

## Members Update Sheet

### Item 1 NYM/2019/0136/FL

**Highway - Additional Comments** – Any request for the introduction of a 'local' speed limit (ie. one that is lower than the national speed limit – 60mph, or a change to the existing 'local' speed limit) has to be considered through the NYCC Speed Management Partnership. I would therefore suggest to those making such comments that a formal request is sent to this office in the first instance [area4.kirbymisperton@northyorks.gov.uk](mailto:area4.kirbymisperton@northyorks.gov.uk) .

In the context of the planning application, I was aware of such comments posted on your website as part of your consultation process, and in my opinion there was no justification in pursuing this. The stretch of road runs predominantly through open countryside with sporadic, isolated development, and that is still the case should the planning application for refurbishment etc. be approved at this site. Any introduction of such a limit (which in itself needs to be self-enforcing) would likely be largely ignored by the travelling motorist as there is no discernable change to the environment along which the road runs.

However, I will investigate provision of warning signs, and changes to the road markings, to highlight the junction outside the Inn.

### Item 2 NYM/2019/0382/FL

**Highways** - I have asked my colleague, Kay Aitchison, to give a second opinion on this application following the comments received from the applicant. Kay commented upon the points that were mentioned in my recommendation dated 16/7/19.

Regarding the number of properties using the track onto Hawsker Lane, regardless of the number of existing properties, this application is to increase the use by two new holiday letting units. The visibility was measured again for drivers leaving the track onto Hawsker Lane. From a point 2.4 metres back from the edge of the carriageway, 38 metres was measured. This point of reference represents the typical position of where a driver would be, without the front of the vehicle extending out into the carriageway. The available visibility as measured was taken from the point as specified in the national guidelines.

Therefore my original recommendation still stands.

**John Readman - Whitby Laithes Farm, Hawsker** – Comments - Need to clear up some misunderstanding about comments made by the applicants, and the agents representing them. It is mentioned that we have 8 - 10 cars parked at Whitby Laithes but I can confirm that we have four cars.

The track to the properties has two owners, and access from Hawsker Lane on to the track starts at Low Laithes Farm, it being under their ownership up to their boundary, the remaining track length belonging to Whitby Laithes. The access to Whitby Laithes, Beacon Hill, and High Laithes was registered with the Land Registry as the track in question.

I can confirm that the Royal Mail delivers to all the properties, but that the Council Refuse Collection goes no further than Whitby Laithes. The track is very much a made up, and I have speed limit signs for a maximum of 10mph, in an effort to reduce damage to the surface through the section owned by myself. There is only sufficient width for one vehicle at a time, with passing places at Low Laithes and Whitby Laithes.

The access from Hawsker Lane is something for the Highways, but I do agree that the road is seeing increased traffic, and would personally like to see a reduced speed limit in the name of safety.

**John Readman - Further Comments** – Whilst I am quite happy with the plans for the building alterations, the questions from others about the application, centre around access. On this point, High Laithes has an existing access onto the track, the plans shown indicate another, for additional car parking, from what is now a garden at a much lower level. Any new access will have to cross from the applicant's boundary at the garden wall onto my property. The plans do not show how this is to be done without affecting the integrity of the track, which is also a public bridleway. The current track level should remain as it is now, and until it is clarified how this would be achieved, I would not grant permission for any work on the said track.

**John Readman** - The revised plans solve the problem. Our minor request, is only that refuse bins for the additional cottages be sited at those premises, as we do have problems in windy weather with bins blowing over and strewing contents.

**Darren Coates, Low Laithes Farm, Hawsker** – The first part of the access track to High Laithes is through my property, from my boundary to Whitby Laithes farm, is a single track that was established around the mid 1960's following the bridle way, from the passing place on my property it's a little over 3-10ths of a mile to the next passing place at Whitby Laithes Farm. Over the years I have lived at Low Laithes, there has been a significant increase in traffic, the established protocol is to stop at one of the passing places and wait for oncoming traffic to pass.

My property encompasses a moat and a ridge and furrow field that are protected by English Heritage and have National Monument status; due to the heavier use of the track motorists and farm contractors - vehicles are driving into the Monument to pass each other, or pulling into the field which I'm currently trying to establish a wild flower meadow, I expressed my concerns to an English Heritage official several years ago whilst visiting my property and they were also concerned as it is an 'AT RISK' site which I've been keeping in a significantly better condition than it was when I purchased the property.

Any extra traffic traveling to and from - what appears to be - a proposed holiday cottage complex will only make things worse, a single track system cannot sustain this along with the foot traffic of walking groups, school parties and individuals who also use the track to gain access to the Cleveland way.

**Item 3            NYM/2019/0444/FL**

**Please see information received from West Ayton Parish Council for circulation.**

Additional information for the Planning Committee on the amended application

1. WAPC recognise and welcome the removal of the proposed new car park opposite Wallis Quarry to protect the ancient woodland site in the valley floor.
2. WAPC also welcome the improved parking areas at Wallis Quarry and Seavegate Gill.

However, many of WAPC's original objections have not been acknowledged or addressed, namely:

3. There are no mitigation measures to reduce the substantial soil erosion caused by access on the western riverbank alongside the boardwalk (20% affected) which has resulted in siltation in the river and undercutting of the boardwalk in several places. This is not natural erosion.
4. There is no provision for the protection of the veteran chestnut tree or restoration of the eroded area at the south end of Seavegate.
5. There appear to be no plans within the application to restore and make safe the linking roadside footpaths along Seavegate putting users at risk next to a 60 mph speed limit highway.
6. There is no litter bin provision at Seavegate Gill, the bins near to the bridge are unlikely to be emptied as they are too far from the road to be seen and there is no agreement on who will be responsible for emptying the bins. The issue of littering in the meadows at the south end of the boardwalk which puts livestock at risk has also not been addressed.

New concerns arising from the amended application:

7. Although the new plan states that no trees will be removed from the bridge site and the crane to lift the bridge will sit on the new footpaths, it is either going to be a very small crane or there will be damage to the trees getting it into place.
8. The amended site plan B for the new bridge area has a note which says "replace woodland herb/understorey species". This is not appropriate as it will destroy the Ancient Woodland indicator ground flora species which are more important than the existing trees. Only cutting back the shrub layer should be approved.

Summary of comments

WAPC believe that providing a second footbridge will result in increased riverbank damage which goes against the SSSI and Water Framework Directive legislation and the National Park's Core Policy C which states "*the quality and diversity of the natural environment will be conserved and enhanced. Protected sites and species will be afforded the highest level of protection with priority also given to local aims and targets for the natural environment*". **However, if this planning application is approved, it should be on condition that a constructive plan of riverbank repair and ongoing maintenance is agreed and adopted.** There is no evidence of previous maintenance apart from boardwalk repairs.

Agricultural landowners are legally required to protect watercourses from soil erosion (The Reduction & Prevention of Agricultural Diffuse Pollution (England) Regulations 2018). Farmers upstream are doing their best to prevent soil erosion into the River Derwent. Why is there no protection in the Forge Valley SSSI and NNR within the National Park?

WAPC would encourage the Park Authority and Scarborough Borough Council to take the opportunity, when work is underway in the valley, to repair the riverbanks at the same time so that the sensitive areas adjacent to the boardwalk are protected when the path is reopened, and ongoing maintenance will then be more manageable. Various soft engineering techniques such as pinned tree trunks, pre-planted coir rolls and coir netting have been used successfully on the River Hull Headwaters SSSI. If mitigation measures are not put in place, the degradation of this special place will continue to the detriment of the environment, the protected habitats, plant species, wildlife, water quality and visitor enjoyment.

## **Additional Consultation Responses:**

**West Ayton Parish** – Welcome the removal of the proposed new car park opposite Wallis Quarry to protect the ancient woodland site in the valley floor along with the improved parking areas at Wallis Quarry and Seavegate Gill. However **express concern** that many of the original objections have not been acknowledged or addressed, namely:

- There are no mitigation measures to reduce the substantial soil erosion caused by access on the western riverbank alongside the boardwalk (20% affected) which has resulted in siltation in the river and undercutting of the boardwalk in several places. This is not natural erosion.
- There is no provision for the protection of the veteran chestnut tree or restoration of the eroded area at the south end of Seavegate.
- There appear to be no plans within the application to restore and make safe the linking roadside footpaths along Seavegate putting users at risk next to a 60 mph speed limit highway.
- There is no litter bin provision at Seavegate Gill, the bins near to the bridge are unlikely to be emptied as they are too far from the road to be seen and there is no agreement on who will be responsible for emptying the bins. The issue of littering in the meadows at the south end of the boardwalk which puts livestock at risk has also not been addressed.
- Although the new plan states that no trees will be removed from the bridge site and the crane to lift the bridge will sit on the new footpaths, it is either going to be a very small crane or there will be damage to the trees getting it into place.
- The amended site plan B for the new bridge area has a note which says “replace woodland herb/understorey species”. This is not appropriate as it will destroy the Ancient Woodland indicator ground flora species which are more important than the existing trees. Only cutting back the shrub layer should be approved.

In summary, the provision of a second footbridge will result in increased riverbank damage which goes against the SSSI and Water Framework Directive legislation and the National Park’s Core Policy C which states “*the quality and diversity of the natural environment will be conserved and enhanced. Protected sites and species will be afforded the highest level of protection with priority also given to local aims and targets for the natural environment*”. However, if this planning application is approved, it should be on condition that a constructive plan of riverbank repair and ongoing maintenance is agreed and adopted. There is no evidence of previous maintenance apart from boardwalk repairs. Agricultural landowners are legally required to protect watercourses from soil erosion (The Reduction & Prevention of Agricultural Diffuse Pollution (England) Regulations 2018). Farmers upstream are doing their best to prevent soil erosion into the River Derwent. Why is there no protection in the Forge Valley SSSI and NNR within the National Park?

Wish to encourage the National Park Authority and Scarborough Borough Council to take the opportunity, when work is underway in the valley, to repair the riverbanks at the same time so that the sensitive areas adjacent to the boardwalk are protected when the path is reopened, and ongoing maintenance will then be more manageable. Various soft engineering techniques such as pinned tree trunks, pre-planted coir rolls and coir netting have been used successfully on the River Hull Headwaters SSSI. If mitigation measures are not put in place, the degradation of this special place will continue to the detriment of the environment, the protected habitats, plant species, wildlife, water quality and visitor enjoyment.

**Natural England** – Considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

**Others – Catherine Cussins, Low Yedmandale Farm, West Ayton** – How is the increased footfall to be managed and what are the proposals for policing dogs which use the river and chase cattle. We have an agreement with Natural England to create habitats for small mammals, invertebrates and birds, protect archaeological/historic features and stabilize the river bank which could be ruined by public use of the area.

**Allie Hesketh, NFU North East** – Reiterates earlier objection and stresses the urgency with which the Authority must take ownership of these woods to control the anti-social problems that already exist which are major issues for those farming in the area. The proposed increase to car parking facilities at the woods will only increase visitor numbers further and exacerbate these problems. The Authority must take responsibility for these issues and find a mechanism to police the area and its visitor numbers to alleviate the problem for land managers. Finally, there is a need for increased and better signage across the woods and surrounding fields to prevent this anti-social behaviour. Examples of such signage includes those to prevent unauthorised access and unauthorised camping, alongside shutting gates, keeping to the path and warnings against dog fouling and litter.

## **Item 5 NYM/2019/0569/FL**

### **Amended Recommendation:**

Omit conditions 1 and 2 (TIME01 and PLAN01) which are not necessary on a variation/removal of condition application.

### **Additional Background Information:**

The applicants have indicated their willingness to accept the proposed principal residence condition which Officers feel will go some way to addressing the objection from the Parish Council. By replacing the existing local occupancy restriction with a much wider principal residence condition the property will remain available as a person's main residence rather than a holiday cottage or second home. Ensuring dwellings are occupied as a principal residence benefits the local economy with people coming into the area to live, work and contribute to the local community whereas second homes can lead to an erosion of the sense of community within the village.

## **Item 7 NYM/2019/0391/FL**

**Parish** - The councillors felt if the downstairs proposed en-suite to the study/bedroom was removed it would sit more in scale with the overall property plus having the additional benefit of reducing the occupancy of the property which would reduce the parking issues.

**Highways - Amended Recommendation** - Refusal based on lack of parking and the likelihood of the proposed development resulting in vehicles parking outside the site on the County Highway to detriment of the free flow of traffic and road safety. The previous recommendation was based on there being no increase in bedrooms and therefore not increasing the likelihood of vehicles parking outside the property. However, evidence submitted by an objector suggests the property was originally two bed roomed and will increase to three. The applicant has stated that there is one parking space associated with the property and the Local Highway Authority assumes that this is referencing the space at the front on the highway verge. The Local Highway Authority cannot offer these areas of public highway verge to be used as a private parking space. The Local Highway Authority is not concerned that the possibility of one additional vehicle parked in this vicinity would cause a physical obstruction to passing motorists by parking here but we are concerned that an extra vehicle will increase the likelihood of the parked vehicles causing damage to the publicly maintainable verge and also increase the chances of a parked vehicle obstructing the view of the speed limit sign.

**Anita Boddington - Further Comments** - The plans display incorrect north and south tags in relation to the elevations. If the amended plans go ahead, I find it difficult to envisage 1 and 2 Fairhead Cottages existing as a sympathetically pair of cottages as originally built. In the future, should I wish to develop or sell my property, would you not think that extra extensions and windows overlooking my property could devalue my house?

**Additional Background information received from Agent:**

The Highway Authority response is disappointing as the room already exists; the applicant simply wishes to use this as a study/guest bedroom after relocating the kitchen to the lower ground floor. The room is only of sufficient size to use as a single bedroom and so too is the (existing) loft room following to opposition to dormer windows. I believe we all agree that the property is quirky and as proposed is not a 'normal' three bedroom dwelling but proposed to allow the owner to use the property as a more modern accommodation arrangement and also improving the existing extensions, conservatory and outside space.