considering planning applications in the National Park. The Plans listed under (b), (c) and (d) comprise the Development Plan which forms the basis for determining planning applications.

Statutory Plans:

- a) North York Moors National Park Management Plan December 2016
- b) North York Moors Local Plan Adopted July 2020
- c) Helmsley Local Plan July 2015
- d) Whitby Business Park Area Action Plan (2014) and Design Brief (2016)

Supplementary Planning Documents (SPD):

- e) Renewable Energy SPD (April 2010)
- f) Design Guide SPD
- g) Osmotherley and Thimbleby Village Design Statement SPD (2011)
- h) Ampleforth Conservation Area Appraisal & Management Plan SPD
- i) Oswaldkirk Conservaton Area Appraisal & Management Plan SPD (2011)
- j) Hutton Buscel Village Design Statement (2010)

North York Moors National Park Authority

Plans list item 1, Planning Committee report 07 September 2023

Application reference number: NYM/2023/0257

Development description: Erection of 25 metre high lattice mast with antennas, dishes and remote radio heads together with associated ground based equipment, siting of generator container and access track

Site address: Coate Moor, located north of Bankside Farm, Kildale

Parish: Kildale

Case officer: Mr Mark Hill

Applicant: Cornerstone Telecommunications Infrastructure Limited Hive 2, 1530 Arlington Business Park, Theale, Berkshire, RG7 4SA

Agent: Dot Surveying fao: Mrs Hannah Gibson, The Bonds, 2 Anderson Place, Edinburgh, EH6 5NP

Director of Planning's Recommendation

Approval subject to the following conditions;

Condition(s)

Condition number	Condition code	Condition text
1	TM01	The development hereby permitted shall begin not later than
		three years from the date of this decision.
2	PL01	The development hereby permitted shall be carried out in accordance with the following approved plans:
		Document Description Drawing No. Date Received
		Revised 25m design Dwg 100 Rev B 15 August 2023
3	GPMT00	The mast associated with the proposed development shall be coloured Fir green RAL 6009 for the lower 20m and light grey RAL 7035 for the upper 5m of the mast and maintained in that condition in perpetuity. The mast antennae in the upper 5m section shall also be coloured light grey RAL 7035 and thereafter so maintained.
4	MC05	No work shall commence to clear the site in preparation for the development hereby permitted until a Construction

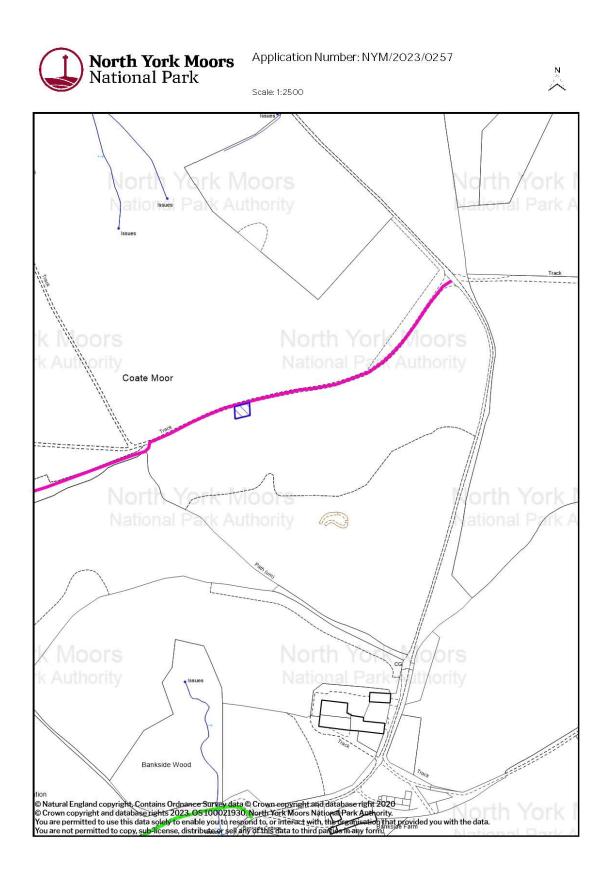
Condition	Condition	Condition text
number	code	
		Environmental Management Plan (CEMP Biodiversity) has been submitted and approved by the Local Planning Authority. The CEMP: Biodiversity shall include the following: a) risk assessment of potentially damaging construction activities; b) identification of biodiversity protection zones; c) practical measures to avoid or reduce impacts during construction; d) the location and timing of sensitive works to avoid harm to biodiversity; e) the requirements for when an ecological clerk of works (ECoW) or similarly competent person is needed to oversee works; f) the use of protective fences, exclusion barriers and warning signs. The approved CEMP should be implemented throughout the construction process unless agreed otherwise with the Local Planning Authority.
5	MHC-15b	No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for
		the following in respect of each phase of the works:
		details of any temporary construction access to the site including measures for removal following completion of construction works;
		2. Details of the routes to be used by HGV's for construction purposes;
		3. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
		4. the parking of contractors' site operatives and visitor's vehicles;
		5. areas for storage of plant and materials used in constructing the development clear of the highway;
		6. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
6	MC00	This permission grants consent for a period of 20 years only from the date of this permission and the mast and all associated

Condition number	Condition code	Condition text
		equipment shall be removed from the site within six months of the date of the expiry of the temporary permission and the site restored to its previous woodland condition. If the use of the mast for the purposes of telecommunications ceases within the 20 year period, the mast shall be removed from the land and the land shall, so far as is practicable, be restored to its condition before development took place.
7	AC19	No external lighting shall be installed in the development hereby permitted.

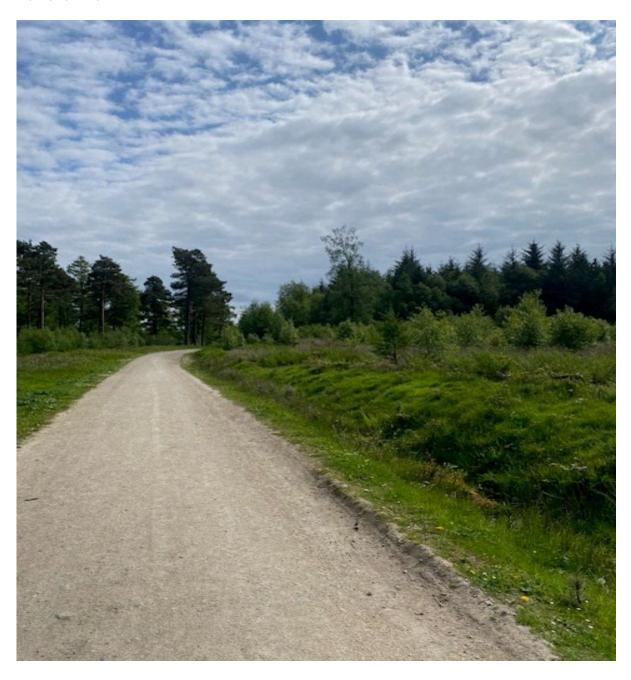
Informative(s)

Informative	Informative	Informative text
number	code	
1	MCINF09	Please note that the footpath/track situated to the north the development site hereby approved must be kept free from obstruction and open for use at all times before, during and after any works.
2	MISINF02	The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 08457626848 or on the ground stability web site.

Map showing application site



Site in centre of photo, access from forestry track which is the Cleveland Way National Trail



Consultation responses

Parish Meeting

Original scheme: Object to height, landscape impact, conflict with planning policies and consider an alternative siting would be better.

Revised scheme: Views awaited.

Environmental Health

Original: No environmental health objections. Consider the proposal is not likely to lead to impact on amenity or cause nuisance.

Revised: No further comments.

Highways

No objections - recommend a condition is imposed for a Construction Phase Management Plan to ensure the construction phase traffic does not adversely affect the public highway.

Ramblers Association

Original: Ask that the safety of walkers on the Cleveland Way is maintained during construction.

Revised: No further comments.

Argiva

Original: No objections, not likely to have an impact on radio/tv transmissions.

Revised: No further comments.

Council for the Protection of Rural England (CPRE)

Object. The visible portion of the mast would be an adverse landscape intrusion and the mast will be visible from the Cleveland Way and may discourage walkers from using the trail and local footpaths.

Forestry Commission

No comments received.

NYC Mobile Phone Coverage Manager

NYC supports the application, the supplied visuals demonstrate that the landscape impact is small, this has been a target area for coverage for many years. The funding program for these shared rural network projects is closing soon as developments have to be built by March 2025 and so rural areas like these may well loose out if this

Government public funding window cannot be captured. It may be decades before replacement funding becomes available.

Police - Traffic

No comments received.

Third party responses

Jamie Peel & Francesa Minchella, Kildale. **Tina and Neil Thompson, Kildale David and Jane Doughty, Kildale Andrew Sutcliffe, Kildale Estate** Alice Coptcoat, London. John and Dr Marcella Sutcliffe, Great Broughton. Laura Lonsdale, London **Peter and Julie Covell, Kildale** Henrietta Wallace and Dr Mark Sutcliffe, Great Broughton. Julie and Craig Or, Kildale. John & Katherine Sutcliffe, London Laura Sutcliffe, London **Brian Mundy and Nicola Malley, Kildale.** Portia A. Buckley, London. lan and Anne Barnes, Kildale Helena Sutcliffe, London **Aaron Davis, Leyburn**

Original Scheme - All of the above object or are concerned about one or more of the following issues;

- Local Plan policies: seeks to resist developments which harm the Park landscape, harm tranquillity, create activity in remote areas, harm dark night skies, and seek certain mitigations for Telecommunication Infrastructure.
- The height of the mast at 30m is taller than the surrounding tree canopy cover which is approximately 20m and more visible when any broadleaf trees lose their leaves or evergreen trees drop needles and will thus have a landscape impact.
- The mitigation afforded by the current woodland could be affected by any Forestry Commission felling programme.
- The mast will be visible from some middle distance viewpoints, including within views of Roseberry Topping and Captains Cook monument.
- The design has scope for future heights extensions.
- Consider there are better alternative locations.
- The National Planning Policy Framework states that sites should be kept to a minimum.

- Question why the North York Moors does not have a mast register to promote mast sharing.
- New mast leases make it difficult for land owners to get rid of masts on their land and can thereby sterilise some lands.
- Query whether proper procedures were undertaken prior to application submission.
- Would ask that any Member site visit takes in south of West House Farm and Park Nab open access land.

Revised Scheme;

- Consider the wider digital connectivity community benefits do not outweigh the landscape harm of the mast.
- Feel the applicant's statements at the Committee site visit of the mast strongly being in line with Government policy is overstated.
- Kildale residents do not wish to be able to see the mast when going about their daily business.
- Ask that any visualisations of the mast in the landscape are properly scaled.
- Ask Members to give due regard to the possibility of Larch disease and winter loss of deciduous trees reducing the screening effect of the current woodland trees.

Building Digital UK, London Digital Mobile Spectrum Limited, London

All of the above support the application for one more of the following reasons;

- Will help ensure every UK home and business can access fast and reliable digital services.
- Mobile connectivity brings benefits and is an integral part of rural economic and social society for residents and visitors.
- This is part of a joint shared network operator privately funded rollout (EE, Three, Virgin Media O2 & Vodafone) to provide 95% of the UK with mobile phone and data coverage. This sharing of masts reduces the numbers of mast in the countryside.

Consultation expiry

12 June 2023

Background

Since 2015 there has been a government aspiration to move the emergency services off the Tetra/Airwave radio system onto the mobile phone network and provide rural communities with improved phone coverage.

Members will be aware that over the last decade, a great deal of mobile communications (voice and data) infrastructure has been installed within the National Park to deal with the rural not-spots (no coverage) which had previously been deemed not commercially viable by mobile phone companies . The provision of wireless broadband data and mobile voice coverage is complex.

Some of the new masts have been built by single Mobile Network Operators (MNO's) for their own use, some under the auspices of the Shared Rural Network (typically three or four MNO's), some by the Government's preferred emergency services network operator EE for a mix of own use and emergency services (usually referred to as Emergency Services Network (ESN) and some by the Home Office under the Extended Areas Service (EAS) scheme. The latter ones are principally offered to the preferred ESN operator EE, however, to avoid commercial competition concerns, the EAS masts are also offered to all the other three MNO's.

In 2021 the Authority granted planning prior approval for a 10m EE/ESN mast at West House Farm Kildale to fill their rural not-spot coverage approx. 4km to south-east. This application originally envisaged a 30m shared rural network mast which seeks to cover the rural not-spot coverage for Vodafone/Three/Virgin O2. The height was above the 25m permitted development threshold in National Parks hence the full planning application, however, revised plans have now been received and consulted upon to reduce the visual impact. It comprises a lower dark fir green lattice tower containing three sets of mobile antennae and three microwave dishes (upper part coloured light grey) to provide 'backhaul' for the mobile traffic into the rest of the system, together with two grey equipment housings and a 'failsafe' grey coloured power generator container, all plant enclosed in a 1.2m high four bar timber fenced compound and accessed from a short, compacted stone access track from the Cleveland way which in this location uses a forestry track.

This application was the subject of pre-application advice where officers repeated historic advice to avoid open moorland/farmland sites and focus on well forested sites where coloured masts protruding above the tree canopies have been successfully assimilated into the National Park landscape on several other sites.

The Authority's ecologist notes there are records of priority species in the vicinity and has asked for a Construction Environmental Management Plan to specifically detail the mitigation measures both physical and timing. The Authority's woodland officer confirms there would be no impacts on nearby woodland, the mast is sufficiently away from the root zones of existing trees. The Highway officer notes the rural nature of the site and considers careful planning of moving in construction equipment is needed and seeks a condition for a scheme to be drafted and agreed.

The agent has written in support of the application stating that whilst the application site is the preferred site, will continue to engage with the objectors and if they find a suitable and viable site, we are prepared to forego this permission and revert to any new site permission to assist with the separate land acquisition process.

This application was considered at the 13 July Planning Committee, where it was resolved to undertake a committee site visit to assess whether the visibility of the mast was acceptable or unacceptable on the wider locality. That visit took place on the 18 August, (see item earlier on agenda regarding the site visit note). Whilst it is regretted that high ground visibility was not good on the site visit day, some appreciation of the site and surroundings was possible even if all the long-distance viewpoints could not be scrutinised, however the agent has submitted additional mock up visualisations from key viewpoints picked out by local people with the lower 25m mast superimposed.

Main issues

The main issue is considered to be whether the visual impact from the mast is outweighed by the digital connectivity benefits to the local communities and visitors.

Local Plan Policy BL10 draws upon elements of other strategic policies and is the key policy consideration. It supports the provision of telecommunications infrastructure where, amongst other things, it is a scale and design appropriate to the locality, will benefit local communities, there are no suitable alternatives, no unacceptable adverse landscape impacts, least intrusive option, is part of a wider strategy and provision is made for removal if no longer needed.

The proposed mast is a lightweight lattice structure which will be partly 'see through' from long and medium distance views and its proposed colouring Fir Green will assist its assimilation into the wider forestry setting.

Whilst its height was 30m when submitted, following on from Members comments at the August meeting about the necessity of the height at 30m, the agent has resubmitted the proposal with a height of 25m commenting that potential future network backhaul resilience benefits from 30m could be foregone to reduce its visual impact. Whilst technically this proposal could now be withdrawn and resubmitted as a permitted development prior approval, the applicants wish the application to be determined under the full planning regime to save time in withdrawing and resubmitting. Members will be aware that a 'fallback position' is a material consideration.

With adjacent circa 19m tree canopy cover close-by, this will result in the upper 5 - 6m section being visible, however there are some individual trees that are taller than others across the forest ridge and as such some variation in height occurs naturally. The applicants have also offered a two-tone colouring scheme with the lower section forest coloured and upper section sky coloured. The design/siting concept of 'masts protruding out of tree cover' has been used elsewhere in the National Park to acceptably integrate public use infrastructure. The agent advises that the height is required to provide enough space for the vertical separation of equipment for three operators and be sufficiently above the foliage canopy so that it does not interfere with the radio propagation and can provide microwave linkage to other masts. In terms of community benefit, the subject of improved digital connectivity has been raised at Parish Forums for over a decade and has been integrated into the Authority's statutory management plan (Outcome 6,

objective 24 - "Facilitate local solutions to ensure superfast broadband and/or mobile phone coverage is available to $100\,\%$ of households in the National Park by 2030"). The supporting evidence submitted with the application explains the not-spot area the mast is designed to cover, and the alternative sites assessed and reasons why they were discounted.

In terms of issues raised by consultation responses, the published Forestry plan does not show any felling proposals in the immediate locality. The backhaul arrangements are line of sight to mast 97282 at Stockton on Tees (12 miles away). A photomontage has been requested and Members will be updated at the meeting.

Whilst such developments undoubtably result in some landscape impacts because of their nature scale and isolated locations officers have appraised the site and design and consider the proposal does not have an unacceptable harmful impact. It should be noted that masts of up to 25m high are permitted development even in Protected Landscapes. Whilst the top 6m of the lattice mast will be visible above the treeline when viewed from Kildale, this impact is substantially reduced in longer distance views from the more elevated moorland above the dale. Whilst such planning judgments are always a balance officers consider that the current and future digital connectivity benefits to the local community and visitors including online health/education/economy/family contact and providing younger generations with smartphone connectivity, outweigh the modest visual harm.

Public Sector Equality Duty imposed by section 149 of the Equality Act 2010

The proposal is not considered to unduly affect any people with protected characteristics.

Pre-commencement conditions

A CEMP (ecology) & CPMP (highway construction) conditions are pre-commencement conditions and have been agreed in writing with the applicant/agent.

Contribution to Management Plan objectives

Approval is considered likely to help meet Outcome 6, objective 24 which seeks to improve broadband and mobile phone coverage.

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 mast colouring, so as to deliver sustainable development.

North York Moors National Park Authority

Plans list item 2, Planning Committee report 07 September 2023

Application reference number: NYM/2023/0279

Development description: Demolition of workshop and garage and construction of three holiday units with associated parking and amenity spaces

Site address: land to the rear of 3 Church Street, Helmsley

Parish: Helmsley

Case officer: Mrs Jill Bastow

Applicant: Christelle & Richard Ellis and Todd c/o Prism Planning Ltd, Milburn House, 17

Woodland Road, Darlington, DL3 7BJ

Agent: Prism Planning Ltd fao: Mr Steve Barker, Milburn House, 17 Woodland Road,

Darlington, DL3 7BJ

Director of Planning's Recommendation

Approval subject to the following:

Condition(s)

Condition number	Condition code	Condition text
1	TM01	The development hereby permitted shall begin not later than
2	PL01	three years from the date of this decision. The development hereby permitted shall be carried out in
2	FLOI	accordance with the following approved plans:
		Document Description Drawing No. Date Received
		Proposed GA Site Plan 233.SS.03.101 4 May 2023
		Proposed GA Plans 233.AB.03.101 4 May 2023
		Proposed GA Elevations 233.AB.03.202 4 May 2023
		Proposed GA Plans & Elevations 233.C.03.121 4 May 2023
		Proposed Site Sections 233.SS.03.202 4 May 2023
		Hard & Soft Landscaping Specification MR23-097/101 B
		15 Aug 2023
3	ARC03	No demolition/development shall take place until a Written
		Scheme of Investigation has been submitted to and approved in
		writing by the Local Planning Authority. The scheme shall
		include:

Condition number	Condition code	Condition text
		the programme and methodology of site investigation and
		recording;
		the programme for post investigation assessment;
		the provision to be made for analysis of the site investigation and recording;
		the provision to be made for publication and dissemination of the analysis and records of the site investigation;
		the provision to be made for archive deposition of the analysis and records of the site investigation;
		the nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
		No demolition/development shall take place other than in accordance with the Written Scheme of Investigation.
4	PDR01	Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), no development within Schedule 2, Part 1, Classes A to H; Schedule 2, Part 2, Classes A to F and within Schedule 2 Part 14 Classes A to I of that Order shall take place without a further grant of planning permission being obtained from the Local Planning Authority.
5	UOR12	The holiday accommodation units hereby approved shall not be used for residential purposes other than holiday letting purposes. For the purpose of this condition 'holiday letting' means letting to the same person, group of persons or family for period(s) not exceeding a total of 28 days in any one calendar year.
6	MC00	Prior to the first occupation of the holiday accommodation units hereby approved, a scheme for the management and supervision of the accommodation shall be agreed in writing with the Local Planning Authority and thereafter be operational. Any change to the management arrangements must be first agreed in writing with the Local Planning Authority and the units shall only be occupied whilst there is an approved scheme of management in operation.

Condition number	Condition code	Condition text
7	AC20	No external lighting shall be installed in the development hereby permitted until details of lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be Dark Skies compliant, and no other lighting shall be installed on the site. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.
8	GPMT02	No work shall commence on the construction of the walls hereby approved until a sample of the materials to be used in the construction of the external surfaces shall have been prepared on site for inspection and approved in writing by the Local Planning Authority. A sample panel showing the construction materials shall be at least 1 metre x 1 metre and show the proposed material, coursing, jointing, method of tooling (if necessary), bond, mortar, pointing technique. A palette of other materials to be used in the development (including roofing, water tabling, new lintels and cills, cladding and render if necessary) shall also be made available. The development shall be constructed in accordance with the approved sample(s), which shall not be removed from the site until completion of the development.
9	ВСМТОЭ	No work shall commence on the installation of any fenestration element in the development hereby approved until detailed plans showing the constructional details and external appearance of all external elements, including frames and glazing, have been submitted to and approved in writing by the Local Planning Authority. Such plans should indicate the overall fenestration design on a scale of not more than 1:20, the longitudinal and cross-sectional detailing including means of opening at a scale of not more than 1:5, and moulding details (i.e frame, glazing bar) at a scale of not more than 1:2. All fenestration elements shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.
10	GPMT11	All window frames, glazing bars, external doors and door frames shall be of timber construction and no other materials shall be used.

Condition number	Condition code	Condition text
11	GPMT12	No work shall commence to stain/paint the windows and external doors in the development hereby approved until details of the paint colour/finish of the windows has been submitted to and approved in writing by the Local Planning Authority. The work shall not be carried out otherwise than in accordance with the approved details, completed within six months of the date of installation and shall be maintained in that condition in perpetuity.
12	GPMT15	The external face of the frame to all new windows shall be set in a reveal of a minimum of 75mm from the front face of the adjacent walling and shall be maintained in that condition in perpetuity.
13	GPMT20	External trickle vents shall not be incorporated into any windows hereby approved and shall not be installed thereafter.
14	GPMT21	No work shall commence on the installation of any rooflights in the development hereby approved until full details have been submitted to and approved in writing by the Local Planning Authority. The rooflights shall be fixed or top-hung metal conservation style and shall be installed in accordance with the approved details and maintained in that condition in perpetuity.
15	GPMT23	The guttering to the development hereby permitted shall be directly fixed to the masonry by means of gutter spikes located within the mortar joint with no fascia boarding being utilised in the development and shall thereafter be so maintained in that condition in perpetuity.
16	GPMT26	All rainwater and foul water goods utilised in the development hereby permitted shall be coloured black and shall thereafter be so maintained in that condition in perpetuity.
17	LD25	All hard surfacing and boundary treatment comprised in the approved Hard and Soft Landscaping Specification shall be carried out in accordance with the approved details before any part of the development is first occupied and thereafter maintained in perpetuity.
18	LD26	All planting, seeding or turfing comprised in the approved Hard and Soft Landscaping Specification shall be carried out in the first planting and seeding seasons following the occupation of

Condition number	Condition code	Condition text
		the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
19	MHC-15B	No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance wit the approved plan.
		The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:
		wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
		the parking of contractors' site operatives and visitor's vehicles;
		areas for storage of plant and materials used in constructing the development clear of the highway;
		details of site working hours; and
		contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
20	MC00	The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate system should extend to the points of discharge to be agreed.
21	MC00	There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but
		 evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;

Condition number	Condition code	Condition text
		evidence of existing positive drainage to public sewer and the current points of connection; and
		the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.
22	LD07	The development hereby approved shall be carried out in strict accordance with the Arboricultural Impact Assessment and Tree Protection Plan received on 13 July 2023 and the Arboricultural Impact Assessment Plan received on 15 August 2023.
23	MCOO	No development shall commence until an investigation and assessment of the risks posed by any contamination present on the proposed development site, undertaken by a competent person has been submitted to and approved in writing by the local planning authority. This report should include an appropriate survey of the nature and extent of any contamination affecting the site and an assessment of the potential risks to human health, property, controlled waters and ecological systems. Reports should be prepared in accordance with contaminated Land Report 11 and BS 10175 (2013) Code of practice for the Investigation of Potentially Contaminated Sites. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the Local Planning Authority.
		The site shall be remediated in accordance with the approved measures and timescale and the dwelling units hereby approved shall not be first occupied until a verification report demonstrating the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority. If, during development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the Local Planning Authority. The

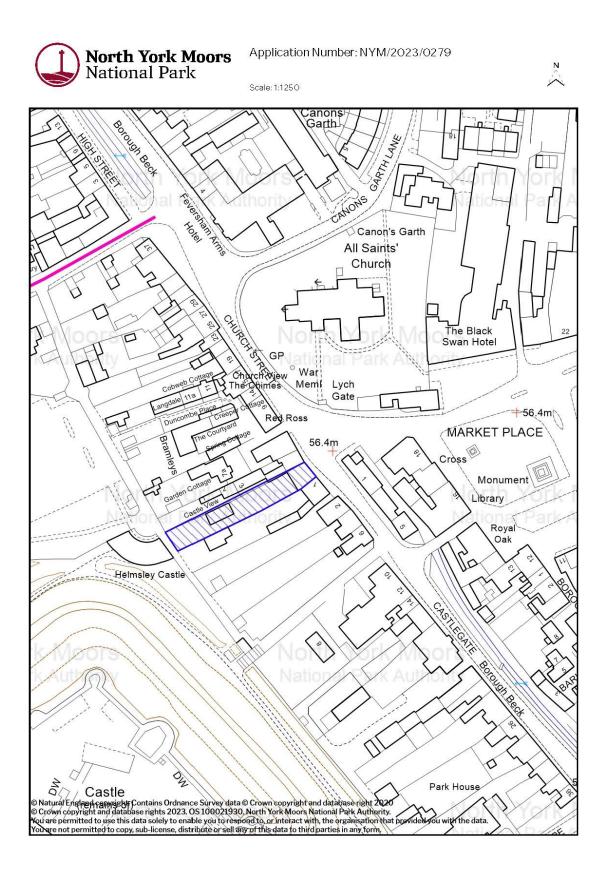
Condition number	Condition code	Condition text
		remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to and approved in writing by the Local Planning Authority.

Informative(s)

Informative number	Informative code	Informative text
1	MC INF01	All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 39(1) of the Conservation (Natural Habitats etc) Regulations 1994. Should any bats or evidence of bats be found prior to or during development, work must stop immediately, and Natural England contacted on 0300 060 3900 for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given information to contact Natural England or the Bat Conservation Trust national helpline on 0845 1300 228.
2	MC INF 12	Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. In addition, certain species such as the Barn Owl are included in Schedule 1 of the Act and are protected against disturbance while nesting and when they have dependent young. Offences against birds listed in Schedule 1 of the Wildlife and Countryside Act are subject to special penalties. An up-to-date list of the species in Schedule 1 is available from the Gov.UK web site. Further information on wildlife legislation relating to birds can be found on the Royal Society for the Protection of Bird's web site. If advice is needed, please contact the National Park Authority's Conservation@northyorkmoors.org.uk.

Informative number	Informative code	Informative text
3	MC INF 13	Swift populations are declining in the UK due to the loss of nest sites in roof spaces as old buildings are renovated or demolished. Swifts occupy nest sites between May and August, making little noise and causing no mess or smell. Swift populations can be supported by the inclusion of simple and affordable measures during building construction or renovation, such as purpose-made 'swift bricks' or the creation of small loft voids. Guidance can be found on the Swift Conservation website with additional swift box ideas from Action for Swifts.
4	MC INFOO	In respect of conditions 20 and 21 above, Yorkshire Water advise that domestic foul water may discharge to the 225 mm diameter public foul sewer recorded in Castlegate, at a point adjacent the site.
		With regard to surface water discharge, sustainable development requires appropriate surface water disposal. Yorkshire Water promote the surface water disposal hierarchy and the developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer. As a last resort, and upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, curtilage surface water may discharge to public sewer. Surface water discharges to the public sewer must have a minimum of 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event.
		The developer will be required to provide evidence of existing positive drainage to a public sewer from the site to the satisfaction of Yorkshire Water and the Local Planning Authority by means of physical investigation. On-site attenuation, taking into account climate change, will be required before any discharge to the public sewer network is permitted.

Map showing application site



View into the site from Bowling Green Lane



View looking back towards Bowling Green Lane from within the site showing the garage to be demolished



View of the partially constructed outbuildings along the northern boundary of the site with the neighbouring residential accommodation behind and the rear of the host property at 3 Church Street



Consultation responses

Town Council

Comment that the preference would be for a two-bedroom unit for local occupancy or principal residence use rather than three x one bedroom holiday units. If holiday use is approved a single two-bedroom unit would be preferable.

Considers the scheme to be an over-development of the site, in particular the two storey building which is too close to a residence and its garden, and likely to cause a disturbance to nearby residents. The parking area is poorly sited, intrusively close to neighbours and with three holiday units there will be many vehicle movements and more people about in a small area.

If holiday use is approved, request that each property to have its own commercial waste bin, all properly screened and managed. Problems with improperly managed waste bins for holiday lets have been reported in Helmsley recently.

Amended Plans (landscaping and boundary treatment): No comments.

Highways

No objection as the proposed parking amenity meets with North Yorkshire Council's minimum parking policy. The existing vehicular access from Cleveland Way on to the private lane which serves 3 Church Street is considered adequate in terms of its construction and available visibility for access and egress. A condition requiring the submission of a Construction Phase Management Plan is requested.

Highways England

No objection.

Yorkshire Water

No objection but comment that the development of the site should take place with separate systems for foul and surface water drainage, and that the separate systems should extend to the points of discharge to be agreed. Foul water domestic may discharge to the public foul sewer recorded in Castlegate; however sustainable development requires appropriate surface water disposal. A condition requiring the submission of drainage details is requested.

Environmental Health

No objection but comment that if the site was previously used as a garage/workshop selling fuel then a Phase I desktop study should be undertaken by the applicant as there could be e.g., hydrocarbons, solvents and heavy metals potentially present. The Phase I study will more than likely recommend Phase II site investigations to establish the extent and nature of any contamination is present and then to quantify the associated human health risk.

Forestry Commission

No comments received.

Natural England

No comments received.

Historic England

No comment; recommend the views of the Authority's specialist conservation and archaeological advisers be sought.

Third party responses

Mark Newby, Yew Tree Associates on behalf of Mrs Carol Swift, Stilworth House, 1 Church Street, Helmsley – Wishes to object on the following grounds:

- Impact on residential amenity: the holiday cottages will be managed from a distance unlike the neighbouring guest house which is also the owners main residence and therefore they have control over the impact on local amenity. Also, the proposed parking will be adjacent to neighbouring property which will impact unreasonably on their amenity in terms of noise and disturbance and car movements at all times of day and night. Contrary to Strategic Policy J and NPPF Para 130. The removal of the holiday unit closest to Stilworth House and the relocation of the parking to the western end of the site would help to address these concerns.
- Impact on highways: no parking provision is made for the existing estate agents and
 occupants of the flat above. Furthermore, the car parking spaces for the holiday units
 will be used at any time of day rather than during normal working hours and will lead
 to an unacceptable impact on neighbours amenity and the highway network through
 additional on street parking. Contrary to Strategic Policy J and NPPF Para 130.
- Contamination: The site was previously used as a commercial garage/workshop including a fuel pump and underground tank. Disturbance of the tank could cause harm to residents and this needs to be correctly investigated.
- Other material considerations: the proposal will affect an existing tree along the boundary in the neighbouring garden. No details have been provided regarding the historic boundary wall between the properties and how this will be retained.
- Proposed conditions: should planning permission be granted then conditions
 preventing the use of the holiday accommodation by stag and hen parties is
 requested along with another requiring the submission of a Construction
 Management plan to protect neighbour's amenity.

Comments on amended plans (landscaping and boundary treatment):

The tree report refers to an impact of between 13.15 and 14.91% on my client's trees; wish to hear the comments of the Council's tree officer for confirmation or otherwise, the acceptability of this.

James Hare of Helmsley Estate – Wishes to make the following comments:

- The access from the Cleveland Way is known as Bowling Green Lane and is owned by Helmsley Estate. The proposal clearly represents an intensification of the use of the access road. In the past the road has principally been maintained by the Estate at the Estate's expense. No approach has been made to the Estate by the applicants.
- The proposal does not appear to allow enough or any parking spaces for the existing property at 3 Church Street.
- Is the visibility onto Cleveland Way sufficient for this intensification of use? Bowling Green Lane is narrow, and more car use impedes walkers, particularly those using the Cleveland Way car park.

Consultation expiry

21 June 2023

Background

This application was deferred from the July meeting of the Planning Committee to enable Members to undertake a site visit.

3 Church Street comprises a two storey property located in the centre of Helmsley Conservation Area. The property is currently occupied by 'Cundalls' a local firm of auctioneers, valuers and estate agents with a residential flat at first floor level. The land at the rear of the premises extends to a narrow access lane known locally as Bowling Green Lane, which leads to the Helmsley Castle Visitor Centre and provides access for numerous properties which front onto Church Street and Castlegate.

A Certificate of Lawfulness of proposed development was issued in October 2021 confirming that the continued construction of a single storey range of stores along the northern boundary may take place following the commencement of an earlier planning permission reference: NYM3/058/115A/PA, issued 5 October 1983 for the formation of a new shop front and rebuilding of stores and garage at 3 Church Street. The shop front was installed, and the garage built however whilst the original stores were demolished and partially rebuilt, they were never completed.

Rather than implement the extant permission, this application seeks planning permission for the development of the site for three, one-bedroom holiday letting units along the southern boundary of the site, including amenity space for each unit and a parking space plus one guest parking space.

The scheme involves the removal of the existing garage/workshop (built under the planning permission granted in 1983) which is in a poor condition.

Main issues

Local Plan

The relevant policies of the Local Plan in the determination of this application are considered to be **Strategic Policy A** (**Achieving National Park Purposes and Sustainable Development**), **Strategic Policy B** (**Spatial Strategy**), **Strategic Policy C** (**Quality and Design of Development**), **Strategic Policy I** (**The Historic Environment**), **Strategic Policy J** (**Tourism and Recreation**), **Policy ENV11** (**Historic Settlements and Built Heritage**) and **Policy UE1** (**Location of Tourism and Recreation Development**).

Strategic Policy A seeks to further the National Park purposes and duty by providing sustainable development which is of a high quality design and scale which respects and reinforces the character of the local landscape and the built and historic environment.

Strategic Policy B sets out the spatial hierarchy with Helmsley at the top level where the majority of development, including visitor facilities, is envisaged to take place.

Strategic Policy J supports new tourism and recreation development provided that any accommodation is for short term holiday stays and that it is of a quality, scale and design that reflects the local environs whilst not leading to harm in terms of noise and activity to the immediate neighbourhood. Policy UE1 expands on this and advises that in Helmsley or in the main built up area of the main villages it can be for new build tourism and recreation development. Policy UE4 is not relevant as the site is not a residential curtilage.

The site lies within Helmsley Conservation Area where **Strategic Policy C** seeks to maintain and enhance the distinctive character of the National Park and requires proposals to be of a high quality design that will make a positive contribution to the local environment and Strategic Policy I requires all development proposals to make a positive contribution to the cultural heritage and local distinctiveness of the National Park. Development proposals are required to conserve heritage assets and their setting in a manner appropriate to their significance. **Policy ENV11** requires development affecting the built heritage to reinforce its distinctive historic character by fostering a positive and sympathetic relationship with traditional local architecture, materials and construction. It promotes high standards of design detailing to conserve and enhance the built heritage, settlement layouts and distinctive historic, cultural and architectural features.

The Helmsley Plan is also relevant to this application. **Policy H9 (Design)** advises that all new development should respect the existing settlement character, patterns and layouts and the principles of building design to ensure that the historic character and local distinctiveness of the built environment is maintained.

However, it is silent on the provision of new tourist accommodation hence **Strategic Policy J** dealing with tourism development across the National Park is the key policy consideration.

Principle of development

Strategic Policy J and Policy UE1 supports new build tourism development within the main built up area of Helmsley and as such the proposal is acceptable in principle.

Whilst regard should also be had to the extant planning permission for the rebuilding of the outbuildings as stores which was granted in October 1983, this has limited weight in terms of a 'fall-back position' for the applicant as to rebuild those former outbuildings for an alternative use would require a full planning application which would have to be assessed against the relevant policies of the Development Plan in addition to any relevant material considerations as with this current application under consideration.

Design and impact on the Conservation Area

The scheme is sympathetically designed to reflect a typical range of outbuildings found to the rear of those frontage properties along Church Street and Castlegate and would be a far more sensitive redevelopment of the site than the extant consent for a range of workshops along the northern site boundary (partially built on site). The proposed materials - stone and pantiles with timber doors and windows - are appropriate for the locality and given the proposed scale, form and layout of the development along with the well-detailed design reflecting the local vernacular, the scheme is considered as an enhancement of the Conservation Area.

Views of Helmsley Castle and into and out of the conservation area from the back lane (known as Bowling Green Lane) will not be adversely affected by the development and whilst the proposal will result in the infilling of a historic burgage plot, given its previous use as a garage and workshop and the extent of new building for which consent exists, it is not considered that the proposal undermines the objectives of the tightly drawn development boundary in the Helmsley Local Plan.

The proposal is therefore considered to comply with **Strategic Policy C, Strategic Policy I, Policy ENV11** of the Local Plan and H9 (Design) of the Helmsley Local Plan.

Impact on residential amenity

It is considered that the scheme has been well designed so as not to have an adverse impact on amenity of neighbours in terms of overlooking. There are no windows proposed in the south elevation and those windows in the north elevation facing the properties to the rear of 5 Church Street will be screened by a stone boundary wall.

It is acknowledged that there may be some overshadowing of the rear garden to Stilworth House to the south with the proposed detached single storey unit.

However, the unit will lie to the north and therefore should not block any sunlight to the garden and owing to the eaves and ridge heights (2.6 metres and 4.4 metres respectively) there should be little overbearing impact. Furthermore, the two storey unit will be located towards the western end of the site close to Bowling Green Lane adjacent to the neighbouring garage where it will have limited impact in terms of overshadowing.

In terms of the potential for noise and disturbance, although the proposal is for three holiday letting units, under the policies of the Local Plan as outlined above the site is considered suitable for permanent residential use and therefore no occupancy condition is proposed. Whilst holiday letting accommodation does have the potential to be noisy and disruptive, these are all one bedroom units capable of being occupied by couples or small families rather than large groups. Also given the town centre location and the surrounding mixed uses of commercial properties, guest accommodation and private residences, there is a degree of noise and activity throughout the day and night, and it is not considered the proposal will have an adverse impact on residential amenity. However as there will be no on-site management of the holiday letting accommodation should Members feel it to be appropriate a condition could be imposed requiring the submission of and adherence to a disturbance/noise management plan for the site detailing how the owners intend to control and monitor the accommodation to ensure that any noise/antisocial behaviour/parties are dealt with swiftly and promptly in the same manner as an inhouse/onsite landlord would be expected to deal with such problems.

Highway safety

The Highway Authority are aware of the concerns from the neighbour that the proposed scheme only provides parking for the three holiday cottages and does not maintain the existing car parking provision to serve the ground floor retail unit or the first floor flat. In response they comment that the new development offers a good provision of off street parking served from a private lane to the rear of Church Street and in terms of the existing on site situation, a commercial unit with a maisonette or flat above would invariably not offer designated off-street parking at a busy town centre location such as this. They comment that there is a large public car park in close proximity, good range of local amenities and a regular bus service; this situation is not dissimilar to many other units of this type in locations such as this and therefore there is no objection to the proposed redevelopment on the grounds of car parking.

Contaminated land

It is understood that the site previously operated as a commercial garage/workshop prior to the granting of planning permission in 1985 for the change of use of the shop to a travel agent, and that fuel was available from the rear of the site. Several neighbours have suggested the presence of an underground fuel storage tank although the agent has refuted this and advises that for a number of years there was an old-style petrol pump sited outside the workshop, but this was decorative, having been the original pump that was situated on Church Street outside shop in the 1940's and there is no underground tank.

Environmental Health have responded that if the site was previously used as a garage/workshop selling fuel then a Phase I desktop study should be undertaken by the applicant as potentially there could be hydrocarbons, solvents and heavy metals present for example. The Phase I study will more than likely recommend Phase II site

investigations to establish the extent and nature of any contamination present and to quantify the associated human health risk.

Trees and landscaping

There are two mature trees (Norway Maple and Monterey Cyprus) close to the boundary on the adjacent site to the south which will be affected by the proposed development. Immediately prior to the last Planning Committee meeting a tree survey, tree survey & constraints plan, arboricultural impact assessment, tree protection plan and arboricultural impact assessment plan were submitted by the agent. The Authority's Woodland Officer has commented the proposed development will have limited impact on the neighbouring trees and the tree protection plan and arboricultural impact assessment plan specifies that the proposed hard surfacing for the parking areas should be constructed using a 'No Dig' low compaction and porous method utilising products such as Cellweb or ArboRaft, which should be a conditional requirement of any permission.

Furthermore, the proposed hard and soft landscaping plans have been amended to include boundary treatment details. This show that the existing boundary treatment is to be retained. Officers have requested that the blockwork wall along the northern boundary is faced or rebuilt in natural stone to enhance the appearance of the development and that this is continued to the rear of the garage to be demolished where there is no boundary treatment at present. Members will be updated at the meeting on the receipt of amended plans.

Archaeology

The Authority's archaeologist has advised that there is strong potential for significant archaeological remains to be uncovered during any redevelopment of the site and have requested a condition requiring a Written Scheme of Investigation (archaeology methodology) to be submitted for the Authority's approval prior to works commencing on site, which the agent has agreed to.

The application site lies in close proximity to a Scheduled castle site and appears to be the southernmost burgage plot of the collection of properties formerly known as Church Row, before the roads were more formalised. The origin of this row is probably mid-14th Century, during a medieval expansion of the domestic quarters of the town. The nature of the proposed development means some significant ground disturbance, with the potential for significant archaeological deposits. Archaeological mitigation is not unprecedented in Helmsley, indeed most extensions/new builds in town over the last years have required a similar condition due to the medieval potential.

Bats

The application is accompanied by a bat scoping and emergence survey which has established that the site has low bat roosting potential and that bats are not using the site but are roosting in dwellings surrounding the site. Therefore, there are no statutory

constraints to the demolition of the garage from the presence of bats and no further survey work is required.

Conclusion

In view of the above it is considered that the site is suitable for new build tourist accommodation development as it is within the town centre and the main built up area of Helmsley; that a high standard of design detailing is proposed which reflects the local vernacular of a typical range of outbuildings; that the siting, orientation and layout preserves the character and appearance of the Conservation Area, including the spaces around and between buildings; that the residential amenity of neighbouring occupiers is not adversely affected and that highway safety is not compromised. A fall-back position of being able to recommence building storage units adds weight in favour of the application. As such the proposal is considered to comply with the relevant policies of the Local Plan and the Helmsley Local Plan and approval is recommended.

Public Sector Equality Duty imposed by section 149 of the Equality Act 2010

No implications in relation to this application.

Pre-commencement conditions

Conditions 3, 19 and 23 are pre-commencement conditions and have been agreed in writing with the applicant/agent.

Contribution to Management Plan objectives

Approval is considered likely to help meet Outcome 4 which seeks to establish the National Park as a place that lifts the nation's health and wellbeing.

Explanation of how the Authority has worked positively with the applicant/agent

The Local Planning Authority has acted positively in determining this application by assessing the scheme against the Development Plan and other material considerations and subsequently granting planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

North York Moors National Park Authority

Plans list item 3, Planning Committee report 07 September 2023

Application reference number: NYM/2023/0025

Development description: Construction of 10 buildings to create 18 business and industrial units (use classes B2 and E) with associated access road, parking, cycle and bin stores, landscaping and realignment of public right of way

Site address: Enterprise Way, Whitby

Parish: Hawsker-Cum-Stainsacre

Case officer: Mrs Hilary Saunders

Applicant: Paul Clemitshaw c/o agent

Agent: In Haus Group Ltd fao: Jenny Bedell-Harper, 89 Walkergate, Beverley, HU17 9BP

Director of Planning's Recommendation

Approval subject to the following:

Condition(s)

Condition number	Condition code	Condition text		
Humber	code			
1	TM01	The development hereby peri	mitted shall begi	n not later than
		three years from the date of t	his decision.	
2	PL01	The development hereby peri	mitted shall be c	arried out in
		accordance with the following	g approved plans	S:
		Document Description D	ocument No.	Date Received
		Location Plan	EW/001	18/01/2023
		Overall site layout plan	EW/110A	05/04/2023
		Elevations Unit 1	EW/301A	05/04/2023
		Elevations Units 2&3	EW/302A	05/04/2023
		Elevations Unit 4,5,6&7	EW/304A	05/04/2023
		Elevations Unit 8	EW/305A	05/04/2023
		Elevations Unit 9	EW/306A	05/04/2023
		Elevations Unit 10	EW/307A	05/04/2023
		Layout & roof plans Unit 1	EW/101A	05/04/2023
		Layout & roof plans Units 2&:	3 EW/102A	05/04/2023
		Layout & roof plans Units 4-7	' EW/104A	05/04/2023
		Layout & roof plans Unit 8	EW/1058	05/04/2023

Condition number	Condition code	Condition text		
		Layout & roof plans Unit 9	EW/106 A	05/04/2023
		Layout & roof plans Unit 10	EW/107A	05/04/2023
		Site sections elevations	EW/201A	05/04/2023
		Landscaping Area Detail Plan	EW/120A	05/04/2023
3	UOR01	The premises shall be used for C Class E (g)(i) (ii)&(iii) (office, rese industrial) and for no other purp in Class E or B8 of the Schedule Planning (Use Classes) Order 20 provision equivalent to that Clastevoking and re-enacting that C modification).	arch and develo ose (including a to the Town an 020 (as amende ss in any statuto	opment, light ny other purpose d Country d) (or in any ory instrument
4	UOR02	There shall be no retail sales fro the permission hereby approved require a separate grant of plan Planning Authority.	d. Any such use	or alteration will
5	AC07	No storage of materials, machin items shall take place outside the the prior written agreement of the prior written agreemen	ne building(s) on	the site without
6	AC20	No external lighting shall be inst permitted until details of lighting approved in writing by the Loca shall be Dark Skies compliant, a installed on the site. The lighting with the details so approved and condition in perpetuity.	g have been sub I Planning Autho nd no other ligh g shall be installo	omitted to and ority. The lighting ting shall be ed in accordance
7	MC00	The fenestration in the develop glazed with low visible light tran 0.5VLT).		•
8	GPMT05	The external surface of the roof permitted shall be coloured and and shall be maintained in that of	thereafter main	ntained dark grey
9	GPMT06	The external elevations of the b within three months of first beir either dark grey or dark green s	ng brought into	use, be clad in

Condition number	Condition code	Condition text
		as shown on the approved drawings and shall thereafter be so maintained.
10	MHC-01	Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority.
		The development must only be carried out in compliance with the approved engineering drawings.
11	MHC-02	No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation.
		The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.
12	MHC-09B	No part of the development must be brought into use until the access, parking, manoeuvring, and turning areas for all users have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
13	MHC-13	Prior to the first occupation of the development, a Travel Plan must be submitted to and approved in writing by the Local Planning Authority. The Travel Plan will include: -
		agreed targets to promote sustainable travel and reduce vehicle trips and emissions within specified timescales and a programme for delivery.

Condition number	Condition code	Condition text
		a programme for the delivery of any proposed physical works.
		effective measures for the on-going monitoring and review of the travel plan;
		a commitment to delivering the Travel Plan objectives for a period of at least five years from first occupation of the development, and;
		effective mechanisms to achieve the objectives of the Travel Plan by both present and future occupiers of the development.
		The development must be carried out and operated in accordance with the approved Travel Plan. Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented as long as any part of the development is occupied.
14	MHC-15A	No development for any phase of the development must commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan.
		The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:
		details of any temporary construction access to the site including measures for removal following completion of construction works;
		wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
		the parking of contractors' site operatives and visitor's vehicles;
		areas for storage of plant and materials used in constructing the development clear of the highway;

Condition number	Condition code	Condition text
		measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
		details of site working hours;
		means of minimising dust emissions arising from construction activities on the site, including details of all dus suppression measures and the methods to monitor emissions of dust arising from the development;
		removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
		a detailed method statement and programme for the building works
15	DRN04	No work shall commence on excavation works to install drainage to serve the development hereby permitted until full details of the proposed means of disposal of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the drainage works have been completed in accordance with the approved details.
16	MC00	There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:
		evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
		the means of discharging to the public sewer network at a rate not to exceed 3.5 litres per second.
17	DRN02	No building hereby permitted shall be occupied until the sustainable drainage system for the site shall have been completed in accordance with the submitted details. The sustainable drainage system shall be managed and maintained

Condition number	Condition code	Condition text
		thereafter in accordance with the agreed management and maintenance plan.
18	LD02	Before the development is first occupied or brought into use a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved This condition will normally be used in conjunction with the landscape implementation condition Landscape – implementation of works to help ensure that appropriate arrangements will be made for the management and maintenance of an approved landscape scheme, particularly in cases of communal or multiple ownership or where the nature of the scheme will need periodic intervention and actions. A period of time appropriate to the nature of the scheme should form part of the Plan. Alternatively, a planning obligation requiring an agreed management plan to be prepared and implemented may be appropriate.
19	LD04	All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species This condition may be appropriate where the landscaping is either not a major element of the development or is small in scale or where compliance is likely without any problems; use with Landscaping – scheme.
20	LD26	Prior to the development being brought into use, all hard surfacing and boundary treatments shall be implemented in accordance with the approved details and thereafter be maintained in that condition in perpetuity.
21	MC00	Prior to the development hereby approved being first brought into use, the scheme to secure at least 10% of the energy supply of the development from decentralised and renewable or low

Condition number	Condition code	Condition text
		carbon energy sources (as shown on the approved plans) shall be installed and thereafter retained in operation.
22	MC00	The development hereby permitted shall be carried out in accordance with the enhancement measures proposed in the Biodiversity Net Gain calculation and shall be maintained in that manner in perpetuity.
23	MC00	Prior to the commencement of the development hereby approved, the Footpath Diversion Order (under the Town and Country Planning Act 1990) shall have been confirmed and a Temporary Closure order for the duration of the works approved by the Local Planning Authority.

Informative(s)

Informative number	Informative code	Informative text
1	INF MHI-J	Details of issues to be covered in a Travel Plan can be found in the Interim Guidance on Transport Issues, including Parking Standards [https://www.northyorks.gov.uk/road-adoption].
2	MC INF00	The applicant's attention is drawn to the Designing Out Crime advice provided in the consultation response from North Yorkshire Police dated 30 January 2023.
3	MC INF00	Given the scale and location of the development (on the fringe of the Business Park) it is particularly important that a detailed lighting scheme includes detailed lux plots, lighting specifications and control methods, compatible with protection of dark night skies. The proposed drawings also indicate significant areas of glazing and roof lights. The potential for light pollution from internal lighting from large areas of glazing should also be considered so the use of internal shutters or blinds would also be helpful in this respect.

Map showing application site

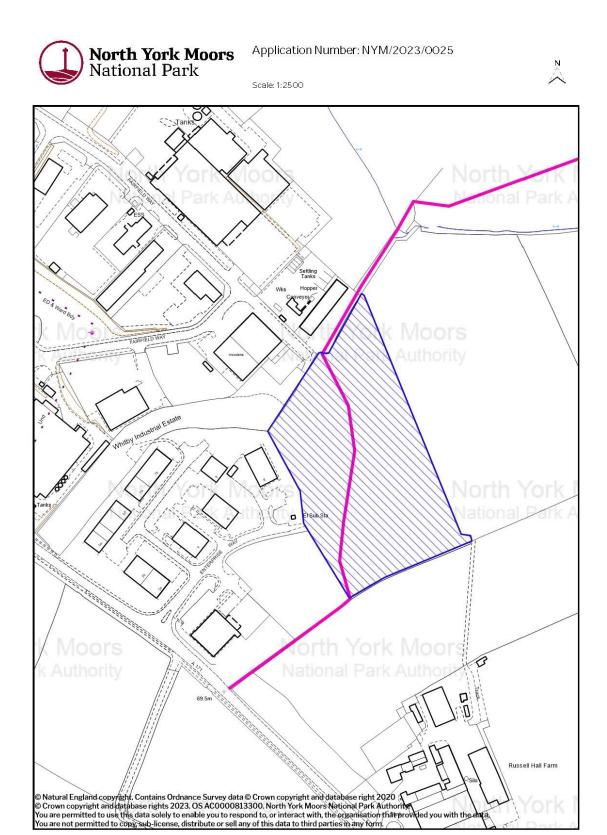


Photo showing wider view of Whitby Business Park and Whitby Abbey beyond with area of site annotated with the red arrow.



Consultation responses

North Yorkshire Council

17/04/2023 - No comments

Parish

07/02/2023 - Council has raised several concerns over the application. Council believes that this is an overdevelopment, taking into consideration the current economic climate and the local area. Council understand that this site has been earmarked for development prior to this application, however, Council do consider this a greenfield site and do not find this development suitable.

Council has major concerns over the traffic visiting the proposed site and how this can be managed, the car parking spaces, bike spaces and the number of units suggests a large influx of vehicles to the area. Council do not find the current speed on approach to Enterprise Way suitable with the increased queueing traffic to the site if the planning application is accepted. The current structure has a 60mph zone and then a 30mph zone very close to the entrance to Enterprise Way. Council would suggest a change to this speed restrictions including a 40mph zone prior to the 30mph zone to allow for speed reduction on approach.

02/5/2023 - Repeat original comments.

Highways

13/6/2023 - It is noted the application site is not connected to the existing highway network and to achieve access would require development on land outside the application boundary.

However, should the Planning Authority be satisfied the applicant has control over the land required to enable road connections to be formed there are no local highway authority objections. It is recommended that highway conditions are attached to any permission granted.

Yorkshire Water

9/2/2023 – No objections subject to conditions.

Campaign to Protect Rural England

16/6/2023 - No objections to the proposals and welcome the attention paid to landscaping and energy efficient design including the incorporation of Biodiversity Net Gain both within the site but also via living walls.

North Yorkshire Fire and Rescue

25/01/2023 - No objection/observation.

11/05/2023 - No objection/observation.

North Yorkshire Police Designing Out Crime Officer

30/01/2023 – No objections - it is apparent that consideration has been given to the security of the scheme and that the principles of Crime Prevention through Environmental Design (CPTED) have been adopted.

No concerns to raise in relation to the design & layout of the proposal in terms of Designing Out Crime but would provide additional advice for the information of the applicant.

28/4/2023 - No comments.

Natural England

13/4/2023 - No objection.

Scarborough Ramblers Group

25/01/2023 – Quite happy with this application.

7/4/2023 – No objections, as long as there is a route through that is all that matters. The Young people at Whitby need somewhere to work.

Campaign for National Parks

No comments received.

Environmental Health

No comments received.

Environment Agency

No comments received.

North Yorkshire Moors Association

No comments received.

Police - Traffic

No comments received.

Local Lead Flood Authority

Requested additional information.

Third party responses

Whitby Seafoods Ltd, Fairfield Way

- Welcome the development as it creates an alternative road access route to our site.
- Given the parking problems on the industrial estate and lack of parking restrictions
 which has led to a significant risk to pedestrian and road user safety in our opinion, we
 would be keen to understand the plans to prevent a similar situation occurring on the
 new development.
- Particularly, will the road be double yellow lined and is there enough resource allocated to parking enforcement?

Consultation expiry

02 March 2023

Background

The application site comprises agricultural grazing land which is located to the rear of the existing Whitby Business Park which is located on the edge of the National Park close to Whitby alongside the A171. The Business Park has a range of business and industrial uses within it including, food processing and builders' merchants and the National Park boundary runs through the middle of the Business Park.

The application site is allocated on the Proposals Maps within the Whitby Business Park Area Action Plan for development for additional employment uses.

In 2008 under previously adopted Planning Policies planning permission was granted on this site for the development of eight business and industrial units of a variety of sizes and options for using the buildings as one larger or a number of smaller units with access to the site from the end of the existing road that services the existing development at Enterprise Way. A Diversion Order was applied for to divert the Public Right of Way that runs diagonally across the site, from south to north; but the applicant didn't complete the necessary process for this to be confirmed.

This current application seeks planning permission for the construction of ten buildings to create 18 business and industrial units (use classes B2 and E) along with an associated access road along with the formal diversion of the Public Right of Way. It is proposed that the internal layout will allow flexibility of uses.

The ten buildings would be of various sizes, but none would have a ridge height of more than 7m to ridge and 5.7m to eaves, with various building lengths not exceeding 40m.

The units would be finished with light & dark grey coloured aluminium framed curtain walling and polyester powder coated steel roller shutter doors, along with the use of some living green walls and some vertical timber panel detailing.

Roofing would consist of dark grey coloured roof panels, and every roof would be fitted with photovoltaic panels to provide the necessary renewable energy to offset carbon emissions.

All service and roadway areas would be surfaced with tarmac and parking and pedestrian areas would be flag paving.

The site topography varies, and the site would be part cut and part filled to create a relatively flat operational and parking and turning areas.

Vehicular access to the proposed development would be via A 171 (Stainsacre Lane)/Enterprise Way junction, which currently provides access to existing industrial units, and pedestrian access to the development would be via Al 71 and Enterprise Way which already contains footways along one side of each carriageway. Pedestrian footways (including cycle lanes) would be provided at the proposed development, linking into the existing external pedestrian facilities. A road link into future development area is provided .

Site boundaries would be surrounded by 2.4m & small section of 3m high Paladin fencing for security purposes.

159 car parking spaces would be provided, along with timber clad cycle stores to accommodate 50 cycle parking spaces.

In support of the application, the applicant has submitted the following information:

This proposal will provide modern high quality business accommodation in Whitby which will create employment opportunities for an estimated 250-300 people.

Commercial research has been carried out, which defines a requirement for various flexible business units rather than large box type developments.

This development has been designed using the Whitby Business Park Design Brief and the Area Action Plan and to provide a spacious layout with each unit having its own space for car parking, storage, circulation, and amenity facilities.

Existing trees and hedges will be protected, and a comprehensive planting scheme is proposed.

In terms of disabled access, the proposed units are designed to be fully accessible to all and include disabled parking provision.

Main issues

Local Plan

Strategic Policy K - The Rural Economy seeks to support development that fosters the economic and social well-being of local communities where it promotes and protects existing businesses by providing flexibility for established rural businesses to diversify and expand; it helps maintain or increase job opportunities and it provides additional opportunities to diversify and better equip the National Park's workforce, or provides additional facilities, or better use of existing facilities for educational and training uses.

Strategic Policy C- Design seeks to maintain and enhance the distinctive character of the National Park, and states that development will only be supported where it is of a high quality design; incorporates good quality construction materials and design details;

the scale, height, massing and form are compatible with surrounding buildings and do not have an adverse impact upon the amenities of adjoining occupiers; sustainable design and construction techniques are incorporated; there is a good quality landscaping and planting scheme; local wildlife and biodiversity is enhanced; provision is made for adequate storage, cycling facilities and car parking are provided and the proposal ensures the creation of an accessible, safe and secure environment for all potential users.

Strategic Policy H (Habitats, Wildlife, Biodiversity and Geodiversity) seeks to ensure the conservation, restoration and enhancement of habitats, wildlife, biodiversity and geodiversity in the North York Moors National Park is given great weight in decision making and goes on to state that development proposals that are likely to have a harmful impact on protected or valuable sites or species will only be permitted where it can be demonstrated that there are no alternatives, there are suitable mitigation measures, any residual harmful impacts have been offset through appropriate habitat enhancement and the wider sustainability benefits of the development outweigh the harm to the protected or valuable interest.

Policy CO2 (Highways) only permits new development where it is of a scale which the adjacent road network has the capacity to serve without detriment to highway safety; the external design and layout and associated surfacing works take into account, as appropriate, the needs of all users; and highway detailing, road improvements and street furniture are sensitive to the character, heritage, built form and materials of the area, the need to conserve and enhance biodiversity and are the minimum required to achieve safe access.

Policy ENV8 – Renewable Energy sets out that new development in the National Park will be required to address the causes of climate change by:

- Generating energy from renewable sources where these are of a size, location and design appropriate to the locality and which contribute towards meeting domestic, community, or business energy needs within the National Park;
- Requiring residential proposals of five units or more and other uses of 200 sq. m. or more to generate energy on-site from renewable sources to displace at least 10% of predicted CO2 emissions.

Policy ENV4 (Dark Night Skies) seeks to ensure that the darkness of the night skies above the National Park are maintained and enhanced and requires that all development will be expected to minimise light spillage through good design and lighting management.

Policy ENV5 (Flood Risk) states that new development will only be permitted where it meets the sequential approach to development in areas of flood risk; and does not increase the risk of flooding elsewhere.

The Whitby Business Park Area Action Plan and Design Brief

The Whitby Business Park Area Action Plan (WBPAAP) sets out how the Business Park will be developed over the period to 2026.

It includes proposals to improve and expand the existing site to accommodate new businesses and sets out highway, infrastructure and environmental improvements.

The Spatial Vision is 'To provide a well-planned, extended and improved Business Park to meet the needs of the local economy and community into the future and reinforce Whitby's role as a Principal Town by expanding and enhancing the range of employment opportunities that the Business Park presents to Whitby's economy.'

In terms of retail and leisure development it is recognised that whilst Whitby Business Park has traditionally been used for 'employment' land uses, such as light industry, in common with many other Business Parks around the country some existing businesses have expanded into retail sales which are ancillary to the existing enterprise. In retail planning policy terms Whitby Business Park is classed as out of centre however, the objectives are to plan for a mix of uses at the Business Park to meet the Area Action Plan objective which is to make Whitby Business Park a more attractive destination and facilitate expansion of the site to support Whitby's role as an employment centre and to provide more diverse employment opportunities in the town.

Policy 2 of the Action Plan sets out the following: -

Approximately 14 hectares of additional land is allocated to facilitate the expansion of Whitby Business Park, as shown on the Policies Map. Proposals for new development falling within Use Classes B1 (light industry that can be carried out in a residential area, offices other than financial and professional services such as banks or estate agents, research and development of products and processes), B2 (industrial use that does not fall into class B1 (but excludes incineration, chemical treatment or landfill or hazardous waste) and B8 (storage and distribution of goods, such as warehousing) will be permitted within the allocated sites and the Business Park as a whole as shown on the Policies Map. Other uses will only be permitted in accordance with specific policies within the Area Action Plan, or where they would be ancillary and complementary to the overall commercial operation of the Business Park.

Three parcels of land have been identified with development potential, and the following information provides guidance on the main issues that need to be addressed if the sites were to be developed:

Site 1 Guidance:

Development must take account of the landscape setting and special qualities of the National Park.

All proposed new buildings are low in height and scale and appropriately sited in order to retain the long-distance views and historic setting of Whitby Abbey;

6 metre wide easement for existing high voltage cabling across the proposed development will be required and will only be invoked if the line is diverted. The cost of relocating or undergrounding the line will be met by developers.

Due to the higher elevation of this site, improvements to reinforce existing water supplies will be required. To provide water for non-domestic use, the developer would be required to make a contribution towards system improvements.

Due to the presence of a watercourse on the site, careful management will be needed to ensure that any development is not detrimental to water quality or the ecology of the watercourse in line with the Water Framework Directive.

WBPAAP Design Brief

This document has been prepared to be read in conjunction with the Area Action Plan in order to achieve the following:

A high standard of design, landscaping, open space and signage throughout the business park, to ensure an attractive environment;

To enhance the setting of the development, having regards to its context, partly within the National Park and against the historic setting of Whitby;

To ensure that the new development does not detract from or obscure important views to and from Whitby Abbey (a Grade 1 Listed Building) that is set on the headland above Whitby;

To ensure that the layout and design of new development, green infrastructure and parking areas take into account 'secured by design' ideas to minimise the potential for crime and ensure that there is a safe and secure environment at the Business Park

Material considerations

This site has previously been considered suitable for development with the planning permission granted in 2008 (albeit not implemented) and the subsequent allocation of this land as Site 1 in the WBPAAP which was adopted in 2014 and as set out above. As the site is allocated for such development, the proposals are therefore in accordance with the objectives of Strategic Policy K of the Local Plan.

Therefore, the primary considerations are whether the proposals meet the aims and objectives of the Action Plan and associated Design Brief, along with the Design and Environmental Policies contained in the Local Plan.

Scale and design

The proposed development is substantial in scale, but the applicant's agent has worked constructively with officer s to ensure the scale of development is appropriate, including the reduction in ridge and eaves height of the buildings, to ensure that the development does not obstruct views across to Whitby Abbey. The colour of materials and roofing will be dark and recessive, including the use of some living green walls, which will all help the development to sit more quietly in the wider landscape.

The design and details of the proposal are considered to be good quality and would benefit the appearance of the Business Park, and the use of appropriately coloured materials would meet the aims of the Action Plan.

Attention has also been given to external lighting in order to ensure the Dark Skys above the National Park are not affected. Whilst there are some large areas of glazing in the buildings, light pollution from light spill is considered less of an issue from industrial buildings as internal lighting is usually turned off early in the evening.

It is considered that the scale and design would meet the criteria of both the Design Brief and Strategic Policy C and Policy ENV4 of the Local Plan.

Highways access and car parking

Access to the site would be off the A171, and through Enterprise Way, and the Highway Authority have no objections to the use of this access. The scheme has also been designed to allow a link road through to Fairfield Way, in order to enable internal circulation throughout the Business Park to be improved, which is an objective of the WBPAAP. However, that land is not owned by the applicant, but by North Yorkshire Council, so the applicant would not actually undertake the works across that land, due to the cost of the ransom strip; that would fall to North Yorkshire Council to undertake.

Adequate parking and cycle parking is also proposed.

Landscaping, biodiversity and renewable energy

Opportunities for landscaping are somewhat restricted due to land required for car parking and services, however, the central area would be landscaped with soft planting including trees and shrubs with timber circular seating areas and a small pond. The applicant's agent has been working with the Authority's Ecologist to achieve Biodiversity Net Gain, and whilst 10% isn't achievable here, a small gain should be provided with careful plant choices. However, the 10% isn't a legal requirement yet, so the application couldn't be refused on that basis.

In terms of the previous obstacle of a Public Right of Way running through the site,

a Rights of Way Diversion Order has been applied for this public footpath to be diverted through the site, and through the landscaped area of the development, in order to create a pleasant route through. The applicant's agent has been working with the Authority's Rights of Way Officer to find the best route and the Ramblers Association are supportive of this application.

In terms of renewable energy, the roof of each building would be fitted with solar panels, and it is considered that these will most likely achieve a 10% offset of carbon emissions, however, it is recommended that a condition is attached to an approval to ensure this.

Flood risk and other site constraints

Yorkshire Water have no objections and the information requested by the Lead Local Flood Authority has been submitted, although their comments are awaited in relation to this, which it is hoped will have been received before the Committee Meeting.

In terms of site constraints of Site 1 – issues such as overhead lines, watercourses and water pressure relate to the upper eastern part of the site which do not form part of this application.

Parish Council objection

The Parish Council have objected (which is the sole reason for referral to Committee) on the basis that they consider this to be a greenfield site that is not a suitable development site and also concerns over the traffic visiting the proposed site and how this can be managed.

The Highway Authority have not objected to the proposals, but have recommended conditions, so a refusal on highway safety grounds could not be upheld.

Furthermore, the Parish Council were consulted on the WBPAAP prior to its adoption, and did not object to the allocation of this site for development and they made the following comments: -

The Hawsker cum Stainsacre Parish Council have looked at the Whitby Business Park Action Plan has asked me to write the following comments:

New land needs to be made available for the next plan. Some land is designated leisure and amenity and need to be retained as a buffer zone between housing and industry.

There is a need for one or two larger units of 1500 sq ft or more to provide space as businesses expand and release smaller units for new businesses.

Conclusion

The proposed development would provide employment opportunities in an existing business and industrial area which is well served by public transport and accessible on foot and by bicycle also. The design of the scheme is considered to preserve the

character of this part of the National Park and will incorporate on-site renewable energy provision.

In view of the above considerations, the proposal is therefore considered to be in accordance with Strategic Polices K, H and C, and Policies ENV4, 5 and 8, CO2 and of the Local Plan and also meets the objectives of the Whitby Business Park Area Action Plan and Desing Brief and consequently approval is recommended.

Public Sector Equality Duty imposed by section 149 of the Equality Act 2010

The proposal is not considered to unduly affect any people with protected characteristics and in terms of access for those with disabilities, the proposed units.

are designed to be fully accessible to all and include disabled parking provision. In addition, the design of the scheme incorporates the use of dropped kerbs and visible pathways enhancing disables access provision.

Pre-commencement conditions

Condition(s) 14 & 23 are pre-commencement conditions and have been agreed in writing with the applicant/agent.

Contribution to Management Plan objectives

Approval is considered likely to help meet Objective 5 which seeks to create a place that supports a diverse and innovative low carbon economy.

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 reduction in height of buildings and additional soft landscaping, so as to deliver sustainable development.

North York Moors National Park Authority

Plans list item 4, Planning Committee report 07 September 2023

Application reference number: NYM/2023/0129

Development description: Construction of two local occupancy dwellings together with reconfiguration of site to combine Blacksmiths Cottage and Anvil Cottage to one dwelling (with alterations to front elevation) and to provide parking and amenity spaces for existing dwellings and associated landscaping works

Site address: land to the rear of Blacksmiths Cottage, Back Lane, Hawsker,

Parish: Hawsker-Cum-Stainsacre

Case officer: Mrs Hilary Saunders

Applicant: E, D and E Holyfield c/o E Holyfield, 27 Cadman Street, Mosborough,

Sheffield, S20 5BU

Agent: Cheryl Ward Planning fao: Cheryl Farrow, 24 Westfield Mews, Kirkbymoorside,

York, YO62 6BA, United Kingdom

Director of Planning's Recommendation

Approval subject to the following:

Condition(s)

Condition number	Condition code	Condition text		
1	TM01	The development hereby pe three years from the date of	9	not later than
2	PL01	The development hereby per accordance with the following proposed site plan Existing and proposed part Street Elevation Proposed entrance plan Proposed plans Proposed plans		Date Received 06/07/2023 06/07/2023 06/07/2023 24/04/2023

Condition	Condition	Condition text
number	code	
3	UOR13 PT 1	The occupation of the two new build dwellings hereby permitted shall be limited to:
		i. a qualifying person; and
		ii. a wife or husband (or person living as such), licensee, dependant, or sub tenant of a qualifying person.
		For the purpose of the above, a person is a qualifying person in relation to the dwelling if he/she has an interest in the dwelling (see Note A) and, immediately prior to occupying the dwelling, he/she has satisfied the Local Planning Authority that he/she was in need of local needs housing in term of the criteria set out in Policy CO13 of the adopted North York Moors Local Plan, namely that he/she is:
		Currently resident in the National Park, having been resident in the Park for at least the previous three years; or
		Currently in employment in the National Park; or
		Having an essential need to live close to relative(s) who are currently living in the National Park; or
		Having an essential requirement for substantial support from relatives who are currently living in the National Park; or
		Former residents whose case for needing to return to the National Park is accepted by the Authority.
		Prior to the occupation of the development the qualifying person shall have obtained confirmation in writing from the Authority that they satisfy the local need criteria outlined in points 1 to 5 above.
		Note A: For the purpose of the above, a person has an interest in the dwelling if he/she 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.
		Note B: For the purpose of the above, resident within the National Park will include the whole of parishes split by the National Park boundary with the following exceptions:

Condition	Condition	Condition text
number	code	
		Allerston; Beadlam; Burniston; East Harlsey; Ebberston and Yedingham; Great Ayton; Great and Little Broughton; Great Busby; Guisborough; Irton; Kirkby in Cleveland; Kirkbymoorside; Lockwood; Nawton; Newby; Pickering; Potto; Scalby; Snainton; Sutton under Whitestonecliffe.
		Note C: A mortgagee of the owners exercising its statutory power of sale, a receiver appointed thereby, or a successor in title thereto is not bound by the provisions of this Condition, (provided always that any such mortgagee must be a body corporate registered with and regulated by the Prudential Regulation Authority (or any successor body whose function is to regulate mortgages and loans)). In the event that this happens, the local occupancy restriction shall however be replaced by a principal residence restriction as follows: -
		The application property hereby permitted, shall be used as a principal residential dwelling (Class C3) and for no other purpose including any other use in Class C of the Schedule to the Town and Country Planning (Use Classes) Order 2020 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). The property shall be the only or principal home of the main occupant and it shall be occupied by the main occupant for at least 80% of the calendar year in the event that the main occupant occupies more than one property. The property shall not be occupied by the main occupant as a second home.
		The occupants shall supply to the Local Planning Authority (within 14 days of the Local Planning Authority's request to do so) such information as the Local Planning Authority may reasonably require in order to determine compliance with this condition. For the avoidance of doubt the property shall not be used as a single unit of holiday letting accommodation.
4	PDR01	Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), no development within Schedule 2, Part 1, Classes A to H; Schedule 2, Part 2, Classes A to F of that Order shall take place without a further grant of planning permission being obtained from the Local Planning Authority.

Condition number	Condition code	Condition text
5	MC00	Prior to the first occupation of the two dwellings hereby approved and the first use of the two parking spaces allocated for Hawksgarth House, the setback works to the front elevation of Anvil/Blacksmiths (as shown on drwg. nos. 009-P01-rev B and 009-P10) and the amalgamation of these two properties into one shall have been completed.
6	AC21	No up-lighting shall be installed on the development hereby permitted. Any external lighting installed on the development hereby approved shall be Dark Skies compliant and no other lighting shall be installed on the site. All lighting shall be installed to minimise its impact on neighbouring amenity. The lighting shall be installed in accordance with the above and shall be maintained in that condition in perpetuity.
7	BCMT01	The roof of the development hereby permitted shall be clad with traditional, non-interlocking, non-pre-coloured natural red clay pantiles and shall be maintained in that condition in perpetuity.
8	GPMT03	All new stonework shall match that of the existing building (Blacksmiths/Anvil Cottage) including the colour and texture and finish and the method of coursing and pointing in the local tradition.
9	GPMT06	The external elevations of the elevations to be rendered, within three months of first being brought into use, be rendered in smooth finish render, coloured white/off-white or cream and shall thereafter be so maintained.
10	GPMT15	The external face of the frame to all new windows shall be set in a reveal of a minimum of 60mm from the front face of the adjacent walling and shall be maintained in that condition in perpetuity.
11	GPMT20	All new window frames shall be flush fitting with concealed trickle vents and thereafter be so maintained.
12	GPMT23	The guttering to the development hereby permitted shall be directly fixed to the masonry by means of gutter spikes located within the mortar joint with no fascia boarding being utilised in the development and shall thereafter be so maintained in that condition in perpetuity.

Condition number	Condition code	Condition text
13	GPMT26	All rainwater and foul water goods utilised in the development hereby permitted shall be coloured black and shall thereafter be so maintained in that condition in perpetuity.
14	GPMT27	All flues associated with the proposed development shall be coloured matt black and maintained in that condition in.
15	MC00	No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.
16	ARC03	No demolition/development shall take place within the application site until a Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions - and if necessary:
		the programme and methodology of site investigation and recording;
		the programme for post investigation assessment;
		the provision to be made for analysis of the site investigation and recording;
		the provision to be made for publication and dissemination of the analysis and records of the site investigation;
		the provision to be made for archive deposition of the analysis and records of the site investigation;
		the nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
17	ARC04	No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 16.
18	LD07	No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in

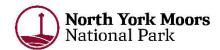
Condition number	Condition code	Condition text
		relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the Local Planning Authority. The scheme for the protection of the retained trees shall be carried out as approved. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.
19	LD04	All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
20	LD03	Before the development is first occupied a schedule of landscape maintenance for a period of 30 years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Maintenance shall be carried out in accordance with the approved schedule.
21	MHC-05	There must be no access or egress by any vehicles between the highway and the application site at (insert location) until splays are provided giving clear visibility of (insert distance) metres measured along both channel lines of the major road from a point measured (insert dimension) metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
22	MHC-09B	No part of the development must be brought into use until the access, parking, manoeuvring, and turning areas for all users at the application site have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Condition number	Condition code	Condition text
23	MC00	Prior to the commencement of the development hereby approved, a Temporary Closure order for the duration of the works, for the public footpath to the north of the site, shall have been approved by the Local Planning Authority.

Informative(s)

Informative number	Informative code	Informative text
1	MC INFOO	The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0345 120 84 82, email:
		technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.
2	INF MHI-D	An explanation of the terms used above is available from the Local Highway Authority.
3	INF MHI-H	The proposals should cater for all types of vehicles that will use the site. The parking standards are set out in North Yorkshire County Council's 'Interim guidance on transport issues, including parking standards' and subsequent amendments available on the website.

Map showing application site



Application Number: NYM/2023/0129

Scale: 1:1250



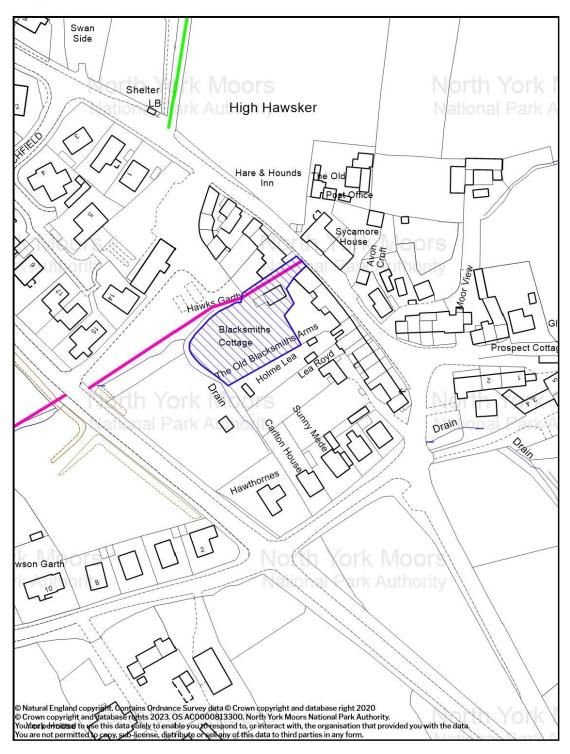


Photo showing Blacksmiths and Anvil Cottage and access into site along with unauthorised vehicular crossover into neighbours' property.



Photo showing rear elevations of Blacksmiths and Anvil Cottage and rear access along with rear outbuildings to be demolished and replaced with new dwellings (albeit they will further back).



Consultation responses

Parish

04/04/2023 - Object - Council has voiced concerns over the accessibility to the site and proposed new properties, it has also highlighted visibility concerns for drivers and pedestrians. Council feels that this is an over development of the space available and for the village.

01/07/2023 – Revised plans - Object – Council has voiced concerns over the accessibility to the site and proposed new properties, it has also highlighted visibility concerns for drivers and pedestrians. Council feels that this is an over development of the space available and for the village.

Highways

18/04/2023 – Original scheme – recommend refusal.

The existing vehicular access associated with the development is below the current required requirement which is 2.4 metres by 43 metres. The current available visibility is 2.4 metres by 5 metres looking south east and 2.4 metres by 4 metres looking north west.

Additionally, the area used as parking at the neighbouring property, Hawksgarth has a similarly bad visibility splay, but this is not an approved space as it does not have a dropped kerb. The proposed visibility for the realigned access as shown on the plans, scales off at 2.4 metres by 9 metres. Looking south east and 2.4 metres by 31 metres looking north west.

Footway improvements - These proposals show the marginal widening of the 800mm wide footway along the B1447 which aids the improvement of the visibility, but the LHA would not wish to see the 5 metre wide carriageway used as a bus route reduced any further.

Use of the access - The existing vehicular access serves the three properties, Blacksmiths Arms, Blacksmiths Cottage and Anvil Cottage. The allowance by the developer to provide a space for the neighbouring property, Hawksgarth and along with the two proposed dwellings would increase the use of the shared drive to six dwellings. The North Yorkshire residential highway design guide recommends that shared drives should serve no more than five dwellings.

Revised scheme

Awaiting Highway recommendation, but revised scheme produced following site meeting with applicant, agent, Case Officer and Highway Authority.

Yorkshire Water

24/03/2023 - No objection subject to condition re drainage.

Environmental Health

10/03/2023 - No objections.

05/07/2023 - Revised plans - No objections.

Ramblers

Revised plans – 08/07/2023 – No objections.

Police - Traffic

No comments received.

Third party responses

Mr S Hodgson, Land known as The Garth, Hawsker, c/o 9 Middlewood Close, Fylingthorpe, Whitby - As immediately adjacent land owners to the site proposal we wish to make the following comments:-

In order to assess any increase in flood risk further information/data is necessary specifically in respect of the volume of surface water likely to be created and the number and specific locations of soakaways and their release rate and potential surges/flow into the surrounding land drain/surrounding grounds which may ultimately affect other parties.

The proposal incorporates a significant expanse of access, parking, turning and manoeuvring area within the site creating a potential increase in surface water. The materials to be used in their construction and their permeability properties have not been specified in the formation of this area to make an informed opinion of its impact to the concerns raised in the previous paragraph.

Consultation expiry

13 April 2023

Background

Blacksmiths Cottage and Anvil Cottage are much altered one and a half storey cottages located in the centre of the village of High Hawsker. Immediately to the rear of the property is a hard surfaced parking area, with poor quality outbuildings to the rear and then beyond that, a detached garden area. A public footpath runs through the northern edge of the site.

This application seeks permission to demolish the rear outbuildings and construct a pair of modest local occupancy dwellings to the rear, one two-bed and one three-bed, and also to alter the front elevation of the northern end of the existing cottages, to improve vehicular access and sightlines.

It is also proposed to amalgamate the existing frontage cottages back into one cottage, provide off-street parking for the two new build houses, the combined Blacksmiths and Anvil and Hawksgarth (the cottage to the north that currently does not have off-street parking – although currently bumping over the kerb to park on the property but that is not authorised by the Highway Authority).

The footprint of the proposed dwellings would measure a maximum of 23m long with a depth of 9m; height to eaves of 2.3m and to the ridge of 6.8m. Materials would be primarily stone and pantile to match the locality, with a small element of render (also to match that in the locality, with upvc windows.

The existing outbuilding measures a minimum of 6.5m from the rear elevation of Blacksmiths/Anvil and the proposed new dwellings would measure 29.65m at the northern end and the minimum distance would be approximately 25m.

The majority of the living space windows would face out towards the rear gardens with the first floor dormers providing light to the bedrooms.

Main issues

Local Plan

Strategic Policy A (National Park Purposes) seeks to take a positive approach to new development, in line with the presumption in favour of sustainable development and where decisions are consistent with National Park statutory purposes, but that where there is an irreconcilable conflict between the statutory purposes the Sandford Principle will be applied and greater weight will be attached to the first purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the National Park.

Strategic Policy B (The Spatial Strategy) sets out how development will be guided by the settlement hierarchy.

Strategic Policy C (Design) seeks to maintain and enhance the distinctive character of the National Park, and states that development will only be supported where it is of a high quality design; incorporates good quality construction materials and design details that reflect architectural character and form of the original building or the local vernacular; the siting, orientation, layout and density complement existing buildings; the scale, height, massing and form are compatible with surrounding buildings and not have an adverse impact upon the amenities of adjoining occupiers; sustainable design and construction techniques are incorporated; there is a good quality landscaping and planting scheme; local wildlife and biodiversity is enhanced; provision is made for adequate storage, cycling facilities and car parking are provided and the proposal ensures the creation of an accessible, safe and secure environment for all potential users.

Strategic Policy M (Housing) seeks to ensure the delivery of new homes to help meet the needs of local communities. The Authority will support proposals for a variety of

tenures, types and sizes of dwellings within the National Park, but schemes will be expected to meet the need for smaller dwellings.

It is explained within the supporting text that there is a predominance of larger homes within the existing housing stock in the National Park. At the same time there is a trend towards smaller households and there is also evidence that affordability is a problem.

Policy CO8 (Housing in smaller villages) sets out that local needs and affordable housing will only be permitted on suitable small sites within the main built up area of the village, where development respects the form and character of the settlement and meets the need for smaller dwellings; or as a conversion of an existing building which lies within the main built up area and makes a positive contribution to the character of the settlement.

Policy CO13 sets out the local connection criteria which will be applied to any dwelling approved under **Policy CO8**.

Policy CO2 (Highways) only permits new development where it is of a scale which the adjacent road network has the capacity to serve without detriment to highway safety; the external design and layout and associated surfacing works take into account, as appropriate, the needs of all users including cyclists, walkers, horse riders and users of mobility aids; and highway detailing, road improvements and street furniture are sensitive to the character, heritage, built form and materials of the area, the need to conserve and enhance biodiversity and are the minimum required to achieve safe access.

Strategic Policy H (Habitats, Wildlife, Biodiversity and Geodiversity) seeks to ensure the conservation, restoration and enhancement of habitats, wildlife, biodiversity and geodiversity in the North York Moors National Park is given great weight in decision making and goes on to state that development proposals that are likely to have a harmful impact on protected or valuable sites or species will only be permitted where it can be demonstrated that there are no alternatives, there are suitable mitigation measures, any residual harmful impacts have been offset through appropriate habitat enhancement and the wider sustainability benefits of the development outweigh the harm to the protected or valuable interest.

Policy ENV10 (Archaeological Heritage) sets out that development that would result in harm to the significance of a Scheduled Monument or other nationally important archaeological site will not be permitted unless it can be demonstrated that there are wholly exceptional circumstances and that there are substantial public benefits that outweigh the harm. The Authority will require applicants to provide sufficient information to allow an informed assessment of the significance of the archaeological heritage asset and its setting, and the impact of the proposed development on that significance.

Material considerations

Principle

This already partially developed area to the rear of Blacksmiths is considered to form a suitable small site within the main built-up area of High Hawsker for the purposes of Policy CO8, surrounded by a range of development (including other backland dwellings) to the north, east and south.

As such the development of this site for a pair of modest local needs dwellings is considered acceptable in principle.

Siting and design

This scheme has been amended through negotiations and it is considered that the revised scheme would provide a development in keeping with the dwellings on the frontage, in terms of materials, design and scale (particularly in terms of height) and due to their being set back would not have a detrimental impact on the street scene.

It is proposed to step back the front corner of the existing dwelling in order to meet the Highway Authority sight line requirements, and although an unusual solution, it is not considered that this would unduly harm the character of that existing property and would significantly improve the existing unsatisfactory highway safety situation.

Residential amenity

Whilst first floor bedroom windows would face towards first floor rear dormer windows and any rear curtilage, window to window distance would be well over 25m (21m is often used in Planning as a 'yardstick') and to the rear boundary would be at least 17m. As such it is not considered the proposal would have an adverse impact on residential amenity.

Parking and highways considerations

Whilst the Highway Authority recommended refusal to the scheme as originally submitted, the scheme has been significantly amended to reduce the number of properties that would be served by the development and also to significantly improve sightlines, through the amalgamation back into one of the existing two dwellings at the front, the setting back of the existing dwelling to the south of the access and setting back a boundary wall to the north.

Biodiversity Net Gain

Biodiversity Net Gain is not scheduled to become a legal requirement until November 2023 (Major Development and April 24 for non-major development)); however, the North York Moors Local Plan does contain policies to require that development does not cause a detrimental impact on habitats and wildlife, in effect requiring 'no biodiversity net loss'.

A Small Sites Metric and Technical Note has been submitted with this application, and the Authority's Ecologist is satisfied that there will be a net gain greater than 10%, providing the details included in these reports are secured as a condition, along with a 30-year Habitat Management Plan.

Archaeology

The origins of Hawsker are unclear: though the name is derived from Old Norse (Haukr's enclosure/yard) no early medieval archaeology is known. The village is not mentioned in Domesday but does appear in the 1301 tax records for the area. It is not clear whether High or Low Hawsker are the older site, but as the building fronting the street at this site is noted as an inn from at least the OS first edition in 1850 and evidently also a smithy at some point, there is a possibility of medieval/post-medieval domestic remains being present. Archaeological intervention here may help clear up the origins of the village, as well as add to the general knowledge of life in the hinterland of Whitby from the medieval to present.

Consequently, conditions are recommended to ensure that an archaeologist is present for all ground disturbance works, afforded access to observe and record any archaeological finds or features of significance, and submits a report on the site.

Conclusion

It is considered that the proposed development would accord with the policies outlined above and will contribute to the provision of smaller housing in the locality which is a key objective of the Local Plan. Consequently, approval is recommended.

Public Sector Equality Duty imposed by section 149 of the Equality Act 2010

The proposal is not considered to unduly affect any people with protected characteristics.

Pre-commencement conditions

Condition(s) 16-18 and 23 are pre-commencement conditions and have been agreed in writing with the applicant/agent.

Contribution to Management Plan objectives

Approval is considered likely to help meet Outcome 6 which seeks to create a place where local communities thrive.

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 improvements to the design and vehicular access, so as to deliver sustainable development.

North York Moors National Park Authority

Plans list item 5, Planning Committee report 07 September 2023

Application reference number: NYM/2023/0394

Development description: Variation of condition 4 of planning approval NYM/2019/0347/FL to allow the installation of heritage style uPVC windows to the front elevation together with submission of stone sample to discharge condition 8

Site address: Grove Cottage, Thorpe Bank, Fylingthorpe

Parish: Fylingdales

Case officer: Miss Emily Jackson

Applicant: Mrs Alison Calvert, Grove Cottage, Thorpe Bank, Fylingthorpe, Whitby, YO22

4UA

Agent: PD Design Consulting Limited fao: Mr Paul Draper, Old Station Masters House, East Cowton, Northallerton, DL7 ODS

Director of Planning's Recommendation

Approval subject to the following:

Condition(s)

Condition	Condition	Condition text	
number	code		
1	PL01	The development hereby permitted shall be carried out in accordance with the following approved plans: Document Description Drawing No. Date Received Proposed Window Details W-01 P1 21 June 2023 Proposed visibility splays & sections P-02 P5 7 August 2023 Proposed garage details P-03 P2 7 August 2022 Proposed Street Scene Sections P-4 P2 9 October 2013 or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.	23 23 19
2	MC00	All new stonework and roofing tiles used in the development hereby permitted shall match those of the existing building, including the colour and texture of the stone and the method coursing, pointing, jointing and mortar mix unless otherwise agreed with the Local Planning Authority.	of

Condition number	Condition code	Condition text
3	MC00	All new window frames and glazing bars to be installed in the front (roadside) elevation of the development hereby approved shall be in accordance with the approved plans, but notwithstanding the details in the approved plans shall be coloured white and maintained in that condition in perpetuity.
4	BCMT09	No work shall commence on the installation of any fenestration element in the development hereby approved until detailed plans showing the constructional details and external appearance of all external elements, including frames and glazing, have been submitted to and approved in writing by the Local Planning Authority. Such plans should indicate the overall fenestration design on a scale of not more than 1:20, the longitudinal and cross-sectional detailing including means of opening at a scale of not more than 1:5, and moulding details (i.e., frame, glazing bar) at a scale of not more than 1:2. All fenestration elements shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.
5	GPMT20	External trickle vents shall not be incorporated into any new windows hereby approved and shall not be installed thereafter.
6	MC00	All pointing in the development hereby permitted shall accord with the following specification - a lime mortar mix of 1:2½ (lime; sand (sand mix of 50% sieved sharp sand and 50% builders sand) with a slightly recessed bagged finish.
7	MC00	The guttering to the development hereby permitted shall be directly fixed to the stonework by means of gutter spikes with no fascia boarding being utilised in the development and shall thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
8	MC00	The rainwater goods utilised in the development hereby permitted shall be coloured black and shall thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
9	MC00	No work shall commence on the construction of the replacement front boundary wall hereby permitted until details of the stonework, including samples if so required by the Local

Condition number	Condition code	Condition text
		Planning Authority, to be used for the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The stonework used shall accord with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed with the Local Planning Authority.
10	MC00	Prior to any works commencing in relation to the re-location of the proposed access, unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
		The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.
		The existing access shall be improved by providing a footway crossing repositioned as shown on the approved details and constructed in accordance with standard detail E6W. The narrow footway downhill of the access shall be extended to the revised location of the access.
		That part of the access extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 10.
		The final surfacing of any private access within one metre of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
		All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority
11	MC00	There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 20 metres looking uphill and 26 metres looking downhill measured along both channel lines of the major road Thorpe Bank from a point measured 2 metres down the

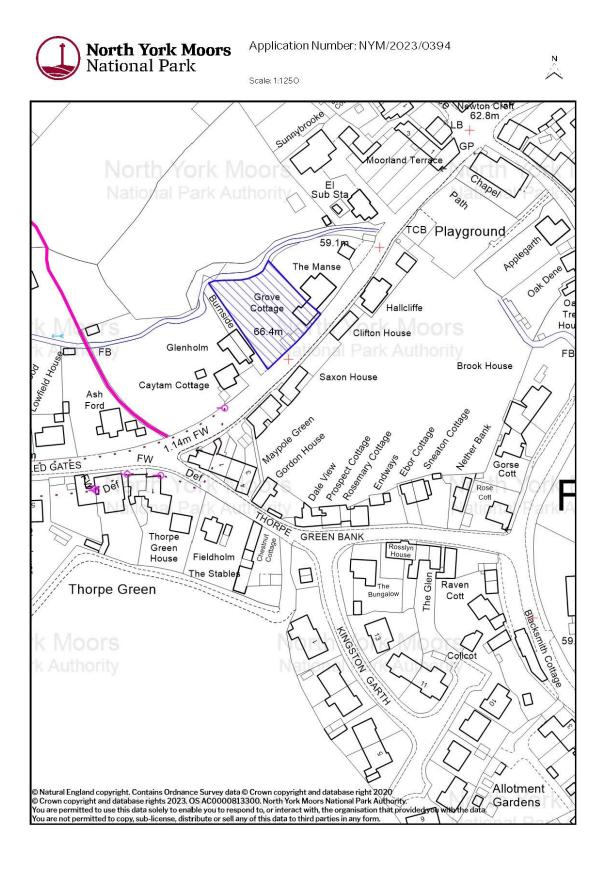
Condition number	Condition code	Condition text
		centre line of the access road. The eye height will be 1.05 metres and the object height shall be 1.05 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
12	MC00	Prior to any works commencing in relation to the re-location of the proposed access full details of the following shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority: • New position for street lighting column.
13	MCOO	 No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 2: have been constructed in accordance with the submitted drawing P-02 Rev 5 are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their
14	MC00	intended purpose at all times. Within six months of the development hereby being first brought into use, the replacement front boundary wall shall be constructed and completed in accordance with the approved plans.
15	MC00	Prior to works commencing on the demolition of the outbuildings and conservatory, measures shall be put in place (such as sediment traps) to ensure whilst building works are underway, sediments are captured and prevented from being washed into the beck

Informative(s)

Informative number	Informative code	Informative text
1	MC INF00	In relation to condition 12 an explanation of the terms used above is available from the Highway Authority.
2	MC INF01	All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and

Informative number	Informative code	Informative text
		Rights of Way Act 2000) and are further protected under Regulation 39(1) of the Conservation (Natural Habitats etc) Regulations 1994. Should any bats or evidence of bats be found prior to or during development, work must stop immediately, and Natural England contacted on 0300 060 3900 for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given information to contact Natural England or the Bat Conservation Trust national helpline on 0845 1300 228.

Map showing application site



Photograph showing front elevation of Grove Cottage on previous site visit in 2019; lean-to on the southwestern elevation has since been removed following permission for a replacement two-storey extension in September 2019. Existing windows to first and second story of front elevation are of a timber, one-over-one vertical sliding sash design, with storm proof PVC bay dormer window to third storey. Windows to the side and rear are of a storm proof PVC construction.



Photograph showing front elevation of Grove Cottage and adjoining neighbouring property on most recent site visit in 2023; front elevation windows of Grove Cottage proposed to be replaced with PVC vertical sliding sash units.



Consultation responses

Parish

Objection - Would like to object as they do not wish to support the installation of uPVC windows in a conservation area. The Councillors feel that granting this application will set a precedent for future requests to install uPVC windows in the Conservation Area. Article 4 mentions the importance of retaining the 'street view'. This has not been applied to Grove Cottage where permission has been given to change the fabric of the original building so that it will appear to be a stone-built cottage, where the original was brick built. Councillors try to be consistent and impartial when making their recommendations but are at a loss to understand when to use policy guidelines and when they can be ignored.

Third party responses

None received.

Consultation expiry

16 August 2023

Background

Grove Cottage is a two storey, semi-detached property situated on the north side of Sledgates within the Fylingthorpe Conservation Area which is protected by an Article 4(2) Direction.

The property has a cream painted brick front elevation under a red pantile roof and features white painted timber vertical sliding sash windows to the front elevation of the property, and white stormproof PVC windows to the rear. The property also features a white stormproof PVC dormer window on the front elevation of the property.

Planning permission was granted in September 2019 (NYM/2019/0347) for the construction of a stone two-storey side extension on the southwestern elevation of Grove Cottage to replace the previous lean-to and conservatory, in addition to the demolition of existing outbuildings to accommodate the construction of a two-bay garage and new vehicular access. The construction of this approval is currently underway.

This application seeks to vary condition 4 of the above permission (NYM/2019/0347) to allow the installation of heritage style uPVC vertical sliding sash windows to the front elevation of the property rather than timber as conditioned; two on the original dwelling, and two on the approved side extension. The application also seeks to vary Condition 8 of the above permission to discharge a stone sample for the boundary wall, however, details of this stone have not yet been received.

This application has been referred to Committee under the existing scheme of delegation to determine as an objection to the use of PVC has been received from the Parish Council.

Main issues

Local Plan

The most relevant policy contained within the North York Moors National Park Authority Local Plan 2020 to consider with this application are **Strategic Policy C (Design)**, **Strategic Policy I (Historic Environment)**, **Policy ENV11 (Historic Settlements and Built Heritage)** and **Policy C017 (Householder Development)**.

Strategic Policy C seeks to maintain and enhance the distinctive character of the national park by considering appropriate siting, orientation, layout and density of proposals in addition to appropriate scale, height and massing and form. Proposals should utilise good quality materials and be of a high-quality, sustainable design that reflects and complements the architectural character and form of the original building and/or that of the local vernacular.

Strategic Policy I seeks that at all development affecting the historic environment should make a positive contribution to the cultural heritage and local distinctiveness of the National Park through conservation and, where appropriate enhancement of the historic environment. Development should conserve heritage assets and their settings in a manner appropriate to their significance, particularly assets that contribute to the wider historic landscape and legacy of the park; archaeological sites and monuments; and, the vernacular building styles, materials, form and layout of the historic environment, including Conservation Areas.

Policy ENV11 seeks to conserve the built heritage of the National Park by ensuring that development fosters a positive and sympathetic relationship with traditional architecture, materials and construction and that developments utilise high standards of design that conserve and enhance the distinctive historic, cultural and architectural features of settlements by considering appropriate scale, height, massing, alignment; design detailing, materials and finishes.

Policy CO17 seeks to ensure that development within the domestic curtilage of dwellings should take full account of the character of the local area and the special qualities of the National Park. Development will only be permitted where: the scale, height, form, position and design of new development no not detract from the character and form of the original dwelling and its setting; the development does not adversely affect the amenity for the existing and neighbouring occupiers; and that the development reflects the principles of the Authority's Design Guide.

Material considerations

Whilst the use of PVC in Conservation Areas is generally resisted by the Authority in favour of timber as set out in Part 2 of the Authority's Design Guide, the existing timber

sash windows to the front elevation of Grove Cottage are of a poor-quality appearance and do not hold any significant historic or aesthetic value.

Storm-proof PVC windows have already been installed to the rear of the property under permitted development, in addition to a large storm-proof PVC dormer window on the front elevation of the property.

In view of the above, it is considered that the proposed heritage style PVC sash windows show a good quality design that is appropriate for the property, featuring vertical corner joints to replicate the traditional construction details of a timber sash window in addition to a sympathetic mock woodgrain finish. The proposed units offer a significant enhancement in design over the existing storm-proof PVC windows that can be seen on the rear elevation of the property and the dormer window on the front elevation of the property. Therefore, it is felt in this instance that the use of PVC is unlikely to have a detrimental impact on the appearance of the property or wider Conservation Area.

However, to ensure that the proposal remains in-keeping with neighbouring properties and the appearance of the wider Conservation Area, a condition has been applied for the windows to be coloured white to match the existing windows upon the property, as opposed to green as proposed. A further condition has also been applied to prevent the use of external trickle vents to ensure the windows retain a traditional appearance that replicate the details of a timber sash.

The Authority's Building Conservation Officer has provided an objection to the use of PVC windows on the front elevation of the property as required by the original condition, however, in this instance, it is considered that the replacement of the existing timber windows with high-quality PVC equivalents would not have an adverse impact upon the appearance of the wider Conservation Area given that the existing windows are of a poor-quality appearance and that the use of PVC can be seen elsewhere on the property.

Conclusion

For the reasons outlined above, the proposal is considered to meet the aims of Strategic Policy C, Strategic Policy I, Policy ENV11 and Policy CO17 and as such, approval is recommended. However, given the objection from the Parish Council, the application has been referred to Committee under the existing scheme of delegation to determine.

Public Sector Equality Duty imposed by section 149 of the Equality Act 2010

The proposal is not considered to unduly affect any people with protected characteristics.

Pre-commencement conditions

There are no pre-commencement condition.

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 the colour of the proposed windows, so as to deliver sustainable development.