

## North York Moors National Park Authority

<b>Parish: Cloughton</b>	<b>App No: NYM/2020/0327/FL</b>
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**Proposal:** erection of 15 no. holiday lodges with external decking, alterations to access, proposed internal access road, parking and linkage paths together with recreation space and landscaping works

**Location:** Land at Cloughton Woods, Cloughton

**Applicant:** Cloughton Wood Lodges Ltd fao: Mr John Purcell, 2B Princes House, 38 Jermyn Street, London, SW1Y 6DN,

**Agent:** SSA Architects Ltd, fao: Mr David Ryan, Craven Lodge, Ground Floor Offices, 37 Victoria Avenue, Harrogate, HG1 5PX

**Date for Decision:** 09 September 2020

**Extended to:** 30 October 2020

### Director of Planning's Recommendation

**Approval** subject to the following condition(s):

1. TIME01 Standard Three Year Commencement Date
2. PLAN01 Strict Accordance With the Documentation Submitted or Minor Variations - Document No.s Specified
3. RSUO00 No more than 15 units of holiday accommodation shall be provided on the application site without the granting of a separate planning permission by the Local Planning Authority.
4. WPDR12 Site Licence Required
5. WPDR00 The staff accommodation hereby approved shall only be occupied by shift workers on a rota basis and shall not be occupied as permanent accommodation by the same person/people and shall not be extended beyond the two bedrooms and shower room in the reception building as shown on Drawing No. P11 without the benefit of planning permission.
6. WPDR00 The reception and amenities buildings hereby approved, including cycle hire facilities shall not be used other than for associated facilities ancillary to the adjacent holiday lodges hereby approved and shall not be used for any other purpose and shall only be available for use by staff employed by or customers staying in the holiday lodges hereby approved.
7. RSUO11 Use as Holiday Accommodation Only - Outside Villages

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Condition(s) continued

8. MISC00 If the use of the site for holiday purposes ceases, the buildings hereby approved shall be removed from the site and a scheme to restore the site shall be submitted to and approved in writing by the Local Planning Authority within twelve months of its last holiday use. The restoration scheme shall include the removal of all surface and underground features from the site, a detailed landscaping scheme for those developed and surfaced parts of the site, and areas affected by the removal of underground features, and a timescale for implementation. The site shall be restored in full accordance with the approved restoration scheme, within the approved timescale.
9. GACS07 External Lighting - Submit Details
10. MATS00 The external elevations of the buildings hereby approved shall, within three months of first being brought into use, be clad in vertical timber boarding and shall thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority.
11. MATS00 The external surface of the roof of the buildings hereby permitted shall be coloured and thereafter maintained dark grey and shall be maintained in that condition in perpetuity unless otherwise agreed in writing by the local planning authority.
12. MATS74 Flues to be Coloured Matt Black
13. HWAY00 The following schemes of off-site highway mitigation measures must be completed as indicated below:
- New right turn lane and extended deceleration lane at land at Cloughton Woods prior to occupation of any of the on site accommodation

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.

A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.

Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

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## Condition(s) continued

14.      HWAY00    Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and North Yorkshire County Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence.
15.      LNDS00      Prior to the development being brought into use details of a planting scheme for the "Nature Zone" shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for tree planting and semi-natural vegetation, with approximately 30% open space and shall specify plant species, sizes and planting densities for the new areas of planting. The approved details shall be carried out no later than the first planting season following the development first being brought into use, or in accordance with a programme agreed by the Local Planning Authority. The approved planting scheme shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
16.      LNDS02A    Landscaping Scheme to be Implemented - Large Scale Development/ General Development
17.      LNDS00      No work shall commence in preparation for the development hereby permitted (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until a detailed Tree Survey, Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement, have been submitted to and approved in writing by the Local Planning Authority. The Method Statement shall include details of:
- i)      implementation, supervision and monitoring of the approved tree protection scheme and/or tree pruning/felling specification;
  - ii)     implementation, supervision and monitoring of all approved construction works within any tree protection zone or otherwise protected in the approved tree protection scheme;
  - iii)    timing and phasing of arboricultural works in relation to the approved development and details of communication between the interested parties.
18.      MISC00      No development shall take place on site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. This shall include a Watching Brief on vegetation clearance, and groundworks for lodge pads, access roads and drainage and allow for potential reporting and archiving. The work shall not be carried out otherwise than in accordance with the provided/approved specification.

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## Condition(s) continued

19. MISC00 The bat mitigation measures contained within the Ecological Assessment prepared by Ian Bond of INCA and approved on 24 November 2017 under NYM/2017/0693/CVC shall be implemented and thereafter maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
20. MISC00 No clearance of any vegetation/trees on the application site shall be undertaken within the bird breeding season (March - August inclusive), unless the felling/removal is carried out under an ecological watching brief to be submitted to and approved in writing by the Local Planning Authority to ensure no nesting birds are impacted by the works.
21. MISC00 No work shall commence to clear the site in preparation for the development hereby permitted until a survey of badger activity and any resultant mitigation has been submitted to and approved in writing by the Local Planning Authority. The work shall not be carried out otherwise than in accordance with the details so approved.
22. MISC00 Prior to the commencement of the development a Habitat Management Plan for areas including but not limited to; the development site boundary, the 'nature zone' and any other land within 100m of a proposed promoted path or other route, shall be submitted to and approved in writing by the Local Planning Authority. The work shall not be carried out otherwise than in accordance with the details so approved.
23. MISC12 CO2 Details to be Implemented

**Informative(s)**

1. MISCINF01 Bats
2. MISCINF12 Birds
3. INF00 In order to improve the potential biodiversity of the site the applicant may wish to consider a more balanced proposal including fewer paths and more woodland planting, along with sensitive management of wetland areas which could include some broadening of the present watercourse through water flow restriction with the addition of 'off line' ponds or scrapes separate from the watercourse

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## Consultations

**Scarborough Borough Council Planning Services - 22 June 2020 - No comments**

**Parish - 13 July 2020 -** The application is more intensive and uses a different type of accommodation to the previous application. There are considerable concerns about aspects of the current proposals – these include:-

- Intensification of use with a resulting impact on wildlife and tranquillity.
- Light pollution.
- Highway access safety and amendments to the existing highway access are likely to require the use of land which is outwith the control of the applicants.
- Across all the applications pertinent to this site the Parish Council has expressed its very strong concerns about the intensification of use of the access and Implication that new paths will be created.
- Creation of wildflower meadows - it's the wrong sort of soil for the plants shown.
- No bat survey.
- There are prehistoric earthworks and barrows very close to the site and there will be archaeology on site relating to the Bronze Age, yet no Heritage Statement to justify the proposals are included with the application.
- Increased fire risk
- The site has not been used as sawmill for a good number of years; timber extraction was minimal and timber wagons were not entering the site on a daily basis.
- For safety and security there needs to be a warden on-site.
- Nothing to indicate the public utilities supplied to the site (water, electricity) are adequate or that effluent could end up in the watercourse.

In light of the above, Cloughton Parish Council **objects** to the application as submitted on the grounds it does not comply with adopted Local Plan policies.

**Revised plans - 10 January 2021 -** continues to object as it does not comply with Strategic Policy I point 2, Policy ENV10, Strategic Policy J point 7 and Policy UE2. No mention of any of the cabins being suitable for disabled access.

The agent has just swept Parish concerns “under the carpet”. Frankly Council takes a dim view of the responses, which are an attempt to disparage and make light of our concerns.

It is good that the applicant wishes to reduce the number of holiday lodges. However the number of people on the site has hardly changed at all - a decrease of two. However, there will be a considerable change in the demography of use. The accent will no longer be on family units - it will be on large parties with the different behaviours usually exhibited by such large parties. We contend that the impact of such large parties is likely to cause additional problems which the Parish Council and the surrounding residents and parishioners will have to deal with and sort out.

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Consultations continued

As far as the Parish Council is concerned the majority of our earlier concerns are still pertinent. If highways think what is proposed is acceptable then we have to defer to them, but it doesn't mean we can't

**Highways** - 23 October 2020 - The applicant has submitted revised drawings for improvements to the site access to introduce a right turn lane and extend the current deceleration lane. The drawings still require some amendments to the lane widths to fully comply with the Highway Authority's requirement before a Section 278 Agreement could be entered into, and any design and subsequent construction must be subject to a full safety audit. The visibility requirements for the site have been met under the previously approved consents.

Consequently the Local Highway Authority recommends that **Conditions** are attached to any permission granted.

17 July 2020 - Concerns that the red line plan provided does not show the area required for the proposed increased deceleration lane. I had discussed with the original applicant that any expansion at the site would require further highway improvements, such as the increase in the length of the deceleration lane and a possible right turn lane. The highway improvements are necessary to allow for any increased traffic which would be caused by the increased provision at the site and as this is the coastal north south route.

The visibility splay was conditioned with the previous applications and I have checked it on site after the construction of the initial improvement was done. A new design plan would show whether the visibility could actually be achieved.

**Revised plans** - 5 January 2021 - There are no local Highway Authority objections to the proposed reduction in the number of units proposed with this development application provided the highway conditions recommended for the initial development application are still applied to any permission given.

**Yorkshire Water** - 17 June 2020 - Are not covered by public sewerage network, so refer to Environment Agency and Environmental Health.

**Revised plans** - 24 December 2021 - No further comments

**Environment Agency** - 6 July 2020 - No objections

**Revised plans** - 12 January 2021 - No objections

**Environmental Health** - 5 January 2021 - No objections in principle. However, the applicant should be made aware of the need to obtain a caravan site licence. In addition, it is not clear whether the site will be connected to the mains water supply. If not, then the site will be subject to the Private Water Supply Regulations, and as such will require annual water sampling by the local authority and a five yearly private water supply risk assessment. For new private water supplies a risk assessment will need to be carried out prior to the use of the supply. The costs of sampling and risk assessment to be borne by the relevant person(s).

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Consultations continued

**Police Designing Out Crime Officer - 25 June 2020** - It is noted that cycle storage is to be provided. It is recommended that this be in the form of a cycle locker for each lodge. In respect of crime and disorder we experience very few problems with small holiday lodge sites.

**Revised plans - 29 December 2021** - No further comments

**Council for the Protection of Rural England - 7 July 2020** - Do not oppose the carefully designed development, however, do have some comments: -

The principle of development at this site has been established. The current proposal seeks to increase the developable area including a 2.43 acre nature zone and increase the number of units across the site to 21 (an addition of six). The timber clad lodges are more sympathetic with the immediate setting of the woodland and the addition of the woodland theme play area and timber-based equipment is also welcomed. It is considered that the proposal is in general conformity with new Local Plan policy UE2 and the visual attractiveness of the area will not be detrimentally impacted.

However, would not support a further extension to this site as any such proposal would be to the detriment of the surrounding woodland environment and carefully designed layout of the current scheme so as to lose the 'natural' aesthetic of the site and risk overdevelopment.

The applicant has sought to compliment the development with the inclusion of a bike hire facility to enable access to tracks, bridleways and existing footpaths in the vicinity including the coastal Cinder Track. CPRENY are supportive of the use of these networks which ensure easy access to the countryside for residents alongside encouraging visitors to the National Park. The NPA should be satisfied that additional recreation numbers in the vicinity will not impact the ability of local residents and communities accessing the existing networks.

CPRENY understand the applicant has liaised with the Highways Authority regarding the entrance to the site and hope that both the NPA and the Highways Authority would be satisfied with the design of the junction and proposed realignments prior to determination in order to ensure that any vehicles moving into the centre of the carriageway to turn right to access the site, or alternatively, egress the site in a northerly direction would be able to do so in a safe way.

It is considered that the applicant should be required to clarify the lighting arrangements for the site in order to ensure health and safety requirements are met but also protect the NPA's bid to become a dark sky reserve and ensure that the tranquillity of the location remains unspoilt.

CPRENY welcomes the applicant's addition of the 'nature zone' with meadow planting and reed beds. It is hoped that this will be a net gain for biodiversity on the site on an area of the site which is currently vacant and contains no woodland. It is also considered that it will provide a suitable green buffer to the lodges at the south eastern side edge of the proposed development.

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Consultations continued

**Revised plans** - 6 January 2021 - This statement should be read alongside previous comments. The principle of development at this site was established in 2017 via the grant of planning permission for a previous application. The amended plans show a reduction in the number of proposed units from 21 to 15 and offering a range of capacity options (previously all proposed were three bed) sleeping from six to ten people. The developable area has not been reduced to reflect the amendments. In conclusion, CPRENY, do not object in principle to the proposal at this location and believe that a reduced number of units at this location would be more aesthetically pleasing to the natural surroundings. CPRENY consider that the comments made in their previous response should still be clarified by the developer prior to determination where necessary. It remains the opinion of CPRENY that an extension to the number of units at this location or an increased footprint would not be supported and considered contrary to newly adopted policy.

**Tom Chadwick, Chairman of North York Moors Association** - 8 July 2020 - Have concerns. The site has been visited by two of our Council members who have raised questions about the access from the main road the A171. The A171 crawler lane is directly opposite the current entrance making right turns into the site from the south a hazard. Even worse is the access from the north which is a turn-back from a single lane on a downward hill in a 60 mph zone. A death trap, even with changes to the layout.

**SUDs** -

**Campaign for National Parks** -

**Police - Traffic** -

**Advertisement Expiry Date** - 22 July 2020.

**Others**

**Mrs Pamela Bleasdale, Trattles Hall, Newland Road, Cloughton** - 07 July 2020 - Strongly object. This is a misrepresented application not an amendment to NYM/2016/0880/FL. The A171 is not four lane but two lane and extremely busy in high season. The risk of fire in woodland is huge with dried wood and the buildings made of wood. The proposed access paths onto Newlands Road are across privately owned land and neither of the landowners knew anything about it and will not give approval.

The amount of proposed chalets when full will account for more residents than live on Cloughton Newlands Road in total.

This application is totally not in keeping with the North Yorkshire Moors guidelines and policies. This must be refused.

**Revised plans** - 1 January 2021 - Very strongly object. This is a misrepresented application not an amendment to NYM/ 2016/0880/FL. The statements regarding access on A171 are incorrect it is not a four lane but two lane and extremely busy road in high season. The risk of fire in woodland is huge.



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Others continued

The proposed access paths onto Newlands Road are across privately owned land and neither of the landowners knew anything about it and will not give approval. The light pollution for this area is over the limit. The amount of proposed chalets when full will account for more residents than live on Cloughton Newlands Road in total. This application is totally not in keeping with the North Yorkshire Moors guidelines and policies. I am unable to understand why the highways and the environmental agencies have the gall to approve this application. We have just been approved as an outstanding area free of light pollution surely this should be a major consideration.

**David Boulton (Planning Consultant) on behalf of Mr and Mrs Morley, Newlands Holiday Cottages, Cloughton** - 02 October 2020 - On the basis of the plan and detail being achieved there are no comments. That issue seems to be resolved.

**David Boulton (Planning Consultant) on behalf of Mr and Mrs Morley, Newlands Holiday Cottages** - 06/07/2020 - The owner of the land over which the *'route of new linking pathway in conjunction with adjoining landowner'* is not a matter that has been discussed or raised with my clients. They wish to object to this inference as no right of access has been granted. Also, my clients own Plantation Cottage and the land to the south of the proposed/approved access onto the main Scarborough Road. The required visibility to the south (condition 10 under approval ref NYM/2016/0880/FL) will cross over and encompass land in my client's ownership. The application does not include this land for such visibility splays. And if had done so, would require notice to be served on my client. There are doubts that such may be achieved and retained clear of obstruction as a consequence; within the ability of the applicant.

**Mr John Oxley, 146 Longwestgate, Scarborough** - 09 July 2020 - The above application raises a number of archaeological issues that are not addressed. In March 2012, Ed Dennison Archaeological Services Ltd (EDAS) were commissioned by the North York Moors National Park Authority (NYMNPA) to undertake a programme of non-intrusive archaeological survey at The Hulleys, Cloughton. The EDAS report clearly demonstrates that the development site lies within a complex and important prehistoric, Romano-British and medieval landscape and that the development site has the potential to include heritage assets with archaeological interest.

Applications that have the potential to affect a designated or undesignated heritage asset should be supported by a clear assessment of the significances of these assets. No Heritage Statement has been submitted to support this application. No DBA or field evaluation has been carried out. I request therefore that this application be withdrawn until this information is submitted.

**Mr Stephen Gandolfi, Stoney Garth, Newlands Road, Cloughton Newlands, Cloughton** - 20 July 2020. Object - The proposal fails to meet the principles of the National Park such as the principle of large scale holiday accommodation and adverse impact on the environment. Whilst the woodland is not formally designated as Ancient Woodland, the site was occupied by woodland in 1848/49 and has continued to be occupied by woodland ever since.

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Others continued

This suggests that not only is there a chance that veteran trees exist, but veteran flora is also likely to be present; the latter offers substantial ecological benefit and can be difficult to artificially recreate.

The documented and undocumented archaeological features throughout the wooded area suggests that even if a net biodiversity gain could be achieved, the potential loss in the understanding of the historic environment would cause harm. Furthermore, Policy ENV2 of the Draft Local Plan seeks to ensure that the tranquillity of the National Park is maintained and enhanced. The use of the site for the proposed large scale holiday accommodation cannot be supported by Policy ENV2. When viewed from the Public Right of Way to the east, and further from a large stretch of footpath along Newlands Road, the submission fails to suggest how the pedestrian visual experience of Cloughton Woods would be viewed from these public walkways.

In my opinion it is impossible for the Local Planning Authority to make a judgement on whether or not there would be any visual intrusion in line with the requirements of ENV2.

With regard to noise, activity levels and traffic generation, the proposed intensified use would inevitably cause a significant change in the tranquillity of the host woodland and surrounding countryside.

In considering the comments of the North York Moors Archaeologist, it is extremely concerning that the impact on nationally important (albeit undesignated) archaeological remains and their setting has not been considered by the applicant. I also have concerns that other currently unknown archaeological features would be lost as a result of the development proposals. The historic environment in this location is extremely rich.

Based on the submitted details the application should be refused due to being in direct conflict with Strategic Policies A, I, and J, Policies ENV1, 2, 3, 9 and 10, and all the associated policies of the National Planning Policy Framework.

**Mr Stuart & Vanessa Ashall, Browside, Newlands Road, Cloughton - 20 July 2020 - I** strongly object on the basis that the area will suffer from significant light pollution. The use of wooden buildings represents a fire risk in a forest setting.

The site is completely unsuitable next to A171. Access will be very difficult to make safe. The only pedestrian access or access by bicycles to and from the site will be via a very busy main road which is highly unsuitable and unsafe for families.

There is currently no public access across this land although there are existing footpaths which would provide access to Cloughton village, which might better cope with increased pedestrian volumes. These linkage paths would change the character of the Cloughton Newlands area. The use of these proposed paths would also have a detrimental effect on the wildlife and unspoilt beauty of the national park farmland they cross. Their use will also create an issue with noise given this is a quiet rural area.

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Others continued

The proposed paths would have a detrimental effect upon our property's privacy as our entire garden and the front of our property would become visible and emerge immediately opposite our driveway. The paths are not suitable for their intended use, being steep and uneven farm tracks. Levelling and resurfacing would further change the rural outlook of this area.

**Revised plans - 12 January 2021** - What level of disturbance is acceptable, if any, should be independently determined and may itself impact upon the scale of the proposal. A critical concern still exists regarding the proposal to hire bicycles and encourage walking in the national park from a site which has no pedestrian access and is situated on a busy A road. We are very concerned that visitors will be put at risk on a dangerous road or be left with no choice but to cross private land if they wish to enjoy the National Park setting or the local facilities without using a vehicle. The original proposal to create new linking pathways across private land was a clear acknowledgment by the applicant of this fundamental problem.

Since this unworkable solution has been removed and there is no alternative solution proposed there remains a critical question of feasibility in terms of safety and respect for the surrounding environment. If the applicant accepts that visitors will not be able to engage with the National Park setting or the local facilities without driving, then the appeal of this site for the proposed development and any potential for positive impact on the area seems considerably diminished.

**Mr Adrian Legg, 9 Mulgrave Crescent, Whitby - 17 September 2020** - We are the owners of Cloughton Woods, an area of 98 acres of commercial woodland to the north of the applicant's site. We note that the applicants will advertise access to their potential guests on to our property; as there are seasonal timber operations carried out involving felling and the use of plant & equipment there are potential dangers in this area. Also, the area is used for sporting activities (shooting) involving the regular use of firearms. I am aware that there are Public Rights of Way across both the applicants property and our own but I envisage that as there will be a larger number of people using this area it will encourage guests to stray from the designated routes and therefore put themselves, and us as owners, at risk.

I do not object to the development as such, but would like to see a condition applied requiring a physical barrier (fence) installing to ensure that guests cannot enter our property from the applicants and thus put themselves unknowingly at serious risk.

**Dr Paul Elsam, 3 Dale Close, Burniston, Scarborough - 8 January 2021** - Aside from the visual and aural impact on the beauty of the local environment, I am genuinely shocked that a busy dead-stop entrance and exit might be created at what is currently a virtual drag racing track for traffic coming from a Whitby direction. The hill here is steep and long, and drivers who use the route regularly know that you can easily exceed the speed limit simply by taking your foot off the accelerator. There is heavy bus and HGV traffic on this road, along with extremely heavy tourism traffic during the periods when the lodges are likely to be at their busiest. I would add that as a long-time user of the A171, I am not untypical in looking at the current entrance as in effect a 'false' entrance: I cannot recall ever having seen traffic enter or leave from there. As such, regular travellers can and do expect to be able to speed down the hill into Cloughton with no anticipation of interruption to the flow of traffic.

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Others continued

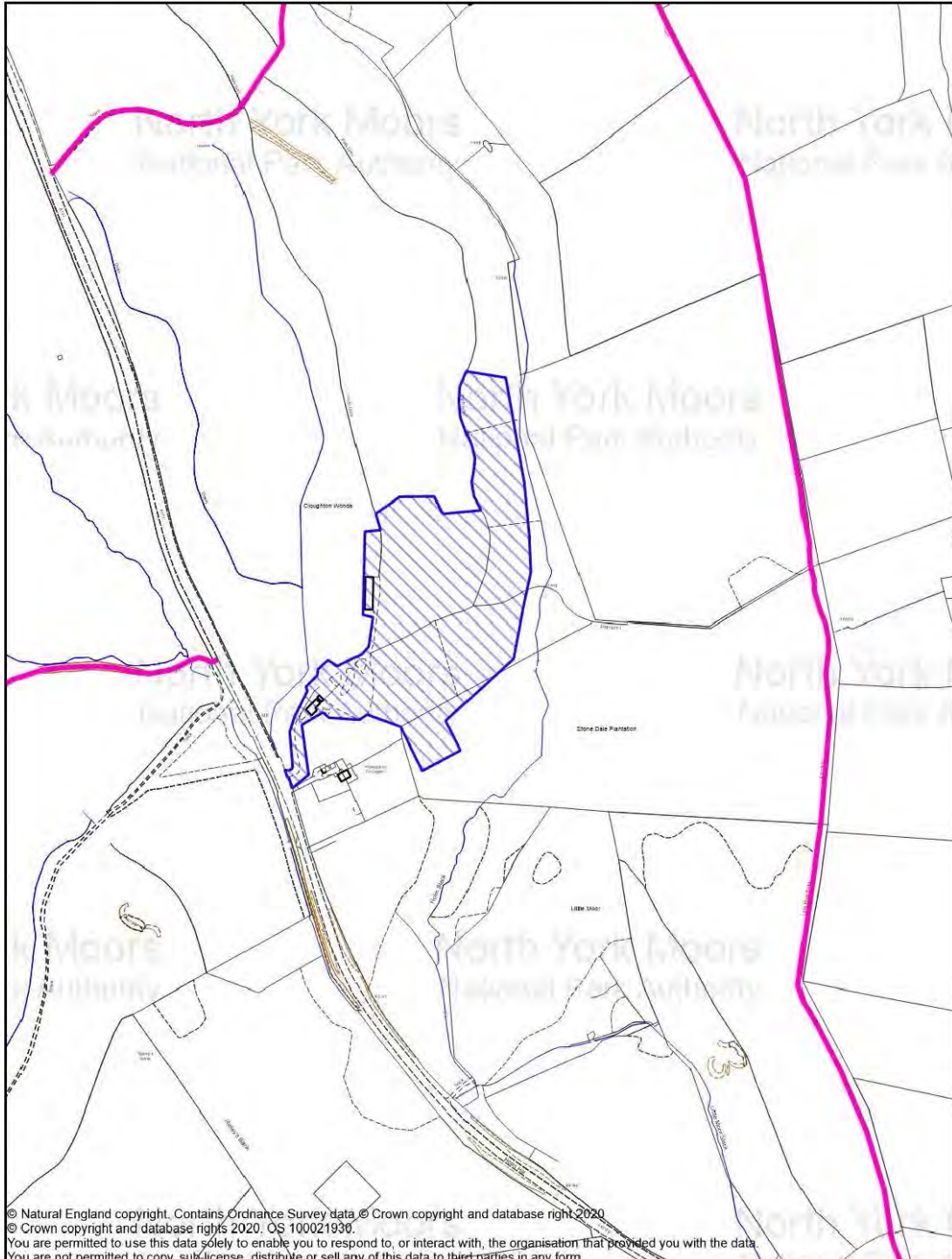
As explained above, even a reduction in speed limit would not prevent some vehicles from passing this point at very dangerous speeds. In short, I believe that if you approve this, you will be approving, not just the possibility, but the likelihood of fatal accidents - including multiple pile-ups - at or near the entrance location.



North York Moors  
National Park  
Authority

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Scale: 1:5000



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## **Background**

### **Previous Permissions**

Planning permission was granted in March 2017 for the change of use of land to form a camping/glamping site, construction of reception building, conversion of storage building to a wet weather facility and associated access, parking and landscaping works at Cloughton Sawmill.

That permission, which has been implemented (through access improvements required by conditions), authorises the development of 15 units of holiday accommodation (comprising a mix of units but permitted up to a maximum of fifteen three bed safari style lodges within a substantial area of woodland adjacent to Cloughton Sawmill, which is no longer in operation. The approved development also permitted the replacement of the former sawmill building with a smaller reception building for the tourism accommodation facility, as well as the conversion of a currently unused storage building, previously used in association with the sawmill, to provide wet weather facilities for the proposed use.

The supporting information submitted with that application explained that the facility would be managed jointly by the existing team at the Bryerstones pub in Cloughton along with locally employed individuals. It was also proposed to create a footpath to link to the existing footpath into Cloughton Village and also create a footpath across fields to Bryerstones Pub, with the Bryerstones Pub also providing a pack lunch service for holiday makers. None of these elements were conditioned however, as they were outside the red and blue lines of the application site.

At the time, the main issues were considered to be whether the proposed re-use of this existing commercial site would have any detrimental impact on the character of the area in terms of activity levels and visual impact and whether the development would have any detrimental impact on the residential amenity of neighbouring occupiers and also the possible economic benefits for the wider rural economy.

It was concluded that the proposed re-use for an alternative commercial purpose would be in accordance with adopted Policies and provide an alternative source of income for the site owner, and benefit the wider economy, such as local pubs and shops.

No objections were received in relation to the application, and whilst the Parish Council expressed some concerns regarding highway safety, they supported the scheme in principal.

Subsequently in 2017 a variation of condition application was submitted to allow temporary occupancy of the accommodation at the site by construction workers engaged in construction of the Woodsmith Mine, located in the National Park near Sneaton and, via a modification of condition 2, minor amendments to the approved development to enable provision of a kitchen area within the proposed wet weather facility building.



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As a major development within the National Park, generating a requirement for up to 400 temporary construction workers, the mine developer was seeking to make arrangements to provide temporary local accommodation for construction workers without impacting significantly on the existing availability of visitor accommodation and, potentially, without the need to construct the dedicated construction worker accommodation and park and ride facility, for which permission has been granted by Scarborough Borough Council at a location outside the National Park boundary. This scheme allowed the 15 units to all be the larger safari lodges, each configured so that each unit would accommodate 3 workers, so there would have been 45 workers staying on site.

As with the initial planning application, no objections were received.

### **Current Application**

The ownership of the site has now changed and this new planning application seeks permission for further variations to the original approval. Full planning permission is now sought for the siting of 15 single-storey, three, four and five bed roomed timber holiday lodges (reduced from the original submission which was for 21 units). The units comprise five x 3 bed cabins, four x 4 bed cabins and six x 5 bed cabins. The five x 3 bed units would all have level access and disability access compliant standard door openings, access and bathroom facilities. The number of units proposed is the same as previously approved, but substantially larger units. The previous approval permitted a maximum of 15 x 3 bed safari type lodges which comprised a more light weight mix of timber and canvas. The proposal would again convert the existing sawmill building into an amenities building, housing a sitting area, gym, toilets, and indoor games area. A new build reception building is again proposed close to the site entrance. This building would provide a reception lounge, small administration space, storage and two overnight temporary staff bedrooms for occasional use.

The wider site extends to 83.1 acres with the proposed development area covering approximately 12.28 acres, of which approximately 2.43 acres would be for a new nature zone.

It is again intended to create footpath links to the Cinder Track and create off road pedestrian access to Cloughton and to associated services such as the village pub. 30 cycle spaces will be provided with ancillary cycle hire.

The proposed buildings will all be vertically boarded timber clad, with dark grey standing seam roofing, dark grey edge guttering and matching dark grey windows and doors. The lodges are designed to be constructed in modular form in the same manner as caravan construction to allow them to be transported to and from site. Some of the lodges will provide level access and accessible parking close to the lodges along with level access for people with disabilities to the two public buildings.

A new nature zone is proposed to the south-eastern edge of the site, incorporating new pathways, and new wildflower meadow linked to an existing running stream.

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Background continued

Timber picnic benches are also proposed. The extended nature zone will also incorporate reed beds to encourage and enhance native biodiversity.

As requested by the Highway Authority, an extended and widened deceleration lane will be provided for vehicles to turn left into the site entrance off the A171. A new right turn lane will also be provided within the width of the existing A171, allowing cars to pass right-turning vehicles into the site.

An energy report has been submitted detailing how renewable energy will be utilised to meet the requirement to reduce Co2 emissions by at least 10%.

This application was considered by the Planning Committee at its Meeting on 8 April 2021. However, Members deferred the application in order to undertake a Committee site visit, accompanied by the County Highways Surveyor's representative, to assess the Highways concerns expressed in third party objections and also to consider the number and size of units proposed in relation to the nature of the site. That site visit took place on the 29 April.

Also following April's Committee meeting the applicant has submitted the following additional supporting information:-

- There is a footpath that runs through Cloughton woods down to Cloughton. It is not intended to change this footpath in any way.
- Our original application proposed 21 6-person cabins. This was reduced to 15 units and would, I believe, be in line with the Local Plan policy encouraging some larger units to improve the mix and access to different family sizes; and 15 units had already been consented.
- Many families are now larger, as a result of divorce, 2 families becoming one etc. and many families like to go on holiday together. Also, if there are young children, parents don't like leaving them alone, but feel much safer if they are in the same cabin with them. We expect family groups including grandparents, families with children and their friends, 2 families together and all of the other combinations that one might imagine. Hence some 8 and 10-person cabins.
- The park isn't viable with 15 6-person tents. We have redesigned the reception and amenities buildings and improved the quality of these substantially, which will improve the park, but also add to the cost of construction as will staff costs. Without enough customers the park would be loss making and we wouldn't embark on such a development, but other owners could certainly build the "cheap and cheerful" tent option. The current extant consent suggests that the tents will be managed from the pub. We don't believe that this is a workable solution and would not provide night-time management of the site for the benefit of visitors and local residents.
- Highway improvements also to the budget, we have employed Arup to design the scheme, it has not been designed to a budget, but to highway requirements.

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## Background continued

- Regarding concern about numbers; most hotels run at about 70% occupancy or less for much of the year. We hope that we will build up to around 70-75% over a number of years. Furthermore, a 6-person cabin, or an 8, or a 10, doesn't mean that the cabin will be fully utilised. A 4 or 5-person group will book a 6 person cabin.
- We will book the cabins to suit the party size but if small cabins are full would upgrade smaller parties into the 8 and 10-person cabins. The larger units might be full during the summer holidays; for the rest of the year, we don't expect them to be completely full.
- We do not want hens and stags, they do not fit with our target demographic as they destabilize the park and erode reputation for quality peaceful accommodation and we will not be priced for them. We want to create something beautiful, restful and harmonious; somewhere where people can enjoy nature, the countryside, the woods, the moors.
- Every page of our website will be aimed at the family market. The leisure industry is built on reputation, personal recommendation and repeat visits and it is easily lost if it isn't carefully looked after. We want our guests to feel that they paid for high quality and that the quality they received was higher than they expected. We also believe that these are the sorts of visitors that Cloughton wants to welcome to the area and to its economy.
- We will liaise with local businesses and hope to bring useful additional spending into the area. We believe that our website will be a great promotional tool showcasing the whole area.
- The woods fall under the regulatory regime of the Forestry Commission. We have employed Tillhill who are preparing a 10 year plan for the forestry management; the highest standard that can be adopted. Tillhill's role is to advise the best way to manage a thriving and sustainable woodland, its biodiversity and the management of historical features amongst other things.

**Main Issues**

The principle of the use of the land as a tourism accommodation site is already established through the existing extant permission. However, that extant permission was granted under the now superseded Local Development Framework. Consequently, the main issues to be considered are whether the proposed increase in the size of the units from a maximum of 15 x 3 bed units to five x 3 bed, four x 4 bed and six x 5 bed cabins and change to more substantial materials (from timber and canvas, to timber) would result in a significantly more intensive form of development that would have a detrimental impact on the character of the locality and residential amenity or have an adverse impact on highway safety, local ecology or archaeology.

The approved development was considered to be in accordance with Development Policies 16 and 11 of the now superseded Local Development Framework. These policies sought to permit small scale new caravan, camping and chalet sites to meet a range of tourist needs, and to ensure the re-use of existing employment sites for economic purposes.

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**Main Issues continued**

It was considered that the approved change of use of the sawmill site to provide holiday accommodation represented an appropriate alternative commercial use, and it was concluded that the development would have no impact on the special qualities of the National Park or on residential amenity in the vicinity of the site, and would represent an opportunity to provide an economic benefit to the locality, as well as meeting specific Management Plan objectives relating to the tourism economy.

**Local Plan**

**Policy UE2 - Camping, Glamping, Caravans and Cabins** - seeks to permit small scale holiday accommodation in the Open Countryside where the site is screened by existing topography, buildings or adequate well established vegetation which is within the applicant's control.

The accommodation should avoid extensive alteration to ground levels, have a low environmental impact, does not lead to unacceptable harm in terms of noise and activity on the immediate area; does not detract from the character, tranquillity or visual attractiveness of the area; and is of a high quality design which complements its surroundings and is not isolated from an existing business or residential unit which will be used to manage the accommodation.

For cabin and chalet proposals the development should be in close proximity to and adequately accessible to the existing road network; and the site provides adequate levels of car parking that is sympathetically designed to complement the site and its surroundings.

The intention of the policy is to allow for small scale and sensitively designed holiday accommodation to support local businesses and allow people to enjoy the special qualities of the National Park. Applicants will be expected to provide details of proposed management arrangements.

The policy refers to 'small scale' developments. Small scale is intended to mean development that conserves the natural beauty, wildlife and cultural heritage of the National Park. The supporting text sets out as a guide, sites comprising no more than 12 units are likely to be considered small in scale.

The expectation is that any amenity blocks should utilise existing buildings on the site. If there are no suitable buildings, new structures may be acceptable if they are of lightweight design and construction so that they can easily be removed from the site.

**Strategic Policy J - Tourism and Recreation** - seeks to support such development where it is consistent with the principles of sustainable tourism, does not lead to unacceptable harm to the local landscape character or an ecological or archaeological asset; provides opportunities for people to increase their awareness, understanding and enjoyment of the special qualities of the National Park; is of a quality, scale and design that takes into account and reflects the sensitivity of the local landscape; any accommodation is used only for short term holiday stays; it does not compromise the enjoyment of existing tourism and recreational facilities or Public Rights of Way.

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**Strategic Policy K - The Rural Economy** - seeks to support development that fosters the economic and social well-being of local communities where it promotes and protects existing businesses by providing flexibility for established rural businesses to diversify and expand; it helps maintain or increase job opportunities in the agricultural, forestry and tourism sectors and provides for and supports small and micro business through the provision of flexible start-up businesses; it provides additional opportunities to diversify and better equip the National Park's workforce, or provides additional facilities, or better use of existing facilities for educational and training uses.

**Strategic Policy I - The Historic Environment** - seeks to ensure that developments affecting the historic environment should make a positive contribution to the cultural heritage and local distinctiveness of the National Park and that development should conserve heritage assets and their setting in a manner appropriate to their significance, especially those assets which contribute most to the distinctive character of the area.

**Strategic Policy H - Habitats, Wildlife, Biodiversity and Geodiversity** - seeks to ensure the conservation, restoration and enhancement of habitats, wildlife, biodiversity and geodiversity in the North York Moors National Park is given great weight in decision making.

**Policy CO2 - Highways** - only permits new development where it is of a scale which the adjacent road network has the capacity to serve without detriment to highway safety.

**Policy ENV10 - Archaeological Heritage** - sets out that development that would result in harm to the significance of a Scheduled Monument or other nationally important archaeological site will not be permitted unless it can be demonstrated that there are wholly exceptional circumstances and that there are substantial public benefits that outweigh the harm. The Authority will require applicants to provide sufficient information to allow an informed assessment of the significance of the archaeological heritage asset and its setting, and the impact of the proposed development on that significance.

It goes onto state that there are many other archaeological sites known non-designated historical and archaeological sites and features recorded which form a valuable part of the National Park's heritage.

**Policy ENV2 - Tranquillity** - seeks to ensure tranquillity will be maintained and enhanced through only permitting development proposals where there is no unacceptable impact on the tranquillity of the surrounding area in relation to visual intrusion; noise; activity levels; and traffic generation.

**Policy ENV4 - Dark Night Skies** - seeks to ensure that the darkness of the night skies above the National Park are maintained and enhanced and requires that all development will be expected to minimise light spillage through good design and lighting management.

### **Material Considerations**

There is an extant permission for the creation of a 15 unit glamping development. That permission included the use of existing buildings and replacement buildings to provide indoor amenity and reception space and did not have manager's accommodation on site.

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**Main Issues continued**

It was considered that in this instance acceptable management arrangements had been put forward and the re-use of this existing commercial site allowed the development of a larger tourist facility than is generally supported on the adopted Local Development Plan policies.

This application seeks permission for more solid timber structures rather than the safari tents previously approved, along with ten larger units, in terms of the number of bedrooms and therefore the number of occupants. The development would be managed remotely but does seek consent for two bedrooms in the reception building to accommodate overnight staff on a rota basis.

The applicants have confirmed they don't want any permanent accommodation on the site but that they do need staff facilities to accommodate a shift worker with this person rotating, in case of emergencies. This would be controlled by a planning condition.

Policy UE2 of the now adopted Local Plan refers to 'small scale' developments but that scale may vary according to the type of accommodation and the sensitivity of its location and as a guide suggests no more than 12 units. This proposal would provide more units than this so it needs to be considered against the sensitivity of the location, the previous use of the site and extant permission and any impact on the natural beauty, wildlife and cultural heritage of the National Park and whether it would lead to unacceptable harm in terms of noise and activity on the immediate area; or the character, tranquillity or visual attractiveness of the area.

**Highways**

Whilst the Parish Council and third parties have expressed concerns regarding highway safety the Highway Authority has no objection to the proposal subject to conditions relating to highway improvement works which have been agreed as pre-commencement conditions with the applicant. Consequently, it is not considered that a refusal could be upheld on highway safety grounds.

**Character of Area, Activity Levels and Tranquillity**

The previous authorised use of the site was as a sawmill which would have generated traffic, with large vehicles and noise generation. It is considered that the proposed well-designed log cabin scheme, which would be well contained within this wooded site, would not result in a visual intrusion into the wider landscape. Furthermore, it is not considered that the activity levels, both in terms of the use and access into and out of the site or within the woodland, would be out of place in this particular location, which is accessed off a busy A road which is a main transport route between Scarborough and Whitby, the two largest tourist destinations on the area.

Whilst a slightly greater number of units are proposed than are suggested as a guide in the Local Plan, it is considered that given the nature of this previously developed site, and the nature of the previous use as a sawmill, the larger number of units could be accommodated in this particular case, without harm to the character of the locality.

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**Archaeology**

Concerns have been expressed by the Parish Council and third parties that the proposals might cause harm to heritage assets in the form of archaeology on site. A Heritage Statement has been submitted and considered by the Authority's Archaeologist who is satisfied that this will guide the archaeological mitigation which will be required. The Authority's Archaeologist has advised that the development will have no significant impacts on the nearby Scheduled Monuments, but that the works do have a potential to impact on below-ground archaeology, particularly prehistoric or medieval features which may be associated with the nearby Hulley's site.

However, this can be addressed by an archaeological brief to include a Watching Brief on vegetation clearance, and groundworks for lodge pads, access roads and drainage, including a Written Scheme of Investigation to be submitted to the Authority for approval prior to works commencing, and should allow for potential reporting and archiving. This has been agreed by the applicant.

**Ecology**

This application includes proposals for a 'Nature Zone' with the intention to manage this area principally for biodiversity, and it is recommended that more details are submitted regarding this, via conditions attached to any approval to ensure that this is of true benefit to the local biodiversity and also to seek a more balanced proposal for this zone including fewer paths and more woodland planting, along with sensitive management of wetland areas.

In order to secure the long term biodiversity potential of the site and ongoing sensitive management of the woodlands and other habitats to encourage biodiversity, it is recommended that a Habitat Management Plan is required by condition.

**Woodland Management**

The Woodland Officer has been consulted on this application and has advised that from an arboricultural and woodland perspective the new proposals are workable providing that the development is undertaken with due consideration and with appropriate safeguards in place. The woodland wouldn't be categorized as of special ecological interest but it isn't of low ecological value. The woodlands are long standing being recorded as conifer and mixed woodland on OS first edition maps.

Given that woodland comprises of canopy, understorey, ground flora and soils the development as proposed will inevitably lead to some loss of ecological assets. This loss will need to be minimised and then compensated for by enhancement in other areas either within or outside the development area. Consequently, an Arboricultural Impact Assessment,

Tree Protection Plan and Arboricultural Method Statement are all required by a pre-commencement condition.

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**Main Issues continued**

The nature zone is an area of previously felled conifer that is regenerating with a mix of conifer and broadleaved trees. The felling licence condition is for restock with native broadleaves. Consequently, a mix of 30% open space within this zone (as semi-natural vegetation) would be appropriate and represent positive management of this area which could be taken as part of the compensation for woodland losses elsewhere. This again is covered by conditions relating to the management of the nature zone.

**Conclusion**

It is considered that on the basis of the previous use as a commercial sawmill and the extant consent for 15, remotely managed holiday units, the proposed change to more substantial timber holiday lodges rather than timber and canvas safari huts is acceptable. However, this scheme seeks consent for ten larger units and three more units than the guide of 12 as set out in the newly adopted Local Plan.

In this specific instance, it is considered that the existing sawmill site, situated immediately adjacent a busy A road, can accommodate this additional scale of units, without an adverse impact on the character and setting of the locality. Furthermore, whilst the development of such holiday sites without existing on site management facilities are normally resisted, it is considered that on balance, the combination of the previous commercial use of the site, the extant permission which allows remote management, the proximity of the site to a main transport link and to larger population areas to provide a local source of employment, this is not a significant factor weighing against the proposal. In any event overnight accommodation for use by management staff is proposed and this model is used successfully elsewhere in the National Park.

In view of the above, it is considered on balance, that whilst not strictly in accordance with policy, in terms of the number of units and the nature of management, the development would not cause harm to the character of the area and consequently approval is recommended.

**Pre-commencement Conditions**

Conditions 18, 21 and 22 are pre-commencement conditions and have been agreed in writing with the applicant/agent.

**Contribution to Management Plan Objectives**

Approval is considered likely to help meet Policies B3 and B4 which seeks to promote and improve and variety of tourism accommodation within the National Park.

**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 reduction in the number of units, so as to deliver sustainable development.