

North York Moors National Park Authority

District/Borough: Scarborough Borough Council
(North)
Parish: Hawsker-Cum-Stainsacre

Application No. NYM/2017/0627/FL

**Proposal: Variation of condition 2 (material amendment) of planning approval
NYM/2016/0818/FL to allow an increase in footprint of the building**

**Location: land adjacent Cemex Materials UK Ltd
Stainsacre Lane Industrial Estate
Whitby**

Decision Date: 30 October 2017

Consultations

Parish – No objections

Highways – No objections

Environmental Health Officer –

Fire and Rescue – No objection/observation

Site Notice Expiry Date – 10 November 2017

Others – Mr C E Inman, 20 Leat Close, Norton, Malton – The footpath should be protected and possibly enhanced. Alternatively it should be re-aligned away from the industrial estate.

Director of Planning's Recommendation

Approval subject to the following condition(s):

1.	TIME015	The development hereby permitted shall be commenced before the 10 February 2020															
2.	PLAN01	The development hereby permitted shall not be carried out other than in strict accordance with the following documents: <table border="1"><thead><tr><th>Document Description</th><th>Document No.</th><th>Date Received</th></tr></thead><tbody><tr><td>Proposed Block Plan</td><td>D11039-00 Rev A</td><td>4th September 2017</td></tr><tr><td>Proposed Plans</td><td>D11039-19 Rev A</td><td>4th September 2017</td></tr><tr><td>Proposed Plans</td><td>D11039-20 Rev A</td><td>4th September 2017</td></tr><tr><td>Proposed Elevations</td><td>D11039-21 Rev A</td><td>4th September 2017</td></tr></tbody></table> or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.	Document Description	Document No.	Date Received	Proposed Block Plan	D11039-00 Rev A	4 th September 2017	Proposed Plans	D11039-19 Rev A	4 th September 2017	Proposed Plans	D11039-20 Rev A	4 th September 2017	Proposed Elevations	D11039-21 Rev A	4 th September 2017
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3.	RSU000	The premises shall not be used other than as Classes B1, B2 and B8 of the Schedule to 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 within Schedule 2, Part 3, Classes A-V of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order).
4.	GACS02	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.
5.	MATS07	No work shall commence on the construction of the walls of the development hereby permitted until details of the brick, including samples if so required by the Local Planning Authority, to be used for the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The brick used shall accord with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed with the Local Planning Authority.
6.	MATS19	The external surface of the roof of the building hereby permitted shall be coloured and thereafter maintained " Merlin Grey " and shall be maintained in that condition in perpetuity unless otherwise be agreed in writing with the Local Planning Authority.
7.	MATS00	The external elevations of the building hereby approved shall, within three months of first being brought into use, be clad in steel sheet panels coloured either 'Goosewing Grey' or 'Gull Grey' and shall thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority.
8.	HWAY14 B	No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 2: i) have been constructed in accordance with the submitted drawing D11039-00 ; ii) are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
9.	LNDS02B	All hard and soft landscape works comprised in the approved details shall be carried out no later than the first planting season following the occupation of the buildings, or completion of the development, whichever is the sooner, or in accordance with a programme agreed by the Local Planning Authority. The approved landscaping scheme shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
10.	MISC12	The development hereby permitted shall not be brought into use until the approved renewable energy measures to generate energy on site from renewable sources to displace at least 10% of predicted CO ₂ emissions have been installed and thereafter maintained in a working condition.

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Reason for Condition(s)

1.	TIME01	To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2.	PLAN01	For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.
3.	RSU000	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 NYM Core Policy A and NYM Development Policy 3, which seek to enhance and conserve the special qualities of the NYM National Park and ensure that development does not have an adverse effect on the amenities of adjoining occupiers.
4.	GACS02	In the interests of the visual amenities of the locality and to comply with the provisions of NYM Core Policy A which seeks to conserve and enhance the special qualities of the National Park.
5 & 6.	MATS01	For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 which seek to ensure that building materials are of a high quality and compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
7.	MATS02	For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 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.
8.	HWAY14 B	In accordance with NYM Development Policy 23 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
9.	LNDS01	In order to comply with the provisions of NYM Development Policy 3 which seeks to ensure that new development incorporates a landscaping scheme appropriate to the character of the locality and retains important existing features.
10.	MISC06	In order to comply with the provisions of NYM Core Policy D which seeks to ensure that new development contributes to reduce carbon emissions.

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Background

This application seeks to gain full permission for the Variation of Condition 2 (material amendment) of planning approval NYM/2016/0818/FL to allow an increase in footprint to the building. There are also the following changes to the front, rear and north east elevation:

- The ridge and eaves height of the building will be the same for the whole building, whereas the building consented in application NYM/2016/0818/FL was spread across two different levels.
- There will be an additional roller shutter door and a pedestrian door on the south east elevation.
- The windows on the north east elevation have been removed.
- The large glazed section on the north west elevation has been removed.

The building will be located at the north-eastern corner of Fairfield Way, which forms part of the Whitby Business Park. The proposed building would be situated between the existing cement works and another industrial building. The building would measure 53.7m long x 11.6m wide with a height to the eaves of 5.6m and to the ridge of 8.7m.

The north west and south east elevations would have minimal glazing and the south west elevation (facing onto Fairfield Way) would partly have large areas of walled glazing. The windows would be framed with grey aluminium clad and the elevations would be clad with grey profile sheeting above brickwork and the roof would also be clad in dark grey profile sheeting.

The building would provide office space for 8-10 staff, meeting room facilities, processing and refrigeration facilities, work areas, storage, reception area and a lorry unloading area.

The external space would be landscaped with hedging and screen planting and would include the maintenance of the public right of way within the site. Parking would be provided along the eastern boundary and the external areas would be lit by low level bollard lighting and the building would be lit with an integral lighting canopy.

Main Issues

Core Policy A of the Local Development Framework seeks to ensure that new development conserves and enhances the Park's special qualities; with priority being given to ensuring development does not detract from the quality of life of local residents and supports the character of a settlement.

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Core Policy D of the Local Development Framework seeks to address the cause of climate change and contribute to reducing greenhouse gas emissions in a number of ways, including generating energy from renewable sources where they are a scale and design appropriate to the locality, and which contribute towards meeting domestic, community or business energy needs within the National Park. This includes requiring commercial development of over 200sqm to generate energy on-site from renewable sources to displace at least 10% of predicted CO2 emissions.

Core Policy H of the Local Development Framework seeks to strengthen and support the rural economy by providing local communities with a range of opportunities for entrepreneurship, education and training in various ways, including allowing new employment development in Whitby Business Park, service villages and local service villages.

Development Policy 3 seeks to maintain and enhance the distinctive character of the National Park by ensuring that the siting, layout and density of development preserves or enhances views into and out of the site; that the scale, height, massing and design are compatible with surrounding buildings; that the standards of design are high; that there is satisfactory landscaping and that the design takes into account the safety, security and access needs for all potential users of the development.


Development Policy 10 of the LDF seeks to permit the re-use of existing buildings for employment and training purposes where the building is of sound construction, there is sufficient land, storage space and parking, the building does not have an adverse impact on the character of the area and there are existing adequate access arrangements.

The Whitby Business Park Area Action Plan sets out how the Business Park will be developed over the period to 2026. It includes proposals to improve and expand the existing site to accommodate new businesses and sets out highway, infrastructure and environmental improvements.

The proposed external colours are considered to be sufficiently muted to not be too visually intrusive, as the Design Brief suggests.

The proposal meets the aims and polices set out in the Whitby Business Park Area Action Plan and accompanying Design Brief. The details of design, height (similar to adjacent buildings) and proposed landscaping would also seem to be in accordance with the criteria set out in the accompanying Design Brief.

Core Policy D would be complied with, by the use of solar panels on the west facing roof slope, which is considered to be acceptable on this proposed dark grey roof.

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An Area Action Plan does suggest that in some cases financial contributions will be sought through a S106 agreement, towards improvements of the site as a whole. However, in this instance, as the site is being purchased directly from SBC, a request for separate financial contributions would not be required in this instance (as this should be incorporated into the final sale price).

The principle of development of this site has already been approved under planning application NYM/2016/0818/FL, and the changes proposed would not significantly change the overall impact of the development. In view of the above, the proposal is considered to be in accordance with adopted Policies and approval is recommended.

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.

Signature:		Date:	9/11/17
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