

North York Moors National Park Authority

District/Borough: Scarborough Borough Council
(South)
Parish: Newby and Scalby

Application No. NYM/2019/0085/FL

Proposal: alterations to access and erection of 2 no. polytunnels for horticultural purposes (part retrospective)

Location: Land adjacent to Tall Trees, Hay Lane, Scarborough

Decision Date: 05 April 2019

Extended to:

Consultations

Parish – No objections

Highways - No objections subject to conditions. The application is for alterations to an existing access point into a parcel of land off Hay Lane and construction of two polytunnels for an agricultural small holding. The location of the access point has not changed and has acceptable visibility, although the new gates have been set back from the carriageway edge. The re-located gate position is an improvement in terms of highway safety allowing vehicles to leave and join the highway before the gates are opened or closed. Currently the access is constructed from stone aggregate which is not acceptable within the highway boundary, the access should be constructed to the satisfaction of the local Highway Authority which would prevent any rainfall runoff into the property.

Yorkshire Water -

Environmental Health Officer -

Site Notice Expiry Date – 15 March 2019

Others –

Mr & Mrs Johnson, High Croft, Suffield Hill – Support. The changes to the gateway and access improve access to our property. The 2 polytunnels is in keeping with the use of the land and the nature of the business.

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Director of Planning's Recommendation

Approval subject to the following condition(s):

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. The development hereby permitted shall not be carried out other than in strict accordance with the following documents:

Document Description	Document No.	Date Received
Location plan	190 129 LP	20 February 2019
existing entrance layout	190 129 10v	08 February 2019
Site plan	190 129 01	08 February 2019

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
3. 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
 - a. The crossing of the highway verge shall be constructed in accordance with the Standard Detail number E9A.
 - b. Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
 - c. The final surfacing of any private access within 3 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
4. If the use of the polytunnels for the purposes of growing fruit and vegetable produce permanently ceases, the polytunnels shall be removed from the land and the land shall, so far as is practicable, be restored to its condition before development took place unless the Local Planning Authority has otherwise agreed in writing or unless planning permission for change of use of the building to a purpose other than agriculture has been approved.
5. No trees, shrubs or hedges on the southern boundary of the site shall be felled, uprooted, wilfully damaged or destroyed, cut back or removed without the prior written consent of the Local Planning Authority. Any work approved shall be carried out in accordance with British Standard 3998:2010 Tree Work - Recommendations. If any retained tree/hedge is removed, uprooted, destroyed or dies within five years of the completion of the development, it shall be replaced with trees, shrubs or hedge plants of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

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Informatives

1. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

Reason(s) for Condition(s)

1. To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2. For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.
3. In accordance with NYM Development Policy 23 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
- 4 & 5. For the avoidance of doubt and in order to comply with the provisions of NYM Development Policy 5 which seek to ensure that alterations to Listed Buildings do not have any unacceptable impact on the special architectural or historic interest of the building.



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**Background**

This application relates to 2 ½ acre piece of land on Hay Lane, located between two residential properties. The run of residential properties along Hay Lane are set down from the road, and a number of them have outbuildings adjacent the road and also outbuildings at the bottom of the hill, to the rear of the residential properties.

Planning permission is sought; part retrospectively, for the siting of two polytunnels, one at the top of the hill (which is already in place) and one at the bottom of the hill. The existing grassed access to the site has also been hard surfaced and retrospective permission is sought for this also.

The polytunnels are to be used in association with an organic vegetable and cider business operated (with planning permission) from a dwelling in Suffield, at the top of Hay Lane.

Main Issues

The relevant NYM Local Development Framework policies to consider with this application are Core Policy A (Special qualities) and Development Policy 12 (agriculture).

Core Policy A of the Local Development Plan seeks to ensure that new development conserves and enhances the Park's special qualities; with priority being given to ensuring development does not detract from the quality of life of local residents and supports the character of a settlement.

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Development Policy 12 of the Local Development Plan seeks to permit proposals for new agricultural buildings, tracks and structures or extensions to existing buildings where there is a functional need for the building, the building is designed for the purposes of agriculture, the site is related physically and functionally to existing buildings associated with the business unless there are exceptional circumstances relating to agricultural necessity for a more isolated location, and a landscaping scheme which reduces the visual impact of the proposal on the wider landscape is submitted as part of the proposal.

In support of the application it is stated that the existing gated access was set back to improve highway safety and graded with stone to reduce mud on the road.

The existing and proposed polytunnels, and access, whilst remote from the host business are not and would not be visually intrusive in the immediate or wider landscape, or from neighbouring properties, due to the change in ground levels and hedge planting adjacent the road. The polytunnels are required to serve an existing horticultural business and are of an appropriate scale, in relation to the outbuildings in adjacent properties.

There have been no adverse comments received in connection with the application and therefore, in view of the above, approval is recommended.

Explanation of how the Authority has Worked Positively with the Applicant/Agent**Approval (No Amendments Required)**

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and confirmed to the applicant/agent that the development is likely to improve the economic, social and environmental conditions of the area.