

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2024/0223

Development description: change of use of paddock to garden and creation of vehicular access and driveway to serve existing dwelling

Site address: 2 Red Briar Cottages, Broxa Cottages, Broxa Hill, Broxa

Parish: Broxa-Cum-Troutsdale

Case officer: Jill Bastow

Applicant: Mr Ian Popely

2 Red Briar Cottages, Broxa Cottages, Broxa Hill, Broxa, Scarborough, North Yorkshire, YO13 0BP

Director of Planning's Recommendation

Approval subject to the following:

Condition(s)

| Condition number | Condition code | Condition text | | | | | | | | | | | | |
|---|----------------|---|----------------------|---------------|----------------------|-------------|---|-------------|---------------|------------|------------------|------------|-------------|------------|
| 1 | TM01 | The development hereby permitted shall begin not later than three years from the date of this decision. | | | | | | | | | | | | |
| 2 | PL01 | <p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table><thead><tr><th>Document Description</th><th>Date Received</th></tr></thead><tbody><tr><td>Proposed Sketch Plan</td><td>28 Mar 2024</td></tr><tr><td>Supporting Information inc. Surfacing Details</td><td>28 Mar 2024</td></tr><tr><td>Location Plan</td><td>9 Apr 2024</td></tr><tr><td>Site Layout Plan</td><td>9 Apr 2024</td></tr><tr><td>Tree Survey</td><td>7 Apr 2024</td></tr></tbody></table> | Document Description | Date Received | Proposed Sketch Plan | 28 Mar 2024 | Supporting Information inc. Surfacing Details | 28 Mar 2024 | Location Plan | 9 Apr 2024 | Site Layout Plan | 9 Apr 2024 | Tree Survey | 7 Apr 2024 |
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| Proposed Sketch Plan | 28 Mar 2024 | | | | | | | | | | | | | |
| Supporting Information inc. Surfacing Details | 28 Mar 2024 | | | | | | | | | | | | | |
| Location Plan | 9 Apr 2024 | | | | | | | | | | | | | |
| Site Layout Plan | 9 Apr 2024 | | | | | | | | | | | | | |
| Tree Survey | 7 Apr 2024 | | | | | | | | | | | | | |
| 3 | MHC-03 | The development must not be brought into use until the access to the site at 2 Red Briar Cottages, Broxa has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the | | | | | | | | | | | | |

| Condition number | Condition code | Condition text |
|------------------|----------------|---|
| | | <p>Local Highway Authority and the following requirements:</p> <ul style="list-style-type: none"> • The crossing of the highway verge and must be constructed in accordance with the approved layout and Standard Detail number E50. • Any gates or barriers erected on the highway boundary must not be able to swing over the existing highway. • The final surfacing of any private access within 1 metre of the public highway must not contain any loose material that is capable of being drawn on to the existing public highway. • Measures to enable vehicles to enter and leave the site in a forward gear. <p>All works must accord with the approved details.</p> |

Reason(s) for condition(s)

| Reason number | Reason code | Reason text |
|---------------|-------------|--|
| 1 | RSN TM01 | To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended. |
| 2 | RSN PL01 | For the avoidance of doubt and to ensure that the details of the development comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan, which seek to conserve and enhance the special qualities of the National Park. |
| 3 | RSN MHC-03 | 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. |

Informative(s)

| Informative number | Informative code | Informative text |
|--------------------|------------------|--|
| 1 | INF MHI-C | 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 |

| Informative number | Informative code | Informative text |
|--------------------|------------------|--|
| | | Highway Authority, is available to download from the <u>County Council's website</u> . The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition. |

Consultation responses

Parish

No comments received

Highways

Recommend conditional approval

Environment Agency

No comments received

Third party responses

None received

Publicity expiry

Advertisement/site notice expiry date: 26 April 2024

Existing field gate on Broxa Road and location of the proposed new vehicular access track



View of the location of the proposed new vehicular access track alongside the boundary hedge



View from Broxa Road across the paddock showing the route of the track alongside the boundary hedge and into the applicant's garden beyond



Background

Planning permission is sought for a new vehicular access track to serve 2 Red Briar Cottages which currently utilises a shared access with the adjoining property 1 Red Briar Cottages. The applicant advises that for reasons of safety and convenience they wish to create a separate driveway from Broxa Road in the position of an existing field gate.

The access track would be 3 metres wide and 42 metres long running southeast from Broxa Road adjacent to the boundary with the neighbouring property, Hillrise, to the northeast, surfaced with a 40 mm type 1 limestone aggregate with a grass strip down the middle.

Main issues

Local Plan

Policy BL6 (Tracks) of the Local Plan is supportive of proposals to install tracks only where the scale and alignment of the track and the proposed materials will not have an adverse impact on the landscape and special qualities of the National Park. The policy requires there to be a demonstrable need for the track and that there is no existing track suitable to meet the identified need. Any proposals should not have an unacceptable impact on any known historic or archaeological features or adversely affect ecological assets.

Discussion

The applicant has demonstrated a reasonable need for the new access track to his property so as to avoid passing through the neighbouring property where there is a degree of activity associated with their stables.

The proposed access track will be of a simple twin-trod construction surfaced in limestone aggregates with a grass strip down the middle which would be in keeping with the character of this rural location.

With regard to the trees along the northeast boundary, the applicant has submitted a simple tree survey in support of the application showing retention of all but two trees along the boundary (a decaying flowering Cherry and 3 metre high ivy) and a supporting statement that advises that hand digging will be carried out to avoid root disturbance to nearby trees. The Woodland Officer is satisfied that the information submitted by the applicant will ensure protection of the existing trees on site.

In conclusion it is considered that the creation of a new access track in the location proposed would not have an adverse appearance on the character and appearance of the locality and its overall appearance will be softened with a grass strip down the middle to form a twin trod style track. Approval is recommended.

Public Sector Equality Duty imposed by section 149 of the Equality Act 2010

The proposal is not considered to unduly affect any people with protected characteristics.

Explanation of how the Authority has worked positively with the applicant/agent

The Local Planning Authority has acted positively in determining this application by assessing the scheme against the Development Plan and other material considerations and subsequently granting planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.