

North York Moors National Park Authority

Plans list item 3, Planning Committee report 07 September 2023

Application reference number: NYM/2023/0025

Development description: Construction of 10 buildings to create 18 business and industrial units (use classes B2 and E) with associated access road, parking, cycle and bin stores, landscaping and realignment of public right of way

Site address: Enterprise Way, Whitby

Parish: Hawsker-Cum-Stainsacre

Case officer: Mrs Hilary Saunders

Applicant: Paul Clemitshaw c/o agent

Agent: InHaus Group Ltd fao: Jenny Bedell-Harper, 89 Walkergate, Beverley, HU17 9BP

Director of Planning's Recommendation

Approval subject to the following:

Condition(s)

Condition number	Condition code	Condition text																																							
1	TM01	The development hereby permitted shall begin not later than three years from the date of this decision.																																							
2	PL01	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table><thead><tr><th>Document Description</th><th>Document No.</th><th>Date Received</th></tr></thead><tbody><tr><td>Location Plan</td><td>EW/001</td><td>18/01/2023</td></tr><tr><td>Overall site layout plan</td><td>EW/110A</td><td>05/04/2023</td></tr><tr><td>Elevations Unit 1</td><td>EW/301A</td><td>05/04/ 2023</td></tr><tr><td>Elevations Unit s 2&3</td><td>EW/302A</td><td>05/04/ 2023</td></tr><tr><td>Elevations Unit 4,5,6&7</td><td>EW/304A</td><td>05/04/ 2023</td></tr><tr><td>Elevations Unit 8</td><td>EW/305A</td><td>05/04/ 2023</td></tr><tr><td>Elevations Unit 9</td><td>EW/306A</td><td>05/04/ 2023</td></tr><tr><td>Elevations Unit 10</td><td>EW/307A</td><td>05/04/ 2023</td></tr><tr><td>Layout & roof plans Unit 1</td><td>EW/101A</td><td>05/04/2023</td></tr><tr><td>Layout & roof plans Units 2&3</td><td>EW/102A</td><td>05/04/2023</td></tr><tr><td>Layout & roof plans Units 4-7</td><td>EW/104A</td><td>05/04/2023</td></tr><tr><td>Layout & roof plans Unit 8</td><td>EW/105 8</td><td>05/04/2023</td></tr></tbody></table>	Document Description	Document No.	Date Received	Location Plan	EW/001	18/01/2023	Overall site layout plan	EW/110A	05/04/2023	Elevations Unit 1	EW/301A	05/04/ 2023	Elevations Unit s 2&3	EW/302A	05/04/ 2023	Elevations Unit 4,5,6&7	EW/304A	05/04/ 2023	Elevations Unit 8	EW/305A	05/04/ 2023	Elevations Unit 9	EW/306A	05/04/ 2023	Elevations Unit 10	EW/307A	05/04/ 2023	Layout & roof plans Unit 1	EW/101A	05/04/2023	Layout & roof plans Units 2&3	EW/102A	05/04/2023	Layout & roof plans Units 4-7	EW/104A	05/04/2023	Layout & roof plans Unit 8	EW/105 8	05/04/2023
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		Layout & roof plans Unit 9 EW/106 A 05/04/2023 Layout & roof plans Unit 10 EW/107A 05/04/2023 Site sections elevations EW/201A 05/04/2023 Landscaping Area Detail Plan EW/120A 05/04/2023
3	UOR01	The premises shall be used for Class B2 (General Industry) and Class E (g)(i) (ii)&(iii) (office, research and development, light industrial) and for no other purpose (including any other purpose in Class E or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 2020 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
4	UOR02	There shall be no retail sales from the premises the subject of the permission hereby approved. Any such use or alteration will require a separate grant of planning permission from the Local Planning Authority.
5	AC07	No storage of materials, machinery, vehicles, waste or other items shall take place outside the building(s) on the site without the prior written agreement of the Local Planning Authority.
6	AC20	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 Dark Skies compliant, and no other lighting shall be installed on the site. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.
7	MC00	The fenestration in the development hereby approved shall be glazed with low visible light transmission glass (not exceeding 0.5VLT).
8	GPMT05	The external surface of the roofs of the buildings hereby permitted shall be coloured and thereafter maintained dark grey and shall be maintained in that condition in perpetuity.
9	GPMT06	The external elevations of the buildings hereby approved shall, within three months of first being brought into use, be clad in either dark grey or dark green sheeting or living green wall trellis

Condition number	Condition code	Condition text
		as shown on the approved drawings and shall thereafter be so maintained.
10	MHC-01	<p>Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority.</p> <p>The development must only be carried out in compliance with the approved engineering drawings.</p>
11	MHC-02	<p>No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation.</p> <p>The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.</p>
12	MHC-09B	No part of the development must be brought into use until the access, parking, manoeuvring, and turning areas for all users have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
13	MHC-13	<p>Prior to the first occupation of the development, a Travel Plan must be submitted to and approved in writing by the Local Planning Authority. The Travel Plan will include: -</p> <p>agreed targets to promote sustainable travel and reduce vehicle trips and emissions within specified timescales and a programme for delivery.</p>

Condition number	Condition code	Condition text
		<ul style="list-style-type: none"> • a programme for the delivery of any proposed physical works. • effective measures for the on-going monitoring and review of the travel plan; • a commitment to delivering the Travel Plan objectives for a period of at least five years from first occupation of the development, and; • effective mechanisms to achieve the objectives of the Travel Plan by both present and future occupiers of the development. <p>The development must be carried out and operated in accordance with the approved Travel Plan. Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented as long as any part of the development is occupied.</p>
14	MHC-15A	<p>No development for any phase of the development must commence until a Construction Management Plan for that phase 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 Construction Management 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> <ul style="list-style-type: none"> • details of any temporary construction access to the site including measures for removal following completion of construction works; • wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway; • the parking of contractors' site operatives and visitor's vehicles; • areas for storage of plant and materials used in constructing the development clear of the highway;

Condition number	Condition code	Condition text
		<ul style="list-style-type: none"> • measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas; • details of site working hours; • means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development; • removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works; • a detailed method statement and programme for the building works
15	DRN04	<p>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 brought into use until the drainage works have been completed in accordance with the approved details.</p>
16	MC00	<p>There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:</p> <ul style="list-style-type: none"> • evidence that other means of surface water drainage have been properly considered and why they have been discounted; and • the means of discharging to the public sewer network at a rate not to exceed 3.5 litres per second.
17	DRN02	<p>No building hereby permitted shall be occupied until the sustainable drainage system for the site shall have been completed in accordance with the submitted details. The sustainable drainage system shall be managed and maintained</p>

Condition number	Condition code	Condition text
		thereafter in accordance with the agreed management and maintenance plan.
18	LD02	Before the development is first occupied or brought into use a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved. - This condition will normally be used in conjunction with the landscape implementation condition Landscape – implementation of works to help ensure that appropriate arrangements will be made for the management and maintenance of an approved landscape scheme, particularly in cases of communal or multiple ownership or where the nature of the scheme will need periodic intervention and actions. A period of time appropriate to the nature of the scheme should form part of the Plan. Alternatively, a planning obligation requiring an agreed management plan to be prepared and implemented may be appropriate.
19	LD04	All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants 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 next planting season with others of similar size and species. - This condition may be appropriate where the landscaping is either not a major element of the development or is small in scale or where compliance is likely without any problems; use with Landscaping – scheme.
20	LD26	Prior to the development being brought into use, all hard surfacing and boundary treatments shall be implemented in accordance with the approved details and thereafter be maintained in that condition in perpetuity.
21	MC00	Prior to the development hereby approved being first brought into use, the scheme to secure at least 10% of the energy supply of the development from decentralised and renewable or low

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		carbon energy sources (as shown on the approved plans) shall be installed and thereafter retained in operation.
22	MC00	The development hereby permitted shall be carried out in accordance with the enhancement measures proposed in the Biodiversity Net Gain calculation and shall be maintained in that manner in perpetuity.
23	MC00	Prior to the commencement of the development hereby approved, the Footpath Diversion Order (under the Town and Country Planning Act 1990) shall have been confirmed and a Temporary Closure order for the duration of the works approved by the Local Planning Authority.

Informative(s)

Informative number	Informative code	Informative text
1	INF MHI-J	Details of issues to be covered in a Travel Plan can be found in the Interim Guidance on Transport Issues, including Parking Standards [https://www.northyorks.gov.uk/road-adoption].
2	MC INFO0	The applicant's attention is drawn to the Designing Out Crime advice provided in the consultation response from North Yorkshire Police dated 30 January 2023.
3	MC INFO0	Given the scale and location of the development (on the fringe of the Business Park) it is particularly important that a detailed lighting scheme includes detailed lux plots, lighting specifications and control methods, compatible with protection of dark night skies. The proposed drawings also indicate significant areas of glazing and roof lights. The potential for light pollution from internal lighting from large areas of glazing should also be considered so the use of internal shutters or blinds would also be helpful in this respect.

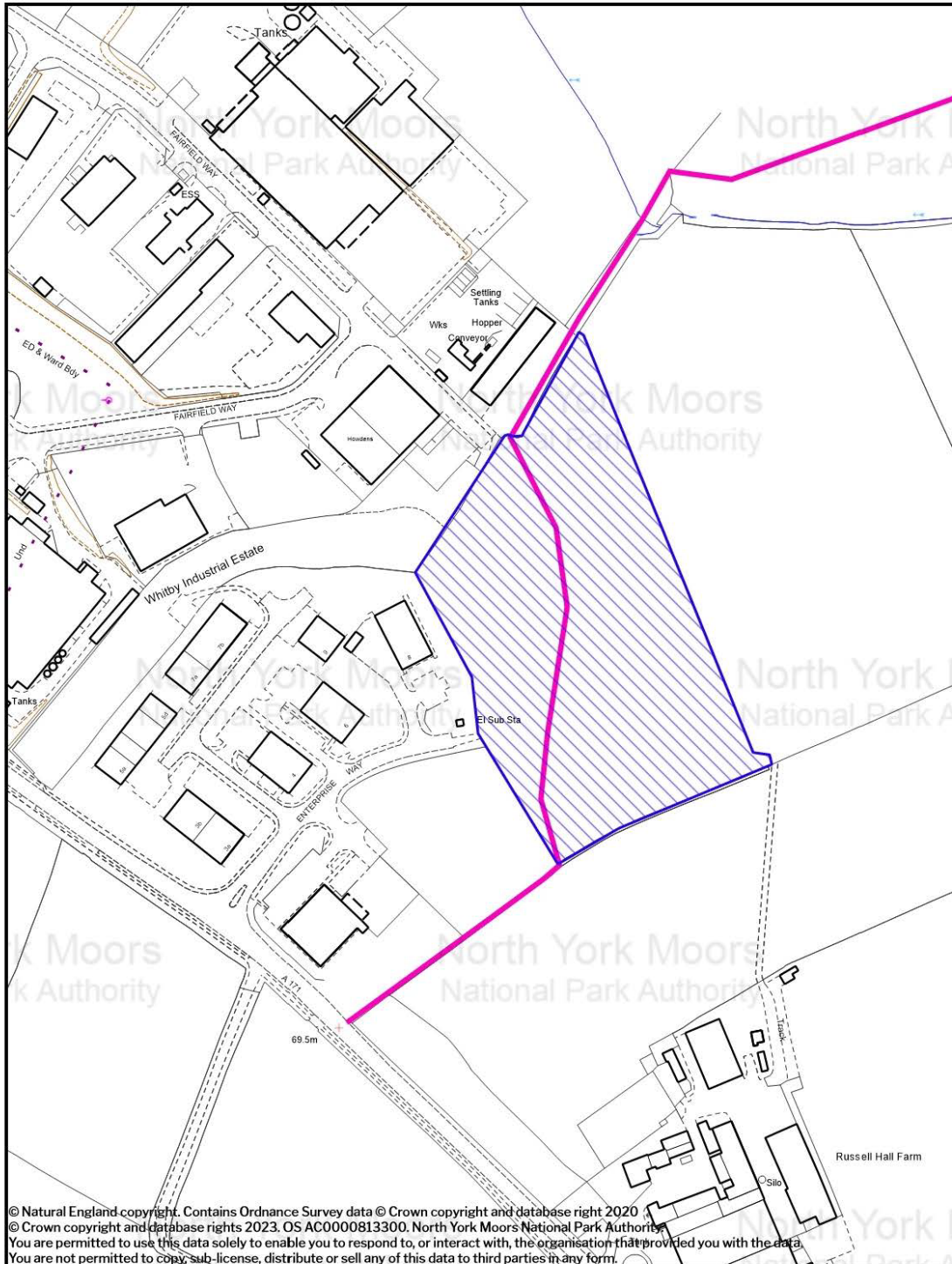
Map showing application site



**North York Moors
National Park**

Application Number: NYM/2023/0025

Scale: 1:2500



NYM/2023/0025

Photo showing wider view of Whitby Business Park and Whitby Abbey beyond with area of site annotated with the red arrow.



Consultation responses

North Yorkshire Council

17/04/2023 - No comments

Parish

07/02/2023 - Council has raised several concerns over the application. Council believes that this is an overdevelopment, taking into consideration the current economic climate and the local area. Council understand that this site has been earmarked for development prior to this application, however, Council do consider this a greenfield site and do not find this development suitable.

Council has major concerns over the traffic visiting the proposed site and how this can be managed, the car parking spaces, bike spaces and the number of units suggests a large influx of vehicles to the area. Council do not find the current speed on approach to Enterprise Way suitable with the increased queueing traffic to the site if the planning application is accepted. The current structure has a 60mph zone and then a 30mph zone very close to the entrance to Enterprise Way. Council would suggest a change to this speed restrictions including a 40mph zone prior to the 30mph zone to allow for speed reduction on approach.

02/5/2023 – Repeat original comments.

Highways

13/6/2023 - It is noted the application site is not connected to the existing highway network and to achieve access would require development on land outside the application boundary.

However, should the Planning Authority be satisfied the applicant has control over the land required to enable road connections to be formed there are no local highway authority objections. It is recommended that highway conditions are attached to any permission granted.

Yorkshire Water

9/2/2023 – No objections subject to conditions.

Campaign to Protect Rural England

16/6/2023 - No objections to the proposals and welcome the attention paid to landscaping and energy efficient design including the incorporation of Biodiversity Net Gain both within the site but also via living walls.

North Yorkshire Fire and Rescue

25/01/2023 – No objection/observation.

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11/05/2023 – No objection/observation.

North Yorkshire Police Designing Out Crime Officer

30/01/2023 – No objections - it is apparent that consideration has been given to the security of the scheme and that the principles of Crime Prevention through Environmental Design (CPTED) have been adopted.

No concerns to raise in relation to the design & layout of the proposal in terms of Designing Out Crime but would provide additional advice for the information of the applicant.

28/4/2023 -No comments.

Natural England

13/4/2023 – No objection.

Scarborough Ramblers Group

25/01/2023 – Quite happy with this application.

7/4/2023 – No objections, as long as there is a route through that is all that matters. The Young people at Whitby need somewhere to work.

Campaign for National Parks

No comments received.

Environmental Health

No comments received.

Environment Agency

No comments received.

North Yorkshire Moors Association

No comments received.

Police – Traffic

No comments received.

Local Lead Flood Authority

Requested additional information.

Third party responses

Whitby Seafoods Ltd, Fairfield Way

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- Welcome the development as it creates an alternative road access route to our site.
- Given the parking problems on the industrial estate and lack of parking restrictions which has led to a significant risk to pedestrian and road user safety in our opinion, we would be keen to understand the plans to prevent a similar situation occurring on the new development.
- Particularly, will the road be double yellow lined and is there enough resource allocated to parking enforcement?

Consultation expiry

02 March 2023

Background

The application site comprises agricultural grazing land which is located to the rear of the existing Whitby Business Park which is located on the edge of the National Park close to Whitby alongside the A171. The Business Park has a range of business and industrial uses within it including, food processing and builders' merchants and the National Park boundary runs through the middle of the Business Park.

The application site is allocated on the Proposals Maps within the Whitby Business Park Area Action Plan for development for additional employment uses.

In 2008 under previously adopted Planning Policies planning permission was granted on this site for the development of eight business and industrial units of a variety of sizes and options for using the buildings as one larger or a number of smaller units with access to the site from the end of the existing road that services the existing development at Enterprise Way. A Diversion Order was applied for to divert the Public Right of Way that runs diagonally across the site, from south to north; but the applicant didn't complete the necessary process for this to be confirmed.

This current application seeks planning permission for the construction of ten buildings to create 18 business and industrial units (use classes B2 and E) along with an associated access road along with the formal diversion of the Public Right of Way. It is proposed that the internal layout will allow flexibility of uses.

The ten buildings would be of various sizes, but none would have a ridge height of more than 7m to ridge and 5.7m to eaves, with various building lengths not exceeding 40m.

The units would be finished with light & dark grey coloured aluminium framed curtain walling and polyester powder coated steel roller shutter doors, along with the use of some living green walls and some vertical timber panel detailing .

Roofing would consist of dark grey coloured roof panels, and every roof would be fitted with photovoltaic panels to provide the necessary renewable energy to offset carbon emissions.

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All service and roadway areas would be surfaced with tarmac and parking and pedestrian areas would be flag paving.

The site topography varies, and the site would be part cut and part filled to create a relatively flat operational and parking and turning areas.

Vehicular access to the proposed development would be via A 171 (Stainsacre Lane)/Enterprise Way junction, which currently provides access to existing industrial units, and pedestrian access to the development would be via A1 71 and Enterprise Way which already contains footways along one side of each carriageway. Pedestrian footways (including cycle lanes) would be provided at the proposed development, linking into the existing external pedestrian facilities. A road link into future development area is provided .

Site boundaries would be surrounded by 2.4m & small section of 3m high Paladin fencing for security purposes.

159 car parking spaces would be provided, along with timber clad cycle stores to accommodate 50 cycle parking spaces.

In support of the application, the applicant has submitted the following information:

This proposal will provide modern high quality business accommodation in Whitby which will create employment opportunities for an estimated 250- 300 people.

Commercial research has been carried out, which defines a requirement for various flexible business units rather than large box type developments.

This development has been designed using the Whitby Business Park Design Brief and the Area Action Plan and to provide a spacious layout with each unit having its own space for car parking, storage, circulation, and amenity facilities.

Existing trees and hedges will be protected, and a comprehensive planting scheme is proposed.

In terms of disabled access, the proposed units are designed to be fully accessible to all and include disabled parking provision.

Main issues

Local Plan

Strategic Policy K - The Rural Economy seeks to support development that fosters the economic and social well-being of local communities where it promotes and protects existing businesses by providing flexibility for established rural businesses to diversify and expand; it helps maintain or increase job opportunities and it provides additional opportunities to diversify and better equip the National Park's workforce, or provides additional facilities, or better use of existing facilities for educational and training uses.

Strategic Policy C- Design seeks to maintain and enhance the distinctive character of the National Park, and states that development will only be supported where it is of a high quality design; incorporates good quality construction materials and design details;

the scale, height, massing and form are compatible with surrounding buildings and do not have an adverse impact upon the amenities of adjoining occupiers; sustainable design and construction techniques are incorporated; there is a good quality landscaping and planting scheme; local wildlife and biodiversity is enhanced; provision is made for adequate storage, cycling facilities and car parking are provided and the proposal ensures the creation of an accessible, safe and secure environment for all potential users.

Strategic Policy H (Habitats, Wildlife, Biodiversity and Geodiversity) seeks to ensure the conservation, restoration and enhancement of habitats, wildlife, biodiversity and geodiversity in the North York Moors National Park is given great weight in decision making and goes on to state that development proposals that are likely to have a harmful impact on protected or valuable sites or species will only be permitted where it can be demonstrated that there are no alternatives, there are suitable mitigation measures, any residual harmful impacts have been offset through appropriate habitat enhancement and the wider sustainability benefits of the development outweigh the harm to the protected or valuable interest.

Policy CO2 (Highways) only permits new development where it is of a scale which the adjacent road network has the capacity to serve without detriment to highway safety; the external design and layout and associated surfacing works take into account, as appropriate, the needs of all users; and highway detailing, road improvements and street furniture are sensitive to the character, heritage, built form and materials of the area, the need to conserve and enhance biodiversity and are the minimum required to achieve safe access.

Policy ENV8 – Renewable Energy sets out that new development in the National Park will be required to address the causes of climate change by:

- Generating energy from renewable sources where these are of a size, location and design appropriate to the locality and which contribute towards meeting domestic, community, or business energy needs within the National Park;
- Requiring residential proposals of five units or more and other uses of 200 sq. m. or more to generate energy on-site from renewable sources to displace at least 10% of predicted CO2 emissions.

Policy ENV4 (Dark Night Skies) seeks to ensure that the darkness of the night skies above the National Park are maintained and enhanced and requires that all development will be expected to minimise light spillage through good design and lighting management.

Policy ENV5 (Flood Risk) states that new development will only be permitted where it meets the sequential approach to development in areas of flood risk; and does not increase the risk of flooding elsewhere.

The Whitby Business Park Area Action Plan and Design Brief

The Whitby Business Park Area Action Plan (WBPAAP) 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 Spatial Vision is 'To provide a well-planned, extended and improved Business Park to meet the needs of the local economy and community into the future and reinforce Whitby's role as a Principal Town by expanding and enhancing the range of employment opportunities that the Business Park presents to Whitby's economy.'

In terms of retail and leisure development it is recognised that whilst Whitby Business Park has traditionally been used for 'employment' land uses, such as light industry, in common with many other Business Parks around the country some existing businesses have expanded into retail sales which are ancillary to the existing enterprise. In retail planning policy terms Whitby Business Park is classed as out of centre however, the objectives are to plan for a mix of uses at the Business Park to meet the Area Action Plan objective which is to make Whitby Business Park a more attractive destination and facilitate expansion of the site to support Whitby's role as an employment centre and to provide more diverse employment opportunities in the town.

Policy 2 of the Action Plan sets out the following: -

Approximately 14 hectares of additional land is allocated to facilitate the expansion of Whitby Business Park, as shown on the Policies Map. Proposals for new development falling within Use Classes B1 (light industry that can be carried out in a residential area, offices other than financial and professional services such as banks or estate agents, research and development of products and processes), B2 (industrial use that does not fall into class B1 (but excludes incineration, chemical treatment or landfill or hazardous waste) and B8 (storage and distribution of goods, such as warehousing) will be permitted within the allocated sites and the Business Park as a whole as shown on the Policies Map. Other uses will only be permitted in accordance with specific policies within the Area Action Plan, or where they would be ancillary and complementary to the overall commercial operation of the Business Park.

Three parcels of land have been identified with development potential, and the following information provides guidance on the main issues that need to be addressed if the sites were to be developed:

Site 1 Guidance:

Development must take account of the landscape setting and special qualities of the National Park.

All proposed new buildings are low in height and scale and appropriately sited in order to retain the long-distance views and historic setting of Whitby Abbey;

6 metre wide easement for existing high voltage cabling across the proposed development will be required and will only be invoked if the line is diverted. The cost of relocating or undergrounding the line will be met by developers.

Due to the higher elevation of this site, improvements to reinforce existing water supplies will be required. To provide water for non-domestic use, the developer would be required to make a contribution towards system improvements.

Due to the presence of a watercourse on the site, careful management will be needed to ensure that any development is not detrimental to water quality or the ecology of the watercourse in line with the Water Framework Directive.

WBPAAP Design Brief

This document has been prepared to be read in conjunction with the Area Action Plan in order to achieve the following:

A high standard of design, landscaping, open space and signage throughout the business park, to ensure an attractive environment;

To enhance the setting of the development, having regards to its context, partly within the National Park and against the historic setting of Whitby;

To ensure that the new development does not detract from or obscure important views to and from Whitby Abbey (a Grade 1 Listed Building) that is set on the headland above Whitby;

To ensure that the layout and design of new development, green infrastructure and parking areas take into account 'secured by design' ideas to minimise the potential for crime and ensure that there is a safe and secure environment at the Business Park

Material considerations

This site has previously been considered suitable for development with the planning permission granted in 2008 (albeit not implemented) and the subsequent allocation of this land as Site 1 in the WBPAAP which was adopted in 2014 and as set out above. As the site is allocated for such development, the proposals are therefore in accordance with the objectives of Strategic Policy K of the Local Plan.

Therefore, the primary considerations are whether the proposals meet the aims and objectives of the Action Plan and associated Design Brief, along with the Design and Environmental Policies contained in the Local Plan.

Scale and design

The proposed development is substantial in scale, but the applicant's agent has worked constructively with officers to ensure the scale of development is appropriate, including the reduction in ridge and eaves height of the buildings, to ensure that the development does not obstruct views across to Whitby Abbey. The colour of materials and roofing will be dark and recessive, including the use of some living green walls, which will all help the development to sit more quietly in the wider landscape.

The design and details of the proposal are considered to be good quality and would benefit the appearance of the Business Park, and the use of appropriately coloured materials would meet the aims of the Action Plan.

Attention has also been given to external lighting in order to ensure the Dark Skys above the National Park are not affected. Whilst there are some large areas of glazing in the buildings, light pollution from light spill is considered less of an issue from industrial buildings as internal lighting is usually turned off early in the evening.

It is considered that the scale and design would meet the criteria of both the Design Brief and Strategic Policy C and Policy ENV4 of the Local Plan.

Highways access and car parking

Access to the site would be off the A171, and through Enterprise Way, and the Highway Authority have no objections to the use of this access. The scheme has also been designed to allow a link road through to Fairfield Way, in order to enable internal circulation throughout the Business Park to be improved, which is an objective of the WBPAAP. However, that land is not owned by the applicant, but by North Yorkshire Council, so the applicant would not actually undertake the works across that land, due to the cost of the ransom strip; that would fall to North Yorkshire Council to undertake.

Adequate parking and cycle parking is also proposed.

Landscaping, biodiversity and renewable energy

Opportunities for landscaping are somewhat restricted due to land required for car parking and services, however, the central area would be landscaped with soft planting including trees and shrubs with timber circular seating areas and a small pond. The applicant's agent has been working with the Authority's Ecologist to achieve Biodiversity Net Gain, and whilst 10% isn't achievable here, a small gain should be provided with careful plant choices. However, the 10% isn't a legal requirement yet, so the application couldn't be refused on that basis.

In terms of the previous obstacle of a Public Right of Way running through the site,

a Rights of Way Diversion Order has been applied for this public footpath to be diverted through the site, and through the landscaped area of the development, in order to create a pleasant route through. The applicant's agent has been working with the Authority's Rights of Way Officer to find the best route and the Ramblers Association are supportive of this application.

In terms of renewable energy, the roof of each building would be fitted with solar panels, and it is considered that these will most likely achieve a 10% offset of carbon emissions, however, it is recommended that a condition is attached to an approval to ensure this.

Flood risk and other site constraints

Yorkshire Water have no objections and the information requested by the Lead Local Flood Authority has been submitted, although their comments are awaited in relation to this, which it is hoped will have been received before the Committee Meeting.

In terms of site constraints of Site 1 – issues such as overhead lines, watercourses and water pressure relate to the upper eastern part of the site which do not form part of this application.

Parish Council objection

The Parish Council have objected (which is the sole reason for referral to Committee) on the basis that they consider this to be a greenfield site that is not a suitable development site and also concerns over the traffic visiting the proposed site and how this can be managed.

The Highway Authority have not objected to the proposals, but have recommended conditions, so a refusal on highway safety grounds could not be upheld.

Furthermore, the Parish Council were consulted on the WBPAAP prior to its adoption, and did not object to the allocation of this site for development and they made the following comments: -

The Hawsker cum Stainsacre Parish Council have looked at the Whitby Business Park Action Plan has asked me to write the following comments:

New land needs to be made available for the next plan. Some land is designated leisure and amenity and need to be retained as a buffer zone between housing and industry.

There is a need for one or two larger units of 1500 sq ft or more to provide space as businesses expand and release smaller units for new businesses.

Conclusion

The proposed development would provide employment opportunities in an existing business and industrial area which is well served by public transport and accessible on foot and by bicycle also. The design of the scheme is considered to preserve the

character of this part of the National Park and will incorporate on-site renewable energy provision.

In view of the above considerations, the proposal is therefore considered to be in accordance with Strategic Policies K, H and C, and Policies ENV4, 5 and 8, CO2 and of the Local Plan and also meets the objectives of the Whitby Business Park Area Action Plan and Design Brief and consequently approval is recommended.

Public Sector Equality Duty imposed by section 149 of the Equality Act 2010

The proposal is not considered to unduly affect any people with protected characteristics and in terms of access for those with disabilities, the proposed units.

are designed to be fully accessible to all and include disabled parking provision. In addition, the design of the scheme incorporates the use of dropped kerbs and visible pathways enhancing disabled access provision.

Pre-commencement conditions

Condition(s) 14 & 23 are pre-commencement conditions and have been agreed in writing with the applicant/agent.

Contribution to Management Plan objectives

Approval is considered likely to help meet Objective 5 which seeks to create a place that supports a diverse and innovative low carbon economy.

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 recommended changes to the proposal including reduction in height of buildings and additional soft landscaping, so as to deliver sustainable development.