

North York Moors National Park Authority

District/Borough: Scarborough Borough Council
Parish: Eskdaleside-Cum-Ugglebarnby

Application No. NYM/2019/0123/CU

Proposal: use of land for the siting of a refreshments van

Location: Blue Bank Upper Car Park, Sleights

Decision Date: 23 April 2019

Consultations

Parish - No objections but comment on the following:

- Possible safety issue with vehicles seeing the van and braking hard to turn into the car park.
- Additional advanced roadside advertising boards to be displayed only when the van is open should be considered
- Advice from Highways to be sought

Highways - No objection.

Natural England - No objection.

Site Notice Expiry Date - 04 April 2019.

Others - Miss Susan Willmington of Redbarn, Littlebeck Lane, Sneaton - I commented on this application a few years ago and I still feel strongly that this is not a good idea. Cars coming into Whitby cutting across the road, it is already a dangerous turning into the car park. Many camper vans park overnight, the bin is always full to overflowing. This will not be used by trucks as they are already nearly at their destination. There are cafes nearby (Victoria Garden Centre & Perrys Plants) with parking.

Director of Planning's Recommendation

Approval subject to the following conditions:

1. **Temporary Permission for Five Years - Operational Development**
The permission hereby granted is valid only for five years from the date of this permission and the development shall be removed from the site before this consent expires and the site restored to its former condition before that date.
2. **Strict Accordance With the Plans/Specifications or Minor Variations**
The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved or in accordance with any minor variation thereof that may be approved by the Local Planning Authority.
3. The van shall not be stationed on the site other than when it is open for the sale of refreshments & snacks. Sales from any van on the site shall be restricted to non-alcoholic beverages and hot and cold snacks.
4. Litter receptacles shall be provided when the van is open for sale of refreshments and shall be removed from the site at all other times.

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Informative

The applicant is advised that this permission does not grant consent for any advertisements or advance directional signage in relation to the refreshments van. A separate grant of advertisement consent will be required for such advertising and the applicant is encourage to seek pre-application advice from the Authority prior to undertaking a formal application.

Reasons for Conditions

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 & 4. In order to enable the Local Planning Authority to retain control over the scale of activity at the site and ensure compliance with NYM Core Policy A which seek to conserve and enhance the special qualities of the NYM National Park.

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Background

The application site is located within the existing National Park car park to the east of the busy A169 Pickering to Sleights road prior to the descent into Sleights village. The van is to be stationed in the south-west corner (closest to the carriageway) within the southernmost car park which is the larger of the two.

The van, when at the site, would occupy a small site and would be stationed on the same area each visit as illustrated on the red line plan. The proposal does not include any provision for outside seating. The access to the site from the public highway is unchanged.

The application seeks permission for the sale of refreshments including non-alcoholic drinks, hot and cold food, confectionery, ice creams, pre-cooked food such as pies and pasties and daily specials.

Main Issues

The key issues include consideration of the visual impact of the proposed catering van, the impact on nearby designated areas and species including ground nesting birds and sheep grazing on the adjoining moorland together with highway safety issues and requirement to meet the National Park statutory purposes.

Policy Context

Core Policy A of the NYM Local Development Framework seeks to ensure that new development conserves and enhances the National 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.

Development Policy 14 of the NYM Local Development Framework seeks to ensure that new tourism development and the expansion or diversification of existing tourism businesses will be supported where the proposal will provide opportunities for visitors to increase their understanding, awareness and enjoyment of the special qualities of the National Park; where the development can be satisfactorily accessed from the road network (by classified roads) or by other sustainable modes of transport including public transport, walking, cycling or horse riding; where the development will not generate an increased level of activity and where it will make use of existing buildings.

Development Policy 18 of the NYM Local Development Framework seeks to concentrate retail developments in the defined commercial areas of the larger towns and villages or built up area of small Service Villages with such development in open countryside limited to situations where they are ancillary to an existing enterprise not adversely affect neighbours or viability of villages.

Landscape Amenity

The A169 and surrounding road network is heavily used by general road traffic and tourists. The existing car park already attracts a variety of vehicles including cars, vans, motorhomes and heavy goods lorries for short stay periods.

As a standalone feature, a van parked during daytime hours is likely to have a modest impact on the landscape amenity of this part of the National Park. However, it is accepted that the application site is an established carpark and consequently, there has to be an expectation for some interruption to views and the visual amenity of the area for periods throughout the day. The visual impact of a van sited on the car park is therefore considered to be modest given the existing potential for other vehicles utilising the area.

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Permitted Development

Schedule 2, Part 4, Class B of the Town and Country Planning (General Permitted Development) Order 1995 permits some temporary uses of land without the need for planning permission; it permits the land owner to use the land for any purpose for not more than 28 days in total in any calendar year without the need to apply for permission.

Permission is sought in this case for an unrestricted timeframe for use of the land for all year round commercial refreshment purposes.

Public Amenity and Highway Safety

The Parish Council and third party comments are noted and have been taken into account by Officers. A common concern related to highway safety issues and this has also been at the forefront of the Authority's considerations. However, the Highway Authority has confirmed that the siting of the wagon is not expected to adversely affect the visibility for drivers leaving the car park onto the A169 via the existing access and consequently there are no local highway authority objections to the proposal.

National Park Purposes and Nearby Designated Areas and Land Management Activities

The Statutory Purposes of National Parks, as stated in the 1995 Environment Act are:

- *"to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks"* and
- *"to promote opportunities for the understanding and enjoyment of the special qualities of the Parks by the public"*.

Officers have carefully considered the proposed use of land for the siting of a refreshment concession and although there are concerns that this otherwise open 'viewpoint' location in the National Park and the adjoining land could potentially be disrupted it is considered that the statutory purposes will be unaffected and a controlled permission will be more appropriate than an unrestricted use.

Due to the proximity of the site to areas of national and European designation, the application has been considered by Natural England and the Authority's Ecologist. Natural England has confirmed that on the basis of the information provided, the proposed development will not have significant adverse impacts on statutorily protected sites. They continue to recommend that to meet the requirements of the Habitat regulations to record the decision that a likely significant effect can be ruled out.

With this in mind, the Authority's Ecologist has advised that the application seems unlikely to have any deleterious effect on the surrounding habitats and wildlife provided that sufficient control is kept on any litter produced or other impacts on surrounding land from increased public use of the site and surrounding areas. Provision of rubbish collection facilities are proposed, however it should be carefully monitored to ensure that this provision is sufficient. Given this, a limited time lease may be appropriate.

Regarding any potential impact on the European designated sites adjacent to the development, I assert that;

- the proposal is not necessary for the management of the European site
- that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment

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Officers agree that a controlled permission requiring the provision of litter bins and its removal from the site each day is required and this is an approach recently taken in regard to a similar application elsewhere in the Park. It is also recommended that a condition be included for a five year temporary permission which will enable the Authority to re-assess the proposal and its effect on all the above considerations (together with any new considerations) in the future. Again, this approach is consistent with other applications for catering vans elsewhere in the Park.

In respect of landscape impact, much of this has been covered in the landscape amenity paragraph and it is considered that with a controlled permission restricting a low key daytime use, it would have a minimal visual impact and a balance needs to be made between this form of enhancing the recreation offered to help meet the Management Plan aspiration of increased visitor days per year to the Park.

Commercial Activity

The comments of the third party representative in relation to availability of refreshment in the nearby village of Sleights and surrounding area, it is considered that the siting of a small catering unit in this location is unlikely to have an unacceptable impact on the vitality and viability of existing businesses. The unit is likely to attract trade from passing customers and on the basis there is to be no outdoor seating, it is unlikely to be attractive to customers who would otherwise choose to stop at established cafes and eateries offering greater comfort and facilities. Sleights has few opportunities for larger vehicles to stop safely and use existing businesses and therefore, the outlet is likely to serve the needs of professional drivers as well as visitors to the National Park. The car park already attracts a wide variety of vehicles and it is not considered that a refusal could be upheld on the basis of over commercialisation and landscape impact. The temporary time period offers the opportunity to re-assess the situation in the future.

Authority Summary

On balance, it is considered that the operation of one mobile refreshment van and the associated increase in activity at the application site, the surrounding protected area and neighbouring amenity/vitality is unlikely be affected.

Officers have carefully considered the implications of siting a mobile refreshment van on the Blue Bank likely to take place mainly at busier times and that a low key controlled permission will not have a significantly detrimental impact on the locality of the National Park.

In view of the above it is considered that the proposal would be in accordance with Core Policy A and Development Policy 14 of the NYM Local Development Framework, approval 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.