

## North York Moors National Park Authority

Parish: Hawsker-Cum-Stainsacre

App No. NYM/2019/0477/FL

**Proposal:** 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:** E Botham & Sons, Enterprise Way, Whitby,

**Applicant:** E Botham & Sons  
fao: Mr N Botham, 35/39 Skinner Street, Whitby, YO21 3HA

**Agent:** Craven Design Partnership  
fao: Mr V Craven, Lairgill Lodge, Mount Pleasant, High Bentham, Lancaster, LA27LA,

**Date for Decision:** 29/11/2019

**Extended to:** 30 October 2020

### Director of Planning's Recommendation

**Approval** subject to the following condition(s):

- 1 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
- 2 Strict Accordance With the Documentation Submitted or Minor Variations - Document No.s Specified  
The development hereby permitted shall not be carried out other than in strict accordance with the following documents:

Document Description	Document No.	Date Received
Site plan	---	30/08/2019
Site layout plan	1897/01G	30/08/2019
Floor Plan Scheme B	1897/02G	19/09/2019
Elevations Scheme D	1897/03H	30/08/2019

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
- 3 The premises shall not be used other than as bakery and distribution unit with ancillary public tea room, and ancillary visitor attraction and shall not be used for any other purpose (including any other purpose in Class B1, B8, A3 and D1 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 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 No external lighting shall be installed in the development hereby permitted until details of lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.

---

**Application Number: NYM/2019/0477/FL**

---

- 6 Brickwork and Roofing Tiles to Match  
The brickwork and roofing tiles of the development hereby permitted shall match those of the existing building unless otherwise agreed in writing with the Local Planning Authority.
- 7 The external cladding of the elevations of the building hereby approved shall, within three months of first being brought into use, be clad in vertical profiled metal wall cladding coloured "Goosewing Grey" and vertical timber cedar boarding, and shall thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority
- 8 The following schemes of off-site highway mitigation measures must be completed as indicated below:
- i) 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.
- 9 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:
- i) vehicular and cycle parking;  
ii) 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.
- 10 Prior to the development being brought into use details of a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for 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 and shall include details of any existing hedges and trees to be retained on the site together with any measures for managing/reinforcing these and shall specify plant species, sizes and planting densities for any new areas of planting. 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.

---

**Application Number: NYM/2019/0477/FL**

---

- 11 Any shrubs or other dense vegetation should only be cleared outside of the bird breeding season, (March to August)
- 12 The development hereby permitted shall not be brought into use until full details of the solar panels to generate energy on site from renewable sources to displace at least 10% of predicted CO<sub>2</sub> emissions have been submitted to and approved by the Local Planning Authority. The approved details and measures shall then be completed prior to the occupation of the development hereby approved and shall be maintained in working order unless the prior written agreement of the Local Planning Authority has been obtained.

**Reason(s) for Condition(s)**

- 1 To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
- 2 For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Strategic Policies A and C, which seek to conserve and enhance the special qualities of the NYM National Park.
- 3 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 Strategic Policies A and C of the North York Moors Local Plan, which seek to enhance and conserve the special qualities of the National Park and ensure that development does not have an adverse effect on the amenities of adjoining occupiers.
- 4 In the interests of the visual amenities of the locality and to comply with the provisions of Strategic Policy A of the North York Moors Local Plan which seeks to conserve and enhance the special qualities of the National Park.
- 5 In order to comply with the provisions of Strategic Policy A of the North York Moors Local Plan which seeks to ensure that new development does not detract from the quality of life of local residents.
- 6 For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan 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 For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan 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.
- 8 In accordance with Policy CO2 of the North York Moors Local Plan and to ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of prospective users of the highway.
- 9 In accordance with Policy CO2 of the North York Moors Local Plan and to ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of prospective users of the highway.

---

**Application Number: NYM/2019/0477/FL**

---

- 10 In order to comply with the provisions of Policy ENV1 of the North York Moors Local Plan which seeks to conserve and enhance the quality and diversity of the natural environment.
- 11 In order to comply with the provisions of Strategic Policy H of the North York Moors Local Plan which seeks to protect species protected under national and international legislation.
- 12 In order to comply with the provisions of Policy ENV8 of the North York Moors Local Plan which seeks to ensure that new development contributes to reduce carbon emissions.

**Consultations**

**Scarborough Borough Council** - 9/9/2019 - No objections

**Parish** – 2/10/2019 No objections 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.

**Lead Local Flood Authority – 26 May 2020** 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

**Requested information submitted 17 July 2020 but no further comments received following re-consultation.**

**Highways** - 15 July 2020 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.

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

---

**Application Number: NYM/2019/0477/FL**

---

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 Conditions are attached to any permission granted

**North Yorkshire Police – Designing Out Crime – 11 September 2019** Overall design and layout of scheme is considered to be acceptable.

**North Yorkshire Fire & Rescue – 10/9/2019** - No objections/observations

**Advertisement Expiry Date – 17 October 2019**



---

**Application Number: NYM/2019/0477/FL**

---

**Background**

The application site is located at the prominent entrance to Whitby Business Park which is located on the edge of the National Park close to Whitby alongside the A171.

The existing bakery building was approved in 2007 and comprises a bakery with associated car park, service yard, shop and small cafe.

The only condition attached to that permission (2007/0352) is:-

“The shop area indicated on plan (dated 7 June 2007) shall only be used for the sale and display of products ancillary to the running of the site as a bakery as described in the application and for no other use notwithstanding any provisions of the Town and Country Planning Act (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modifications.”

This consent was also issued subject to a Section 106 to restrict the outdoor signage relating to the retail element of the development and to prevent any outdoor advertisements on any part of the verges to the A171 road.

This current application represents the second phase of this development, and seeks full planning permission for a second unit at the rear to produce bakery products, pastry, confectionary and cake decoration, and provide packing and distribution of the products. The proposed facility would also incorporate the display of the products and visitor attraction, including larger café and production viewing area.

---

**Application Number: NYM/2019/0477/FL**

---

The building would be clad with colour coated profiled metal vertical cladding to match the existing building, with colour coated profiled metal flat panel cladding (all Goosewing Grey) at high level, with flashings to match, with a brick faced plinth wall to 2.1m, to match the adjacent unit. The public tea room and attraction area would be extensively glazed and a contrasting natural cedar timber boarding up to the feature mono pitch roof. The roof would be profiled metal roof deck (Dark grey), with 10% translucent roof lights and solar panels).

The existing site access would be utilised for distribution vehicles and public access. An additional separate access would be formed for passenger coach access and parking. An external seating area and children's play area would be provided at the rear, with the remaining land area to be landscaped to complement the existing extensive landscaped areas. The dense landscaped area of trees and shrubs, adjacent to public footpath to the South East would remain as existing.

In support of the application it is set out that in order to reduce carbon emissions, it is intended to utilize an extensive array of solar panels on new bakery in order to change from gas to electric oven along with gas which would result in a 50% reduction in gas usage for baking.

In support of the application, the local history of Botham Bakers is set out which extends back beyond the 1880's:-

Bothams originally purchased land on the Whitby Business Park with the intention of re-locating production to a purpose built site, but in the end production was split, with the "packaged goods" moving to the new site but the daily baking of bread, savouries and confectionary continuing behind Skinner Street in Whitby.

The company is still family run and currently employs around 130 people, of which 68 are full-time. There are several members of the team who have worked for over 40 years but also provide many holiday jobs. Bothams operates on five sites, Skinner Street (shop, tearoom and bakery), Enterprise Way (bakery and shop), Baxtergate (shop and tearoom), Sleights (shop) and Pickering (shop and tearoom). The Skinner Street site also acts as the Head Office, and mail order department - an area we are hoping to expand further in the future.

The current premises on Skinner Street has served well for over one hundred years, but it is becoming increasingly difficult to maintain and keep up with current legislation as it's in a semi residential area which has given rise to a number of noise issues. We will be retaining our retail site on Skinner Street, so this move will have no detrimental effects on the town centre.

As the Whitby Business Park is located close to the expanding residential area of Whitby's East side, not only will the problem of staff parking in town be reduced but also many will no longer require transport. This move to Enterprise Way will protect the jobs of our work force but will allow the opportunity for expansion. It will also result in a reduction of commercial traffic into Whitby town centre, although the increase of commercial traffic to our Enterprise Way site should be minimal, as many of the deliveries are presently doubled up between the two sites.

---

**Application Number: NYM/2019/0477/FL**

---

Our present shop at Enterprise Way is already a valuable resource, serving the Whitby Business Park work force. With the planned expansion of the estate and the near certainty of the Dogger Bank wind farm going ahead, our relocated shop and planned café area will be ideally placed to serve these increasing demands.

We are hoping to attract customers not just to buy our products but also to give them the opportunity to learn something of our history and the chance see our products being made.

We remain aware of the prominent position of our business at the entrance to the town and hope to further enhance the visual appeal of the site with both the architectural finishes and the use of earthworks and planting.

**Main Issues****Local Plan**

**Strategic Policy K - The Rural Economy** - seeks to support development that fosters the economic and social well-being of local communities where it promotes and protects existing businesses by providing flexibility for established rural businesses to diversify and expand; it helps maintain or increase job opportunities in the agricultural, forestry and tourism sectors and provides for and supports small and micro business through the provision of flexible start-up businesses; it provides additional opportunities to diversify and better equip the National Park's workforce, or provides additional facilities, or better use of existing facilities for educational and training uses.

**Strategic Policy C- Design** - seeks to maintain and enhance the distinctive character of the National Park, and states that development will only be supported where it is of a high quality design; incorporates good quality construction materials and design details that reflect architectural character and form of the original building or the local vernacular; the siting, orientation, layout and density complement existing buildings; the scale, height, massing and form are compatible with surrounding buildings and not have an adverse impact upon the amenities of adjoining occupiers; sustainable design and construction techniques are incorporated; there is a good quality landscaping and planting scheme; local wildlife and biodiversity is enhanced; provision is made for adequate storage, cycling facilities and car parking are provided and the proposal ensures the creation of an accessible, safe and secure environment for all potential users.

**Policy ENV8 – Renewable Energy** – sets out that new development in the National Park will be required to address the causes of climate change by:

- a) Generating energy from renewable sources where these are of a size, location and design appropriate to the locality and which contribute towards meeting domestic, community, or business energy needs within the National Park;
- b) Requiring residential proposals of five units or more and other uses of 200 sq.m. or more to generate energy on-site from renewable sources to displace at least 10% of predicted CO2 emissions.



---

**Application Number: NYM/2019/0477/FL**

---

**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 Park Spatial Vision is 'To provide a well planned, extended and improved Business Park to meet the needs of the local economy and community into the future and reinforce Whitby's role as a Principal Town by expanding and enhancing the range of employment opportunities that the Business Park presents to Whitby's economy.'

In terms of retail and leisure development it is recognised that whilst Whitby Business Park has traditionally been used for 'employment' land uses, such as light industry, in common with many other Business Parks around the country some existing businesses have expanded into retail sales which are ancillary to the existing enterprise. In retail planning policy terms Whitby Business Park is classed as out of centre however, the objectives are to plan for a mix of uses at the Business Park to meet the Area Action Plan objective which is to make Whitby Business Park a more attractive destination and facilitate expansion of the site to support Whitby's role as an employment centre and to provide more diverse employment opportunities in the town.

**Material considerations**

Although the proposed extension would be substantial, in terms of its scale and height, it is set within the Whitby Business Park and would not be visually intrusive in the wider landscape. The development would be well related to the existing development here, which is well designed and contributes to the quality of development at the Business Park. It is considered that this ancillary facility, whilst introducing a greater element of café and public visitor space, would comprise an essential development for the ongoing sustainability of the business which is an important element of the local economy and local history. Furthermore, the development proposed here would be likely to have a beneficial consequential effect on the reduction of heavy vehicle traffic to service the town centre premises.

The design and details of the proposal are considered to be good quality and would benefit the appearance of the Business Park, furthermore, renewable energy in the form of solar panels are also proposed, and the use of appropriately coloured materials and landscape would meet the aims of the Action Plan.

**Application Number: NYM/2019/0477/FL**

---

The LLFA have been consulted several times on the drainage information that was requested and has been submitted but they have not responded and it is considered unreasonable to delay a decision even longer.

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

In view of the above, the proposal is therefore considered to be in accordance with Strategic Policies K and C, and Policy ENV8 of the Local Plan and also the objectives of the Whitby Business Park Area Action Plan and consequently approval is recommended.

**Explanation of how the Authority has Worked Positively with the Applicant/Agent****Approval (No Amendments Required)**

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and confirmed to the applicant/agent that the development is likely to improve the economic, social and environmental conditions of the area.