

North York Moors National Park Authority

Parish: Cloughton

App No. NYM/2020/0583/FL

Proposal: formation of a vehicular farm access and associated track (part retrospective)

Location: Newlands Farm, Newlands Road, Cloughton

Applicant: Mr & Mrs Morley, c/o Agent

Agent: ELG Planning, fao: Mr David Boulton, Gateway House, 55 Coniscliffe Road, Darlington, DL3 7EH

Date for Decision: 08 October 2020

Extended to:

Director of Planning's Recommendation

Refusal for the following reasons:

1. The Planning Authority considers that the required Clear visibility of 215 metres cannot be achieved along the public highway in either direction from a point 2.4 metres from the carriageway edge measured down the centre line of the proposed access road cannot be achieved and consequently traffic generated by the proposed development would be likely to create conditions prejudicial to highway safety. The proposal therefore fails to comply with NYM Local Plan Policy CO2 (Highways) which requires development to be of a scale which is compatible with the adjacent road network without detriment to highway safety. By reason of the compromised visibility and associated reduction in highway safety, the proposal would also be contrary to paragraph 108 (b) which requires a safe and suitable access to be achieved for all users of the site. Allowing the proposal would mean that the Authority would be failing in its duty and would create a new access that would be highly unsafe for users of the site and the public highway.
2. It has not been demonstrated to the satisfaction of the Local Planning Authority that there is compelling evidence to support an existing need for a new track and that existing tracks or alternative arrangements cannot meet that need. Consequently, the application does not meet points 2 and 3 of NYM Local Plan Policy BL6.
3. The proposed development relies on the removal of vegetation from land which is not within the applicant's ownership and/or control. The proposed sight lines have already been deemed as inadequate by the Local Highway Authority and for that reason, in combination with the lack of certainty that the proposed works can be delivered and thereafter maintained, the proposal would be prejudicial to highway safety which is contrary to the requirements NYM Local Plan Policy CO2 (Highways).

Consultations

Parish - Object on grounds of highway safety. This is an extremely fast stretch of road, especially for southbound vehicles. Anyone coming from Ravenscar/Staintondale is coming downhill and they come over the brow of Craven Hill at quite a speed - if they are greeted by

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a large agricultural vehicle and trailer pulling out or turning in they will have very little time to react and brake. The speeds shown are mid-morning; I think you'll find the speeds at 7-8.30am will be faster. It should also be pointed out that during the colder months this stretch of road is prone to freezing and the gritter doesn't run on this road till around 9am.

Council also suggests the new Local Plan Policy BL6 (Tracks) is relevant since a new track has been created. The existing farm access is perfectly adequate - people staying in farm cottages should expect there to be farm traffic passing their cottage.

Highways - Recommend refusal. Clear visibility of **215 metres** cannot be achieved along the public highway in either direction from a point **2.4 metres** from the carriageway edge measured down the centre line of the proposed access road and consequently traffic generated by the proposed development would be likely to create conditions prejudicial to highway safety

Site Notice Expiry Date - 18 September 2020.





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**Background**

Newlands Farm lies on the eastern side of the Cloughton to Staintondale Road, approximately 1 kilometre to the north of Cloughton Village. The site comprises a traditional two storey farmhouse with attached outbuildings and a range of larger, two storey traditional outbuildings forming a courtyard with the farm house. These buildings have now been converted to 3no. holiday lets. A further building (attached to the house) has been converted to a small farm shop. These permissions were granted in 2006, with a third application for the re-construction of a demolished section of the traditional buildings to create a fourth holiday let being refused. There are also a number of very large modern agricultural buildings serving the farm, which are closely associated with the house, shop and holiday lets. The farm is accessed by a long uphill drive which is used by all the various enterprises which operate from/at the site.

This application seeks full planning permission (part retrospectively) for the creation of a new access to serve the agricultural operations at Newlands Farm. The proposed access is located to the north of the existing access and has been the subject of lengthy discussions between the Authority, applicant and Local Highway Authority (LHA) since its unauthorised creation in 2018. Although not in current use (the opening has been fenced off by the applicant, at the request of the LHA), the physical works of a large gap in the boundary wall together with a significant deposition of spoil to create a track through the natural ravine are clearly visible. The proposed access leads from the road, to the farmyard, completely avoiding the areas in residential, retail and holiday use which are proposed to be afforded sole and exclusive use of the existing access.

The applicant's agent has written in support of the application, a summary of the information is provided below:

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Permission is sought for the creation of a dedicated access to serve the working buildings at Newlands Farm with no through access to the holiday lets/farm shop. The purpose of this new access is to definitively separate agricultural and private vehicle movements in the interests of the safety of all users. It is clearly far from ideal to have agricultural traffic traversing directly past the holiday cottages (with windows to habitable rooms along the present farm access route) or a small farm shop which is frequented by members of the general public. This arrangement jeopardises the safety and amenity of visitors and agricultural workers alike.

The proposed new access road will not result in an intensification of traffic using the site, and the same volume and nature of vehicles will continue to use the surrounding road network. The only difference being that agricultural traffic will make use of the new access point, and the more 'domestic' traffic, will use the existing southern access. This, if anything, will ensure the safety of highway users with reduced intensity of use of the present access and reduced likelihood of conflicting movements.

The existing access has no ability to accommodate the turning of agricultural vehicles or private vehicles within the entrance or beyond and there is limited scope to enhance this arrangement to cater for such degree of conflicting use. A dedicated access is entirely appropriate in this respect.

The supporting statement also includes the results of a radar speed survey which was carried out on Craven Hill. The results of this have been used by the applicant and agent to calculate average speeds which in turn have been used to determine the required visibility splays. The report finds that the 85 %ile wet weather speed travelling southbound was 33.2 mph and northbound was 29.6 mph, equating to a safe stopping distance of 90m and 70m respectively. Based on these calculations, the agent advises that the suitable visibility splays of 2.4m x90m northwards and 2.4m x 70m southwards, can be achieved by the removal of vegetation as identified on the submitted plan.

Policy Context

The relevant NYM Local Plan policies to consider with this application are CO2 (Highways), BL6 (Tracks) together with the guidance set out with the National Planning Policy Framework (NPPF), with particular reference to paragraphs 108 and 109.

Local Plan Policy CO2 states that new development will only be permitted where: it is of a scale which the adjacent road network has the capacity to serve without detriment to highway safety; the design, layout and surface take into account the needs of all users; and, the works are sensitive to the character of the area (in terms of both heritage and biodiversity) and are the minimum to achieve safe access.

Local Plan Policy BL6 is only supportive of proposals to install, alter or extend tracks where: the scale and alignment of the track and materials will not have an adverse impact on the landscape and special qualities of the National Park; there is compelling evidence of a need for the track to directly support an established agricultural or forestry business and it is of an appropriate scale; it can be demonstrated that no existing roads or tracks are suitable and that alternative arrangements cannot be made to meet the identified need;

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it can be demonstrated that there will not be an unacceptable impact on known archaeological features; works will not adversely affect ecological assets; and, appropriate design, construction methods and materials are used to reduce the visual impact on the wider landscape.

Policies 108 and 109 of the NPPF are applicable to the assessment of development proposals and of relevance to this application are paragraph 108(b) which requires a safe and suitable access to be achieved and paragraph 109 makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Main Issues

The main issues are therefore considered to be firstly, whether it has been demonstrated that there is an identified need for the proposed track which is supported by compelling evidence and that existing tracks or that alternative arrangements can meet that need; and secondly, whether the proposed new access would provide a safe entry and exit point to and from the site, without harming highway safety.

Justification for the Track

The application includes details for a new track within the site, leading from the existing buildings to the proposed access. Work has already begun to create this relatively short track but due to the nature of the terrain in this part of the site, the works comprise extensive infilling of a natural ravine which significantly changes the character of the site. Local Plan Policy BL6 requires clear, compelling justification for the creation of new agricultural tracks, recognising that they can often result in landscape harm. Criteria 2 and 3 of BL6 set out the requirement for applications to contain evidence of the need and that it can be demonstrated that no existing roads or tracks are a) suitable and b) that alternative arrangements cannot be made to meet the identified need.

Having assessed the information submitted, Officers are of the opinion that the proposal fails to present the required and structured information to support the need for the track. Instead, the supporting information is based on anecdotal evidence. The application advises that there is limited scope to adapt the existing access arrangements within the site (i.e. to provide a turning area to alleviate conflict at the access point) but fails to provide any evidence of options which have been considered (and the reasons for which they are considered as inadequate).

The application does not present any information relating to the investigation of alternative solutions that may be accommodated within the existing site and the reasons for which they have been discounted. Consequently, the proposal does not meet the requirements of Local Plan Policy BL6.

The Local Highway Authority (LHA) has also identified that the applicant's justification for the proposal relates to a desire to improve amenity and safety within the site. The LHA has stated that all possible means of mitigating the problems currently experienced within the controlled environment of their site must be investigated before seeking permission for any new access.

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Assessment of Proposed New Access

Local Plan Policy CO6 and paragraphs 108 and 109 of the NPPF deal with highway safety matters. The applicant's agent has included a speed sensor survey which has been used to inform the location and design of the proposed access. The speed sensor survey is of extremely limited scope and extent. It is not considered to be sufficient for the purposes of supporting the application for the reasons explained in the following section of this report. Notwithstanding the above the proposal has been offered for consultation with the LHA for an expert opinion.

The LHA advises that Cravens Hill, Newland Road is outside of the Cloughton village limits and is within the national speed limit. The design standard for the site is DMRB (Design Manual for Roads and Bridges) and the required visibility splay is 215 metres by 2.4 metres. The available visibility was un-able to be measured on site due to a temporary fence at the location and was measured to be approximately 15 metres taken at the highway boundary 1.0 metres from the carriageway edge.

The LHA has also concluded that the submitted speed survey does not comply with CA185 - Vehicle Speed measurement. Nevertheless the application, as presented, has been fully considered. The LHA continues to state that the applicant has provided a plan from these results (drawing 19/263/TR/001) showing a potential visibility splay based on the survey figures. This would require the removal of the stone boundary wall and the vegetation within the entire visibility envelope. The land behind the wall either side of the proposed access falls steeply. This will require a significant amount of fill and a considerable retaining wall with crash restraint to prevent conditions prejudicial to highway safety. A satisfactory clear safe visibility splay is not likely to be achievable, should any future reduced speed survey be accepted.

In respect of the proposals shown on the submitted plan and the works required to achieve the visibility splays offered by the application, Officers note that some of the vegetation identified for removal in order to achieve the sightlines set by their consultant, does not fall within the land identified as being within the ownership/control of the applicant, as indicated on the submitted location plan. Consequently, in the event that the proposed access could be considered acceptable, the Local Planning Authority (LPA) is not satisfied that the necessary works can be delivered to achieve it. Aside from the matters relating to highway safety as outlined above by the LHA, the LPA is concerned that the works would have an unacceptable visual impact and unless compensatory planting could be provided elsewhere at the site, the proposal would result in an undesirable loss of habitat to the detriment of local biodiversity.

The LHA also asserts that the agricultural access could not be guaranteed to only be used by large agricultural vehicles and some use by smaller vehicles is reasonably expected. Therefore any visibility requested would have an eye height of 1.05 metres. Larger agricultural vehicles are by their nature easily visible; however this may not be true for the equipment behind the vehicle. This can be longer than most highway users may expect increasing the risk of serious conflict with vehicles travelling along the highway. The local Highway Authority received a number of reports of near miss incidents whilst the un-authorised access was in use, including vehicle conflicts and near misses and mud deposited on the road.

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This statement is supported by the Parish Council's response, in which it is also reported to Officers that there were a number of close shaves had by people travelling down from Staintondale and Ravenscar in 2018/19 when the spoil was being tipped to fill the ravine in order to create the new access track and the unofficial entry to the premises.

The Highway Authority recommend refusal of the application based on highway safety grounds and specifically that a clear visibility of 215 metres cannot be achieved along the public highway in either direction from a point 2.4 metres from the carriageway edge measured down the centre line of the proposed access road. Consequently, traffic generated by the proposed development would be likely to create conditions prejudicial to highway safety.

Limitations of Speed Sensor Survey

Readings were taken on one occasion in the month of February. The survey does not give the exact location of the speed readings. The sample size is very small (60 vehicles southbound, 46 vehicles northbound) and Officers do not consider that this survey alone is sufficient in providing an adequate basis for calculations in relation to a new access on a trunk road. The guidance in relation to vehicle speed measurement contained within the Design Manual for Roads and Bridges states in the 'Speed measurement, frequency and timing section' that:

- Spot speed and journey speed measurements shall comprise a minimum of two individual speed measurement periods, undertaken on different days of the week, and at different times of the day.
- The minimum two individual speed measurement periods should be undertaken in different months and at least one month apart from each other, or in a neutral month if the former is not feasible (A neutral month is a month that is not impacted by seasonal variation in traffic flows. Typical neutral months are April, May, June, September and October).
- Speed measurements should be undertaken outside of peak traffic flow periods (Non-peak periods are typically between 10am and noon and 2pm and 4pm. In some cases these times need to be varied to take account of site specific circumstance e.g. if a school is nearby that closes at 3pm).
- Speed measurements shall not be undertaken at weekends.
- Speed measurements on rural roads shall not be undertaken on bank holidays.

Based on the above guidance, it is concluded that the submitted speed survey has not met the above criteria in that it was carried out on a single day and not within a neutral month. The sample size also falls significantly below the minimum figure of 200 stated in the same guidance but the limitations of this quieter location are noted. It is also acknowledged that the sample size obtained during a neutral month of this year (2020) is also likely to have been small in view of the travel restrictions imposed during the national lockdown in response to the Covid-19 pandemic. However, this emphasises the need to carry out more than one survey.

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Other matters

The application documents identify that the newly introduced uses at the site have resulted in a number of conflicts as all users (including pedestrians, cyclists, private cars, delivery vehicles and farm machinery) share one access. In addition to conflict at the access, other problems are reported to exist such as the unavoidable deposit of mud by farm vehicles on the driveway which is detrimental to other users and noise/disturbance is caused to the holiday accommodation by the passing of vehicles close to the rear of the cottages.

In respect of the reported problems of mud on the driveway, Officers consider it is likely that this issue may be transferred to the public highway if the proposed access is to be used. While the inconvenience and detrimental nature of such deposits within the public areas of the site are understood, it is considered that the impact of this within the site is likely to be lower than the potential impacts of mud on the public highway where traffic will be travelling at significantly higher speeds.

Having regard to noise and disturbance caused to the holiday lets, it is anticipated that the expectations of guests will be managed in this respect by the fact the cottages are located on a working farm, and a degree of agricultural activity is therefore expected. It is accepted the proposal does not seek to eliminate such disturbance but is considered that alternative options within the site could also help to alleviate the issues identified by the applicant.

Summary

Many of the issues relating to the conflicts of uses are understood to be occurring within the confines of the Newlands Farm site, as opposed to problems or congestion occurring on the public highway. The current access was improved and widened to accommodate all traffic likely to use the site under the previous permission for the conversion of barns to holiday lets and a shop. It is considered therefore, that better traffic management within the site would be the most appropriate solution, rather than creating a potentially hazardous access to the public highway to alleviate specific pressures within a controlled site. Officers are willing to provide additional advice in response to such options should the applicant wish to engage in conversation through the Authority's pre-application advice service.

The LHA has advised that the proposed access fails to achieve the required visibility splays and would therefore be prejudicial to highway safety. The Parish Council has also objected to the proposal based on highway safety grounds. No other representations have been received. In view of the above, the proposed development is not considered to meet the requirements of Local Plan Policies BL6 and CO2. As proposed, the development is likely to lead to conditions that are prejudicial to highway safety and would therefore fail to meet the requirement of a safe access as required by NYM LP CO2, BL6 and paragraph 108 (b) of the NPPF. Consequently, under NYM Local Plan policies BL6 and CO2, and in accordance with paragraph 109 of the NPPF, refusal is recommended.

Explanation of how the Authority has Worked Positively with the Applicant/Agent

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.