

**From:** [Elspeth Ingleby](#)  
**To:** [Ailsa Teasdale](#)  
**Cc:** [Planning](#)  
**Subject:** NYM/2019/0513/FL - Oakdale House, 9 Back Lane, Osmotherley  
**Date:** 02 September 2019 17:38:00  
**Attachments:**

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Dear Ailsa,

I note that Sara Robin has submitted a response re bat interest at the property that does not appear to be on the portal – please see attached.

In addition to Sara's comments, I would agree that there is high likelihood of nesting birds utilising the outbuildings for nesting, and so there will need to be a condition to prevent these being demolished within the bird nesting season (01 March – 31 August inclusive) unless checked immediately prior to demolition by a suitably qualified ecologist. If any nesting birds are found then these should be left undisturbed until chicks fledge and the site is abandoned. I note one of the outbuildings is to be retained – if some open access to this barn was to be maintained for birds such as swallow to nest inside the barn then this would prevent loss of habitat for these birds. I would also advise, in line with Sara's recommendation, that the applicants look into swift 'bricks' (which can be of many different materials, and be covered by cladding so as to blend in with a building) that could be incorporated into the new build so as to provide habitat for these birds.

A bird informative should be included with the decision notice if approved.

Best wishes,

Elspeth

**Elspeth Ingleby MA<sub>Cantab</sub> ACIEEM**

**Ecologist**

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

Our ref: NYM/2019/0513/FL  
Internal - Yorkshire Wildlife Trust  
Yorkshire Wildlife Trust  
fao: Sara Robin  
1 St George's Place  
York  
YO24 1GN

Date: 02 August 2019

This matter is being dealt with by: Mrs Ailsa Teasdale

Dear Sir/Madam

**Application for construction of 1 no. open market dwelling following demolition of existing dwelling and outbuildings at Oakdale House, 9 Back Lane, Osmotherley**

**Grid Reference 445755 497254**

I have received the above application. The details including forms, supporting information and plans for the application are available under the application reference number on the Authority's website using the following link:

<http://planning.northyorkmoors.org.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx> and by following the instructions given.

Should you wish to view the electronic file at the Authority's offices, please call to make an appointment between the hours of 9am and 5pm Monday to Friday.

If you are being consulted by email please allow 24 hours for these plans to be made available.

I would be grateful for any comments you may have on this application within 21 days of the date of this letter.

Yours faithfully

Mr M Hill

Head of Development Management

**Comments:**

I have read the bat Survey report by Middleton Bell Ecology. The report is thorough and shows that the application site is close to good quality habitat and there are numerous records of bats in the surrounding area. The buildings were checked for bat roosts and an emergence survey was carried out. One of the buildings on site has a common pipistrelle maternity roost. As the survey was carried out in late August towards the end of the bat breeding season some of the bats had probably dispersed from the roost. Further surveys were not carried out but the consultants are happy that sufficient information is available to design suitable mitigation which will assume that the bat roost contains more bats than were seen during the emergence survey. A European protected Species Licence (EPSL) will be required before works go ahead.

Passivhaus buildings can be poor at supporting biodiversity due to the materials used and the need for the buildings not to have any cracks or access to roof spaces in order to control internal temperature. However net gains for biodiversity are possible as described in <https://www.bats.org.uk/resources/guidance-for-professionals/designing-for-biodiversity-a-technical-guide-for-new-and-existing-buildings>. The application site is probably ideal for nesting birds such as swifts and swallows which are not mentioned in the survey but are likely to be present. It would be very valuable to have a building which reduces carbon emissions and also supports biodiversity.

**I would recommend that the section of the survey on page 11, 6.3 Mitigation/enhancements/further survey, is conditioned. It may also be appropriate to have a condition for the authority to see the EPSL:**

**Before the development hereby permitted commences, the applicant/ecological consultant shall forward a copy of the Natural England European Protected Species Licence covering approved mitigation to the National Park Authority.**

Sara Robin  
Conservation Officer (Planning)  
Yorkshire Wildlife Trust

1 St George's Place  
York  
YO24 1GN

Website: <http://www.ywt.org.uk>

**NORTH YORKSHIRE COUNTY COUNCIL  
BUSINESS and ENVIRONMENTAL SERVICES**



**LOCAL HIGHWAY AUTHORITY  
CONSIDERATIONS and RECOMMENDATION**

**Application No:** **NYM/2019/0513/FL**

**Proposed Development:** Application for construction of 1 no. open market dwelling following demolition of existing dwelling and outbuildings

**Location:** Oakdale House, 9 Back Lane, Osmotherley

**Applicant:** Mr & Mrs T Banister

**CH Ref:** **Case Officer:** Tony Lewis

**Area Ref:** 2/113/326 **Tel:**

**County Road No:** **E-mail:**

**To:** North York Moors National Park Authority  
The Old Vicarage  
Bondgate  
Helmsley  
YO62 5BP **Date:** 23 August 2019

**FAO:** Ailsa Teasdale **Copies to:**

The Local Highway Authority recommends that the following **Conditions** are attached to any permission granted:

**HC-16 PARKING FOR DWELLINGS**

No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

**REASON**

In accordance with policy # and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

**HC-18a PRECAUTIONS TO PREVENT MUD ON THE HIGHWAY**

There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction

**LOCAL HIGHWAY AUTHORITY  
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

Application No:

**NYM/2019/0513/FL**

commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal

**REASON**

In accordance with policy # and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

**HC-24      ONSITE PARKING, ON-SITE STORAGE AND CONSTRUCTION TRAFFIC DURING DEVELOPMENT**

Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:]

- a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
- b. on-site materials storage area capable of accommodating all materials required for the operation of the site.
- c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

**REASON**

In accordance with policy # and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

<p><b>Signed:</b></p>          <p style="text-align: center;"><b><i>Tony Lewis</i></b></p> <p><i>For Corporate Director for Business and Environmental Services</i></p>	<p><b>Issued by:</b> Thirsk Highways Office Thirsk Industrial Estate York Road Thirsk North Yorkshire YO7 3BX</p> <p><b>e-mail:</b></p>
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**From:** [Planning](#)  
**To:** [Planning](#)  
**Subject:** Comments on NYM/2019/0513/FL - Case Officer Mrs Ailsa Teasdale - Received from Building Conservation at The Old Vicarage, Bondgate, Helmsley, York, YO62 5BP, via email: [building@northyorkmoors.org.uk](mailto:building@northyorkmoors.org.uk)  
**Date:** 27 August 2019 14:31:55

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Please see email to the planning officer

Comments made by Building Conservation of The Old Vicarage

Bondgate

Helmsley

York

YO62 5BP

via email: [building@northyorkmoors.org.uk](mailto:building@northyorkmoors.org.uk)

Phone: 01439 772700

Fax: 01439 770691

EMail: [building@northyorkmoors.org.uk](mailto:building@northyorkmoors.org.uk)

Preferred Method of Contact is: Post

Comment Type is Objection

Letter ID: 528202

## 9 Back Lane, Osmotherley

Although the existing property does not particularly contribute positively to the character and appearance of the Conservation Area, unfortunately we cannot support the application on heritage grounds as the proposed development will cause harm to the special interest of Osmotherley Conservation Area.

Back Lane, as the name implies, refers to the secondary route through the medieval village. It is considered a subservient and less formal area to the rear of the Burgage plot, denoting a subservient utilitarian character within the settlement morphology. The proposed site adjoins the boundary of Osmotherley Conservation Area, a designated heritage asset, and comprises a number of former linear tofts which have had the boundaries removed to make a single larger plot. These linear plots along Back Lane, suitable for small scale arable production, are still visible in the landscape today and relate directly to the medieval village of Osmotherley. Whilst they are outwith the Conservation Area boundary they make a positive contribution to the setting of the heritage asset.

The Authority has a duty to have special regard to the character and appearance of the Conservation Area under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The definition of significance (for heritage policy) in the NPPF is that significance derives not only from the heritage asset's physical presence but also from its setting. Historic England's Making Changes to Heritage Assets Advice Note 2 (paragraph 28) states that *"where the significance of a heritage asset has been compromised in the past by unsympathetic development to the asset itself or its setting, consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset in order to accord with the NPPF policies"*.

In this case, although the existing modern property is of relatively poor quality, its qualities are not considered justification for its demolition and construction of a new building which is also not informed by the character and appearance of the Conservation Area. In particular, the architectural style, scale and massing of the proposed building do not reflect the local distinctiveness or special interest of the settlement; its location and angle on the plot are not informed by historical settlement morphology; and, the building materials are not locally derived and are not of particular quality. Our concern also extends to the proposed materials which, being external balconies and metalworking, steel rainwater goods, slate roof and pre-weathered timber vertical boarding which do not share affinity with the special interest of the built heritage within Conservation Area.

We do not support the applicant's assertion that the proposed development enhances the setting of the Conservation Area; however, it should be noted that a sensitive scheme of construction which is informed by the special interest of the Conservation Area would have been considered in a positive light but unfortunately this is not considered a sensitive scheme and should be refused.

**From:** [Planning](#)  
**To:** [Planning](#)  
**Subject:** Comments on NYM/2019/0513/FL - Case Officer Mrs Ailsa Teasdale - Received from Osmotherley Area Parish Council at c/o Mr J Robinson, 21 The Green, Brompton, Northallerton, North Yorkshire, DL6 2QT, via  
**Date:** 19 August 2019 17:44:47

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This design, build form and layout support the need for the village to increase the number of family size homes in the village. This innovative contemporary dwelling is eco-friendly and will replace unsightly outbuildings and an inefficient dwelling. The local occupancy condition should not be imposed and should be like for like. We strongly support this application.

Comments made by Osmotherley Area Parish Council of c/o Mr J Robinson  
21 The Green  
Brompton  
Northallerton  
North Yorkshire  
DL6 2QT

Preferred Method of Contact is: Email

Comment Type is Support with Comments  
Letter ID: 528197



**From:**  
**To:** [Planning](#)  
**Subject:** Re: Oakdale House, 9 Back Lane, Osmotherley, - NYM/2019/0513/FL  
**Date:** 18 August 2019 20:11:44  
**Attachments:**

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Hi Wendy

As you can imagine this is quite a complicated application and we are taking a little longer than expected.

Can you give me another week to comment please?

Regards

John

John Robinson  
Clerk to Osmotherley Area Parish Council

**From:**  
**To:** [Planning](#)  
**Subject:** Planning reference NYM/2019/0513/FL; My reference 19/01905/PLANNP; Oakdale House, 9 Back Lane, Osmotherley, DL6 3BJ  
**Date:** 14 August 2019 10:22:29

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The Environmental Health Department have no comments to make in relation to this application.

Thank you

**Emma Gallafant**

Environmental Health Officer

Environmental Health

Website: [www.hambleton.gov.uk](http://www.hambleton.gov.uk)

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**We are interested in your views, please take a few minutes to complete a survey here:** [EH Officers](#)

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Hambleton District Council, Civic Centre, Stone Cross, Northallerton, DL6 2UU.