

North York Moors National Park Authority

District/Borough: Scarborough Borough Council
(North)
Parish: Hawsker-Cum-Stainsacre

Application No. NYM/2019/0239/FL

Proposal: variation of conditions 2 (material amendment), 5, 6, 8 and 10 of planning approval NYM/2018/0375/FL to allow a revised plant room design and construction in advance of the approved warehouse, car park, access road and turning head

Location: Whitby Seafoods Ltd, Stainsacre Lane Industrial Estate, Fairfield Way, Whitby

Decision Date: 03 July 2019

Extended to:

Consultations

Borough/District -

Parish -

Highways – No objections

North Yorkshire Fire and Rescue – No objections

Lead Local Flood Authority - No objections

Natural England – No comment

Advertisement Expiry Date – 18 May 2019

Director of Planning's Recommendation

Approval subject to the following condition(s):

1. Variation of Condition (insert)
The development hereby permitted shall be commenced before the 7 September 2021.

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2. **Strict Accordance With the Documentation Submitted or Minor Variations - Document No.s Specified**

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

Document Description	Document No.	Date Received
Location plan	10002/A/150/005 A1 Rev A	3 April 2019
Proposed site masterplan	10002/A/150/003 A1 Rev D	3 April 2019
Proposed internal layout	10002/A/150/004 A1 Rev D	3 April 2019
Proposed factory layout	10002/A/100/002 A1 Rev E	3 April 2019
Proposed elevations	10002/A/140/024 A1 Rev D	3 April 2019
Site levels	10002/A/120/001A1	28 June 2018
Proposed spiral refrigeration Plant room	10002/A/100/007A1 Rev G	3 April 2019
Land drainage plans	---	5 September 2018

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

3. **Use Restricted to That Specifically Proposed (inserts)**

The premises shall not be used other than as a warehouse and plant room and shall not be used for any other purpose (including any other purpose in Class B1, B2 or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 2010 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, or within Schedule 2, Part 3, Classes A-V of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order).

4. **The external surfaces of the building hereby permitted shall, within three months of first being brought into use, be coloured and thereafter maintained the colours as specified in approved drawing no. 10002/A/140/002 A1 Rev B or as may otherwise be agreed in writing with the Local Planning Authority.**

5. **No work shall commence on excavation works to install drainage to serve the main warehouse, car park, access road and turning head hereby permitted until full details of a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed. The plant room drainage system shall be installed and thereafter be so maintained in accordance with drawing no. 10002/A/100/007 A1 Rev G.**

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6. No work shall commence on excavation works to install drainage to serve the main warehouse, car park, access road and turning head development hereby permitted until a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the Local Planning Authority. The flowrate from the site shall be restricted to a maximum flowrate of 3 litres per second for up to the 1 in 100 year event. A 40% allowance shall be included for climate change effects for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event (345m³). The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme has been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.
7. The development shall not commence on the construction of the car park until a scheme, detailing the treatment of all surface water flows from parking areas and hardstanding through the use of road side gullies, oil interceptors, reed beds or alternative treatment systems, has been submitted to and approved in writing by the Local Planning Authority. Use of the parking areas/hardstanding shall not commence until the works comprising the approved treatment scheme have been completed. Roof water shall not pass through the treatment scheme. Treatment shall take place prior to discharge from the treatment scheme. The treatment scheme shall be retained, maintained to ensure efficient working and used throughout the lifetime of the development.
8. No work shall commence on excavation works to install drainage to serve the main warehouse, car park, access road and turning head until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.
9. **Landscaping Scheme to be Implemented - Large Scale Development/ General Development**
All hard and soft landscape works comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, or in accordance with a programme agreed by the Local Planning Authority. Any trees or plants planted in accordance with this condition which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

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10. No work shall commence to clear the site in preparation for the construction of the main warehouse, car park, access road and turning head, hereby permitted until full details of the hardsurfacing to be utilised on the site have been submitted to and approved in writing by the Local Planning Authority, including a timetable to implement the proposed works. The hard landscaping works shall then be implemented in accordance with the approved details. The hard landscaping shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason(s) for Condition(s)

1. To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2. 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. In order to enable the Local Planning Authority to retain control over future changes of use to the property which would otherwise be permitted by the Town and Country Planning (Use Classes) Order 2010 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order) or the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), and to comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to enhance and conserve the special qualities of the NYM National Park and ensure that development does not have an adverse effect on the amenities of adjoining occupiers.
4. 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.
5. In order to comply with the provisions of NYM Development Policy 2 to ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.
6. In order to comply with the provisions of NYM Development Policy 2 to ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.
7. To avoid pollution of watercourses and to comply with the provisions of NYM Development Policy 1, which seeks to ensure that new development has satisfactory provision for the disposal of foul and surface water.
8. To avoid pollution of watercourses and to comply with the provisions of NYM Development Policy 1, which seeks to ensure that new development has satisfactory provision for the disposal of foul and surface water.
9. In order to comply with the provisions of NYM Development Policy 3 which seeks to ensure that new development incorporates a landscaping scheme which is appropriate to the character of the locality and retains important existing features.
10. In the interests of the satisfactory appearance of the development and in order to comply with the provisions of NYM Development Policy 3 which seeks to ensure that development proposals incorporate suitable hard landscaping details.

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Background

Whitby Seafood's is a factory which processes seafood, particularly scampi, which is distributed throughout the UK. It is located on the Stainsacre Lane Industrial Estate close to the boundary of the National Park, on the outskirts of Whitby.

The factory occupies a 6 acre site on the Industrial Estate, with the factory building itself stretching some 86 metres in length, running parallel with the estate road. At the north western end of the building there is a large car parking area which serves the factory.

Planning permission was granted in 2010 for the construction of a purpose built cold store to be used by the company to store frozen raw materials and finished goods to the rear of the existing Whitby Seafoods Building.

Planning permission was approved in 2018 for the construction of warehouse and plant room extensions to the rear of the site, to extend and resurface the existing car park, and create an internal access roadway and turning head to enable access to the warehouse building. To the west of the site, within the existing service yard, a reinforced skip area was proposed, and a new HV substation.

This application seeks permission to vary conditions 2,5,6,8 and 10 to enable the plant room to be built before the main warehouse, car park access road and turning head. Conditions 5,6,8 and 10 require drainage and landscaping details to be submitted before any work commences on site and what is sought is that the plant room can be built before these conditions are discharged.

Main Issues

Core Policy H of the NYM Local Development Plan seeks to strengthen and support the rural economy by providing local communities with a range of opportunities for entrepreneurship, education and training in various ways, including allowing new employment development in Whitby Business Park, service villages and local service villages.

Development Policy 3 seeks to maintain and enhance the distinctive character of the National Park by ensuring that the siting, layout and density of development preserves or enhances views into and out of the site; that the scale, height, massing and design are compatible with surrounding buildings; that the standards of design are high; that there is satisfactory landscaping and that the design takes into account the safety, security and access needs for all potential users of the development.

Development Policy 10 seeks to permit the re-use of an existing buildings for employment and training purposes where the building is of sound construction, there is sufficient land, storage space and parking, the building does not have an adverse impact on the character of the area and there are existing adequate access arrangements.

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Core Policy D of the NYM Local Development Framework seeks to address the cause of climate change and contribute to reducing greenhouse gas emissions in a number of ways, including generating energy from renewable sources where they are a scale and design appropriate to the locality, and which contribute towards meeting domestic, community or business energy needs within the National Park. This includes requiring commercial development of over 200sqm to generate energy on-site from renewable sources to displace at least 10% of predicted CO2 emissions.

The Whitby Business Park Area Action Plan sets out how the Business Park will be developed over the period to 2026. It includes proposals to improve and expand the existing site to accommodate new businesses and sets out highway, infrastructure and environmental improvements.

The principle of the proposals has already been approved and no changes are proposed to the details. This application purely seeks permission to construct the plant room at the side of the site, before the more substantial parts of the development are built and to which the drainage requirements and landscaping requirements are more pertinent.

In view of the above, the proposal is considered to be in accordance with adopted Policies and approval is recommended.

Explanation of how the Authority has Worked Positively with the Applicant/Agent**Approval (No Amendments Required)**

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.