

Tel: 01904 468597
Mob: 07988 206633
E-mail chearn.architect@googlemail.com

CHRISTOPHER HEARN

CHARTERED ARCHITECT

BA. Arch, Dip Arch. RIBA

THE HOMESTEAD
FLAXTON
YORK
NORTH YORKSHIRE
YO60 7RP

Re:- Application for Planning Permission Town and Country Planning Act 1990 for construction of driveway site access on to Amotherby Lane from The Reservoir, Amotherby Lane, Amotherby, North Yorkshire. YO17 6UP for Mr John Hopkinson

DESIGN AND ACCESS STATEMENT AND HISTORY OF THE SITE

To be read in conjunction with drawings Nos. 01.2021.PA01, PA01, PA03, PA04, PA05, PA06, PA07 & PA08

1 SITE DESCRIPTION

- 1.1 This north facing hillside site is situated on the west side of Amotherby Lane, an unclassified road, which descends gently down to the village of Amotherby approximately 1.5kilometres away and which straddles the B1257 Malton to Helmsley road. To the south of the site Amotherby Lane rises gently to the crown of the hillside and then drops slightly to meet the Malton to Castle Howard road at the tiny village of Easthorpe approximately 1.5kilometres away.
- 1.2 The site is set on the northern edge at the eastern extremity of the Howardian Hills as they rise up from the Vale of Pickering and is completely wrapped around by extensive fields of arable land.

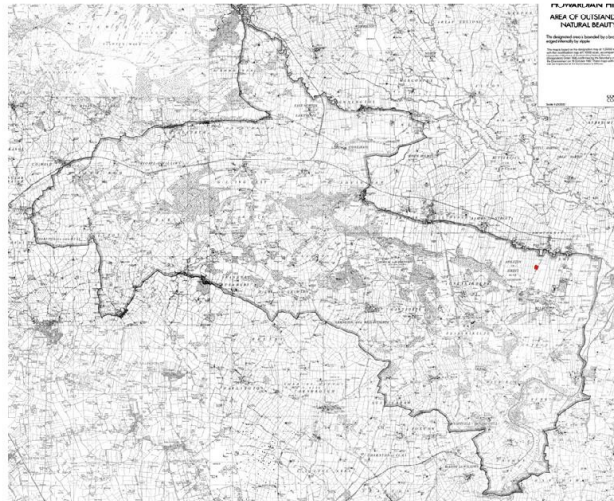


Plate 1 – The red dot is the location of the site set within the Howardian Hills Area of Outstanding Natural Beauty defined by the bold dark line

- 1.3 The historic reinforced concrete structure is hidden from view by being concealed by being cloaked with earth banks covered in grass so can only be seen as a grass mound rising out of the gentle gradient of the descending hillside so blending it into the surrounding countryside.
- 1.4 Whilst the site is now secured by being surrounded by a palisade fence, at the time it was purchased by the applicant, the east side of the site alongside Amotherby Lane was defined by a wooden post and rail fence incorporating a gate enabling access exactly where the current access exists from off Amotherby Lane. The timber posts and timber gate had been neglected for many years and were rotten beyond a repairable state and provided no preventative function against people entering the site and therefore no protection against liability of the owner from injury being sustained by intruders hence the erection of the palisade fence. Unlike the surrounding fields there was no hedge along the road side site boundary.
- 1.5 At the extreme north east corner of the site the neighbouring field, which wraps around three complete sides of the site, has an access out on to Amotherby Lane. This is a significant position as from the south after a long straight section of road Amotherby Lane bends eastwards quite sharply before heading on down along another reasonable long straight section of road before then bending again to run down to Amotherby. From this corner position there is a good view both up and down Amotherby Lane.

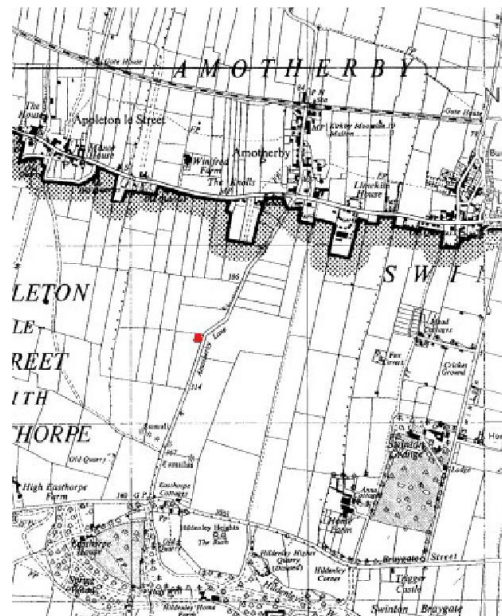


Plate 2 – the site location (red dot) in relation to the bend in the road

- 1.6 Amotherby Lane is set well down below the general ground level of the adjoining fields in the vicinity of this site and is made more ‘tunnel’ like as the grass covered verges rise up and are topped with hedges except where the lane passes alongside of the site.
- 1.7 The object of this application is to improve the site access arrangements to meet current standards which were clearly not an issue when the site was first developed and access was established towards the southern end of the site with absolutely no visibility around the road corner at the north east corner of the site.

2 HISTORY OF THE SITE

- 2.1 It is understood that the reservoir was constructed around the middle of the last century, with site access towards the southern end of the site alongside Amotherby Lane, and was subsequently deemed surplus to Yorkshire Water's needs and sold off earlier this century.
- 2.2 The applicant purchased the property and has used it under its designated Planning Use of Class B8 storage and distribution since then.
- 2.3 In May 2011 a Planning Application 11/00443/FUL was submitted for 'Change of Use with operational development of former water storage building to holiday use' and refused. That refusal was taken to appeal APP/Y2736/A/11/2166982 and subsequently refused on 6th. March 2012.

3 USE

- 3.1 Whilst the site structure, constructed way back in the last century, has long since ceased use by Yorkshire Water as a site for the storage and distribution of water its intrinsic Class B8 use, building for storage and distribution, remains and has been used by the applicant since he acquired the site; albeit with the difficulties of inadequate access on to the site. This use for storage and distribution will continue as entitled but hopefully in a much safer manner in the event of this application being granted.

4 AMOUNT

- 4.1 The 140sq.metre storage area within the existing structure will not be affected by this application as it is purely concerned with creating a safe vehicular access on to the site.

5 LAYOUT

- 5.1 The layout is self-explanatory on the drawings identified above.

6 APPEARANCE

- 6.1 The creation of the proposed access will greatly enhance the appearance of the site when approaching from the south as the grass verge will be re-instated and topped with a hedge extending the hedge line which exists alongside Amotherby Lane both to the north and south of the site.
- 6.2 Between the kerb to be installed along the edge of the existing road and the highway boundary the surface will be finished with macadam all as the specification to be agreed with the Highways Authority and installed by one of their approved contactors.
- 6.3 Along the site boundary at the edge of the highway land a heavy duty drainage channel will be installed to collect any rainwater run-off from the site to prevent it running out on to the highway. From the channel it will be drained to a suitably sized soak away chamber. Two additional channels will be installed as indicated on the drawing across the two separate lengths of drive/turning areas of the site to assist control of rainwater run-off in the event of particularly heavy storms to ensure there is no risk of run off onto the highway. The site geology is such that it drains naturally and the surface of the proposed drive, parking area and turning area will be gravel as currently exists
- 6.4 The hedge along the northern site boundary will also be extended and improved.

7 ACCESS

- 7.1 The object of this planning application is to obtain planning permission to construct a site access drive from off Amotherby Lane into the site which will meet current standards of visibility splays unlike the original site access to the site created at the time of the reservoirs construction. The proposed access is in the extreme north east corner of the site directly adjacent to the existing field access on to the extensive farmland which surrounds the site on three sides.
- 7.2 This position will enable the required highway authority's visibility site lines of 2.4metres x 90metres to be achieved both looking south up Amotherby Lane and looking north down Amotherby Lane.

7.3 This new drive access will have two significant additional benefits – one being that the access to and exit from the adjacent field will be substantially improved. Secondly with the road being quite narrow and this corner of the site being on a bend it will create a safe passing place for vehicles using Amotherby Lane when they encounter each other at this blind bend location as the section of new access within the jurisdiction of the highway will be surfaced in macadam providing a clean and safe surface for passing traffic rather than them having to reverse a long way back up or down hill to the nearest passing place in another field entrance.

7 SCALE

8.1 The size and scale of the building will be unaltered by the formation of the new site access

9 LANDSCAPING

9.1 The proposed works will also include the planting of a hedge along the majority of the eastern boundary of the site extending the existing hedge line, which exists alongside Amotherby Lane to the south, from its south eastern corner abutting the adjoining field across to the new drive along with planting further hedging along the southern boundary across to the south east corner of the site and enhancing the hedge along the northern site boundary across to the north east corner of the site. This will greatly enhance the appearance and setting of the site.

9.2 The palisade fencing which surrounds the site will be altered in the areas where hedging is to be planted with the fencing installed behind the hedging within the site so that the hedging will be the visible element from without the site.

10 PRE-APPLICATION ADVICE

10.1 Whilst there has been no recent discussions with Ryedale District Council the grounds for refusal of the planning Application dated 13th.July 2011 which were:-

01 The proposed access by which vehicles associated with this proposal would leave and rejoin the county highway, is unsatisfactory since the required visibility of 2.4m x 90m cannot be achieved at the junction with the county highway and therefore, in the opinion of the Local Planning Authority, the intensification of use which would result from the proposed development is unacceptable in terms of highway safety. As such, the development is contrary to the provisions of Policies AG5 (iv) and T3 of the Ryedale Local Plan.

02 The proposed development will have a significant adverse impact on the character and appearance of the surrounding countryside and the Howardian Hills Area of Outstanding Natural Beauty. As such, it is contrary to the provisions of PPS4 - Planning for Sustainable Economic Growth and PPS7 - Sustainable Development in Rural Areas, Policy EC7 of the Tourism Good Practice Guide and Policies AG5 (iii), (iv) and (v) and ENV2 of the Ryedale Local Plan.

and the observations put forward by the planning Inspector in respect of highways issues as grounds for not supporting the appeal :-

Effect on highway safety

7. Although vehicles would presumably have pulled off the highway on to the reservoir site, there appears to have been no formally constructed access or parking area for the original use. The proposal plan shows an area about 6.5m wide between the highway boundary and the foot of the reservoir embankment; the existing site plan shows only about 5.0m. The proposal gives no detail of how the existing embankment would be cut back or what the visual effect of that might be (which might be relevant to consideration of the first main issue). And, even as proposed, it is unclear that the access and parking area could satisfactorily be laid out so as to avoid vehicles having to reverse either off or on to the highway.
8. This difficulty is made more critical by the lack of visibility to the north from the access to the site, whatever its precise position. The highway authority gives the average wet-weather speed of southbound vehicles on Amotherby Lane as around 30 mph. I approached at a slower speed in dry conditions – but I fully accept that those who know the road may travel faster. The foreword to Manual for Streets (MfS) says that “its principles may be applicable” to lightly-trafficked rural lanes. It indicates a stopping sight distance (SSD) of 43m for a speed of 30mph. To seek a visibility splay to the north of 2.0m x 90m thus seems unnecessarily cautious. On the other hand, what is achievable is at the very limit of what is acceptable in a residential street (the focus of MfS) and must be considered beyond that limit on a narrow rural lane where drivers are more likely to be concentrating on the alignment of the road and less likely to anticipate the possibility of perhaps having to brake suddenly for a car manoeuvring into or out of the appeal site.
9. Just five vehicles passed during the 40 or so minutes I was on Amotherby Lane. There are no other properties with access from the lane, except at its northern and southern ends, and its use must be primarily local. Even so, the relative lack of traffic on the lane cannot justify allowing a proposal that would create potentially dangerous conditions to a significantly greater extent than could have arisen from the original use of the site.

have been considered and applied to inform the application here submitted.

10.02 Observations and advice has been obtained from North Yorkshire County Council Highways which has also informed the design now being presented.

11 JUSTIFICATION FOR THE PROPOSED WORKS

- 11.1 Whilst it is quite obvious in retrospect to see that the proposed access and parking arrangements for the site incorporated in the previous application referred to above, were flawed the scheme now being presented, retaining the use of the site for the existing planning use for storage and distribution, addresses all the access issues raised in the various grounds for refusal. It is understandable however in hindsight to see why it might have been considered acceptable to have retained the position further to the south of the site as a result of it being in the general position of the original and therefore historic access position.
- 11.2 The required generous visibility splay of 2.4 x 90metres can be safely achieved from the access point proposed at the north east corner of the site looking both north and south from the access drive with a drive and parking area on site which will allow the small service vehicles which will be attending the site to enter forward and exit the site forwards having turned around on site. As the Inspector pointed out the provision in the context of the site for the above visibility splay ‘*seems unnecessarily cautious*’ however it is achievable and therefore should be supportable.
- 11.3 Without adequate access on to the site the only way to satisfactorily use this historic building is to park on the road which would be highly dangerous with the site being on a blind corner.

- 11.4 The proposed access point being on the north east corner of the site will also greatly improve the access point on to the neighbouring farmer's field and from discussion with the representative of the owner this application has their full support.
- 11.5 Forming the access will also create a valuable safe passing point within the highway at this bend in the road on Amotherby Lane at a midpoint between the entrance to a farmer's field down at the bottom of the length of road to the north of the site situated on another bend in the road and the farmer's field entrance at the top of the hill to the south of this new entrance. It was interesting to note that the Inspector stated that *'there were no other properties with access from the lane, except at its northern and southern ends, and its use must be primarily local'* This completely ignores the significant numbers of field entrances off Amotherby Lane and their impact as they are particularly heavily used at certain times of the year by large farm vehicles working on the arable land which dominates this area.

12 CONCLUSION

- 12.1 By supporting this application the historic site can continue to be used safely as a small storage and distribution facility which would otherwise become a redundant blot on the landscape. It will also make life safer for people using Amotherby Lane by providing a safe passing point right on what otherwise is a blind bend in the Lane which currently involves one or other party to reverse a long way back to allow the other party to pass.

29th July 2021