

NORTH YORKSHIRE COUNCIL

LOCAL HIGHWAY AUTHORITY CONSIDERATIONS and RECOMMENDATION



Application No: **NYM23/0513**

Proposed Development: construction of access (retrospective) and two principal residence dwellings with associated amenity space, parking and landscaping works (outline approval NYM/2020/0324/OU)

Location: Land east of 12 Esk View, Egton

Applicant: The Mulgrave Estate

CH Ref:		Case Officer:	Ged Lyth
Area Ref:	4/32/159C	Tel:	
County Road No:		E-mail:	

To:	North York Moors National Park Authority	Date:	9 October 2023
FAO:	Hilary Saunders	Copies to:	

The construction of the access, including the footway along the front of the site has been constructed satisfactory. There are no other local highway considerations to be made for this application.

Signed: <i>Ged Lyth</i> For Corporate Director of Environment	Issued by: Whitby Highways Office Discovery Way Whitby North Yorkshire YO22 4PZ e-mail:
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From: Zara Hanshaw

Sent: Friday, September 22, 2023 3:49 PM

To: Hilary Saunders

Subject: RE: NYM/2023/0513 Land east of 12 Esk View, Egton

Hi Hilary,

I have reviewed the revised BNG Assessment and completed metric and I'm happy with the information included within. A Biodiversity Enhancement Management Plan (BEMP) and Habitat management and Monitoring Plan should be included as a condition of any consent. I would also recommend an external lighting condition is included.

Best wishes,

Zara Hanshaw ACIEEM

Ecologist

[\(she/her\)](#)

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

The Parish Council strongly object to this application.

We have received concerns from residents regarding this application. They are keen to see that planning law etc is adhered to by the applicant.

Work commenced before full planning permission was granted. The applicant failed to comply with the reserved matters of application NYM/2020/0324/OU. They went ahead and removed a mature hedge, constructed a tarmac road and constructed a fence with gated access to a field to the rear of the plot.

The biodiversity statement of this application represents the site as it is now and not as it was before the applicant commenced work without permission.

The statements in this application are misleading. Statement 2.1 fails to state that the field access was constructed in breach of planning law. We strongly feel this access road should be removed. It is not necessary, as a field access already exists at grid reference: NZ 80871 06343. This access has been in use for centuries, to access the grazing land in question. We feel that if this plot is to be used as an infill site for much needed housing, then as much of the land as possible should be utilised as housing and not as an access road to the agricultural field behind. We must remember that the plot in question was once part of this agricultural field and if the field is so important, maybe we should be refusing permission for infill housing.

We also feel the proposed houses are still too high to fit into the street scape. We also object to the houses being detached and feel, semi-detached, with parking to the front will best suit and fit into the street scape of Esk View.

The applicants have breached consent by removing the continuous mature hedge which was the boundary along the roadside, with no access into the field at this point. We feel the hedge should be reinstated with a narrow access to allow the parking of cars to the front of the prospective houses only. We feel this access should not be constructed in tarmac, as it is not in keeping with the drive ways already in place on Esk View. If these houses are to go ahead, we expect them to blend in to the street scape.

This plot of land did contribute to the amenity and character of the village, therefore if infill housing is to be allowed, it needs to be sympathetic to the surroundings.

The Parish Council would also like to query the use of the three phases mentioned in the planning application. Especially as they are numbered 0, 1 and 2. Does the applicant presume phase 0 is already approved? Surely it should read phases 1, 2 and 3. Or indeed, as it is such a small application, it should be completed as one phase. The Parish Council have received concerns from local residents, suggesting that phases 1 and 2 may never be completed and that the applicant is only interested in gaining a new access route to the rear field. Using the need for infill housing as a means of obtaining this.

In conclusion, the Parish Council strongly object to this application. The access road which has already been constructed, because of its size and the materials used, not being in keeping with the village of Egton. We feel semi-detached houses would utilise the space more effectively and would fit better into the surroundings. We require the houses to be shorter in height and parking to be at the front of the houses, with the hedgerow reinstated and a smaller, narrower access constructed in a more suitable material, other than tarmac.

The Parish Council would also like the comments previously submitted to be added to this reply. A copy is attached.

Planning application NYM/2023/0246

The Council are aware that approval was given for the outline proposal for two dwellings on the site. The plan initially submitted indicates that the dwellings would be semi detached facing onto the road. The plan also indicated that access to the field behind the site would via a track at the side of the site.

The Director of Planning's Recommendation, dated 7 January 2021, stated that the development shall not be commenced until details of the following reserved matters have been submitted and approved:

- the siting, design and external appearance of the building, including a schedule of external materials used;
- the landscaping of the site;
- existing ground levels and proposed finished floor and ground levels

The original proposal discussed "retained space" to allow agricultural vehicles to access the land to the rear, should it be required. Mulgrave Estate have now constructed a large tarmac access drive through the middle of the site (NYM/2020/0913/RM refers). In doing this, they have completely removed a mature hedge, that no doubt has formed the boundary of the field with the road for many decades.

The Planning Design, Access Statement mentions that, "The front gardens are likely to retain as much of the hedgerow as possible, with breaks to allow for access." Viewpoint F in this document is a photograph of the intact hedge before it was removed. It goes on to say, "The site has a reasonably well established hedgerow on its frontage, which is proposed to be retained, other than to create gaps for the plot access points."

The Parish Council's understanding of the recommendation dated 7 January 2021 is that no development can be commenced until details are submitted for consideration, covering the layout of the site for the two dwellings and the access to the field behind. No further plans have been submitted for consideration. In order to develop the site, there was no need to remove the complete hedge. Access could have been gained through a more limited access through the hedge.

The Council is also concerned about the access road that has been constructed to the field behind. In the original planning application, It was stated that they needed to maintain access to the field behind the site. The hedge (which has been removed) formed a continuous boundary to the site. Therefore, there was no access to the field behind through the site previously. The Council therefore consider that the access road is completely unnecessary and out of proportion to the stated need. If there was no access through the site before, why is it necessary to provide access now? The applicant should be asked to explain their reasoning for this proposal, as the Council understands that there is already access to the field behind the site.

If this is to just be an access to the field behind the site, one would suppose that this would only be used occasionally. The access to the field would need to be kept clear, creating a "dead space" that the owners of the two dwellings would not be able to use to park their cars. This would therefore require additional off street space for both dwellings, thus reducing the available space for the two dwellings. Also, the access drive has been extended right to the far boundary of the site. The approved plan for the access road was that it should only extend around half way across the site, with the remainder of the space to the boundary to be a grassed area. One of the sites is now for sale for £160,000. This seems odd, given that Mulgrave Estate have not fully complied with the Planning Authority's requirements.

Given there was no access through the site before, the Council is requesting that the Planning Authority review the desirability of the work that has been completed, and explain the reasoning by which it was approved. Given access to the field behind already exists, this access road appears to be completely unnecessary. The size and siting of the access road are out of all proportion to the proposed, occasional need. Indeed, the form and size of the access road is not in line with the general form of Egton as a linear settlement. And the destruction of a mature hedge is unnecessary. The works completed are in contravention of the Director's recommendation dated 10 February 2021. No further plans have been submitted in terms of the siting and design of the buildings. No plans have been submitted for landscaping the site, which should include proposals concerning the hedge that has been removed.

We have also enclosed some photos of the site for your consideration. One of the photos shows that they have positioned the road sign in the middle of the new footpath, which also seems odd. Presumably Highways should have been consulted on the siting of road furniture.

Given that the Mulgrave Estate is well versed in submitting planning applications, the work completed on the site to date, appears to be a flagrant disregard of planning policy. The Parish Council consider that this application should be refused. It is for the Planning Authority to decide the next steps, but the Parish Council consider that full plans should be submitted for consideration before any further works take place. Given that access to the field behind the site is already available, this access road appears to be completely unnecessary. The Parish Council request consideration be given to directing the applicant to return the site to the state it was in before the works were carried out. As it stands, this looks like a very poor proposal for developing the site. The access road, as built, significantly reduces the size of the plots for the 2 dwellings. The overall layout, as far as one can tell, would also not be in line with the traditional layout of Egton.

From:
To:
Cc: [Enforcement Eng](#)
Subject: FW: NYM/2023/0513 & unauthorised hedgerow removal Esk View, Egton
Date: 14 September 2023 10:17:09

Hi again,

I've been out to look at these. All the shrubs along the eastern boundary are remnants of an old hedge, and a gappy hedge of more than 20m is still protected under hedgerow regulations. The hawthorns have been laid historically, though not for a long time. The larger trees further down the field, outside the curtilage of the proposed development, are also holly and old hawthorns. The whole thing is worth retaining, though there's no harm in maintaining the remaining hawthorns & hollies near the house as a hedge to prevent encroachment if the development were to go ahead. It would be good if the gaps could be filled in with hawthorn, particularly as they've apparently already removed over 20m of hedge on the roadside.

Regards,

Nathan

From: Nathan McWhinnie
Sent: 06 September 2023 13:35
To: Hilary Saunders; Planning
Cc: Enforcement Eng
Subject: 0513 & unauthorised hedgerow removal

NYM/2023/0513 says there are trees on the eastern boundary that are to be retained. From the application form it looks like these are on the adjacent land. They don't look particularly significant. The ones nearest the proposed house look like hawthorns, so they're probably just bits of outgrown hedge. They will be really close to the house though – they'll be pressing on the windows if retained. The ones further away from the house look like larger species (ultimately), possibly field maple or sycamore, but look small enough currently that the building is unlikely to affect them. I might go out and have a look just to check.

The other issue, raised by one of the objectors, is the hedge they've removed. Did they have planning permission for this? Under the Hedgerow Regulations failure to notify us of the removal would be an offence unless they did have permission, or it was necessary for access, which doesn't seem to be the case. It was over the 20m threshold. I looked up the previous planning app mentioned by the chap in his letter, but it doesn't seem to be there on the portal.

Regards,

Nathan

From:
To:
Cc: [Planning](#)
Subject: NYM/2023/0513 Land east of 12 Esk View, Egton
Date: 31 August 2023 09:55:52

Good morning Hilary,

Has a completed copy of the biodiversity metric been submitted as part of this application? If not, please could we have a copy of the completed metric, so I can review it in conjunction with the submitted report?

Thanks,

Zara Hanshaw ACIEEM
Ecologist
[\(she/her\)](#)

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

From:
To: [Planning](#)
Subject: Land east of 12 Esk View, Egton - construction of two principal residence dwellings etc. (outline approval NYM/2020/0324/OU) NYM/2023/0513
Date: 15 August 2023 12:04:49
Attachments: [image001.png](#)

FAO Mrs Hilary Saunders

**Land east of 12 Esk View, Egton - construction of two principal residence dwellings etc.
(outline approval NYM/2020/0324/OU) NYM/2023/0513**

I refer to your e-mail of the 15th August 2023 in respect of the above application. I hereby confirm that I have no objections to the proposals on housing grounds.

Thanks

Steve

Steve Reynolds DipAc, DipEH, BSc, DMS, MSc(ENG), MCIEH, CEnvH, CMIWM
Residential Regulation Manager

North Yorkshire Council
Housing Services
Town Hall
St Nicholas Street
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YO12 2HG

