

	<p><b>REPORT TO PLANNING &amp; DEVELOPMENT COMMITTEE TO BE HELD ON 10 OCTOBER 2013, CABINET TO BE HELD ON 15 OCTOBER 2013 AND COUNCIL TO BE HELD ON 4 NOVEMBER 2013</b></p>
<p><b>Corporate Priority</b></p>	<p><b>Key Decision</b>                      <b>YES</b></p> <p><b>Forward Plan Ref No</b></p> <p><b>Cabinet Portfolio Holder</b>                      <b>Cllr D Bastiman</b></p>

**REPORT OF: DIRECTOR OF SERVICE DELIVERY – 13/348**

**WARDS AFFECTED: ALL**

**SUBJECT: WHITBY BUSINESS PARK AREA ACTION PLAN – PROPOSED SUBMISSION**

**RECOMMENDATION (S):**

1. That the Proposed Submission Whitby Business Park Area Action Plan (Appendix 1) be published to allow representations under Regulations 19 and 20 of the Town and Country Planning Act prior to submission to the Secretary of State.
  
2. That officers are given delegated powers to make minor amendments to the Plan prior to submission to the Secretary of State and subsequently at Examination if suggested by the Inspector.

## **REASONS FOR RECOMMENDATION (S):**

The need to address current operational limitations of the Business Park and the needs of existing businesses, allied to the potential development of a Potash Mine to the south of Whitby and the potential local opportunities presented by the off-shore wind industry provide an opportunity to bolster the local economy. The delivery of a joint Area Action Plan with the North York Moors National Park Authority covering Whitby Business Park would place the area in a better position to benefit from such investment.

## **HIGHLIGHTED RISKS:**

Failure to provide additional serviced land at Whitby Business Park will constrain economic growth, reduce the ability of the area to benefit from public and private sector investment, and result in adhoc planning decisions being made.

## **1. INTRODUCTION**

- 1.1 Members may recall from a report on 2 July 2009 (09/396) that the Borough Council is committed to producing an 'Area Action Plan' (AAP) addressing Whitby Business Park (formerly known as Stainsacre Industrial Estate). This AAP is being prepared jointly with the North York Moors National Park Authority, in recognition of the need to produce a comprehensive strategy and policy framework for the Business Park which is currently 'split' by the National Park boundary and thereby in planning terms partially administered by both local planning authorities. As the Plan is now at Proposed Submission stage significant weight can be given to its contents when making planning decisions on applications within the Plan Area.
- 1.2 It is considered that a joint Plan for the future of the Business Park, including the identification of additional land for expansion would considerably increase the realisation of potential investment in the area from new industries and ancillary support services. Allied to this, opportunities have been seized to lever in external funding which has significantly increased the prospect of securing additional serviced land thereby increasing still further the ability of the Business Park to attract new businesses, and respond better to the changing needs of those already at the Business Park. An advanced Area Action Plan would further increase the likelihood of attracting private sector investment.

## **2. CORPORATE OBJECTIVES AND THE COMMUNITY PLAN**

- 2.1 The Area Action Plan will, in particular, contribute towards Aim 2 Building Prosperous Communities and Aim 4 Creating Quality Environments.

## **3. BACKGROUND AND ISSUES**

- 3.1 The issues for Members' consideration and attention are:

- The contents of the draft Whitby Business Park Area Action Plan

## **4. CONSULTATION**

- 4.1 Consultation has been undertaken with statutory consultees, local businesses and residents. A joint Members Working Group, comprising members from both the Borough Council and National Park Authority has met on a number of occasions to discuss the emerging Area Action Plan.
- 4.2 Earlier consultation under Regulation 18 was carried out in August/September 2009.
- 4.2 The formal consultation period led to a total of 80 responses from 19 organisations were received. Overall, there is continued support for the preparation of an Area Action Plan to enhance and develop the Business Park and support the role of Whitby and provide a balance and diversity of jobs in the Borough for different skill sets. After the consultation period on the Draft Plan, the Area Action Plan has been altered to reflect some of the responses, but the main thrust of the Plan remains the same. A report on the comments received and the recommendations are attached at Appendix 2.
- 4.3 A separate consultation statement will be published and sent to the Secretary of State when the Plan is submitted. This statement will include any representations submitted at the draft consultation stage as well as any submitted during the submission period.

## **5. ASSESSMENT**

- 5.1 Members will be aware that when adopted, the Area Action Plan will form part of the statutory development plan for the area, and will therefore provide the basis for the determination of planning applications within the area it covers. To reach this stage the Area Action Plan will be the subject of an examination in public, through which an independent Planning Inspector will test the plan for its overall soundness, including deliverability. We are now at the stage where the Area Action Plan is being brought back before Members of both authorities with a recommendation that it be released for publication under Regulation 19, with a view to subsequently moving towards the examination in public thereafter. This is therefore potentially the last opportunity that members will have to consider the plan and its contents (see paragraph 5.12 for process). Members should be aware that any representations at this stage will be restricted to the soundness of the Plan not the content.
- 5.2 The draft Area Action Plan seeks to provide a comprehensive policy basis covering the Business Park as a whole. Members may be particularly interested in the following key elements:

### **Additional Allocated Land (see Policy 1, and Policies Map)**

- 5.3 A key element of the Area Action plan is the identification of additional land enabling the extension of the Business Park. To this end an additional 14 hectares (gross) of land has been identified, which would increase the overall size of the Park to 35 hectares. The sites provisionally identified as suitable for allocation form a ring to the rear of the existing developed area, and are considered to benefit from separation from residential properties and in landscape terms would be generally viewed within the context of the existing developed area of the Business Park. The bulk of the land identified is targeted towards uses falling within the 'B' use classes (general business, industrial and storage and distribution). Some land has been identified as potentially suitable for hotel/public house use (see paragraph 5.8 below). Members will note that the majority of the additional land identified is within the North York Moors National Park area.

### **Road Connections**

- 5.4 The draft Area Action Plan process has identified the scope for potential improvements to the traffic circulation (through the 'connection' of the three currently 'isolated' cul de sac routes into the Business Park. External funding to deliver these improvements (which will improve both the operation of the Business Park in its existing format, as well as providing opportunities for expansion into the potential additional allocations) has been secured, and the key connections have already gained planning consent. Work is due to begin in the near future. One significant change in the Plan is that the proposed two-way road link between Cholmley Way and the northern most spur of Fairfield Way is now recommended to be either a one way road with a cycle way or a cycle way/footpath which would allow emergency vehicular access. This follows discussions with businesses on Cholmley Way and the Highway Authority.

### **Mix of Uses**

- 5.5 The Area Action Plan primarily proposes that the Business Park should remain primarily in 'B' use classes, providing a concentration of commercial land and activities that would otherwise be difficult to achieve in the Whitby area. The Plan does, however, recognise that some uses outside the 'B' class may be appropriate, either ancillary to uses within that class, or where they may complement the overall operation of the Business Park – for example providing services that would assist users/employees (e.g. child care provision, gyms or such like).
- 5.6 In addition, Members will note that Policy 2 of the Area Action Plan identifies a 'retail' area within the Business Park. Members will be aware that the Borough Council has granted consent for two significant retail schemes on the Business Park in recent years (for Homebase and Sainsbury's). Members of the Joint Members Working Group have discussed the issue of retail on the Business Park in detail, and consider that a cautious approach towards future retail development should be taken. The Area Action Plan has earmarked a

limited part of the existing frontage for potential additional nonfood/'bulky' retail provision (capable of accommodating six small retail units). The rationale behind this is to seek to avoid 'ad hoc' decisions on retail proposals in future years, providing a robust basis for resisting retail proposals in the heart of the Business Park, effectively enabling both local planning authorities to 'hold the line' and resist speculative retail applications on other parts of the Business Park. The associated policy highlights the need for any proposal of this nature to demonstrate full compliance with the national tests for out of town retail development, which maintains primacy for town centre locations and requires a sequential test to demonstrate why the particular location is the most appropriate option.

- 5.7 As the supporting text to this policy sets out, current evidence in terms of retail needs in Whitby does not indicate that substantial capacity for additional provisions exists in Whitby. This policy approach should ensure that the overall integrity and focus of the Business Park as primarily a more traditional employment generating area is retained. In addition 'higher' value uses may over time assist in delivering future improvements to the Business Park as a whole.
- 5.8 In addition to the above, land to the east of the existing extent of the Business Park has been identified as having potential for a public house and hotel. There is developer interest in this concept, so attention has been given to finding land that could potentially accommodate this form of development without prejudicing the operation of the Business Park as a whole. It is considered that the establishment of a public house in this area would be of benefit to both existing businesses, in terms of providing a more diverse catering offer than currently exists in the vicinity, and to the residents in the wider locality who currently do not have a facility of this nature within comfortable walking distance. Members will be aware that hotel provision in and around Business Parks generally has become common place, and it is considered that such a facility well related to Whitby Business Park could assist in transforming the image of the Park as one suitable for modern day business activities thereby supporting inward investment. The site identified has been used by travellers visiting around the time of Whitby Regatta, and mindful of this discussions are underway to ensure that alternative arrangements to cater for this could be set in place should the need arise.

### **Process**

- 5.9 The comments on the Draft Area Action Plan were discussed at a meeting of the Joint Members Working Group on 23 July. The Proposed Submission Area Action Plan will be discussed at a further meeting of the Joint members Working Group on 2 October (any comments will be reported verbally to Committee and Cabinet).
- 5.10 The North York Moors National Park Authority's Planning Committee will be considering the Proposed Submission Area Action Plan on 17 October 2013.

- 5.11 Subject to Member approval, the Proposed Submission Area Action Plan will be published to allow representations in November for a six weeks period. As part of this process, all statutory consultees and anyone who has made previous comments on the document will be informed of the draft Plan's availability directly, and a press release will be issued.
- 5.12 After the six week period the Proposed Submission Area Action Plan and any comments received will be forwarded to the Secretary of State as part of the formal submission process, which in turn would precipitate the appointment of an independent Planning Inspector and scheduling of an 'Examination in Public'.
- 5.13 A Sustainability Appraisal and Habitat Regulations 'Appropriate Assessment' has been carried out on the potential impacts of the policies contained in the Whitby Business Park Area Action Plan, in line with statutory requirements. The Sustainability Appraisal and Appropriate Assessment will be published to allow representations alongside the Proposed Submission Area Action Plan in November 2013.

## **6. IMPLICATIONS**

### **(a) Policy**

- 6.1 The publication of the Proposed Submission Area Action plan will enable views and comments to be obtained as part of the statutory requirements in the plan preparation process, and subsequently produce a plan that will form part of the statutory development plan of both the Borough Council and North York Moors National Park Authority.

### **(b) Legal**

- 6.2 The Area Action Plan is being prepared in line with statutory processes.

### **(c) Financial**

- 6.3 The Forward Planning budget takes into account the commitments and resource implications of the preparation of the Area Action Plan. The costs of the examination in public will be shared equally with the North York Moors National Park Authority.

### **(d) Staffing Implications**

- 6.4 Staff resources within the Forward Planning Team have been taken into account in formulating this document. A Programme Officer will have to be appointed for the duration of the Examination process, the cost will be shared with the National Park Authority.

**(e) Environmental**

6.5 The statutory development plan is one of the Borough Council's principal instruments for achieving sustainable development.

**(f) Others**

6.6 The production of the area action plan has no direct implications on the following: Equality and Diversity implications, Crime and Disorder implications, Health and Safety implications.

**7. ACTION PLAN**

7.1 The following actions are identified:

<b>Objectives</b>	<b>Target</b>
▪ Planning and Development Committee	10 October 2013
▪ Cabinet	15 October 2013
▪ National Park Authority Committee	17 October 2013
▪ Council	4 November 2013
▪ Consultation	November/December 2013
▪ Submission to Secretary of State	Early 2014



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**Background Papers:**

Please give details of all publicly accessible (non private) background papers applicable to the report.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT David Hand ON 01723 232482 e-mail [david.hand@scarborough.gov.uk](mailto:david.hand@scarborough.gov.uk)

## NOTES