

-----Original Message-----

From: Planning

Sent: 07 April 2021 14:47

To:

Subject: FW: ADDITIONAL INFO - NYM/2021/0132/FL - Staithes Lane Car park

From: Christopher Kendall

Sent: 07 April 2021 14:38

To: Planning;

Subject: Staithes Car park

Amended supporting statement

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Christopher Kendall

Dip TP MRTPI

**Christopher Kendall**  
**Town Planning Consultant**

NYMNPA

07/04/2021

AMENDED

**Application by I Park Smart Ltd**  
**For the erection of two 3m high ANPR camera and CCTV**  
**mounting posts**

**At**

**Car Park, Whitegates Close, Staithes**

**Supporting Documentation and Checklist**

**Application No NYM/2021/0132/FL**

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Whitegates Close, Staithes



- 1.0 General Introduction
  - 1.1 This document is attached to and forms part of a formal application.
  
- 2.0 Brief Description of the proposed development.
  - 2.1 The applicants operate the westernmost of two adjoining car parks in the village of Staithes.
  - 2.2 They have erected two metal columns to support Automatic Number Plate Recognition and Closed Circuit Television Cameras.
  - 2.3 These need planning permission and do not have it.
  - 2.4 This application seeks permission to retain one post and to, in effect, relocate the other.
  
- 3.0 Summary of Revisions (if applicable)
  - 3.1 07 April 2021
  
- 4.0 Conditions
  - 4.1 If it becomes necessary to discuss conditions, they will be discussed here.

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## Validation Checklist.

Item	Required	Provided
Form	Yes	Yes
Fee	Yes	Yes
Certificate	Yes	Yes
Location plan	Yes	Yes
Design and Access Statement	No	No
Site plan	Yes	Yes
Existing and proposed floor plans	No	No
Existing and proposed elevations	Yes	Yes - photograph
Existing and proposed site sections	No	No
Roof plans	No	No
Affordable housing statement	No	No
Biodiversity report	No	No
Flood risk assessment	No	No
Foul and surface water assessment	No	No
Heritage statement – archaeology	No	No
Heritage statement – listed buildings	No	No
Heritage statement – conservation areas	No	No
Land contamination assessment	No	No
Lighting assessment	No	No
Noise impact assessment	No	No
Open space assessment	No	No
Structural survey	No	No
Planning Statement	No	Yes
Town Centre Use Impact Assessment	No	No
Transport Assessment	No	No
Tree survey	No	No
Site waste management	No	No
Photographs etc	No	Yes
Planning obligations	No	No

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<b>A1. Application Forms</b>
Yes

<b>A2. Application Fee</b>
Yes

<b>A3. Ownership Certificate / Agricultural Holdings Certificate</b>
Yes

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**A4. Location Plan**



Yes

**A5. Design and Access Statement**

No – but see Planning Statement

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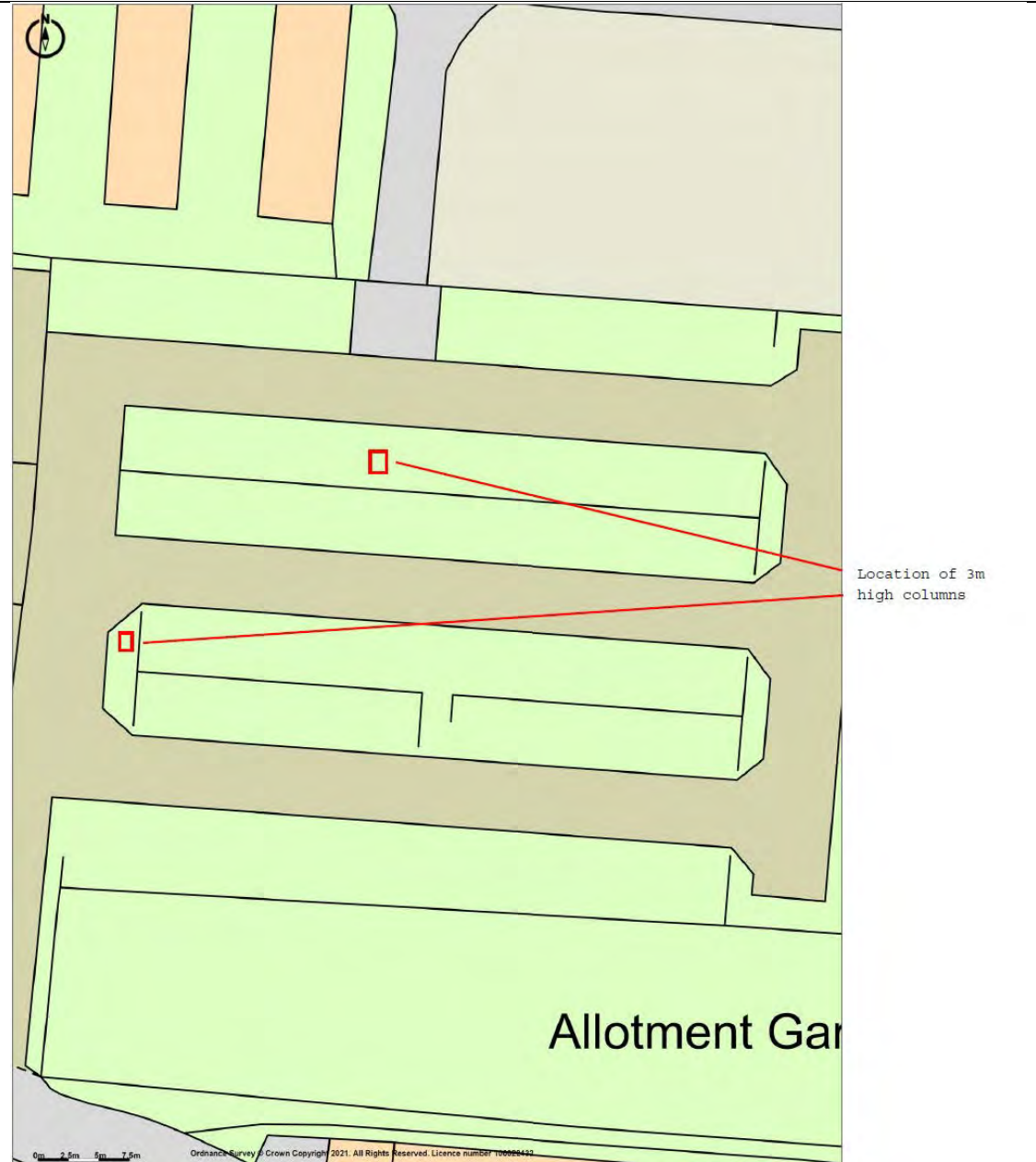


**B. Information required for Outline Planning Applications**

Not an outline application

**C. Information required for Full Planning Applications**

**C1. Site plan**



Yes

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<b>C2. Existing and proposed floor plans</b>			
Existing	No	Proposed	No

<b>C3. Existing and proposed elevations</b>			
			
Existing	No	Proposed	Yes photographs. –  The columns are to be reduced to 3m high.

<b>C4. Existing and proposed site sections and finished floor and site levels</b>			
Existing	No	Proposed	No

<b>C5. Roof plans</b>			
Existing	No	Proposed	No

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<b>F Affordable Housing Statement</b>		
No	Not residential development	
<b>G Biodiversity and/or Geological Survey and Report</b>		
Not required		
<b>H Flood Risk Assessment</b>		
Not in a flood risk area.		
<b>I Foul and Surface Water Assessment</b>		
No surface water run-off		
No foul drainage		
<b>J Heritage Statement</b>		
<b>A. Archaeology</b>		
The application has no archaeological implications		
<b>B. Listed Buildings</b>		
There are no listed buildings in the vicinity		
<b>C. Conservation Areas</b>		
The site is not in a conservation area		
<b>K Land Contamination Assessment</b>		
Not applicable		
<b>L Lighting Assessment</b>		
Not applicable		
<b>M Noise Impact Assessment</b>		
	Not a significant generator of noise	Not a noise sensitive development
<b>N Open Space Assessment</b>		
<b>A. Loss of existing open space or built sports facilities</b>		
Does not result in loss of open space		
<b>B. Open space required as part of new development for other purposes</b>		
Not residential development		
<b>O Structural Survey</b>		
Not applicable		

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<b>Planning Statement</b>
Yes

1.0 Introduction

1.1 The Planning Statement discusses the application under the following headings;

- 2.0 Descriptive
- 3.0 Development Plan
- 4.0 National Planning Policies
- 5.0 Discussion
- 6.0 Conclusion

2.0 Descriptive

- 2.1 The application site is in a car park.
- 2.2 GoogleEarth shows that in 2001 the car park did not exist.



By 2005 there was one large car park. This ties in with a planning permission granted in 2003;

40510570 Bank Top Car Park, Whitegate Close, Staithes

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Re-design and extension of existing car park, together with demolition of existing public toilets and erection of a resource centre to include public toilets, business units and community rooms – approved 2003 but no plans available on-line



In 2009 the layout was the same.



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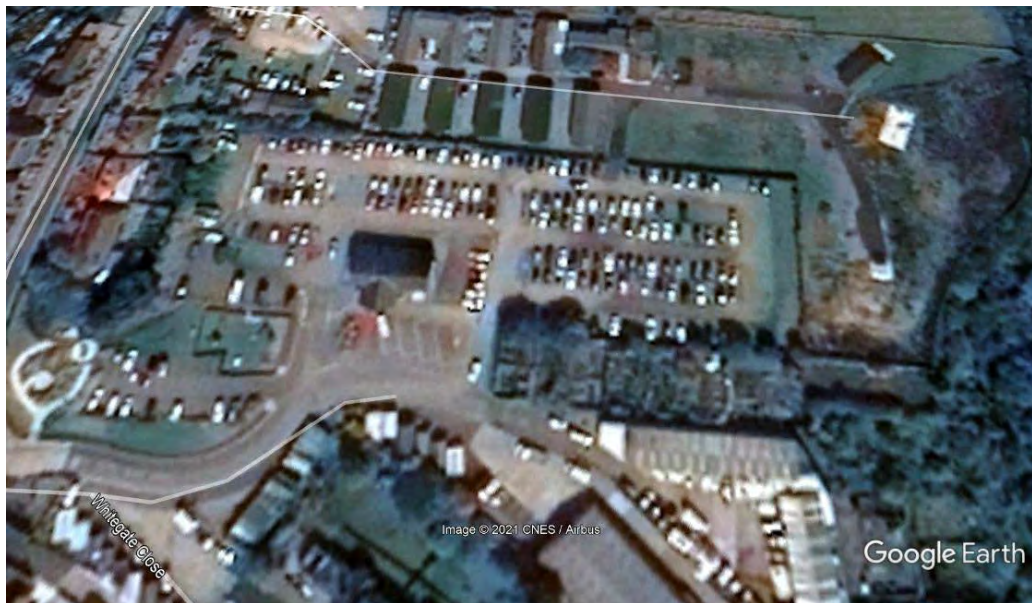
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However, in 2010/2011 part of the car park was sold to the current owner and two car parks were in operation. The 2018 photograph shows;



The 2019 photograph shows both car parks very busy.



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- 2.3 All car park operators have expenses – rent (in many cases), business rates, maintenance, staff (even if not present on site). Most people will pay to park, or observe time limits for free parking. However, people who do not pay for the time they have parked are, in effect, a cost to the operator. All operators have systems of monitoring car parks to ensure that visitors pay. There are different methods such as payment on exit, staff patrolling car parks and monitoring pre-paid tickets, or as is now the case with an increasing number of car parks, automatic number plate recognition cameras which can correlate the time of entry with the time of departure and the fee paid.
- 2.4 ANPR cameras need to be in an elevated position for two reasons; they need to be high enough to avoid being vandalised; ideally they should be visible so that users of the car park have the opportunity to see them, and in conjunction with the signs, know that users will be monitored. The camera cannot be too high otherwise it will not read the number plate correctly.
- 2.5 The applicants have installed two metal posts which each support a CCTV camera and an ANPR camera. They are currently approximately 5m high, but this application effectively seeks to reduce them to 3m.
- 2.6 One post is to be removed from the current location and relocated into the body of the car park.
- 2.6 The ANPR ensures that users of the car park pay the appropriate charge. The CCTV camera monitors the car park generally.

### 3.0 Development Plan

3.1 The Development Plan is the North York Moors National Park Authority Local Plan July 2020.

### 3.2 Strategic Policy C - Quality and Design of Development

To maintain and enhance the distinctive character of the National Park, development will be supported where:

1. The proposal is of a high quality design that will make a positive

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contribution to the local environment in accordance with the principles set out in the North York Moors National Park Authority Design Guide;

2. The proposal incorporates good quality construction materials and design details that reflect and complement the architectural character and form of the original building and/or that of the local vernacular;
3. The siting, orientation, layout and density of the proposal complement existing buildings and the form of the settlement, preserving or enhancing views into and out of the site and creating spaces around and between buildings which contribute to the character and quality of the locality;
4. The scale, height, massing and form of the proposal are compatible with surrounding buildings and will not have an adverse impact upon the amenities of adjoining occupiers;
5. Sustainable design and construction techniques are incorporated in the proposal including measures to minimise waste and energy use and where appropriate use energy from renewable sources;
6. A good quality landscaping and planting scheme which reinforces local landscape character, increases habitat connectivity and makes use of appropriate native species forms an integral part of the proposal;
7. Proposals enhance local wildlife and biodiversity, for example through the inclusion of nesting boxes and bat roosts;
8. Provision is made for adequate storage including storage for domestic items kept outdoors and waste management facilities;
9. Where appropriate, cycling facilities and car parking are provided provision and without compromising local highway safety, traffic flow or Public Rights of Way; and
10. The proposal ensures the creation of an accessible, safe and secure

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environment for all potential users, including the elderly, children and those with a health condition or impairment.

#### Policy CO3 - Car Parks

New parking facilities will only be permitted where:

1. It is the only way to solve existing identified parking problems;
2. It will benefit the needs of both communities and visitors to the National Park;
3. It uses an existing or previously developed site unless it can be demonstrated that no such suitable sites are available; and
4. The scale, design, siting, layout, and surfacing do not have an unacceptable impact on the natural beauty, wildlife or cultural heritage of the National Park.

#### 4.0 National Planning Policies

4.1 NPPF encourages good quality design.

4.2 NPPF also acknowledges that crime and the fear of crime are material planning considerations.

#### 5.0 Discussion

5.1 The Planning Act requires that in determining planning applications regard is to be had to the development plan and all material considerations. By implication, regard cannot be had to immaterial considerations. The Act does not specify what considerations are material or immaterial. Over many years the Courts have decided this on a case by case basis.

5.2 It is considered that in this case there is one material consideration – the effect of the development on the appearance of the area, often referred to as visual amenity.

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- 5.3 The rights and wrongs of charging for parking are not a material consideration, neither is the enforcement of parking restrictions.
- 5.4 The posts – and it should be remembered that this application relates to 3m high posts, considerably lower than the existing ones – comes within what is normally regarded as street furniture, those everyday objects, which are visible but to many people, invisible, which guide, control, protect everyday lives, along with other items such as electricity and telephone poles. There are many items of street furniture in the village of Staithes, including in the Conservation Area.
- 5.5 In terms of design, street furniture is simple and is designed to do a job.
- 5.6 In this case the posts support two cameras which are necessary to facilitate the operation of the car park. The ANPR cameras are necessary to ensure that users of the car park pay for so doing, and the CCTV cameras are necessary for crime prevention and general safety.
- 5.7 It is noted that in the adjacent car park, operated by Scarborough Borough Council there are lighting columns. The columns support lighting units which exist to illuminate the car park in darkness, in the interests of safety and security. These lighting columns are higher and more prominent than the columns proposed by the applicants.
- 5.8 One of the posts is already in position. The other is in what has been an adjoining overflow car park. There does not appear to be any planning permission for this additional car park. The land has been sold and is no longer being used by the applicants. The post will be removed and relocated in the existing, lawful, car park.
- 5.9 The application is, therefore, retrospective in respect of one post and prospective in respect of the other.
- 5.10 Although the Act requires that applications are determined in accord with the development plan, the Local Plan has very little to say about the development.

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Strategic Policy C is a general design policy. Although Policy CO3 has been quoted above it is not relevant as it refers to new, not existing, car parks.

5.11 (07/04/2021) The Highway Authority do not object.

5.12 The Parish Council object;

This unplanned camera system has created negative visitor perceptions of our area some of whom have been wrongly fined. This is created by the short time delay allowed for visitors to access the parking meter upon their arrival. It is exacerbated when the area is busy and there are long queues. This system creates additional work and stress for both Hinderwell's Parish Clerk and those visitors who are unfairly fined.

The neighbouring car park operated by Scarborough Borough Council, does not use high poles, signage or ANPR Cameras, so why does this car park require them. They are unsightly and should be removed.

5.13 There are 6 letters of objection. All of the writers claim to have been unfairly charged and mainly complain about the period allowed for them to buy a ticket. None of the writers live in the locality.

5.14 Until August 2020 the operator allowed 10 minutes. After August the period was extended to 20 minutes. Although the signs continued to refer to 10 minutes, no penalties were issued to drivers who were present for less than 20 minutes. The signs have now been changed to refer to 20 minutes.

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# PRIVATE CAR PARK

## Terms and conditions

**Parked vehicles must display a valid pay & display permit**

**Within the windscreen or;**

**Be in possession of a valid cashless payment session for**

**The entire duration of the stay**

**Payment is required within 20 minutes of entering the**

**Car park**

**Breach of ANY term or condition will result in the driver being liable for a**

**PARKING CHARGE of £100**

**By entering or remaining on this land you agree to abide by all of the Terms and Conditions**

Parking charges are to be paid within 28 days. Additional parking charges apply for each 24-hour period, or part thereof, that the vehicle remains in breach or if it returns at any time. Terms and conditions apply 24 hours a day, all year round. Non-payment will result in a collection fee of £60 being added to the value of the parking charge. The driver shall be liable for any outstanding charges, collection fees, interest and costs on an indemnity basis. Where any statutory basis exists for any monies due under this contract to be recovered from anyone other than the driver, they too shall be recoverable on an indemnity basis. We are not liable for any loss or damage howsoever caused to any person or property whilst on this site save under any statutory exceptions.

#### **Your Personal Data**

Personal data in the form of registration number, photographs of you and your vehicle may be obtained to ensure compliance with your obligations when entering on to this land. Automatic Number Plate Recognition will be in use. The data may be retained for enforcement purposes. Where a parking charge becomes due an application may be made to the DVLA for the keeper's details to allow notices to be sent through the post. Our full Privacy Notice can be found by visiting: [www.iparkservices.co.uk/privacy-policy](http://www.iparkservices.co.uk/privacy-policy)

**Managed by: I Park Services Ltd, Registered in England and Wales 11546290. Telephone 0330 088 7830.**

**Address: PO BOX 90, Cockermouth, CA13 3BA**



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5.15 Whilst there is legislation dealing with parking on the public highway and local authority car parks, there is no legislation dealing with privately operated car parks. The British Parking Association have published “Approved Operator Scheme - Code of Practice - Control and enforcement of parking on private land and unregulated public car parks. Version 8 - January 2020.

5.16 This includes;

### 13 Consideration and Grace Periods

13.1 The driver must have the chance to consider the Terms and Conditions before entering into the ‘parking contract’ with you. If, having had that opportunity, the driver decides not to park but chooses to leave the car park, you must provide them with a reasonable consideration period to leave, before the driver can be bound by your parking contract. The amount of time in these instances will vary dependant on site size and type but it must be a minimum of 5 minutes.

13.2 The reference to a consideration period in 13.1 shall not apply where a parking event takes place.

13.3 Where a parking location is one where a limited period of parking is permitted, or where drivers contract to park for a defined period and pay for that service in advance (Pay & Display), this would be considered as a parking event and a Grace Period of at least 10 minutes must be added to the end of a parking event before you issue a PCN.

The 10 minutes originally allowed was double the recommended minimum and is now four times that minimum.

5.17 It has been suggested that the cameras are too prominent. If the cameras were to be discreetly located, the operator would be accused of subterfuge.

5.18 However, the operation of the car park is not a material consideration unless it would be harmful to road safety. The Highway Authority have confirmed that they do not object.

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6.0 Conclusion

6.1 It is assumed that the Council became aware of the development as a result of a complaint, and that this complaint was motivated by concern about how the car park operates, and not by a concern about a material planning consideration.

6.2 The applicants consider that the camera columns, particularly when reduced to 3m (as applied for) would not have any harmful effect on the appearance of the area. They do, however, have benefits in terms of crime prevention and safety.

<b>P</b>	<b>Town Centre Use Impact Assessment</b>
Not a development which has an impact on a town centre.	
<b>Q</b>	<b>Transport Assessment</b>
Not applicable	
<b>R</b>	<b>Tree Survey/Assessment</b>
<b>A. Tree Survey</b>	
Not applicable	
<b>S</b>	<b>Site Waste Management Plan</b>
Not applicable	

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**Photographs, Photomontages and Models**



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The yellow pin shows the present location of the column which is to be relocated. The rectangle of rough grass between it and the red car /white camper van was the overspill car park, which is no longer used and is not part of this application.

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The column which is to be relocated, and reduced to 3m high.

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The existing column which is to be retained. The sign benefits from Deemed Consent.

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The ANPR camera

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Longer range, showing the ANPR camera at a low level and CCTV camera above. The sign was added later.

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<b>Planning Obligations – Draft Heads of Terms</b>
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Not applicable
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~~25 February 2021~~

**07 April 2021**

**Appendix**

**List of Submitted Documents**

<b><u>Number</u></b>	<b><u>Description</u></b>	<b><u>Submitted</u></b>	<b><u>Comment</u></b>
20210407	Application statement	07 April 2021	
20210225/Staithes/Location	Location plan	25 February 2021	
2021/02/25/Staithes/Site Plan	Site plan	25 February 2021	
2021/02/25	Photo of camera column.	25 February 2021	

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