

Whitby Park & Ride S73 Planning Application Planning Statement

**North Yorkshire County Council
March 2018**

Rev 01

LICHFIELDS

50303/06/HS/AK
15033315v1

NYMNP

04/04/2018

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1.0 Introduction

- 1.1 This Planning Statement has been prepared by Lichfields on behalf of the applicant, North Yorkshire County Council (NYCC). Its purpose is to assist the North York Moors National Park Authority (NYMNP) in its consideration of the accompanying minor material amendment application to planning permission NYM/2014/0864/FL.
- 1.2 In August 2015, NYCC obtained planning permission for an extension to its Park & Ride facility at Whitby. These spaces were for private use by York Potash Ltd. (subsidiary trading name of Sirius Minerals), in association with the York Potash Project (now referred to as the North Yorkshire Polyhalite Project) (The Project).
- 1.3 Following the appointment of contractors and an improved understanding of the logistical needs of The Project, Sirius Minerals has requested a number of minor material amendments to planning permission NYM/2014/0864/FL. These amendments include:
- 1 A number of minor amendments to the approved design (condition 2);
 - 2 An increase in the total number of private car parking spaces from 180 to 187, and to extend the use of these spaces to include Sirius Minerals and its contractors (condition 11).

The Application Submission

- 1.4 This S73 application comprises the following documentation:
- 1 Completed planning application forms and certificates relevant for a s73 submission;
 - 2 This Planning Statement;
 - 3 A covering letter;
 - 4 Appropriate planning application fee; and
 - 5 Amended planning application drawings.

Structure

- 1.5 The remainder of this Planning Statement is structured as follows:-
- | | |
|--------------------|--|
| Section 2.0 | Explains the background to the application, including a description of the approved development; |
| Section 3.0 | Provides a description of the application site and its surroundings; |
| Section 4.0 | Details the nature of the proposed amendments; |
| Section 5.0 | Details the planning policy context for the S73 application, focussing on those policy matters that have changed since the original decision was made; |
| Section 6.0 | Provides overall conclusions on the s73 application for minor material changes to the approved scheme. |

2.0 **Background to the Application**

The Approved Development

- 2.1 In February 2009, NYCC secured planning permission for a 450 space park and ride facility together with associated highway alterations (Planning Reference NYM/2008/0621/EIA). Funding and site procurement issues meant that this planning permission was not implemented and in 2012 the planning permission lapsed.
- 2.2 In January 2013, the NYCC secured permission for a revised scheme for 450 car parking spaces, together with associated highway alterations and landscaping. This permission was approved subject to conditions (Planning Reference NYM/2012/0757/EIA). This facility, which is now known as the 'Whitby Park & Ride', has since been completed and is currently open to the public during peak periods.
- 2.3 In August 2015, NYCC secured a variation to NYM/2012/0757/EIA to accommodate an additional 180 private car parking spaces within the northern landscape buffer of the site together with associated low-level lighting (Planning Reference NYM/2014/0864/FL). These spaces were for private use by York Potash Ltd in association with The Project.
- 2.4 Work is due to start on these private car parking spaces shortly. In the interim, however, Sirius Minerals has requested a number of minor material amendments to planning conditions 2 and 11 to make more efficient use of the site.

Consultation

- 2.5 These amendments, including the most appropriate procedural mechanism to secure them, were discussed and agreed with Officers during a pre-application meeting on 30 October 2017.
- 2.6 During this meeting officers agreed to the principal of each of the proposed design changes, including:
- the introduction of additional low-level lighting both within the public and private car park areas, provided that the new lights mirrored the design of those supported under the original application, i.e. low-level lighting bollards;
 - the principle of an extension to the main amenity building on the proviso that the external materials and treatments mirrored those of the existing amenity building;
 - the provision of a new security fence along the northern boundary of the private car park; and
 - the proposed increase in car parking spaces in the private car park from 180 to 187 spaces.
- 2.7 Each of the above design considerations have now been fully integrated into the plans attached to this application.

3.0 Site Description

The Site and Surroundings

- 3.1 The application site extends to an area of 4.3 hectares, and is accessed via an existing vehicular entrance at the junction of the A171 and B1460.
- 3.2 The site is currently occupied by an existing Park & Ride facility, known as the Whitby Park & Ride, and comprising 450 car parking spaces, a single storey amenity building and associated landscaping (**Figure 3.1**).

Figure 3.1 Figure 01: Whitby Park & Ride



Source: Google Images

- 3.3 This S73 application relates to the northern section of the Park & Ride site, or the area of the site currently occupied by the northern landscape buffer, the single storey amenity building, and the pedestrian walkway that links the two areas.
- 3.4 There are no watercourses within or adjacent to the site. The EA Flood Map for Planning shows the site to be located in Flood Zone 1 where it is not considered to be at risk from flooding. The site is not located within a Conservation Area and does not include any Listed Buildings.

Surroundings

- 3.5 The site is located on the western edge of Whitby, within the North York Moors National Park. The site is bounded to the north, west and south by agricultural fields and to the east by the A171.
- 3.6 A Hotel/Restaurant and Garden Centre lie on the opposite side of the A171, directly opposite the entrance to the site. The land beyond this comprises additional agricultural fields.

4.0 Development Proposals

4.1 This section of the report describes the nature of the proposed minor material amendments to the approved scheme that are the subject to this s73 application.

Proposed Minor Material Amendments

Amendments to the Approved Plans (Condition 2)

4.2 This application seeks to make a number of minor material amendments to the layout of the approved Park & Ride Scheme and in doing so, replace the 'Amended Plan' (Drawing No. WPR/PL/2014/004, dated 17 March 2015) with those plans listed in the table at Section 4.3 below.

- 1 The introduction of a new 5m x 12m bus shelter to the west of the amenity building. This bus shelter will be single storey in height and finished in a combination of glass and timber. **(BDS/WP&RE/2016/MISC001).**
- 2 A 12m² extension to the eastern elevation of the existing amenity building. The extension will be single storey in height and finished in the same external treatments to that of the existing building (i.e. stone brickwork, aluminium windows, sedum roof and timber weatherboard). The extension will be used to accommodate office space for security personnel. **(Drawing A/100.004 P1 and Drawing A/100.002 P1).**
- 3 The introduction of a new rise and fall gate inside the main entrance gate to prevent members of the public entering the site during non public opening hours and to prevent cars queuing whilst the main gate is opened and closed. All barriers on the site will be fast moving, per the image shown on the General Arrangement Plan **(BDS/WP&RE/2016/MISC001);**
- 4 An increase in the total number of parking bays within the private car park from 180 to 187. The relocation of the disabled parking bays to Woodsmith Mine has freed up space within the car park for additional standard parking bays **(BDS/WP&RE/2016/MISC001).**
- 5 The introduction of a new 2metre high security fence along the northern/ part of the western & eastern boundary of the private car park. This fence will sit in between the existing hedgerow and the re-profiled landscape bund so that it is largely screened from view from both within and outside of the site. The existing four post fence on the southern boundary of the private car park will be retained in situ. **(Drawing BDS/WP&RE/2016/300A).**
- 6 The introduction of additional low-lighting bollards throughout the private car park and on the walkway to the amenity building in the adjoining public car park. These low-level lighting bollards will be of identical design and height to that agreed under the original planning application. **(BDS/WP&RE/2016/1300B)**

4.3 In summary, this application seeks to reword condition 2 as follows:

“The development hereby permitted shall not be carried out other than in strict accordance with the following documents:

<i>Document Description</i>	<i>Document No.</i>
<i>General Arrangement (Picture)</i>	<i>BDS/WP&RE/2016/MISC001</i>
<i>Topsoiling, Grass Seeding, Fencing, Street Furniture</i>	<i>BDS/WP&RE/2016/300A</i>
<i>Illuminated Bollard</i>	<i>BDS/WP&RE/2016/1300B</i>
<i>Waiting Facility Additional Office Extension –</i>	<i>NY17008/A/100.000 P1</i>

Existing Floor Plans	
Waiting Facility Additional Office Extension – Existing Elevations	NY17008/A/140.001 P1
Waiting Facility Additional Office Extension – Proposed Floor & Roof Plan	NY17008/A/100.002 P1
Waiting Facility Additional Office Extension – Proposed Elevations	NY17008/A/140.002 P1
Typical Cross Section	BDS/WP&RE/2016/701A

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.”

Revise the wording of condition 11 to allow a minor increase in the total number of parking bays/ extend the use of these spaces to Sirius Minerals and its contractors

- 4.4 The relocation of all disabled parking bays to Woodsmith Mine (a design change that has been discussed and agreed with the NYMNPA and North Yorkshire County Council’s Highways team) has freed up space within the private car park for 7 additional standard parking bays.
- 4.5 Whilst this change will increase the total number of car parking spaces from 180 to 187, the area dedicated to parking on site will remain largely unchanged.
- 4.6 This application also seeks to clarify that the use these spaces extend to both Sirius Minerals employees and its contractors.
- 4.7 In summary, this application seeks to reword condition 11 as follows:

“The ~~180~~187 car parking spaces provided under this approval shall be restricted to employess of York Potash Ltd ~~only~~/ (subsidiary trading name of Sirius Minerals Plc) and its contractors, and this part shall be open for 24 hours a day, 365 days of the year”

5.0 Planning Policy Context

- 5.1 Government Planning Practice Guidance (PPG) on Flexible Options for Planning Permissions issued in March 2014 provides clarity on those issues relevant to the consideration of s73 applications. Annex A to the PPG requires that any such application should be assessed against the development plan and material considerations, under section 38(6) of the Planning and Compulsory Purchase Act 2004, and conditions attached to the existing permission. Authorities are advised to focus attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.

Development Plan

- 5.2 The development plan for the National Park currently comprises the North York Moors National Park Authority Core Strategy and Development Policies (November 2008), the Whitby Business Park Area Action Plan (November 2014) and the Helmsley Local Plan (July 2015).
- 5.3 The original permission for the Park & Ride facility was granted on 22 January 2013 (Planning Reference NYM/2012/0757/EIA) in the context of the following.
- Development Policy M: *“Through strong and effective partnerships the Park Authority will work to improve accessibility to services and facilities within and beyond the National Park for all users and to encourage more sustainable patterns of travel. This will be achieved by....Supporting the development and implementation of Service Centre Transportation Strategies contained in the North Yorkshire County Council Local Transport Plan for Helmsley and Kirkbymoorside, Pickering and Thornton-le-Dale, Stokesley and Great Ayton, Whitby and Esk Valley, Scarborough, Thirsk and Northallerton”.*
 - Development Policy 24: *Infrastructure that is required to facilitate transport related schemes or initiatives will be permitted where...In the case of Park and Ride schemes: a) The location of the proposed site is on or in close proximity to a Category 134 road and the National Park boundary; b) Where possible, the site is accessible by alternative modes of transport; c) The siting, scale and design does not have an adverse impact on the landscape character and amenity of adjacent occupiers.*
 - Core Policy A: *“Delivering National Park Purposes and Sustainable Development sets out key principles of sustainable development for the National Park which include providing a scale of development and level of activity that will not have an unacceptable impact on the wider landscape or the quiet enjoyment, peace and tranquillity of the Park, providing for development in locations and of a scale which will support the character and function of settlements, applying the principles of sustainable design and energy use to new development and strengthening and diversifying the rural economy”*
- 5.4 The permission for the private car park extension (NYM/2014/0864/FL) was granted on 12 August 2015 in the context of Core Policy A and Development Policy 1 (Environmental Protection).
- Core Policy A: as above.
 - Development Policy 1: *“To conserve and enhance the special qualities of the North York Moors National Park, development will only be permitted where....It will not generate unacceptable levels of noise, vibration, activity or light pollution”*

- *Development Policy 3: “Design aims to maintain and enhance the distinctive character of the National Park and covers matters such as the scale, form and massing of proposed development together with sustainable design, landscaping, security and access”*

- 5.5 Since these dates, no new national or local development plan policies relevant to this development have been adopted.
- 5.6 The NYMNPA National Park Management Plan was subject to minor revisions in December 2016, but does not include any material changes to the principles and policies set out in the 2012 Management Plan assessed as part of the original application.
- 5.7 The York, North Yorkshire and the East Riding Local Enterprise Partnership’s Strategic Economic Plan (2016) was also updated in July 2016. However, the overall ambitions of the Plan, including delivering 21,900 new jobs and £1.4bn GVA growth within the LEP area by 2021, remain the same as those set out within the previously assessed 2014 Plan.

Emerging Policy

- 5.8 Paragraph 216 of the National Planning Policy Framework (NPPF) states that decision-takers may also give weight to relevant policies in emerging plans according to the stage of preparation, number of outstanding objections and their overall consistency with the NPPF
- 5.9 The NYMNPA is currently in the early stages of preparing a new Local Plan. This plan will cover the period 2016-35. Once completed, it will replace the current Core Strategy and Development Policies Document (2008) and sit alongside the Helmsley Local Plan and Whitby Business Park Area Action Plan to form what will become, the new Development Plan.
- 5.10 In its recent assessment of NYM/2017/0505/MEIA officers concluded that *“Preparation of the new Local Plan is still at a relatively early stage and it would not be appropriate to give weight to any potential relevant policies”*.
- 5.11 The North Yorkshire, York and North York Moors Joint Minerals and Waste Plan (JMWP), which is currently at Public Examination stage, also holds limited weight in decision making at this stage.

Policy Considerations

- 5.12 As noted above, changes to prevailing policy documentation from that which directed the positive consideration of the original application proposals in 2013 and the amended application proposal in 2015 are therefore limited, and given the early stage of the new Local Plan, any weight given to this document would need to be proportionate.
- 5.13 Officers supported the original car park extension in the context of Core Policy A and Development Policy 1, which states that development should conserve and enhance the special qualities of the National Park, including peace and tranquillity and should not generate unacceptable levels of noise, activity or light pollution.
- 5.14 The NYMNPA identified the main ‘tests’ for identifying whether the development could meet the objectives of Core Policy A and Development Policy 1 as its:
- 1 Landscape impact,
 - 2 Lighting impact,
 - 3 Operational issues and;
 - 4 The cumulative impact of the YPL Project

5.15 Both Core Policy A and Development Policy 1 remain in place today. It is considered therefore, that relevant policy against which this s73 should be assessed remains fundamentally unchanged from that which directed the previous decisions by the NYMNPA.

5.16 Given that a s73 application involves the issuing of a new planning permission for the scheme, it remains the case that Core Policy A and Development Policy 1 are the pre-eminent policy considerations for the application. The key issue for this Statement, therefore, is to assess whether the proposed minor material amendments to the scheme include landscape, lighting, operational or cumulative impacts over and above those deemed acceptable under the original scheme.

National Planning Policy

- The National Planning Policy Framework ('NPPF') (CLG; March 2012);
- Planning Policy Guidance ('PPG') (CLG; March 2014);
- The English National Parks and the Broads : UK Government Visual Circular 20120 (Defra, March 2010); and
- The Environmental Act 1995 (UK Government; July 1995).

Local Guidance

- Core Strategy and Development Policies ('CSDP') (NYMNPA; Adopted in November 2008).
- The North York Moors National Park Management Plan ('NPMP') (as updated December 2016);
- Emerging North Yorkshire, York and North York Moors Joint Minerals and Waste Plan (JMWP); (Publication Draft November 2016);
- Strategic Economic Plan (York, North Yorkshire and East Riding Local Enterprise Partnership ('LEP')); (as updated in July 2016);
- Design Guide Supplementary Planning Document Part One: General Principles (NYMNPA; February 2013);
- Design Guide Supplementary Planning Document Part Five: New Agricultural Buildings (NYMNPA; February 2013); and
- Renewable Energy Supplementary Planning Document (NYMNPA; June 2008).

5.17 The following section of this report continues with an assessment of the proposed changes to the project, set against this policy context.

6.0 **Development Appraisal**

Principle of Development

- 6.1 In considering the original application for the Park & Ride extension, the NYMNPA concluded that the additional capacity within the car park did not in itself raise any specific policy considerations, but that it was the change in the nature of the proposed use, in particular the proposed intensification of the use and the need for additional lighting that had the potential to impact on the special qualities of the National Park, particularly its tranquillity and dark skies (Core Policy A and Development Policy 1).
- 6.2 In establishing whether the proposal was likely to negatively impact on the special qualities of the National Park, the officers considered the impact of the proposal from a:
- 1 Lighting;
 - 2 Landscaping;
 - 3 Operational; and
 - 4 Cumulative impact perspective.
- 6.3 Officers concluded that the containment of the additional parking spaces within the existing site boundary, the presence of landscaping along the northern boundary and the use of low-level lighting meant that the proposed extension would not have an unacceptable impact on the special qualities of the National Park, and that whilst the proposal would result in an intensification of use, a S106 planning obligation that mitigated the impact on its special qualities would help offset any impact. The officers concluded that on balance the proposal was consistent with Core Policy A and Development Policy 1 and could therefore be supported.
- 6.4 The key consideration for this application therefore is whether any of the changes brought forward as part of this latest application would cause a lighting, landscaping, operational or cumulative impact over and above that of the original proposal that would mean that the officers could no longer consider the development consistent with Core Policy A and Development Policy 1.
- 6.5 Taking each of these points in turn:

Landscape Impact

- 6.6 This application makes no change to the landscaping scheme supported by officers under the original permission. Like the original scheme, the re-profiled northern landscape bund will continue to provide a natural screen between the Park & Ride and the adjoining open fields to the north. The footprint of the scheme has also not changed, with all works again contained within the original site boundary.
- 6.7 For these reasons, we are confident that the conclusion drawn by the officers in the original S73 assessment can be reapplied to this application.

Lighting Impact

- 6.8 The original scheme included 35 low-level lighting bollards on the northern boundary, and 10 low-level lighting bollards along the pedestrian walkway/adjacent to the amenity building. The location and quantity of these bollards were agreed with officers as part of the original car park extension permission. The location and number of lights identified, however, meant that large areas of the private car park and the pedestrian path would remain unlit.

- 6.9 Following safety concerns raised by Sirius, Hoare Lea undertook a lighting survey to establish the impact of increasing the total number of lighting bollards on the Park's dark skies policy. It's lighting assessment concluded that increasing the number of low-level lighting bollards per that shown on the 'Outline External Lighting Strategy – Option B, Obtrusive Lighting Assessment', was unlikely to cause any significant impact on ecological sensitivities such as bats, insects or other nocturnal species and that by implementing the mitigation measures identified for the original scheme, the development would have *“no significant direct impact upon the dark night skies of the North York Moors National Park”*.
- 6.10 The number and location of lighting bollards shown in the amended scheme mirrors that in Hoare Lea's plan, save for a small increase in the total number of bollards along the pedestrian walkway next to the welfare building, which have been discussed and agreed in principle with officers as part of pre-application discussions.
- 6.11 In summary, whilst the number of low-level lighting bollards has marginally increased since the original car park extension, the location of these lights (i.e. pedestrian walkway and private car park) remains unchanged. The same low-level lighting bollards which were supported by the officers as part of the last application have also again been continued and the lighting study undertaken by Hoare Lea consulting has confirmed that the additional lights will have no significant impact on the NYMNP's dark skies policy. For the above reasons, we are confident that the conclusion drawn by the officers in the original S73 assessment can be reapplied to this application.

Operational Issues

- 6.12 As with the original scheme, the private car park will operate on a 24 hour basis, 365 days a year whilst the main car park will continue to open during the permitted public open hours only. The site will be manned by a 24 hours security guard, 7 days a week and have 24 hour camera surveillance, which the security guard will have access to.
- 6.13 An additional 2metre high security fence will now be erected along the northern boundary, between the re-profiled landscape bund and the hedgerow to provide additional security between the site and the adjoining Bakers Lane. The additional low-level lighting will also aid visibility (and general security) across the site.
- 6.14 A new barrier will also be erected inside the main entrance gate to prevent members of the public entering the site outside of public opening hours.
- 6.15 Like the original application, the main entrance gates will be open and the barriers to the private car park down, during public open times. Any one wishing to enter the private car park will require a Sirius access card.
- 6.16 Outside public opening hours, the main gates will remain closed other than during shift change over periods when the gates will be opened for Sirius/ Contractors access. During this time, the new barrier inside the main entrance gate will be down to prevent members of the public from mistakenly entering the site. The security guard will also be on hand to address any matters relating to access.
- 6.17 Collectively, these measures both continue the original security provisions supported by the Authority under the original car park extension and introduce a number of additional measures to further improve security on the site. It is for this reason that we are confident that the scheme will not introduce any additional operational issues.

Cumulative Impact of YPL Project

- 6.18 In its assessment of the original car park extension, officers concluded that the cumulative impact of the car park, together with each of the other developments that collectively formed the 'York Potash Project', could be offset by a Section 106 Agreement.
- 6.19 Sirius Minerals entered into a Section 106 Agreement as part of the main minehead application with the NYMNPA in October 2015. To date, Sirius Minerals has contributed over £2 million in Section 106 contributions towards local landscape, ecology and tree planting schemes, tourism promotion and rail improvements within the Park and will continue to contribute towards various Management Plan initiatives in the Park for the life of the mine.
- 6.20 Although this application seeks to make a number of minor material amendments to the approved scheme, the changes are modest in scale and necessary from a security and ongoing operational perspective. The Section 106 contributions secured under the minehead permission will continue to offset the cumulative impacts of the project.

Other Matters

Design

- 6.21 Development Policy 3 states that development will be permitted where the *“scale, height, massing, proportion, form, size, materials and design features of the proposal are compatible with surrounding buildings”*.
- 6.22 At 12m², not only is the proposed extension to the amenity building extremely modest in scale but it also directly repeats the proportions and external treatments of the existing amenity building, ensuring that both externally and internally this addition reads as a seamless continuation of the existing building.
- 6.23 Similarly, the external treatments for the bus shelter have been carefully selected so that they complement the scale and external treatments of the adjoining amenity building.
- 6.24 Development Policy 3 as requires that *“the design takes account of the safety, security and access needs for all potential users of the development”*.
- 6.25 The provision of additional low-level lighting bollards, a new security office, a new security fence and a dedicated bus shelter for the staff make sure that the scheme is as safe and secure as possible for its users.
- 6.26 In summary, whilst this S73 application includes a number of minor materials amendments to the approved layout plan, the amendments are extremely modest in scale and consistent with the objectives of Development Policy 3.

Flood Risk

- 6.27 The original planning application was accompanied with a Flood Risk Assessment which concluded that the development was not considered to pose a flood risk to the site or other third parties, and the application was supported on this basis.
- 6.28 Given the limited nature of the changes being proposed as part of this latest S73 application, it is considered that the findings of the original Flood Risk Assessment again remain valid and that conclusions within this report can again be relied upon.

7.0 **Conclusions**

- 7.1 As demonstrated in this Planning Statement, the proposed minor material amendments include only limited changes to the approved physical form of the development at the Park & Ride site. The changes are restricted to the northern section of the site and other than the security fence, which will be screened by mature vegetation/ a landscape bund, are largely removed from the adjoining public roads and relate predominately to those changes necessary to improve on-site security, safety and overall efficiency.
- 7.2 This Planning Statement has confirmed that the policy context for the site remains largely unchanged from that of the original Park & Ride permission in 2013 and the Park & Ride extension in 2015 and that the landscape, lighting, operational and cumulative project impacts which were considered the 'main issues' at the time of the original car park extension remain either largely unchanged or improved as a result of the proposed changes and importantly the development therefore remains consistent with Core Policy A, Development Policy 1 and Development Policy 3.