

# North York Moors National Park Authority

District/Borough: Scarborough Borough Council  
Parish: Sneaton

Application No. NYM/2017/0129/FL

Proposal: variation of conditions 4 and 5 of planning approval NYM4/031/0087A/PA to allow external storage and fencing/landscaping (part retrospective)

Location: John Nobles Building Yard, Former Esk Nurseries, Sneaton Lane, Ruswarp

Decision Date: 13 April 2017

## Consultations

**Borough/District -**

**Parish –** No objection/Approve

**Highways –** No highway Authority objections

**Site Notice Expiry Date –** 29 March 2017

**Others – John & Gillian McArdle, The Penthouse, Mill Court, Ruswarp**

My wife and I own The Penthouse at Mill Court in Ruswarp and therefore have a very clear view of this site.


We have seen the application and have reservations as to the intention of the owner who currently uses the site for storage of commercial vehicles, commercial skips and General rubbish that cannot be described as storage of building materials.

We have no objection to the building of a fence but are concerned that the failure to cover the entire riverside boundary with fencing will create a problem if further trees die. Our suggestion would be to fence the entire riverside border of the site and to plant evergreen trees as exist already on the border, to create a yearlong screening as opposed to a seasonal one.

The introduction of a specific prohibition to parking of commercial vehicles overnight or the storing of skips would also prevent the current problems of both noise and scarring of a natural beauty spot. There was a restriction imposed on the site further up the road of the use of machinery to prevent disturbance of the area.

The limitation of both the area where material could be stored and the type of material would be welcome.

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### Director of Planning's Recommendation

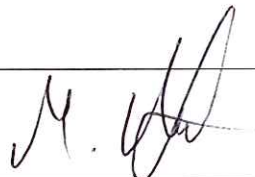
Approval subject to the following condition(s):

1.	RSUO00	The premises shall be used as a builder's yard and for no other purpose.
2.	RSUO00	The use hereby permitted shall be carried on only by the applicant unless otherwise agreed in writing by the Local Planning Authority.
3.	RSUO00	There shall be no retail or trade sales of any materials or equipment and no hiring of plants, tools or machinery to the public or trade, without prior written consent of the Local Planning Authority.
4.	RUSO00	The builder's materials hereby approved to be stored outside shall not be stacked or deposited above a height of 2.25 metres measured from ground level.
5.	LNDS00	The existing trees/hedging on the site shall be retained and shall not be pruned, lopped or felled without the prior written agreement of the Local Planning Authority.
6.	LNDS00	All hard and soft landscape works comprised in the approved details of landscaping shall be carried out within the next 28 days, or in accordance with a programme agreed by the Local Planning Authority. Any trees or plants planted in accordance with this condition which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
7.	RSUO00	The proposed close boarded fence on the northern boundary of the site shall be 3 metres in height as agreed in the email from Louis Stainthorpe received on the 13 April 2017 11:12.
8.	RUSO00	Sufficient space for parking and turning of vehicles shall be retained on site at all times to allow all vehicles to exit the site across the railway line in a forward gear as confirmed in the email from Louis Stainthorpe received on the 7 April 2017 13:25

### Reason for Condition(s)

1-3.	RSN RSUO00	To ensure a low-key level of operation commensurate with the use of the private rail crossing to the site and compatible with the amenities of the locality.
4, 5 & 7.	RSN GACS02	In the interests of the visual amenities of the locality and to comply with the provisions of NYM Core Policy A which seeks to conserve and enhance the special qualities of the National Park.
6.	RSN LNDS01	In order to comply with the provisions of NYM Development Policy 3 which seeks to ensure that new development incorporates a landscaping scheme which is appropriate to the character of the locality and retains important existing features.
8.	HWAY16	In accordance with NYM Development Policy 23 and to provide for adequate and satisfactory provision of parking and turning on site to allow vehicles to leave the site, across the Railway in a forward gear.

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**Background**

The application site is a small triangular plot of land located between the River Esk and the Whitby to Grosmont railway line. The only vehicular access to the site is via a gated private rail crossing which is accessed across BATA's car park. The site contains an existing low height building and a perimeter screening most of the way around, other than where a tree has recently fallen into the adjacent river. The building was originally used as a plant nursery prior to its current use as a builder's yard which was granted approval in March 2003 with a condition restricting any outside storage.

It has come to light that the site has been operating in breach of their approval and hence this application has been submitted to regularise the situation with regard to outside storage on site. To mitigate against the loss of screening along the river bank edge the applicant has agreed to construct a 3m close boarded fence and also plant 20 new willow trees.

**Main Issues**


This application relates to a site which has already been approved for use as a builder's store and therefore it is not the use that is being considered, only the landscape and amenity impact of external storage of associated materials on the site.

Core Policy A of the Local Development Framework seeks to further the National Park purposes and duty by encouraging a more sustainable future for the park and its communities whilst conserving and enhancing the Park's special qualities. Priority will be given to development that will not have an unacceptable impact on the wider landscape, quiet enjoyment of the Park or quality of life of residents or visitors; development in locations and of a scale which supports the character and function of settlements; maintaining and enhancing the natural environment; conserving and enhancing the landscape, settlement, building features and historic assets of landscape character areas; applying sustainable design and energy use; provision of a choice of housing; strengthening and diversifying the rural economy and enabling access to services, facilities, jobs whilst minimising environmental impacts of transport.

Development Policy 3 seeks to maintain and enhance the distinctive character of the National Park by ensuring that the siting, layout and density of development preserves or enhances views into and out of the site; that the scale, height, massing, materials and design are compatible with surrounding buildings; that the standards of design details are high and complements that of the local vernacular; good quality sustainable design and construction techniques are incorporated; that there is satisfactory landscaping and that the design takes into account the safety, security and access needs for all potential users of the development.

The site is not prominent in the landscape, due to its low position away from other landuses although it is overlooked from residential development to the north of the River Esk. The visibility from this direction has recently been made worse due to the loss of a riverbank tree

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which has opened up views into the site on the northern side which is where the majority of the open space about the building is located.

A two metre fence and the planting of 20 willow trees were proposed as part of the application to block views across the river from the North. The applicant was asked to extend this fence along the whole boundary so that a solid boundary existed for when the other trees failed, however they are unwilling to do this. These existing trees are between 15-20m high and provided a significant screen and therefore the location for the fence proposed was considered to be appropriate, however Officers have negotiated an increase in height up to 3 metres as the unauthorised storage on site already appears to be up to around 2m in height. After discussion with the Authority's Woodland Officer he has advised that potted Willow trees will be able to be planted within the next 28 days and therefore the conditions has been worded to reflect this to ensure that the landscaping scheme is implemented at the earliest opportunity.

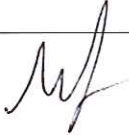
Whilst the erection of a 3m fence would not be acceptable in other positions within the national park, it is considered to be an acceptable solution in this location to reduce the visual impact and also act as a sound barrier between the existing site and the neighbouring residential properties.

The situation with regard to access to the site is not altered as part of this application, however in the absence of specific areas of parking and storage marked on the site plan the applicant's agent has stated sufficient space will be left onsite for the turning and parking of vehicles and that there is a right of way across the west of the shed through to the adjacent market garden that must be kept clear. Officer's requested the details to ensure that all traffic exited the site across the railway line in a forward gear. The applicant has operated the site for a number of years and is aware of the dangers of crossing the railway line.

The proposed planting and fencing is considered to be appropriate to mitigate against the visual and amenity impact of the external storage proposed and therefore with the conditions proposed above the application is considered be to appropriate for the setting and therefore approval is recommended.

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

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and recommended changes to the proposal including the increase of the fence height proposed along the riverside so as to deliver sustainable development.

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