

**RYEDALE DISTRICT COUNCIL  
PLANNING COMMITTEE**

**SCHEDULE OF ITEMS TO BE DETERMINED BY THE COMMITTEE**

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**Item Number:** 6  
**Application No:** 19/00167/FUL  
**Parish:** Nawton Parish Council  
**Appn. Type:** Full Application  
**Applicant:** Mr Linfoot  
**Proposal:** Change of use of agricultural land to form 2no. dog walking fields to include formation of vehicular access off the A170 and hardstanding parking area.  
**Location:** Land At Os Field 0081 Station Road Nawton Helmsley North Yorkshire

**Registration Date:** 12 February 2019      **8/13 Week Expiry Date:** 9 April 2019  
**Case Officer:** Alan Goforth      **Ext:** 43332

**CONSULTATIONS:**

*Initial consultation (access off Station Road)*

<b>Highways North Yorkshire</b>	Recommend conditions
<b>Environmental Health Officer</b>	No comments received
<b>Nawton Parish Council</b>	Objection- VIUA, green infrastructure, detrimental to wildlife, other walks/routes available, traffic.

*Re-consultation on revised details (access off A170)*

<b>Highways North Yorkshire</b>	Recommend conditions
<b>Environmental Health Officer</b>	Recommend temporary permission
<b>Nawton Parish Council</b>	No further comments received

*Re-consultation on revised details (surfacing, planting & stand-off from boundary)*

<b>Highways North Yorkshire</b>	No further comments received
<b>Environmental Health Officer</b>	No further comments received
<b>Nawton Parish Council</b>	No further comments received

**Neighbour responses:** Mrs Helen Ward-Jackson, Mr Bobby Brewer, Mr Gordon Harrison, Mrs Naomi Thatcher, Mr Vinnie Thatcher, Mr Nicky Todd, Mrs Penny Harper, Mrs Patricia Passman, Miss Sophie O'Neill, John And Hazel Gittins, Mrs Deborah Cuming, Mrs Johanna Teasdale, Mrs Natalie Stevens, Mr Andrew Brown, Ms Amy Stonehouse, Mr Andrew Bowes, Mrs Emma Willoughby, Mr David Otterburn, Mr Michael Jackson, Mr & Mrs M Colley, Mr Sam Stevens, Mr Jed Dargan, Miss Donna Baines, Mr Leslie Helm, Mrs Catherine Jackson, Mr Nicky Todd, Mrs E Edwards, Mr Ronald Gordon, Mrs Ruth Gordon

**Overall Expiry Date:** 13 June 2019

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**PLANNING COMMITTEE**

16 July 2019

## **BACKGROUND:**

On 18 June 2019 Members resolved to conduct a site inspection in advance of the determination of the planning application. The site inspection subsequently took place on 2 July 2019. The following Members were in attendance; Cllr Windress, Cllr Mason, Cllr MacKenzie, Cllr Graham, Cllr Hope, and Cllr Potter. A representative of the Parish Council was also in attendance. The site inspection gave Members the opportunity to gain an understanding of the proposed development in the context of the surrounding land, nearby residential properties, significant landscape and boundary features and the public highway including the proposed access.

Members are asked to refer to their earlier agenda papers for a detailed Officer appraisal of the scheme and associated documents.

## **UPDATES:**

The following is a summary of the main updates since the previous Planning Committee meeting:

The applicant has provided existing and proposed layout plans that show the surrounding residential properties (including The Sidings to the west) and also the position of the proposed 6 metre wide access in relation to the trees along the A170 frontage and also the entrance to the recreation ground on the northern side of the A170. The plans are attached to this report and referred to in the recommended planning conditions (below).

The agent representing the applicant has provided written confirmation of the following:-

- There is no intention to remove any trees along the site frontage. The trees do not stand on land under the ownership or control of the applicant.
- All existing boundary treatments shall be retained as they are and repaired and made good as required. The existing field gate in the western boundary will be removed and the gap infilled with hedge to match existing.
- A route is available between the boundary hedge and deer fencing to allow a ride on mower access to maintain the 15 metre wide stand-off strip of land on the southern boundary, albeit the grass will not be cut as regularly as the dog walking fields.

## **APPRAISAL:**

Members are asked to refer to the appraisal section contained within the previous Officer report.

### Boundary treatment

In addition to the planning considerations set out in the earlier Officer report, it is considered that the substantial hedgerow on the western boundary and the four bar estate fencing on the northern boundary make a positive contribution to the character and appearance of the streetscene and the entrance to the village. The hedgerow also provides screening for the properties on The Sidings to the west and its maintenance at a height of at least 2 metres (at least 200mm above the height of the proposed deer fencing) would be beneficial in terms of reducing the visual impact of the development.

It is recommended that should planning permission be granted conditions (numbered 13 & 14 below) should be included to ensure the retention and maintenance of the aforementioned boundary features in compliance with Policies SP16 and SP20.

### Tree protection

On 4 July 2019 Tree Preservation Order (TPO) No: 351/2019 was made by the Council and was served

on 5 July 2019. The TPO relates to the line of mature trees to the south of the A170 and north of the application site. The trees are within the public highway, and are therefore owned by the County Council, it is believed, that the trees were planted c.30 years ago, and are maintained by Nawton Parish Council.

The trees have been assessed by an independent arboriculturalist. The trees surveyed are a mixture of species and have a projected life expectancy of at least 25-30 years. Most of the trees are Swedish Whitebeam (*Sorbus intermedia*) with, towards the western end of the trees, Rowan (*Sorbus aucuparia*); a single Norway Maple (*Acer platanoides*) and a single common Ash (*Fraxinus excelsior*).

The application does not propose the loss of any trees, however, the trees do overhang the area of land subject of the application, and this has raised concerns that the trees are at risk of being unsympathetically worked upon. This is because whilst the trees are not within the applicant's ownership, under common law, they could be cut back to the boundary. This would be harmful to the amenity value of the trees and place the trees at risk of being stressed through loss of leaf cover; becoming unbalanced or excessive wounds resulting in infection.

The trees are highly prominent within the general street scene and make a positive contribution to the frontage in this part of the village. It is considered prudent to include a standard planning condition (numbered 15 below) to ensure that no trees or hedges within or adjacent to the site that are shown to be retained on the approved plans are felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed.

The proposed 6 metre wide access into the site from the A170 would be constructed between two trees along the frontage and, whilst the applicant does not propose to remove either tree, there is potential for the access to impact on the Root Protection Zones (RPZs) of those trees. The level of disturbance that would arise from the construction and use of the access is not described in the application details and as a result it is recommended that a condition (numbered 16 below) is imposed to ensure the RPZs are identified and the method of construction and surface finish is not detrimental to the health and condition of the trees that flank the proposed access.

### Conclusion

In view of the above, Members are recommended to approve this application on an initial time limited basis (12 months) subject to the conditions listed below which supersede those listed in the previous report.

### **RECOMMENDATION:                      Approval**

- 1            The development hereby permitted shall be begun on or before (date to be inserted).

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

- 2            The permission hereby granted authorises the use of the land as 2no. dog walking fields only for 12 months from the date of commencement, the date of which shall be confirmed in writing to the Local Planning Authority within 7 days of the commencement.

Reason: To enable the Local Planning Authority to assess the impact of the use upon residential amenity.

- 3            The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan & Existing Block Plan ref. KWL-093-012-001 Rev C, dated February 2019

Reason: For the avoidance of doubt and in the interests of proper planning.

- 4 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

d. The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number DC/E9A.

Reason: In the interests of highway safety.

- 5 No part of the development shall be brought into use until the existing access on to A170 has been permanently closed off with new estate fencing installed to match existing and the highway restored. These works shall be in accordance with details which have been approved in writing by the Local Planning Authority in consultation with the Highway Authority. No new access shall be created without the written approval of the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of highway safety.

- 6 There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 90m measured along both channel lines of the major road A170 from a point measured 2.4m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 0.6m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of road safety.

- 7 Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on drawing ref. KWL-093-012-002, dated June 2019 for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

Reason: To ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

- 8 The planting of the low level hedgerow/shrubbery as shown on drawing ref. KWL-093-012-002, dated June 2019 and the hedge infilling following the removal of the field gate in the western boundary hedge shall commence during the first planting season following the date of permission, or such longer period as may be agreed in writing by the Local Planning Authority. Any new hedgerow or plants shall be maintained for a period of five years from being planted and replaced if they die or become diseased by plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To protect and enhance visual amenity.

- 9 The facility shall only be operated with a pre-booked time slot system that ensures that there is a maximum of seven dogs in each field at any one time.

Reason: To ensure that the amenities of nearby residents are not unreasonably affected.

- 10 The hours of use of the dog walking facility shall be limited to only between 07:00 and 20:00 hours.
- Reason: To ensure that the amenities of nearby residents are not unreasonably affected.
- 11 There shall be no fixed illumination within the site.
- Reason: To ensure that the amenities of nearby residents are not unreasonably affected.
- 12 The dog waste bin as shown on drawing ref. KWL-093-012-002, dated June 2019 shall be installed prior to the development being first brought into use and shall be regularly emptied and maintained throughout the lifetime of the development.
- Reason: In the interests of amenity.
- 13 The existing hedgerow along the western boundary of the site as shown on drawing ref. KWL-093-012-002, dated June 2019 shall be retained and maintained at a minimum height of 2 metres for the lifetime of the development.
- Reason: To ensure the desirable retention of all landscape elements that are considered to be of amenity value.
- 14 The existing four bar estate fencing along the northern boundary of the site as shown on drawing ref. KWL-093-012-002, dated June 2019 shall be retained, repaired where necessary and maintained for the lifetime of the development.
- Reason: To ensure the desirable retention of all landscape elements that are considered to be of amenity value.
- 15 No trees or hedges within or adjacent to the site that are shown to be retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed.
- Reason: to ensure the desirable retention of all landscape elements that are considered to be of amenity value.
- 16 Prior to the construction of the access to the site detailed drawings identifying the Root Protection Zones (RPZs) for the trees adjacent to the access shall be submitted to and approved in writing by the Local Planning Authority. Such drawings shall show the accurate position, crown spread, approximate height, and trunk diameter measured at 1.5 metres from ground level, of each tree. The details should include the method of construction and provide for a surface treatment within the RPZs that does not result in compaction or damage arising from the use of the access by vehicles. No materials shall be stored or vehicles parked within the RPZs referred to above.
- Reason: To ensure that both the underground and upper parts of the trees to be retained on the site do not suffer damage that might prejudice their long term retention, resulting in a loss in visual amenity.

## **INFORMATIVE(S)**

- 1 Highways- These works shall include, where appropriate, replacing kerbs, footways, cycleways and verges to the proper line and level.

An explanation of the terms used above is available from the Highway Authority.