

**From:**

**To:** [Planning](#)

**Subject:** Comments on NYM/2020/0087/FL - Case Officer Mrs J Bastow - Received from Fylingdales Parish Council at c/o Ms Stephanie Glasby, Gilders Holme , Raw, North Yorkshire , YO22 4PP, Via Email:

**Date:** 06 May 2020 16:34:11

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The Parish Council Object to this application.

Concerns have been raised over several different areas.

Parking at the building is to be 4 spaces, with 5 members of staff this would suggest there would be no parking available for those using the building for recording or any other purpose. The village already struggles without this added strain.

The Council feel that architecturally the proposed design does not fit in with the village.

The Council do not object to the purpose of the building but feel that more information is needed on how the community will be able to utilise the space.

As ever the Councils main priority is the safety of its parish members, several of the home owners from around the property have voiced concern as to how the parking and extra vehicles will possible make it harder for them to use the area safely when exiting their own properties.

Comments made by Fylingdales Parish Council of c/o Ms Stephanie Glasby  
Gilders Holme  
Raw  
North Yorkshire  
YO22 4PP

Comment Type is Comment

Letter ID: 542761

**From:**  
**To:** [Planning](#)  
**Subject:** The Bay Tree NYM/2020/0087/FL & 0092/LB  
**Date:** 06 April 2020 10:03:23

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The Bay Tree forms an impressive L-shaped Grade II Listed Building located on a prominent position in Robin Hood's Bay (Bank Top) fronting onto Station Road with a side elevation facing onto an unadopted residential street, Prospect Field. The Bay Tree is also located opposite Thorpe Lane - one of the main roads through the village. It was built in 1764 by Issac Storm who's ancestry within the village dates back to 1540 and was built to signify his status within the village with its five-bay wide elevation constructed of tooled, squared stone of near-ashlar quality, raised above a basement. Internally, according to the Houses of the North York Moors, the building is well detailed with panelled wainscoting and carved details. Both ground and first floor rooms are fully panelled, classical chimney pieces and Doric surround to the staircase. Although not currently within the Conservation Area, the draft Appraisal has recommended that the architecture of Bay Top is worthy of consideration as an extension to the current RHB Conservation Area.

While the form and appearance of the principal building remains evident from the front, there are substantial extensions to the rear. A stone and pantile rear wing runs at right angles to the main building which was built following consents granted in 1983 and 1986 prior to the building being listed in 1988. Further permissions were granted in 1994 and 1995 for further extensions to this modern wing. Despite these alterations, the building retains a substantial amount of historical significance from its impressive appearance, quality of materials, symmetry, its traditional construction, traditional detailing and its architectural style. The property also has aesthetic value for its layout and sense of proportion of the internal rooms where they follow the original floor plan. As such the property retains its special architectural and historic interest and makes a positive contribution to the wider streetscene.

In policy terms, the relevant sections of the NPPF are:

- 193 – when considering the impact of a proposed development of the significance of a designated heritage asset, great weight shall be given to the assets conservation.
- 194 – any harm to, or loss of, significance of a designated heritage asset) from its alteration, destruction, or from development within its setting) should require clear and convincing justification.
- 200 – LPA's should look for opportunities or new development within Conservation Areas...and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that made a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- The definition of Setting is explained in Annex 2 of the NPPF and is described as the surrounding in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. In addition, Historic England provides extensive guidance - The Setting of Heritage Assets, December 2017.
- In terms of the Act (LB&CA Act) special regard should be had to the desirability

of preserving the building or its setting or any features of special architectural or historic interest in which it possesses.

The modern rear extensions, despite their scale, are relatively well proportioned and subservient in appearance but do lack some traditional detailing with the dormers, several monopitch projections and use of fascia boarding. As such they are considered to make a neutral contribution to the significance of the asset. Their removal will allow the original proportions and footprint of the listed building to become more evident and has the potential to enhance its significance in accordance with para.200 of the NPPF, however it is important that any new/replacement structure is informed by, and respects, the original listed building. HE guidance advises that conserving or enhancing heritage assets by taking their settings into account need not prevent change; indeed change may be positive, for instance where the setting has been compromised by poor development. Given the current extensions, it is considered that there is an opportunity here to make a positive change and therefore the principle of a new build structure within the curtilage is acceptable subject to scale, design and massing etc.

We do however have some initial concerns to the principle of the scheme, which are:

- The need for this studio, given that many are closing down elsewhere. The Heritage Statement says that a recording studio is a 'much needed resource for the area' – is there evidence of this need?
- The need for so many bedrooms given the number of B&B's, holiday cottages and hotels in the village?
- Its circular design - apparently this is the worse shape for a recording studio because they are so unpredictable as the sound is harder to manage. Has this shape been justified?
- The HS justifies the extension stating it will not be seen from the front of The Bay Tree. Development within the setting of a Listed Building needs to respect the principal building irrespective of the views or position and therefore the rear still has consideration. Design should still draw upon local patterns of development.

We acknowledge the improvements made to the scheme since the first pre-app discussions, but our concerns with the current scheme are, in brief:

- On plan form its footprint appears to be almost double that of the original dwelling and as such this is a concern in terms of setting and subservience as it covers the entire rear yard.
- The proposed structure would completely obscure the rear elevation. At present the extensions extend in a more traditional, linear form along the northern boundary of the site which enables the original dwelling to remain evident. This would be fully obscured by the new building and extensions. It is considered that a detached structure would better respect the host building (as indicated at pre-app) with possibly a single storey link off the gable of the original rear extension.
- The design of the north elevation is far too complicated. This in combination with the position draw the eye and detract from the host building and the neighbouring properties. The effect is to create a building that appears incongruous with its surroundings. I appreciate that the building has been set back since pre-app but the style of it still creates the effect to stand forward of

the line of development. Whilst the 1980 extension is of no merit the view shown on Figure 16 of the HS shows how the roofscape fits well with the host dwelling. A 'floating' roof with overhanging eaves and will not have the same effect. Further to that it re-orientates the building leaving the passer by confused. The current extension is clearly and 'add on' to the bay tree, this looks like an entirely separated building that is attached, but potentially not associated with it.

- The reception and main entrance are to the extension which reduces the use of the principal building in the experienced hierarchy of the site. The Heritage statement even describes the functions of the principal building as 'ancillary' functions.
- The second floor is primarily bedrooms which should not be required for a house this size. If this is essential to the studio, then perhaps this building is not suitable for this use. There is no shortage of local accommodation, with the closest B&B being next door.
- Its height which is a very generous two-storey and is not subservient.
- We have been made aware of a well within the site which would be truncated by a wall. There is no mention of it in the HS so there has been no assessment of its significance. Therefore, presumption in favour of retention.
- It is also proposed to remove the internal walls of the rear wing. These are mentioned as probably original in the Royal Commission files and as such we would have concerns about their removal.

#### Conclusions:

Although somewhat compromised with the concreted parking surface, the space to the rear of principal building still clearly reads as the former garden. Given the age, status and location of the building, it would have always enjoyed open space to the rear. The space to the rear should be regarded as making a positive contribution to the listed building and this should at the very least be maintained, if not enhanced. At present we do not feel that the site and its constraints have informed the scheme, but instead the proposal seeks to develop the garden as a plot of land irrespective of the listed building and maximising the space available. Any development would need to retain the relationship of this garden space to the listed building which is domestic in character; and read as a new addition within this domestic space rather than a separate development on a plot of land.

We would recommend that the scheme is reduced in scale and massing and amended so as to appear as a detached structure, potentially with a single storey link at ground floor. Consideration of whether the building could be re-orientated to enable the original proportions of the host building to remain evident would be appreciated. Omission of the bedroom spaces and the reception and lobby areas in order to make better use of the original dwelling would retain the use of the dwelling as the principal structure whilst also enabling a much smaller structure to accommodate the recording studio elements only. Also of consideration is that the windows to the rear elevation were always intended to look out onto an open space. To almost completely enclose this space would harm in intention of these windows.

Whilst we are happy with the modern interpretation, the design and form should draw inspiration from the host building allowing the space to inspire an idea. RHB has such a high standard of architecture with a wealth of features to draw upon. The use of a contrasting

handmade brick (rather than stone) is acceptable as brick is a characteristic of the surrounding streetscene which will help the new structure harmonise with its surroundings.

In terms of alterations to the principal building, these appear to be minimal. I do wonder however whether consideration could be given to removal of the rooflights to the front façade in particular, and also whether new windows are proposed to the main building which could be improved in terms of detailing and reinstating a painted finish. We would also like confirmation of the interior detailing of the dwelling, via a photographic survey, or full site visit once the current restrictions are lifted.

**From:**  
**To:** [Planning](#)  
**Subject:** NYM 20 0087 FL The bay Tree Robin hoods Bay  
**Date:** 01 April 2020 16:55:20

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FAO Jill Bastow

This is a note to confirm that the Highway recommendation dated 19<sup>th</sup> March 2020 was based on the current use of the application site having no existing private parking facilities.

Ged Lyth  
Area 3 Whitby Highways Depot  
Highways North Yorkshire

Read the latest Coronavirus (COVID-19) information from North Yorkshire County Council:

<https://www.northyorks.gov.uk/coronavirus-advice-and-information>

Access your county council services online 24 hours a day, 7 days a week at [www.northyorks.gov.uk](http://www.northyorks.gov.uk).

**WARNING**

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Although we have endeavoured to ensure that this e-mail and any attachments are free from any virus we would advise you to take any necessary steps to ensure that they are actually virus free.

If you receive an automatic response stating that the recipient is away from the office and you wish to request information under either the Freedom of Information Act, the Data Protection Act or the Environmental Information Regulations please forward your request by e-mail to the Information Governance Team ([infogov@northyorks.gov.uk](mailto:infogov@northyorks.gov.uk)) who will process your request.

North Yorkshire County Council.

**From:**  
**To:** [Planning](#)  
**Subject:** Fylingdales Parish Council  
**Date:** 19 March 2020 12:00:55

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Good Morning,

NYM/2020/0123/LB - No Objections

NYM/2020/0087/FL - The Parish Council Object to this application. Concerns have been raised over several different areas. Parking at the building is to be 4 spaces, with 5 members of staff this would suggest there would be no parking available for those using the building for recording or any other purpose. The village already struggles without this added strain.

The Council feel that architecturally the proposed design does not fit in with the village.

The Council do not object to the purpose of the building but feel that more information is needed on how the community will be able to utilise the space.

As ever the Councils main priority is the safety of its parish members, several of the home owners from around the property have voiced concern as to how the parking and extra vehicles will possible make it harder for them to use the area safely when exiting their own properties.

NYM/2019/0794/FL - The Parish Council object to the placement of a sauna, concerns were raised for the safety of neighbouring properties.

NYM/2019/0795/LB - No Objection

NYM/2020/0122/FL - The Parish Council object to this application, it would like to see a like for like replacement to retain the character of the property

NYM/2019/0802/FL - The Parish Council has no objections to this application, It would prefer the door to be repaired rather than replaced.

NYM/2020/0140/FL The Parish Council object to this planning application. As previously stated this property is in a conservation area and the Council feel strongly that each property's individuality should be respected. The application would change the street view.

NYM/2020/0139/FL - The Council has no objections to the application although they would like to see the garage tied to the house legally to prevent sale of the properties individually

NYM/2020/0141/LB - The Parish Council has no objections

NYM/2020/0061/LB - The Parish Council has no objections

Kind regards,  
Steph Glasby

Clerk to Fylingdales Parish Council



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



**LOCAL HIGHWAY AUTHORITY  
CONSIDERATIONS and RECOMMENDATION**

**Application No:** **NYM20/0087/FL**

Application for alterations, construction of replacement single storey rear extension

and change of use from residential care facility (Use Class C2) to recording studio

**Proposed Development:** space with ancillary office and welfare facilities (Use Class B1) together with

construction of bin store, revised access arrangement, creation of parking and

landscaping works

**Location:** The Bay Tree, Station Road, Robin Hood's Bay

**Applicant:** Mr Hudson (Director)

**CH Ref:** **Case Officer:** Ged Lyth

**Area Ref:** 4/29/697 **Tel:**

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

**To:** North York Moors National Park Authority  
The Old Vicarage  
Bondgate  
Helmsley  
YO62 5BP **Date:** 19 March 2020

**FAO:** Jill Bastow **Copies to:**

**Note to the Planning Officer:**

In assessing the submitted proposals and reaching its recommendation the Local Highway Authority (LHA) has taken into account the following matters:

The existing use of the application site is for a residential care home with no private parking facilities. From the plans provided, it is estimated that the current building holds around 15 bedrooms.

The proposed use for the recording studios does not fit into a specific category of use where the amount of parking generated can be easily calculated by the LHA. However, the four parking spaces proposed will obviously go some way to mitigating the demand. The

**LOCAL HIGHWAY AUTHORITY  
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

Application No:

**NYM20/0087/FL**

surrounding publicly maintainable Highways are controlled by a Traffic Regulation Order and there are also public parking facilities in the vicinity. The proposed parking spaces are shown to be accessed off Prospect Field. This is not a publicly maintainable Highway and the applicant should demonstrate that they have the permission to cross this land to gain access to their site.

Consequently the Local Highway Authority recommends that the following **Condition** is attached to any permission granted:

**HC-27 ACCESS TO THE HIGHWAY**

There shall be no access or egress by any vehicles between the highway and the application site until full details of a safe and satisfactory access to the adopted highway have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The development shall not be brought into use until the approved access is available for use.

**REASON**

In accordance with policy # and in the interests of highway safety.

<p><b>Signed:</b></p>  <p style="text-align: center;"><b><i>Ged Lyth</i></b></p> <p><i>For Corporate Director for Business and Environmental Services</i></p>	<p><b>Issued by:</b> Whitby Highways Office Discovery Way Whitby North Yorkshire YO22 4PZ</p> <p><b>e-mail:</b> _____</p>
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# LOCAL HIGHWAY AUTHORITY CONSIDERATIONS and RECOMMENDATION



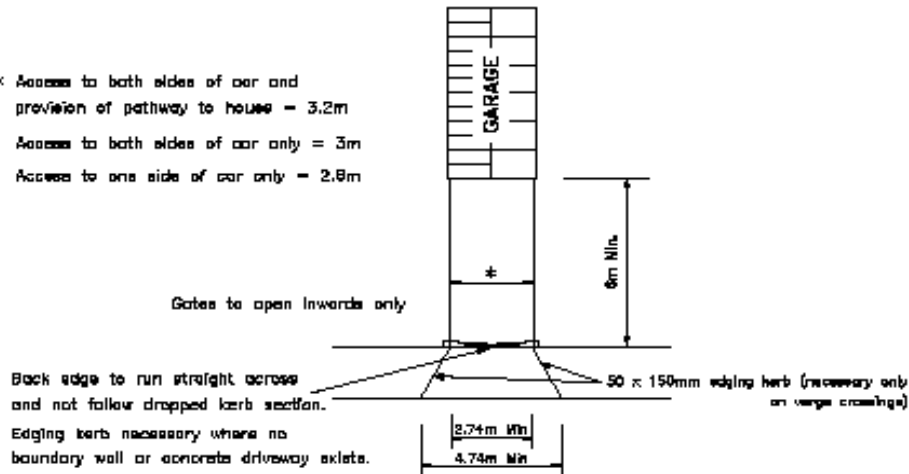
Continuation sheet:

NYM20/0087/FL

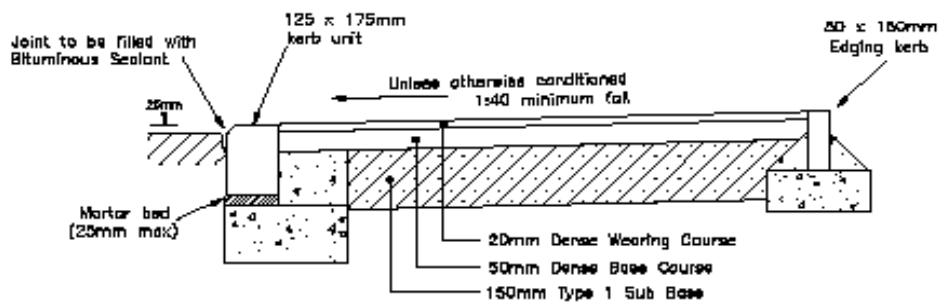
Application No:

### Plan View

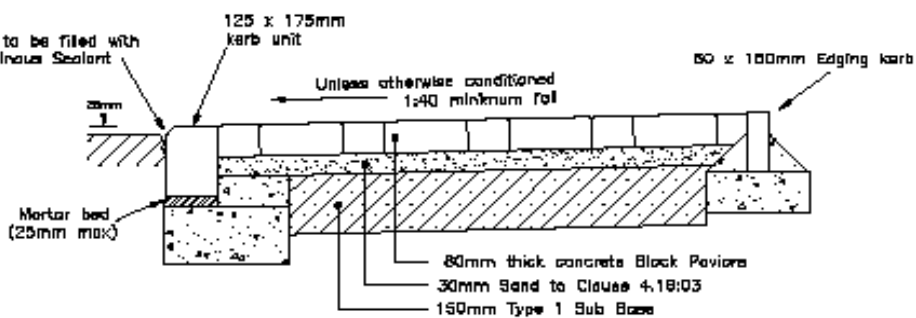
- \* Access to both sides of car and provision of pathway to house = 3.2m
- Access to both sides of car only = 3m
- Access to one side of car only = 2.8m



### Section Through Macadam Crossing



### Section Through Block Paved Crossing



Do Not Scale

North Yorkshire County Council Department of Environmental Services	<b>FOOTWAY CROSSING DETAIL</b>	DATE	DRAWING NO.	Rev.
		5/2/97	E6	

**From:** [Elsbeth Ingleby](#)  
**To:** [Jill Bastow](#)  
**Cc:** [Planning](#)  
**Subject:** NYM/2020/0087/FL The Bay Tree, Robin Hoods Bay  
**Date:** 19 March 2020 13:52:14

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Dear Jill

I have no objection to the proposals, however if approved I would like to request a condition regarding the surrounding vegetation of the site along the lines of the following.

All existing mature hedging, trees and shrubs should be retained wherever possible, with any losses replaced by the season following completion of works. Any vegetation removal on the site must only be conducted out with of the bird breeding season (March to August inclusive) unless checked for bird nests immediately prior to removal by a suitably qualified person. Any bird nests found must be left undisturbed until chicks fledge and the nest abandoned.

Including bird and bat informatives on the decision notice would also be helpful.

Many thanks

Elsbeth

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

**Ecologist**

North York Moors National Park Authority

The Old Vicarage, Bondgate, Helmsley, York YO62 5BP

Telephone: 01439 772700



# NORTH YORKSHIRE FIRE & RESCUE SERVICE

NYFRS Reference:

Premises: 00048811  
Job: 1189650

Scarborough Fire Station  
North Marine Road  
Scarborough  
North Yorkshire  
YO12 7EY

When telephoning please ask for: Nick Mack

11 March 2020

Dear Mrs J Bastow,

**The Bay Tree, Station Road, Robin Hoods Bay, Whitby, YO22 4RL**

## **FIRE SAFETY - COMMUNICATION WITH THE PLANNING AUTHORITY**

Receipt is acknowledged of your planning communication:

Dated: 03/03/2020  
Plans No: NYM/2020/0087/FL

Your communication has been dealt with as follows:

At this stage in the planning approval process the North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority have no objection/observation to the proposed development. The North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority will make further comment in relation to the suitability of proposed fire safety measures at the time when the building control body submit a statutory Building Regulations consultation to the Fire Authority.

The majority of information we collect regarding business fire safety is non-personalised information, however any personal data we collect will be managed in accordance with our Privacy Notice which can be viewed on our website, [www.northyorksfire.gov.uk/about-us/yourdata](http://www.northyorksfire.gov.uk/about-us/yourdata).

NYMPA  
Old Vicarage  
Bondgate  
Helmsley  
YO62 5BP

Under the Regulatory Reform Order 2005 we are obliged to publish a public register of enforcement action which can be viewed via our website, [www.northyorksfire.gov.uk/about-us/key-documents/links-registers](http://www.northyorksfire.gov.uk/about-us/key-documents/links-registers).

Should you require further information please contact the officer whose name appears at the head of the letter.

Yours faithfully

**N Mack**

Nick Mack  
Watch Manager  
Business Fire Safety  
Scarborough & Ryedale



Historic England

Mrs Jill Bastow  
North York Moors National Park Authority  
The Old Vicarage  
Bondgate  
Helmsley, York  
YO62 5BP

Direct Dial: 01904 601976

Our ref: **W:** P01180210

28 February 2020

Dear Mrs Bastow

**T&CP (Development Management Procedure) (England) Order 2015  
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**THE BAY TREE, STATION ROAD, ROBIN HOOD'S BAY, WHITBY, YO22 4RL  
Application No. NYM/2020/0087/FL**

Thank you for your letter of 26 February 2020 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Yours sincerely

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**Anna Gallie**  
Business Officer  
E-mail:



37 TANNER ROW YORK YO1 6WP

Telephone  
[HistoricEngland.org.uk](http://HistoricEngland.org.uk)



Date: 03 March 2020  
Our ref: 310402  
Your ref: NYM/2020/0087/FL



Mrs J Bastow  
North York Moors National Park Authority  
planning@northyorkmoors.org.uk

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

**BY EMAIL ONLY**

T

Dear Mrs Bastow

**Planning consultation:** Alterations & construction of replacement extension & change of use from residential care facility to recording studio space with office & associated infrastructure.

**Location:** The Bay Tree, Station Road, Robin Hood's Bay, Whitby, YO22 4RL

Thank you for your consultation on the above dated 26 February 2020 which was received by Natural England on 26 February 2020

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.

#### **Protected Landscapes – North Yorkshire & Cleveland Heritage Coast**

The proposed development is for a site within or close to a defined landscape namely North Yorkshire & Cleveland. 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](https://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

Yours sincerely

Heather Ivinson  
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 advice<sup>1</sup> 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 here<sup>2</sup>. 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 England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a SSSI or in exceptional circumstances.

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

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

## **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](http://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).