

From:
To: [Planning](#)
Cc: [Kelsey Blain](#)
Subject: Comments on 3 Bloomswell, RHB - NYM/2019/0706/LB & NYM/2019/0704/FL
Date: 10 January 2020 16:25:16

3 Bloomswell is located in a terrace of nine properties, all of which are Listed. The building also lies within the Robin Hood's Bay Conservation Area (itself a designated heritage asset) which is subject to an Article 4 Direction which removes domestic PD rights for certain alterations. This Direction has been in place since 2006.

3 Bloomswell is of early-mid 19 century brick construction with a pantile roof with white rendered elevations (as is the remainder of the terrace). The property has undergone some alteration with more modern casement windows but they are of timber flush fitting construction. The property also has a traditional timber panelled door and timber canopy surround both of which contributed to the special architectural and historic interest of the building and also the wider Conservation Area. A key component of the Robin Hood's Bay Conservation Area is the wide variety of traditional window types, wrought iron work, and traditional timber panelled doors, many with little wooden canopies with brass or iron door knockers and cumulatively these contribute significantly to the wider character of the Area.

As a Listed Building 3 Bloomswell is of national significance for which the LPA has a duty to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest in which it possesses, in accordance with the Planning (Listed Building and Conservation Areas) Act 1990. The property is also located within the RHB Conservation Area for which, under the same Act, the LPA has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Area.

The significance of the property derives from its traditional construction, modest form and traditional detailing and its architectural style when read with the remainder of the terrace. 3 Bloomswell also has aesthetic value for its layout and sense of proportion of the internal rooms where they follow the original floor plan.

As a Listed Building the general approach to work is to adopt a repair rather than replacement approach especially where historic fabric and features of architectural or historic interest exist. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (NPPF, 193). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction) should require clear and convincing justification (NPPF, 194).

In terms of the impact of work which has been carried out I will comment on each part individually, however I would like to make two points with regards to the Heritage Statement. The HS refers to work being proposed which is not the case. The works have already been carried out (without the benefit of LBC and is therefore inaccurate in this respect. Further to this the heritage statement submitted with this application fails completely to grasp the significance of the site and designated heritage assets, the contribution of the site to the conservation area and the impact of the proposals to the designated heritage asset and as such is not fit for

purpose as it does not meet the requirements of the NPPF (2019).

In addition, the LBC includes internal work. Access inside the building has been refused on several occasions and therefore a proper internal inspection of the work being proposed has not been able to be carried out. As such, our comments are based on the evidence and the knowledge we have of the building in question.

No objection to:

- Roof. While full replacement of the roof covering would have required LBC, on the basis that the replacement tiles are of matching handmade construction and the insulation is lamb's wool (not impermeable Kingspan) the work is acceptable.
- The reinstatement of metal rainwater goods, replacing the plastic, is supported.
- Attic. As the floorboards appear to be modern boarding, I have no objection to their replacement on a like for like basis.
- First floor floorboards. No objection to the selective approach taken to replacement and the sourcing of replacement boards to match existing on a like for like basis.
- Windows. The 'existing' windows albeit of modern casement top hung construction; they were of traditional painted timber flush fitting appearance. Their replacement with traditional sashes is supported in principle, however unfortunately the design and detailing of the new windows fail to properly reflect the local detailing found elsewhere on the terrace, namely: the use of 6 over 6 sashes rather than 8 over 8 which is more characteristic of the terrace - the result is much squarer window pane proportions which lack the elegance of the neighbouring traditional windows. The use of horns is also not characteristic of the terrace. I also wonder whether the finish is a factory 'spray' finish, rather than hand painted, which results in the flat, almost upvc like finish. Finally, with regard to the rear sash window, it would have been preferred to have use a traditional 'Whitby composite' style of window which would have more appropriately reflected the less formal characteristics of this rear elevation.

It is disappointing that the applicant had not followed formal procedures by seeking LBC prior to installation so that we could have assisted in the detail of the windows or engaged in any pre-app discussions. However, having regard to the duty of the Act to preserve the building and any features of special architectural or historic interest it is felt that, on balance, given the replacement windows are of a traditional form of fenestration in the sense that they are sashes and given they replace modern casements we would view this as a modest enhancement.

Objection is raised to the following elements:

- Ground floor damp proofing. It is acknowledged that the ground floor had been replaced with cement by a previous owner in the past (1996). However it is assumed that this procedure must have failed (which is common in traditionally constructed buildings like this) given the need to re-concrete and re-plaster the floor and walls again. Current practice to address damp in traditionally constructed buildings is now vastly different from 20+ years ago as a result of a greater understanding of how these building operate and in particular the need to ensure new materials are compatible with the fabric of the building especially

regarding breathability. On this basis, we object to the use of gypsum and cement materials which have been, and will continue to, cause harm to the fabric of this building. The re-application of a damp proofing system requires LBC (which again has not been sought prior to carrying out the works) and as such should not be approved.

- Door. We dispute the applicant's statement that the front door is (was) a re-used internal door. Evidence of the exact same door design can be found on external doors elsewhere in the village and as such is considered to contribute to the architectural character of the Listed Building as well as the wider Conservation Area. It would be uncommon to see such a detailed panelled door internally as the majority of internal doors would be of a much simpler appearance. The replacement of the historical panelled front door with a modern machine-made door is not acceptable in heritage terms and the historical door should be reinstated. Furthermore the use of a silver/chrome door knob located centrally within the door is also harmful and fails to take account of the locally distinctive features of the village where more traditional brass or iron is the prevailing character.
- Paint colour. As a building of Georgian design the colours of the Georgian period are mainly quite 'toned-down' or 'muted' colours and early period colour schemes included earth tones such as sage green, blue-grey, browns and drabs. Later Georgian colours included soft greys, greens, sky or Wedgwood blue, beiges and stone shades, although it is unlikely that these more fashionable colours would have been that available in Robin Hood's Bay and are therefore generally less common. The colour pink therefore is not considered to be appropriate for this building and does not pay special regard to the special interest of the LB or make a positive contribution to the Conservation Area.
- Canopy and door surround. We dispute the non-historical value of the 'existing' canopy and surround claimed by the applicant as it is clearly historical. It is historical and an important architectural component of RHB houses. The list description describes the door casing as "mutilated" however it is clear from the evidence that we have that its form, design and appearance were evident and did not appear to be in poor condition. If it was in poor condition (and evidence provided to show this) a like for like replacement would have been requested. The replacement canopy and surround installed lacks the detail and fineness of the historical canopy and surround and as such we object to its replacement.
- Internal porch. We dispute the applicant's statement that the internal porch was modern. Such porches are a common feature of many of the houses and cottages in RHB and are evident in the neighbouring properties along Bloomswell. They are a locally distinctive feature of RHB and as such contribute to the significance of this Listed Building. We object to its removal and seek its reinstatement.

In conclusion, the elements objected to above are considered to be harmful to the significance of this designated heritage asset by paying little regard to the special interest of the building or its architectural or historic significance. The loss of the porch, the door, door canopy, hardware and other alterations to the interior could, cumulatively, be considered substantial harm to a Grade II Listed Building; however it is considered to be less than substantial in this instance and as such the application fails to accord with 193, 194 and 196 of the NPPF and the Act. When a

proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal. I see no public benefit of the proposal (and none put forward in the application).

It is also noted that the fire surround in the ground floor room has been lost. Please could the applicant provide further details as to whether anything was in situ prior to the re-plastering of the walls and also whether a new fire surround is to be installed or log burner etc.? If the fire is not to be used, then it is important that ventilation is provided into the chimney.

From:
To: [Planning](#)
Subject: Fylingdales Parish Council
Date: 19 December 2019 17:57:07

Good Afternoon,

The Council have given the following decision on applications NYM/2019/0704/FL and NYM/2019/0706/LB, 3 Bloomswell.

The Council object to these applications, the loss of original features due to the lack of consultation with pre-planning and not seeking Listed Building consent means that the building is no longer in keeping. For example the Council do not believe the pink front and rear doors are in matching styles to the originals, window details have been changed and other architectural features have now been lost.

The lack of knowledge as to if it is listed is not an acceptable excuse and respect needs to be shown for the history of the building. Since major works have taken place, number 3 Bloomswell is already looking out of keeping in a conservation area.

Kind regards,
Steph Glasby

Date: 13 December 2019
Our ref: 302332
Your ref: NYM/2019/0704/FL



North York Moors National Park Authority

BY EMAIL ONLY

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

Dear Sir/Madam

Planning consultation: Installation of replacement roof tiles, windows, doors, door surround and guttering (part retrospective)
Location: 3 Bloomswell, Robin Hoods Bay

Thank you for your consultation on the above dated received by Natural England on 28 November 2019.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

Natural England's generic advice on other natural environment issues is set out at Annex A.

Landscape advice - North Yorkshire & Cleveland Heritage Coast

The proposed development is for a site within or close to a defined landscape namely North Yorkshire & Cleveland Heritage Coast. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 173 of the National Planning Policy Framework. It states:

173. Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 172), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major

development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.

The NPPF continues to state in a footnote (footnote 55) that *“For the purposes of paragraph 172 and 173, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.”*

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape’s sensitivity to this type of development and its capacity to accommodate the proposed development.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on “Development in or likely to affect a Site of Special Scientific Interest” (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours faithfully
Dawn Kinrade
Consultations Team

Annex - Generic advice on natural environment impacts and opportunities

Sites of Special Scientific Interest (SSSIs)

Local authorities have responsibilities for the conservation of SSSIs under s28G of the Wildlife & Countryside Act 1981 (as amended). The National Planning Policy Framework (paragraph 175c) states that development likely to have an adverse effect on SSSIs should not normally be permitted. Natural England's SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the Natural England Open Data Geoportal. Our initial screening indicates that one or more Impact Risk Zones have been triggered by the proposed development, indicating that impacts to SSSIs are possible and further assessment is required. You should request sufficient information from the developer to assess the impacts likely to arise and consider any mitigation measures that may be necessary.

Biodiversity duty

Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available here.

Protected Species

Natural England has produced standing advice¹ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. The list of priority habitats and species can be found here². Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found here.

Ancient woodland, ancient and veteran trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural

¹ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

² <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a SSSI or in exceptional circumstances.

Protected landscapes

For developments within or within the setting of a National Park or Area of Outstanding Natural Beauty (AONB), we advise you to apply national and local policies, together with local landscape expertise and information to determine the proposal. The National Planning Policy Framework (NPPF) (paragraph 172) provides the highest status of protection for the landscape and scenic beauty of National Parks and AONBs. It also sets out a 'major developments test' to determine whether major developments should be exceptionally be permitted within the designated landscape. We advise you to consult the relevant AONB Partnership or Conservation Board or relevant National Park landscape or other advisor who will have local knowledge and information to assist in the determination of the proposal. The statutory management plan and any local landscape character assessments may also provide valuable information.

Public bodies have a duty to have regard to the statutory purposes of designation in carrying out their functions (under (section 11 A(2) of the National Parks and Access to the Countryside Act 1949 (as amended) for National Parks and S85 of the Countryside and Rights of Way Act, 2000 for AONBs). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Heritage Coasts are protected under paragraph 173 of the NPPF. Development should be consistent the special character of Heritage Coasts and the importance of its conservation.

Landscape

Paragraph 170 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute Guidelines for Landscape and Visual Impact Assessment](#) for further guidance.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#). Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [*Construction Code of Practice for the Sustainable Use of Soils on Construction Sites*](#), and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of

new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

Rights of Way, Access land, Coastal access and National Trails

Paragraphs 98 and 170 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way, coastal access routes and coastal margin in the vicinity of the development and the scope to mitigate any adverse impacts. Consideration should also be given to the potential impacts on any nearby National Trails, including the England Coast Path. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer.

Environmental enhancement

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.

Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

From: [Victoria Franklin](#)
To: [Planning](#)
Subject: RE: Bird and bat informatives
Date: 06 December 2019 13:43:52

Apologies Wendy, thank you for pointing it out, I have mixed the numbers around it should be 2019/0704/FL 3 Bloomswell, Robin Hoods Bay

[Victoria](#)

From: Planning
Sent: 06 December 2019 13:22
To: Victoria Franklin
Subject: RE: Bird and bat informatives

Hi Victoria

Could you double check if 19/0740 is the right reference for your comments as that number is a CVC to check off a stone panel.

[Wendy](#)

From: Victoria Franklin
Sent: 06 December 2019 10:31
To: Planning
Subject: Bird and bat informatives

Hello,

If the following applications are approved please can a bat informative be included in the decision notice:

NYM/2019/ 0740/FL
0796/FL
0795/LB

If the following applications are approved please can a bird informative be included in the decision notice:

NYM/2019/ 0795/LB
0796/FL

Thank you,

Victoria Franklin
Graduate Conservation Trainee

North York Moors National Park
The Old Vicarage
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YO62 5BP

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www.northyorkmoors.org.uk