

## North York Moors National Park Authority

<b>Scarborough Borough Council (North)</b> <b>Parish: Fylingdales</b>	<b>App No. NYM/2018/0611/FL</b>
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**Proposal:** Erection of timber fenced refuse store

**Location:** Boggle Hole Youth Hostel, Mill Bank, Mill Beck, Fylingthorpe

**Applicant:** YHA (England & Wales) Ltd, fao: Mr Paul Dennis, Trevelyan House  
Dimple Road, Matlock, DE4 3YH

**Agent:** Just H Architects, fao: Mrs Rachael Oldroyd, 107 Timber Wharf, 32  
Worsley Street, Castlefield, Manchester, M15 4NX

**Date for Decision:** 20 November 2018

**Grid Ref:** 495386 504029

### Director of Planning's Recommendation

**Approval** subject to the following conditions:

1. TIME01 Standard Three Year Commencement Date
2. PLAN01 Strict Accordance With the Documentation Submitted or Minor Variations  
- Document No's Specified
3. RSUO00 The development shall only be used as a refuse store for the purposes of  
Boggle Hole Youth Hostel.
4. RSUO00 No bins shall be stored for the purposes of Boggle Hole Youth Hostel  
elsewhere on site.
5. GACS02 No Outside Storage
6. MATS00 The timber fence surrounding the refuse store shall be finished with  
untreated horizontal timber boarding and shall thereafter be so  
maintained unless otherwise agreed in writing by the Local Planning  
Authority.
7. DRGE00 The development shall not be brought into use until approved gully; silt  
trap and soakaway have been installed and are operational in  
accordance with the approved details.
8. HWAY07 Private Access/Verge Crossings: Construction Requirements
9. LNDS07 Trees/Hedging to be Retained
10. LNDS00 The access hereby permitted between the existing highway and the  
concrete ramp shall be surfaced with tarmacadam and the development  
shall not be brought in to use until the access has been surfaced in  
accordance with these details. The access surface shall be maintained in  
that condition in perpetuity.
11. MISC14 Use of Equipment Ceasing
12. MISC00 The refuse store shall not be accessed by the general public and the  
entrance shall be securely closed and locked at all times other than when  
the bins and/or the oil tank are being loaded or unloaded.

#### Informative

1. The layby, located opposite the garage on Mill Bank, should be kept free of obstruction  
and be available for its intended purpose at all times.



North York Moors National Park  
Authority  
The Old Vicarage  
Bondgate  
Helmsley YO62 5BP  
01439 772700

Application Number: NYM/2018/0611/FL

Scale: 1:1500







30/10/2018 14:48



30/10/2018 16:10

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**Consultations**

**Parish** – 22 October 2018 - No objections but raise concerns about the closeness of the gas tank and the whether or not the new store replaces the old facility.

31 May 2019 - Raise objections due to concerns including its very large size, encroachment on the road, the adverse impact on the local community, and access and parking issues. Believe that the facility could be sited in an alternative location so that it is out of site.

**Fylingdales Village Trust –**

**Highways** – 18 February 2019 - Concerns raised with regard to the proposed gates being opened over land that the Local Highway Authority would claim as publically maintainable highway and the hardstanding creating an area that surface water (and other liquids) will not soak away, whereby drainage measures should be provided to prevent the liquids running onto the highway. Conditions are therefore recommended.

**Natural England** – 15 October 2018 - Consider that the proposed development will not have significant adverse impacts on statutorily protected sites.

**Environmental Health** – 06 June 2019 - No comments from a commercial regulation perspective.

**Environment Agency –**

**Site Notice Expiry Date** – 01 November 2018

**Others – Mrs E Brown, St, Anthony, The Green, Hessett, Bury St Edmunds -**  
01 November 2018 - Questions whether alternative sites are available to be utilised, especially when over almost 100sq metres of ground are to be covered.

**Mr M and Mrs S Hutton, Lindhome, Mill Beck, Fylingthorpe, Whitby -** 20 November 2018  
Concerns raised over the view, use of the unlocked gas tank compound, height of the proposed fencing, drainage of 'bin juices' and subsequent problems with pests, and the general amount of rubbish being created. Also questions why so much rubbish is being produced and why the area previously approved bin area in the grounds of the Youth Hostel is not being used.

08 February 2019 - Viewed the amended information and still raise concerns as the compound has only moved a tiny bit. Queries raised with regard why Scarborough Borough Council have backed down the hill for the bins for a long time and to the chosen location when other land could be available. Previous concerns and objection is maintained.

**Mrs S Hutton, Lindhome, Mill Beck, Fylingthorpe, Whitby -** 27 May 2019 - Still concerned over the impact on the view with it being an eyesore, the waste liquid, loose rubbish, turning area being used for staff parking, future developments, and the lack of consideration for locals.

**Mr R and Mrs A Clifford, Kettlewell Cottage, Fylingthorpe, Whitby -** 07 February 2019  
Raises points with regard to content of the planning application forms. Those that relate to the planning application are the alteration in access from the highway, liquid waste product, and the close proximity to the gas tank. Believe it would be really good if the Hotel/Hostel would show some respect to the community and keep their rubbish closer to their own door. Object to national organisations/companies doing whatever they wish just because the

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Consultations continued

National Park, in their own words fully supports the Hostel as it brings in a lot of money, even though these actions adversely impact on the local community and the area in general.

04 March 2019 - Information detailing distances between a gas tank and additional development.

10 June 2019 - Maintain objection. Believe the development will be an eyesore and that an alternative location can be found and that a reduction in rubbish would result in many less deliveries for all packaged goods.

### **Background**

Boggle Hole Youth Hostel is located in an isolated location immediately adjacent to the beach at Boggle Hole, just along the coast from Robin Hoods Bay. The hostel itself is only accessible on foot to the public from the car park at the top of the access track, although service vehicles can get access down the track and across the sand should it be required, or along the Cleveland Way which passes the front of the hostel.

Since 2014, the Youth Hostel site has undergone many alterations to enhance the quality of guest accommodation provided and improve the facilities and surrounding area for those who stay there or just visit the area. Planning permission, NYM/2014/0640/FL, was granted on 14 November 2014 for a number of elements including the relocation of the refuse store to an area east of the main Youth Hostel building. Following this decision, the area has been deemed to be inappropriate for the storage of waste and coupled with other factors. The bins serving the site have recently been located on Local Highways Authority land adjacent to the outbuildings serving Millbank Cottage opposite the North York Moors National Park car park.

This application seeks to allow for the erection of a purpose build timber fenced refuse store adjacent to the access track towards the top of Mill Beck on land owned by the Youth Hostel Association. Although a number of third party objections to the scheme have been received, the Director of Planning's recommendation is before the Planning Committee to make a decision on the proposed development due to the nature of the comments received by the Parish Council.

### **Main Issues**

#### **Policy Context**

The proposed development is being assessed against the requirements of Development Policy 3 (Design) and Core Policy A (Delivering National Park Purposes and Sustainable Development) of the North York Moors Local Development Plan (LDP).

Development Policy 3 of the LDP 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 and design are compatible with surrounding buildings; that the standards of design are high; 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.

Core Policy A seeks to ensure that new development conserves and enhances the Park's special qualities; with priority being given to ensuring development does not have an unacceptable impact on the wider landscape.

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**Principle of Development**

Although a refuse store was approved in a location down near the main Youth Hostel building in 2014, this area is not currently being used for the storage of the bins. The previous arrangement saw the bins towed to the top of the hill by a contractor but due to the tidal patterns and other work, there were often issues with the bins not being out on the collection day and a delayed return from the roadside. Problems also occurred with particularly high tides and strong winds throwing the contents out to sea, together with unauthorised use of the facilities. A decision was made to re-site the bins half way up the hill in a small, unsecured layby opposite an existing garage used by the Youth Hostel next to the steep descent to the beach to improve waste management. The bins still needed to be moved on collection days as the bin lorry is unable to access this part of the hill and the issues with a prompt and unauthorised use of the bins were not alleviated. With the bins being out of site of the Hostel, the management are unable to continuously monitor the use but there have been occasions when they are moving the refuse up the hill that they have seen people filling the bins with household waste. It is evident that the facilities are being used more and more as a public waste and recycling point, with builders waste also being left, which has often lead to contamination of the appropriate bins. Delivery vans and lorries also found it difficult to turn in the layby with the bins placed here and the contractor is finding it harder to maintain their commitments.

All of these factors have led to the present situation with the refuse bins being left at Millbank Cottage opposite the North York Moors National Park car park. The preferred solution available to the Youth Hostel Association is to have a lockable compound that that cannot be accessed by the general public or causes issues on the highway and can be emptied directly into the bin lorry, meaning a location close to the road was required. Refuse is already moved several times a day from the Youth Hostel and the cleansing stations on the beach which would continue to be the case but would cut down significantly on additional handling of the receptacles. The purpose built store would also allow for an increase in the number of general waste and recycling bins to deal with the volume of waste produced during the busier summer months.

**Design and Siting**

Whilst the design of the refuse store and the location has altered throughout the application process, following the comments received from third party representations and the Highways Authority, the premise of the development of a compound located next to the highway and close to the top of the hill remains the same.

The proposed refuse store consists of a 10.05 metre by 4.077 metre concrete pad dug into the hillside with a retaining wall below ground level along on the eastern elevation and half of both the north and south elevations, surrounded by a timber fence, approximately 1.8 metres and 0.8 metres above ground level at the highest and lowest points. The 0.155 metre thick pad will be set to have a 1:40 fall for drainage and will be chamfered to suit the existing concrete ramp next to the highway used for accessing the gas tank and land to the north of the site.

A number of third party comments allude to the proposed refuse store being an eyesore on the landscape and spoiling views. Officers however do not consider that the structure will be unsightly, being positioned between the highway and an existing hedge line. The timber fence surrounding the LPG tank, although it does not benefit from planning permission, has been in situ for a number of years and the height of the proposed refuse store will be less than this. Given that the fence of the gas store is not treated in any manner, Officers do not believe it is necessary for the compound fence to be treated. It is unlikely that the application

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**Main Issues continued**

of any paint or stain will reduce the minimal visual impact caused by the compound but a condition has been attached whereby should the owner wish to treat it, details are submitted to the Authority.

Concerns have also been raised with regard to the size of the refuse store. The Youth Hostel currently utilise three 1100 litre general waste bins and four 1100 litre recycling bins, together with a waste oil container. To deal with the increased volume of waste during the summer months and the beach cleaning stations, the applicant wishes to expand capacity to ten bins, four for general waste and six for recycling. A store of this size is therefore required to allow for the additional bins, together with the safe and proper management of the facility. The scale and overall size is therefore not seen as being overly large or inappropriate.

According to details submitted as part of the application process, other sites including those outside of the applicant's ownership were considered prior to the submission of the application. However these were either unsuitable, when considered in line with the principles of development, or terms could not be agreed. The site for the compound has been altered to address issues surrounding land ownership and access. Given the problems and reasons behind the proposed development, this site would appear to be the most suitable one proposed.

**Highways Implications**

Although not formally forthcoming in writing, the local Highways Authority expressed their concerns with regard to the refuse store being on land within their control. The subsequent proposals did not overcome this concern either and the scheme was revised further to be set back from the publically maintainable highway verge. When formal comments were received, two concerns were raised with the way in which the gates opened and the lack of suitable drainage. A condition has been recommended and the agent has since confirmed that the gates will open inwards so that they will not swing over the existing highway.

Not only expressed by the local Highways Authority but shared by third party objectors, the drainage of the refuse store was seen as an area of concern. Originally no drainage was proposed but this was altered to make use of a soakaway drain into the highway gully. This was not deemed to be acceptable by the Highways Authority and a separate soakaway system, coupled with a fall laid into the concrete base and a gully, have been proposed. No objections to this have been raised by the local Highways Authority, the Environmental Health Officer or the Environment Agency.

Given that the application states service vehicles are struggling to turn using the layby facilities provided on Mill Bank, an informative has been included stating that the layby is to be kept clear of obstructions and used for its intended purpose.

Concerns have been also raised with regard to blocking access and limiting parking. The scheme does not impact on parking facilities in any way as the land to be taken up by the development in its current form is not suitable for parking regardless. Any issues with blocking the access to the Youth Hostel and the beach are likely to be temporary when a bin lorry reverses onto the concrete ramp to gain access to refuse store. The refuse store should reduce risks to highway users by relocating the bins off the road verge and turning areas into a separate compound.



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**Impact on Residential Amenity**

Although local residents are concerned about the impact the proposed refuse store will have on their amenity, Officers consider that the development is located far enough away from these dwellings so as not to cause any problems with the perceived issues. In addition the structure is not considered to be unduly unsightly as a service facility. It is acknowledged that the bin store may create smells and attract pests and these will need to be addressed by the owners by good management practise, however no objections have been raised by the relevant bodies. The Authority has noted concerns raised with regard to the use and Officers have conditioned it to prevent misuse.

**Additional Planning Considerations**

Concerns were raised with regard to the proximity of the refuse store to the existing LPG tank and the guidelines for safe operation. Officers understand the regulations as set out under LP Gas Association - COP 1 Part 1 state that development should not be within 3 metres of a tank. The agent has confirmed that the proposal meets the criteria.

The area is defined as a heritage coast and the National Planning Policy Framework (NPPF) states that local authorities should 'maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes, particularly in areas defined as heritage coast, and improve public access to and enjoyment of the coast.' The proposed development is not considered to be contrary to the NPPF and should help to achieve the aims of the designated area by providing a more appropriate area for the storage of waste.

To reduce any perceived impact on other matters raised, a number of conditions have been applied including ones relating to the retention of the hedge due to the refuse store being located within close proximity, one requiring the facility to be locked when not in use and only used by the Youth Hostel Association, and one stipulating that additional bins are not stored down near the buildings.

It is not for Officers to consider the amount of waste material being created from the use of the premises at this time or apply restrictions to the way in which the Youth Hostel conducts its purchasing policy.

Despite being consulted, no comments have been received with regards to the proposed development from the Fylingdales Village Trust, the Environment Agency or internal consultees.

**Conclusion**

Bins, refuse stores and appropriate waste management facilities are necessity for a business or tourism facility providing a service to paying customers. There have been a number of attempts to solve the waste storage issue from the Youth Hostel, storing at the hostel created problems with pollution and difficulties meeting bin days, siting in a layby half way down the slope created vehicle turning problems and meeting bin day collection, storing bins in the NYM car park and placing adjacent residential houses was considered inconsiderate by some and thus this solution has been promoted.

Whilst this type of slightly remote development may not be suitable in all locations, Officers believe that this scheme is justified at Boggle Hole Youth Hostel on account of the unusual topography, its isolated position and restricted road network. It will assist in maintaining the natural beauty of the area, reducing the waste left by visitors in the vicinity and is in keeping with development already seen in the immediate locality without being overbearing or out of

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**Main Issues continued**

scale. After lengthy negotiations, the current proposals overcome many of the initial concerns raised. The purpose built housing for the bins, would remove them from their current location on the highway and screen them from public view, in line with Development Policy 3 and Core Policy A, therefore approval is recommended.

**Contribution to Management Plan Objectives**

Approval is considered likely to help meet Policy E3, which seeks to ensure that new development will not have a detrimental impact on the landscape of the National Park, and Policies C21, C23 and C24 that aim for waste produced from within the National Park will be reused or recycled wherever possible and littering will not degrade the environment.

**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 but not limited to the justification for the scheme, location, design, and drainage, so as to deliver sustainable development.