

North York Moors National Park Authority

District/Borough: Scarborough Borough Council
Parish: Hinderwell

Application No. NYM/2019/0160/FL

Proposal: Variation of Conditions 2 (material amendment) 4 and 7 of planning approval NYM2016/0694/FL to allow changes to the layout and design of the units, window materials, realignment of access road, use of a holiday unit as manager's accommodation and separation of the site (part Retrospective)

Location: Trig Point, Staithes Lane, Staithes

Decision Date: 19 June 2019

Extended to:

Consultations

Borough – 12/04/2019 - No objection

Parish – 08/04/2019 - No objection

Highways – 17/04/2019 -The application does not change any of the concerns expressed by the Local Highway Authority in the previous recommendation, NYM 16/694/FL dated 9th May 2017. The Local Highway Authority recommends that the following Condition is attached to any permission granted:

Note

The applicant has addressed the issues relating to the access to the west of the site onto Staithes Lane by saying this will not be used for this application. The proposed access is now shown to the south of the site through the car park area. The Highway Authority's concern about this access is whether the applicant and the applicant's future customers have a right of access from the public highway on Whitegate Close to the land within the applicant's control.

Yorkshire Water –

Environment Agency – 27/03/2019 - No comment on this proposal

Environmental Health Officer -

Site Notice/Advertisement Expiry Date – 07 May 2019

Application Number: NYM/2019/0160/FL

Director of Planning's Recommendation

Approval subject to the following condition(s):

- 1 The development hereby permitted shall not be carried out other than in strict accordance with the following documents:

Document Description	Document No.	Date Received
Proposed Block Plan	109-02 Rev I	20 March 2019
Proposed (2 Bed) Plan & Elevations	109-04 Rev B	19 March 2019
Proposed 3 Bed Plan & Elevations	109-05 Rev B	19 March 2019
Drainage Plan	109-02-1A	24 June 2019
Landscaping Proposal		24 June 2019
Landscaping Plan from NYM2016/0694/FL		Rec'd 20 Feb 2017
Track Specification		24 June 2019

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
- 2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), no development within Schedule 2, Part 1, Classes A to H Schedule 2, Part 2, Classes A to C and within Schedule 2 Part 14 Classes A to I of that Order shall take place without a further grant of planning permission being obtained from the Local Planning Authority.
- 3 The chalets hereby approved shall only be occupied for holiday purposes and shall not be occupied as a person's sole or main place of residence other than the unit indicated to be manager's accommodation. The owner/operators shall maintain an up-to-date register of all owners/occupiers of individual caravans on the site and of their main home addresses and shall make this information available at all reasonable times, to the Local Planning Authority.
The site as a whole shall be maintained as a single planning unit and not sold off in separate lots. For the purpose of this condition the chalet units themselves may be sold to individuals on a ground rent basis but the site itself shall be retained in single ownership as part of the wider site.
- 4 The chalet hereby approved as manager's accommodation shall not be occupied as a separate independent dwelling and shall remain ancillary to the business outlined in the redline on the proposed block plan, and shall not be sold or leased separately without a further grant of planning permission from the Local Planning Authority.
- 5 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.
- 6 The external timber cladding of the buildings hereby approved shall be stained dark brown or other colour as agreed by the Local Planning Authority and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
- 7 All new window frames, external doors and door frames shall be constructed dark grey powder-coated aluminium and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Application Number: NYM/2019/0160/FL

- 8 All hard and soft landscape works comprised in the details of landscaping approved under NYM2016/0694/FL shall be carried out no later than the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, 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.
- 9 The development hereby permitted shall not be brought into use until full details of the renewable energy installation to generate energy on site from renewable sources to displace at least 10% of predicted CO2 emissions have been submitted to and approved by the Local Planning Authority. The approved details and measures shall then be completed prior to the occupation of the development hereby approved and shall be maintained in working order unless the prior written agreement of the Local Planning Authority has been obtained.
- 10 There shall be no access or egress by any vehicles between the highway and the application site until full details of a safe and satisfactory access to the adopted highway have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The development shall not be brought into use until the approved access is available for use.
- 11 During construction noise from the site shall be limited to 07:00-18:00 Monday to Friday, 08:00-13:00 Saturday with no work allowed on Sundays and Bank Holidays. All machinery should be properly silenced and should comply with BS5228 and details of any proposed measures to prevent harm to amenity should be submitted to the Local Planning Authority approval. There should be adequate measures taken to suppress dust and the details of these should also be submitted to the Local Planning Authority for approval. Works shall thereafter be carried out in accordance with the agreed details.

Informative

1	<p>Coal Referral Area</p> <p>The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 08457626848 or at www.groundstability.com</p>
---	--

Reason(s) for Condition(s)

1. 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.
2. In order to enable the Local Planning Authority to retain control over future alterations to the property in the interests of safeguarding the existing form and character of the building in line with NYM Development Policy 3 and NYM Core Policy A, which seek to enhance and conserve the special qualities of the NYM National Park and secure high quality design for new development.

Application Number: NYM/2019/0160/FL

3. The site is in a location where new residential development would be contrary to NYM Core Policy J but permission for holiday accommodation has been permitted to provide facilities for visitors in line with NYM Development Policy 16.
4. The site is in a location where new residential development would be contrary to NYM Core Policy J but the accommodation has been permitted in this instance to meet the specific needs of the business operating from the site.
5. 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.
6. 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.
7. 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.
8. In order to comply with the provisions of NYM Core Policy C which seeks to conserve and enhance the quality and diversity of the natural environment.
9. In order to comply with the provisions of NYM Core Policy D which seeks to ensure that new development contributes to reduce carbon emissions.
10. In accordance with NYM Development Policy 23 and in the interests of highway safety.
11. 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.



Application Number: NYM/2019/0160/FL

Background

Trig Point 49 comprises a number of single storey timber buildings set in approximately five acres of ground lying between Bank Top and Staithes village. The development was originally erected to provide barrack accommodation for army troops stationed at Staithes during the First World War. They have been used since 1985 by the applicant as bunkhouse/hostel-type visitor accommodation for both catered and self-catered groups visiting the area. Prior to 1985 the site was operated in a similar way by the Holiday Fellowship Group.

The site is situated on the east side of Staithes Lane, with access taken from Staithes Lane through a private residents car park to the rear of Glenville, a private dwelling or through the Public car park to the south of the site, which is also owned by the applicant. The applicant has confirmed that access to the site in relation to this proposal will be through the public car park to the south. The complex occupies a prominent position in Staithes, particularly when viewed from the public car park at the top of Staithes bank and the Public Rights of Way surrounding the site.

Three of the existing buildings located towards the west end of the site closest to Staithes Lane have been renovated to create self-contained holiday accommodation, capable of being let separately to the remainder of the units on the site. One of the units has also been subdivided to create two smaller self-contained units and another has been granted approval for the installation of replacement uPVC windows and doors to create five Bed and Breakfast letting rooms. These units are not affected by the current proposal.

History

Permission was granted in October 2014 (NYM2013/0621/FL) for the siting of 13 no. log cabins and use of land for the siting of 6 no. camping pods for holiday use, construction of amenity block, alterations and extension to access road, creation of car parking and landscaping works. A further application was then approved for a variation of conditions 2 (material amendment) and 4 of planning approval NYM/2013/0621/FL to allow the replacement of the 6 no. camping pods and part of the communal buildings with 4 log cabins for holiday use together with changes to layout, design and size of log cabins.

Over the twelve years preceding the 2013 application the site owner had tried to find an alternative appropriate, long term and viable future use for the site including residential uses. However, subsequent applications have been either turned down or withdrawn. These include the refusal of outline permission for erection of 36 eco-efficient timber framed dwellings in January 2007 and the withdrawal of a certificate of lawfulness for a 70 pitch caravan and camping site.

The application finally granted approval in 2014 gained approval to develop the tourism accommodation offered on the site by adapting and adding to the existing development. The application proposes the erection of 13 log cabins and six camping pods along with the construction of an amenities block.

The development would have resulted in the removal of the existing amenities block, the re-modelling of the central facilities building and the removal of 12 of the existing huts on the site which have not been previously renovated. The proposed development included the erection of six of the cabins, the amenity block and the six camping pods on previously undeveloped land to the east of the main site. Alterations were proposed to the access and

Application Number: NYM/2019/0160/FL

internal road ways with a new access into the eastern part of the car park adjacent to the site and the use of the recently opened access to the north side of the car park.

The approval granted in 2017 (NYM2016/0694/FL) for the variation of conditions 2 (material amendment) and 4 of planning approval NYM/2013/0621/FL allowed the replacement of 6 no. camping pods with 4 log cabins for holiday use together with changes to layout, design and size of log cabins. The scheme proposed the removal of all of the proposed camping pods and was later amended to allow only two additional two bedroom cabins at the eastern end of the development closer to the other proposed units than the pods were. Two further 3 bedroom units were proposed to replace two parts of the central amenity block which had been retained under the earlier approval. The second access to the east side of the existing public carpark was also removed as part of that application, and the applicant confirmed that there will be no access to the site through the Glenvale Car Park.

Current Application

This application now seeks approval for the variation of Conditions 2 (material amendment) 4 and 7 of planning approval NYM2016/0694/FL to allow changes to the layout and design of the units, window materials, realignment of the access road, to use one of a holiday units as manager's accommodation and separation the development from the rest of the site (part Retrospective).

The supporting information submitted with the application states that the current owner wishes to retire, but is reluctant to leave the site and therefore he would like to retain part of the site and sell the residue as a going concern.

The revised site layout shows the proposed siting of the units which has been realigned so that each of the north facing units has a gable looking out to sea. The access road has been amended to accommodate the additional space required to accommodate this and now runs straight through the site rather than the more informal meandering form it took previously. The windows of the units are now proposed to be powder-coated aluminium rather than timber.

Main Issues

The main issue is considered to be whether the separating of the site from the previously converted holiday accommodation and full time residence is considered to be acceptable. The reason applied to the original approval was to retain control of the site by having a permanent manager in residence, thus maintaining site organisation and control. Under this application one of the newly constructed units would be used as manger's/owner's accommodation.

Policy

Development Policy 3 of the NYM Local Development Framework is also relevant as it affirms that to maintain and enhance the distinctive character of the National Park, development will only be permitted where the siting, orientation, layout and density preserves or enhances views into and out of the site, spaces about and between buildings and other features that contribute to the character and quality of the environment. Furthermore, the Authority seeks a high standard of design detailing whether traditional or contemporary, which reflects or complements that of the local vernacular.

Application Number: NYM/2019/0160/FL

Development Policy 4 of the NYM Local Development Framework seeks to ensure that development within or immediately adjacent to a Conservation Area either preserves or enhances the character and appearance or setting of the area and that the scale, proportions, design and materials respect the existing architectural and historic context with particular reference to traditional buildings, street patterns, the relationship between buildings and spaces and views into and out of the area.

Development Policy 14 of the NYM Local Development Framework states that the quality of the tourism and recreation product in the National Park will be maintained and improved through adopting the principles of sustainable tourism. New tourism development and the expansion or diversification of existing tourism businesses will be supported where opportunities are provided to increase the visitor's awareness, understanding and enjoyment of the National Park in a manner which does not undermine its special qualities; where the development can be satisfactorily accessed from the road network or by other sustainable modes of transport and where the proposal would not generate an increased level of activity.

Core Policy D of the NYM Local Development Framework seeks to address the cause of climate change and contribute to reducing greenhouse gas emissions in a number of ways, including generating energy from renewable sources where they are a scale and design appropriate to the locality, and which contribute towards meeting domestic, community or business energy needs within the National Park. This includes requiring commercial development of over 200sqm to generate energy on-site from renewable sources to displace at least 10% of predicted CO₂ emissions.

Principle of Use

The previous application have already allowed the extension of the site to the east, on an open and prominent area of Open Countryside and the replacement of the existing chalet buildings within the main built up part of the site.

Approval was granted as the extension of the site provides three beneficial elements. The main benefit is an economic one to the applicant by way of extending the area of the development and facilitating the installation of cabins on land to the east of the existing main built up part of the site. The second benefit was in terms of the improvement to the tourism offer in the area through the modern facilities provided through the installation of the new chalet accommodation. Finally the application was an opportunity to provide the site with an improved landscape setting through the incorporation of a suitable landscaping scheme.

Impact on the Conservation Area and Historic Assets

The site is bordered by the Conservation Area to the east of the site. The existing field to the east of the main built up area of the existing site provided something of a buffer between the development and the Conservation Area. However, neither the site nor the proposed extension to it imposes on the setting of the Conservation Area in any significant way and it cannot be readily argued that the proposed development will have an adverse impact on the setting of the Conservation Area in this instance.

Design and Special Qualities

The existing site is on a rectilinear format and relates poorly to the other development in the vicinity of the application site. The original buildings on the site were essentially rectangular shed structures with low pitched roofs and are of little architectural merit in themselves. The proposed chalets are not of any particular relevance to the area in terms of design but are generally considered to be a visual improvement to the site. This application is an opportunity to greatly improve the landscape setting of the site by introducing structural

Application Number: NYM/2019/0160/FL

planting in and around the site. Due to the scale of the existing built development on the site, the additional development to the east combined with improved landscaping will lead to an overall improvement in the appearance and landscape setting of the development within its village context. The proposed development is considered to be of an acceptable design and is not considered to impact detrimentally on the special qualities of the National Park. Core Policy D details were conditioned as part of the original approval, however the applicant's agent had previously confirmed that Core Policy D requirements (renewable energy) will be met through the installation of air source heat pumps and solar panels or log burners within the living area. A condition is recommended to require the submission of full details of the energy use of the site.

Residential Amenity

The proposed development will not add any additional activity within the site over and above that which has already been approved; however, the management of the site will be different. In essence this will only person who will be impacted upon from this revised management arrangement will be the applicant who will have control over the adjacent site. The application is still considered to accord with the requirements of Development Policy 14 in all other respects.

Access

The site will be access through the existing Bank Top car park through the access which has already been approved and installed. The Highway Authority's concern about this access is whether the applicant and the applicant's future customers have a right of access from the public highway on Whitegate Close to the land within the applicant's control and therefore they have recommended a condition with regard to this issue.

Neighbour and Third Party Objections

No adverse comments have been received in relation to this application.

Ecology

The adjacent land to the east is Section 3 woodland and slopes steeply down to the beck. The Authority's Ecologist has stated that care is needed during earth movements to ensure a buffer is maintained between machinery movements and storage of sediments and the edge of the site to prevent pollution of the beck and woodland flora. In addition, Himalayan balsam has been recorded close to the sites eastern edge, and care is needed to prevent potential translocation of seeds to other areas. No soils should be transported off-site, and a wheel washing facility at the entrance/exit to the site will help to limit potential spread.

In response to these matters the agent has stated that they have inspected the site and have found no evidence of Himalayan Balsam to be found, however he has stated that it is present in the adjacent woodland. The Eastern site boundary in question consists of a 1200-1500mm change in level, steep sloping site toward the beck with footpath before the adjacent woodland, this in itself is a protective barrier/buffer. They have stated that care will be taken during earth movements to ensure a buffer is maintained between machinery movements and storage of sediments and the edge of the site to prevent pollution of the beck and woodland flora. The site levels have already been installed under the previous permission and there is no intention of having any vehicles of any specification remotely near the Eastern boundary and contaminated area and therefore there is no possibility of potential translocation of seeds to other areas by operatives employed on the site. No soils will be transported off-site, and as such no wheel washing facility at the entrance/exit to the site will be implemented.

Application Number: NYM/2019/0160/FL

It is considered that in this instance these comments overcome the need for any additional conditions with regard to this matter.

Summary and Planning Balance

In summary the application is for amendments to the layout and design of the previously approved scheme and for permission to separate the business from the existing tourism business within the context of the village of Staithes. The principle of tourism development on this site is supported, although the extension to the site does not fit squarely with the policy position, it has previously been considered to be acceptable. The proposed development will have no detrimental impact on the special qualities of the National Park or residential amenity in the vicinity of the application site. The development is an opportunity to improve the landscape setting of the site and assist in the creation of a long term sustainable future for the business. Whilst the subdivision of the site does not fit fully within the Core Strategy policy position, it is considered that the benefits of the scheme outweigh the potential harm and overall the enhancement of an existing tourism accommodation facility meets specific Management Plan objectives relating to the tourism economy and as such the scheme is recommend for approval.

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 confirmed to the applicant/agent that the development is likely to improve the economic, social and environmental conditions of the area.