

North York Moors National Park Authority

Plans list item 1, Planning Committee report 10 February 2022

Application reference number: NYM/2021/0647/FL

Development description: erection of 2 no. holiday lodges with associated access, parking and landscaping works

Site address: land south of Middlewood Farm Holiday Park, Middlewood Lane, Fylingthorpe

Parish: Fylingdales

Case officer: Mrs Hilary Saunders

Applicant: Mr David and R Islip, Hilda Cottage, Shell Hill, Robin Hoods Bay, Whitby, YO224SL

Agent: Venture Architectural, fao: Mr Richard Smallwood, The Elms, Manor View, Caunton, Newark, Caunton, Notts, NG23 6AW

Director of Planning's Recommendation

Approval subject to the following:

Condition(s)

Condition number	Condition code	Condition text
1	TIME01	The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2	PLAN02	The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved or in accordance with any minor variation thereof that may be approved by the Local Planning Authority.
3	WPDR12	Notwithstanding the provisions of Class B, Part 5 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, or any Order revoking and re-enacting that order, no development required by the conditions of a site license shall be permitted without the granting of planning permission by the Local Planning Authority.

Condition number	Condition code	Condition text
4	RSU000	The holiday lodges hereby approved shall not be used for residential purposes other than holiday letting purposes. For the purpose of this condition 'holiday letting' means letting to the same person, group of persons or family for period(s) not exceeding a total of 28 days in any one calendar year.
5	RSU000	The holiday lodges hereby permitted shall only be occupied whilst there is a comprehensive 24 hr, seven days a week local management contract in place. The owner/operators shall provide details of the management arrangement on request at all reasonable times to the Local Planning Authority. The managing company's contact details shall be physically displayed at the site for the local community's information.
6	GACS00	No external lighting shall be installed in the development hereby permitted until details of lighting have been submitted to and approved in writing by the Local Planning Authority (lighting will only be considered acceptable if it is of a style and luminance which minimises glare and light pollution with all bulbs shielded to prevent upward and minimise horizontal light spill).The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.
7	MATS19	The external surface of the roof of the building hereby permitted shall be coloured and thereafter maintained dark grey and shall be maintained in that condition in perpetuity unless otherwise be agreed in writing with the Local Planning Authority.
8	MATS00	The external elevations of the lodges hereby approved shall within three months of first being brought into use, be clad with timber boarding to be either dark stained or left to weather naturally and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
9	MATS44	All new window frames in the development hereby approved shall be coloured sage green or grey within six months of the date of installation and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
10	HWAY00	The development must not be brought into use until the access to the site has been set out and constructed in accordance with

Condition number	Condition code	Condition text
		<p>the ‘Specification for Housing and Industrial Estate Roads and Private Street Works’ published by the Local Highway Authority and the following requirements:</p> <p>The crossing of the highway verge must be constructed in accordance with the approved details and Standard Detail number E50A and the following requirements.</p> <ul style="list-style-type: none"> • Any gates or barriers must be erected off the highway verge and must not be able to swing over the existing highway. • Provision to prevent surface water from the site/plot discharging onto the existing highway must be constructed to prevent such discharges. • The final surfacing of any private access within one metre of the public highway must not contain any loose material that is capable of being drawn on to the existing public highway. <p>All works must accord with the approved details.</p>
11	HWAY00	<p>There must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) until full details of the following have been submitted to and approved in writing by the Local Planning Authority:</p> <ul style="list-style-type: none"> • Vehicular access <p>No part of the development must be brought into use until the vehicle access has been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.</p>
12	LNDS03	<p>No trees, shrubs, or hedges along the boundaries of the site shall be felled, uprooted, wilfully damaged, or destroyed, cut back, or removed without the prior written consent of the Local Planning Authority. Any work approved shall be carried out in accordance with British Standard 3998:2010 Tree Work - Recommendations. If any retained tree/hedge is removed, uprooted, destroyed, or dies within five years of the completion of the development, it shall be replaced with trees, shrubs or</p>

Condition number	Condition code	Condition text
		hedge plants of a similar size and species, unless the Local Planning Authority gives written consent to any variation.
13	LNDS05	<p>No work shall commence to clear the site in preparation for the development hereby permitted until a scheme which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site has been submitted to and approved in writing by the Local Planning Authority (herein after called the 'Tree Protection Scheme'). The scheme shall provide for a protection zone around each tree, hedge or shrub to be set out in accordance with guidance given in British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations and shall provide for the erection of protective fencing to consist of a secure vertical and horizontal framework of scaffolding supporting chestnut paling or chain link fencing no less than 1.3 metres in height (or of a specification to be agreed) to delineate each protection zone.</p> <p>No work including tree felling or pruning, demolition work, soil moving, temporary access or construction and/or widening or any operations involving the use of motorised vehicles or construction machinery shall commence on site in connection with the development until the protection works required by the Tree Protection Scheme have been fully installed in accordance with the approved details.</p> <p>No excavations for services, storage of materials or machinery, parking of vehicles, depositing or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as a Tree Protection Zone or otherwise protected in the approved Tree Protection Scheme.</p> <p>The protective fencing around each Tree Protection Zone shall not be removed or repositioned for the full duration of the development hereby approved without the prior written consent of the Local Planning Authority.</p>
14	MISC00	If the use of the holiday cabins hereby approved permanently ceases they shall be removed from the site within 12 months of that cessation and the site shall, as far as practical, be restored to its condition before development took place.

Informative(s)

Informative number	Informative code	Informative text
1	INF00	<p>Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's website:</p> <p>The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.</p>
2	MISCINF12	<p>Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured, or captured, while their nests and eggs are protected from being damaged, destroyed or taken. In addition, certain species such as the Barn Owl are included in Schedule 1 of the Act and are protected against disturbance while nesting and when they have dependent young. Offences against birds listed in Schedule 1 of the Wildlife and Countryside Act are subject to special penalties. An up-to-date list of the species in Schedule 1 is available from Natural England's website. Further information on wildlife legislation relating to birds can be found on the RSPB's website.</p> <p>If advice is needed, please contact the National Park Authority's Conservation Department on 01439 772700 or conservation@northyorkmoors.org.uk.</p>

Map showing application site



**North York Moors
National Park**

Application Number: NYM/2021/0647/FL

Scale: 1:1500



Context map showing application site



**North York Moors
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Scale: 1:5000

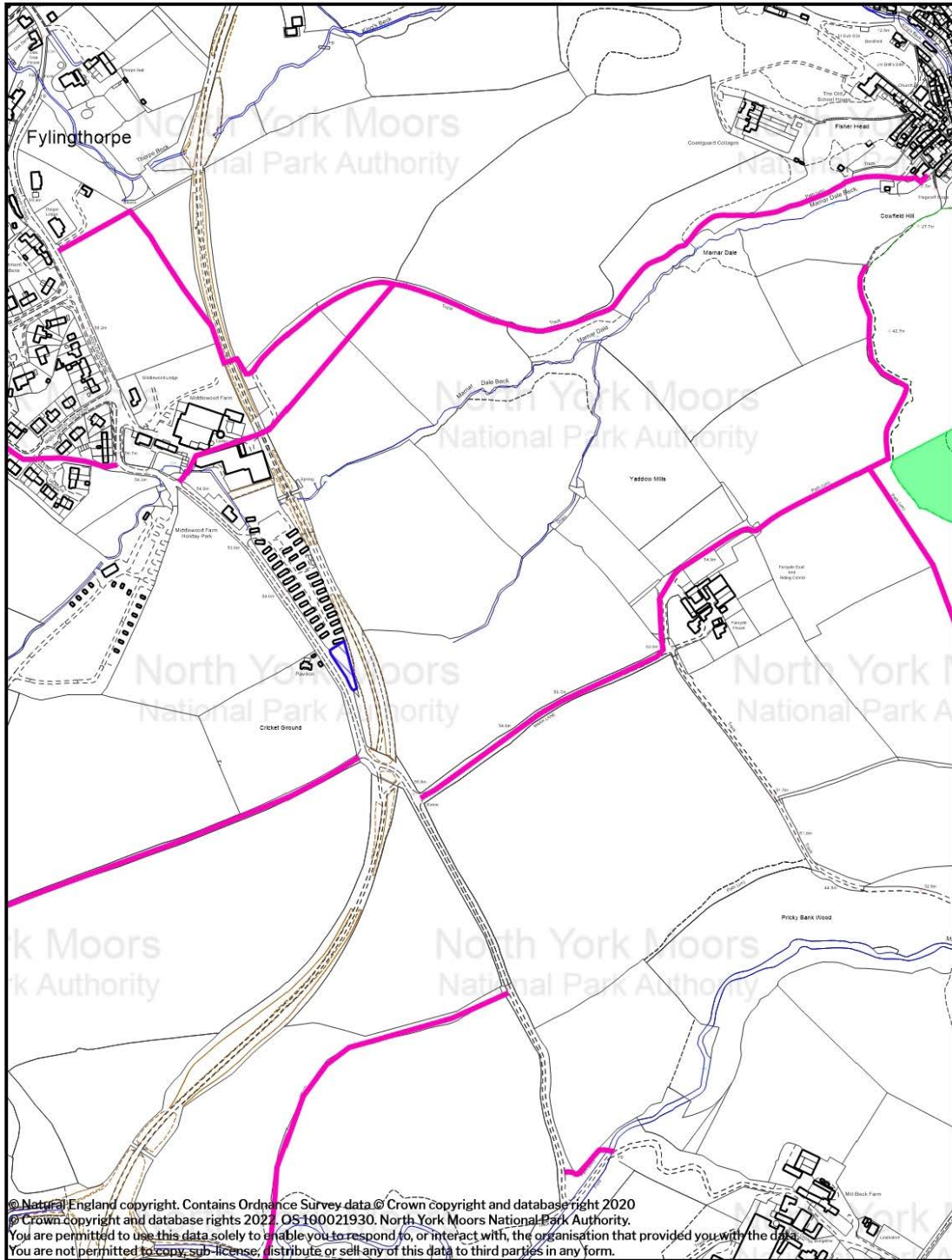


Photo showing location of site in wider context. Application site is on left hand side of road, just beyond the existing static caravans and opposite the cricket pavilion.



Photo showing access into site from Middlewood Lane.



Consultation responses

Parish

Parish Council would like to register its objections for the following reasons:

The increase in traffic this would bring to the area

Lack of services and facilities

Ecological disturbance to the proposed site

Highways

No objections subject to conditions.

Yorkshire Water

Have advised that Yorkshire Water wouldn't normally comment as the proposal is just for two units and foul water will be going to public sewer located in Middlewood Crescent, via the holiday park's existing private foul drains and surface water to soakaway, therefore there are no observation points to make.

Would also advise that if there are issues with the public sewerage infrastructure, this is an operational matter and not planning related issue, and those concerned should be contacting Yorkshire Water separately.

Environmental Health

No comments received.

Forestry Commission – Regulation

No comments received.

Police – Traffic

No comments received.

Third party responses

Fylingdales Football and Cricket Club

The hedges and trees around the site are an important part of the landscape; between 15 and 25 cars are parked out the Club on match days and three to six walkers' cars on other days, so their line of site on exit is difficult; the railway line makes the area liable to flood, sewage has to go to a septic tank.

Mr John Gilbert, Lindale, Manor Road, Robin Hoods Bay

Object on the following grounds: -

1. It is a development outside the village and into open countryside on a green field site.

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2. The screening hedges and trees are beyond the control of the site and could be removed leaving these buildings very prominent. The stand of Ash trees to the immediate south of the gateway have die back disease and will require cutting down as they overhang the highway. There are two good and healthy young oaks to the South of the site which I hope will not be affected by any works.
3. The site is an important 'bulge' refuge in the wildlife corridor which is the old railway line. This is a most important natural asset which with only three breaks (Ravenscar, Stainsacre and Robin Hoods Bay) runs for many miles from Burniston to Whitby. It is the only thicket/stand of trees for some hundreds of metres around. It is well used by birds and there is an Owl box on a tree towards the narrow south end of the site, Barn and Tawny Owls are both encountered in the vicinity. If the box is used owls would be disturbed by any development.
4. Despite timber cladding it is not sustainable development. It will come with a high carbon footprint. Tarmac surfaces are not in keeping, will damage the habitat (leaching) and also come with a high carbon footprint. There is already a massive supply of varied holiday accommodation in the parish, this development is not necessary.

Mrs Georgina Simpson, 18 Middlewood Close, Fylingthorpe

Object as there is enough holiday accommodation in Fylingthorpe and the surrounding area. This corner of Middlewood Lane is an area of peace and tranquillity enjoyed by many people. There are Static caravans next to the proposed site, but these have been in place for many years and help to support Middlewood Farm which is an integral part of the village. Highways say that a couple of extra cars will not make a difference, but it is this incremental approach which has got us to this point. It can always be claimed that two more cars won't make much difference, but they all add up. I note also that each lodge has two bedrooms. Are we really to believe that only one car per lodge will be down there? Please think about people who live in this village all the time and not just tourists.

Andrew Simpson, 18 Middlewood Close, Fylingthorpe

The applicant states no trees or hedges will be affected. Given that the site is covered in trees and vegetation - features which impose an air of tranquillity on the site and form most of its natural character I cannot understand how the applicant arrives at this answer. The applicant says this development should go ahead because it provides 'Covid secure accommodation'. How a holiday lodge is any more Covid secure than one of the multitudes of already established holiday cottages which dominate Robin Hood's Bay and progressively take over Fylingthorpe as well is not explained. This is new development on green land without in my view justification - precisely what I thought the National Park was set up to prevent. Doubtless it will fall into the chasm of 'one more little one won't hurt'. This is a real village with real people in it - not a holiday camp.

Additional comments 17/01/2022 - Now the applicant describes the hedgerows as being 'very important'. Apart from having shed their leaves I can't see what has changed. Also, the applicant refers to crushed stone foundations - does this improve the drainage?

The planning application says it is being made to be 'shown against planning policy UE2'. This states that all sites must be screened by existing topography, buildings or adequate well-established vegetation which is within the applicant's control and where arrangements for its long-term maintenance can be demonstrated. Is not the general thrust of this whole application that where there is vegetation the applicant is at pains to emphasise that it is not within their control? On this point alone there is more than enough justification to refuse permission.

The revised proposed management for these lodges is located 4.5 miles away the site of which itself can be described as isolated never mind its geographic relationship from the proposed development. In winter in particular transport can often be described as challenging - what then should there be an incident?

I am surprised that there has been no discussion regarding bats which appear to flit about at twilight all down the disused railway and areas such as woodland near Thorpe Hall. There appear to be Bats at Fylinghall and down Brocketts and the disused railway is an important conduit for such wildlife and should remain undisturbed in my view.

C. Miller, Meadow End, Fylingthorpe

Object. The applicants are not resident in Robin Hoods Bay, their property is a holiday cottage. This is not an application from a local resident, and therefore there will be nobody nearby to manage any situation should they arise, should that be noise, unsocial behaviour, or any disruptive anti-social event.

How is the Sewage proposed to be disposed of as the nearest sewage main pipe is at Middlewood Crescent, some 700 metres away and uphill, therefore would need to be pumped to the mains. This would require a substantial electric supply to be able to drive the Pump, not forgetting the two lodges themselves to be supplied. The main sewage pipe at Middlewood Crescent already overflows onto the road at peak flow times and has no further capacity available. There is no electric supply for 500 metres and no water supply for 500 metres. This small patch of land has been prone to flooding.

There is only room in this small plot of land for one car per lodge so the extra cars will park on the grass verge, eventually making a muddy mess of the verge.

This small plot of land is a haven of tranquillity for birds and particularly songbirds.

If permission is granted, then the first thing the applicants will do is to cut down the Trees and hedge adjacent to Middlewood Lane and in front of the Lodges, thereby removing the screening. There needs to be a planning condition attached to this application should it be granted.

Mrs Maria Fox, Church House, Church Lane, Fylingthorpe

Middlewood Farm Holiday Park already dominates this area of the village, which has reached traffic capacity. Any further tourist development will only exacerbate existing problems. Taking the view that 'it's only another two' is illogical.

Mr John Dunwell, Low Farm, Fylingdales

Distraction of wildlife corridor, further congestion to small lane and overlooking a playing field.

Mr Patrick Holdsworth, 3 Thorpe Lane, Robin Hoods Bay

The site is 100 yards outside village limits and uses land that was last used for growing potatoes.

With 3 very large camping/caravanning sites, several hundred holiday cottages, a large number of guesthouses and the ever increasing Air Band B, the Parish easily has enough tourist accommodation to provide for a strong tourist economy.

The lodges are the size of small bungalows.

They are in an area that floods, has no sewage connections and no electricity supply.

The NYMNP policy that small scale holiday accommodation should be allowed to support local businesses is not relevant. It means that farms can diversify, not the people who are resident in the Midlands can buy a plot of agricultural land and build accommodation on it.

The outside area of Black tarmac is hardly in keeping with this rural site.

The trees and hedges around the site are a very important part of the local landscape.

The area immediately outside is where all players and spectators for local Cricket and Football matches park; also it is the parking for many walkers, local and visitor, as this point is where the Cinder track and footpath Network interconnect. So usually there is no sightline.

Consultation expiry

1 October 2021

Background

The application site lies to south of the main built-up part of Middlewood Lane in Fylingthorpe and immediately bounds the southern boundary of the large static caravan site at Middlewood Farm. It also lies opposite the village cricket field and pavilion.

The site comprises an unused triangular area of grassland, bounded to the east and west by substantial hedged/treed boundaries. Beyond the eastern hedge/tree line is the Cinder Track cycle/footpath maintained by Scarborough Council and to the west by the highway verge of Middlewood Lane.

This application seeks full planning permission for the siting of two timber framed holiday lodges, comprising two bedrooms, bathroom, and open plan living room/dining/kitchen area.

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Each lodge would measure 10m in length x 6m in wide with a height to eaves of 2.5m and to the ridge of 3.6m in height. They would be of lightweight construction and clad externally with larch timber cladding with the roof clad with grey shingles or tiles.

The development would be served by a private drive access from Middlewood Lane into the site, in the location of the existing timber gated entrance, with one car parking space for each unit. The vehicular and pedestrian areas would be tarmacked, and bin storage would be provided on site.

It is proposed to maintain the existing hedgerows and trees, and the applicant's agent has advised that:

They have considered this aspect in some detail and have discussed with their Consulting engineers the best approach for the foundation design of the buildings and the proximity of any overhanging hedges or trees.

We approach the design on the basis of a 'no dig' method of constructing a foundation therefore minimising any potential impact on the existing hedgerows and trees as a result of intrusive excavation.

The two lodges as designed are low in character having a minimal eaves height and ridge height and as such most trees will be above that in height. With diligence and a mutual and combined degree of sympathetic working around what is there, we would all be able to benefit from a responsible approach to the concerns raised, to ensure the sustained retention of all of the existing trees and also the management of the very important hedgerows around this site.

Main issues

Local Plan

Strategic Policy G – Landscape - gives weight to the landscape impact of proposals and seeks to control the location, scale, and detailed design of any proposal to ensure the scheme respects and enhances the local landscape character type.

Strategic Policy J - Tourism and Recreation - seeks to support such development where it is consistent with the principles of sustainable tourism, does not lead to unacceptable harm to the local landscape character or an ecological or archaeological asset; provides opportunities for people to increase their awareness, understanding and enjoyment of the special qualities of the National Park; is of a quality, scale and design that takes into account and reflects the sensitivity of the local landscape; any accommodation is used only for short term holiday stays; it does not compromise the enjoyment of existing tourism and recreational facilities or Public Rights of Way.

Policy UE2 - Camping, Glamping, Caravans and Cabins – seeks to permit small scale holiday accommodation (such as tents, pods, yurts, teepees, shepherd huts, cabins, chalets, caravans and motorhomes etc.) where if in open countryside, is not isolated from an existing business or residential unit which will be used to manage the accommodation and is screened by existing topography, buildings or adequate well established

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vegetation which is within the applicant's control. The accommodation should avoid extensive alteration to ground levels, have a low environmental impact, does not lead to unacceptable harm in terms of noise and activity on the immediate area; does not detract from the character, tranquillity, or visual attractiveness of the area; and is of a high-quality design which complements its surroundings.

Strategic Policy H - Habitats, Wildlife, Biodiversity and Geodiversity - seeks to ensure the conservation, restoration and enhancement of habitats, wildlife, biodiversity, and geodiversity in the North York Moors National Park is given great weight in decision making.

Policy CO2 - Highways - only permits new development where it is of a scale which the adjacent road network has the capacity to serve without detriment to highway safety.

Material considerations

Suitability of location for siting of lodges

The intention of Policy UE2 is to allow for small scale and sensitively designed holiday accommodation in locations where it is not visually intrusive, to support local businesses and allow people to enjoy the special qualities of the National Park.

In this case, the site is extremely well screened by boundary planting, which the Highway Authority have advised is in the applicant's control as it is on the back edge of the Highway verge all of which is proposed to be retained.

Furthermore, it is considered that due to the location, immediately adjacent the existing large static caravan site business, which is not screened from Middlewood Lane, the proposed use of the site to provide two modest timber lodges would not be visually intrusive or out of character with the area and would not have an adverse impact on tranquillity.

However, it is stated within Policy UE2 that parcels of land isolated from the managing unit will not be considered to be suitable locations for development. This is in order to avoid both the development of isolated parcels of land away from other development but also to avoid issues of noise and disturbance arising. In this instance, the proposal does not meet this criteria, however, the applicants have secured the services of a local management company who have confirmed in writing that they will provide a 24/7 all hours of management service, so that anyone ringing out of hours can immediately be helped, and that there will be a sign on the driveway with the number so neighbours etc are able to contact them as well. It is considered that this would overcome concerns regarding potential noise nuisance being unresolved and can be conditioned as part of a planning permission.

Highway safety and traffic

Whilst the Highways Authority has recently objected to other development in this locality, this was in relation to long vehicles using this route which cause issues in the locality due to their size.

In this particular instance, the Highways Authority has advised that siting of two, two bed lodges would not result in significant intensification of traffic and adequate parking will be available on site. It is considered that the local roads can accommodate the proposed development.

Habitat and biodiversity

Whilst the development will result in the hard surfacing of part of this green triangle, it is proposed to retain all the boundary trees and hedgerow and the proposal is not considered likely to cause unacceptable harm to local biodiversity.

Conclusion

The proposals are considered to meet the aims of Strategic Policies G, J and H and Policies UE2 and CO2 and consequently, approval is recommended.

Pre-commencement conditions

Condition(s) 11 and 13 are pre-commencement conditions and have been agreed in writing with the applicant/agent.

Contribution to Management Plan objectives

Approval is considered likely to help meet Policies B1, B2, B3 and B4 which seek to increase visitor spend, improve opportunities for visiting the National Park outside the traditional peak seasons, specifically promote overnight accommodation and improve the quality and variety of tourism accommodation.

Explanation of how the Authority has worked positively with the applicant/agent

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and confirmed to the applicant/agent that the development is likely to improve the economic, social, and environmental conditions of the area.