

## North York Moors National Park Authority

<b>Scarborough Borough Council (North)</b> <b>Parish: Newholm-Cum-Dunsley</b> <b>Whitby</b>	<b>App Num. NYM/2014/0864/FL</b>
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**Proposal:** variation of conditions 2 (material amendment), 4, 8 and 9 of planning approval NYM/2012/0757/EIA to allow alterations to layout and landscaping design to accommodate 180 additional private spaces, revisions to site opening times and siting of permanent lighting to serve additional parking spaces

**Location:** OS Field 3618 bounded by Guisborough Road, A171, B1460 and Barkers Lane, Whitby

**Applicant:** North Yorkshire County Council fao: Mr Rosstam Asadi, County Hall, Racecourse Lane, Northallerton, North Yorkshire, DL7 8AD

**Date for Decision:** 20 April 2015 (extended to 31 July 2015)      **Grid Ref:** NZ 487362 510170

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### Director of Planning's Recommendation

**Approval** subject to a Section 106 planning obligation to offset the impacts of the development of the National Parks special qualities and the following conditions:

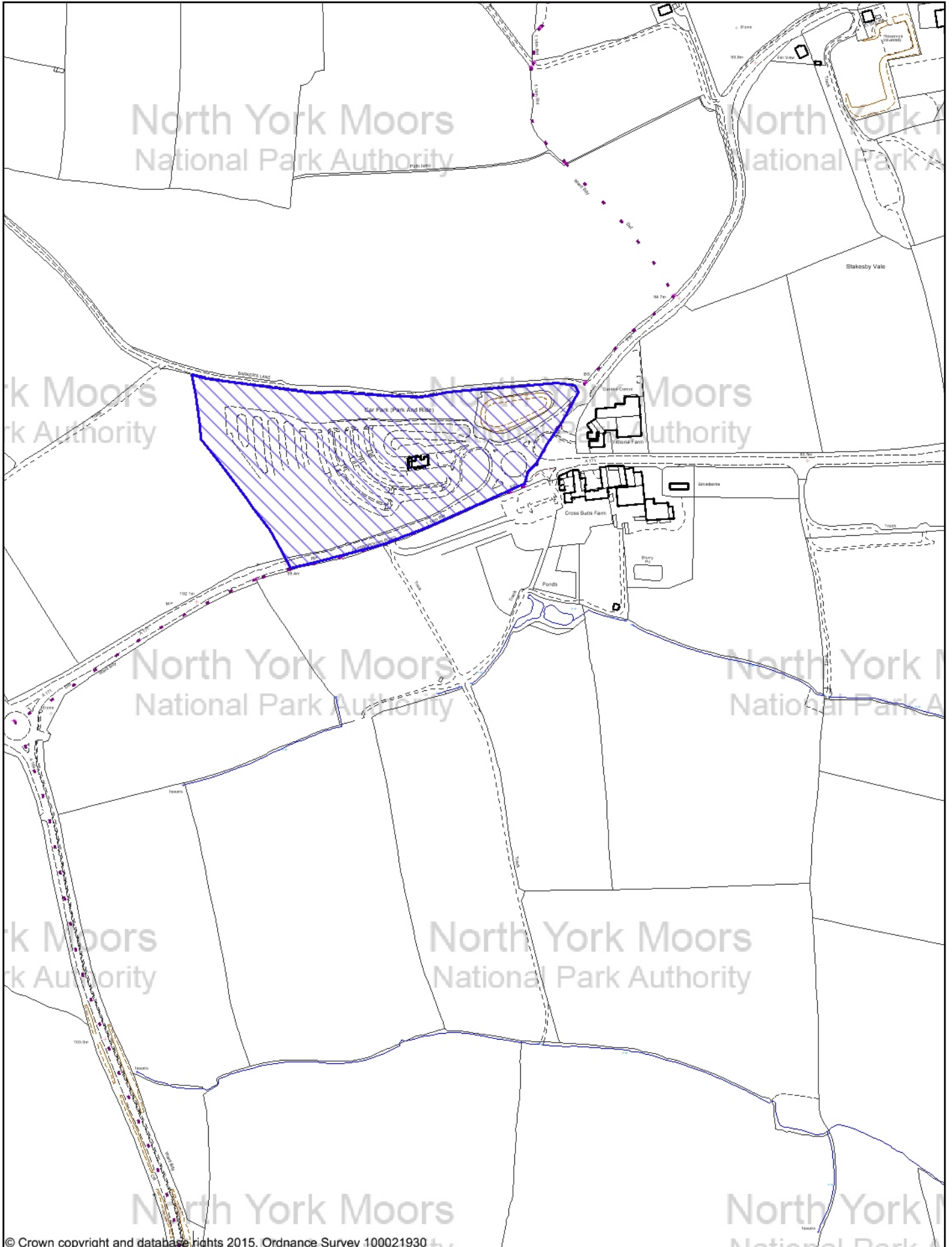
1. TIME01 Standard Three Year Commencement Date
2. PLAN01 Strict Accordance With the Documentation Submitted or Minor Variations - Document No's Specified
3. RSUO00 The application site shall be used only for the operation of a Park and Ride scheme. In the event of the site not being used as a Park and Ride site for a period in excess of 18 months all signs, seats, roads, hardstandings and buildings on the site shall be removed and the site shall be restored as pasture land or native woodland within a period of a further six months.
4. LNDS00 The landscaping scheme shown on the approved plans shall be implemented in every respect in accordance with the plans in the first planting season following commencement of construction of the access road and formal car parking area. Thereafter if any tree or shrub dies or is diseased or dying within a period of ten years from the date of its first planting it shall be replaced with a tree or shrub of a similar species. The approved planting scheme shall be retained on site in perpetuity unless the prior written consent of the Local Planning Authority is granted to an amendment to this scheme.
5. LNDS00 Prior to implementation of the landscaping scheme, a concise maintenance plan to detail how the planted areas will be maintained from planting to establishment should be submitted to the Local Planning Authority.
6. MISC00 Notwithstanding the submitted plans, prior to the first use of the site as a car park/bus interchange full details of all anti-crime measures to be installed on the site and included in the operation of the scheme shall be submitted to and approved by the Local Planning Authority.
7. MISC00 Prior to the operation of the private York Potash Ltd part of the site, a scheme detailing the security arrangements, including number of security staff, and arrangements for the operation of the different opening hours for the two parts of the site shall be submitted to and approved by the Local Planning Authority.
8. WPDR09 Withdrawal of PD Part 2 Class A - Gates, Walls, Fences



North York Moors National Park  
Authority  
The Old Vicarage  
Bondgate  
Helmsley YO62 5BP  
01439 772700

Application Number: NYM/2014/0864/FL

Scale: 1:5000



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**Application No: NYM/2014/0864FL**

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## Conditions (continued)

9. GACS00 The site shall only be open to the public for car parking and access to buses during the following times:  
1 April until 30 April and 1 October until 30 October - 08.00 am until 06.00pm  
1 May until 30 September - 07.00 am until 09.00pm  
1 November until 31 March - 08.30 am until 6.00pm  
Outside of these hours there shall be no parking of any kind of vehicle or siting of any temporary structure on the public element of the site which shall be secured and locked to prevent public access.
10. GACS00 Excepting that permitted by this approval, no means of permanent external lighting or illumination shall be installed on the public part of the site without the prior written approval of the Local Planning Authority. Temporary lighting and associated structures can be installed for up to 28 days in any one calendar year.
11. RSUO00 The 180 car parking spaces provided under this approval shall be restricted to employees of York Potash Ltd only, and this part of the site only shall be open for 24 hours a day, 365 days of the year.
12. RSUO00 All waiting rooms hereby approved as part of the development shall make provision for display of tourism and interpretation information related to both Whitby and the National Park the details of which shall be submitted to the Local Planning Authority for written approval prior to and implemented before the first use of the Park and Ride scheme by the public and the facility shall thereafter be retained as approved
13. HWAY00 There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such times as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.
14. HWAY00 Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:  
i) On-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway;  
ii) On-site materials storage area capable of accommodating all materials required for the operation of the site.  
The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

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**Application No: NYM/2014/0864/FL**


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## Conditions (continued)

15. DRGE00 No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principle and an assessment of the hydrological and hydrogeological context of the development, has been submitted in writing and approved by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is brought into use. The scheme shall also include:  
Surface water run-off will be restricted to a discharge rate of 1.4l/s/ha. A minimum of 722m<sup>3</sup> attenuation storage will be provided. Details of how the scheme shall be maintained and managed after completion.
16. DRGE00 The development hereby approved shall not be commenced until such time as a scheme to dispose of foul water has been submitted in writing to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the development being brought into use.
17. DRGE00 The development hereby approved shall not be commenced until such time as a scheme to install oil and petrol separators has been submitted in writing to and approved by the Local Planning Authority. The development shall then be completed in accordance with the approved details prior to the development being brought into use.

**Informative - Section 106 agreement****Consultations**

**Borough** – No objection in principle, though there should be a concise maintenance plan provided to deal with how the planted areas will be maintained from planting to establishment to ensure the planting is sustainable long term.

**Newholm Cum Dunsley Parish** – Concerned about light pollution and effect on Barker's Lane due to no protective banking left.

**Whitby Town Council** - Recommend approval subject to clearer directional signage on the roundabout directing vehicles down Mayfield Road as opposed to Castle Park – lighting towers pointing into the car park.

**Whitby Town Council (Amended Plans)** – Whitby Town Councils Planning Committee recommended approval for variation of conditions.

**Highways** – No objections, though conditions 14, 15 and 16 will need to be applied.

**Environmental Health Officer** – No objections

**Environment Agency** – No objection

**Natural England** – No comment

**Police** – No comments

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**Application No: NYM/2014/0864/FL**

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**Consultations (continued)**

**Police:** (Amended Plans) – Have areas of concern – Bollard lighting is not normally deemed suitable for crime prevention as it does not provide sufficient illumination for facial recognition. Bollard lighting is more susceptible to being damaged and is unlikely to provide sufficient lighting levels to be compatible with the cctv system proposed. The application to extend the opening hours to 2100hrs for the public and have 24hr operation for Potash mine workers means the car park will be in use during the darkness and therefore artificial lighting will need to be provided for the whole car park up to 2100hrs and for the dedicated Potash mine provision at all times during the hours of darkness. This should be at the ILP recommended lighting levels of not less than 15lux for long stay rural car parks. As there is only one vehicular access into the car park and provision for the Potash mine is located furthest away from this entrance, how will prevention use of the car park by members of the public be achieved between 2100hrs and 0700hrs.

Additional Comments - I understand the applicant has withdrawn the public extensions part of the previous application, in which they were seeking to extend the opening hours of the public car parking area. In my previous response I raised concerns on how access by the public was to be controlled outside of the opening hours for them. This would appear to be addressed in the Committee Report dated 16 April 15, which indicates that the main access gates are to be manned by YPL security guards. Clarification should be sought on how the rise and fall barriers on both the entrance and exit to the YPL section of the car park are to be operated. My previous comments in relation to the use of bollard lighting is still relevant and I would recommend that clarification be sought with Scarborough Borough Council cctv department as to whether or not this type of lighting will provide sufficient illumination to provide quality images. I would also reiterate that bollard lighting is more susceptible to damage, both deliberate and accidental. I understand that YPL are to provide security guards to cover 24 hours a day and that this goes some way to mitigating the potential loss of good quality cctv images due to insufficient lighting levels. However, I suggest that clarification is required as to how the security guards are to communicate with each other and how they will summon assistance from the police is required. Consideration could be given to establishing a radio connection between the security guards and cctv department.

### **Background**

The Whitby Park and Ride facility has a long and controversial planning history, including an initial refusal in 2008 followed by an approval in 2009 following improved landscaping, the removal of lighting columns and further justification of site selection. However, the scheme was not implemented during the subsequent three year period and due to funding and site procurement issues consequently lapsed in 2012. A resubmission, including an updated Environmental Statement was approved in January 2013 and the development has now been completed and is operating successfully. The justification for the facility was to ease the traffic congestion problems that Whitby experiences during the summer months with Whitby being noted as a congestion hotspot in North Yorkshire County Council's Local Transport Plan 2011-2016.

Members considered this application at the April Planning Committee Meeting but deferred a decision as it was considered premature to determine this proposal until the application for the YPL minehead and mineral transport system has been determined. This substantive application was approved at the Special Planning Committee Meeting on 30 June and this application is therefore being re-presented for determination.

NYCC have confirmed that they have removed the public parking element from the application and so the application now only requests variations of conditions to accommodate the YPL element of the existing scheme.

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**Application No:** NYM/2014/0864/FL

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**Site Location**

The development lies just within the National Park at the junction of the A171 Whitby Road with the B1460 Sandsend Road and consists of a 4.3 Hectare 450 space car park with landscaped areas within dry stone wall boundaries and a modern building providing waiting area and toilet facilities. There is a new access and roundabout to the site which is lit by 8m high lighting columns. The development has changed the character of the area which is now more formalised and adds to other existing visitor developments including garden centre, café and Cross Butts Farm/Hotel and Restaurant which lie just inside the Whitby enclave.

**Proposal**

The proposal is now only seeking to accommodate the YPL operational park and ride proposal which is part of the Travel Plan submitted in respect of the wider mining application, now approved by the Authority. The application is therefore to vary four of the existing conditions on the consent:

- Condition 2; Alterations to layout and landscaping to accommodate a further 180 car spaces for York Potash employees;
- Condition 4: Alterations to the approved landscaping plan for the development;
- Condition 8: Alterations to the opening times to allow the use of the York Potash part of the site for 24 hours a day, 365 days a year.
- Condition 9: Variation of condition to allow for permanent lighting of the York Potash parking spaces.

In terms of the operational development resulting from the addition of 180 car spaces (12 of which are disabled bays) for the sole use of York Potash Ltd employees, this does not result in any expansion of the site beyond its current established boundaries. The proposal is to expand the car parking area into the existing landscaping 'buffer' along the northern boundary of the site which adjoins Barker Lane. This consists of an existing bund which is currently amenity grass/turf and forms a "soft barrier" defining the car parking area in front of the existing hedgerow. This bund will be removed to accommodate the additional car parking spaces set out in two lines with an access road between them, the whole forming a strip along nearly the full length of the site, though only 15m in width. The new landscaping plan shows a new, narrower bund between the new car parking spaces and the northern hedge boundary which it is proposed to plant up with native woodland planting which will create a substantial landscaped edge to the boundary of the car park along Barker Lane in due course.

The YPL car parking spaces will be accessed through the single public car park entry point, off the new roundabout and the traffic circulation will then flow through the car park to its north-west corner and exit back out through the single entrance/exit point in the north east corner.

The original plans showed 35x 8m high lighting columns to provide illumination for the YPL extension, though following negotiation, revised plans have been received showing these to be replaced with 35x1m high bollard lighting located along the northern edge of the new car parking strip and running along the pedestrian route to the waiting area/building and toilets.

**Planning Policy**

The original proposal was approved with regard to Core Policy M of the NYM Local Development Framework, which specifically referenced support for the service centre transport strategies contained in the NYCC Transport Plan, which included Whitby. Additional capacity within the car park in itself does not raise any specific policy considerations; however, the change in the nature of the use of the facility which will result in a much more intensive use and the need for lighting will impact on the

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**Application No: NYM/2014/0864/FL**

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**Background (continued)**

special qualities of the National Park, particularly its tranquillity and dark night skies. Core Policy A and Development Policy 1 are the most relevant policies in this respect, both requiring development to conserve and enhance the special qualities of the National Park including peace and tranquillity and ensuring that it does not generate unacceptable levels of noise, activity or light pollution.

**Main Issues****Landscape Impact**

The Park and Ride facility is already developed and although still 'raw' as the planting scheme is to mature, it is operating successfully and, apart from the engineered access and roundabout with associated urban street lighting, does not unduly detract from this edge of Park location. As the new car spaces will be accommodated within the existing site, there will be no additional landscape or visual impact as new woodland planting will take place between this and the northern boundary of the site. The key planning issues are the greater intensity of use, arising from the 24hr use of the YPL element, and the associated lighting to facilitate this.

**Lighting Impact**

The original plans proposed a lighting scheme that would have created unacceptable light pollution, despite this issue being extensively discussed during pre-application advice. The 8m high lighting columns which were installed for the new access, junction and roundabout do result in a visible extension of lighting in an area beyond the fringe of Whitby which was previously a relatively dark area. Officers were therefore clear that any new lighting required for the 24hr use of the YPL part of the site should be low level bollard or ground set lighting and the revised plans now received show an acceptable lighting scheme.

**Operational Issues**

A number of operational and security issues have been raised by the Police, which include concern over the low lighting levels now proposed, and more detailed clarification regarding the security of the site. Further clarification on these matters has been sought and NYCC has explained that a 24hr security presence will be maintained at the site by YPL who will operate the main gates, ensuring they are closed when the site is only available to YPL employees. There will also be rise and fall barriers to gain access and exit from the public car park into the YPL part of the site. The fact that the site will be subject to constant security guard presence provides some assurance to the Police in response to their concern about reduced lighting levels and it is considered that the correct balance has been reached between the need to reduce light pollution and operational requirements.

**Cumulative Impact of YPL Project**

Although this proposal on its own would not create a significant conflict with the Authority's planning policies, it does represent one of several developments within or on the edge of the National Park, currently proposed by YPL which cumulatively have the potential to impact adversely on the special qualities of the North York Moors, the public enjoyment of these and the longer term public perception of a National Park which perhaps is experiencing a gradual diminution of its wild and tranquil character. That said the substitute minehead has now been approved by Members. Although the Park and Ride development is already in situ, the capacity increase generated by YPL will result in a further period of construction on the site, a permanent staff presence, lighting and continuous 24 hr use. This inevitably impacts on the special qualities of tranquillity and dark night skies which the National Park Management Plan seeks to enhance as part of its medium/long term vision. In the absence of a CIL

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**Application No: NYM/2014/0864/FL**

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**Main Issues (continued)**

for the National Park, developments of this scale should contribute to mitigating these impacts through s106 planning obligation and, it is considered that approval of this development should be subject to a s106 planning obligation to provide funding to implement actions and programmes in the Management Plan which specifically aim to enhance the special qualities which are affected by the development.

**Recommendation**

The application is therefore recommended for approval, with the revised lighting scheme, the re-imposition of relevant conditions from the substantive permission (NYM/2012/0757/EIA), any additional conditions necessary to this submission and a S106 planning obligation towards mitigating impacts on special qualities.

**Explanation of how the Authority has worked positively with the Applicant/Agent**

The Local Planning Authority has acted positively in determining this application by assessing the scheme against the Development Plan and other material considerations and subsequently granting planning permission in accordance with the presumption in favour of sustainable development as set out within the National Planning Policy Framework.