

# PLANNING, DESIGN AND ACCESS STATEMENT

Retrospective Application for Change of Use of Land from Scrapyard (Sui Generis) to Mixed Use (B1, B2 and B8 Uses) and the Erection of a 4no. Buildings and Siting of Storage Containers

NYMNPA

22/11/2018

Sea View Farm  
High Normanby  
Whitby  
North Yorkshire  
YO22 4PR

Carlanth Fishing Company Limited

November 18

**Owston**  
ASSOCIATES

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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 4no. steel portal frame buildings following the demolition of the existing buildings, for uses falling within B1, B2 and B8 planning use classes. The erected buildings are identical in width (9.14m) and length (12.19m) to the demolished buildings but are lower in height by 0.6 metres and measures 3 metres to the eaves. The pitch is also orientated to reduce visual impact by following the direction of sight towards the coastline to limit visual interruption.



*Photograph 1: View into the site from the existing access*

- 1.3. The application area extends to 0.6 hectares (6402m<sup>2</sup>) and comprises the site which has an extant planning permission for use as a Scrap Yard with associated operations (Sui Generis) and a planning approval for the change of use of the site to a holiday lodge park (NYM/2015/0601/FL). The buildings the applicant has erected, are a replacement in both size and form of the demolished buildings. The erection of the replacement buildings to which this application related, commenced in October 2017. The buildings are being used within planning use classes as follows:

- Building 1: A workshop for farm machinery used upon the Applicants land holding.
- Building 2: Used for storage of bales of hay and straw.
- Building 3: Currently used as a shellfish processing building.
- Building 4: This building is being used as a storage building for Venus Trading Ltd.

1.4. The site is well screened from the A171 and neighbouring properties by existing tree and hedge planting. Access to the buildings is taken via the existing site access and parking is provided adjacent.

1.5. The site has been the subject of detailed pre-application discussion between the applicant, Gemma Owston and Mark Hill (Head of Development Management at North York Moors Planning Authority) and the proposal to which this application relates was given verbal approval by Mr. Hill at a meeting with Mr. Lilley, at site.

## 2. Planning History

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

- **Application Number: NYM/2018/0379/FL** | Retrospective Application for Erection of a Building and Use of the Building as a Shellfish Processing and Storage Building |Application Withdrawn | Date: October 2018
- **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
- **Application Number: 40290406** | Change of Use of general purpose scrapyard building to motor vehicle repair workshop | Refused | Date: 12/10/1992

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### 3. Key Planning Policies

#### National Planning Policy

3.1. The National Planning Policy Framework (NPPF) was updated by the Government in July 2018 and contains a strong presumption in favour of sustainable development. Paragraph 10 of the NPPF states that:

*'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).'*

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

*'c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;*

*or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

3.3. Paragraph 83 goes on to say that:

*'Planning policies and decisions should enable:*

*a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*

*b) the development and diversification of agricultural and other land-based rural businesses;*

*c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*

*d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.*

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.*

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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 31<sup>st</sup> October 1989 and the development of the buildings has been progressive since then, as shown in the photographs below:



*Photograph 2: Historic Aerial Photograph of the Application Site.*



*Photograph 3: Historic Aerial Photograph of the Application Site.*

4.2. Mr Lilley has run the site as a salvage and scrapyard business successfully since that date. Following personal tragedy, the applicant has reduced the operation of the scrapyard business and it has not been running at full potential. The site does still have a planning use as a scrapyard and still holds an Environment Agency license as a scrapyard.

4.3. 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 scrapyard with planning permission for change of use to a holiday lodge park, but Mr. Lilley would prefer to remain in his home.

#### Building One

4.4. Mr. Lilley has an agricultural land holding and as such requires storage and a workshop facility for maintenance of his agricultural machinery. This building is a replacement for an existing building that was demolished due to it being in a poor state of repair and no longer fit for purpose due to the increased amount of the machinery required.

### Building Two

4.5. This building is being used for the storage of hay bales. The demolition of storage on site has been replaced with this building which will provide a more appropriate building for dry, safe storage of bales.

### Building Three

4.6. 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.

4.7. 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.

4.8. 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.

4.9. 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.

4.10. The business currently employs 6 full time members of staff. The employment is expected to be permanent.

#### Building 4

4.11. Mr. Lilley was approached by the owners of Venus Trading Ltd after they were displaced from their existing premises when their previous landlord let their unit to Sirius Mining. The company has a gift shop in Whitby and it is essential that they have space to store stock they have bought wholesale to optimize pricing and profit. With space at a premium in Whitby, the application site offers a cost effective and conveniently located storage solution of the business.

4.12. Without the ability to bulk buy and store products for sale in the shop, the business would inevitably fail and there would be an economic impact with job losses and an empty retail unit on Sandgate, Whitby.

## **5. Principle of Development**

5.1. The application seeks planning permission for the retrospective Change of Use of the scrapyards site (Sui Generis) to a mixed use (B1, B2 and B8) site, the erection of 4no. replacement buildings and the siting of storage containers.

5.2. The change of use of the site and erection of the first of the three buildings commenced in October 2017 and the shellfish processing business has been operating from the site for a year without complaint. It can therefore be reasonably assumed that no adverse impacts have been caused by either the erection of the buildings, the change of use of the site 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.

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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 mixed B1, B2 and B8 use proposal, the site meets the needs of local businesses, displaced by the arrival of Sirius Mining who have taken over the existing provision. The site has 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 businesses located at Sea View Farm are all local businesses who employ local residents and directly support the local economy. The businesses do not involve the general public

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using the site and Mr. Lilley is keen to protect his privacy as well as respecting the concerns raised by local residents with regards to previous applications.

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 buildings have replaced with buildings of identical width and length to ensure minimal landscape and visual impact. The newly erected buildings have a reduced height of around 0.6 metres and mature landscaping has been maintained at site. The newly erected buildings are of an agricultural character to respect the surrounding landscape and neighbouring uses.
- 6.2. The buildings are 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 buildings have been finished with a concrete floor.
- 6.3. The buildings benefit 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.
- 6.4. The photograph below shows the completed building.



*Photograph 4: Eastern elevation of building 3.*

## Access

- 6.5. The site is accessed via the existing access to Sea View Farm. Internally, the existing concrete roads remain and no changes to the access are required. The frequency of trips is significantly fewer and the size of vehicles used is significantly smaller than those associated with the Scrapyard business.
- 6.6. 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.
- 6.7. The operation of the site as B1, B2 and B8 business uses for a year, 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 scrapyard, 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

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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

6.8. 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

6.9. Noise arising from the use of the site 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

6.10. There are no changes to the landscaping at the site, given that the buildings are on the site of a demolished buildings and replaces the stacks of cars associated with the extant permission as a scrapyards.

6.11. 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. From the main Whitby to Scarborough (A171), the views towards site are restricted and the agricultural buildings of the neighbouring farm draw the eye away from the application 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.

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6.12.No adverse landscape impact is therefore expected.

### Operational Hours

6.13.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

6.14.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.

6.15.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 former buildings at the site with buildings of similar dimensions, lower in height and higher quality design, is not considered to cause unacceptable harm at this location. The change of use of the site from a scrapyard to a mixed use B1, B2 and B8 within 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 buildings and the change of use of the site can be supported in line with both National and current Local Planning 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.