

North York Moors National Park Authority

District/Borough: Scarborough Borough Council
Parish: Aislaby

Application No. NYM/2019/0845/CU

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

Location: Skelder Bank Car Park, Guisborough Road, Aislaby

Decision Date: 06 February 2020

Extended to:

Consultations

Parish - No objections but with the following comments: concern about issues of litter; concerns over access in/out of the car park as a potential dangerous accident spot; would there be signage making vehicular traffic aware of upcoming refreshment van.

Highways - The required visibility splay of 2 metres by 154 metres just meets the available visibility of 2 metres by 154 metres looking towards the Whitby direction. Therefore, there are no local highway authority objections to the proposed development

Environmental Health Officer – I have no objections to this proposal on Environmental Health grounds.

Natural England – No objection

Site Notice/Advertisement Expiry Date – 30 January 2020

Director of Planning's Recommendation

Approval subject to the following condition(s):

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.**

Application Number: NYM/2019/0845/CU

Informatives

1. 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.
2. 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

Reason(s) for Condition(s)

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. 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.
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.



Application Number: NYM/2019/0845/CU**Background**

The application site is located within the existing National Park car park to the south of the busy A171 Whitby to Guisborough road prior to the turning to Aislaby village. Approval is sought for the siting of a refreshments van to be stationed in the north-west corner (closest to the carriageway) within the car park which currently has no facilities but is will used by lorries along the A171 where off road parking is limited.

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.

Main Issues

The key issues include consideration of the visual impact of the proposed catering van, 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.

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.

Landscape Amenity

The A171 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.

Application Number: NYM/2019/0845/CU

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.

Officers have carefully considered the proposed use of land for the siting of a refreshment concession. In this location the refreshments van would be visible to passing traffic, however due to the treed backdrop it would not be prominent in the wider landscape.

In respect of landscape impact, it is considered that with a controlled permission restricting a daytime use, 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.

Highway Safety

The Parish Council comments are noted and have been taken into account by Officers, however, the Highway Authority has confirmed the visibility from the car park meets the expected standards and that the siting of the refreshments van is not expected to adversely affect the visibility for drivers leaving the car park onto the A171 via the existing access and consequently there are no local highway authority objections to the proposal.

Litter

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.

Commercial Activity

The proposed site is in a location where it is some distance from any villages or locations offering refreshments, 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, especially those in larger vehicles who would find it hard to park in village centre locations, 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. 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.

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.

Application Number: NYM/2019/0845/CU

Draft Local Plan

The proposal is considered to accord with the requirements of Strategic policy B –The Spatial Strategy which states that development in the open countryside will only be permitted where it is essential to meet social or community needs and can be demonstrated that there are no other suitable or available locations. Policy BL8 covers Shops, Offices and Food and Drink Services and looks to focus activity to a village focused location. Outside of villages it states that a proposal will be permitted where it is ancillary to an existing enterprise provided that the proposal does not result in a cumulative increase in activity which would have an unacceptable impact on the character of the area, the amenity of local residents, or the wider vitality and viability of villages. Whilst it would be part to describe the existing car park as an existing enterprise, it is not envisioned that the siting of a refreshments van create a cumulative increase in activity which would have an unacceptable impact on the character of the area, the amenity of local residents, or the wider vitality and viability of villages and therefore on balance the proposal is likely to be supported.

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.