

North Yorkshire Council

Community Development Services

Richmond (Yorks) Area Constituency Committee

10 April 2025

ZD24/00597/FULL - Full planning Permission for Erection of a New Employment Unit (Use Class B2 / B8) with Associated Yard and Site Compound at Western House Business Park, East Road, Melsonby, DL10 5NF by Middle Caves Limited

Report of the Head of Development Management – Community Development Services

1.0 Purpose of the Report

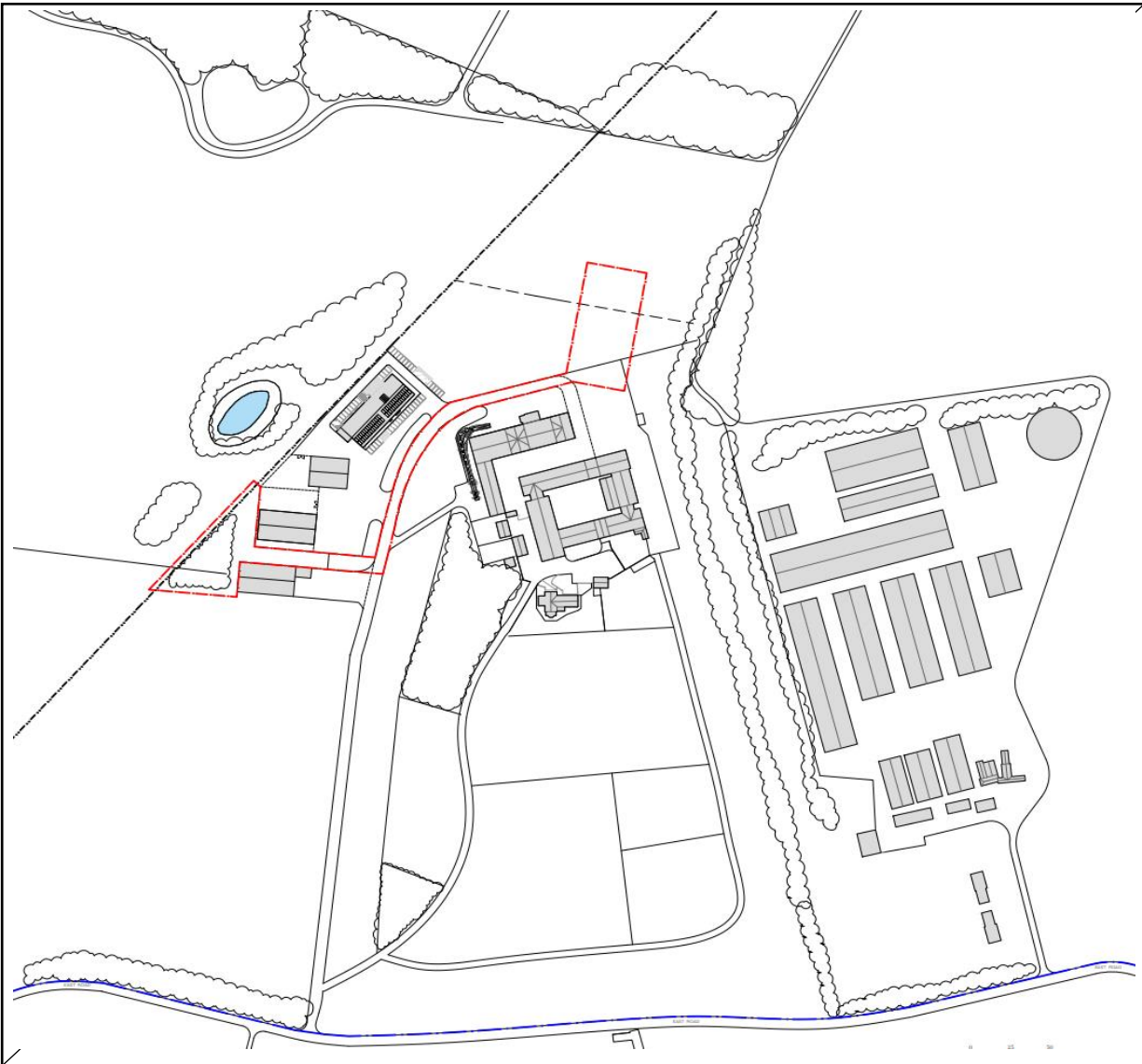
- 1.1. To determine a planning application for Full planning Permission for Erection of a New Employment Unit (Use Class B2 / B8) with Associated Yard and Site Compound on land at Western House Business Park, East Road, Melsonby, DL10 5NF.
- 1.2. The proposal raises significant material consideration in respect of rural location and amount of gross internal floor space proposed.

2.0 SUMMARY

RECOMMENDATION: That planning permission be GRANTED subject to conditions listed below.

- 2.1. This application seeks Full Planning Permission for the erection of 1 new employment unit (Use Class B2 / B8) with associated yard and site compound at Western House Business Park, Melsonby. The new building would be positioned to the north of the existing complex and would be similar to the three recently constructed units located to the western side of the site, in terms of material finish. The purpose of the building is to allow additional production and stores space to allow the company to retain all production in-house, creating a total of 13 no. full-time new roles as a result. No condition is recommended in respect of occupancy restrictions.
- 2.2. Western House Business Park was originally a former racehorse training enterprise, which was converted under application ref. 19/00299/FULL to the existing buildings on site for business uses. Since then, a change of use application was granted for a former turf building just outside the original complex of buildings and more recently, for the erection of 3 no. new units, also to the western side of the site, which are now in situ with businesses operating from them. On this basis and notwithstanding any technical issues that are also pertinent to the scheme, the principle of economic development in this location has already been established through these decisions.
- 2.3. Other material issues that are considered to be relevant to this application are that of landscape impact, highway safety, flood risk and drainage and contamination. The applicant has been able to demonstrate that Biodiversity Net Gains in excess of 10% can be achieved and delivered on-site, as a result of the reconsulted change to the submitted Location Plan to include a new planting (within the ownership of the applicant).

- 2.4. Although there are substantial areas of new planting to the far north of the application site; the north east and obscured views of the new building by virtue of existing structures, the new building would partially project into the surrounding countryside. No new planting has been included in the submission, mainly due to the limitations and lack of space available within the application site boundary which runs very close to the proposed building and compound/parking areas.
- 2.5. With regards to highway safety, Melsonby Parish Council remain concerned about an increase in traffic as the business park expands and in particular, traffic movements through the village. The Local Highway Authority have considered the submitted details and have responded to confirm no objections, subject to conditions.
- 2.6. On balance, whilst the proposed new building would not benefit from new planting immediately around the northern gable of the building to 'soften' views within the open countryside, the proposed building would be viewed as part of the existing complex of buildings when seen from public vantage points. The scheme would support an existing business already operating from the site and would create new employment opportunities within the area. Overall, the scheme is considered to be in compliance with Spatial Principle SP5, Core Policies CP2, CP3, CP4, CP7, CP12 and CP13 of the Local Plan and the NPPF.



3.0 **Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found here:- [Planning Documents](#)
- 3.2. There is an extensive planning history relating to this site, going back to the early 2000s when the racehorse training facility was first established. The most recent applications that are relevant to the consideration of this pending application are:
- Application ref. 19/00299/FULL- Full Planning Permission for Change of Use of Former Racehorse Training Complex to B1 / B8 Use with Car Parking, Drainage and Soft Landscaping (Revised Details Received 26.07.19) approved October 2019.
 - Application ref. 19/00876/FULL - Full Planning Permission for Change of Use of Land and Buildings from Agriculture to Light Industrial (Use Classes B1c/B8) / Storage and Distribution (Use Class B8). Approved April 2020.
 - Application ref. 21/00668/FULL - Full Planning Permission for Erection of 3 No. Employment Units (Use Classes E(g)(ii); E(g)(iii); B2 & B8). Approved 30.03.2023. A similar application was subsequently submitted for the 3 no. units (ref. ZD23/00597/FULL, approved 20.03.2024) to enable one of the units to be used by a veterinary orthopaedics business.

4.0 Site and Surroundings

- 4.1. Western House Stables is a former racehorse training establishment but now established business park, the buildings for which were built around 2006/7 and later converted mainly as part of decision ref. 19/00299/FULL. The existing business park is located on the north side of East Road, Melsonby and the application site lies to the west.
- 4.2. Serving the complex, there is one junction off East Road that divides into two accesses – one, a tarmac road, running northwards to serve the existing complex and a former agricultural building located to the west side of the complex and immediately south of the application site (now occupied by Agrovista); and one, running north-eastwards, to serve the main dwellings and the south side of the complex. This access is closed off with an electronic sliding gate.
- 4.3. The application site lies within open countryside to the north of the existing complex and east of Melsonby on the north side of the Melsonby to Barton Road (East Road). This is an attractive area of predominantly rolling agricultural landscape, where the land form generally falls away to the north and east of the village, and to the north of East Road. The rolling nature of the landform to the north of the road, with some high ground, does provide some screening of the main existing site, but there are very open vantage points from the road due south of the site. A Public Right of Way (PROW) runs close to the western boundary of the site and crosses through the complex. This PROW has now been diverted to the north of the application site to re-join another PROW that runs part way along the western access track (as confirmed by NYCC). The site is also open to longer views from the Melsonby to Aldbrough Road. Longer distant views are available from the Piercebridge Road.

5.0 Description of Proposal

- 5.1. This application seeks Full Planning Permission for the erection of 1 no. new employment unit (Use Class B2 / B8) with associated yard and site compound at Western House Business Park, Melsonby. The application sets out that the building is required in connection with an existing business already operating from the site (Swarco), further to a review of current production and finished portfolio, which is currently split between Western House Business Park and other companies in the south of England, as well as companies within the EU. The proposed building would allow the company to retain all production of finished products 'in-house', by providing additional production and stores capacity.
- 5.2. The Planning Statement submitted with the application sets out that an additional 10 no. full time production roles and 3 no. full time office supporting roles would be created as a result of the development.
- 5.3. The new building would be positioned within the general group of existing buildings, although would project out into part of the surrounding agricultural field. It would take on a similar appearance in terms of form, colour finish and scale as the recently approved units already in situ to the west and so would be finished in a mixture of brown composite cladding and buff stone walling, with two roller shutter door openings and two personnel doors for access and natural light. The approximate measurements of the building would be 10m in height x 40m in length x 25m in width (and most comparable in terms of floor space to the nearest of the new units, unit 13).
- 5.4. Further to an initial response on behalf of NYC Ecology, the Location Plan submitted with the application was revised (and reconsultation carried out) to encompass an area elsewhere on the business park to be used in association with Biodiversity Net Gains. The applicant has demonstrated that an excess of 10% can be achieved and as such, a Planting Plan has also been submitted with the application.

5.5. Also since submission, the agent has submitted a revised Site Layout Plan to illustrate 2 no. EV Charging spaces and cycle storage. An additional 8 no. parking spaces would be located to the southern end of the building and a yard/compound to the north.

5.6. The application site is located with Flood Zone 1 and foul drainage would be via a treatment plant, discharging to watercourse. Surface water would be discharged via the existing surface water drainage infrastructure that serves the wider site.

6.0 Planning Policy and Guidance

6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

6.2. The Adopted Development Plan for this site is:

- Richmondshire Local Plan 2012-2028 Core Strategy, adopted 2014
- Saved Local Plan Policy 23 of the Richmondshire Local Plan 1999-2006
- The Minerals & Waste Joint Plan 2015 – 2030 adopted 2022

Emerging Development Plan – Material Consideration

North Yorkshire Council is preparing a new Local Plan, however, it is at too early a stage to be a material planning consideration.

Guidance - Material Considerations

6.3. Relevant guidance for this application is:

- National Planning Policy Framework
- National Planning Practice Guidance
- National Design Guide 2021

7.0 Consultation Responses

7.1. The following consultation responses have been received and have been summarised below.

7.2. **Parish Council:** The Parish Council are concerned and have raised this previously, that the additional traffic to Western House is directed out towards the A1 with adequate signage in place. They have asked that this is a condition of all planning applications.

They previously asked the question if there is a limit to the size of Western House and as yet have not had a response. They have previously asked if their role as a Parish Council and the planning consultation process is a “tick box” exercise and again have not had a response.

7.3. **Division Member(s):** No response received.

7.4. **Ecologist:** The application site is species-poor amenity grassland and also includes part of a car park. This is of intrinsically low value for biodiversity and no further surveys are necessary. However, the BNG Report as submitted sets out that whilst a 13% uplift in BNG can be achieved, this would be within the existing business park but outside the land edged red.

The applicants have since amended the 'land edged red' line as shown on the location plan (reconsultation for a period of 21 days) so that the creation of mixed scrub can take place

within the site boundary, albeit closer to an existing unit elsewhere. Comments are now as follows:

Creation of mixed scrub is simple, easy to achieve and would only require minimal monitoring. BNG could therefore be secured by condition. A Biodiversity Gain Plan/Habitat Management and Monitoring Plan will need to be submitted for approval prior to commencement via the deemed condition. The HMMP should include a planting plan, species mix, planting method, guidance for after-care and management, and a simple monitoring schedule.

7.5. **Environmental Health:** No objections, subject to a condition relating to contamination, should it be found at any time during the development that was not initially identified.

7.6. **Local Highway Authority:** *The extension to the existing premises is to provide additional production and storage capacity and therefore the increase in vehicular traffic would be minimal, with no significant impact on the local highway network.*

With regards to the travel plan requested, it is understood this will be covered by the travel plan required for previously approved planning application ZD23/00597/FULL. It is noted that that condition has yet to be discharged but is subject to a S106 contribution, and as such the LHA will recommend that the travel plan requirement for this extension is secured by condition.

The LHA do not object to the application, subject to conditions relating to the provision of the approved access, turning and parking areas, Travel Plans and a Construction Phase Management Plan (small sites).

7.7. **National Highways:** No objections

7.8. **Northumbrian Water:** No comments to make as the applicant is not proposing to connect to the public network.

7.9. **Designing Out Crime Officer:** It should be noted that rural commercial businesses are vulnerable to burglary. Consequently, it is recommended that for a building of this nature, particularly if it is storing items of value, that doorsets, windows, shutters and roof lights fitted must be to a good security standard. For example, the doorsets and windows to comply with PAS24:2020, roof lights and roller shutters should also ideally, as a minimum standard, comply with LPS1175 Issue 8 Security Rating 2, or to the same standard of a similar rating scheme.

7.10. **Yorkshire Water:** The application site is within the Northumbrian Water operational boundary.

7.11. Local Representations

7.12. **CPRE:** Having considered the documents submitted in support of the proposal, CPRENEY has no objection to the proposed scheme for an additional B2/B8 storage unit on the existing Business Park at Melsonby - which was first commented on by the then CPRE North Yorkshire in 2019. CPRENEY welcomes the fact that the applicant has sought to locate the unit in an existing employment area and intends to install solar panels to the roof space - something which CPRE in particular, supports. CPRENEY, however, echoes the comments of the North Yorkshire Highways Authority in asking the Council to ensure that the site Travel Plan is reviewed to incorporate the proposed new build and up-to-date requirement of EVC points and cycle storage are included within the design.

7.13. **NYC Public Rights of Way:** No response received.

7.14. **Ramblers Association:** No comments to make.

- 7.15. **Yorkshire Wildlife Trust:** No response received.
- 7.16. There have been no local representations received on behalf of any nearby residential properties.

8.0 Environment Impact Assessment (EIA)

- 8.1. The proposed development does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

9.0 Main Issues

- 9.1. The key considerations in the assessment of this application are:

- Principle of development
- Landscape Impact and Design
- Employment Opportunities
- Transport and Highway Considerations
- Flood Risk and Drainage
- Carbon Savings
- Ecology and Biodiversity Net Gains (BNG)
- Neighbour Impact
- Contamination

10.0 ASSESSMENT

Principle of Development

- 10.1. The original, centrally located units on site, now known as Western House Business Park were previously developed as part of a successful racehorse training enterprise, with stabling capable of accommodating around 112 horses and employment of around 25 full-time employees and a manager. The establishment closed in 2017 and in seeking to reuse the complex of buildings, that had remained unused ever since, an application was submitted (ref. 19/00299/FULL) for a change of use to B1/B8 with car parking, drainage and soft landscaping. There have been further applications to extend and amend units within the complex and change the use of a former corn storage building, used in association with a turf business.
- 10.2. Since this time, a further application was approved by Members of the Richmondshire District Council Planning Committee (ref. 21/00668/FULL) for the erection of 3 no. units (later resubmitted under application ref. ZD23/00597/FULL to include Class F1 of The Town and Country Planning (Use Classes) Order 1987 (as amended), as well as the already approved Use Classes E(g)(ii) (professional services, other than health and medical services); E(g)(iii) (other appropriate services in a commercial, business or service locality); B2 (general industry) and B8 (storage and distribution). Therefore, the principle of the development of new business units in this location, outside of but adjacent to the exiting converted complex has already been established through these permissions.
- 10.3. As part of the consultation process associated with this application, Melsonby Parish Council have queried whether or not there are any "limits" to development at this site. Whilst it is acknowledged that this employment site is not included within the list of existing employment locations in SP5 of the Local Plan, the site is an established and functioning business park, recently expanded by virtue of the additional units adjacent to the original complex. In terms of the principle of development, weight is apportioned to supporting existing business operating from Western House Business Park and their contribution to

the local economy in policy terms as well as employment opportunities that would result, however, each application must be assessed on its own merits from a technical point of view. Of particular concern to the Parish Council for this application is that of traffic movements and highway safety, which will be covered further on in this report.

- 10.4. Although an established business park as a whole, in contrast to the most recent applications for new units (which are occupied by businesses that have relocated from elsewhere), the proposed building would be erected in association with an existing business already operating from the site (Swarco). Since merging with another UK business two years ago, Swarco has been reviewing current production of its finished product portfolio, with production currently split between the application site and outsourced to other companies in the south of England, as well as companies within the EU. Swarco are now seeking to retain all the production of finished products that is currently outsourced in-house, which has led to the requirement for the proposed extension to their existing premises at Western House Business Park. In terms of policy requirements, Spatial Principle SP5 and CP7 of the Local Plan supports the development of small scale rural economic development to meet local needs and development that sustains small and medium sized enterprises, including the development of support services to encourage existing and new business to grow. Policy CP7 also supports the development of mixed use sites. Overall, the principle of development is considered to be in line with the relevant policy expectations in this regard.

Landscape Impact and Design

- 10.5. The building hereby proposed would be positioned within the general group of existing buildings, although would project out into some of the surrounding countryside. It would take on a similar appearance in terms of form, colour finish and scale as the recently approved units already in situ to the west. The building would therefore be finished in a mixture of brown composite cladding and buff stone walling, with two roller shutter door openings and two personnel doors for access and natural light. The approximate measurements of the building would be 10m in height x 40m in length x 25m in width (and most comparable in terms of floor space to the nearest of the new units, unit 13).
- 10.6. Public Views of the proposed building would be obscured by the existing complex when seen from East Road, however, the structure would be noticeable when seen from the Public Right of Way to the north (as now diverted, as a result of decision ref. 21/00668/FULL) and more distantly from Hang Bank to the north.
- 10.7. Whilst the Location Plan (and land edged red) has been amended in order to include an area of land to the south west of the site for BNG purposes, no new planting is proposed immediately around the new building itself. The 'red edge' of the application site runs relatively close to the building as well as yard/access and parking areas to be created so it would not be practical to require that more immediate planting be provided. Therefore, the impact of the proposed building must be considered within the existing context surrounding the site (which cannot be controlled via this application should planning permission be granted).
- 10.8. The proposed building would project out into what is currently open countryside and there would be public views of the building from the north (as well as intermittent views from East Road to the south). New planting immediately around the building to "soften" views would have been beneficial, particularly as at present, the building would be quite segregated from other units (approx. 110m from the nearest unit to the west and nearly 35m to the original business park to the south). However, as previously stated, public views of the building would be relatively distant and there is substantial (albeit it newly planted) landscaping to the east and far north of the building more widely. When viewed from the north, the

proposed building would be seen against the 'backdrop' of the existing complex and not stand in isolation in this regard.

- 10.9. On balance, it is considered that the proposed scheme would have an impact on the openness of the existing landscape that immediately surrounds the business park but when viewed as a whole, would constitute an extension to an existing development. On this basis, the scheme is not considered to be at odds with the expectations of CP12 of the Local Plan, which sets out that the landscape character of the plan area will be maintained, enhanced and, where appropriate, restored to ensure a sustainable future for the natural and historic environment.

Employment Opportunities

- 10.10. The Planning Statement submitted with the application sets out that an additional 10 no. full time production roles and 3 no. full time office supporting roles would be created as a result of the development. The creation of jobs and local employment opportunities is considered to be a material consideration, as it is supported by CP7 of the Local Plan.

Transport and Highway Considerations

- 10.11. The Local Highway Authority (LHA) were consulted on the application and initially requested additional details on cycle storage facilities/parking and Electric Vehicle (EV) charging. This was later supplied in the form of an updated site plan (ref. A010, rev. P4) confirming that these spaces can be located to the southern end of the building (2 no. EV charging spaces with cycle storage to the side).
- 10.12. The LHA also requested that a Travel Plan be submitted, however, the agent dealing with the application later confirmed that the proposed building forms an extension (albeit not physically) to an existing business operating on site under application ref. 19/00876/FULL and therefore is encompassed within the Travel Plan associated with that approval.
- 10.13. The Highway Authority have confirmed that they do not object to the application on this basis, subject to conditions to ensure the approved access, turning and parking areas are created prior to the building being brought into use and that a Travel Plan be submitted (prior to first occupation) to establish measures to encourage more sustainable non-car modes of transport. In addition, a Construction Management Plan is to be submitted prior to the commencement of development, in the interests of public safety and amenity.
- 10.14. No formal response has been received on behalf of NYC PRoW, however, the route (as now diverted) runs to the far north of the site and would not be impacted upon by the proposed development.
- 10.15. As mentioned earlier in the report, expansion of the site in terms of traffic and particularly, preventing vehicles associated with the business park entering and leaving the site via Melsonby Village continues to be of particular concern to Melsonby Parish Council. The principle of development is discussed in paragraphs 10.1-10.4, setting out that earlier decisions have accepted the principle of economic development in this location by virtue of it constituting an extension to the existing business park. However, with each new application, the LHA must consider the impact on any proposal on the existing access arrangements based on detailed information submitted with the application.
- 10.16. Paragraph 116 of the NPPF (2024) sets out that *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.* In this case and particularly giving weight to the fact that the proposed building would constitute an extension to an existing business already operating from the site, the LHA have concluded that the residual

cumulative impacts on the road network will not be served nor have an unacceptable highways safety impact. The scheme is considered to comply with the expectations of CP3 and CP4 of the Local Plan and the NPPF in this regard.

Flood Risk and Drainage

- 10.17. As a minor planning application, no Flood Risk Assessment is required as part of the application submission and therefore neither the Environment Agency nor the Local Lead Flood Authority have provided comments on this particular scheme. The application site lies within Flood Zone 1 and is therefore at very low probability of flooding from rivers and the sea. Longer-term risk from surface water flooding is also considered to be low, according to the government's Surface Water map.
- 10.18. As there is no public sewer connection to the site, as with the other developments, the applicant proposes to connect the new building to a packaged sewage plant, discharging to a culverted watercourse. Surface water would be discharged via the existing surface water drainage infrastructure that serves the wider site. Northumbrian Water have been consulted on the application, however, do not specifically comment on the application due to no public connection being proposed.
- 10.19. Based on the submitted details and relevant flood map data, it can be concluded that the proposed development would be unlikely to increase flood risk to the surrounding area and sufficient drainage (both foul and surface water) can sustainably be provided on site.

Carbon Savings & Climate Change

- 10.20. The proposed new building falls just below the 1000m² threshold, whereby CP2 of the Local Plan requires the submission of an Energy Statement. Nevertheless, the supporting Planning Statement sets out that Western House Business Park as a whole is served by a ground source heat pump system following the grant of planning permission in 2020 and the proposed new development would be served by this existing system. In addition, roof mounted solar PV would be installed on the building, as shown on the submitted plans. These measures align with those employed as part of earlier schemes where an Energy Statement was required and it is considered that appropriate levels of carbon savings can be achieved that are proportionate to the scale of development, in line with CP2 of the Local Plan.

Ecology and Biodiversity Net Gains (BNG)

- 10.21. As was the case for the extant planning permission, overall ecological value of the site was considered to be low. This is still the case and no objections have been raised by either NYC Ecology or the Yorkshire Wildlife Trust in this regard. Whilst generally being satisfied on the level of gains to be provided and the planting scheme proposed, this was to take place elsewhere on the site but not within the 'land edged red', which would need to be secured via a S106 legal agreement (despite the land being in the same ownership as the applicant).
- 10.22. In addition, a conflict between the previously approved landscaping scheme to come forward as part of the development of the 3 new units to the west and the scheme hereby proposed was identified. In order to simplify the process for the applicant and ensure that planting landscaping could still be delivered as originally envisaged, the Location Plan and 'land edged red' was revised and reconsultation carried out for a period of 21 days.
- 10.23. The NYC Ecologist has since reviewed the submission, including the revised Location Plan and Planting Plan and provided additional comments. Whilst the standard BNG condition to ensure the mandatory 10% BNG are achieved would automatically be applied to any permission granted, the NYC Ecologist also recommends that a condition be imposed to

require the applicant to submit a Habitat Management and Monitoring Plan (HMMP). The HMMP to be submitted shall include detailed plan, species mix, planting method, guidance for after-care and management, and a simple monitoring schedule.

Neighbour Impact

- 10.24. An additional unit (whether occupied by Swarco or another business in the future) operating within a B2/B8 use, could potentially lead to an increase in the number of vehicles entering and leaving the site. There is a barn conversion on the south side of East Road, but this is some distance to the east of the junction that serves the Western House complex. Therefore, even a small increase in the number of traffic movements associated with the use of the access would have a negligible impact on the amenities enjoyed by the occupants of this particular property. All of the other dwellings in the immediate vicinity of the site are in the ownership of the applicant. Having regard to the existing use of the site as a business park and the proposed development, where the traffic movements would be mostly along the access road from the A1 direction, I am satisfied that there would be no significant adverse impact on the amenities and privacy of the occupants of these dwellings.
- 10.25. The proposed B2 use could potentially generate noise from industrial activity within. However, Environmental Health have considered the details and have not raised any objections or concerns in relation to potential impact on neighbour amenity as a result of any noise and disturbance. No objections have been received as a result of public consultation and it is not considered that the proposals would be contrary to the expectations of Policy CP3 of the Local Plan with regards to amenity.

Contamination

- 10.26. The application site was formerly used for agricultural purposes and as such, Environmental Health are satisfied that the risk from contamination to the development would be low, recommending a condition to ensure that should contamination be encountered during works, this must be reported immediately to the LPA and works halted within the affected area.

Protected Species and Off-Site Habitats

- 10.27. The application site is located within the Nutrient Neutrality SSSI Catchment Area. Prior to granting planning permission for developments within the catchment, the Local Planning Authority must be satisfied that the proposal would be 'nutrient neutral' and would not have an adverse impact on the Teesmouth and Cleveland Coast SPA by increasing nutrient pollution. The requirement to demonstrate Nutrient Neutrality applies to all full and outline applications, however, there are certain exemptions, such as where overnight accommodation would not be provided. In general, commercial developments are exempt, because it is generally accepted that people tend to work and live in the same catchment, therefore wastewater is already accounted for.
- 10.28. This application proposes a new commercial building with the intention to be operated in connection with an existing business. As Nutrient Neutrality only applies to developments that would result in an increase in nutrients to the SSSI catchment area, although 3 no. WCs would be installed in the building these would be for employee use. No overnight accommodation is to be provided and although new jobs would be created as a result of the proposed development, the scheme would not necessarily directly result in new people being brought into the catchment. No response was received on behalf of Natural England through the consultation process and as the 'competent authority', officers are satisfied that the proposed development would not add to the nutrient load within the NN Tees Catchment Area and therefore, no calculations, mitigation report or HRA are deemed necessary.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. The principle of commercial development and extension of Western House Business Park has already been established through the granting of previous planning permission(s). Most recently, applications for the erection of three new business units to the western side of the original business park (created through a conversion scheme) were approved in 2023 (revised in 2024) have now been implemented.
- 11.2. The proposed new unit would not be situated immediately adjacent to these units but instead, further northeast and to the north of the original complex. Its location would be within the general 'building group' and nearest to the associated existing business, which is already operating from the site. Development that facilitates the expansion of existing business is generally supported by Spatial Principle SP5 and CP7 of the Local Plan. These policies support the development of small-scale rural economic development to meet local needs and development that sustains small and medium sized enterprises, including the development of support services to encourage existing and new business to grow. Overall, the principle of development is considered to be in line with the relevant policy expectations in this regard.
- 11.3. The application has not attracted any comments from local residents as a result of the consultation process, however, the Parish Council remain concerned about the growth of the business park and potential 'knock-on' effects in terms of traffic movements through the village of Melsonby. For this reason, highway safety and access is considered to be a key consideration in the assessment, although as the unit would be erected in association with an existing business operating elsewhere within the park, the Highway Authority have not raised any objections to the application and have concluded that the scheme would not result in an unacceptable or "severe" impact on highway safety. Overall, Officers deem the application to be in compliance with the expectations of CP3 and CP4 of the Local Plan and the NPPF so far as highway safety is concerned.
- 11.4. As mentioned above, the proposed unit would be erected to the north of the original complex of buildings, separated by an existing yard and project out some way into the surrounding open countryside. Additional planting included in the scheme has been provided in connection with BNG as opposed to 'screening' the development from public view and within an area is located to the south of another building (Agrovista). The application site boundary as submitted (and revised) runs relatively tight up to the sides of the proposed building and parking areas and leave very little option to secure screening/landscaping within the 'land edged red'. Instead, the submitted plans show heavily landscaped areas further to the north of the site and to the east, which provides obscuring of more distant views of the site but cannot be conditioned/controlled through this planning application, being located outside of the site boundary.
- 11.5. In assessing landscape impact, whilst new planting closer to the proposed building itself would have been preferable, the unit would be sited within the general building group. Officers consider that there would therefore be some limited adverse impact on the landscape that immediately surrounds the application site but that the proposed new building would be seen within the context of the business park when viewed from more distant locations.
- 11.6. The application demonstrates that the scheme is capable of achieving at least 10% BNG. In order to include additional planting within the application site boundary, the Location Plan was revised and reconsultation carried out for a period of 21 days. No further comments were received on this issue, other than the NYC Ecologist confirming that subject to a condition to ensure appropriate management and monitoring of the habitat takes place, there are no objections.

- 11.7. Officers are satisfied that all other technical matters such as flood risk, drainage and contamination have been adequately addressed to meet the relevant policy expectations and as the proposed development would not lead to addition people being brought into the Teesmouth and Cleveland Coast SPA Nutrient Neutrality Catchment nor create overnight accommodation, no additional mitigation is required in this regard.
- 11.8. On balance, whilst the proposed new building would have benefitted from new planting immediately around the northern gable of the building to 'soften' views within the open countryside, the building would still generally be viewed within the context of the business park and existing building. Weight is also given to the fact that the proposals seek to extend the existing business park and that the unit is needed in association with an existing business operating from the site, which is supported by Local Plan policy. Although the LPA cannot control who operates the unit or that it remains with Swarco (only that it is operated within the approved uses), technical consultees are satisfied on the size and proposed use(s) from highway safety and amenity points of view and the sustained use of the unit would continue to contribute to the local economy.
- 11.9. Overall, the scheme is considered to be in compliance with Spatial Principle SP5, Core Policies CP2, CP3, CP4, CP7, CP12 and CP13 of the Local Plan and the NPPF.

12.0 RECOMMENDATION

- 12.1. That planning permission be GRANTED subject to conditions listed below.

Recommended conditions:

Condition 1 Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with section 91 of the Town & Country Planning Act 1990 (as amended).

Condition 2 Approved Plans

The development hereby permitted shall be carried out precisely in accordance with the approved drawings and particulars as set out below, together with any conditions attached to this approval, which may require any variation thereof:

- a) Application Form and Certificates;
- b) Site Location Plan and Certificates (ref. A001, rev. P2)
- c) Proposed Site Plan ref. A010 rev. P4
- d) Planting Plan ref. 2339.02B
- e) Planning Statement
- f) Proposed Elevations ref. A400 Revision P4 (with solar PV)
- g) Proposed Floor Plan ref. A200 Revision P1
- h) Biodiversity Net Gain Metric, dated 17th February 2025
- i) Biodiversity Net Gain Assessment dated 9th October 2024

j) Solar Information Data Sheet

Reason: To ensure the development is built in accordance with the information submitted which is considered acceptable.

Pre-Commencement

Condition 3 Biodiversity Gain Plan Implementation and Monitoring

Prior to the commencement of this development, a scheme for the implementation of the approved Biodiversity Gain Plan (BGP), required by the deemed planning condition attached to this permission, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- A programme for the implementation and completion of the biodiversity enhancement measures set out in the approved BGP.
- Proposals for legally securing the provision any off-site biodiversity enhancement measures.
- Proposals for the maintenance and monitoring of the on-site biodiversity enhancement measures. Where the biodiversity enhancements proposed in the BGP are considered by the Local Planning Authority to be “significant” in relation to the pre-development baseline biodiversity value of the site, provision shall be made for their maintenance and monitoring for a period of not less than 30 years from the date of completion of the development (including completion of the on-site habitat enhancements).
- Proposals for the submission of monitoring reports to the Local Planning Authority.

The scheme as approved shall be implemented in its entirety in accordance with the programme set out in the approved scheme or such other period which has first been approved in writing by the Local Planning Authority.

Any Planning obligations that are proposed within the scheme shall be completed before the development is first brought into use.

The Local Planning Authority shall be notified in writing within 28 days of the date of completion of the development (including completion of the on-site habitat enhancements).

If the development has commenced but completion of development is not reached, and construction works have ceased for a period of 12 months, notice shall be served to the Local Planning Authority in writing within 13 months of the last construction works on site with a timetable for the completion of the approved habitat enhancement works. In the event that the development (excluding any approved on-site habitat enhancements) is not completed, the on-site habitat enhancements shall still be implemented in full in accordance with the timetable approved by the Local Planning Authority and they shall be maintained and monitored in accordance with the provisions set out in the approved BGP.

Reason: In order to meet the requirements of Schedule 7A of the Town and Country Planning Act to achieve biodiversity net gain.

Condition 4- Contamination Remediation (approval required)

If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the local planning authority shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken, or the development occupied until an investigation and risk assessment carried out in accordance with the Environment Agency’s Land Contamination: Risk Management (LCRM), has been submitted to and approved in writing by the local planning authority. Where remediation is necessary a scheme for the remediation of any contamination shall be

submitted and approved by the LPA before any further development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.

Reason: To mitigate risks posed by land contamination to human health, controlled water, and wider environmental receptors on the site (and in the vicinity) during development works and after completion.

Condition 5 Construction Phase Management Plan (approval required)

No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited to, arrangements for the following in respect of each phase of the works:

1. details of any temporary construction access to the site including measures for removal following completion of construction works;
2. restriction on the use of access via Melsonby Village for construction purposes;
3. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
4. the parking of contractors' site operatives and visitor's vehicles;
5. areas for storage of plant and materials used in constructing the development clear of the highway;
6. details of site working hours;
7. details of the measures to be taken for the protection of trees; and
8. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity

Condition 6 Drainage (approval required)

Prior to commencement of development a drainage scheme with maintenance arrangements shall be submitted to and approved in writing with the Local Planning Authority. The drainage scheme shall demonstrate that surface water will be drained via sustainable drainage systems (SUDs) unless it is demonstrated this is not a viable option. Where SUDs are not viable, then the SUDs hierarchy should be followed. Where SUDs are viable these should provide multifunctional benefits wherever possible.

The approved drainage scheme shall be delivered in full prior to first use of the development hereby approved, unless an alternative timetable is first agreed in writing with the Local Planning Authority. There afterward the drainage scheme shall be maintained and retained in perpetuity in accordance with the approved details.

Reason: To reduce flooding off-site and ensure multifunctional benefits are provided wherever possible, in accordance with paragraph 182 of the National Planning Policy Framework 2024.

Early Stage/ Construction Period

Condition 7 Lighting (approval required)

Details of external lighting shall be submitted to and approved in writing by the Local planning Authority prior to installation. The scheme shall thereafter be installed and operated in accordance with the approved details without subsequent modification.

Reason: To reserve the rights of the Local Planning Authority in this matter and in the interests of amenity and minimising light pollution within the open countryside.

Condition 8 Materials (compliance)

The materials to be used in the construction of the external surfaces of the units hereby permitted shall visually match those used in the main part of the existing building to the south of the application site.

Reason: In the interests of the appearance of the proposed development.

Condition 9 Crime Prevention (approval required)

Prior to the commencement of building works, details of precise measures to minimise crime and anti-social behaviour (to be in accordance with the advice provided by the Police Designing out Crime Officer dated November 2024) shall be submitted to and agreed in writing by the Local Planning Authority. The approved measures shall be implemented prior to the first use of the building.

Reason: To ensure that the development minimises the risk of crime and anti-social behaviour, and to reserve the right of the Local Planning Authority with regards to this matter.

Pre-Occupation**Condition 10 Provision of Approved Access, Turning and Parking Areas at Western House Business Park (compliance)**

No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users for the 3 No. Employment Units at Western House Business Park East Road Melsonby Richmond North Yorkshire DL10 5NF, have been constructed in accordance with the details 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.

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

Prior to the first occupation of the development, a Travel Plan must be submitted to and approved in writing by the Local Planning Authority. The Travel Plan will include: -

- agreed targets to promote sustainable travel and reduce vehicle trips and emissions within specified timescales and a programme for delivery;
- a programme for the delivery of any proposed physical works;
- effective measures for the on-going monitoring and review of the travel plan;
- a commitment to delivering the Travel Plan objectives for a period of at least five years from first occupation of the development, and;
- effective mechanisms to achieve the objectives of the Travel Plan by both present and future occupiers of the development.

The development must be carried out and operated in accordance with the approved Travel Plan. Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented as long as any part of the development is occupied.

Reason: To establish measures to encourage more sustainable non-car modes of transport.

Condition 11 Solar PV (approval required)

No part of the development shall be brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority, details of the location, type, design, and method of fixing/mounting of the proposed solar voltaic cells.

The approved solar panels shall be installed within one month of the first use of the building hereby approved, and thereafter retained and maintained.

Reason: To reduce climate change impacts and in the interests of ensuring the good appearance of the development.

Condition 12 Energy

The building hereby approved shall be connected to either the wider site ground source heat pump system, or its own new ground source heat pump system. The approved system shall be maintained, retained and operated in perpetuity.

Reason: To reduce climate change impacts.

Condition 13 Approved Uses (compliance)

Unless agreed in writing by the Local Planning Authority, the building hereby approved shall be used solely for the uses falling within Use Classes B2 and B8 of Use Class Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: These uses are considered sustainable uses for this business park location.

Condition 14 Retail Use (compliance)

For the avoidance of any doubt, there shall be no retail sales taking place from the site.

Reason: In the interests of protecting the amenity of neighbouring residential properties and businesses and the vitality of the nearby Town Centres.

Target Determination Date: 26.03.2025

Case Officer: Caroline Walton caroline.walton@northyorks.gov.uk