

North York Moors National Park Authority

District/Borough: Scarborough Borough Council
(North)
Parish: Newholm-Cum-Dunsley

Application No. NYM/2019/0635/NM

Proposal: non material amendment to planning approval NYM/2018/0174/FL to allow the construction of a single storey detached office for use by Sirius Minerals security personnel

Location: A171 Park And Ride Amenity Building, Guisborough Road, Whitby

Decision Date: 14 October 2019
Extended to: 28 October 2019

Consultations

Borough/District - No objection

Parish – Whitby Town Council recommends approval. Newholme cum Dunsley Parish Council has not responded.

Highways – No objection

Police Designing out Crime Officer – has no comments

Natural England – No objection

Site Notice/Advertisement Expiry Date – N/A

Director of Planning's Recommendation

Approval subject to the following condition(s):

1.	PLAN03	<p>The development hereby permitted shall only be carried out in accordance with the amended plans, which comprise revisions to the design of the security office building as shown on drawing numbers: 40-APP-CP-5510-AR-34-00005 v. P4 40-APP-CP-5510-AR-34-00003 v. P5 40-APP-CP-5510-15-00002 v.P4 40-APP-CP-5510-15-00003 v.P4</p> <p>Otherwise the development shall be carried out completely in accordance with the approved plans and imposed conditions of permission NYM/2014/0174/FL dated 23 May 2018.</p>
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Informative

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 approval of The Coal Authority. Property specific survey information on coal mining can be obtained from the Coal Authority's Property Search Service on 08457626848 or at www.groundstability.com

Background

Planning permission for a public Park and Ride facility adjacent to the Cross Butts roundabout junction, Whitby, was first granted in 2012. The site lies within but immediately adjacent to the National Park boundary. In 2015 permission for a variation of conditions was granted to allow the construction and use of a number of private Park and Ride spaces, to serve employees and contractors associated with the Woodsmith Mine development being undertaken by Sirius Minerals. A further variation permission was granted in 2018 to enable, amongst other matters, a revised layout for the private parking area and construction of a small permanent extension to the main Park and Ride amenity building, to provide office accommodation for security personnel overseeing use of the private parking facility.

Use of the private Park and Ride facility commenced in November 2018 and a small temporary freestanding security cabin placed on site pending construction of the permanent office extension. The developer has now reviewed requirements for the permanent office accommodation and has brought forward proposals for a smaller permanent extension, in the same location and to a design substantially similar to that already approved.

Main Issues

Planning Practice Guidance states that there is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990. As the extension now proposed is smaller in footprint than that currently approved, of the same height and of substantially similar design and materials, it is considered that the proposals can be considered as a non-material amendment to the 2018 permission.

PPG also states that the local planning authority must, when considering applications for non-material amendments, have regard to the effect of the change, together with any previous changes made under section 96A. They must also take into account any representations made by anyone notified, provided they are received within 14 days of notification. As this is not an application for planning permission, section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply.

The proposed office extension would have a footprint of 9m² compared to a footprint of 12m² for the currently approved structure. Building materials would remain largely the same as approved, comprising facing brick walls with cedar timber board cladding above to match the existing structure and powder coated aluminium framed windows and doors, also to match the existing. The roof design has been revised to remove the approved sedum roof and replace it with a conventional flat roof for cost reasons. However this change will not be visible from ground level views of the structure due to the profiling of the timber cladding to the main elevations. The proposed revised design is not expected to give rise to any additional impacts compared with that already approved. No other non-material amendments to the Park and Ride scheme have been approved which require consideration alongside the effects of the changes now proposed, and no adverse representations have been received from consultees.

It is therefore recommended that approval be granted.

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.

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

Officers have held pre-application discussions with the applicant and have maintained dialogue with the applicant during assessment of the application.