

North York Moors National Park Authority

District/Borough: Scarborough Borough Council
(North)
Parish: Fylingdales

Application No. NYM/2018/0770/FL

Proposal: change of use of land from scrapyard (Sui Generis) to mixed use (Classes B1 and B8 Use) together with construction of 4 no. buildings and siting of storage containers (part retrospective)

Location: Sea View Farm, High Normanby

Decision Date: 27 February 2019

Extended to: 18 June 2020

Consultations

Borough/District -

Parish – Original & Amended Schemes - No objections

Highways – Original – would like clarification that this proposal will displace and replace the previous scarp yard use and the 10 lodge planning permission..

Amended - Would not want to see any traffic intensification above the existing levels or levels envisaged by the 10 lodges permission..

Yorkshire Water - Original – has strong concerns about one of the buildings having been built over a 9 inch asbestos water main pipe serving Fylingthorpe. The building needs to be removed or sewer diverted at applicants expense. Even then have some concerns about houses being built within 5 m of the sewer line.

Amended – No comments.

Natural England – No objections to original or amended scheme, satisfied the development would not be likely to have any impacts on the nearby SSSI.

Fire Officer – Will deal with fire issues at the Building regulation stage.

Environmental Health Officer – Original - Would like to see details of the seafood factory unit ventilation system, drainage details and waste arrangements. Would recommended conditions on hours of use to protect local amenity and that ground contamination be addressed.

Amended – Reiterate that would like to see ground contamination issue addressed.

Site Notice/Advertisement Expiry Date – 18/7/2019

Others – A Peberdy, High Normanby. – Original – There are other industrial estates around Whitby and there is no need for another. The site is built over a sewer and maintenance of sewer needs resolving. There is not enough information for the EHO to assess the seafood factory impacts. It might impact on the SSSI , what do NE think ? What about the chainsawing and grinders of the applicants own activities. More containers have appeared since the application was lodged.

Amended – Object to this application and any others at the site. There is too much retrospective development here. Dispute the suggestion these units could be a tourism asset. The site should be returned to its original function. That the scrapyard was allowed to become established was wrong from the beginning. This will add to the impacts we already get from Woodsmith Mine, how can officers promote tranquillity and quiet policies and approve Woodsmith and consider approving this.

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Director of Planning's Recommendation

Approval subject to the following condition(s):

1. **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
Amended Plan		05 May 2020

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
2. **Use Restricted to That Specifically Proposed (inserts)**
The premises shall not be used other than as light industry workshops and storage and shall not be used for any other purpose (including any other purpose in Class B1 & 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).
3. **No Retail Sales From the Premises**
There shall be no retail sales from the premises the subject of the permission hereby approved without the prior written agreement of the Local Planning Authority.
4. **Customer Opening Hours (inserts)**
The light industry units and storage containers hereby permitted shall not be open to customers outside the hours of 08:00 to 18:00 Mondays to Saturday and 08:00 to 13:00 on Sundays and Bank Holidays. Any variation to these hours will require a new grant of planning consent from the Local Planning Authority.
5. **External Lighting - Submit Details**
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.
6. **There shall be no siting of any storage containers within 5m either side of the public sewer which crosses the site.**
7. **Within six months of the date of this permission a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation the site shall not be operated except in accordance with the approved scheme of remediation.**

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8. Within six months of the date of this permission details of a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for reinforcing of all perimeter hedges and shall include details of any existing hedges and trees to be retained on the site together with any measures for managing/reinforcing these and shall specify plant species, sizes and planting densities for any new areas of planting. The approved details shall be carried out no later than the first planting season following the occupation of the buildings, or completion of the development, whichever is the sooner, or in accordance with a programme agreed by the Local Planning Authority. The approved landscaping scheme shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Informatives

1. The applicant's attention is drawn to the potential for ground contamination from the previous scrap yard use.
2. The applicant's attention is drawn to the presence of a public sewer crossing the site to which maintenance and repair access may be required.
3. The applicant is advised that visitors to the site should be advised that the roads leading to the site are not suitable for long vehicles.

Reason(s) for Condition(s)

1. 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.
2. 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.
3. In order to enable the Local Planning Authority to retain control over any retail activity at the premises and to ensure compliance with NYM Core Policy A and NYM Development Policy 18, which seek to protect the amenity of local residents and conserve and enhance the special qualities of the NYM National Park.
4. In order to comply with the provisions of NYM Core Policy A which seeks to ensure that new development does not detract from the quality of life of local residents.
5. 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.
6. To allow for access to maintain public infrastructure.
7. In order that potential contaminants are removed from the site in the interests of the health and safety of future occupiers of the development and to meet the requirements of NYM Development Policy 1 which permits new development only where there will be no adverse effects arising from sources of pollution.
8. 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.

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Background

The Authority's records indicate that an Established Use Certificate (EUC) for a scrap yard was issued in 1971 with a limitation that storage did not exceed 2 cars in height approx. 3m.

The applicant purchased the site in 1989 to assist his fishery business and carry on the scrap yard use.

In 1996 the site extended beyond the boundaries of the EUC and enforcement action was commenced. An appeal against the enforcement notice was dismissed with the Inspector voicing concerns about visual amenity and impacts on neighbours.

In 1997, a normalising Planning permission was granted to improve the appearance and control activities at the site. A s106 dealt with issues such as: hours of hour, preventing general motor garage use, height of storage, landscaping, how other external storage areas would be controlled e.g. fishing equipment & boats and demolition of farm buildings. A further amending application was approved in 2003.

In 2015 the applicant indicated a desire to come out of the scrap yard business and establish a 10 log cabin tourism development, following a Committee site visit and having regard to the benefits of getting rid of a non-conforming use in the open countryside permission as granted but not implemented. On reflection the applicant decided not to pursue the tourism use but to explore a light industry & storage container business to support local businesses. One was a seafood processing factory serving the local fishing industry and local and distant restaurants. That use generated a number of smell complaints. The building in question had also been erected over a public sewer. Since the application was lodged the seafood business closed down and the building over the sewer has been taken down and it is envisaged it will be re-erected further to the north and away from the line of the sewer.

This retrospective application envisages the retention of four portal frame industrial buildings, (one relocated to avoid a public sewer) together with use of land for the siting of shipping containers to be used as lock up storage facilities for shops in the area including Whitby to store excess stock or potentially for home owners to store excess furniture and paraphernalia.

Whilst the applicant has sought permission for Use Class B1, B2 & B8, light industry, general industry and storage, given the seafood factory has now ceased and there is potential for B2 uses to affect the amenities of nearby residents it is recommended that only B1 & B8 uses are permitted with the applicant having to apply for any specific B2 uses to have them assessed individually, general industry uses have been refused in the past on amenity grounds.

The application is retrospective and it is recommended that post decision schemes dealing with additional landscaping and ground contamination are conditioned if permission is granted.

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Main Issues

Development Policy (DP) DP1 dealing with Environmental protection seeks to conserve and enhance the special qualities of the Park with particular emphasis on: avoiding adverse impacts on soil, water, air quality, light pollution, amenity of the public and residents.

DP23, amongst other things, seeks to ensure development is of a scale which the adjacent road network has the capacity to serve without detriment to the environmental characteristics of the locality.

The former scrap yard use which was established in the 1960's and located in open countryside and served by narrow roads has been considered harmful for many years and in 2015 permission was granted for a 10 unit holiday chalet scheme to remove the unsightly scrap cars in the landscape and potential ground pollution. That scheme was never implemented.

This application has the potential to again remove the unsightly stacked cars up to 3.5m in height with four low industrial units approx. height 3.5m but with much of the site having storage much lower the storage containers are approx. 2.2m high. The scheme also includes agreement for additional landscaping.

Due to the narrow nature of the local roads it is recommended that a condition be imposed to avoid use by the general public and retailing.

In addition, to limit the potential impact on neighbours to the site, it is recommended that the uses that can be carried out are limited to Use Class B1 & B8 and not general Industry B2 and that hours of operation for the units and storage containers be limited to normal business hours.

Draft Local Plan

Strategic Policy K dealing with the rural economy seeks to promote the economic well being of local communities by supporting development which supports existing businesses, provides and supports small and micro businesses.

Contribution to Management Plan Objectives

Approval is considered likely to help meet Policy B20 which seeks to promote appropriate economic development.

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.