

North York Moors National Park Authority

District/Borough: Scarborough Borough Council
(South)
Parish: Cloughton

Application No. NYM/2017/0743/FL

Proposal: Variation of conditions 2 (material amendment) and 5 of planning approval NYM/2016/0880/FL to amend the occupancy from holiday accommodation to temporary workers accommodation

Location: Cloughton Sawmill, Whitby Road, Cloughton

Decision Date: 24 January 2018

Consultations

Parish - No objection subject to the strict provision that consent is limited to employees or contractors working on construction of the Woodsmith Mine and is limited to the period of construction only.

Highways – No objection subject to conditions relating to access improvements and submission of a Travel Plan.

Lead Local Flood Authority – No comments.

Scarborough Borough Council (Environmental Health Officer) – Following initial concern expressed by the EHO, clarification has been provided by the applicant with regard to the operation of the site and the insulation of the accommodation, which will meet Building Regulations requirements. As a result no objections are now raised.

Environment Agency – No objection.

Police Designing Out Crime Officer – No objections but requests that consideration be given by the applicant to the implementation of measures to provide enhanced site security.

Yorkshire Wildlife Trust – No objection.

Site Notice/Advertisement Expiry Date – 23 November 2017.

Director of Planning's Recommendation

Approval subject to the following condition(s):

1.	TIME15	The development hereby permitted shall be commenced before 17 March 2020.
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2.	TIME00	The permission hereby granted is valid only until 31 December 2021 or until the Date of Production at Woodsmith Mine (as defined in the Glossary of Terms and Abbreviations for planning permission NYM/2017/0505/MEIA relating to development at Woodsmith Mine), whichever is the sooner.																																				
3.	PLAN01	<p>The development hereby permitted shall not be carried out other than in strict accordance with the following documents:</p> <table border="1"> <thead> <tr> <th>Document description</th> <th>Document Number</th> <th>Date Received</th> </tr> </thead> <tbody> <tr> <td>Location Plan</td> <td>WOO.W 2017.02.001</td> <td>17 October 2017</td> </tr> <tr> <td>Site Plan – As Proposed</td> <td>WOO.W 2017.02.101</td> <td>17 October 2017</td> </tr> <tr> <td>Site Sections – As Proposed</td> <td>WOO.W 2017.02.002</td> <td>17 October 2017</td> </tr> <tr> <td>Wet Weather Facility: Floorplan, Elevations, Sections – As Proposed</td> <td>WOO.W 2017.02.103</td> <td>17 October 2017</td> </tr> <tr> <td>Units: Floorplan, Elevations – As Proposed</td> <td>WOO.W 2017.02.104 rev A</td> <td>02 January 2018</td> </tr> <tr> <td>Reception Building: Floorplan, Elevations, Sections – As Proposed</td> <td>WOO.W 2017.02.105</td> <td>17 October 2017</td> </tr> <tr> <td>Tree Tent</td> <td>WOO.W2016.02.107</td> <td>20 December 2016</td> </tr> <tr> <td>Amenity Pod</td> <td>WOO.W2016.02.108</td> <td>20 December 2016</td> </tr> <tr> <td>Proposed Junction Layout</td> <td>CLW-ARP-XX-XX-DR-CH-18009</td> <td>20 December 2016</td> </tr> <tr> <td>Existing vertical profile</td> <td>CLW-ARP-XX-XX-DR-CH-18010</td> <td>20 December 2016</td> </tr> <tr> <td>Proposed cross sections</td> <td>CLW-ARP-XX-XX-DR-CH-18011</td> <td>20 December 2016</td> </tr> </tbody> </table> <p>Or in accordance with any minor variation thereof that may be approved in writing by the local planning authority.</p>	Document description	Document Number	Date Received	Location Plan	WOO.W 2017.02.001	17 October 2017	Site Plan – As Proposed	WOO.W 2017.02.101	17 October 2017	Site Sections – As Proposed	WOO.W 2017.02.002	17 October 2017	Wet Weather Facility: Floorplan, Elevations, Sections – As Proposed	WOO.W 2017.02.103	17 October 2017	Units: Floorplan, Elevations – As Proposed	WOO.W 2017.02.104 rev A	02 January 2018	Reception Building: Floorplan, Elevations, Sections – As Proposed	WOO.W 2017.02.105	17 October 2017	Tree Tent	WOO.W2016.02.107	20 December 2016	Amenity Pod	WOO.W2016.02.108	20 December 2016	Proposed Junction Layout	CLW-ARP-XX-XX-DR-CH-18009	20 December 2016	Existing vertical profile	CLW-ARP-XX-XX-DR-CH-18010	20 December 2016	Proposed cross sections	CLW-ARP-XX-XX-DR-CH-18011	20 December 2016
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4.	GASC00	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.																																				
5.	WPDR12	Notwithstanding the provisions of Class B, Part 5 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, or any Order revoking and re-enacting that order, no development required by the conditions of a site license shall be permitted without the granting of planning permission by the Local Planning Authority.																																				
6.	RSU000	The units of accommodation hereby approved shall not be occupied other than by employees of, or contractors working for, York Potash Ltd (subsidiary trading name of Sirius Minerals plc) and shall not be used for residential purposes other than for temporary workers accommodation for employees or contractors engaged in construction works at the Woodsmith Mine site.																																				
7.	GACS07	No external lighting shall be installed in the development hereby permitted until details of lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.																																				
8.	MATS26	The external elevations of the reception and wet weather 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.																																				

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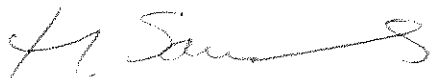
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9.	MATS00	The external surface of the roof of the reception and wet weather buildings hereby permitted shall be coloured and thereafter maintained dark grey or dark green and shall be maintained in that condition in perpetuity unless otherwise agreed in writing by the local planning authority.
10.	HWAY07	<p>Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site has been set out and constructed in accordance with the published Specification of the Highways Authority and the following requirements:</p> <p>a. The crossing of the highway verge and/or footway shall be laid out in accordance with the approved details and constructed in accordance with Standard Detail number E7.</p> <p>All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.</p>
11.	HWAY10	There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are providing giving clear visibility of 215 meters measured along both channel lines of the major road A171 Ringing Keld to Holm Hill from a point measured 2.4 meters down the centre line of the access road. The eye height will be 1.05 meters and the object height shall be 1.05 meters . Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purposes at all times.
12.	HWAY26	<p>Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:</p> <p>a. the appointment of a travel coordinator;</p> <p>b. a partnership approach to influence travel behaviour;</p> <p>c. measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site;</p> <p>d. a reduction in all vehicle trips and mileage;</p> <p>e. a programme for the implementation of such measures and any proposed physical works;</p> <p>f. procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.</p> <p>The Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the Travel Plan.</p>

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13.	LNDS00	Other than in relation to works required to improve sightlines as required by the Highway Authority, or to provide a clear ground area to site the pods/tens/pathways and parking areas, no trees, shrubs or hedges shall be felled, uprooted, wilfully damaged or destroyed, cut back or removed without the prior written consent of the Local Planning Authority. Any work approved shall be carried out in accordance with British Standard 3998:2010 Tree Work – Recommendations. If any retained tree/hedge is removed, uprooted, destroyed or dies within five years of the completion of the development, it shall be replaced with trees, shrubs or hedge plants of similar size and species, unless the Local Planning Authority gives written consent to any variation.
14.	MISC01	No work shall commence to clear the site in preparation for the development hereby permitted until details of a programme of works to mitigate the impact of the development on any bats at the site have been submitted to and approved in writing by the Local Planning Authority. The programme shall include a survey of the buildings to determine the extent of any bat presence and a written scheme of mitigation measures. The work shall not be carried out otherwise than in accordance with the details so approved.

Informative(s)

1.	HI-07 INFORMATIVE You are advised that a separate licence will be required from the Highways Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.
2.	An environmental permit will be required to discharge treated sewage effluent from the proposed package treatment plant via an infiltration system or to surface water. Further information can be found from the Environment Agency's website or contact the Environment Agency Planning Support Centre on 03708 506506.
3.	The site will require a caravan site licence, and you are advised to contact the Residential Regulation Team at Scarborough Borough Council on 01723 232530.

Reason for Condition(s)

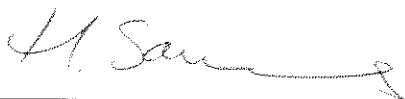
1.	TIME03	In order that the Local Planning Authority can ensure that the details of the development comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.
2.	TIME01	To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
3.	PLAN01	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.

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4.	GACS00	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 NYM National Park.
5.	WPDR00	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.
6.	RSNRSU 000	The site is in a location where new residential development would be contrary to NYM Core Policy J but permission for temporary workers accommodation has been permitted to provide facilities for employees or contractors of Sirius Minerals Plc.
7.	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.
8.	MATS00	For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 which seek to ensure that building materials are of a high quality and compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
9.	MATS00	For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 which seek to ensure that building materials are of a high quality and compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
10.	HWAY07	In accordance with NYM Development Policy 23 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
11.	HWAY10	In accordance with NYM Development Policy 23 and in the interests of road safety.
12.	HWAY26	In accordance with NYM Development Policy 23 and to establish measures to encourage more sustainable non-car modes of transport.
13.	LNDS02	In order to comply with the provisions of NYM Core Policy C which seeks to conserve and enhance the quality and diversity of the natural environment.
14.	MISC02	In order to comply with the provisions of NYM Core Policy C which seeks to protect species protected under national and international legislation.

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Background

Planning permission was granted on 17 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 not yet been implemented, authorises the development of 15 units of holiday accommodation (comprising a mix of safari style lodges with canvas roof, timber and canvas camping pods and tree tents, with the precise mix to be determined by market conditions) within a substantial area of woodland adjacent to Cloughton Sawmill, which is no longer in operation. The approved development also authorises the replacement of the former sawmill building with a smaller reception building for the camping/glamping 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.

Condition 2 of the approved scheme requires the development to be carried out in strict accordance with the approved plans. Condition 5 requires that the accommodation shall not be used for residential purposes other than holiday letting purposes.

This application seeks approval, via a modification of condition 5, to authorise temporary occupancy of 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. The applicant states that the purpose of the kitchen area is to allow for the reheating of food supplied by local providers.

Planning permission for development of Woodsmith Mine was granted by the Authority in October 2015 and construction commenced formally in May 2017. As a major development within the National Park, generating a requirement for up to 400 temporary construction workers, the mine developer is 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.

To facilitate use of the site by mine construction workers, the applicant is proposing that, for the duration of the proposed temporary use, all 15 units to be provided at the site be safari lodges, configured so that each unit can accommodate 3 workers. The proposed safari lodges comprise a timber frame and timber boarded walls, with a canvas roof coloured safari brown, set on re-locatable concrete blocks. Window frames and doors would also be of timber construction. Each unit is approximately 10m in length by 5m width and 3.2m height.

The proposed location of the units is unchanged from the approved development, with the units spaced out within woodland, linked by wood-chip surfaced tracks 2.5m in width. The units would be screened from public view by established woodland.

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Car parking would not be provided at the individual units but would instead be located to the rear of the reception building, as for the approved scheme. Secure cycle parking would be provided at each unit.

The design and external appearance of the wet weather facility building would remain unchanged from the approved scheme, except for the provision of a flue outlet for the proposed kitchen area. Internally, a small open plan kitchen area would be created within part of the building currently intended to provide a wet weather dining area for users of the site.

Mine workers occupying the development would be transported to and from the Mine site via minibus to reduce the need for private car useage.

Other aspects of the approved development, including means of access (and associated highway improvement works to provide an adequate visibility splay), design and construction details, landscaping and drainage would remain the same as for the approved development.

The applicant states that, once the accommodation is no longer required in association with construction of the Mine, the site would revert back to the originally approved holiday use.

Main Issues

As the principle of the use of the land as a camping/glamping site is already established through the existing permission, and the proposals would not involve any substantive changes to the siting, design, layout or access to the site, the main issue to be considered is whether the proposed temporary change in the nature of the occupancy of the units is appropriate in terms of relevant planning policy, and; whether there are any other material considerations that may lead to a revised view on the acceptability of the development.

With regard to the approved scheme, 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.

The temporary amendment to occupancy of the units now proposed is not considered to give rise to any significant alteration to impacts on residential amenity or on the special qualities of the National Park. However, temporary occupancy of the nature now proposed is not directly supported by Development Policy 14 of the NYM Core Strategy and Development Policies, which provides support for sustainable tourism development that would increase visitor awareness, understanding and enjoyment of the National Park.

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The approved development was also considered to be in accordance with Development Policy 16. This Policy seeks to permit small scale new caravan, camping and chalet sites to contribute to provision of accommodation to meet a range of tourist needs, where the site is located within an established area of woodland or forest; is physically and functionally linked to an existing business and can be managed without the need for additional permanent residential accommodation; is in close proximity to the road network and would not result in an increase in traffic that is harmful to the area; the scale of the development would not be out of character with the area, and; the proposals are designed in such a way as to minimise the level of permanency so that buildings can be removed when they are no longer required.

The proposed temporary occupancy of the site by workers involved in construction of Woodsmith Mine would not impact on the consistency of the approved development with these principles, once the temporary use has ceased. However, in the shorter term, the proposed temporary occupancy by construction workers would not contribute to meeting policy objectives relating to the tourism economy.

Development Policy 11 seeks to ensure the re-use of existing employment sites for economic purposes, unless the premises are not capable of economic re-use for reasons of viability and following an appropriate marketing exercise. The approved change of use of the Sawmill site to provide holiday accommodation was considered to represent an appropriate alternative commercial use, in accordance with this Policy. Similarly, the proposed temporary occupancy of the site by construction workers would also lead to a beneficial economic use on the site, consistent with DP11. In this respect it is also noted that the applicant proposes to retain a commercial arrangement with a local pub for the supply of food for occupiers of the site, leading to the potential for benefit to the wider economy.

A further consideration is the extent to which temporary occupancy of the development by construction workers may detract from the availability of visitor accommodation, such that it could be detrimental to the tourism and visitor economy in the area. Development Policy 15 states that the loss of an existing tourist or recreation facility will only be permitted where it can be demonstrated, to the satisfaction of the National Park Authority, that the business is no longer viable. In the context of this Policy it is noted that the developer of Woodsmith Mine is seeking to provide accommodation for the substantial number of construction workers needed for the mine development in a way which would not detract significantly from the availability of existing visitor and tourist accommodation. As the approved camping/glamping accommodation at the Cloughton Sawmill site has not yet been developed, its use for temporary construction worker accommodation would not, at this point in time, detract directly from the availability of established visitor/tourist accommodation in the area, nor would it prevent the originally permitted use from being implemented when construction of the Mine is completed.

In conclusion, it is considered that the proposed temporary occupancy of the approved development by construction workers would not be inconsistent with the overall direction of relevant policies in the development plan, provided that occupancy for these purposes is limited by condition to the period of construction of the Woodsmith Mine site. Such a condition would also address the concern raised by Cloughton Parish Council in their consultation response.

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In terms of other matters, the Highways Authority has no objection subject to conditions relating to highway improvement works, as imposed on the existing permission, being carried forward, and to a requirement for submission and approval of a Travel Plan to help encourage a reduction in vehicular trips associated with the development. The applicant has agreed to implement security measures recommended by the Police Designing out Crime officer.

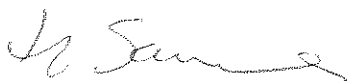
The applicant has also provided clarification to the Environmental Health Officer, particularly in relation to standards of insulation for the proposed units and their suitability for occupancy during winter months, which has led to an initial objection from the EHO being removed. Other matters addressed by conditions on the existing permission would also need to be carried forward to ensure appropriate planning control over the development.

It is therefore recommended that approval be granted for a temporary period expiring on cessation of construction works at Woodsmith Mine, or by 31 December 2021, whichever is the sooner.

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 confirmed to the applicant/agent that the development is likely to improve the economic, social and environmental conditions of the area.

Signature:



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