

North York Moors National Park Authority

Delegated decision report

Application number

NYM/2020/1018/FL

Development description

change of use of sawmill timber yard to visitor car park with associated works including surfacing, installation of associated infrastructure (pay stations, cctv poles, cycle stands/lockers, electric vehicle charging points, boundary treatment and signage) construction of vehicle bridge and creation of section of footpath

Site address

Former Saw Mill Timber Yard, East Row, Sandsend

Parish

Newholm-Cum-Dunsley

Lythe

Case officer

Mr M Hill

Director of Planning's Recommendation

Approval subject to the following:

Condition(s)

Condition number	Condition code	Condition text
1	TIME01	Standard Three Year Commencement Date
2	PLAN01	Strict Accordance With the Documentation Submitted or Minor Variations - Document No.s Specified CEMP ...V3... 12 th July 2021 Habitat Management Plan ..v2..8 June 2021
3	PLAN02	Strict Accordance With the Plans/Specifications or Minor Variations
4	WPDR09	PD rights removed for walls & fences

5	GACS07	External Lighting - Submit Details
6	GACS00	Prior to the first use of the car park commencing, details setting out the management of wastes and litter at the site shall be provided in writing to the LPA for approval. The site shall not operate unless in accordance with the approved litter and waste plan.
7	LNDS00	No work shall commence to construct the road crossing bridge across the watercourse for the development hereby permitted until full details of : <ul style="list-style-type: none"> • the granular graphite car park surface surfacing • the 2m high perimeter deer fencing • Details of Internal landscaping coloured bright green on car park masterplan drawing ; have been submitted to and approved in writing by the Local Planning Authority. The car park surfacing & deer fencing & internal landscaping shall then be implemented in accordance with the approved details and shall be maintained in that condition in perpetuity.
8	ARCH00	No development shall take place at the site until a Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions - and [if indicated by the Desk Top Study submitted with the application]: <ul style="list-style-type: none"> • the programme and methodology of site investigation and recording and the programme for post investigation assessment; • the provision to be made for analysis of the site investigation and recording; • the provision to be made for publication and dissemination of the analysis and records of the site investigation; • the provision to be made for archive deposition of the analysis and records of the site investigation; • the nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
9	HWAY00	The following schemes of off-site highway mitigation measures must be completed as indicated below: <ul style="list-style-type: none"> • Pedestrian deterrent paving works description on East Row Bridge prior to the car park being available for the public to use • access improvement works description at the north west corner of East Row bridge prior to commencement of construction of the car park. For each scheme of off-site highway mitigation, except for

		<p>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.</p> <p>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.</p> <p>No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.</p>
10	HWAY00	
11	HWAY00	<p>There shall be no use of the car park hereby approved until the approved visibility splays onto the A174 have been provided.</p>

Reason(s) for condition(s)

Reason number	Reason code	Reason text
1	RSN TIME01	To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.

2	RSNPLAN 01	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	RSN WPDR01	In order to enable the Local Planning Authority to retain control over future alterations to the property in the interests of safeguarding the existing form and character of the building in line with NYM Development Policy 3 and NYM Core Policy A, which seek to enhance and conserve the special qualities of the NYM National Park and secure high quality design for new development.
4	RSN GACS01	In order to comply with the provisions of NYM Core Policy A which seeks to ensure that new development does not detract from the quality of life of local residents.
5, 6,7,	RSN GACS02	In the interests of the visual amenities of the locality and to comply with the provisions of NYM Core Policy A which seeks to conserve and enhance the special qualities of the National Park.
8.	RSN ARCH01	In order that any remains of archaeological importance can be adequately investigated and recorded before any development takes place on the site and to comply with NYM Core Policy G which seeks to conserve and enhance the historic assets and cultural heritage of the National Park.
9,10,11	RSN HWAY01	In accordance with NYM Development Policy 23 and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

Informative(s)

Informative number	Informative code	Informative text
1		The proposed bridge(s) should be of a clear span design above the design flood level.
2		As the watercourse in question is classed as an ordinary watercourse the Flood Risk Management Team at NYCC should be consulted regarding the proposals, as they would be the

		responsible / consenting body for any works affecting the watercourse (or that require LDA 1991 consent).
3		This development has been proposed within an area identified as being at risk of flooding. The applicant should be aware that vehicles can start to float in flood depths of less than 60cm – less if it is fast-flowing. The applicant must satisfy themselves that any vehicles floating, or displaced as a result of flooding, would not jeopardise others in the surrounding area.
4		The site owner is advised to keep the need for potential temporary toilet facilities at peak times under regular review.
5		The applicant's attention is drawn to the comments of the Yorkshire Garden Trust and the potential public and Estate benefits of sensitive interpretation being displayed at the site in respect of the historic landscape of the Registered Park and Garden.
6.		<p>Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site:</p> <p>https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20Opavements/Specification_for_housing_ind_est_roads_street_works_2nd_edition.pdf</p>

Consultation responses

Borough/District

Original - Query whether extra toilet provision should be included,

Revised information - no objections on Housing or Environmental Health grounds.

Parish

Newholm cum Dunsley – No objections

Lythe PC – Original – Support the application with caveats. Ask that the use of temporary toilets during peak periods be considered and satisfactory disposal of rubbish is required. Arrangements are made for inspections to deal with any anti-social behaviour. Draw attention to potential highway safety aspects within SBC part of the application.

Revised information - Expect that NYCC Highways will review the traffic modelling data. Draw attention to traffic surveys being undertaken during covid lockdown and query whether the road safety audit is robust. Would add that 24 hr access to the YW pumping station in SBC application is maintained. Ask that measures to ensure pedestrians do use the pedestrian bridge in SBC area are utilised.

Historic England

No objections on Heritage grounds and support the principle of the works. Ask that any infrastructure be of a sensitive design.

Yorkshire Gardens Trust

The sawmill timber yard is part of the registered Park and Garden laid out by the first Earl of Mulgrave in the late 18c with 19c proposals from Humphrey Repton incorporated. This is a well-documented and considered planning application. The scheme would result in visible changes but the changes would be small because of the topography and surrounding woodland, no objections. Would ask that interpretation boards be included in the scheme in a sensitive location to explain the significance of Mulgrave castles historic designed landscape.

Highways

Whilst the LHA have some concerns about the access and its ability to deal with future developments in the immediate locality, the revisions have dealt with the concerns raised with the agent and as such no objections subject to conditions be placed on any approval dealing with: off-site works & access being kept free of obstruction & revised visibility splays are created and an informative regarding verge crossing NYCC license being needed.

Environment Agency

Site lies in Flood Zone where a Flood Risk assessment is required. The Flood Risk assessment submitted with the application is considered acceptable and no have objections. Recommend informatives be placed on any approval covering : the bridge should be of a clear span design above the design flood level, the developer should contact the Flood risk team at NYCC who would consent any works in this ordinary watercourse and potential for cars to float in flood levels less than 0.6m .

CPRE North Yorkshire

Recognise the benefits of off road car parking at this popular location. Welcome the non-tarmac surface of the car park. Query : whether there will be enough toilets in the village to cope with the extra visitors , whether additional landscaping should be incorporated within the car park , there should be solar powered lighting included, litter & recycling facilities should be provided, whether there could be more done for biodiversity.

Forestry Commission

Have supplied generic woodland information.

NY Police

Commend inclusion of cycle stands/storage lockers but consider it would be better from a designing out crime perspective if there were to be a controlled access.

Third party responses

Name

Samantha Schofield, Sandsend,

Louise Armstrong, Sandsend

Cushman & Wakefield on behalf of Mr & Mrs Tippet, Sandsend,

All of the above are concerned or object on one or more of the following grounds.

- Approval of the car park in the NYM planning area will lead to off-site impacts on residents in the SBC planning area.
- Whilst we understand that the revised pedestrian access strategy (to separate pedestrians and vehicles) has been submitted to deal with the Highway Authority concerns about safety for pedestrians from the car park entering into the village and beach, the changed route would mean the pedestrians would have a greater impact on the residential amenities of existing residents on the private road the pedestrians would utilise under the new arrangements. The impacts would be by reason of loss of privacy, safety, security, disturbance, loss of light and noise from the pedestrians (up to 600). Many front doors open straight onto the private road.
- The plans refer to the existing footpath in front of the cottages, some of which is paved, some of the paved areas along this private road were paved by the

owners of the cottages to improve surface water drainage (with the permission of Mulgrave Estate).

- Areas of front of the cottages have been used for many years for the parking of vehicles, storage of waste bins, recreational sitting out / BBQ's and unloading shopping and luggage. The loss of ability to use this area for activities associated with the cottages would represent a loss of amenity to the occupiers and holiday let customers. The new pedestrian route will mean occupiers will be reluctant to open windows and will use blinds or not open curtains leading to a darker living environment.
- It is not clear from the plans whether the materials for the new footpath would preserve or enhance the character and appearance of the Sandsend Conservation area or the setting of Listed buildings along the private road.
- The proposed pedestrian footbridge would adversely affect the view of East Row, despite the attempt at a sympathetic design, changing a view that has not changed much over the years.
- Consider Sandsend cannot accommodate up to 148 cars worth of visitors, there are not enough toilet facilities,
- The existing Beck bridge is a bottle neck and this will make matters worse.
- The car park could attract unsavoury activity at night and lead to extra crime.
- Consider the additional traffic generated would conflict with NYM planning policies SP2 & ENV2 by reason of disturbance.

Publication expiry

Advertisement/site notice expiry date - 10 February 2021

Former Mulgrave Estate saw mill site



Background

Mulgrave Estate extends to some 15,000 acres and is based at Mulgrave castle (Grade II* Listed) and its estate office located some half a kilometre due south of Lythe village. Part of the estate includes Mulgrave woods which extend from Sandsend coastal village some 4km inland in a south west direction past the castle. Mulgrave Castle park as the large area around the castle and woods are known, is a registered park and garden, a designated heritage asset. At that part of the woods nearest to the village of Sandsend is the barely used Mulgrave Estate sawmill site alongside East Row beck. The site is a cleared area of woodland. The site is linked to Sandsend by two tracks either side of the beck. The national park boundary lies between the main timber sawmill site and the nearest residential cottages.

Planning permission is sought for a: 148 car space car park with granular finish, 2 motorcycle parking spaces, 2 electric vehicle car spaces, 4 cycle store spaces, a new vehicle bridge across the beck with tarmac finish, 2 payment stations, a black cctv camera post system for charging, additional landscaping, pedestrian footway all enclosed within a 2m high timber post deer fence. The original proposal envisaged cars to use the track north of the beck and pedestrians to use a private track to south of the beck, this was later changed to change the pedestrians half on north side and half on south side with a footbridge link to improve public safety at request of NYCC Highways.

There is an associated planning application within the Scarborough Borough Council Planning area for improvements to the track to the north of the beck to provide vehicle and pedestrian access to the car park along with a footbridge to allow pedestrians to safely access the main beach at Sandsend minimising the need to use the existing narrow a174 public highway bridge.

The application was the subject of pre-application discussions to both LPA's as part of a wider scheme to increase revenue for the Estate to manage its large range of historic buildings and assist the existing traffic management issues relating to a relative lack of car parking in the centre of this popular village where there a range of tourist cafés and shops and community facilities including health surgery and public toilets.

The application documentation includes; masterplan drawings of key elements of the scheme, a Construction Environmental Management Plan and a Transport statement .

In June 2021, revised plans were submitted to revise the pedestrian management arrangements with a revised Transport statement, this was mostly in the SBC associated planning application involving moving footbridge closer to village and revised pedestrian links to the village using existing access rather than private road (East Row).

Internal consultees, including Building Conservation, Archaeology and Ecology recommend suitable conditions be imposed to ensure the development is carried out in accordance with the well prepared application documentation. One issue that is not covered in the application is the renovation of the existing semi derelict building adjacent to the site, in pre-application discussion the agent indicated this is a potential second stage shop (and separate planning application) if the car park is successful.

Main issues

Local Plan

The justification text to NYM Policy CO3 notes that new car parks can significantly detract from the character of their location so that new schemes will only be permitted where there are existing parking problems and the scheme is considered to be the only way to solve the problems, will benefit both the local community and visitors, uses an existing site and the scale and design would not have adverse impacts on the locality including natural beauty and wildlife.

Strategic policy I dealing with the Historic Environment, amongst things seeks to ensure that development should conserve heritage assets and include within application documentation sufficient information to demonstrate that the scheme recognises the significance of the heritage assets.

Strategic policy H seeks to ensure, amongst things, that any features of ecological value or assets are maintained and if appropriate enhanced.

The key issues are considered to be: whether there is a traffic management problem that the proposal would improve and the impact on the Mulgrave woods Registered park and Garden.

Sandsend is by a quirk of the park boundary located just outside the national park boundary. It is a well-established tourist destination in its own right. In recent years there has been an additional parallel parking lane put in on the west side of the A174 by the beach. It is officers' experience that the area is still under severe parking pressure and the majority of consultation response confirm the benefits this car park scheme would accrue to the local community and local economy notwithstanding there would be some additional amenity /disturbance to some residents on East Row in the SBC part of the village, essentially from the pedestrian management measures. The application was also the subject of extensive pre-application discussions with the local highway authority. Following the submission of revised pedestrian management measures, it is considered that the scheme would represent an improvement to the current parking problems experienced in Sandsend. Whilst the car park lies within the Park and the host destination is out with the park owing to the geography, the Authority has granted permission to address planning issues close to the boundary where there is no alternative site in the location outside the Park and there would be little environmental impact (Whitby Park & Ride & Whitby TV mast) .

The car park design utilises what is effectively a 'brown field' site given it was the Mulgrave Estate sawmill site. It is well screened from public views by reason of the gorge topography and extensive tree screening along the beckside and hillsides.

Both historic England and the Yorkshire Gardens Trust consider the impact on the heritage asset acceptable.

A construction Environmental management Plan has been supplied with the application documentation to address the details of how construction will ensure minimal disturbance to flora and fauna.

The car park would be of a granular finish, (not bitmac) with no lighting to avoid light pollution.

During the public consultation stage, the issues of: additional toilet provision, unsavoury night time activities and waste/litter were raised. No shortage of toilet provision was identified by the Borough Council who indicated there were no Environmental Health objections and the Estate were firmly of the view that toilets on site were not needed. The waste/litter issue has been agreed with the agent to be dealt with by condition as they did not wish to encourage waste accumulation at the site and for wastes to be taken home but will also provide for a regular litter pick by estate staff to avoid pollution and ensure the visual amenities of the site and locality are not adversely affected. The late night abuse of the car park is considered to be a site management issue rather than a reason for refusal.

As such the proposal is considered to accord with the provisions of NYM car parking policy CO3 and strategic policies I & H dealing with heritage and ecology protection respectively.

Pre-commencement conditions

The agent has accepted that only important pre-commencement should be imposed and these have been limited to the archaeology and ecology implications as the CEMP was agreed during processing of the application .

Contribution to Management Plan objectives

Approval is considered likely to help meet Policy E7 which seeks to conserve heritage assets and their settings and B1 in respect of increasing visitor spend.

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.