

**North Yorkshire Council**  
**Community Development Services**  
**Scarborough and Whitby Constituency Committee**

**10 AUGUST 2023**

**23/00183/FL - DEMOLITION REAR STONE WALL AND ERECTION OF  
REPLACEMENT WALL IN NEW POSITION. RECONFIGURATION OF PARKING  
AREA TO INTRODUCE FOUR ELECTRIC VEHICLE CHARGING POINTS AT 1 - 4  
FARM CLOSE GRISTHORPE FILEY ON BEHALF OF MR SHAUN WOOD**  
**Report of the Assistant Director Planning – Community Development Services**

**1.0 Purpose of the report**

1.1 To determine a planning application for Full Planning Permission for the demolition of the rear stone wall and erection of replacement stone wall in a new position to the rear of the site, known as 1-4 Farm Close, Gristhorpe, which are four two bedroom dwellings in a terraced row.

1.2 In addition it seeks planning permission for a revised car parking area to introduce 4 additional spaces and 4 vehicle charging points to the front of the residential development and the addition of a landscape buffer between the parking and the houses.

1.3 Planning permission was granted in 2017 under planning application 17/01994/FL. This application seeks a number of changes to the permitted scheme for the erection of four two bedroom dwellings.

1.4 It should be noted that the works subject of this planning application are also currently subject to an appeal for non-determination (previous application 22/00153/FLA) however a decision has not been made yet by the Planning Inspectorate.

1.5 The application at appeal includes the following:

- (1) the variation of condition 1 plans and elevations
- (2) the variation of condition 2 relating to parking layout
- (3) the removal of condition 10 relating to the boundary wall on site

1.6 The current application is therefore a result of the previous scheme not being determined.

**2.0 EXECUTIVE SUMMARY**

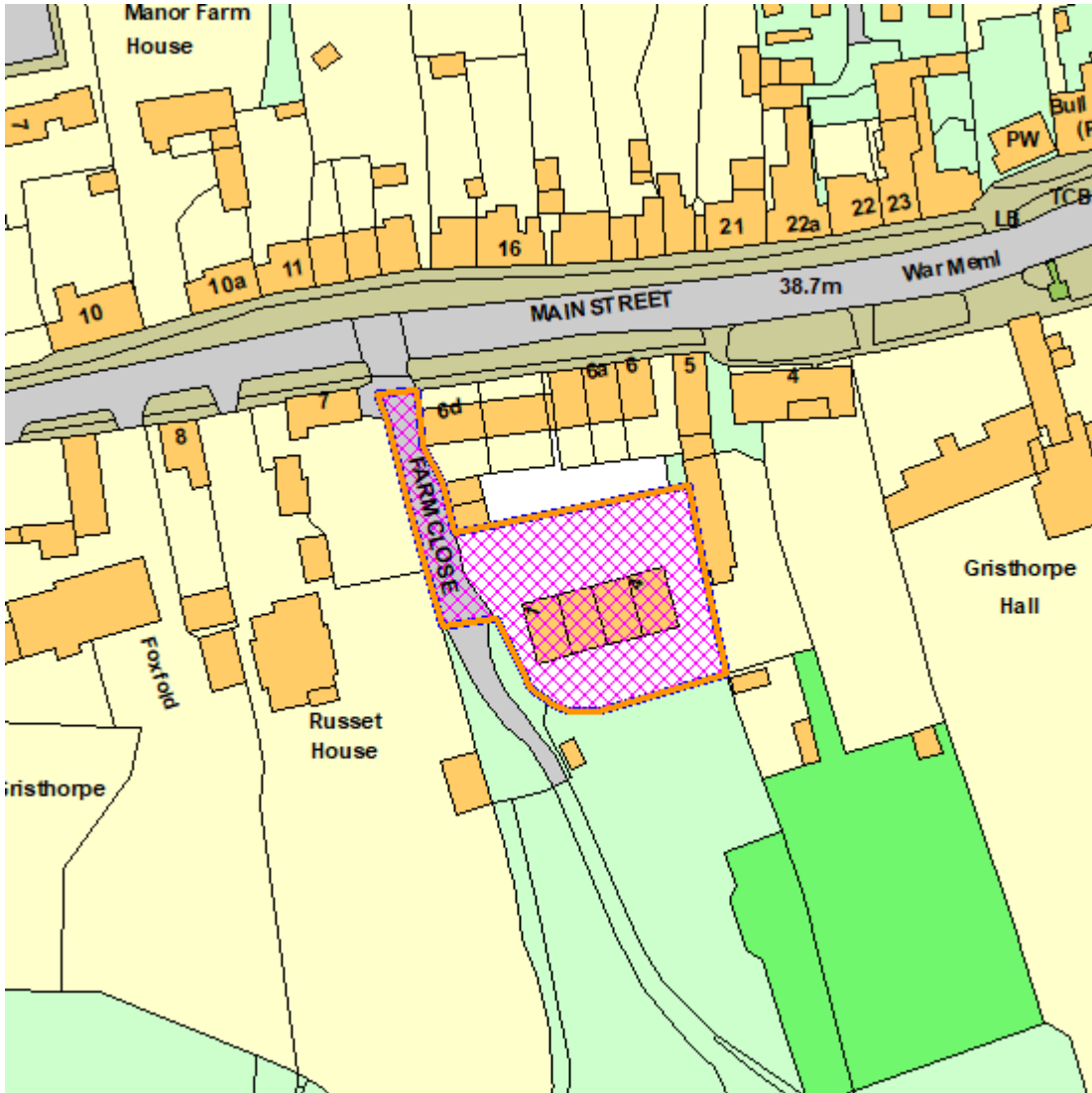
**RECOMMENDATION:** That planning permission be REFUSED:

2.1 The existing stone wall marking the southern boundary of the site is a significant attractive feature original to the former farmstead which makes a positive contribution to the character of this arm of the Conservation Area, particularly on the footpath approach from the south. The applicant proposes to rebuild using new stone and re-site this wall on a different alignment, but this would result in the loss of the wall's patination which is its key aesthetic quality and marker of its age and originality; rebuilding it would harmfully and unacceptably diminish its contribution to the character of the Conservation Area. The wall as it stands marked the extent of the original farmstead, so its significance in that respect would also be lost, which would further harm the character of the Conservation Area.

2.2 Planning permission 17/01994/FL requires there to be landscaped areas either side of the terrace. Car parking will be confined to the car parking court, and the buildings themselves will be framed by attractive landscaped areas. This will contribute to the development's individual sense of place and distinctive character. Adding car parking spaces in the place of landscaping either side of the terrace will give the development a cramped and cluttered appearance which will harm the character and appearance of the Conservation Area and diminish the development's individual sense of place and distinctive character.



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### 3.0 Preliminary Matters

3.1 Access to the case file on Public Access can be found here

<https://planning.scarborough.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RPB2HINSHWV00>

3.2 The site has an extensive planning history. Those entries considered to be most relevant to the determination of this application are:

3.3 (2018) - Erection of four two bedroom dwellings under planning application 17/01994/FL - permitted

3.4 (2019) Non material amendment (under 19/01825/NMA) relating to 17/01994/FL - relating to re-build of stone wall - withdrawn

This application was to rebuild the existing stone wall with new stone to match the new houses. The reason given for this amendment was the existing stone wall is in a bad repair and has collapsed in places and some of the stone has deteriorated and would not present a reasonable appearance.

3.5 (2020) - Variation of conditions (under 20/00397/FLA) 1 (plans), 2 (parking), 10 (boundary) & 12 (roof windows) on decision 17/01994/FL to provide additional bedroom within the roof space - refused for the following reasons:

(a) The roofscape of these buildings is a key component of their vernacular aesthetic which makes a strong positive contribution to the character of the Conservation Area in close, middle and long range views from the landscape to the south, viewable from the public footpath network. The addition of the proposed rooflights to the rear roof slopes of these buildings will diminish the vernacular aesthetic quality of the terrace such that there will be harm to the visual qualities of the buildings themselves, the character and appearance of the Conservation Area, the setting of the Conservation Area and the appearance of the village in the landscape

(b) The existing stone wall marking the southern boundary of the site is a significant attractive feature original to the former farmstead which makes a positive contribution to the character of this arm of the Conservation Area, particularly on the footpath approach from the south. The applicant proposes to rebuild and re-site this wall on a different alignment, but this would result in the loss of the wall's patination which is its key aesthetic quality and marker of its age and originality; rebuilding it would harmfully and unacceptably diminish its contribution to the character of the Conservation Area. The wall as it stands marked the extent of the original farmstead, so its significance in that respect would also be lost, which would further harm the character of the Conservation Area.

(c) Planning permission 17/01994/FL requires there to be landscaped areas either side of the terrace. Car parking will be confined to the car parking court, and the buildings themselves will be framed by attractive landscaped areas. This will contribute to the development's individual sense of place and distinctive character.

Adding car parking spaces in the place of landscaping either side of the terrace will give the development a cramped and cluttered appearance which will harm the character and appearance of the Conservation Area and diminish the development's individual sense of place and distinctive character

3.6 (2021) Prior to submission of this formal planning application, the applicant sought pre-planning advice under (21/00185/PREAPP)

3.7 It was made clear by the Local Planning Authority ahead of the submission of application 17/01994/FL that the now consented scheme represents the practical maximum potential for the development of this site. Proposals along the lines of those applied for here were discussed and agreed by all parties to be unacceptable as part of the pre-application discussions ahead of the submission of 17/01994/FL.

3.8 (2022) Variation of conditions 1 & 2 and removal of condition 10 on decision 17/01994/FL (under 22/00153/FLA) - application withdrawn

It should be noted that the works subject of this planning application are currently subject to an appeal for non-determination however a decision has not been made yet by the Planning Inspectorate

#### **4.0 Site and Surroundings**

4.1 This application relates to the site of the former Town Farm in Gristhorpe. The farmstead has been demolished and the site comprises four terraced dwellings which are now built and occupied following the granting of planning permission in 2018 (LPA ref. 17/01994/FL). The dwellings lie to the rear of a terrace of six dwellings that were granted consent in 2012 (LPA ref. 12/00631/OL).

4.2 The site is accessed from Main Street via a privately owned road (Farm Close), which is also a public right of way and HGV access to Yorkshire Water infrastructure to the south.

4.3 In terms of nearby uses and built form, the site is flanked by residential development to the east and west, public highway (Main Street) to the north and open countryside to the south.

4.4 In terms of planning designations and constraints, the land in question falls within the Gristhorpe Conservation Area and the Development Limits of the settlement as defined by the Local Plan.

#### **5.0 Description of Proposal**

5.1 This application seeks planning permission for the demolition of the rear stone wall and erection of replacement stone wall in a new position to the rear of the site.

5.2 The proposal will remove what is left of the existing stone wall and provide a replacement stone wall but realigned and extending further west towards Farm Close.

5.3 In addition this application seeks permission for the reconfiguration of the car parking area to introduce four additional parking spaces with access to 4 vehicle charging points to the front of four two bedroom dwellings at the development known as 1-4 Farm Close, Gristhorpe.

5.4 Two new spaces will be located on the eastern end of the four terraced houses; and two new spaces on the western end of the terrace. Four parking spaces will be provided for the occupiers of the two homes in the middle of the terrace, and three visitor spaces will be provided. Landscaping will be provided to the front of the terrace of properties creating a buffer between them and the car parking.

## **6.0 Planning Policy and Guidance**

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise.

6.2 Section 72(1) of the Planning and (Listed Building and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character and conservation areas.

### Adopted Development Plan

6.3 The Adopted Plan for this site is:

- Scarborough Borough Local Plan 2011 to 2032 adopted 2017

### Emerging Development Plan - Material Consideration

6.4 The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

### Guidance - Material Considerations

- National Planning Policy Framework 2021
- National Planning Practice Guidance
- National Design Guide 2021

The Scarborough Borough Supplementary Planning Document Residential Design Guide - SPD is also a material consideration.

## **7.0 Consultation Responses**

7.1 The following consultation responses have been received and have been summarised below.

7.2 Highways: The application proposes the provision of the some electrical charging points to the existing parking spaces and the reconstruction of a stone boundary wall. Consequently the Local Highway Authority recommends that conditions are

attached parking spaces must be maintained clear of any obstruction and retained for their intended purpose at all times.

7.3 Gristhorpe and Lebberton Parish Council: would like to re-iterate that we have no objections to the wall being taken down to make safe but stress that the rebuild material should be (in as near as can be sought) the same material and look. With regard to the charging points our observations remain as before.

### Local Representations

7.4 No letters of representation at the time of writing the report.

## **8.0 Environmental Impact Assessment**

8.1 The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environmental Statement is therefore required.

## **9.0 Main Issues**

9.1 The main issues are:

- Design and impact on the character of the Conservation Area
- Highways, parking and landscaping of the site

## **10.0 Assessment**

Design and impact on the character of the Conservation Area:

10.1 This application seeks planning permission for the demolition of the rear stone wall and erection of replacement stone wall in a new position to the rear of the site. The proposal will remove what is left of the existing stone wall and provide a replacement stone wall and will realign the existing wall line but extending further west towards Farm Close which will accommodate 2 additional parking spaces at the western end of the row of terraced properties.

10.2 Previously permission was given under the original planning application (17/01994/FL) for the historic wall line to the side and rear of the properties to be repaired and retained on its same line. The application now proposes to knock, realign and rebuild the wall using new stone.

10.3 The historic wall line has been left to deteriorate since the original permission was granted in 2018 and now the wall line is subject to a notification of a dangerous structure - Informal notice.

10.4 The remaining stone wall marking the southern boundary of the site is considered a significant attractive feature original to the former farmstead which makes a positive contribution to the character of this part of the Conservation Area, particularly on the footpath which is a Public Right of Way (PROW) approach from the south.

10.5 The applicant proposes to demolish and rebuild and re-site this wall on a different alignment and using new stone/materials. It is considered that this would result in the loss of the wall's patination, which is its key aesthetic quality and marker of its age and originality; demolishing and rebuilding it would harmfully and unacceptably diminish its contribution to the character of the Conservation Area. The wall as it stands marked the extent of the original farmstead, so its significance in that respect would also be lost.

10.6 It should be noted that this is consistent with advice given at pre-planning stage back in 2021 (under 21/00185/PREAPP). As part of these discussions the applicant suggested at a meeting which was held on site that that the wall was in such poor condition it would have to be rebuilt in any case, and with this in mind it might as well be on a different alignment.

10.7 Given this the Councils Conservation Officer was asked to take a look at the wall at that time and it was his view that the wall line was 'significant' in terms of its contribution to the Conservation Area.

10.8 It was also pointed out in formal correspondence from the Conservation Officer to the applicant after the formal pre-planning response (email dated 31st August 2021) that with careful repair the wall can be retained. In conclusion it was expressed by the Conservation Officer that some sections of the wall may need to be rebuilt but it was considered at that stage that its condition was not beyond reasonable repair.

10.9 However what is of significance is that the Conservation Officer made it clear that 'if a stone mason was of the opinion that the wall cannot be reasonably repaired then it should be rebuilt in exactly the same location to respect the historic boundary lines which contribute to the character and understanding of the Conservation Area and to include the same geology, size and coursing to ensure consistency of materials'.

10.10 It is also relevant that the retention of the original wall was a requirement of planning committee in the first instance when the development was granted planning permission in 2018. It was expressed at the committee site visit when the original planning permission was given and therefore was conditioned as such.

10.11 As part of this current application a report has been submitted by a chartered building surveyor who inspected the boundary wall (dated 21st May 2021) who commented on the condition of the wall at the time. However since this report the wall has further collapsed therefore the report is considered out dated in terms of the condition of the wall.

10.12 However of significance in the report the building surveyor commented that 'The overall condition of the wall is very poor and has summarised the following defects including the stone has eroded badly, the mortar of the wall has lost its strength and integrity, there are missing sections of the wall (approximately 10%), some sections of the wall leans significantly and is unstable and in danger of collapse and the wall has tree roots to some areas'.



10.13 It is concluded in the wall report that the wall cannot be repaired owing to its poor overall condition but states that it may be possible to take down the wall and salvage some materials. A solution is to carefully remove the wall and rebuild a new wall in its place some of which would need to be a retaining wall.

10.14 Also of significance is that the structural engineer has commented in his report that 'it may be possible to take down the wall and salvage some materials'. This is reiterated by the stone wall survey which gives percentages of the wall that are fit for re-use in the walling and existing coping stones (ie outlined as Section 1, 2 and 3).

10.15 Section 1: this section has less than 30% of stone that is fit for re-use in the walling and 40% of the copings is fit for re-use. Section 2: 40% of walling fit for re-use and possibly 60% copings fit for re-use. Section 3: less than 40% of the walling stone is fit for re-use and 70% of the coping is fit for re-use.

10.16 Yet despite this the current application proposes not to re-use any of the existing walling materials or original coping stones or retain any of the historic wall line that still stands, therefore the proposal is not in the spirit of the original planning condition imposed when the development was given planning permission.

10.17 When looking at the planning history of the site a similar planning application was submitted to the Council in 2020 (under 20/00397/FLA) relating to condition 10 and the rebuilding and realignment of the stone boundary wall however it was considered unacceptable and determined under delegated powers.

10.18 It is considered that the LPA has been wholly consistent in its advice however the applicant has not taken this advice into consideration when submitting the planning application subject of this appeal. In addition the applicant has not taken the advice of the experts that some of the materials could be salvaged and re-used when re-building the areas of wall which have collapsed.

10.19 It is therefore considered that the rebuilding and realignment of the stone boundary wall consisting of wholly new materials is once again considered unacceptable and in the interests of consistency should be refused.

Highways and parking:

10.20 While it is welcomed the 6 additional car parking spaces, the electric charging points and the additional landscaping to the front of the properties that serve as a 'buffer zone' and further green the hard parking area there are still some objections to the car parking layout as submitted.

10.21 As part of this scheme there are two parking spaces in tandem at either end of the terraced row of four dwellings to the rear of the site. The original planning permission 17/01994/FL required there to be only landscaped areas either side of the terrace and the dwellings themselves would be framed by attractive landscaped areas. Secondly, car parking was to be confined to the car parking court with no car parking spaces either side of the terrace.

10.22 It was advised at pre-planning stage (under 21/00185/PREAPP) that the frontage of these dwellings will not be largely concealed from the public realm of the Conservation Area; the development is in clear view from the public footpath. Although adding electric vehicle charging facilities to some of the parking spaces is clearly of benefit, their inclusion does not offset the diminishing of the quality of the scheme resulting from the loss of the 'landscaped frame'. The proposal would not preserve or enhance the Conservation Area, and adding parking spaces in the place of landscaping would not be something the Council would have supported as part of the original scheme.

10.23 It was originally concluded that the car parking spaces in the place of landscaping either side of the terrace would give the development a cramped and cluttered appearance which would harm the character and appearance of the Conservation Area and diminish the development's individual sense of place and distinctive character.

10.24 It is concluded that the revised parking layout still fundamentally proposes parking either end of the terrace which was not desirable as part of the original application. The increase of parking 6 spaces in the car parking court area provide adequate parking for the development and is not necessary and in the interests of consistency should be refused.

#### Landscaping of the site

10.25 The proposed layout plan shows significantly more landscaping on site, including a planted buffer zone between the front of the houses 1-4 Farm Close and the adjacent parking area including 2m hedge along the southern boundary.

10.26 Plans have been submitted with the scheme showing 15 trees to be planted along the eastern boundary (a mixture of sorbus golden wonder and acer crimson king). However, the exact mix and size of trees to be planted has not been specified and given the length of the boundary it is not clear on the spacings between trees or positions along the boundary.

10.27 The proposed hedge planting is shown along the eastern boundary from the end of the existing neighbours building to the southern edge of the site (along the wall line) including hedging (pyracantha firethorn - orange glow) and proposed to be 2m in height. However this element of the proposal lacks details of numbers, spacings, positioning along the boundary and planting an established hedge at 2m high may not be possible in practice.

10.28 It is therefore requested that if the proposal is considered acceptable a landscaping condition would be necessary providing details of tree planting and hedging materials be attached including a planting schedule including the number, species, heights on planting and positions of all the trees/shrubs, together with details of post planting maintenance.

10.29 All trees, shrubs and hedging would also need to be maintained for a period of five years beginning with the date of completion of the scheme including planting adjacent to the car parking court to the south of the dwellings. It should be noted that

all the houses at 1-4 Farm Close are already occupied and additional planting may have implications for the owners in terms of maintenance.

## **11.0 Planning Balance and Conclusion**

11.1 The existing stone wall marking the southern boundary of the site is a significant attractive feature original to the former farmstead which makes a positive contribution to the character of the Conservation Area, particularly when viewed from the public right of way from the south.

11.2 The applicant proposes to rebuild and re-site this wall on a different alignment, using new stone and materials but this would result in the loss of the remaining sections of historic wall line and its patination which is its key aesthetic quality and marker of its age and originality; rebuilding in new stone would be harmful and unacceptably diminish its contribution to the character of the Conservation Area.

11.3 The wall as it stands marked the extent of the original farmstead, so its significance in that respect would also be lost, which would further harm the character of the Conservation Area. With this in mind, the proposed development is contrary to policies DEC1 and DEC5 of the Scarborough Borough Local Plan.

11.4 Planning permission 17/01994/FL required there to be landscaped areas either side of the terrace of dwellings. Car parking would be confined to the car parking court, and the buildings themselves will be framed by attractive landscaped areas. This will contribute to the development's individual sense of place and distinctive character.

11.5 In conclusion adding car parking spaces in the place of landscaping either side of the terrace will give the development a cramped and cluttered appearance which will harm the character and appearance of the Conservation Area and diminish the development's individual sense of place and distinctive character.

## **12.0 RECOMMENDATION**

That permission be REFUSED for the reasons below

- 1 Policy DEC1 of the Scarborough Borough Local Plan requires a high standard of design; the form, scale, massing and external materials of new development should be respectful of the prevailing character of the area and the proposal should take into account of the need to safeguard or enhance important views and vistas. Policy DEC5 of the Scarborough Borough Local Plan requires that the development preserves or enhances the character of the Gristhorpe Conservation Area.

The existing stone wall marking the southern boundary of the site is a significant attractive feature original to the former farmstead which makes a positive contribution to the character of this arm of the Conservation Area, particularly on the footpath approach from the south. The applicant proposes to

rebuild using new stone and re-site this wall on a different alignment, but this would result in the loss of the wall's patination which is its key aesthetic quality and marker of its age and originality; rebuilding it would harmfully and unacceptably diminish its contribution to the character of the Conservation Area. The wall as it stands marked the extent of the original farmstead, so its significance in that respect would also be lost, which would further harm the character of the Conservation Area. With this in mind, the proposed development is contrary to policies DEC1 and DEC5 of the Scarborough Borough Local Plan.

- 2 Policy DEC1 of the Scarborough Borough Local Plan requires a high standard of design; the form, scale, massing and external materials of new development should be respectful of the prevailing character of the area, and the development should create an individual sense of place with a distinctive character. Policy DEC5 of the Scarborough Borough Local Plan requires that the development preserves or enhances the character of the Gristhorpe Conservation Area.

Planning permission 17/01994/FL requires there to be landscaped areas either side of the terrace. Car parking will be confined to the car parking court, and the buildings themselves will be framed by attractive landscaped areas. This will contribute to the development's individual sense of place and distinctive character. Adding car parking spaces in the place of landscaping either side of the terrace will give the development a cramped and cluttered appearance which will harm the character and appearance of the Conservation Area and diminish the development's individual sense of place and distinctive character.

Target Determination Date: 20 April 2023

Case Officer: Claire Walsh  
claire.walsh@northyorks.gov.uk