

PLANNING, DESIGN AND ACCESS STATEMENT

Retrospective Application for Erection of a Building and Use of the Building as
a Shellfish Processing and Storage Building

Sea View Farm
High Normanby
Whitby
North Yorkshire
YO22 4PR

Carlanth Fishing Company Limited

June 18

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1. The Site and Proposal

- 1.1. The application site is located at Sea View Farm, High Normanby near Whitby. The site lies within the North York Moors National Park, 1.6km west of the coastline at Robin Hood's Bay.
- 1.2. The development to which this retrospective application relates, is the erection of a building following demolition of the existing building, for the processing of shellfish. The erected building is identical in width (9.14m) and length (12.19m) but is lower in height by 0.6 metres and measures 3 metres to the eaves.
- 1.3. The application area extends to 0.01 hectares (111.3m²) and is part of the wider site which has an extant planning permission for use as a Scrap Yard with associated operations (Sui Generis). The building the applicant has erected, is a replacement in both size and form of the demolished building. The replacement building was erected in October 2017 and has been authorized for its use as a shellfish processing building, by Environmental Health and the Food Standards Agency.
- 1.4. The site is well screened from the A171 and neighbouring properties by existing tree and hedge planting. Access to the building is taken via the existing site access and parking is provided adjacent to the building.

2. Planning History

2.1. The following applications are of relevance to this site:

- **Application Number: NYM/2015/0601/FL** | Change of Use from Scrapyard to holiday park with associated access and parking following demolition of existing buildings | Approved with conditions | Date: 18/02/2016
- **Application Number: NYM/2003/0834/CU** | Variation of Condition 7 of planning permission NYM4/029/0406B/PA to permit retention of stored vehicles in association with scrapyard | Approved subject to a S106 agreement | Date: 07/04/2006
- **Application Number: 40290406B** | Refurbishment of existing scrapyard including demolition of buildings and environmental improvements | Approved with conditions| Date: 24/11/1998

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- **Application Number: 40290406** | Change of Use of general purpose scrapyard building to motor vehicle repair workshop | Refused | Date: 12/10/1992

3. Key Planning Policies

National Planning Policy

- 3.1. The National Planning Policy Framework (NPPF) was published by the Government in March 2012 and contains a strong presumption in favour of sustainable development. Paragraph 14 of the NPPF states that:

At the heart of the National Planning Policy Framework is the presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision taking.

- 3.2. It goes on to say that for decision taking, this means:

'Approving development proposals that accord with the development plan without delay where the development plan is absent, silent or relevant policies are out of date granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole or specific policies in this framework indicate development should be restricted.'

- 3.3. Paragraph 28 goes on to say that:

'Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- *Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well-designed new-buildings.'*

Local Planning Policy

- 3.4. North York Moors National Park Authority are currently preparing their Local Plan for the period covering 2016-2035. The Local Plan is still currently in the consultation period and therefore, although weight can be given to the Local Plan policies, weight must also be given to the existing Core Strategy and Development Policies (2008).

3.5. The North York Moors National Park's Development Plan' comprises the 'Core Strategy and Development Policies', the 'Whitby Business Park Area Action Plan' and the 'Helmsley Plan'.

The Core Strategy and Development Policies

3.6. The Core Strategy and Development Policies was adopted in November 2008 following an examination by an Inspector.

3.7. The Core Strategy has a Spatial Vision, a number of Objectives and a Strategy for achieving those.

3.8. Spatial Objective 7 identifies that the Development Plan aims to:

'Support the tourism and recreation industry by ensuring that development contributes to the local economy and provides opportunities for enjoying the Park's special qualities'.

3.9. Within the Development Plan Policies, several of the policies are of relevance to this application:

3.10. Development Policy 1 states:

'To conserve and enhance the special qualities of the North York Moors National Park, development will only be permitted where:

- 1. It will not have an unacceptable adverse impact on surface or ground water, soil, air quality and agricultural land.*
- 2. It will not generate unacceptable levels of noise, vibration, activity or light pollution.*
- 3. There will be no adverse effects arising from sources of pollution which would impact on the health, safety and amenity of the public and users of the development.*
- 4. Land stability can be achieved without causing unacceptable environmental or landscape impact.*
- 5. There is or will be sufficient infrastructure capacity to accommodate the demand generated by the development.*

3.11. Development Policy 3 requires, in part, that

'To maintain and enhance the distinctive character of the National Park, development will be permitted where:

- 1. The siting, orientation, layout and density preserves or enhances views into and out of the site, spaces about and between buildings and other features that contribute to the character and quality of the environment and will not result in the loss of an open space which contributes to the amenity, character and setting of a settlement.*
- 2. The scale, height, massing, proportion, form, size, materials and design features of the proposal are compatible with surrounding buildings, and will not have an adverse effect upon the amenities of the adjoining occupiers.*

3.12. Within 'Development Policy 14: Tourism and Recreation', support is given to development that 'maintain or improve' the 'quality of the tourism and recreation product in the National Park'. It states that development should be supported where:

- 1. The proposal will provide opportunities for visitors to increase their awareness, understanding and enjoyment of the special qualities of the National Park in a manner that will not undermine the special qualities of the National Park or in a way that conserves and enhances the special qualities.*
- 3. The development will not generate an increased level of activity, including noise, which would be likely to detract from the experience of visitors and the quality of life of local residents.*

4. The Planning Case

4.1. Mr. Lilley (Director of Carlanth Fishing Company Limited) purchased Sea View Farm on 31st October 1989 and has run the site as a salvage and scrapyards business successfully since that date. Following personal tragedy, the applicant has reduced the operation of the scrapyards business and it has not been running at full potential. The site does still have a planning use as a scrapyards and still holds an Environment Agency license as a scrapyards.

4.2. Planning permission for a change of use to a holiday lodge park in 2016, was achieved amidst strong local objection. The objections from locals focused on the tourist traffic that would be generated, using the narrow road from Sea View Farm down towards Robin Hood's

Bay and Fylingthorpe. The applicant, aware of the local objection, has not commenced the change of use. Consideration was again given to selling the site as a scrapyards with planning permission for change of use to a holiday lodge park, but Mr. Lilley would prefer to remain in his home.

- 4.3. Mr. Lilley was first approached by a local start-up business (Nobles Shellfish and Curing Company Limited) to request use of one of Mr. Lilley's storage containers for the storage of fishing equipment. The storage containers had been underused since the reduction in operation of the scrap yard. As a favour to a friend and supporting a young entrepreneur, Mr. Lilley allowed the storage container to be used.
- 4.4. Having failed to source an appropriate building locally for the new business, 'Nobles' then approached Mr. Lilley to use one of the existing buildings on site. Feeling that the existing buildings would not meet Environmental Health standards, Mr. Lilley erected the new building on the site of a demolished building. The new building sits on the same footprint as the previous building but is lower in height to eaves and stands at 3m to eaves. The shellfish is processed at site before being distributed to retailers. The shellfish business operates as a wholesaler only.
- 4.5. The shellfish business buys shellfish landed at Robin Hood's Bay, Whitby, Scarborough and at times Bridlington. The fresh produce is then transported by small van to the site at Sea View Farm and is processed. The following morning, the dressed shellfish is then delivered to local restaurants giving consumers locally sourced shellfish, direct to their plate in under 24 hours.
- 4.6. The location and rent of the processing building is critical in supplying fresh, affordable produce to the local restaurants. With food provenance such an important factor in the decision process for consumers and food tourism playing a key role within the National Park, it is critical for local food outlets that they are able to offer this. New eateries, opening in local towns and villages, are doing so because of the direct link of food tourism to location; people want to visit the Yorkshire Coast for locally sourced seafood amongst other factors.
- 4.7. The business currently employs 6 full time members of staff. The employment is expected to be permanent.

5. Principle of Development

- 5.1. The application is for the retrospective planning permission for a replacement building on the application site and the use of the erected building as a shellfish processing business.
- 5.2. Given that the building was constructed in October 2017 and the business has been operating from the site for a number of months, without complaint, it can be reasonably assumed that no adverse impacts have been caused by either the erection of the building or the operation of the shellfish processing business.
- 5.3. Whether the development in relation to this application is acceptable in principle, centres on establishing if a replacement building in this location, with improved design and a change of use from one commercial use to another at the site, is deemed acceptable. The principle of commercial use within this location has been established through historical circumstance.
- 5.4. The position of the Draft Local Plan results in a reliance on the policies of *the National Planning Policy Framework* and the *'Development Plan'* for the North York Moors National Park. Consideration should be given to the fact that the Development Plan policies were adopted in 2008 and are therefore not necessarily compliant with the aims of the NPPF. The weight given to the Development Plan policies should therefore be appropriate, given the aims and visions of the NPPF.
- 5.5. In line with the overarching aim of the NPPF, the change of use at the site represents sustainable development. The site in its current planning use as a scrapyard, is not environmentally or socially sustainable. Although economically sustainable for the site owner, it does not represent the best use of the land economically for local residents or National Park users. As a shellfish processing business, the site is socially and economically sustainable; having already created 6 new full-time employment positions for local people within the first 6 months of operation.
- 5.6. Additionally, the development is supported by the NPPF which states that Local Planning Authorities should 'support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well-designed new-buildings.'

- 5.7. Clearly, the development at Sea View Farm supports economic growth, creates jobs, supports tourism and helps to support a strong rural economy on the North Yorkshire Coastline. As an area previously in receipt of the European Development Fund, it will be critical in the future that the Local Authority seizes opportunities to support local business where job creation and support of the local economy is at the centre.
- 5.8. The business supplies several local restaurants and food outlets which in turn provides local employment opportunities as well as encouraging tourism through the provision of locally sourced food. Sourcing all the shellfish locally from landings of small boats at Robin Hood's Bay to larger commercial fishing boats at Whitby and Scarborough, the shellfish business is directly supporting the local economy.
- 5.9. With regard to the adopted local planning policies, the relevant policies have been addressed above (see Section 3). Excluding Spatial Objective 7 which looks to support the tourism industry, the development plan policies all relate to reducing or eliminating harm that a development would cause within the National Park. With this in mind, it can be assumed that given the reduction environmental, highways, noise, odour, light and other amenity impacts of both the current and approved planning uses, that this application is supported by local planning policy aims and as such, should be supported.

6. Design and Access

Design

- 6.1. The demolished building has replaced with a building of identical width and length. The newly erected building has a reduced height of around 0.6 metres.
- 6.2. The building is constructed of a breeze block wall (approximately 1.5 metres in height), with Olive Green box profile metal cladding sheets to the upper part of the walls. The roof is constructed of Grey box profile roofing sheets with 8 skylights also constructed from profile sheeting. The building has been finished with a concrete floor.
- 6.3. Internally, there are 3no. fridges, an electric extractor fan and a naturally exhausting extraction unit.
- 6.4. The building benefits from a vehicle entry roller shutter door and a pedestrian door to the eastern elevation. There is a single pedestrian door to the western elevation.
- 6.5. The photograph below shows the completed building.



PHOTOGRAPH 1: EASTERN ELEVATION OF THE BUILDING

Access

- 6.6. The building to which this retrospective application relates is accessed via the existing access to Sea View Farm. Internally, the existing concrete roads remain. No changes to the access are required and the frequency of trips is significantly fewer and the size of vehicles used is significantly smaller.
- 6.7. The retrospective change of use would see a reduction in the size of vehicles (currently HGV's, LGV's and Trailered vehicles) using the local roads.
- 6.8. The operation of the site as a shellfish processing business for a number of months, without concern or incident, highlights the acceptability of the change of use. Vehicle movements at the site are for uplift and delivery by small vans. Noting the use of the site as a scrapyards, this is considered to be a less intensive use of the site and will lead to fewer vehicular movements than had previously been experienced by local residents. During consultation on the application for the Holiday Lodge Park, residents expressed their concerns with tourist's vehicles travelling along the narrow lane leading from Sea View Farm down to Robin Hood's Bay and Fylingthorpe (Shop Hill), this application would remove the possible journeys along this road as the uplift and deliveries would be made by local people who are familiar with the constraints of the local highway network.

Odour and Vermin

- 6.9. Odour and vermin as a result of the use of the site should not arise as an issue as the site has to operate in conformity with mandatory requirements by separate legislation. Matters such as clean food handling facilities, food processing operations, storage on site and within the delivery vans, management of waste products and cleansing regimes are all considered through legislation administered by Environmental Health. Solid waste collection is undertaken on a daily basis and no waste material stored on-site. Given that no complaints have been made by local residents, it is assumed that the best practices undertaken at the site are considered appropriate.

Noise

6.10.Noise arising from the use of the development, such as chillers and ventilation, are internal to the buildings on site. No complaint has been received and if it is considered that this may arise as a concern, it may be addressed by condition.

Landscape

6.11.There are no changes to the landscaping at the site, given that the building is on the site of a demolished building.

6.12.The lower roof height and the improved design of the application building has resulted in minimal views of the building from outside of the site. The site already benefits from extensive mature planting of both hedgerows and trees, as well as high fencing that restrict views into the site.

6.13.No adverse landscape impact is therefore expected.

Operational Hours

6.14.The site operates around the landing of the fresh shellfish locally. This in turns relies on the sea conditions being suitable for landing shellfish. As such, strict operating times would not be appropriate for the business.

Drainage and Waste

6.15.Drainage of the processes undertaken on site is internal to the building and is used a nutrient rich supplement on the site owners grass paddocks.

6.16.Waste management of solids is undertaken by YorWaste who collect from the site daily. External storage or insecure storage of waste resulting from shellfish processing is controlled by separate legislation (administered by Environmental Health) and should not occur. It is therefore not considered to cause an amenity issue.

7. Conclusion

- 7.1. The replacement of a former building at the site with a building of similar dimensions, lower in height and higher quality design, is not considered to cause unacceptable harm at this location. The current landscaping at the site and the buildings relationship with the topography of the surrounding land, result in an acceptable development in an appropriate location. The principle of commercial use within this location has been established through historical circumstance.
- 7.2. It is considered that the erection of the replacement building and the change of use can be supported in line with National and current local policy and that the proposed use reduces the impact of the application site on the National Park. In addition, it supports the enjoyment of the National Park by both residents and tourists alike.