

North York Moors National Park Authority Planning Committee

17 October 2013

Proposed Submission Whitby Business Park Area Action Plan

1. Purpose of the Report

- 1.1 To present the outcome of the consultation on the Draft Area Action Plan and outline the main comments made.
- 1.2 To present the Proposed Submission Whitby Business Park Area Action Plan document and authorise Publication of the Plan followed by Submission of the Plan to the Secretary of State for Communities and Local Government under Regulations 19 and 20 of the Town and Country Planning Regulations 2012.
- 1.3 To authorise officers to make minor amendments to the text and Policies Map in preparing the Plan for Submission.
- 1.4 To authorise the Director of Planning in consultation with the Chair of the Authority to agree changes arising from issues raised by the Inspector or other interested parties during the examination of the Plan.

2. Introduction

- 2.1 Members will be aware that an Area Action Plan for Whitby Business Park is being produced jointly with Scarborough Borough Council and work on the Plan has been underway since 2007. Consultation on a Draft version of the Area Action Plan took place during April to June this year and this report sets out the results of that consultation. It also presents the Proposed Submission version of the Area Action Plan taking into account the comments made during the consultation. This is the final version of the Plan that will be submitted to the Secretary of State for a formal examination.
- 2.2 The expansion of Whitby Business Park is an important step in the provision of serviced employment land in the town for the foreseeable future. Whitby is an important service and employment centre for rural communities in the Park and the expansion of the Business Park will help to strengthen and diversify Whitby's economy. There is evidence that the availability of serviced land will enable existing businesses on the site to relocate and expand as well as providing opportunities for new businesses to come to the town.

3. Consultation on the Draft Area Action Plan

- 3.1 Consultation on the Draft Plan was an additional stage which is not a formal requirement under the 2012 Regulations. It was considered necessary to consult on a Draft version of the Plan given the time that had elapsed since the first stage of consultation on the Discussion Paper in August and September 2009.
- 3.2 The Draft Area Action Plan was published for consultation from 30 April until 14 June 2013.

Scarborough Borough Council hosted the consultation on its web site using its LDF consultation software and a link from the Authority's web site to the Borough Council's was also set up so the Plan and supporting documents could be accessed via both web sites. Paper copies were made available on request and copies of the draft Plan were made available for inspection at:

- Scarborough Town Hall, St Nicholas St, Scarborough
- Whitby Town Council office, Pannett Park, Whitby
- Whitby Library
- North York Moors National Park Authority, Bondgate, Helmsley
- The Moors National Park Centre, Danby

All the businesses on the Business Park were contacted individually by letter.

- 3.3 During the consultation period, a mobile unit with a display about the draft Area Action Plan was parked at Whitby Seafood's Car Park on 23 May from 12.30 to 6.30pm and officers were available to discuss the proposals for the Business Park with anyone interested. The event was well attended with 25 people coming during the day and providing useful feedback which is summarised at the end of **Appendix 1** to this report.
- 3.4 A joint press release outlining the main points of the Plan and details of the consultation arrangements was sent from both authorities and an article was published in the Whitby Gazette on 19 May 2013. Prior to the start of the consultation period, officers attended a meeting of Whitby Town Council to outline the contents of the Area Action Plan and seek comments. In addition, a presentation to Scarborough Borough Council's Northern Area Committee was made on 14 May 2013.
- 3.5 The consultation generated a total of 80 responses from 19 different organisations and individuals, including some from the businesses on the site. The comments received and suggested responses to them have been discussed at two meetings of the Joint Member Working Group and are set out in **Appendix 1** to this report.
- 3.6 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 create the conditions to enable existing businesses to expand and new enterprises to locate in the town. The main points raised by respondents are as follows:
- Additional text needed to ensure the setting of Whitby Abbey and the National Park are safeguarded and not harmed by new development on the allocated sites.
 - Support for a wider variety of businesses at the Business Park including IT and specialist food businesses
 - Mixed views on identifying a site for retail uses – concerns about the impact on the businesses in the town centre and that the Business Park is becoming an out of town retail centre but some support for a planned and managed approach to future retail uses.
 - Concern that hotel would be detrimental to existing businesses in the town centre and concern about impact on highway network from the pub/hotel proposal especially Cholmley Way/A171 junction as well as noise and visual impact. Query whether it is acceptable to locate a pub next to schools but more general support for the pub as a community facility.

- A number of concerns about linking Cholmley Way and Fairfield Way – Cholmley Way is of restricted width and not designed for 2 way HGV traffic, linking it up with Fairfield Way will mean it is used as the main entrance to the Business Park. This will have an adverse impact on the businesses on Cholmley Way as customers and staff tend to use the road for parking because they have no on site provision.
- General support for improvements to cycle and footway provision.
- Parking on footpaths and road junctions causes obstructions to pedestrians and vehicular traffic and has become more of a problem as the Business Park has expanded and more retail uses have located on the site.
- Public realm and environment needs improving.

4. **Content of the Proposed Submission Area Action Plan**

- 4.1 Following consideration by the Joint Member Working Group on 23 July and 2 October of the comments received during the consultation, the Area Action Plan has been amended, but the general approach and aims of the Plan are the same. The main elements of the Plan are as follows:

Additional Land Allocated for Development

- 4.2 The primary purpose of the Area Action Plan is to deliver serviced industrial land. In the past, land at the Business Park has been allocated for development but the cost of providing the necessary infrastructure has made it unviable to develop. Successful bids have now been made through the Growing Places and Coastal Communities Funds for loans to cover the cost of the infrastructure works on the site though these take the form of a loan which will have to be repaid through the 'uplift' in development value from the land. An additional 14 hectares has been identified to accommodate employment uses falling within the 'B' use classes (employment and industry) the majority of which is in the National Park. The Plan does, however, recognise that some other uses may be appropriate where they are ancillary to the operation of an existing business or would complement the overall operation of the Business Park by providing facilities for businesses – for example crèches.

Retail Use

- 4.3 Members will be aware that since work commenced on the Area Action Plan, a Sainsbury's supermarket and Homebase store have been developed on the A171 road frontage of the Business Park. Members of the Working Group considered that a cautious approach should be taken to future retail development at the Business Park. This reflects concerns that land needs to be safeguarded for employment purposes due to the lack of alternative employment sites in the town. Members considered that restricting retail uses to within a defined area allocated in the Area Action Plan would enable both authorities to 'hold the line' and refuse future speculative applications on other parts of the site. A limited area adjacent to the Homebase store has therefore been identified as a possible area for bulky goods retailing. The policy in the Plan requires that proposals for retail development will still be expected to demonstrate that the 'sequential test' as set out in the NPPF has been met which maintains primacy for town centre locations and requires developers to demonstrate that there are no suitable alternative sites in the town centre. This reference has been strengthened in response to the concerns about impact on the town centre expressed during the consultation.

Pub and Hotel

- 4.4 Land to the east of the Business Park within Scarborough Borough has been identified as having potential for a public house and hotel. 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 on this side of Whitby. 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.

Road Connections

- 4.5 The draft Area Action Plan process has identified the scope for potential improvements to the traffic circulation by connecting the three currently 'isolated' cul de sac routes into the Business Park. External funding to deliver these improvements has been secured 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 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 a one way road from the existing end of Cholmley Way 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 and discussion at the Joint Member Working Group.

5. Publication of the Area Action Plan

- 5.1 At the time of writing this report, the Proposed Submission Area Action Plan was due to be considered by Scarborough Borough Council's Planning Committee on 10 October. Any further comments from that meeting will be reported verbally to Members. Subject to Member approval from both Authorities, the Proposed Submission Area Action Plan will be published to allow representations in November for a six week 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.
- 5.2 It is important to note that this stage is not a consultation that is seeking further comments on the content of the Plan. It is a formal stage in the Regulations and this version of the Plan is the one that both authorities consider to be 'sound' in relation to the four Tests of Soundness set out in the NPPF. These are as follows:

Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

- 5.3 Any representations must be made in relation to these tests and they will be forwarded to the Secretary of State as part of the formal Submission process. An Inspector will be appointed to assess whether the Plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements and whether it is sound in relation to the Tests of Soundness. It is likely that an Examination will be held in Spring 2014. As part of the examination process, it is sometimes necessary to agree changes and amendments to the Plan to meet the concerns of objectors or changes suggested by the Inspector. In order to avoid unnecessary delays at the examination, it would be helpful if this can be done through discussion and agreement between the Director of Planning and the Chair of the Authority and Members are asked to authorise this arrangement. Similar arrangements will be put in place by Scarborough Borough Council.
- 5.4 A Sustainability Appraisal and Habitat Regulations Appropriate Assessment have 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 policies and proposals in the Proposed Submission Plan have been amended to take into account comments on the Sustainability Appraisal received at the Draft Plan stage. The Sustainability Appraisal and Appropriate Assessment will be published to allow representations alongside the Proposed Submission Area Action Plan in November 2013.

6. Financial and Staffing Implications

- 6.1 The preparation of the Plan has been managed with the existing staff resources in the Policy and Forward Planning Teams of the two authorities and it is expected that the rest of the plan process can be managed in this way. There will be financial costs associated with the examination but this will be shared with Scarborough Borough Council and built into the Authority's budget for 2013/14.

7. Contribution to National Park Management Plan

- 7.1 Policy B20 of the National Park Management Plan supports economic development where it is related to the special qualities of the National Park together with an increase in the amount of allocated employment land. The Area Action Plan is specifically identified as a means to achieve this policy and the Publication of the Plan therefore represents a significant contribution to the aims of the Management Plan.

8. Legal Implications

- 8.1 The main legal implication arising from this report is the weight to be afforded to the emerging Whitby Business Park Area Action Plan in making decisions on individual planning applications. Section 54A of the Town and Country Planning Act 1990 sets out that planning decisions must be made in accordance with the adopted Development Plan, unless material considerations indicate otherwise. The NPPF and policies in the adopted Scarborough Local Plan (1999) and North York Moors Local Development Framework (2008) are therefore the starting point for considering planning applications at the Business Park, depending on which local planning authority area they fall within.
- 8.2 As confirmed by the publication of the NPPF, emerging plans can also be given weight as a material planning consideration as they progress towards adoption. This depends on the stage of preparation – the more advanced the preparation, the greater the weight that may be given.

The degree of weight given to each draft policy will vary, depending on whether or not the issue is contentious and to what extent it is consistent with the NPPF. Paragraph 216 of the NPPF indicates that the weight to be given to emerging policy will depend on the extent to which there are unresolved objections – the less significant the unresolved objections, the greater the weight that may be given.

- 8.3 After the Publication stage is finished, the extent and nature of the representations made will be reported to Members together with an assessment of the weight that can be given to the policies in the Proposed Submission Area Action Plan in determining individual planning applications.

- 9. Recommendation**
- 9.1 That Members note the comments made during consultation on the Draft Area Action Plan and provide any feedback on the responses as set out in **Appendix 1**.
- 9.2 Note the content of the Proposed Submission Area Action Plan and authorise Publication of the Plan followed by Submission to the Secretary of State. Authorise officers to make any other minor text changes in preparing the document for Publication.
- 9.3 Authorise the Director of Planning in consultation with the Chair of the Authority to agree changes arising from issues raised by the Inspector or other interested parties during the examination of the Plan.

Contact Officer:
Sarah Housden
Policy Manager
01439 772700

Background documents to this report

File Ref.

1. Stainsacre Lane Industrial Estate

3050/14