

**From:**  
**To:** [Planning](#)  
**Subject:** FW: Comments on NYM/2020/0237/LB and NYM/2020/0236/FL  
**Date:** 18 May 2020 14:48:28

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## Building Conservation comments to book in please

Kind regards,

**Jill Bastow**  
Senior Planning Officer

North York Moors National Park Authority  
Old Vicarage  
Bondgate  
Helmsley  
YO62 5BP

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**From:** Building  
**Sent:** 11 May 2020 14:37  
**To:** Jill Bastow  
**Subject:** Comments on NYM/2020/0237/LB and NYM/2020/0236/FL

The Old Chapel Robin Hoods Bay

This is one of the earlier Wesleyan Chapels in the area, with John Wesley preaching here in its first year 1779 (not 1841). Wesley describes the people of Robin Hoods Bay as 'plain people' who's 'continual jars with each other prevented their increase in either grace of number'. The church is described as popular, but this might be ascribed more to its central location over the parish church at the top of the hill some distance away. Like many non-conformist chapels of the time it is quite plain in design with double height windows to the principal façade. The rear of the building, alongside other properties in informal in character. The fenestration to the rear is clearly distinct from other nearby domestic properties, presumably due to floor heights and sloping gallery.

This applications seeks to replace an existing picket fence with a glass balustrade and steel railing. The applicant draws attention to other cast-iron railings in the conservation area and at other chapel sites. However, whilst examples can be drawn upon they cannot always be said to set a precedence as each case should be judged on its individual merits. These other examples in the conservation area are predominately original and associated with buildings that are domestic, 19<sup>th</sup> century or later, and to the street frontages. The use of such ornamentation on other chapels is known but these tend to be later 19<sup>th</sup> century developments (in the Wesleyan context) and only to the principal façade. Whilst other examples of their use to the rear of the property might exist, they are not certainly commonplace.

The current character of the rear of the building that faces the sea is very informal, much akin to the rest of Robin Hoods Bay. Any formalisation or gentrification of this space could not only harm the character of the listed building but also that of the conservation area. As stated a pre-ap a replacement picket fence with wider gaps or a post and rail fence would be appropriate for the character of the area, although I appreciate that the latter might bring with it safety concerns. The loss of an informal style of boundary treatment would harm the significance of the area. This would be compounded by the introduction of a decorative steel and glass balustrade. The glass would undoubtedly cause more harm as it would draw the eye in a way that this elevation was never intended to do. The decorative steel balustrade would gentrify this area of the site and place an emphasis on the rear which it was never intended to have.

Early designs – the heritage statement states that

*Clearly when first built there were no railings here as a row of cottages directly faced the south face of the chapel. It is not known how these boundaries were dealt with after the landslip which took away these cottages but it is strongly felt that a timber wicket fence would not have been appropriate at that time for a proud Wesleyan Chapel of the period.*

I disagree with this comment as the early Methodist movement (a period to which this chapel dates) revered plainness see Wesley's *On Dress*. The establishment of the Primitive Methodist movement in 1810 was due in part to the Wesleyan Methodists movement away from this approach. Perhaps this misunderstanding is the result of the Author of the design and access statement confusing the date of construction. Further to that there is a clear picture in Robert Lidster's *Robin Hoods Bay and Fylingthorpe Through Time* that shows the rear of this building circa 1900 shown below.

It clearly shows that to the upper section there is a picket fence and a post and rail to the lower section. The lower one had been boarded over, presumably for the safety of the Sunday School children who used the area as a playground and to access their toilets, also shown in the picture. This shows that a simple approach was taken to the fencing, which is in keeping with this section of the conservation area and the early Methodist movement; and, when it was adapted (perhaps after the landslip), it was still done in a very 'makeshift' way which is also in keeping with the above. The fence looks far from new and can safely be assumed to be very early if not original in part.

The application states that

*PRECEDENTS There are many local examples of glazed balustrading in Robin Hoods Bay. - see attached photographs. Many of these are on domestic properties and this has been mentioned to the applicant in pre application discussions. The applicant would argue that if their use on domestic properties is justified, when the only need is to enhance the domestic owners visual appreciation of the views, surely a commercial property, trying to sustain the well being of a listed building has stronger justification for a limited amount of glazed*

### *balustrading*

This presumes that the justification of the use of glazed balustrades is based on private benefit, and therefore it should be justified here to maintain the listed building and that commercial properties have just as much a right to appreciate views. This is a flawed argument as it assumes the justification rather than a lack of harm. It further states that the need to maintain the listed building offers a stronger justification for the introduction of the glass, which implies that the other glass balustrades were not on listed buildings, and so potentially not as sensitive. Without knowing the other examples the application is referring to (as they were not included) it is impossible to say why it was suitable there and not in this instance. The justification given by the application mentions only private benefits. Any harm, even less than substantial, requires public benefit for justification as stated in the NPPF 2019.

I understand the desirability to improve views from the site and to make the site appear more 'upmarket' but unfortunately in this instance these proposals are not compatible with preserving the significance of either the listed building (its historical interest with the early Methodist movement) nor Robin Hoods Bay Conservation Area (and the significant characteristics it embodies at this location). As such it does not meet the test set out by the NPPF and it is with regret that I recommend it for refusal. Should the application be revised in line with these comments and those at pre-ap then I would be able to better support it for approval.

**From:** [Planning](#)  
**To:** [Planning](#)  
**Subject:** Comments on NYM/2020/0236/FL - Case Officer Mrs J Bastow - Received from Building Conservation at The Old Vicarage, Bondgate, Helmsley, York, YO62 5BP,  
**Date:** 11 May 2020 14:26:52

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Please see email to case officer

Comments made by Building Conservation of The Old Vicarage  
Bondgate  
Helmsley  
York  
YO62 5BP

Preferred Method of Contact is: Post

Comment Type is Object with comments  
Letter ID: 543252

**From:** [Planning](#)  
**To:** [Planning](#)  
**Subject:** Comments on NYM/2020/0236/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 16:26:16

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No Objections

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

Post

Comment Type is Comment  
Letter ID: 543249

Date: 01 May 2020  
Our ref: 315493  
Your ref: NYM/2020/0236/FL



Mrs J Bastow  
North York Moors National Park Authority

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

**BY EMAIL ONLY**

Dear Mrs Bastow

**Planning consultation: Application for removal of picket fencing and replacement with glazed balustrade and cast iron railings**  
**Location: The Old Chapel, Chapel Street, Robin Hoods Bay**

Thank you for your consultation on the above dated 24 April 2020 which was received by Natural England on 24 April 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.

**European sites**

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out.

**Sites of Special Scientific Interest**

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development.

## **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 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](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 [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

Dominic Rogers  
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).