

**Item Number:** 11  
**Application No:** 22/00448/FUL  
**Parish:** Flaxton  
**Appn. Type:** Full  
**Applicant:** Mr Henry Richardson  
**Proposal:** Installation of an access road off Bull Moor Lane Flaxton with associated parking for 10no vehicles  
**Location:** Glebe Barn, Main Street, Flaxton

**Registration Date:** 21 April 2022  
**8/13 Wk Expiry Date:** 16 June 2022  
**Overall Expiry Date:** 5 August 2022 (extension of time agreed)  
**Case Officer:** Ian Irwin

## CONSULTATIONS:

### Local Highway Authority

Responded on the 19 May 2022 and confirmed *'Notwithstanding comments made in response to an access installation at the proposed location, the Local highway Authority does not offer objection The proposed access falls within Flaxton village 30 mph speed limit. The design standard for the site is manual for Streets and the required visibility splay is 2.4 metres by 43 metres. Consideration has been given to the proposed access's close proximity to the change in speed limit from 60 mph to 30 mph. The achievable visibility to the south of the village /access provides clear visibility from the proposed access which far exceeds the standard expected for traffic travelling 60mph (215 metres) The available visibility from the proposed access is 2.4 metres (back from carriageway edge) by 145 metres heading northward into Flaxton village and 2.4 metres by 337 metres heading southward out of Flaxton village Toward Scotchman Lane/ A64. Flaxton village falls within the common land category however the proposed access location is outside of the common land area. Consequently the Local Highway Authority recommends that the following Conditions are attached to any permission granted'*. The conditions requested related to the technical details of the proposed access to be submitted for approval and to incorporate specific requirements as well as a subsequent request for drainage details to be provided to demonstrate no surface water from the access flows onto the public highway. Finally, an informative was sought to remind the developer that a separate licence would be required from the Local Highway Authority for the works to be carried out.

### Flaxton Parish Council

Responded on the 20 May 2022 and confirmed, *'The council objects to the application for the following reasons: 1. The Council does not see that there is a need for further access to the site or for increased parking facilities. The original planning permission for the site, ref 12/00970/FUL, was for 'Change of use of agricultural building to a store for marquees and ancillary equipment as part of a marquee hire business'. Therefore, the council does not feel that extra access or parking is necessary. 2. The Council believes that the location of the proposed road is dangerous. The Council feels that an additional junction at this point on Bull Moor Lane, where there is a known issue with speeding traffic, would create an increased hazard for the village'*.

## Representations received:

In accordance with the Town and Country Planning (Development Management Procedure) (England)

(Order) 2015 Section 15(4) which state that the following notice shall be given by a Local Planning Authority: a) by site display in at least one place on or near the land to which the application relates; or b) by serving the notice on any adjoining owner or occupier. In this case a site notice was erected in the vicinity of the site on the 26 April 2022. Additionally, 5 neighbour notification letters were issued.

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Five responses have been received, four objecting with one classed as ‘neither objecting to or supporting’ the application.

The comment received related to the proposed access in that it was not clear which properties or businesses the access would serve and that there was an issue in relation to the entire site in relation to this regarding ownership of land and right of access to it as well as traversing it. It was also suggested that the access can be improved upon to the satisfaction of the Local Highway Authority. It was suggested further that the new access may be justifiable if it related to non-domestic traffic. Finally, it was suggested that the new proposed access was noted to be within the existing 30 mph speed limit zone but has *‘poor sight lines for drivers in both directions, especially given that most drivers are exceeding the speed limit at this point’*. This was *‘evidenced by the number of motorists caught by the speed van, nearly all of which have been speeding in the village when heading towards the A64’*. The contributor concluded that *‘In conclusion, the existing access to the site is unsuitable. The proposed access might improve the situation regarding the common land, but at increased risk to road users and residents’*.

The first objector provided speed data, as well as photographs to support their position in relation to their opposition to the application. They confirmed their view that there was no need for the access and that the development would be outside of the development limits and would be unacceptable in open countryside. The objector also stated that they considered the proposed access to be unsafe where people are regularly caught speeding. The photographs provided were to demonstrate two cars that on separate occasions crashed in close proximity to the proposed access location. A request for a committee site visit was requested.

The second objector stated that the development would use Grade 2 agricultural land, that there was no need for the development and they also raised concerns that there was no domestic use on site as the former agricultural building was approved for the use of a marquee business. Concerns related to road safety were also raised as well as concerns of the visual amenity of the area would be detrimentally affected.

The third objection also raised concerns over need of the proposed access as well as the possibility that such would create a hazardous set of road conditions. The final objection also raised concerns over need for this access and that presently a number of vehicles are caught speeding in the village and as such, this would increase road safety impacts. Finally, it was stated that existing residential access were already at risk from collisions as was and that accordingly, there was no need for this further access.

## **BACKGROUND:**

The application is to be determined by Planning Committee as objections have called the application in on material planning grounds.

## **SITE:**

The site subject of this application is presently a piece of agricultural land with a land classification understood to be Grade 2 agricultural land. That is considered to be ‘best and most versatile’ as per the Annex 2 Glossary within the National Planning Policy Framework.

The application site area is 0.0843ha. The site is located within Flaxton, but is outside defined development limits as set within the Ryedale Local Plan. The nearest residential properties to the site are noted to be ‘Copperfield’ to the North, ‘Gorteen Cottage’ to the North-West, ‘Rutland House’ to the

South-West, 'Glebe Farm' to the West-North-West, 'Glebe Farm Cottage' to the West-North-West and 'Flaxton Grange' to the South-West.

To the immediate West of the site is Bull Moor Lane, the main public highway through the village and to which this proposed access would adjoin the network. There are no specific constraints applicable to the site and the determination of this application.

### **PROPOSAL:**

The proposal before the Local Planning Authority is for the creation of a new access as well as a car park for 10 vehicles. The access itself is proposed to be finished in tarmac or concrete within the first 6 metres of the access. The remaining access road would be formed by the installation of plastic grids which would be set into the ground with gravel set into those grids. A car park area would be self-contained with hedgerow. The car park would provide a total of 10 parking spaces.

### **HISTORY:**

20/00048/COND - Discharge of conditions 03 of planning approval 18/01400/FUL dated 15.02.2019 – approved 7 February 2020.

18/01400/FUL - Change of use and alterations including first floor extension to existing butchers workshop and adjacent garage workshop to form 2no. two bedroom holiday letting units – approved 15 February 2019.

18/00903/HOUSE - External works to include erection of two storey extension forming a double garage with room above to the north west elevation, part two storey/part first floor extension to the south west elevation to include removal of conservatory and chimney and increase in eaves height and extension to porch – approved 19 November 2018.

### **POLICIES:**

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning authorities are required to determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. The Development Plan for the determination of this particular application comprises the following:

#### **The Ryedale Plan- Local Plan Strategy (2013)**

Local Plan Strategy -Policy SP1 General Location of Development and Settlement Hierarchy;  
Local Plan Strategy – Policy SP13 Landscapes;  
Local Plan Strategy - Policy SP16 Design;  
Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development;  
Local Plan Strategy - Policy SP20 Generic Development Management Issues.

#### **Other Material Considerations**

##### **National Planning Policy Framework (NPPF)**

Chapter 2 – Achieving Sustainable Development  
Chapter 4 – Decision making  
Chapter 6 – Building a strong, competitive economy  
Chapter 12 – Achieving well-designed places  
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

## National Planning Practice Guidance (NPPG)

### APPRAISAL:

- Principle of the development;
- Design, Character of the Area and Landscape Impact;
- Highways Safety and Access;
- Drainage and Flood Risk.

### **Principle of the development**

Policy SP1 of the Ryedale Local Plan, entitled ‘General Location of Development and Settlement Hierarchy’ confirms the Council’s approach to the type of development considered appropriate for locations across the district. The site is noted to be located within Flaxton which is considered as a ‘Other village’. Given this status, the settlement would be restricted to the following: *‘In all other villages, hamlets and in the open countryside development will be restricted to that:*

- *which is necessary to support a sustainable, vibrant and healthy rural economy and communities, or*
- *which can be justified in order to secure significant improvements to the environment or conservation of significant heritage assets in accordance with the National Enabling Development Policy and Policy SP12 of this Plan, or which is justified through the Neighbourhood Planning process’.*

It is noted that some of the objectors have raised a concern in regard to the ‘need’ of the access and car park. Whilst these are noted, there is no requirement to justify the ‘need’ of such a proposal. The applicant has advised that the existing shared access, also serves several other residential dwellings. The applicant feels their business would benefit from a dedicated access of their own and it would improve the on-site access arrangements for those aforementioned residents. On that basis, these concerns are not considered to undermine the principle of the development. In this case, the newly proposed access is noted would be connected to an existing business and in that regard could be considered development intended to support the rural economy.

The site is recognised to be within land considered Grade 2 agricultural land, which is ‘best and most versatile’. The National Planning Policy Framework confirms at paragraph 174 that planning decisions should recognise the benefits of such land. In this case, whilst concerns raised by some objectors related to the potential impact on this parcel of agricultural land, the amount that would be lost by this proposal is minimal. In that context, whilst the concerns raised are noted, it is not considered that its loss would be unjustifiable. On that basis, in regard to the principle of the development, the scheme is considered to accord with the Ryedale Local Plan, specifically Policy SP1 and can be supported.

### **Design, Character of the Area and Landscape Impact**

Policy SP16 entitled ‘Design’ states that *‘to reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings’*. In addition, Policy SP20 entitled ‘Generic Development Management Issues’ requires that new development respects the character and context of the immediate locality and the wider landscape character in terms of physical features and the type and variety of existing uses.

Policy SP13 entitled ‘Landscapes’ requires that proposed development protects and enhances the quality, character and value of Ryedale’s diverse landscape. Chapter 12 of the NPPF, entitled ‘Achieving well-designed places’ states at Paragraph 126 that, *‘good design is a key aspect of sustainable development’*.

The application is recognised to be for a new vehicular access and car park and in that respect is not

considered likely to have any significantly detrimental impacts from a landscape perspective. The access itself is proposed to be finished in tarmac or concrete within the first 6 metres of the access. The remaining access road would be formed by the installation of plastic grids which would be set into the ground with gravel set into those grids. The vehicles would be seen in association with an existing business premises and would not appear in a wider landscape context offering any demonstrable harm. However, the physical development would not have any significant impacts given it would be at ground level. The access itself would be visible, but this would be seen in the context of the village where a number of such similar access points can be observed. Accordingly, it is considered that there are no significantly detrimental impacts in terms of design nor the character of the area or landscape and as such, the scheme is considered to accord with Policies SP13, SP16 and SP20 of the Ryedale Local Plan.

### **Highways Safety and Access**

Policy SP20, entitled ‘Generic Development Management Issues’ states that “*Access to and movement within the site by vehicles, cycles and pedestrians would not have a detrimental impact on road safety, traffic movement or the safety of pedestrians and cyclists. Information will be required in terms of the positioning and treatment of accesses and circulation routes, including how these relate to surrounding footpaths and roads*”. Paragraph 111 of the NPPF affirms that ‘*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*’.

The concerns raised by objectors related to highway safety are noted (and referred to earlier in this report). These range from concerns over the general safety of the access as proposed particularly in the presence of what they advise are a number of people caught speeding in the village. In terms of speeding vehicles, this would not be a justifiable reason to refuse planning permission. Those matters are outside of the applicant’s and indeed Local Planning Authorities control and are matters for the Police to deal with. In addition, as noted previously, there is no specific requirement for a need for the proposed access to be justified. The question before the Local Planning Authority is whether the access and car parking areas are acceptable uses of land. Existing access arrangements would not end as a result of this application being approved (were it to be) nor could that existing access be denied use by planning conditions.

Other concerns related to rights of access are civil matters, not for the Local Planning Authority to consider nor resolve. It would also be impossible for the Planning Permission to reasonably restrict the use of other, alternative accesses for one use or another as such would be considered un-necessary and un-enforceable, accordingly, failing to meet the relevant 6 Planning Condition tests. Another concern raised about the applicant using another, existing agricultural access off Bull Moor Lane is also not relevant. That access is evidently utilised in association with agriculture and whilst the suggestion made is understood, the right of access is not known by the Local Planning Authority and it appears to be outside of the applicant’s ownership and control (it is not within the blue line on the plans submitted).

Both the Local Plan and the National Planning Policy Framework require that development would not result in detrimental road safety impacts or indeed congestion. It is evident that despite the concerns raised, these are not shared by the Local Highway Authority.

The case officer specifically put the concerns raised by an objector, whom had shared photographs and other evidence to support their objection to the proposal. The Highway Officer responded accordingly and stated, ‘*I appreciate the concerns raised by the local resident however, the incidents referred to in the objection do not give rise to any additional concerns from the Local Highway Authority. From a technical perspective there is in excess of the required visibility from the proposed site access point which can assist a vehicle in safely egressing from the proposed access. The proposed access falls within the 30 mph limit however in my assessment of the site, consideration was given to the close proximity of the 60 mph section. The required visibility for a 60mph carriageway is 2.4 metres (measured back from carriageway, down the centre of the access) by 215 metres (this is not an expected requirement for this application but gives a guide on what is considered acceptable on higher speed carriageway).*

*The available visibility heading out of the village limits to the 60mph section is in excess of 300 metres.*

*There have been no reported incidents of personal injury at this location in the previous 5 years which is the number of years taken into account for assessment purposes. An extensive search highlighted that the most recent recorded personal injury was 23 years ago.*

*Issues regarding speeding motorists identified is a matter that North Yorkshire Police are aware of and regularly monitoring as has been pointed out in many of the communications from members of the public, we are unable to refuse reasonable applications which pass technical appraisal on the evidence thus far provided regarding illegal / anti-social behaviour of passing traffic'.*

The case officer concurs with the comments made by the Local Highway Authority and it can be confirmed that these views further support the assertion that the proposed access (and car park) would not give rise to any significantly, demonstrable, harmful impacts in the context of Highway safety (or congestion) and that the application could not reasonably be refused in light of this professional, highway engineer assessment and the specific facts of the case.

Whilst the formal, technical plans will need to be submitted to demonstrate that the access will be constructed to appropriate specification (and include relevant measures to prevent surface water entering the public highway) the visibility splays considered necessary for such a section of public highway can be achieved comfortably and do not give rise to any demonstrable concerns related to highway safety.

Accordingly, the scheme is considered to be acceptable in highway terms. The Local Highway Authority response is noted and ultimately it is considered that the proposal accords with both the Local Plan, specifically Policy SP20 and the NPPF and can be supported.

### **Drainage and Flood Risk**

Policy SP17 'Managing Air Quality, Land and Water Resources' confirms what and how development proposals should manage surface and waste water. Chapter 14 of the NPPF entitled 'Meeting the challenge of climate change, flooding and coastal change confirms in paragraph 159 that, *'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.*

The site subject of this application is not in an area of high risk to either surface or river flooding and it is noted the application is so minor that it falls outside of the scale of development that the LLFA would comment upon.

However, it is recognised that a new access could cause surface water to be directed onto the public highway if not designed correctly. Accordingly, a condition is attached to this report which would require the submission of appropriate measures to ensure that this would not occur. This will ensure proper management of surface water as a result of this proposed development. Officers are of the view that accordingly, given the site is at very low risk of flooding there are no demonstrable, significant detrimental impacts likely in terms of drainage and flood risk were this scheme approved and developed.

Consequently, the application is considered to accord with Policy SP17 of the Local Plan and the NPPF and therefore merits support.

### **Conclusion**

The proposal is for a small car park and a new vehicular access. It is recognised that objectors are concerned that road safety would and could be compromised by this scheme. However, the professional assessment completed by the Local Highway Authority does not concur with these concerns. The location of the proposed access is within the 30 mph speed zone of the village and whilst it is understood that a number of people are caught speeding in Flaxton, that is beyond the control of the Local Planning Authority and would not represent a reasonable or justified basis upon which to refuse this application.

Accordingly, the proposal is considered acceptable and is recommended for approval.

**RECOMMENDATION: Approval**

1 The development hereby permitted shall be begun on or before .

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

2. The development hereby approved shall be carried out in accordance with the application form dated 11 April 2022 and accompanying drawings as submitted and hereby approved:

- i. Location Plan, ref. R/80-PL-00, dated March 2022;
- ii. Layout Plan as existing, ref. R/80-PL-10, dated March 2022;
- iii. Proposed Layout Plan, ref. R/80-PL-11, dated March 2022;
- iv. Access Notes, received 12 April 2022
- v. Additional information, submitted 21 April 2022.

Reason: To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.

3. Prior to the commencement of the hereby approved development, details shall be submitted to the Local Planning Authority for written approval demonstrating drainage and measures to prevent surface water entering the public highway. The details submitted shall also include a long term management plan of the drainage measures to ensure they function as intended for the lifetime of the development. Once approved, those details shall be adhered to in full.

Reason: In the interests of highway safety and to comply with Policy SP20 of the Ryedale Local Plan.

4. Prior to commencement of the hereby approved development, details of the hedgerow proposed as per the Proposed Layout Plan, ref. R/80-PL-11, dated March 2022 including appropriate, native species, long term management, including details of how any failures within the first 5 years will be replaced shall be submitted for written approval to the Local Planning Authority.

Reason: In the interests of the Ecology and Landscape of the area and to comply with Policies SP13 & SP14 of the Ryedale Local Plan.

5. Prior to the use of the hereby approved development the crossing of the highway verge and/or footway must be constructed in accordance with the approved details or Standard Detail number E50 rev A and the following requirements:

- Measures to enable vehicles to enter and leave the site in a forward gear;
- Any gates or barriers must be erected a minimum distance of 5 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway;
- The final surfacing of any private access within two metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

Reason: To ensure a satisfactory means of access to the site from the public highway in the

interests of highway safety and the convenience of all highway users.

6. No demolition or construction works shall take place outside the hours of:

07:30-18:00 Monday to Friday;  
09:00-13:00 Saturday; and

No Activity on Sundays or Bank Holidays

Reason: In the interests of the amenity of the area and to comply with Policy SP20 of the Ryedale Local Plan.

7. No vegetation clearance works shall take place during the bird breeding season (1 March to 31 August (annually) inclusive). Where works must take place during this period all vegetation should first be checked by a suitably qualified ecologist.

Reason: In the interests of the Ecology of the area and to comply with Policy SP14 of the Ryedale Local Plan.

## **INFORMATIVES**

1. This decision notice grants planning permission only. It does not override any existing legal agreement, covenant or ownership arrangement. It is the applicant's responsibility to ensure all necessary agreements/consents are in place prior to the commencement of development and to take appropriate advice thereon if required.
2. Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site: [https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%20C%20highways%20and%20pavements/Specification\\_for\\_housing\\_ind\\_est\\_roads\\_street\\_works\\_2nd\\_edition.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%20C%20highways%20and%20pavements/Specification_for_housing_ind_est_roads_street_works_2nd_edition.pdf). The Local Highway Authority will also be pleased to provide the detailed constructional specifications required by condition.