

Town and Country Planning Act 1990
North York Moors National Park Authority

**Notice of Decision of Planning Authority on Application for
Permission to Carry out Development**

To: Paul Clemitshaw
c/o InHaus Group Ltd
fao: Jenny Bedell-Harper
89 Walkergate
Beverley
HU17 9BP

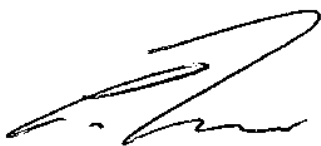
The above named Authority being the Planning Authority for the purposes of your application validated 18 January 2023, in respect of proposed development for the purposes of **construction of 10 buildings to create 18 business and industrial units (use classes B2 and E) with associated access road, parking, cycle and bin stores, landscaping and realignment of public right of way at Enterprise Way, Whitby** has considered your application and has **granted** permission for the proposed development subject to the following:

Condition(s):

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

| 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 |
| 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. 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).

Continued/Condition(s)



Mr C M France
Director of Planning

Date 11 September 2023

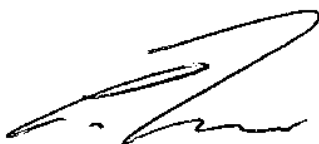
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4. There shall be no retail sales from the premises the subject of the permission hereby approved. Any such use or alteration will require a separate grant of planning permission from the Local Planning Authority.
5. No storage of materials, machinery, 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. 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. The fenestration in the development hereby approved shall be glazed with low visible light transmission glass (not exceeding 0.5VLT).
8. 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. 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 as shown on the approved drawings and shall thereafter be so maintained.
10. 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. The development must only be carried out in compliance with the approved engineering drawings.
11. 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.
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.
12. 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.

Continued/Condition(s)



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13. 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: -

- agreed targets to promote sustainable travel and reduce vehicle trips and emissions within specified timescales and a programme for delivery.
- 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.

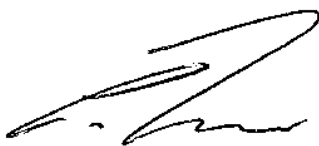
The development must be carried out and operated in accordance with the approved Travel Plan. Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented as long as any part of the development is occupied.

14. 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.

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

- 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;
- 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

Continued/Condition(s)



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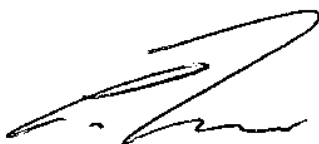
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15. No work shall commence on excavation works to install drainage to serve the development hereby permitted until full details of the proposed means of disposal of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the drainage works have been completed in accordance with the approved details.
16. 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:
 - i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
 - ii) the means of discharging to the public sewer network at a rate not to exceed 3.5 litres per second.
17. 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 thereafter in accordance with the agreed management and maintenance plan.
18. 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. A 30 Year maintenance period of time and locations of bat & bird boxes should form part of the Plan. Alternatively, a planning obligation requiring an agreed management plan to be prepared and implemented may be appropriate
19. 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.
20. 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. 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 carbon energy sources (shown on the approved plans) shall be installed and thereafter retained in operation.
22. 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.

Continued/Condition(s)



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23. 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.

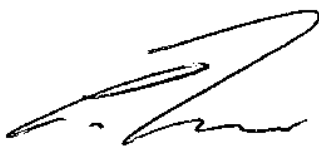
Informative(s)

1. Details of issues to be covered in a Travel Plan can be found in the Interim Guidance on Transport Issues, including Parking Standards.
2. 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. 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.

Reason(s) for Condition(s)

1. To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2. For the avoidance of doubt and to ensure that the details of the development comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan, which seek to conserve and enhance the special qualities of the National Park.
3. In order to enable the Local Planning Authority to retain control over future changes of use to the property which would otherwise be permitted by the Town and Country Planning (Use Classes) Order 2010 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order) or the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), and to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan, which seek to enhance and conserve the special qualities of the National Park and ensure that development does not have an adverse effect on the amenities of adjoining occupiers.
4. In order to enable the Local Planning Authority to retain control over any retail activity at the premises and to ensure compliance with Strategic Policy A and Policy BL8 of the North York Moors Local Plan, which seek to protect the amenity of local residents and conserve and enhance the special qualities of the National Park.

Continued/Reason(s) for Condition(s)



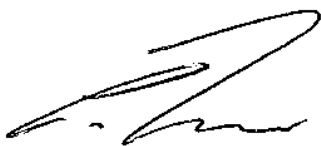
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5. In the interests of the visual amenities of the locality and to comply with the provisions of Strategic Policy A of the North York Moors Local Plan which seeks to conserve and enhance the special qualities of the National Park.
- 6 & 7. In order to enable the Local Planning Authority to retain control over future alterations to the property in the interests of safeguarding the existing form and character of the building in line with North York Moors Local Plan Strategic Policies A and C, which seek to enhance and conserve the special qualities of the National Park and secure high quality design for new development that does not detract from the quality of life of local residents; in accordance with Policy ENV4 which seeks to protect dark night skies.
- 8 & 9. For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
10. To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.
11. To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.
12. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
13. To establish measures to encourage more sustainable non-car modes of transport.
14. In the interest of public safety and amenity.
15. To avoid pollution of watercourses and to comply with the provisions of Policy ENV7 of the North York Moors Local Plan, which seeks to ensure that new development has satisfactory provision for the disposal of foul and surface water.
16. To ensure that no surface water discharges take place until proper provision has been made for its disposal
17. To avoid pollution of watercourses and to comply with the provisions of Policy ENV7 of the North York Moors Local Plan, which seeks to ensure that new development has satisfactory provision for the disposal of foul and surface water.
- 18 & 19. In order to comply with the provisions of Strategic Policy C of the North York Moors Local Plan 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.
20. In the interests of the satisfactory appearance of the development and in order to comply with the provisions of Strategic Policy C of the North York Moors Local Plan which seeks to ensure that development proposals incorporate suitable hard landscaping details.



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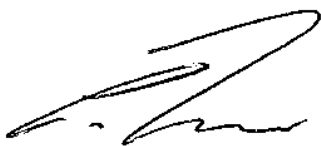
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21. In order to comply with the provisions of Policy ENV8 of the North York Moors Local Plan which seeks to ensure that new development contributes to reduce carbon emissions.
22. To ensure protection of a species protected under the Wildlife and Countryside Act and compliance with Strategic Policy H of the North York Moors Local Plan which seeks to conserve and enhance the quality and diversity of the natural environment.
23. In the interest of public safety and amenity.

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



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Please Note your Rights of Appeal are attached to this Decision Notice

Rights of Appeal

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to:
 - a) refuse an application for planning permission or grant it subject to conditions;
 - b) refuse an application for any consent, agreement or approval required by a condition imposed on a grant of planning permission or grant it subject to conditions; or
 - c) refuse an application for any approval required under a development order

they may appeal to the Secretary of State of Department of Communities and Local Government in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of the date of this notice (12 weeks in the case of a minor commercial application). The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

- (2) If permission to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State, the owner of the land may claim that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the council of the county/district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Note: If an aggrieved applicant wishes to exercise their right of appeal as above mentioned, they should do so using a form which you can get from the Secretary of State at:

Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 00 00) or online at www.planningportal.gov.uk/planning/appeals

Notes

1. Please note, only the applicant possesses the right of appeal.
2. No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under the Building Regulations, of the District Council in whose area the site of the proposed Development is situated; or of obtaining approval under any other Bye-Laws, local Acts, orders, regulations and statutory provisions in force; and no part of the proposed development should be commenced until such further approval has been obtained.
3. In your own interests your attention is particularly drawn to the conditions under which approval has been given to your proposals. Failure to comply fully with the conditions could lead to enforcement action resulting in work already done being demolished or prosecution in Magistrates' Court.
4. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within 28 days of the date of this notice.
5. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.