

# North York Moors National Park Authority

District/Borough: Scarborough Borough Council  
(North)  
Parish: Staintondale

Application No. NYM/2018/0025/FL

**Proposal: construction of cattle underpass**

**Location: land west of Grange Farm  
Staintondale**

**Decision Date: 07 May 2018**

## Consultations

**Parish** - No objections to this application. However would make the following observations/comments.

In the long term an underpass would be the least disruptive to residents and road users. However there is potential for considerable disruption during construction and the Parish Council would not wish to see the road closed for days or weeks on end during construction.

There is a need to ensure the design and construction are of a sufficient strength and longevity to avoid problems on this busy section of road. Likewise there needs to be adequate monitoring during construction to ensure no short cuts are taken. This is a significant civil engineering project which needs to be carried out by companies with the necessary skills, qualifications, experience and insurance as well as a proven record of successful construction of similar (or more complex) projects. It is hoped that Highways, as a statutory consultee, will require stringent conditions be placed on any consent so as to ensure the integrity of the existing highway both during and after construction.

There is no indication on the submitted plans as to the points where the "sections through" are taken. There is no indication in the application as to whether, once construction is completed, the gateways either side of the road for the existing road crossing will be closed.

The underpass is shown as being under 7 feet high - that will severely restrict the type of machinery which can be used to remove slurry/FYM. Additionally it appears the underpass will not be gated - as a consequence cattle are likely to congregate in the underpass. There are also strong concerns about pollution caused by slurry draining off into the nearby watercourse. The underpass will be the lowest point of the construction. It is understood that in the past the road to the south has had to be repaired as a result of drainage-related subsidence.

**Highways** – No objections subject to conditions. The proposal will allow movement of cattle from one side of the public highway to the other without the need for numerous daily road closures and the removal of the associated muck from the highway surface. Whilst there is no objection to the proposal in principle further detailed information will be required by the highway authority for approval of both the technical details of the structure and the method of construction. The applicant will be required to enter into a legal agreement with the highway authority, this agreement may require the provision of a bond for the reconstruction of the public highway should the applicant or his appointed contractor fail to satisfy the

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requirements of the highway authority. The applicant will be required to provide an indemnity against any future maintenance of the structure by the highway authority. Given that as a direct consequence of the proposed construction there will be additional necessary street furniture within the highway boundary, a commuted sum for the future maintenance may be required. The applicant will be required to appoint a suitably qualified and approved contractor. All construction and traffic management plans for the structure must be approved prior to any excavation, other groundworks or construction works beginning.

**Historic England** – No comments

**Site Notice Expiry Date** – 17<sup>th</sup> April 2018

### Director of Planning's Recommendation

**Approval** subject to the following condition(s):

1.	TIME01	The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.												
2.	PLAN01	<p>The development hereby permitted shall not be carried out other than in strict accordance with the following documents:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Document Description</th> <th style="text-align: left;">Document No.</th> <th style="text-align: left;">Date Received</th> </tr> </thead> <tbody> <tr> <td>Site location plan</td> <td>---</td> <td>12 March 2018</td> </tr> <tr> <td>Plan view</td> <td>J2820-01 Rev B</td> <td>4 May 2018</td> </tr> <tr> <td>Proposed sections</td> <td>J2820-02 Rev B</td> <td>4 May 2018</td> </tr> </tbody> </table> <p>or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.</p>	Document Description	Document No.	Date Received	Site location plan	---	12 March 2018	Plan view	J2820-01 Rev B	4 May 2018	Proposed sections	J2820-02 Rev B	4 May 2018
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Site location plan	---	12 March 2018												
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Proposed sections	J2820-02 Rev B	4 May 2018												
3.	MATS06	No work shall commence on the excavation works for the development hereby permitted until a one metre square freestanding panel of stonework showing the type of stone and stonework to be used in the construction of the development hereby permitted has been constructed on site and approved in writing by the Local Planning Authority. All new stonework shall match that of the approved panel both in terms of the stone used and the coursing, jointing and mortar mix and finish exhibited in the panel unless otherwise agreed in writing by the Local Planning Authority. The stone panel constructed shall be retained on the development site until the development hereby approved has been completed.												
4	LNDS11	No work shall commence to clear the site in preparation for the development hereby permitted until full details of the access surfacing have been submitted to and approved in writing by the Local Planning Authority. The access surfacing shall then be implemented in accordance with the approved details and shall be maintained in that condition in perpetuity.												
5.	MATS00	Within three months of the date of their installation, the railings hereby approved they shall be coloured dark green and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.												

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6.	DRGE00	The cattle underpass hereby approved shall be gated, with the gates closed when not being in use, unless otherwise approved in writing by the Local Planning Authority.
7.	DRGE00	Prior to the development hereby approved being first brought into use, a silt trap shall be installed to capture sediments washed from the underpass. The silt trap should be emptied on a regular basis, with the material spread on nearby fields. However, if no drainage is proposed and surface water is allowed to percolate 230m across the neighbouring field to connect to the watercourse then no silt trap would be required
8.	GACS07	No external lighting shall be installed in the development hereby permitted until details of lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.
9.	HWAY07	<p>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:</p> <p>i). The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority</p> <p>ii). The existing access shall be improved and constructed in accordance with Standard Detail number <b>E7</b>.</p> <p>iii) Any gates or barriers shall be erected at the highway boundary and shall not be able to swing over the existing or proposed highway.</p> <p>iv). Provision to prevent surface water from the site discharging onto the existing or proposed highway shall be constructed and maintained thereafter to prevent such discharges</p> <p>v). The final surfacing of any private access within <b>1 metres</b> of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.</p> <p>All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.</p>

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<p>10</p>	<p>HWAY12 A</p>	<p>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 in connection with the construction of the cattle underpass or other works until:</p> <p>a. The details of the following off site required highway works, works listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority:.</p> <p>b (i). construction of the proposed cattle underpass, related works and reinstatement details of the highway, including detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:</p> <ul style="list-style-type: none"> <li>• dimensions of any carriageway and verges</li> <li>• the proposed structure and site layout, including levels</li> <li>• drainage system</li> <li>• all types of surfacing kerbing and edging and safety fencing.</li> </ul> <p>(ii). Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of the existing road and through the centreline of the proposed structure showing:</p> <ul style="list-style-type: none"> <li>• the existing ground level</li> <li>• the proposed road channel and centre line levels</li> <li>• full details of surface water drainage proposals.</li> </ul> <p>(iii). Full working drawings for any structures which affect or form part of the highway network.</p> <p>(iv). A programme for completing the works.</p> <p>c. provision of suitable details for the completion of Technical Approval procedures process for the structure to be placed within, affecting and under the highway</p> <p>d. provision of a construction details and construction phase plan, including any necessary traffic management plans</p> <p>e. An independent Stage 2 Road Safety Audit for the agreed off site highway works has been carried out in accordance with HD19/15 - Road Safety Audit or any superseding regulations and the recommendations of the Audit have been addressed in the proposed works.</p> <p>f. A programme for the completion of the proposed works, including any Traffic management plans and necessary Traffic Regulation Orders applications, for the construction of the proposed structure, has been submitted to and approved writing by the Local Planning Authority in consultation with the Local Highway Authority.</p>
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11.	HWAY12 C	<p>Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, <b>the proposed structure</b> shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number:</p> <p>b (i). construction of the proposed cattle underpass, related works and reinstatement details of the highway, including detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:</p> <ul style="list-style-type: none"> <li>• dimensions of any carriageway and verges</li> <li>• the proposed structure and site layout, including levels</li> <li>• drainage system</li> <li>• all types of surfacing kerbing and edging and safety fencing.</li> </ul> <p>(ii). Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of the existing road and through the centreline of the proposed structure showing:</p> <ul style="list-style-type: none"> <li>• the existing ground level</li> <li>• the proposed road channel and centre line levels</li> <li>• full details of surface water drainage proposals.</li> </ul> <p>(iii). Full working drawings for any structures which affect or form part of the highway network.</p> <p>(iv). A programme for completing the works.</p> <p>c. provision of suitable details for the completion of Technical Approval procedures process for the structure to be placed within, affecting and under the highway</p> <p>d. provision of a construction details and construction phase plan, including any necessary traffic management plans.</p>
12.	HWAY18 A	<p>There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.</p>
13.	HWAY25	<p>Unless otherwise approved in writing by the Local Planning Authority, there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until details of the routes to be used by HCV construction traffic have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the approved routes shall be used by all vehicles connected with construction on the site.</p>

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14.	HWAY00	<p>No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period. The statement shall provide for the following in respect of the phase:</p> <ul style="list-style-type: none"> <li>a. the parking of vehicles of site operatives and visitors</li> <li>b. loading and unloading of plant and materials</li> <li>c. storage of plant and materials used in constructing the development</li> <li>d. erection and maintenance of security hoarding</li> <li>e. wheel washing facilities</li> <li>f. measures to control the emission of dust and dirt during construction</li> <li>g. a scheme for recycling/disposing of waste resulting from demolition and construction works.</li> </ul>
15.	LNDS01	<p>Prior to the development being brought into use details of a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for between the railings and the road and shall include details of any existing hedges and trees to be retained on the site together with any measures for managing/reinforcing these and shall specify plant species, sizes and planting densities for any new areas of planting. The approved details shall be carried out no later than the first planting season following the occupation of the buildings, or completion of the development, whichever is the sooner, or in accordance with a programme agreed by the Local Planning Authority. The approved landscaping scheme shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.</p>

**Informative(s)**

1.	<p>Any hard surfaced tracks outside the redline of the application site which have already been commenced will require the submission of a full planning Application and any further hard surfaced tracks will require either the submission of a Prior Notification or planning application.</p>
2.	<p><b>HWAY00 INFORMATIVE</b></p> <p>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.</p>
3.	<p><b>HWAY00</b></p> <p>There must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 (or similar legal agreement) has been entered into between the Developer and the Highway Authority.</p>

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4.	<b>HWAY00</b>	There shall be no site clearance, demolition, excavation or depositing of material in connection with the construction of the development until <b>details of any necessary Temporary Traffic Regulation Orders which may be required for the construction of the proposed cattle underpass</b> have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved details shall, at the applicant's expense, undergo the legal process required. Subject to the successful completion of this legal process the measures will be implemented at the applicant's cost prior to the development being brought into use.
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**Reason for Condition(s)**

1.	TIME01	To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2.	PLAN01	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.	MATS01	For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 which seek to ensure that building materials are of a high quality and compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
4.	LNDS03	In the interests of the satisfactory appearance of the development and in order to comply with the provisions of NYM Development Policy 3 which seeks to ensure that development proposals incorporate suitable hard landscaping details.
5.	MATS02	For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
6 & 7.	DRGE01	To avoid pollution of watercourses and to comply with the provisions of NYM Development Policy 1, which seeks to ensure that new development has satisfactory provision for the disposal of foul and surface water.
8.	GACS01	In order to comply with the provisions of NYM Core Policy A which seeks to ensure that new development does not detract from the quality of life of local residents.
9.	HWAY07	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.
10.	HWAY12 A	In accordance with NYM Development Policy 23 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
11.	HWAY12 B	In accordance with NYM Development Policy 23 and in the interests of the safety and convenience of highway users.
12.	HWAY18 A	In accordance with NYM Development Policy 23 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
13.	HWAY21	In accordance with NYM Development Policy 23 and in the interests of highway safety and the general amenity of the area.

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14.	HWAY24	In accordance with NYM Development Policy 23 and to provide for appropriate on-site vehicle parking and storage facilities in the interests of highway safety and the general amenity of the area.
15.	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.

### Background

Grange Farm is an organic dairy farm located off the Staintondale to Ravenscar Road, and although it is visually tucked away from this approach, due to undulating land, it is clearly visible from the higher level road as you drop down into Staintondale from the main A171. The farm comprises three dwellings (the fourth in the group is in separate ownership), and a number of agricultural buildings, all sited in one group.

The site has a long and complex planning and enforcement history.

The applicant has recently purchase farmland on the other side of the road that leads though Staintondale to Ravenscar and this application seeks planning permission construct an underpass to connect the fields on one side of the road to the other, to enable for cattle to be moved to different parts of the farm without causing regular disruption to the road.

The underpass would be located approximately 200m south of the junction with Rudda Road where the road is at a significantly high level than the adjacent fields.

The walls surrounding the underpass would be faced in natural stone and the tops adjacent the road would be protected with green galvanised railings which would be screened by hedge and shrub planting.

The underpass itself would measure 4m wide x 2.1m high. The upper banks would be planted with hedges and shrubs.

### Main Issues

Development Policy 12 of the NYM Local Development Framework 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.

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In terms of the requirements of Development Policy 12, the underpass is designed for the purposes of agriculture, to aid the movement of cattle without causing regular disruption to the use of the road. In landscape terms, the proposal would not be visually intrusive; making use of existing topography and will have little impact on the surrounding.

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The Highway Authority have been consulted and are satisfied that the proposal will benefit the use of the highway and providing adequate highways conditions are imposed, have no objections to the proposal.

Concerns regarding ecological impact can also be dealt with by conditions, such as ensuring that cattle do not gather under the underpass in wet weather which could result in a build-up of run-off.

The proposal is therefore considered to accord with Development Policy 12 and consequently 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.

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