

PLANNING SUPPORTING STATEMENT

At: Skelder View,
Manor Farm, Normanby

NYMNP/PA

10/07/2020

Cheryl **Ward**
Planning

For: Gibbon Bros.
At: Skelder View, Manor Farm, Normanby

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Table of revisions

Rev/version no.	Date	Amendment details	Revision prepared by

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1.0 Introduction

- 1.1 Cheryl Ward Planning has been appointed to submit a full planning application in relation to the area outlined in red on the attached location plan at Gibbon Brothers, Skelder View, Manor Farm, Normanby, Whitby, YO22 4PS.
- 1.2 The application falls within the North York Moors National Park for planning jurisdiction and planning permission is sought in full under the Town and Country Planning Act 1990.
- 1.3 The application has been invited by the Authority as a means of dealing with the outstanding conditions required by the original planning consent NYM/2018/0384/FL and NYM/2018/0603/CVC and is in relation to the highway conditions 11, 13, 14 and 15 and renewable energy - condition 18. There are 2 parts to this application:
 - Land to be used for access, parking, turning and manoeuvring for Gibbon Brothers - the business (B2 use). The land to be used for this purpose falls outside the red/blue line of the original consent and therefore full planning permission is sought for a further change of use to take in a strip of land to south of the existing site boundary to be used to create the necessary turning space. The land at the rear will no longer be used for turning and manoeuvring.
 - The second part of the proposal seeks to remove Condition 18 and is concerned with CO2 emissions.
- 1.4 The extent of these changes is set out below in the 'Summary of Changes' and is supported by plans prepared by BHD Partnership Ltd.
- 1.5 This Statement is prepared by Cheryl Ward Planning who holds an MSc in Town Planning and is a Chartered Member of the Royal Town Planning Institute (RTPI) and associated ICN and PERN networks.

2.0 Purpose of Statement

- 2.1 The statement is to be read and fully considered as a supporting document in conjunction with the accompanying planning application. Its aim is to assist those assessing the application to understand the rationale behind the proposal. In summary, it provides a structured way of describing the development proposal.

3.0 Planning History

3.1 The relevant planning history connected with the site and proposal is set out below.

NYM/2018/0384/FL – Alterations and extensions to and change of use of building and land to business use (B2), creation of access/site road together with erection of boundary fence and associated landscaping works (part retrospective) at Manor Farm, Normanby - Approve.

NYM/2018/0603/CVC – Verification check of conditions 8, 9 and 16 of planning approved NYM/2018/0384/FL at Manor Farm, Normanby – Partial approval.

4.0 Summary of Changes

Part 1 - (Highway Works) worked up in conjunction with NYCC Highways, Whitby

- 4.1 In seeking to discharge highway conditions 11, 13, 14 and 15 of planning approval NYM/2018/0384/FL the applicant has determined that it is not appropriate to bring vehicles into the site and down the side of the existing building to the rear. As a means of safeguarding and a resolution to achieve the necessary access, turning and manoeuvring it is now proposed to keep all vehicles including deliveries to the front of house. The conditions to be met are set out in full below:

Condition 11

Within 1 month of the date of this permission a scheme for the upgrading of the access to the site must be set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

- i) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.*

All works shall accord with the approved details and carried out within 1 month of the date of their approval unless otherwise agreed in writing by the Local Planning Authority.

Condition 13

Within 1 month of the date of this permission full details of the following must be submitted to for the approval in writing by the Local Planning Authority in consultation with the Highway Authority:

- i) vehicular accesses;*
- ii) vehicular turning arrangements;*
- iii) manoeuvring arrangements;*
- iv) loading and unloading arrangements.*

Continued ...

Condition 14

Within 1 month of the date of the approval of condition 13 above the approved vehicle access, parking, manoeuvring and turning areas approved under condition 13:

- i) shall have been construction in accordance with the submitted drawing; and*
- ii) area available for use unless otherwise approved in writing by the Local Planning Authority.*

Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

- 4.2 Moving the highway works to the front/side of the premises means taking in an additional parcel of land (encompassed within the red line). The land will be brought into the applicant's control and will involve simply moving the close boarded fence line 20 metres south west from where it is now.
- 4.3 In response to the Officers request to discharge the above conditions and taking in the extra fillet of land not previously included in the red/blue line triggers a fresh application with which it is hoped to clear up all of the conditions and at the same time the additional change of use of the land needed for the purposes of safeguarding users.
- 4.4 The attached plans are prepared by BHD Partnership Ltd and comprise:
 - Location plan and block plan – D11631-01 A
 - Proposed block plan and improved access arrangements – D11631-02 A
- 4.5 **Dwg. D11631-02A** confirms how the access to the site will be laid out to comply with Highway safety standards together with the improved access route allowing vehicles of a max. 7.5 tonnes (already agreed in writing with the LPA).
- 4.6 The route allows for vehicles to pull into the yard area in a forward gear, safely turn and manoeuvre and leave the site in a forward gear achieving the necessary visibility set out at Condition 12 of NYM/2018/0384/FL which requires '*clear visibility of 160 metres measured along both channel lines of the major road A171 from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 1.05 metres*'.

- 4.7 The type of delivery has already been discharged and therefore is confirmed to be: Non-HGV rigid 7.5 tonne, 7 metre long wagon (small truck) – similar to the one shown below.



- 4.8 Minor works drawn out through **D11631-02A Proposed Block Plan:-**

- Pole stay moved to point East.
- Area to the Buildings side of the TP and Pole stay is relaxed to improve the width for vehicle access.
- An intermediate fence line showing the edge of the new yard.
- Vegetation/hedge to the South of the TP to remain.

- 4.9 In summary, the minor modifications to bring in a small strip of agricultural land is needed to maintain safe access/egress. The additional land and laying out of the site to a highway standard means the site is capable of meeting the conditions of approval of the original consent and is seen to be a far better solution to meeting the applicant's/LPA/Highway needs. Achieving highway safety without compromising that of others and the safety of users of the busy A171 and those needing to access the site is beneficial for all.

- 4.10 In relation to **Condition 19 (non obstruction of PROW)** – there is no longer a need to divert the public right of way and the public right of way remains fully operational.

Part 2 – Removal of condition 18 (CO2 Emissions)

- 4.11 In this respect, we are keen to point out that the development for the most part is within an existing building which was already in situ prior to any development taking place. The buildings were simply refurbished.
- 4.12 New building floorspace created is less than 200 sqm and therefore we do not believe that Core Policy D should have been triggered. Similarly, to the way farm buildings are dealt with the applicant is of the opinion that such a condition is not relevant and should be removed.
- 4.13 Notwithstanding the above we are able to provide the energy requirements of the building which proves that the energy usage operates with a minimum energy requirement and therefore we ask as part of this application that the condition is removed in its entirety.

Energy requirements:

Within the building there are 2 no double tube strip lights for office and bait room = 4 x 1500 (5ft) 22w tubes.

In the workshop there is also 10 no. LED 150w bulbs.

The building is not mechanically heated - other than a propane gas heater used very occasionally - usage equates to 3 x 47kg bottles in the last 12 months.

Electric consumption - 236 KwH was used in the month to 16 June 2019,

228 KwH in the month to 16 July 2019

258 KwH in the month to 16 August 2019

The average energy usage is 24.66 KwH per month.

- 4.14 In addition to the low energy demands of the building the site does not lend itself to the positioning of renewable energy installation without having a potentially harmful impact on the locally distinctive character of this part of the National Park landscape. We would have envisaged items such as solar panels and the production of energy from wind technologies not being favourable in this location by the LPA. (*Wind energy generation currently not permitted on land installations in any case*).

- 4.15 The building is of a similar nature and appearance to a farm building i.e. it has a large expanse of roof. It lies in a prominent roadside location where in particular users of the adjacent A171 Scarborough to Whitby have full visibility of the building (amongst others). Installing such technologies such as solar panels on the roof of the building and/or ground mounted or a wind turbine would be highly visible. Due to the glare and shiny materials referenced in the supplementary planning guidance siting them on the roof of the building has the potential to cause further glare to drivers of the highway busy road.
- 4.16 Other technologies such as ground/air source technologies are not cost effective for the minimal energy usage set out above and are therefore not viable.
- 4.17 We therefore wish to confirm that no further detail is needed in relation to Condition 18. With all other conditions being fully met we would respectfully request that this condition is removed.

5.0 Planning Policy Context

Planning and Compulsory Purchase Act 2004

- 5.1 The Planning and Compulsory Purchase Act 2004 came into force in September 2004. It carries forward the provisions of the Town and Country Planning Act 1990, giving statutory force to a plan-led system of development control.
- 5.2 Under section 70(0) of the 1990 Act and section 38 (6) of the 2004 Act, the determination of planning applications must be in accordance with the approved Development Plan unless material considerations indicate otherwise. The determination of planning proposals must be in accordance with the approved Development Plan unless material considerations indicate otherwise.

National Planning Policy Framework (NPPF) (2019)

- 5.3 National planning policy is set out in the National Planning Policy Framework (NPPF) which was published in January 2019 and is a contributing material consideration. It provides a framework within which regional and local policy is set. The publication of the National Planning Practice Guidance (NPPG) in March 2014 gives further guidance.
- 5.4 Paragraph 7 of the recently published NPPF states that ‘at a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs’.
- 5.5 Paragraph 83 of the NPPF states that ‘planning policies and decisions should enable:
- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.
 - b) the development and diversification of agricultural and other land-based rural businesses.
 - c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
 - d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship’.
- 5.6 Paragraph 131 of the NPPF states that ‘in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings’.

New NYM Local Plan

- 5.7 The Inspector's Report has now been received (15 May), bringing the Examination in Public to an end. The Report, together with proposed modifications and a version of the draft Local Plan incorporating the Inspector's modifications is available from the links below. The Authority is planning to adopt the Plan at its National Park Authority/AGM meeting on 27 July.
- 5.8 **Strategic Policy K** – (The Rural Economy) states that development that fosters the economic and social well-being of local communities within the National Park will be supported where one or more of the following criteria are met:
- It promotes and protects existing businesses by providing flexibility for established rural businesses to diversify and expand.
 - It helps maintain or increase job opportunities in the agricultural, forestry and tourism sectors which help maintain the land based economy and cultural heritage of the National Park or contribute to National Park purposes.
 - It provides for and supports small and micro business through the provision of flexible start-up businesses.
 - It provides additional opportunities to diversify and better equip the National Park's workforce, including through the development of new communications technologies (including superfast broadband) and home working.
 - It provides additional facilities, or better use of existing facilities for educational and training uses, including those which provide further opportunities to understand and enjoy the special qualities of the National Park.
- 5.9 In addition, **Policy BL1** – (Employment and Training Development) requires development of new or expansion of existing employment or training facilities to be permitted within an open countryside location such as this where it reuses existing permanent buildings or is a conversion of an existing buildings in open countryside, or where it forms a small extension of an existing building.
- 5.10 All proposals for employment and training development will be expected to demonstrate that:
- The scale and location of the proposal would not individually or cumulatively be detrimental to the character and appearance of the local and wider landscape.
 - The site can be safely accessed by the existing road network.
 - There is sufficient land and storage space attached for the functional needs of the proposed use, including parking space and space for manoeuvring vehicles.
 - There is no unacceptable harm in terms of noise, activity or traffic generation on the immediate neighbourhood, either individually or cumulatively with other development.
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6.0 Planning Assessment

- 6.1 Since 2002, Gibbon Brothers have operated a highly skilled engineering (agricultural) business in and around Whitby.
- 6.2 The business fabricates steel products for local builders, restaurants, kitchens, boat owners, Zip-Pak, Supreme Plastics and for the food industry at Karro Foods, Malton and the new mine.
- 6.3 Whilst the majority of staff time is spent at the client's premises carrying out maintenance, repairs and installation, a small scale, light B2 industrial unit is maintained at Skelder View, Manor Farm, Normanby as a base from which to fabricate equipment.
- 6.4 In summary, the economic need for the development far outweighs any small scale impact of permitting a B2 use in this part of the National Park. This was accepted during the 2018 planning application where it was deemed that the levels of activity associated with the B2 use is not deemed to be high.
- 6.5 The LPA deemed the development not having a deleterious impact upon the local landscape in terms of the proposed developments appearance and activity.
- 6.6 Additionally, the LPA stated that the development would be a suitable economic re-use of an existing agricultural building no longer needed for its original purpose and the development is of economic benefit to the area.
- 6.7 The location is on a busy 'A' road and requires safe access to be taken from the north and south and despite this has operated as a well-established farm unit and in general farming industry context. The development is also in close proximity to other (now) established and new major industrial sites within the open countryside.
- 6.8 The highway works are requested by the NYCC highways and are formulated in response to the applicant's discussions with engineers and are shown on **Dwg. D11631-02A**. The majority of works taking place behind an existing hedge on the site's southern boundary with the adjacent A171.
- 6.9 Beyond the formal completion of the development i.e. the building works sought under this application little investment other than the continued upkeep of the building will be needed by the business in order to achieve continued success and a viable business operation (Gibbon Brothers) within the National Park.
- 6.10 With the other planning conditions already in place under planning permission NYM/2018/0384/FL the future use of the building will be adhered and further growth of the business at this site is unlikely.

- 6.11 The business continues to facilitate engineering jobs and highly skilled workers in an area where there is a proven shortage. Therefore, contributing to the local areas competitiveness and creating a prosperous rural economy as required by para. 83 of the NPPF.
- 6.12 Permitting the final parts of the development to ensure the continued use of a low-impact B2 industry, particularly where employment and on the job training forms part of the use is a significant 'material consideration' which adds weight to Gibbon Brothers economic case.
- 6.13 Going forward in the next 3 years the business will be handed to the second generation (son/nephew) of Gibbon Brothers. It will comprise an easy hand-over with little investment required.
- 6.14 Other key revenue/income is brought in from the new mine as well as other key work and sustainable jobs continuing to come from the National Park and neighbouring Authority areas Scarborough and Ryedale.
- 6.15 Post 2022 the emphasis of the business is likely to focus on delivering high quality fabrication and further enhanced metal goods. The unit at Skelder View, Normanby should therefore continue to fit with future government objectives of achieving a sustainable development from an economic perspective.
- 6.16 It is important that the new planning policy framework for the National Park recognises the need to diversify and strengthen the local economy. The existing economy is mostly based around agriculture, forestry, tourism, recreation and mining and all these sectors evolve over time and create different needs for new development. Access to employment opportunities is also vital to maintaining prosperity and encouraging younger people to stay in the area.

7.0 Conclusion

- 7.1 The site is currently operating under the strict parameters of planning approval NYM/2018/0384/FL without harm to the locality, neighbouring properties and is in the locally distinctive National Park in an area where there is a thrust of new economic activity.
- 7.2 The impact of the proposed highway works to ensure safe ingress/egress from the site by all users is of paramount importance and is required for the continued operation of the site. Furthermore, it removes vehicles from needing to access the rear of the site for parking, turning and manoeuvring when there is no longer a need due to the freeing up of land to the side of the building.
- 7.3 This poses a far better solution and keeps vehicles and vehicles movements associated with the business at the front/side of the site where they are able to turn and manoeuvre. With these conditions in place and operating to these new plans outweighs the modest loss of an additional strip of agricultural land. A public right of way will also be maintained.
- 7.3 Taking paragraph 83 of the NPPF into account together with the above planning assessment it is concluded that the development is of an appropriate scale and the minor modifications proposed are of a nature that remain within the spirit of the original approval for use of building and land to business use (B2), creation of access, boundary fences and associated landscaping works to be accommodated on the site without harm to the character of the locality, the wider local landscape.
- 7.4 Taking account of the above, the development is considered to accord with the policies of the Development Plan in force it is requested that planning permission should be granted without further delay.

Cheryl Ward Planning

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5 Valley View, Ampleforth, York, YO62 4DQ

M:

E:

W: www.cherylwardplanning.co.uk