

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2021/0512/FL

Development description: change of use of land, construction of site access and 4 no. buildings together with associated parking and landscaping works to enable the relocation of existing waste recycling and skip hire operation

Site address: land at Fairfield Way, Hawsker-cum-Stainsacre

Parish: Whitby

Parish: Hawsker-Cum-Stainsacre

Case officer: Mr Mark Hill

Applicant: Nobles Recycling and Skip Hire Ltd
fao: Mr Noble, Sneaton Lane, Ruswarp, Whitby, YO22 5HL,

Agent: The Mineral Planning Group Ltd.
The Rowan Suite, Oakdene House, Cottingley Business Park, Bingley, BD16 1PE

Director of Planning's Recommendation

Approval subject to the following:

Condition(s)

Condition number	Condition code	Condition text
1	TIME01	Standard Three Year Commencement Date The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2	DRGE01	Surface Water and Foul Drainage Details No work shall commence on excavation works to install drainage to serve the development hereby permitted until full details of the proposed means of disposal of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall not be

Document title

		brought into use until the drainage works have been completed in accordance with the approved details.
3	HWAY00	<p>The development must not be brought into use until the access to the site at FAIRFIELD WAY WHITBY has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:</p> <p>The crossing of the highway footway must be constructed in accordance with the approved details shown on drawing T3539-001 and Standard Detail number E60 A and the following requirements.</p> <p>Any gates or barriers must be erected a minimum distance of 15 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.</p> <p>Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway must be constructed and maintained thereafter to prevent such discharges.</p> <p>The final surfacing of any private access within 15 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.</p> <p>Measures to enable vehicles to enter and leave the site in a forward gear.</p> <p>All works must accord with the approved details.</p>
4	HWAY00	<p>New and altered Private Access or Verge Crossing</p> <p>Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County</p>

		<p>Council as the Local Highway Authority, is available to download from the County Council's web site:</p> <p>https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification_for_housing___ind_est_roads___street_works_2nd_edition.pdf</p> <p>The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.</p>
5	HWAY11	<p>Pedestrian Visibility Splays</p> <p>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 visibility splays providing clear visibility of 2 metres by 2 metres measured down each side of the access and the back edge of the footway of the major road have been provided. The eye height will be 4.3 metres and the object height shall be 2.4 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.</p>
6	HWAY04	<p>Use of Existing Access (insert)</p> <p>There shall be no access or egress between the highway and the application site by any vehicles other than via the existing access with the public highway at Fairfield Way, Whitby. The access shall be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway occurring during construction.</p>
7	HWAY00	<p>Construction Phase Management Plan</p> <p>No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan.</p> <p>The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:</p> <ol style="list-style-type: none"> 1. details of any temporary construction access to the site

		<p>including measures for removal following completion of construction works;</p> <p>2. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;</p> <p>3. the parking of contractors' site operatives and visitor's vehicles;</p> <p>4. areas for storage of plant and materials used in constructing the development clear of the highway;</p> <p>5. details of site working hours;</p> <p>6. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.</p>																											
8	PLAN01	<p>Strict Accordance With the Documentation Submitted or Minor Variations - Document No.s Specified</p> <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 data-bbox="616 1106 932 1137">Document Description</th> <th data-bbox="1002 1106 1203 1137">Document No.</th> <th data-bbox="1294 1106 1497 1137">Date Received</th> </tr> </thead> <tbody> <tr> <td colspan="3" data-bbox="616 1173 1497 1420">Additional information letters and email both on 1st October 2021 & including agreement to provide 13.59% Bio diversity net gain, improved external materials, provision of access to TV Transmitter mast, minor revisions to workshop building and provision of solar panels to industrial building to provide on-site renewables energy.</td> </tr> <tr> <td colspan="3" data-bbox="616 1451 1305 1482">Drwg 344-1-3a Revised mast service access plan.</td> </tr> <tr> <td colspan="3" data-bbox="616 1518 1230 1550">Drwg 344-1-4.2 Revised Workshop building.</td> </tr> <tr> <td colspan="3" data-bbox="616 1585 1289 1617">Drwg 344-1-4.4 Revised Crushing shed Building.</td> </tr> <tr> <td colspan="3" data-bbox="616 1653 1171 1684">Drwg 344-1-3 Revised site Layout Plan.</td> </tr> <tr> <td colspan="3" data-bbox="616 1720 1171 1751">Drwg 344-1-4.1 Revised Office Building.</td> </tr> <tr> <td colspan="3" data-bbox="616 1787 1166 1818">Drwg 344-1-4. Revised Recycling Shed.</td> </tr> <tr> <td colspan="3" data-bbox="616 1854 1481 1939">Drwg 344-1-6 Cross section across site showing relative ridge heights.</td> </tr> </tbody> </table> <p>or in accordance with any minor variation thereof that may be</p>	Document Description	Document No.	Date Received	Additional information letters and email both on 1st October 2021 & including agreement to provide 13.59% Bio diversity net gain, improved external materials, provision of access to TV Transmitter mast, minor revisions to workshop building and provision of solar panels to industrial building to provide on-site renewables energy.			Drwg 344-1-3a Revised mast service access plan.			Drwg 344-1-4.2 Revised Workshop building.			Drwg 344-1-4.4 Revised Crushing shed Building.			Drwg 344-1-3 Revised site Layout Plan.			Drwg 344-1-4.1 Revised Office Building.			Drwg 344-1-4. Revised Recycling Shed.			Drwg 344-1-6 Cross section across site showing relative ridge heights.		
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9	GACS07	<p>External Lighting - Submit Details</p> <p>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.</p>
10	MISC13	<p>CO2 Details to be Submitted</p> <p>The development hereby permitted shall not be brought into use until full details of the Solar PV panels to generate energy on site from renewable sources to displace at least 10% of predicted CO2 emissions have been submitted to and approved by the Local Planning Authority. The approved details and measures shall then be completed prior to the occupation of the development hereby approved and shall be maintained in working order unless the prior written agreement of the Local Planning Authority has been obtained.</p>
11	MATS00	<p>No construction of buildings shall commence until details/samples of the materials to be used in the external wall and roof and windows/doors treatment of the office/crushing shed/recycling shed/workshop; hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The relevant works shall be carried out in accordance with the approved details/samples.</p>
12	LNDS01	<p>Landscaping Scheme Required (insert)</p> <p>Prior to the development being brought into use 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 tree and shrub based perimeter screening scheme 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</p>

		the Local Planning Authority.
13	LNDS00	No construction of buildings shall take place in preparation for the development hereby permitted until full details of the proposed boundary treatment to the site, including the size and species of any hedging, the materials to be utilised to any walls or fences and the timetable to implement the proposed works, shall be submitted to and approved in writing by the Local Planning Authority. The site boundary works shall then be implemented in accordance with the approved details. The boundary treatment shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason(s) for condition(s)

Reason number	Reason code	Reason text
1	TIME01	To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2	DRGE01	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.
3	HWAY01	In accordance with NYM Development Policy 23 and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.
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		in the interests of highway safety and the amenity and convenience of highway users.
8	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.
9	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.
10	MISC06	In order to comply with the provisions of NYM Core Policy D which seeks to ensure that new development contributes to reduce carbon emissions.
11	MATS01	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.
12	LNDS01	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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Informative(s)

Informative number	Informative code	Informative text
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1	INFO0	The applicants attention is drawn to the need for an Environmental permit for the proposed development, contact the Environment Agency for further information.
2	INFO0	In connection with the drainage details condition above, details will need to include separate systems of surface and foul drainage and the applicant should contact Yorkshire Water in respect of a sewerage adoption agreement.

Consultation responses

Borough/District

No planning objections, the use is consistent in principle with the adopted Whitby Business Park Action Plan and design brief, ask that the LPA assess the proposal against the design brief guidance and action plan. No Environmental Health objections.

Hawsker PC

Consider this a good use of the Industrial estate that will continue to provide local jobs.

Whitby TC

Support the application.

CPRENY

No objections.

Natural England

Consider the scheme would not be likely to have likely significant effects on any protected sites.

Environment Agency

No objections, would ask that informatives be placed on any approval drawing the applicants attention to; the need for an environmental permit for the development and to encourage the applicant to include BNG at the site.

Police

The security arrangements are considered appropriate to the scheme.

Fire Officer

No objections at this stage, will assess further at the Building Regulation stage.

Highways

Draw attention to the parking that currently takes place on the industrial estate including at the access point but do not consider this will make the situation any worse. Recommends conditions be placed on any approval relating to; construction of access before use commences, verge crossing, visibility splays creation, creation of parking and turning before use commences and submission of a pre-commencement Construction Phase Management Plan.

Yorkshire Water

Recommend a conditions be placed on any approval requiring ; separate systems of foul and surface water drainage together with details of surface and foul water drainage be submitted for approval . Furthermore that an informative be attached drawing

attention to the need to contact Yorkshire Water to discuss and sewer adoption agreement.

Third party responses

A. Prudom, Low Hawsker

M. Shardlow, Sneaton

M. Ovington, Saltburn by Sea

J. Harrison, Ruswarp

G. Collinson, Whitby

A. Douglass, Danby

All the above support the application for one or more of the following reasons:

The existing site at Ruswarp has proved unsuitable for running a skip hire and waste recycling operation due to limited size of site and nature of access roads leading to the site.

The existing council owned skip hire business has been run down, if this business is not allowed to relocate skip hire for Whitby may have to be sourced from 20 miles away, which would have a large carbon footprint.

This is a great local business , which employs local people and has outgrown its site and now needs to be located on an industrial estate, where there is scope to expand in future if needs be.

Ruswarp needs to reduce the very high levels of traffic that pass through it and this will help.

A new modern facility will lead to greater levels of recycling.

Publicity expiry

Advertisement/site notice expiry date 26th August 2021.

Green field site adjacent between Yorwaste site and Whitby seafood's factory.



Background

Nobles Builders Merchants has operated in Ruwsarp, next to the old cattle market for over 20 years. In 2013 planning permission was granted to increase the size of the site and operate an additional skip hire and waste recycling facility. The latter venture has proved successful to the point where the operators are struggling to operate both businesses from the same site. The whole operation has been the subject of complaints related to the large number of associated HGV movements. This application seeks to relocate the skip hire and waste recycling facility out of their Ruswarp site and establish it on a new site at Whitby Business Park between the existing Yorwaste waste recycling site and Whitby Seafoods, home of the famous Whitby Scampi, which is exported around the world. The builders' merchant operation would remain in Ruswarp.

The 2.3 ha site (thus a major development) is a green field site but a site allocated for industrial development in the adopted Whitby Business Park Area Action Plan and Whitby Business Park Design guide. The site runs from the internal business estate circulation road to the back of the industrial Estate which backs onto Spital Vale, a local watercourse which features existing tree screening of the site from the north (listed building Whitby Abbey and headland). The site also forms the main access to serve the Arqiva TV and radio mast serving Whitby (Whitby is outside the Bilsdale TV mast coverage).

In brief, the development comprises; new access onto industrial estate loop road, office and visitor/staff parking area, weighbridge, large recycling and sorting shed, a crushing and screening shed, aggregate bays for recycled aggregates, skip storage area, landscaped biodiversity area adjacent to Spital vale, service access to a TV mast,

workshop and garage building and a reclaimed material sales area. The whole site is enclosed with a part 2m retaining wall and part 2m timber security fence and perimeter planting. The heights of the buildings do not exceed a theoretical height line drawn between Whitby seafood factory and the main Yorwaste building to preserve views in and out from Whitby Abbey. The materials are a mix of fair faced blockwork and brick and dark grey metal sheeting.

The application was the subject of both pre-application negotiations and negotiations during processing to achieve the design and layout guidelines recommended within the WBBP AAP & WBP Design guide and to achieve onsite generation of renewable energy to offset 10% of predicted CO₂ emissions and secure better access to the TV mast.

The Authority's ecologist has welcomed the biodiversity net gain (BNG) that the application claims will be brought about if the scheme goes ahead, with BNG about to become law later this year she advises it would be desirable for the applicants to demonstrate that BNG can be achieved using the DEFRA modelling metric available to use online. To supplement BNG a Preliminary Ecological Assessment (PEA) should also be conditioned to ensure any protected species are not impacted.

Main issues

Local Plan, Whitby Business Park Area Action Plan & Joint Minerals & Waste Plan

NYM Local Plan adopted Policy ENV7 seeks to protect the natural environment from potential pollution sources, including water, air noise and amenity of the public.

NYM Joint Minerals & Waste plan Policy M11, supports alternatives to land-won aggregates including recycled aggregates where they are of an appropriate scale and well located . The plan is at an advance stage of adoption and can be given some weight in decision making.

Whitby Business Park Area Action Plan, Policy 5 – Design and Appearance seeks high quality design with appropriate scale height and massing, Policy 6 – Biodiversity & Green Infrastructure seeks, in part, to bolster landscaping along the northern boundary of the estate and enhance conditions for biodiversity, Policy 9 seeks sufficient parking on site to avoid additional parking on the state, Policy 11 seeks BREEAM standard for heated buildings over 200sqm. The design brief adds some operational detail to the WBPAAP policies.

The principle of industrial development at the site is considered to be already established, the Authority having previously allocated the land for this type of development through the Area Action Plan.

The key issues are considered to be: whether the design and layout would complement the industrial estate so as not to discourage future economic investment at the site, whether the local environment and ecology would not be unduly impacted, whether the development meets the Authority's aspirations for on-site renewable energy

production and that the development will not make existing parking problems at the state worse.

Having regard to the guidance in the WBP AAP & WBP Design Brief, negotiations have been carried out and revised plans received such that the buildings proposed are considered to be in keeping with the locality. The applicants agreed to change the various striking colours for the buildings to a more muted palette of dark and light grey accenting for the large areas of metal sheeting and fair faced blockwork.

Whilst not yet mandatory, the landscaping has been assessed through the DEFRA BNG metric and shows a net gain of +13.59 % which exceeds the target of 10% and as such is likely to result in a relatively attractive development that is beneficial for ecology. A preliminary environmental assessment has also been submitted which concluded that there would be no species harmed if the guidance is followed prior to earthworks being carried out.

An improved TV transmitter mast service access has been negotiated so as to avoid land locking the mast.

The applicants intend to incorporate solar PV panels on the building roofs to meet the onsite renewable requirement of Local Plan Policy ENV8, a condition is recommended to secure final details and similarly a condition is recommended to ensure any external lighting is dark sky friendly. The only heated building is the office building which under the 200sqm threshold for seeking BREEAM standard of construction.

The applicants have submitted a cross section of the site to demonstrate that the building heights would not adversely affect the wider setting of Whitby Abbey.

In summary, the proposed scheme has been the subject of local support, is considered to be appropriately designed for the site, will result in a net improvement of the provision of secondary aggregates from waste and will reduce the amount of HGV traffic in Ruswarp and approval is recommended.

Pre-commencement conditions

Condition 7 is a pre-commencement conditions, it has been agreed with the agent.

Contribution to Management Plan objectives

Approval is considered likely to help meet Policy C4 which seeks to increase and encourage opportunities for re-using and recycling waste.

Explanation of how the Authority has worked positively with the applicant/agent

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the

presumption in favour of sustainable development, as set out within the National Planning Policy Framework

