

North York Moors National Park Authority

10 February 2022 Planning Committee members update sheet

Item 7(d), List of enforcement matters determined by the Director of Planning

Following on from the query at chairs briefing regarding case 16567 in respect of the Queen Catherine public house, Osmotherley officers can provide the additional clarity in respect of the closure of this enquiry. In conjunction with the Building Conservation team, officers advised that the removal of tarmac and resurfacing in either cobbles or paving would be welcome and would not require consent. As part of this work a French drain was installed and is being considered under application NYM/ 2019/0668/LB - Listed Building consent for installation of French drainage system together with the installation of replacement windows. Car parking spaces were reconfigured and although there was an overall loss and concern about the loss of disabled spaces was raised - this was a Highway matter that the Authority would not seek to intervene in. Highways were consulted however and raised no objections. The new paving resulted in the temporary loss of a small area of grass verge/green however this together with kerbing/dwarf wall was replaced as requested. The granite kerbing was chosen at the request of the Parish Council to replicate similar edging in the vicinity. With regards to the lighting issue the landowner agreed to remove every other light at the eaves level, and it is considered that this was not significantly harmful such that any enforcement action would be reasonable or proportionate. The historic blue sign remains unauthorised, but it is not presently considered that enforcement action is warranted bearing in mind the resources in available and bearing in mind that as a Listed Building if the sign is considered to be harmful in the future that as no immunity is accruing action could be taken at a later date if it was deemed necessary. There are currently no complaints in respect of the sign. It should be noted that there is a separate open enquiry relating to the brightness of the lights which are to be considered in conjunction with our lighting consultant.

Plans list

Item 1, NYM/2021/0647/FL

Mr Andrew Simpson of 18 Middlewood Close Fylingthorpe, Whitby has requested that his letter is available to see on the update sheet in full:

I note the comments added by the applicants dated 14 January 2022 and I confess to being a little puzzled.

As I pointed out in my correspondence dated 21 September 2021 when completing the application form the applicant indicated that there were no hedgerows or trees adjacent to the site which might be important to the local landscape character.

Now in the correspondence dated 14 January 2022 - apparently in answer to an email from yourselves - the content of which we are not aware - the hedgerows are now described by the applicants as being 'very important'.

Apart from having shed their leaves in the intervening weeks 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 appears to state that

In order to respect the sensitivity of the local landscape character type 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.

Forgive me for being awkward but 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? But within the area that is under their control they say there is no vegetation or none of any concern which can therefore be removed.

On this point alone I feel that there is more than enough justification to refuse permission particularly as the applicant appears to want to play it both ways.

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?

Finally on the subject of bats. 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 as someone else pointed out the disused railway is an important conduit for such wildlife and should remain undisturbed in my view.

Item 2, NYM/2021/0600/FL

The applicant's consulting engineer has submitted the following comments in response to Parish Council comments:

Overdevelopment on unstable land - By reference to the extant permission detailed on page 100 of the report, this proposal represents a reduction in the number of lodges. The landslip that occurred was in the south east corner of the site and has been rectified by gabions topped with a fence.

The development is visually unattractive - In visual terms it is argued that what is proposed is a more superior design than what is approved. Matters of design and visual appearance are very subjective.

The location is easily visible - The site can be seen, but so can its context which comprises car parks, existing lodges, and other buildings.

The lodges are of a significant size - Sections have been submitted which demonstrate that the larger lodges are to be positioned on the lower parts of the site. The committee report notes on page 101 that the increase in height of the larger units when compared to what is approved is 0.68m to eaves and 1.85 to ridge. Indicative landscaping is shown on the proposed site plan and condition 15 requires full details to be approved so it will be possible to ensure that the correct species of trees and type of shrub are used.

Inadequate parking - Each lodge will have two dedicated parking spaces, and on page, 98 the committee report notes that there are no objections from the Highway Authority.

The proposed development looks perfect for parties - Concerns about noise and disturbance can only be speculation which is not a planning matter. Excessive noise wherever it is occurring can be controlled through Environmental Health legislation.

The impact on local drainage and surface water would be detrimental - A fully detailed and surface water drainage plan supported by calculations and prepared by specialist consulting engineers has been lodged as a part of the application. This proposal includes attenuation.

Comments made in The Yorkshire Post

The Parish Council is quoted - "Trig's plan to bulldoze single storey barrack blocks, latrines and other buildings in Staithes to develop the area for holiday use could worsen the village's party destination issues".

Whilst buildings of those types may have been on the site none will be demolished by these applicants because they do not exist. There is only one building on the site, a partly constructed lodge no doubt associated with the extant permission.

The newspaper report also stated that the site is in a Conservation Area - it is not. It adjoins a boundary of a designated Conservation Area.

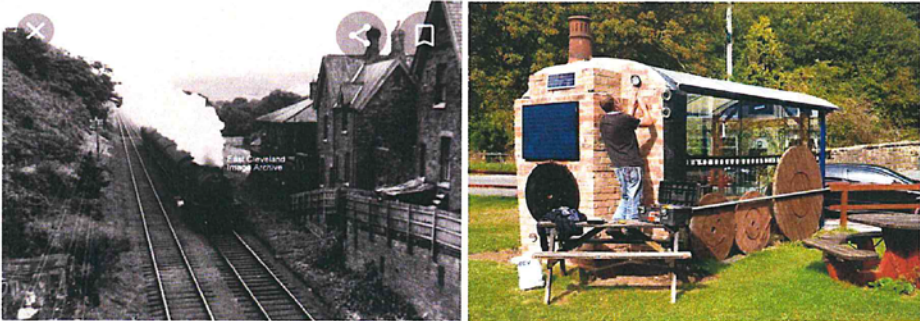
Item 3, NYM/2021/0722/FL

Lockwood Parish Council's Chair has written in to inform the Authority that the comments received represent the concerns of the residents of Slapewath and do not necessarily express the opinion of the whole of Lockwood Parish.

The applicant has submitted the following information in support of the application

Background

- The government is encouraging the public to change our vehicles to electric cars and with these changes, companies such as Nissan, Sunderland are developing electric cars and batteries are also being manufactured which is a major shift from batteries being imported. The prime minister is saying we are going to be the Saudi Arabia of wind generated electricity and the North East is leading towards this goal. Following this I was encouraged to purchase an electric car to do my little bit for the environment and help the country to achieve green net zero emissions. When petrol cars were first invented, the arrival of the fuel stations was inevitable. They were deemed even then to be unnecessary and not wanted but now they are everywhere, in the countryside towns and cities with many still existing in picturesque villages. However, one of the main issues I discovered is currently a lack of charging facilities while travelling.
- Running the Fox and Hound Hotel more and more customers are enquiring about EV charging facilities at the site before they make a reservation and to support my business I decided to have charging points installed, initially in the car park situated at the rear of the property. However, when the installation companies carried out a survey at the site for suitability they advised it would be very difficult to provide an electricity source in the rear car park and the best location is to provide installation at the front of the property on the now proposed area due to the transformer being based on this land. A very high voltage is needed to run the EV charging points. It's not like fitting a security light or an outdoor socket. At this point I decided it would be a good idea to provide an EV charging station similar to a fuel station but for electric. This would benefit not only the hotel customers but everyone travelling by on the busy A171 road, helping the people commuting and tourists travelling to the popular areas of Whitby, Scarborough and beyond. The local community will also benefit as not everyone has a charging facility at home, or they may not have an electric car themselves but may get a visitor driving an electric car. Another benefit to this project is the current businesses, Retriever Bar and Restaurant and The Chase Café are likely to have an increase of customers using their facilities to grab a meal and a drink while waiting for their electric car to charge.
- The existing structure resembling a steam engine was a recycling project created from a supermarket trolley shelter and other recycling sources. Solar panels are being used to charge the batteries for lighting. Many visitors have shown a lot of interest in this and have been seen taking pictures. This was placed there as the history of the location was once used as a coal storage depot servicing the steam engines that were used for the heavy industry in this area.



- This structure is currently not used for anything, but the plan is to use it for charging electric bikes. It is waterproof and visible to all with lockable points meaning customers will be more relaxed leaving their E Bikes securely to charge unattended as they are very expensive. We are on the North York Moors Cycleway, with the national route 168 running directly past our premises. It has come to my attention more and more customers are using E Bikes. Below is a supporting comment to my plan for the E Bike chargers.

"Hi Abid,

It was really nice to meet you and hear about your plans to further enhance the growing Electric car and Electric cycling revolution by providing charging points at your location. As an E mountain biker, I wholeheartedly support your ambitions. The idea that I can charge my bike while I indulge in a snack and a coffee is very appealing and also very forward thinking. The more businesses can do to attract potential customers by providing such services can only be beneficial for everybody.

I would also like to point out that your location is ideally placed to benefit from offering charging facilities as route 168 of the National Cycle Network runs directly past your premises. I've included a photograph for your attention. I wish you every success in your aspirations. Best wishes Ryan Williamson"



Location

- Historic image of Slapewath, at this time there was a mine on the proposed land in the plans. With the cottages in the background which the railway line ran behind. On the right is the Fox and Hound Inn





- This image shows the 5 cottages, immediately in front of them is the main busy road A171. Across the road is Morgans Salvage Yard



- This image shows the property known as Moorend next to the A171, directly behind is CJ Leonards, A T & P Rentals, Synergy Scaffolding and Skelton Coaches. All heavy industrial businesses

← K9 Boarding Services →

Home Services Reviews Photos Video

Moorend, Slapewath,
 TS14 6PX
 Guisborough [GET DIRECTIONS](#)

★ Rating: 4.6 (10 reviews)

📍 22 people checked in here

✉ Send message

🕒 Closed now 08:00 - 18:00

📌 Dog Breeding and Canine Services

📌 Licenced, Veterinary Inspected and Insured Dog Breeders and Canine Services

💰 Price range - £

🏠 Dog breeder - Kennel

Also the Moorend is used to operate another business, K9 dog boarding kennels and breeding

- In between this property and the proposed land is trees, a bridge with a stream running underneath



- At the bottom right corner of the left image, you can see the shadow of the transformer, the top of the image is where the car park is located, to get electric at the rear car park would be a major construction project and very expensive



- This image shows next to the electricity transformer the sheltered seating area which would be demolished and replaced with a kiosk, away from the road, the residents cottages. Cladded with timber and made to blend in with the surroundings (trees)
- No trees or bushes would be removed, and leaving a substantial seating and play area
- Turf mesh would be used for the 6 parking spaces
- Low level LED lighting at the charging points and pathway, with PIR sensors

Objections

In the planning application it has been worded using kiosk/café, I believe when Julie Iseton who runs The Chase Café and also lives at the property known as Moorend next to the busy road A171, has read this she has got worried as she states "The kiosk will be direct competition for my business which may lead to a loss of business therefore a need to reduce the number of staff I employ due to a downturn in business as the tourists and walkers may choose the cheaper takeaway option" her staff member also for The Chase Café, Lily Quinn states "One of the reasons I object is because this would have the potential to threaten my employment status. The café kiosk would serve similar dishes and drinks as our café, but at a more convenient level due to it being quick service. This could be more appealing to customers." My answer to these comments, it is good for the public to have a choice, if a person cannot afford the cost of your cup of coffee why should we deny them a less expensive cup of coffee and if your service is slow then why should a customer in a hurry be at a disadvantage. Customers have both a variety and a choice of many places. But the reality is, the customers using the EV charging station can't be in a hurry as it takes between half an hour to an hour to get a substantial charge and I believe they will use the facilities of the existing businesses The Chase Café and Retriever Bar and Restaurant. I am not taking away business from them I am bringing extra business to them. But at the same time providing the EV charging station customers facilities to use out of hours of the existing businesses. My understanding of Julies panic about this application, she has gone on a campaign approaching the residents of Slapewath Cottages, staff at The Chase Café employed by herself and others. After reading all the comments and objections there all of a similar concern and nature, so I will try and address some of these point by point as best as I can.

I don't want to make life difficult for anyone and definitely not for my neighbours who I have to see from time to time, I have spent lots of time and money creating a seating and play area on my garden enclosed with a surrounding fence, adding planters integrated within the fence containing wildflowers, adding seats in at the top for walkers on the Cleveland Way to rest. A litter bin was installed on my land by the council at a request as there was an issue with litter that needed to be dealt with. It saddens me some of the neighbours negative comments about this area as when it was finished, I invited all my neighbours to a barbecue and a drink in my garden, most attended and it gave me an opportunity to say that they are welcome to use this space when they want to. However, the main beneficiary for the space has been The Chase Café and Retriever Bar and Restaurant. During the Covid, outdoor seating was encouraged by the government and this space was very busy, that pleased me that my hard work paid off not gaining anything myself, but the two businesses were successful as all customers were using this area.

Fox and Hound Hotel is situated a further distance from the A171 than the cottages as well as Moorend, this property sits next to the A171 at one of the entrances to the village and as I am writing this, I can hear the traffic, heavy goods lorries, buses, vans, trucks and cars driving past fast on this busy road so if I can hear this noise, being further away the objectors must hear it a lot more.

Electric vehicles have no engine, (exception if a Hybrid vehicle usually charged at home) no fumes and make no noise, yet they live next to the busiest road in this area. Another comment made with regards to noise from Julie Iseton of Moorend, as she stated "drawn to its special qualities which defines its uniqueness character and appearance, almost remote, surrounded by wonderful countryside which acts as a carbon store, experiencing peace and quiet and the enjoyment of dark skies at night" As you can see in the image above I have pointed out the location of Moorend and K9 dog boarding services ran from this property, being so close right next to Fox and Hound Hotel we can hear ourselves and have received many complaints from guests about noise of dogs barking and

howling at all hours day and night. So, when they got planning permission for kennels to run this business, is noise not considered here with the neighbours and surrounding businesses. I also don't believe that an electric vehicle driver is more likely to be a criminal, a drug user, and a litter thrower nuisance any more than a petrol/diesel driven vehicle owner who come to our businesses and area everyday.

Nearly all the objectors have suggested to use the rear car park due to a worry of increased traffic passing through, but to get to the rear car park traffic will still pass through. If I install EV charging points in the car park, spaces will be limited meaning more vehicles will park on the street causing more congestion.

After finding out Mr Kay is heading a project to provide 8 parking spaces approximately 800 yards from me at Charltons using taxpayers money. I was happy about this as it is helping the residents. However, I wanted to know how he dealt with the concern of wildlife and green space there, which for him was a concern about my project. So, I spoke to this lady Lyndsey Stewart from Redcar and Cleveland Council, and she kindly gave me information how to create spaces without damaging the green and wildlife. We don't intend to remove any hedges or trees with only the grass area being affected but by using the Turf Mesh this will be saved. While Mr Kays project is only serving the residents of the village, my project is for everyones use. So, following the same materials and thoughts as Mr Kay, he should be happy with this.

Message to the planning committee

It is in your hands to give a small businessman an opportunity to give the community in this area the first EV charging station. One of the objectors has said "In the longer term we would likely hope to see an increase in demand, but we will also inevitably see greater uptake of charging points by large businesses in the region, for example supermarkets"

Why can't the small local businesses be given this opportunity, why do we have to wait for the giants whos first goal is profit. The investment this project will take I will never see the return in my lifetime. One fast charger to install costs over £50000.00, therefore there has been no rush for the installation all over by large companies. You do see the odd charger in supermarket car parks and the odd fuel station but if the charging point is occupied you either wait or look further if you have enough charge.

This location being the busiest road in the area will benefit the current electric vehicle users and encourage many more people in the future to go electric. This is the future, moving with the times as things are changing.

If I am not granted permission, financially I will be better off. I have spent thousands creating this area and thousands to maintain, cutting the grass, maintaining equipment, gardening, painting etc. I won't need to continue doing this as the area will become out of use for the public.

I will have no alternative but to install slow charging points in my rear car park as the fast chargers can only be installed at the front where the main transformer is, they take a very a long time to charge a vehicle and a lot more space is needed as they won't be in and out quickly leaving no option but for other vehicles to park on the public road.

The planning officer has had a response from all the appropriate authorities who have been informed about this planning application and have no objections, but the planning officer Megan

O'Mara will be recommending refusal due to the guidelines which I don't understand, I only understand common sense. Many local people are happy to see this go ahead but on the other hand the objectors are The Chase Café and staff, the 6 neighbours and relatives all instigated by the owner of The Chase Café, occupier of Moorend.

Outside of this circle, most people see the common sense and support my application. One day you or your children will be driving an electric car.

Electric is the future!

Thank you to the committee for taking the time to read my thoughts and for your consideration

Abid Hussain



- Different groups of walkers and visitors arrive on a regular basis, leaving their cars in our car park
- The car park is intended for customer parking only. However, as these groups use the car park free of charge, they leave customers struggling for spaces



- As you can see, they are leaving our car park



- Passing our businesses and heading off for a walk, taking advantage of our car park

I am showing you this to prove the car park is already well used, sometimes struggling for spaces

The applicant’s agent has submitted the following additional information in support of the application



F.A.O MISS MEGAN O'MARA / PLANNING COMMITTEE FEB 2022

RE :- CREATION OF NEW KIOSK AND RECHARGING STATION FOR CARS AND CYCLES INCLUDING CAR PARK AREA, REVISED PLAY AREA AND SEATING AREAS TO SUIT.

I wish to draw your attention to a number of points raised in the Officers report regarding this application.

First of all, the comment regarding Strategic Policy C, in which we have proposed timber cladding to the kiosk, this was chosen to provide a subtle material finish, stained to blend in with the trees behind it, but there is no objection from the client to use different materials for walls and roof finishes, but, unfortunately no discussion was offered with regards this as highlighted in the conclusion of the officers report.

In addition to the wall finishes – the block paved areas for the car park spaces can easily be replaced with a 'grasscrete' type products to maintain the greenery, matching the 8 parking spaces just approved further along the main road. We feel a decision was made before alternatives were even considered.

Secondly the comments relating to Policy BL8 where this new proposal is ancillary to the hotel and will be used by visiting guests etc. – typically Golfers or Ramblers, who use the Hotel as a base, most of these guests will have left in the morning before 9.a.m for booked green times, or set off walking and hence the kiosk will provide those early morning refreshments prior to the Café which does not open until at least 9 am. Providing electric charging points for those guests will actually reduce the fuel driven traffic and the engine noise thus benefiting the local residents

The comment regarding the Kiosk being run independently from the Hotel is not correct. It will be staffed by hotel staff, when in use, as it is not proposed to be a 24hr facility. Most of the users will be the guests themselves from the Hotel, or during the daytime will be visitors to the restaurant or café, thus no direct effect on those businesses, and as commented in a letter of support from the cyclist's club, a very useful facility, as the site is on designated cycle routes.

Design of development statements can be easily overcome. As previously discussed, the block paving can be replaced with a grasscrete type product subject to local authority approval, thus maintaining the green space, which incidentally, was an untidy area until my client purchased the Hotel and carried out, at some expense the landscaping, clearing etc and fencing to create this safe play area etc, in the first place. Prior to all that work been done it was an untidy area providing nothing to the local businesses and adjacent dwellings. All have benefitted from this area and made use of it since



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DOMESTIC & COMMERCIAL ARCHITECTURAL PLANS

The loss of some grass ground is not deemed to affect the local wildlife and biodiversity so we do not agree at all with comment. Please advise on how this would be the case.

The position of the Kiosk needs to be adjacent the main electricity post supply due to the supply required as dictated by Statutory suppliers and no high voltage supply could be provided for the client at the rear of the Hotel, as several complaining residents have suggested, and only a low power supply is possible, meaning several overnight chargers is possible at best, in this location.

We dispute the creation of the car park spaces would result in loss of amenity space. It would in fact allow for some more formal car park arrangements to be established with more defined areas, including at the rear of the Hotel, whereas currently visitors just park randomly around the green exterior fence and where any other space exists. A more formal car parking plan could be agreed with the local authorities Highways department to create this improved facility and relieve any overflow heading towards the local dwellings.

Other points of objections, such as light pollution can easily be resolved by placing low wattage ground lighting in the embankment facing away from the dwellings, thus removing the glare of any lighting, same design principal can be applied to the Kiosk itself and therefore can be overcome. The design of the Kiosk with its materials, finishes, etc can be easily revised, but no opportunity was given to consider these items. We feel a decision was made early on and no offer to solutions were presented, other than stick it all around the back of the Hotel – which as highlighted cannot be serviced by the Statutory Authorities.

In conclusion we therefore ask for some thoughtful reconsideration of the officer's recommendations and the ability to reach a possible agreed scheme to be found that suites all parties.

Yours faithfully,

GARRY PHILLIPSON
GPDESIGNS ARCHITECTURAL SERVICES LTD



Architectural Design Awards 2010 - Award Winner

12 Chestnut Avenue, Redcar, Cleveland TS10 3PB

Refusal Reason 1:

Strategic Policy C and Authority's Design Guide "The Café/kiosk building, and the bike charging shelter would have a harmful visual impact on the surrounding area" I understand that there are concerns affiliated with the visual aspect of the proposed application and have designed the kiosk with this in mind. The kiosk's design includes timber cladding which can be tinted to blend in with its natural environment. Big companies such as Buro Happold promote the use of timber for this very reason. Not only does it contribute to the visual environment with its aesthetic qualities, but it also absorbs CO2 emissions, increasing its efficiency. Another concern is light and noise pollution. I can ensure that this has also been considered. Firstly, the charging station will operate from 7am and the last plug in will be 10pm, unless the user is a hotel guest and in that case the vehicle can be left overnight. The pubs closing time is already 11:20pm and therefore there will be no additional noise and light pollution beyond what already exists at such times therefore the local area is not being disturbed by the proposed plan. Additionally, the charging station will have LED lighting with PIR sensors which will further ensure there is no unnecessary light pollution, and the windows and glass will be tinted to avoid light pollution from inside the kiosk disturbing its external environment. The tinted glass will also contribute to the aesthetic qualities of the kiosk. Furthermore, there have also been concerns regarding disruption to the natural environment. I am adamant that no trees will be removed. Mesh turf could be used, instead of block paving to ensure that there is little loss of greenery and grass. Miss O'Mara has also expressed a dislike of the bicycle charging shelter due to its recycled nature. The bicycle shelter already exists and so it will not be causing any changes visually to what is already present apart from the addition of charging ports within it. However, if the shelter is too disruptive it can be taken down and the bicycle chargers could be installed elsewhere as they do not require a power source, as strong. Most objectors have commented on the car park area of the Fox and Hound Hotel and have suggested the charging station to be there. However, as stated in the original proposal this is not possible due to where the power supply is located. The area chosen has been chosen for this very reason and not to cause a hinderance to the locals.

Refusal Reason 2:

There seems to have been some misunderstanding regarding the independence of the kiosk. The proposed application is not intended to be a new business, it is simply an addition to the pre-existing businesses especially the Fox and Hound Hotel. As Christina Hauxwell has stated in her statement, guests frequently have asked her if there are charging facilities for electric vehicles on site. It will also benefit the Fox and Hound customers as they will be able to have an on-the-go breakfast if leaving before the Chase Café opens at 9am. Additionally, the kiosk facilities are not intended to compete with the Chase or Retriever Bar, it is simply intended for convenience when the other businesses may not be available. Just like a petrol station offering a Costa coffee machine is not intended to compete with a Costa Café. Miss O'Mara has also commented on the outdoor seating area being used by the Retriever Bar customers but has failed to mention that the Chase Café's customers do use this area just as much as the Retriever Bar customers. Especially during the Pandemic when outdoor seating was strongly encouraged. I completely acknowledge the importance of the outdoor seating area since I was the one who put the time, effort and money into developing it for all three businesses to use; hotel, bar and café

Third Party Responses

Miss O'Mara also seems to have listed comments from the objectors but has failed to address the comments in support of the proposal as well as being consistently negative with no compromise. She realises this is for the use of the hotel and this is why she has recommended for us to use the car

park at the rear of the property, but to help support her own refusal she is treating this as a new business.

Some comments offering support:

"As a disabled person who relies heavily on a motor vehicle, I have been looking at getting an electric vehicle. This is to help with economic value to myself and also to reduce my carbon footprint within the world we live. One of the major stumbling blocks that has kept me reserved from investing in an electric motor vehicle is the lack of charging points local to me. Being in Lingdale, there isn't any local to me which has stopped me from investing in an electric vehicle. But as a local I am in FULL support of this planning application..." Mr Arthur Rix

"Great idea. Perfect Location. Easy access. Great for the environment and will help people travelling the a171 we have a pit stop" Marie O'Neil

"The idea of an area to electrically charge cars is extremely ideal for the area and as a former student from prior college I believe it will be a great help to the area in terms of commerce. Also, the idea of promoting renewable energy is ideal and fits in with the surrounding rural area. Will be a great asset to Guisborough and the North Yorkshire Moors" Bilal Ali

"I love electric cars so having a charging port here is great as there are no others in the area. It allows you to travel to Whitby as well as other great locations in the area. It is a great addition to an already fantastic place and I'm sure it will be extremely beneficial going forward!" Lewis Rogers

"I think it will be very good for the local community as it will encourage people to buy electric cars as this is the future and much better for a greener earth. There is also a lot of greenery in this area therefore we'll help the environment. Also, the fox and hounds is a perfect location." Kayleigh Reddington

"...Therefore, the encouragement of electric vehicles is something I whole heartedly agree with. With that being said, I also acknowledge that with the growth of the electric motor industry, there is an increased need for charging stations which is why I believe the charging station with a kiosk will be a privilege to have in the northeast and show a true commitment to the cause that is global warming. Furthermore, the addition of the kiosk along with the charging station, to me, means that we are not losing the convenience that is offered at petrol stations, which will be another encouraging factor in the promotion of electric motors. One off-putting aspect of electric charging is the wait. But with the facilities offered this is less of a problem as we can entertain ourselves while getting refreshments and making use of the Wi-Fi and bathroom Facilities." Miss Zara Hussain

"Great location for this electric charging station as I stay here often when seeing family also now owning an electric car it's put my mind at rest knowing my car will be charged as this now the future. Great idea well done" Daniel Nicholson

"This is amazing news to the local area. There isn't any local charging points close by, to the likes of Lingdale etc, and this would be brilliant if this was passed. It is on the main road link to the likes of Middlesbrough one way, all the way to Whitby the opposite way. To be able to call in and grab a drink and or bite to eat whilst been able to charge your car would be a superb addition to the area. Surely a more local charging station like the one proposed in the area it is has simply got to be a YES?! Anything to help encourage people to go electric and cut carbon emissions where vehicles see concerned, it has to be a YES. I am in complete support of this and think it can only be a very welcome and NEEDED addition to a rural area that has a VERY major route running through it, it will be an asset to the area." Jodie Brown

"The petrol and diesel engines are finishing and electric cars are the future but I don't see any electric charging stations anywhere. This is the first one I have heard of personally. The A171 is the gateway to most tourist destination in this area and used by the local people. Having an EV charging station on this route just makes sense. A lovely pub and café and other facilities in the kiosk makes it even more appealing." K Metcalf

"Fantastic news is this, just what is needed for the area. Firstly, we have a manufacturing car company that makes electric cars, the north east is leading the way in producing these vehicles, just when we were the leader in making steel on Teesside. This is an ideal location for tourists also, its on the main road and strangers coming to the area heading to Whitby will also find this ideal as well. My friend has an electric car and she finds it difficult to find a charging point, she isn't from the area. We have had a climate change conference in Scotland, so its green and will help with the climate problems that the world is facing. The local authority should also be applauding this it is a win win for everybody. I cannot see what the problem with this is, it certainly wouldn't cause any adverse problems with the current traffic flow. Electric cars are quiet and don't cause any noise, like a standard car does, no oil would come from the engine therefore no oil on the road that could cause an accident. Anyone with an ounce of common sense would welcome this." Derek Wall

"I think it's a very good idea to have this as it will be ideal for me to be able to charge my car whilst attending the college nearby. It's also very easy access which I think would be beneficial for me as I wouldn't need to travel far to find somewhere to charge my car as I struggle to find somewhere of short distance from the college." Saneaah Mahmood

"I have no objection to this, currently working at the Fox and Hound Hotel I believe this will be a great asset to both the current businesses and the public. It will provide a good service and help the guests staying at the hotel as they will have somewhere on site to charge their electric car. This being one of the questions I get asked quite frequently by guests booking to stay with us. The hotel guests will also benefit from the self serve food area, especially the early risers as The Chase opens for breakfast at 9am so this will be excellent for them as well as the passing walkers and other people travelling to work. The customers of both the bar and restaurant and the cafe already located at the site will also have advantage of the use of the EV charger, helping these businesses too during opening hours. With this being located so close to the A171 the main road to Whitby it will create an excellent service station stop off for everyone either to use the EV charging facility, the toilet or grab some food and a drink. Especially in the out of hours of the current businesses. The local residents of Slapewath and surrounding villages can also take advantage of this facility on their doorstep as well as any visitors they get. As time goes on more and more people will have electric vehicles and the demand of a charging facility will be greater." Christina Hauxwell

A supporting email from an E Biker, in support of our application.

"Hi Abid,

It was really nice to meet you and hear about your plans to further enhance the growing Electric car and Electric cycling revolution by providing charging points at your location. As an E mountain biker I wholeheartedly support your ambitions. The idea that I can charge my bike while I indulge in a snack and a coffee is very appealing and also very forward thinking. The more businesses can do to attract potential customers by providing such services can only be beneficial for everybody.

I would also like to point out that your location is ideally placed to benefit from offering charging facilities as route 168 of the National Cycle Network runs directly past your premises. I've included a photograph for your attention.

I wish you every success in your aspirations.

Best wishes
Ryan Williamson.”

I have knowledge that Julie Iseton of Moorend, Slapewath has printed all the documents, putting together a package and has gone knocking on doors rallying support and giving instructions on how to object. However, it is noted Miss O’Mara has commented that a relative of mine has solicited support through Instagram. I don’t use this social network platform myself and have no knowledge of this but if you can provide me with further information of where this has come from and if this is wrong and you cannot ask people to support an application on social media, then I am deeply sorry and will not accept the support of anyone who supports illegally. Please disregard any comments you feel have been illegally solicited.

I have now provided you with a lot of information at every opportunity I have been given, I believe I have covered everything the best I can and know I have repeated myself many times, this I apologise for. However, I just want to make sure you understand I am trying to do good for the environment, for the community and mainly for the existing businesses. Not to hurt wildlife or the green space. I didn’t dream that I would get so many obstacles and negativity, I thought everyone would be pleased with this project as it benefits all. I expected a little help from the planning officer as they are more knowledgeable than myself but unfortunately no help or guidance has been given. Although there has still been some positivity after the public have read about my struggle in the media, many many strangers have wished me luck and applaud what I am trying to do.

Thank you

A Hussain

Item 4, NYM/2021/0820/FL

Mr McCosh has written in to reiterate previous comments submitted during the initial public consultation.

I would be grateful if you can kindly circulate my concerns regarding the above application for consideration by the planning committee.

As neighbours we strongly object to the following consequences of this development which is having a very detrimental impact on our quality of life.

The problems are:

- Noise from visiting guests travels over the party wall at the side of our garden and from the converted outbuildings at the rear of our garden.
- Invasion of our privacy. Guests look out of windows and over the party wall into our garden which was not previously overlooked.
- Overdevelopment of bed & breakfast business in a small farming village with regard to two developed annexes plus rental rooms in the house. There should not be a hospitality business run from this property because it contravenes a covenant which was on the house when purchased.
- Inadequate parking facilities to meet the needs of the expanded accommodation. There are already serious issues with village parking, particularly in summer because visitor numbers to Kildale have greatly increased.

Parking on the road, along Station Road and the main road through the village has become congested in the summer, when pedestrians (sometimes with pushchairs) have to walk in the road because cars park on the village walkway so as not to completely block the highway and many cars do exceed the 30mph speed limit. We appreciate highways have submitted no comments with respect to these issues, so we have to assume they have not evaluated the situation during the summer months.

Local businesses struggle to get large vehicles past obstructive cars that have narrowed the road.

Contravenes policy C017 - Does not adversely affect the residential amenity of neighbouring occupiers – as direct neighbours we are affected as above.

We also have concerns for the future, due to applicant's historical breaches of consent.

- Applied for consent to build a stone stable - passed, however the stable was built out of specification (larger than should have been). At a planning site visit, planning enforcement recommended the stable be corrected or knocked down. Planning officer then went on maternity leave and no further action taken.
- Dry lining of inner walls on Listed Building without planning application.

- 30ft x 10 ft approx. wooden stable built in garden with concrete base without planning application. North York Moors National Park Authority (NYMNPA) notified. Retrospective planning applied for and passed.
- Application to convert stable to photo studio. We highlighted to NYMNPA the intended use was to be for living accommodation, authority passed studio with condition that it is not to be used for living accommodation.
- Photo gallery/studio never materialised but fitted out for living accommodation, including the self-installation of stove and flue without planning permission. NYMNPA condition breached. NYMNPA notified. Retrospective planning applied to turn into living accommodation. Planning passed with the condition that it may only be used for family use and the flue to be painted in line with the surroundings.
- The condition laid down by NYMNPA was breached when the stable annexe was advertised on Airbnb website and guests arrive regularly throughout the summer. The flue remains unpainted. NYMNPA were notified, and retrospective planning permission applied for to be used for business use.
- Door canopy has been fitted to front of house, planning applied for post installation.

We don't understand why all of these breaches are not taken into consideration.

As you can see there is a historical pattern, and we believe a covert plan to expand the business – carry out work and then apply for retrospective permission. Is this now the best way to gain planning permission?

Additional Information

The applicant has written in further with the following information:

- We have not blocked up the rooflight, nor do we intend to, and this is unrelated to the building we are talking about.
- The actual stable this relates to had an original south-facing window opening into the garden of Glebe Cottage. See photo labelled stable window.
- The rooflight is from what was the hayloft it also has a small window opening into the Glebe Cottage Garden originally see picture called window hayloft.
- We have blocked both of these to give him a level of privacy. He puts a shed against it, but we are happy to reinstate the window in the stable if the Planning Authority deems this necessary and can assure us we will be able to access, use and open this window.

Item 5, NYM/2021/0175/FL

The agent has submitted a statement in support of the application, in brief they draw attention to the fact that Members asked officers to discuss an alternative design for the extension. The applicants have agreed to omit the 'wraparound feature' and have agreed to contemporary materials/design to reduce its bulk. However, officers have not

moved on the placing of the extension on the side elevation, saying it must be on the rear. Feel this is not within the spirit of what Members advised officers to do and request the current revised side extension to be approved.

Construction of Single Storey Side Extension

2 Railway Cottages, Goathland,
YO22 5NJ

Update following Committee Presentation
22nd July 2021



bhd
partnership

Address: Airy Hill Manor, Whitby, North Yorkshire YO21 1QB

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1.0 Committee Presentation

The application submitted to committee was illustrated on drawing D12028-05C. It presented a stone and tiled construction, which extended to the side elevation and also wrapped around to the rear elevation of the property.

The orientation of elevations is not usual in that it was built with the front facing a former railway line to the east. The 'side' elevation where the majority of the extension was proposed, is the elevation furthest away from the road.

For the committee we provided a short list of points which we felt were appropriate, as our previous letter offering to negotiate on the design was not responded to. We also pointed out that in our opinion and experience it was very unusual to prevent a non-designated heritage asset from being extended in any way, which seemed to be officer's stance.

We also felt it was important to confirm that we understood the relevance of the 'front' being the elevation facing the former railway line and had set the extension back to ensure the outline of the main elevation was not interrupted.

During presentation and consideration of the application, we believe the committee requested that officers continue to liaise with the applicant's agent to look at an alternative design.

2.0 Post Committee

We received a letter from officers on the 10th August 2021.

This was a generally positive correspondence which stated that the 'wrap around' element of the scheme was not appropriate "but on a more positive (note) it felt there was scope for some sort of extension"

The letter further guided us to provide something more modern using contrasting materials and be subservient to the host building. It was as we expected, dialog and guidance on a redesigned extension to the north elevation. This letter is attached for reference.

We subsequently did submit an alternative, changing materials and colours but retaining the wrap around element. Officers responded re-iterating that this wrap around element must go but confirming that progress had been made and encouraging an amendment to be provided.

Our clients agreed to this and a design limited to the side (north) elevation was produced and submitted to officers on the 29/11/2021.

The new pallet of materials was kept to provide the contrast to the existing building as stipulated.

Following this, on the 6th December 2021, we received an email giving no advice or comment on the design but withdrawing any support and suggesting permitted development as the only route. The email also seems to suggest differences between the 'Planning' and 'Heritage' front elevations, email attached.

There has been no confusion or difference between Planning and 'Heritage' front elevations. The original letter, the conservation officers' comments, already noted that the east facing the former rail line was the front.

This has been respected in our design with the extension set back and the original buttress, which forms the end of the front elevation, left untouched.

The email received on the 6th December seemed to be a 'U turn'.

3.0 Current Presentation

We are therefore asking for you to consider the design shown on drg. D12028-05H, which is the result of negotiation with officers.

This limits the extension to the north elevation as required and uses contrasting materials to the original building.

Specifically, the materials are: -

- Slate roof
- Render to most of the walls
- Black steel framed windows
- Stone base to walls

Whilst different to the original, the slate and stone give a very strong tie to the traditional setting but leaving the observer with no doubt that it is an extension.

This is the same when viewing the front (east) elevation. The extension is both subservient and set back to protect the G T Andrews original concept.

4.0 Conclusion

We believe that the design follows the directive given by committee for officers to engage in liaison to agree an acceptable outcome for all.

Also that at the time there was no doubt the extension would be on the north elevation but specifically without the wrap-around.

In our opinion officers were correct when encouraging us to provide alternatives but that their subsequent view that no extension apart from permitted development is possible, was a 'U' turn and at odds with committee guidance.

We respectfully request that you support our client's proposal and allow its construction, recognising the improvement made since the scheme was last presented.

Item 6, NYM/2021/0747/FL

Woodland Officer - Thank you for forwarding the tree report and plan for the proposed development at Lawns Farm Ugthorpe. Unfortunately, the supplied plan does not accurately record the precise locations of the trees, nor does it mark the crown spread, root protection areas (RPA) and precise location of the development which is the usual requirement for a tree survey. However, in an effort to expedite matters, and to ensure we are basing our assessment on precise data I visited the site myself today (8 February) and took some additional measurements.

I can confirm that the two mature horse chestnut trees (T1 and T2) to the south of the site are significant amenity trees both being in reasonable condition and readily visible from viewpoints in the village. They constitute a constraint to development of the site and should be retained. The application documents refer repeatedly to the fact that that they are not protected by a Tree Preservation Order but planning guidance and policy clearly states that the duty to protect tree relates to both protected and unprotected trees. Most of the trees on the site would merit protection by a Tree Preservation Order if it was considered that the trees were under any form of threat.

I agree with the reports category B classification for these trees (British Standard 5837). I also agree that the two younger trees that would need to be removed to facilitate the development are not a significant constraint. Although the Beech is a good young specimen it is growing within the eventual crown spread of T2. The loss of this tree and the poor conifer (Group 1) could be reasonably compensated for by new tree planting elsewhere on the site, or on adjacent land.

I also agree with the findings of the constraints analysis in the report. The proposed development will certainly impinge on the root protection area of trees T1 and T2 and there will need to be some reduction of the tree's canopies to the south. With the use of suitable construction techniques and working methods the development can in principle be undertaken in compliance with the recommendations of BS 5837.

Although compliance with BS 5837 is technically achievable this does not mean that there will be no impact on the trees. There will still be an effect through loss of and change to the rooting environment of the trees. It is acknowledged that the standard is itself a compromise balancing the requirements for tree health and the need for development. The root protection areas as calculated in the method set out in BS 5837 are also a compromise measure and should be considered as the minimum requirement for a reasonable expectation of tree survival.

The Authority's Supplementary Planning Document – Design Guide Part 3: Trees and Landscape states “The RPA of trees will normally be considered a ‘no go’ area by the Authority.” It then goes on to say that in exceptional circumstances “carefully planned and supervised construction works may be agreed to when carried out in accordance with best practice, and where it can be demonstrated that trees will not be adversely affected.” Exceptional circumstances are not defined but would be expected to be where a development would deliver other significant benefits.

The other aspect of this development to consider is that the placing of additional targets in close proximity to the trees will increase the likelihood of the trees having to be pruned in the future on safety grounds. The area is already used as a garden but the change to overnight accommodation will have an effect on the risk assessment of the site.

In respect of our policy the development could be refused on the basis of the potential impact on the trees, but it would also be reasonable to grant conditional consent if the Authority chose to do so.

If the application is approved, then it should be conditional on:

- Prior approval of an arboricultural method statement (to include a detailed plan of the site and pruning works to existing trees).
- Compliance with the guidance set out in the Arboricultural Impact Assessment dated 3 February 2022.
- A landscaping scheme that provides for at least three new trees to be planted at locations where they will be able to grow to full maturity.
- Incursion into the root protection areas is limited to the 20% specified in BS 5837 and should include any permanent hard surfacing such as paths, patios etc.
- No vehicular access to the site during construction or operation.

Kay Mizen Edwards, Lawns Farm, Ugthorpe has wrote in support of the application - I have been nominated to speak on behalf of the supporters. Due to ill health, I am not able to attend the meeting in person but hope this letter will be accepted in lieu.

We all support this planning application, as we feel this location is perfect.

It is away from the main village but near enough for visitors to use local business, whilst also accessing the beautiful North Yorkshire Moors by footpaths.

As a large group of supporters in the village we know there will be no problems caused by cars as the plan shows all vehicles will be parked off the main village roads in the farmyard.

After walking around the village and looking at the proposed glamping pod site, it will not be visible to the main village.

Living directly opposite the proposed site I am in an ideal position to alert Mr and Mrs Brown if there is something that needs to be brought to their attention.