

**NORTH YORKSHIRE COUNTY COUNCIL
BUSINESS and ENVIRONMENTAL SERVICES**



**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**

Application No: **NYM19/477/FL**

Proposed Development: Application for construction of building comprising bakery and distribution unit,
ancillary public tea room with external seating area and children's play area, visitor attraction and viewing area, associated coach access, parking and wind turbine

Location: E Botham & Sons, Enterprise Way, Whitby

Applicant: E Botham & Sons

CH Ref: **Case Officer:** Ged Lyth

Area Ref: 4/35/2891 **Tel:**

County Road No: **E-mail:**

To: North York Moors National Park Authority
The Old Vicarage
Bondgate
Helmsley
YO62 5BP **Date:** 15 July 2020

FAO: Hilary Saunders **Copies to:**

Note to the Planning Officer:

In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters:

Enterprise Way is publicly maintainable highway from the A171 as far as a line approximately half way across the existing access into the application site. The remainder of Enterprise Way is used by the public but the maintenance is not the responsibility of the Local Highway Authority. It is possible that in the future, the industrial estate is extended and that Enterprise Way is adopted by the LHA in its entirety. If the estate is extended, the LHA would wish to see the footway on the south side of the road extended to provide pedestrian access. For this reason, a 2 metre wide strip should be left available behind the kerbline and in order to cater for this, one parking space shown on the site layout plan may need to be omitted.

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The LHA are satisfied with the site layout plan, other than the above comment to reduce the car parking by one space.

The junction off the A171 onto Enterprise Way is suitable for the size of vehicles associated with this application. However, the LHA does have concerns about the speed of the traffic coming along from outside the 30mph limits and still travelling above the speed limit at the point where large vehicles could be stationary or turning into Enterprise way. For this reason, the LHA would wish to see an improvement to the signs at the 30 mph gateway feature.



Consequently the Local Highway Authority recommends that the following **Conditions** are attached to any permission granted:

1. MHC-07 Delivery of off-site highway Works

The following schemes of off-site highway mitigation measures must be completed as indicated below:

- Improvements to 30 mph gateway feature

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

Reason for Condition

To ensure that the design is appropriate in the interests of the safety and convenience of highway users.

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2. MHC-09 Details of Parking layout

There must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- vehicular and cycle parking;
- vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear, and;

No part of the development must be brought into use until the vehicle access, parking, manoeuvring and turning areas 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 for Condition

To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

<p>Signed:</p> <p style="text-align: center;"><i>Ged Lyth</i></p> <p><i>For Corporate Director for Business and Environmental Services</i></p>	<p>Issued by: Whitby Highways Office Discovery Way Whitby North Yorkshire YO22 4PZ</p> <p>e-mail: _____</p>
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NORTH YORKSHIRE COUNTY COUNCIL
BUSINESS and ENVIRONMENTAL SERVICES
LEAD LOCAL FLOOD AUTHORITY
CONSIDERATIONS and RECOMMENDATION



Application No:	NYM/2019/0477/FL		
Proposed Development:	construction of building comprising bakery and distribution unit, ancillary public tea room with external seating area and children's play area, visitor attraction and viewing area, associated coach access and parking		
Location:	at E Botham & Sons, Enterprise Way, Whitby,		
Applicant:			
District/Borough:	North York Moors National Park Authority		
FRM Engineer:	Meirion Jones	LPA Case Officer:	Hilary Saunders

Note to the Planning Officer:

Thank you for consulting the Lead Local Flood Authority on the planning application referenced above.

The following documents are noted:

- 2020-05-11 public additional information submitted.pdf

In assessing the submitted proposals and reaching its recommendation the Authority would like to make the following comments:

1. Runoff Destinations and Peak Flow Control

An existing drainage layout plan has been submitted supporting the proposed discharge location. The applicant has also assessed the existing runoff rates using the modified rational method and microdrainage model. The LLFA has no objection to the proposed discharge location and runoff rates.

2. Volume Control

The additional information includes drainage calculations for the proposed drainage system. However, the submitted calculations do not include details of the conduit used to represent the tubosider tank. Furthermore, the submitted calculations show sealed manholes at SW6A and SW6B. These are not shown on the drainage layout drawing. The system should not have sealed manholes unless the LPA can be

Date:	26 May 2020	Approved by:	Emily Mellalieu Flood Risk Management Team Leader
FAO:	Hilary Saunders		
Issued by:	Meirion Jones		

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assured that the manholes will be sealed for the lifetime of the development and who is responsible for ensuring the upkeep.

The results for the 1 in 30 and 1 in 100 year event plus climate change have not been provided. These are required to demonstrate the functionality of the SuDS system and compliance with National Paragraph

3. Designing for Exceedance

An exceedance flow plan has been provided.

4. Climate Change

An acceptable allowance of 40% has been applied to the rainfall intensity to account for climate change.

The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document).

Recommendation to the Local Planning Authority:

The submitted documents are missing key pieces of information and as such the LLFA cannot recommend approval of the application. The LLFA recommends that the following information is submitted in accordance with the comments above:

- Microdrainage results showing details of the conduit sections used to represent the tank
- Justification and details of the sealed manholes
- Microdrainage results for the 1 in 30 and 1 in 100 plus climate change events

From:

Cc: [Planning](#)

Subject: RE: NYM/2019/0477/FL - E Botham and Sons

Date: 18 October 2019 11:34:48

Further to the below, I should also have added that a condition for a lighting scheme will be needed as well. External lighting, especially to the southern and eastern elevations, should be as minimal as possible, timer or motion activated as appropriate and well shielded to ensure it is only directed where needed without horizontal or upward spillage which may cause harm to foraging wildlife and dark skies. Low light temperatures (<3000K) are also strongly advised.

Thanks,

Elspeth

Elspeth Ingleby MA_{Cantab} ACIEEM

Ecologist

North York Moors National Park Authority

The Old Vicarage, Bondgate, Helmsley, York YO62 5BP

From: Elspeth Ingleby

Sent: 18 October 2019 11:05

To: Hilary Saunders

Cc: Planning

Subject: NYM/2019/0477/FL - E Botham and Sons

Hi Hilary,

No major concerns with this.

I note that NYCC have asked for more information on drainage from the site which I would echo.

There are some mature trees to the south of the site and it is important that adequate distance is left from these to the southern corner of the building to prevent impact to the roots of these trees.

The north east of the site contains rather mature shrubs of largely native species. Some will inevitably need to be removed in order to enable the new vehicular access to be created. Any shrubs or other dense vegetation should only be cleared outside of the bird breeding season, and new planting should be of native indigenous species. In addition an area of rough grassland will be lost to the new building although a substantial amount remains within the development footprint. I believe a condition for a landscaping plan which will include benefits to wildlife including the retention and enhancement of the remaining scrub grassland as well as the planting of native trees and shrubs and other wildlife enhancements would be sufficient in this case to ensure biodiversity is not negatively impacted by the development.

Many thanks,

Elspeth

Elsbeth Ingleby MA_{Cantab} ACIEEM

Ecologist

North York Moors National Park Authority

The Old Vicarage, Bondgate, Helmsley, York YO62 5BP

From:
To: [Planning](#)
Subject: Hawsker cum Stainsacre Parish Council
Date: 02 October 2019 11:07:52

Good morning,

NYM/2019/0477/FL- The Parish Council have no objections to the application but would like planners/highways to consider that because of where the entrance to Enterprise Way is and the increase of traffic, a 40mph Zone is placed before the Stainsacre turn off to reduce traffic speed when hitting the 30mph zone and the turn off for Enterprise Way.

Kind regards,

S Glasby

Hawsker Cum Stainsacre Parish Clerk

NORTH YORKSHIRE COUNTY COUNCIL
BUSINESS and ENVIRONMENTAL SERVICES
LEAD LOCAL FLOOD AUTHORITY
CONSIDERATIONS and RECOMMENDATION



Application No:	NYM/2019/0477/FL LLFA		
Proposed Development:	Application for construction of building comprising bakery and distribution unit, ancillary public tea room with external seating area and children's play area, visitor attraction and viewing area, associated coach access,		
Location:	parking and wind turbine at E Botham & Sons, Enterprise Way, Whitby		
Applicant:	E Botham & Sons		
District/Borough:	North York Moors National Park Authority		
FRM Engineer:	Jack Blow	LPA Case Officer:	

Note to the Planning Officer:

Thank you for consulting the Lead Local Flood Authority on the planning application referenced above.


The submitted documents are limited and the LLFA recommends that the applicant provides further information before any planning permission is granted by the LPA. In assessing the submitted proposals and reaching its recommendation the Authority would like to make the following comments:

The LLFA are unable to source a Flood Risk Assessment (FRA) or Drainage Impact Assessment (DIA) submission for the site. It is requested that the applicant provide one via the LPA which includes:

- **Proposed Development Site** – (Site location, Site topography, Hydrological context, Geological context, Existing site drainage and Proposed development)
- **Assessment Of Flooding** - (Fluvial flooding, Pluvial flooding, Groundwater flooding, Surface water flooding, Foul water flooding and Flood risk to the site)

Date:	24 September 2019	Approved by:	Emily Mellalieu Flood Risk Management Team Leader
FAO:			
Issued by:	Jack Blow		



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- **Flood Mitigation Strategy (If required)** - (Principles for mitigation strategy, Finished floor levels, Floodplain storage compensation and Access routes/flood warning and evacuation)
- **Surface Water Management** - (Existing surface water regime, Potential impact of proposed development, Principles for surface water management strategy and proposed strategy.)

1. Flood Risk

The location is identified as Flood Zone 1, with minimal or no risk of flooding.

2. Runoff Destinations

Surface water runoff not collected for use must be discharged to one or more of the following in the order of priority shown in accordance with the Building Regulations Part H:

- Discharge into the ground (infiltration).
- Discharge to a surface water body.
- Discharge to a surface water sewer, highway drain or other drain.
- Discharge to combined sewer.

The applicant must demonstrate their rationale for each runoff destination, detailing reasoned elimination or selection for each.

3. Peak Flow Control

Peak flow control has not been addressed. Peak runoff rate from the developed site, for the 1 in 1, 1 in 30 and 1 in 100 year rainfall events to include for urban creep where required and climate change, must not exceed the peak greenfield runoff rate from the site for the same event.


For a whole or part brownfield site; greenfield runoff rate and/or 70% of demonstrable existing positively drained runoff rate for those rainfall events will be permitted however greenfield runoff rate should be achieved where possible.

Greenfield runoff rate is maximum 1.4 l/s/ha unless modelling conclusively demonstrates Greenfield runoff to be greater than this.

4. Volume Control

Micro Drainage calculations are requested to confirm the required Surface water attenuation volume.

The proposed SuDS attenuation features should be able to provide the 1 in 100 year design flood event plus with an allowance for climate change and for urban creep. This should be incorporated into the detail drainage design.

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5. Pollution Control

SuDS design must ensure that the quality of any receiving water body is not adversely affected and preferably enhanced.

Pollution from surface water runoff from the development from parking areas and hardstanding areas should be mitigated against by the use of oil interceptors, road side gullies, reedbeds or alternative treatment systems.

The use of petrol interceptors will only need to be used for sites that require 30 or more car park spaces or equivalent area of hardstanding, otherwise, road side gulleys are a sufficient measure for smaller sites for pollution control from highways

6. Designing for Exceedance

An exceedance plan is required to show overland flow during an extreme flood event, exceeding the capacity of the proposed drainage system. Mitigation measures should be proposed to minimise the risk of flooding to these properties.

Site design must be such that when SuDS features are exceeded due to failure caused by blockages or collapsed pipes or when the system is overwhelmed by excessive flood flows, the exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways.

Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event, with no flooding anywhere on site.


Rainfall in excess of a 1 in 100 year rainfall that exceeds the designed SuDS scheme must not flood any properties or essential infrastructure (pumping station, junction boxes, etc.) and any exceedance flows are managed within the site that avoid risk to people and property both on and off site, with the design of the site mindful of the topographic levels and highway requirements (cross fall, dropped kerbs) as to not cause flooding to properties from exceedance flood flows.

7. Climate Change and Urban Creep

An allowance of at least 30% must be made in SuDS design for increased amounts of rainfall as a result of Climate Change. Additionally, a 10% allowance must be made in the designed SuDS for Urban Creep.

8. Maintenance

Arrangements for the maintenance of the proposed SuDS surface water runoff attenuation features should be submitted to the Local Planning Authority for approval, this may be subject to a Section 38 agreement with the NYCC Highways department and additionally a Section 104 agreement with Yorkshire Water

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The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document).

Please note that at discharge of conditions stage, should the requirements not have been approved as part of a planning application, the applicant is exposed to the risk of being unable to discharge the relevant planning condition.

From: Gerard Lyth
Sent: 20 September 2019 16:04
To: Hilary Saunders
Subject: NYM 19 477 FL Botham and sons Enterprise Way

Hello,

Please can the proposed site layout plan (1897/01G) be amended to take into the following points:

The red and blue line plan is correct that it shows a strip of land on the southern edge of Enterprise Way, approximately 2 metres wide which is currently a grass verge with lighting columns in it but the proposed layout shows the development going up to the kerbline. This 2 metre strip should be left available for a future footway if the land to the NE of the application site is developed and requires pedestrian access.

The proposed kerbline on the SE side of the coach access should have 2 metres of straight kerbs from the existing corner. This is again to cater for the future possibility that a 2 metre wide verge / footway can be put in place.

The applicant should also be aware that measures need to be put into place to demonstrate that the proposed hard standing areas do not have surface water run off going onto Enterprise Way which is hoped to be adopted at some time in the future.

In order to assess whether the current road layout is suitable for the increase in traffic generated by the development, the LHA will require some information to calculate the vehicular trips generated by the proposals. Can the applicant provide information on the total number of employees, the expected delivery movements, the expected trips by customers to the shop and the trips expected going to the visitors centre.

Ged Lyth
Project Engineer
Area 3 Whitby

Highways North Yorkshire

Access your county council services online 24 hours a day, 7 days a week at www.northyorks.gov.uk.

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North Yorkshire County Council.



Designing out Crime

Report

Planning Application – NYM/2019/0477/FL
E Botham & Sons Enterprise Way
Whitby

11 September 2019

North Yorkshire Police Ref No: 527-1-2019

Mr. Richard Ball, MPlan
Designing Out Crime Officer

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- 7. Conclusion**

1. Executive Summary

- 1.1. This report is intended to highlight any crime and disorder issues in the vicinity of the proposed development, assess the development in terms of its likely effect on crime and disorder and identify design solutions that will help to reduce vulnerability to crime. The recommendations made have followed the principles of 'Crime Prevention through Environmental Design' (CPTED).
- 1.2. The overall design and layout of the proposed scheme is considered acceptable.

2. Proposal

- 2.1. The proposal is a full planning application for construction of building comprising bakery and distribution unit, ancillary public tea room with external seating area and children's play area, visitor attraction and viewing area, associated coach access and parking at E Botham & Sons, Enterprise Way, Whitby.

3. Planning Policy Context - Relevant Guidance

- 3.1. Community safety and the planning process

A strong legislative and policy framework exists for considering Community Safety as part of the planning process. The Revised National Planning Policy Framework (England) July 2018 paragraphs 91 and 127 state that planning policies and decisions should aim to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

3.2. National Planning Practice Guidance

National Planning Practice Guidance states:

“Designing out crime and designing in community safety should be central to the planning and delivery of new development. Section 17 of the Crime and Disorder Act 1998 requires all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and do all they reasonably can to prevent crime and disorder”.

(Paragraph 010 Ref ID: 26-010-20140306).

“Taking proportionate security measures should be a central consideration to the planning and delivery of new developments and substantive retrofits”.

(Paragraph 011 Ref ID: 26-011-20140306)”

4. **Safety and Security Considerations**

4.1. Typical safety and security implications for a development of this nature could include:

- Burglary
- Unauthorised access to buildings/private space
- Damage to buildings and vehicles
- Autocrime
- Bicycle theft

5. **Crime Issues at Location**

5.1. An analysis of police recorded incidents in the area of the proposed development highlights the presence of crime and anti-social behaviour which could impact upon the security of the scheme. The analysis covers a period from the 1 September 2018 to the 31 August 2019. In summary, there were 8 crimes and 2 antisocial behaviour incidents recorded during this twelve month period.

5.2. The most significant crime issues that could affect this development is burglary. Modus Operandi for crime committed in the area includes:

- Rear door handle is broken off in an attempt to gain entry to a commercial premise
- Entry has been gained into a stock yard by climbing the perimeter fence and property stolen

- 5.3. This analysis gives an indication of the current crime and disorder levels in the area. Any new development has the potential to increase these levels if the designing out of crime is not considered and implemented.

6. Observations, Advice and Recommendations

- 6.1. The routes from the car parks to receptions and delivery points should be clearly defined and benefit from as much overlooking from the reception and other occupied offices as possible. People found wandering around will often use the excuse that they could not find their way to the reception and the presence of clear signs will go some way to dismiss this excuse and help security staff and the police establish the legitimacy of the claim. Likewise, signs that identify areas that are not open to public access can act as a reminder that unauthorised persons should be challenged.
- 6.2. A common feature of an industrial unit is an elevation that has no windows for potential observation over the site, commonly found along the side and rear. These same elevations will usually have at least one, windowless emergency exit doorway (often recessed) which can present opportunities for crimes such as graffiti, burglary and arson and also inappropriate loitering. It is clearly sensible to keep unauthorised persons away from such building elevations. For this proposal defensive planting could be used to keep unauthorised persons from the North East and North West elevations.
- 6.3. Windows, doors and shutters should be to a good security standard. For example, the windows and doors must comply with PAS24 and roller shutters should also ideally comply with LPS1175 Issue 8 Security Rating 3, or to the same standard of a similar rating scheme.

7. Conclusion

- 7.1. The above advice and recommendations are intended to ensure that should this site be developed as proposed, it will provide a safe and secure environment by reducing the opportunities for crime and antisocial behaviour to occur. This will accord with the core principles and design objectives set out in the National Planning Policy Framework and local policy.



NORTH YORKSHIRE FIRE & RESCUE SERVICE

NYFRS Reference:

Premises: 00304528
Job: 1179827

Scarborough Fire Station
North Marine Road
Scarborough
North Yorkshire
YO12 7EY

When telephoning please ask for: J Butterfield

10 September 2019

Dear Sir or Madam

Botham & Son Bakery, Enterprise Way, Stainsacre, Whitby, YO22 4NH

FIRE SAFETY - COMMUNICATION WITH THE PLANNING AUTHORITY

Receipt is acknowledged of your planning communication:

Dated: 09 September 2019
Ref No: NYM/2019/0477/FL

Your communication has been dealt with as follows:

At this stage in the planning approval process the North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority have no objection/observation to the proposed development. The North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority will make further comment in relation to the suitability of proposed fire safety measures at the time when the building control body submit a statutory Building Regulations consultation to the Fire Authority.

The majority of information we collect regarding business fire safety is non-personalised information, however any personal data we collect will be managed in accordance with our Privacy Notice which can be viewed on our website, www.northyorksfire.gov.uk/about-us/yourdata.

Under the Regulatory Reform Order 2005 we are obliged to publish a public register of enforcement action which can be viewed via our website, www.northyorksfire.gov.uk/about-us/key-documents/links-registers.

North York Moors National Park Authority
The Old Vicarage
Bondgate
Helmsley
York
YO62 5BP

Sprinklers Save Lives, Sprinklers Save Lives, Sprinklers Save Lives, Sprinklers Save Lives, Sprinklers Save Lives

www.northyorksfire.gov.uk

Should you require further information please contact the officer whose name appears at the head of the letter.

Yours faithfully

J Butterfield



North York Moors National Park Authority

Your Ref

Our Ref 19/02129/OA

9 September 2019

Dear Sir or Madam

Proposal Application for construction of building comprising bakery and distribution unit, ancillary public tea room with external seating area and children's play area, visitor attraction and viewing area, associated coach access and parking

Site Address E Botham & Sons Enterprise Way Whitby NORTH YORKSHIRE YO22 4NH

I refer to the above consultation which was received at this office on 9 September 2019.

No objections.

If you require any further assistance please contact me at the above address.

Yours faithfully

Mr D Walker
Planning Services Manager





North York Moors National Park Authority

Your Ref

Our Ref 19/02118/OA

6 September 2019

Dear Sir or Madam

Proposal Application for construction of building comprising bakery and distribution unit, ancillary public tea room with external seating area and children's play area, visitor attraction and viewing area, associated coach access, parking and wind turbine

Site Address E Botham & Sons Enterprise Way Whitby NORTH YORKSHIRE YO22 4NH

I refer to the above consultation which was received at this office on 6 September 2019.

No objections.

If you require any further assistance please contact me at the above address.

Yours faithfully

Mr D Walker
Planning Services Manager



From:
To: [Planning](#)
Subject: FAO Mrs H Saunders
Date: 07 September 2019 13:20:49

Dear Mrs Saunders,

I hope you are well. Hawsker Cum Stainsacre Parish Council will discuss planning application NYM/2019/0477/FL on the 1st of October at their next meeting. Please can their comments be taken then?

Kind regards,
Steph Glasby