

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2023/0875

Development description: change of use of unit from Class B2 to Use Classes B2, B8, Ec and Eg (no alterations)

Site address: Stainsacre Lane Industrial Estate, Unit 16a Fairfield Way, Whitby

Parish: Hawsker-Cum-Stainsacre

Case officer: Mrs Jill Bastow

Applicant: Robis Property Ventures Limited

c/o Agent, Sheffield, S1 4QZ

Agent: ID Planning

fao: Rachael Martin, 32 Eyre Street, Sheffield, S1 4QZ

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	PL02	The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved.
3	MHC-09B	No part of the development must be brought into use until the vehicular parking and loading and unloading arrangements have been constructed in accordance with details first submitted to and 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.
4	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.

Condition number	Condition code	Condition text
5	UOR01	The premises shall only be used for business falling within Use Classes B2, B8, E(c) or E(g) 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) and for no other purpose.
Reason(s) for condition(s)		
Reason number	Reason code	Reason text
1	RSN TM01	To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2	RSN PL01	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	RSN MHC08B	To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
4	RSN AC02	In the interests of the visual amenities of the locality and to provide for appropriate on-site vehicles facilities in the interest of highway safety 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.
5	RSNUOR01	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 2020 (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.

Consultation responses

Parish

No objection

Highways

No objection. The road and part of the verge on the northeast side of the building is included within an agreement to be adopted by the highway authority. Class B8 includes open air storage, and the red line plan includes the area to the northeast of the building and the areas in the front of the building that is intended to be used for parking. These areas should not be obstructed by the storage of materials. Consequently, a condition requiring details of the proposed parking to be submitted for approval is recommended.

Yorkshire Water

No comments received

Environmental Health

No objection

Whitby Business Park Management Association

No comments received

Natural England

No comments received

North Yorkshire Fire and Rescue Services

No objection

Third party responses

Mark Nicholson, Whitby Seafoods Limited -

Supports the proposal that the caveat that on-site parking is addressed. Currently all site vehicles are parked either on the road or on the pavement causing serious safety concerns.

Publicity expiry

Advertisement/site notice expiry date: 6 February 2024

View of the unit from Farifield Way



Background

This application relates to a storage unit located on Whitby Business Park, close to the National Park boundary. Permission was originally granted for the unit in May 2010 as an extension to the adjoining sheet metal and general engineering works for storage purposes and is conditioned to be used only as a storage building and not for any other purpose.

Planning permission is now sought for the change of use of the unit to allow a broader range of uses including B2 (Industrial), B8 (Storage or Distribution), E(c) (Financial and Professional Services) and E(g) (Office, Research and Development). No external changes are proposed to the building.

Main issues

Local Plan

Policy BL1 (Employment and Training Development) supports new or the expansion of existing employment or training facilities within the main built up areas of Helmsley and the Larger Villages where it reuses existing permanent buildings. In the supporting text it advises that proposals for development at Whitby Business Park will be assessed against policy in the Whitby Business Park Area Action Plan.

Policy 9 (Parking) of the Whitby Business Park Action Plan requires any new development, including proposals for change of use will be expected to provide on site parking for staff and visitors in line with parking standards.

Discussion

Being located within the Whitby Business Park the proposal to broaden the variety of uses is considered to be acceptable in principle and in accordance with the objectives of the Whitby Business Park Area Action Plan.

The Highway Authority and a neighbouring business have raised concerns regarding the storage of materials on the site compromising the available parking. As such a condition is recommended requiring details of the proposed parking and loading/unloading areas to be submitted for approval and thereafter be maintain clear of obstruction. With this condition, as the proposal complies with the relevant policies of the development plan, 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.

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

The Local Planning Authority has acted positively in determining this application by assessing the scheme against the Development Plan and other material considerations and subsequently granting planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.