

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2024/0185

Development description: demolition of existing buildings and removal of plant, change of use of land to permit the siting of 76 no. storage containers (Use Class B8) and erection of replacement fence and associated security gate (part retrospective)

Site address: former Cemex Materials UK Ltd, Stainsacre Lane Industrial Estate, Fairfield Way, Whitby

Parish: Hawsker-Cum-Stainsacre

Case officer: Jill Bastow

Applicant: G M Stephenson

fao: Mr Martin Stephenson, Danebury Manor Farm, Flixton, Scarborough, North Yorkshire, YO11 3UD

Agent: Harrison Pick Ltd

fao: Mr Sam Harrison, Station Farm Offices, Wansford Road, Nafferton, Driffield, YO25 8NJ,

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	The development hereby permitted shall be carried out in accordance with the following approved plans: <table><thead><tr><th>Document Description</th><th>Drawing No.</th><th>Date Received</th></tr></thead><tbody><tr><td>Site Location Plan</td><td>MS010324</td><td>10 April 2024</td></tr></tbody></table>	Document Description	Drawing No.	Date Received	Site Location Plan	MS010324	10 April 2024
Document Description	Drawing No.	Date Received						
Site Location Plan	MS010324	10 April 2024						
3	MHC-03	The development must not be brought into use until the access to the site has been set out and constructed in accordance with the following requirements: Any gates or barriers must not be able to swing over the						

Condition number	Condition code	Condition text
		existing highway.
4	MCO0	The external surfaces of the storage containers, fencing and security gates hereby approved shall be coloured dark green and thereafter so maintained.
5	AC07	No storage of materials, machinery, vehicles, waste or other items shall take place outside the containers hereby approved.

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 MHC-03	To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.
4	RSN GPMT02	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.
5	RSN AC02	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.

Consultation responses

Parish

No objection

Highways

No objection given that it is not anticipated that this type of business would generate an excessive amount of traffic that would have an impact on Fairfield Way. Recommends conditional approval.

Third party responses

None received

Publicity expiry

Advertisement/site notice expiry date: 26 April 2024

View of the site from Fairfield Way junction (looking west), now cleared of all plant associated with the former concrete works



View of the site From Fairfield Way (looking east)



View of the site when in use as a concrete plant



Background

This application relates to the site of the former Cemex concrete plant located on Fairfield Way adjacent to Whitby Seafoods at the eastern end of the Whitby Business Park. The site extends to 0.26ha and the former concrete plant and machinery has recently been demolished and the site levelled.

Planning permission is sought for the siting of 76 storage containers, each measuring 6000mm x 2800mm with an overall height of 2000mm, positioned to all 4 boundaries of the site with a block of 28 containers in the middle of the site, allowing vehicle access around the site to each container. In addition, retrospective consent is sought for the 2 metres high steel mesh security fencing and associated gate. The site will be serviced by the existing vehicular access from Fairfield Way.

Main issues

Local Plan

The relevant policies of the adopted Local Plan are considered to be Strategic Policy A (Achieving National Park Purposes and Sustainable Development), Strategic Policy C (Quality and Design of Development), Strategic Policy K (The Rural Economy) and Policy BL1 (Employment and Training Development).

Strategic Policy A seeks to further the National Park purposes and duty by encouraging a more sustainable future for the National Park and its communities whilst conserving and enhancing its special qualities. Amongst other things it states new development should be of a high standard of design and support the function and vitality of communities. Strategic Policy C expands on this by requiring new development to make a positive contribution to the local environment, and be of a scale, height, massing and form compatible with surrounding buildings.

Policy BL1 supports the development of new or the expansion of existing employment or training facilities within the main built up areas of Helmsley and the Larger Villages of the National Park, and in other locations where it would reuse an existing permanent building or form a small extension of an existing building. It states that development for new large warehousing or storage proposals will not be permitted. However, in the justification to that policy it advises that employment land including land for storage and distribution (Class B8) is allocated within the National park in the 2014 Whitby Business Park Area Action Plan and that proposals should be assessed against the policies of that plan.

Policy 2 of the Whitby Business Park Area Action Plan supports proposals for new development falling within Use Classes B1, B2 and B8 within the allocated sites and the Business Park as a whole. Area Action Plan Objective 4 also seeks to improve the quality of the environment at the Business Park and respect its setting within the National Park by requiring a high standard of design for all new development which

includes landscaping to reinforce the network of green infrastructure through the site together with good quality signage and street furniture.

Discussion

It is considered that the re-use of this former concrete plant (Use Class B2) for the siting of 76 storage containers for Use Class B8 is acceptable in principle under Policy 2 of the Whitby Business Park Area Action Plan given that the site lies with the existing Business Park.

Furthermore, it is considered that the demolition of the former concrete plant and the siting of 76 storage containers of a uniform colour with matching security fencing will improve the overall appearance of the site and the wider Business Park whilst also enhancing the setting of the adjacent modern office building and providing an improved outlook from those windows facing the site.

The traffic associated with small storage containers is anticipated to be of a modest scale and as such the Highway Authority considers the impact on the local highway network to be minimal and therefore have no objection.

In conclusion it is considered that the development will result in an overall improvement in the appearance of the site and given it is surrounded by existing commercial development, it would not have a detrimental effect on the character or appearance of the surrounding landscape. 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.