

nineteen47

CHARTERED TOWN PLANNERS
& URBAN DESIGNERS

Planning Statement

Incl. Sequential and Exception Tests

Full Planning Application for development of a three-storey building for marine based activities with associated car parking, vehicle and pedestrian access roads, footpaths and limited soft landscaping.

Land at Endeavour Wharf, Whitby

On Behalf of North Yorkshire Council

Client:

North Yorkshire Council

Project:

Land at Endeavour Wharf, Whitby

Report Title:

Planning Statement

nineteen47 Reference:

n2045P

Date:

March 2024

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SECTION 1: INTRODUCTION

- 1.1 nineteen47 Ltd has been instructed by North Yorkshire Council [“the Applicant”] to prepare and submit a full planning application [“the Application”] for the development of a three-storey building for marine based activities with associated car parking, vehicle and pedestrian access roads, footpaths and limited soft landscaping [“the Proposed Development”] on land at Endeavour Wharf, Whitby [“The Site”].
- 1.2 The Proposed Development known as the “Maritime Hub” is supported through central government funding via the Whitby Town Deal. The aspiration for the Maritime Hub is for it to be a driver in the rebirth of Whitby’s maritime industry by diversifying the economy and providing new opportunities for employment within the town.
- 1.3 The Site forms part of the harbour-side wharf on the west side of the River Esk, known as Endeavour Wharf. The majority of the Site is currently in use as a public car park although the wharf remains an operational part of the harbour, with the Harbour Master’s Office at the south end of the wharf.
- 1.4 The Site is located centrally within the built-up area of Whitby and vehicular and pedestrian access is gained to the wharf from Langborne Road. The Site lies within the designated Whitby Conservation Area.
- 1.5 Prior to submission of the Application advice was sought from North Yorkshire Council (Scarborough Area) [“the LPA”], Historic England, the Environment Agency and others. The advice received has informed the design development of the Proposed Development. In addition, a public consultation exercise has been undertaken, including engagement with a Steering Group, a presentation to Whitby Town Council and attendance at the Whitby Technology Tournament. In addition, in-person community consultation events were undertaken in February 2023 (at the Coliseum) and February 2024 (at the Eastside Community Hub and the Coliseum). The Statement of Community Involvement produced in support of the Application provides details of the public consultation exercise and sets out the comments received from interested parties.
- 1.6 A request for a Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 was submitted to the LPA on 22 January 2024. The LPA issued its Screening Opinion (under reference ZF24/00130/SCRREQ) on 1 February 2024, and this confirmed that as the development is unlikely to have a significant impact on the environment the planning application does not need to be accompanied by an Environmental Statement.
- 1.7 This statement should be read and considered in conjunction with the plans, drawings and documents submitted as part of the application. The supporting application documentation includes the following:
 - Planning Statement (this statement) by nineteen47
 - Design and Access Statement by Enjoy Design Architects
 - Heritage Impact Assessment by TheUrbanGlow
 - Transport Assessment by Bryan G Hall
 - Flood Risk Assessment by Fairhurst
 - Geo Environmental Report by Fairhurst and Solmek
 - Preliminary Ecological Appraisal and BNG Metrics by OS Ecology

- Statement of Community Involvement by nineteen47.

1.8 This Statement is structured as follows:

- Section 2 provides an overview of the site and its surroundings
- Section 3 provides an overview of the proposed development
- Section 4 identifies the planning policy context for the proposed development
- Section 5 discusses the Sequential and Test in relation to the Site
- Section 6 demonstrates how the proposed development complies with the relevant planning policy
- Section 7 draws together conclusions.

SECTION 2: SITE CONTEXT

- 2.1 The Site comprises land which forms part of the concrete surfaced Endeavour Wharf located on the west side of the River Esk in Whitby. The Site is shown outlined in red on the map below. The wharf allows for the mooring of vessels and the loading and unloading of passengers, equipment and cargo on its north and east sides. The River Esk flows past the Site in a south to north direction before its waters enter the North Sea some 600 metres north of the Site.
- 2.2 The Site is irregular in shape and measures some 0.9 of a hectare in area. The north and east boundaries of the Site are defined by the edges of the wharf adjacent the river and by Langborne Road and adjacent hard surfaced areas of car parking and public realm on its south and west sides. On the opposite side of Langborne Road to the Site are a large supermarket building and Whitby Station, a Grade 2 listed building.

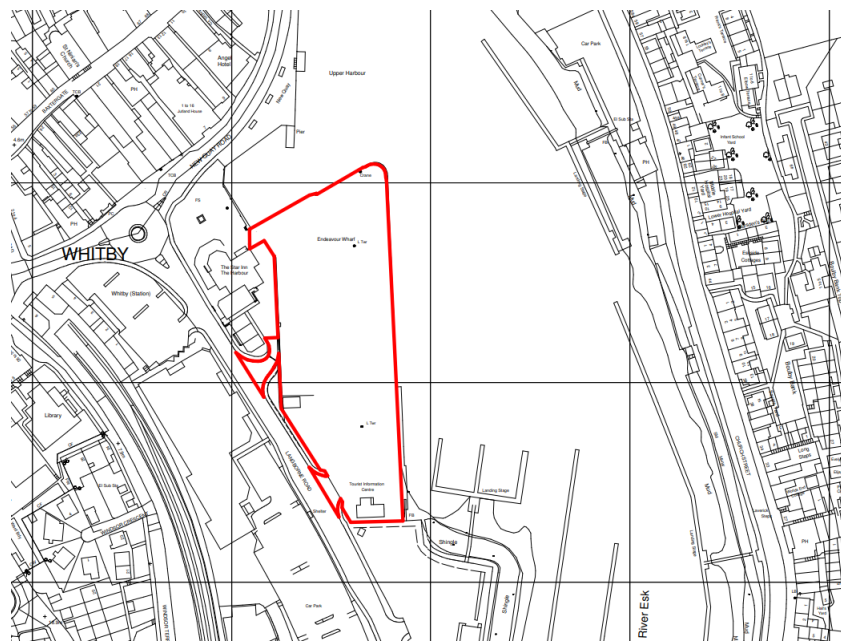


Figure 1: Site Location

- 2.3 The majority of the Site is currently used as a public car park, with the north and east sides providing access to moored vessels for loading and unloading goods and for undertaking maintenance, and also for the storage for maritime equipment.
- 2.4 The wharf accommodates two modest permanent buildings that are occupied by the Harbour Master and their staff. At the southern end of the wharf is a two-storey brick and rendered building with clay pantile roof that is the Harbour Master's Office. This also accommodates the Tourist Information Centre at ground floor level. Close to the west boundary of the Site, some 60m northwest of the Harbour Master's Office is a brick-built store building with a metal sheet clad roof. Adjacent this building are a number of storage containers and an area of parking and open storage used by the Harbour Master's team.
- 2.5 Adjacent to the west side of the Site are a range of modern single storey buildings which are occupied by food and beverage operators, although the unit formerly occupied by the Star Inn is currently vacant. To the north of these buildings, and

northwest of the Site, is an area of public realm known as Dock End. Direct pedestrian access to gained from the Site to Dock End, via the site's northwest corner.

- 2.6 The photograph below shows a view of the public car park operating on Endeavour Wharf, looking in a northwest direction towards the town centre. The buildings to the north and west of the Site can be viewed in the background.



Photograph of cars parked on Endeavour Wharf looking northwest.

- 2.7 In policy terms, the Site lies within the defined Development Limits of Whitby but outside the 'Town Centre Boundary' as shown on the Local Plan Policies Map, although part of the Site's west boundary is adjacent to the defined Town Centre. However, the Site lies to the south of the defined Primary Shopping Area, which includes properties on to northside of New Quay Road, positioned to the north of Site. The Site lies within Whitby's designated Conservation Area and due its harbour side location it lies within Flood Zone 3b (Functional Floodplain).

Planning History

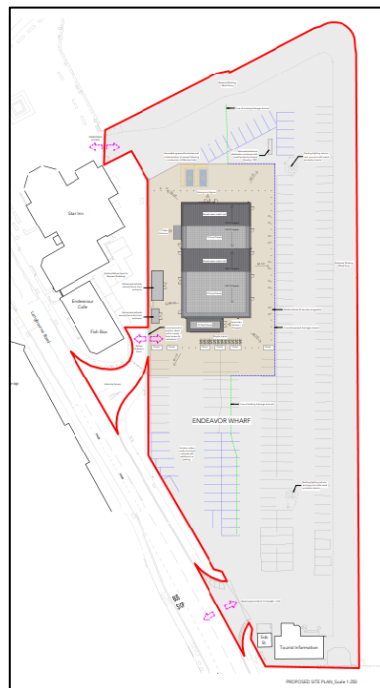
- 2.8 The following planning history for the Site, which is considered relevant to the Application proposals, is displayed online via the LPA's website:
- 95/01008/CA – Conservation area consent for demolition of warehouses and storage sheds - Approved in October 1995.
 - 96/01223/FL – Erection of a transit shed and new access – Planning permission granted in February 1996.
 - 03/01174/FL – Use of wharf as a temporary seasonal loan stay car park – Planning permission granted in July 2003.
 - 04/00877/FL – Temporary use of cargo wharf as a long stay car park – Planning permission granted in August 2004.
 - 12/00515/RG3 – Installation of solar panels to roof of Harbour Master's officer – Planning permission granted in May 2012.
 - 15/01330/SCR – EIA Screening Opinion relating to the development of a commercial facility (three-stories in height with a floor area of around 1,000

sq.m) that would provide offices, industrial and warehouse accommodation linked to an off-shore renewal energy service company - The LPA confirmed an EIA was not required in July 2015.

- 17/01968/RG3 – Temporary change of use (maximum duration of 14 months) of an area of existing car park to a site compound required to service the proposed refurbishment work to the East and West Piers – Planning permission granted in December 2017.

SECTION 3: PROPOSED DEVELOPMENT

- 3.1 The Application seeks the grant of full planning permission for the development of a Maritime Hub on Endeavour Wharf, adjacent the harbour and the River Esk. The Maritime Hub comprises a three-storey building that will provide accommodation for marine based activities, along with associated car parking, vehicle and pedestrian access roads, footpaths and limited soft landscaping.
- 3.2 The Proposed Development involves the construction of a building that will serve, and seek to develop further, the maritime industry of Whitby. The project is supported by £10 million funding through the Government's Town Deal scheme, which will place the town at the forefront of the expanding offshore renewable industries in the North Sea and will also boost job opportunities for the local community.
- 3.3 The proposed building will be a multi-functional structure providing workshops on the ground floor that will house the current wharf operations of the Harbour Authority, as well as providing space for wharf based activities, marine biology and expansion of emerging industries, such as offshore wind that demand a sea front location.
- 3.4 The building is to be positioned towards the northern end of Endeavour Wharf, replacing an area currently in use for car parking. The extract from the layout plan below shows the location of the building and the connectivity to the harbour edge.



Site Layout Plan

- 3.5 Access to the building is proposed from a number of directions. The principal vehicle access will be from Langborne Road, through the alteration of an existing access point. This will facilitate access to the service yard at the south end of the building. In addition, access to the building will be gained from its north and east sides from the wharf. The location of the building also facilitates direct access between the ground floor workshops and upper floor accommodation and the harbour edge, allowing

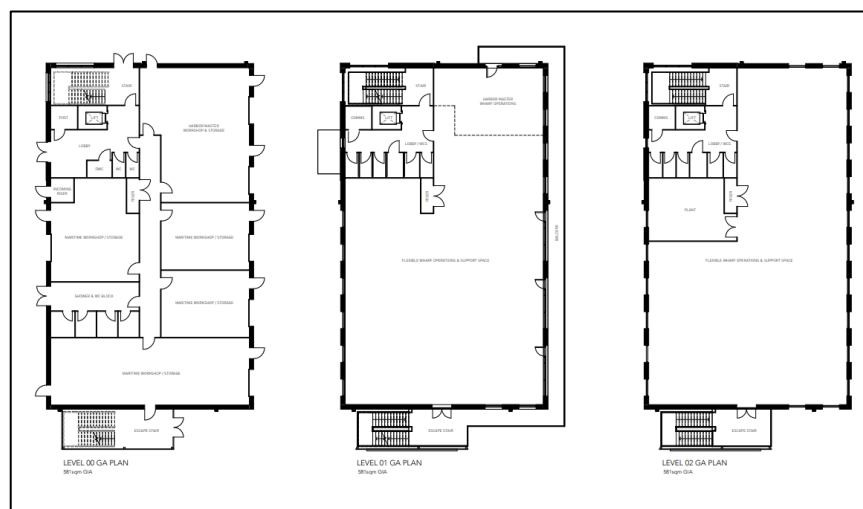
access to vessels.

3.6 The Harbour Master's office will be accommodated on the first floor with further accommodation at first and second floor providing space for start-up and existing maritime businesses. It is anticipated that the space will be occupied by local, regional and national businesses and organisations, resulting in an increase in the maritime activity within the town. The following 'water compatible uses could be accommodated in the building:

- Ground Floor Workshops (including Harbour Master's Flood Equipment and Workshop)
- Harbour Master Office, including Emergency Planning and Meeting Rooms
- Fishing Industry Laboratory
- Wharf Operation and Support Space.

3.7 The ground floor of the building will have flood resilience measures built into it, with water resistant materials used in the construction. Electrical services and equipment will be set above the design flood level. The building's design will allow water to exit the building as the flooding event subsides.

3.8 The floor plans of the building are shown below and further detail is provided within the Design and access Statement.



Floor Plans of the Maritime Hub

3.9 The design of the building has evolved through various consultation processes with the client, local stakeholders, the local community and Historic England.

3.10 Having gone through a number of design iterations that have responded to various consultation responses, in particular from the LPA and Historic England and the client's amended brief, the building is proposed to be constructed in a range of materials, including natural stone and brickwork with a roof covered in slate grey coloured metal sheeting with standing seams.

3.11 The external design of the building is described in detail within the Design and Access statement produced by Enjoy Design Architects.

3.12 The elevations of the building are shown below:



Elevations of the Maritime Hub

3.13 The visualisation below shows the Maritime Hub as viewed from the east, from the eastside of the River Esk.



Visualisation of the Maritime Hub within its context.

SECTION 4: PLANNING POLICY CONTEXT

4.1 Planning policy relating to the Proposed Development comprises:

- The Development Plan; and
- National Planning Policy Framework.

4.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan

4.3 The Development Plan material to the proposal consists of:

- **Scarborough Borough Local Plan 2011-2032 (adopted July 2017).**

4.4 The Ste is located within the Development Limits of Whitby and within the Conservation Area but it is not the subject of any specific designations or allocations itself.

4.5 The Development Plan policies considered to be relevant to the determination of the application are as follows:

- SD1 - Presumption in Favour of Sustainable Development
- SH1 – Settlement Hierarchy
- DEC1 – Principles of Good Design
- DEC2 – Electric Vehicle Charging Points
- DEC4 – Protection of Amenity
- DEC5 – The Historic and Built Environment
- HC10 – Health Care and Education Facilities
- TC1 – Hierarchy of Centres
- TC2 – Development in Commercial Centre
- EG1 – Supporting Industry and Business
- EG2 – Jobs and Skills and Employment Training
- ENV3 – Environmental Risk
- ENV5 – The Natural Environment
- ENV7 – Landscape Protection and Sensitivity.

4.6 Further information on these relevant Local Plan policies is set out in Appendix A of this Statement.

Material Considerations

4.7 In addition to the Development Plan, applications should also have regard to the National Planning Policy Framework 2023 (NPPF) and National Planning

Practice Guidance, which are material considerations in any determination, as well as other government policy documents such as the National Design Guide.

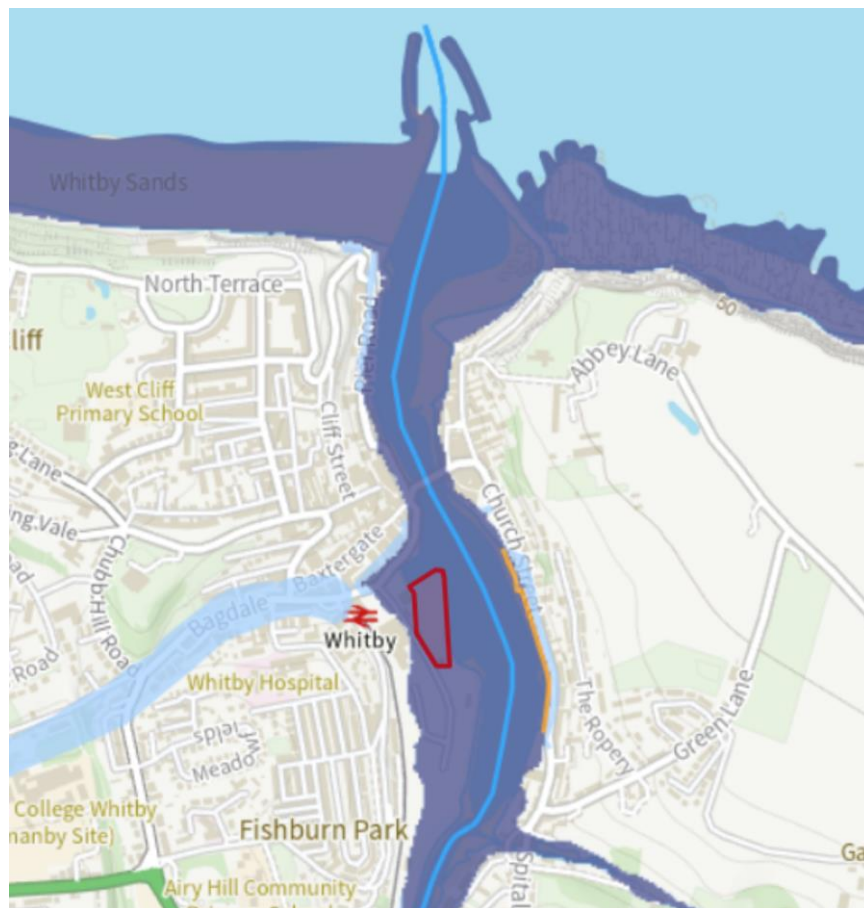
- 4.8 Details of the relevant guidance in the NPPF, NPPG and other documents are contained in Appendix A to this Statement.
- 4.9 The Council's Whitby Conservation Area Character Appraisal and Management Plan, dated January 2013, is also a material consideration in the determination of the application.

SECTION 5: SEQUENTIAL AND EXCEPTION TESTS

- 5.1 As the Site is located within Flood Zone 3, a Sequential Test is required in accordance with Paragraph 167 of the NPPF which states:

The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

- 5.2 In terms of determining a suitable location for the Proposed Development, the principal constraint has been the need to identify a site with direct access to the harbour to enable future tenants to have direct access to vessels berthed in the harbour. As will be noted from the extract from the EA flood map below, the entirety of the harbour and river side along the Esk is within Flood Zone 3 (High Risk).

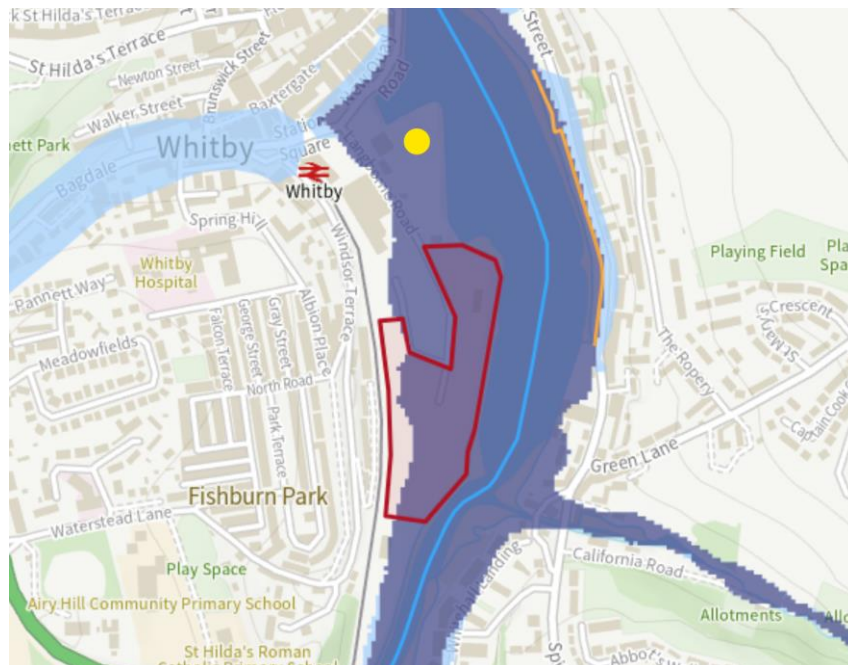


Endeavour Wharf shown outlined in red within Flood Zone 3.

- 5.3 Given that direct access to the harbour is a functional requirement of the proposed building, the scope of the sequential exercise is relatively narrow. Other land that could be deemed available and of a suitable size for the proposal is limited to land in North Yorkshire Council's ownership positioned to the south of the Site, with access gained from Langborne Road. The majority of this land is presently in use for public

car parking, but also includes an area for boat storage and maintenance. In addition, there is an existing building on the land, positioned close to the harbourside. This is a relatively modern building constructed to provide onshore facilities for harbour users (i.e. toilets, showers, laundry, wastewater disposal) and also public toilets (granted under application ref. 08/02359/FL).

- 5.4 The land to the south of the Site is shown below on an extract from the EA's flood map and like Endeavour wharf is mainly situated in Flood Zone 3. Whilst some of west parts of the land lie outside Flood Zone 3, these are positioned adjacent the railway line that runs along the entire length of the land's west boundary. The close proximity of the railway line is considered to put a constraint on development and would certainly mean that any building would need to be sited away from it in order to enable future access to the building for maintenance without compromising the safe operations of the railway line. In addition to this, the western side of the land is some distance from the harbour side and therefore is not considered to be an appropriate location for the proposed building given the need for its future users to be direct access to vessels berthed in the harbour.



Land to the south of the Site lying within FZ3 shown outlined in red.

- 5.5 Given the above, it is concluded that there are no other sites within the area which are less prone to flooding and more suitable for the Proposed Development. Therefore, the siting of the Maritime Hub on Endeavour Wharf passes the Sequential test.

- 5.6 Paragraph 168 of the NPPF advises that

If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.

5.7 In this case, as the Proposed Development is water compatible (as explained in some detail in the Flood Risk Assessment that supports the Application) an exception test is not required to be undertaken.

5.8 Paragraph 173 of the NPPF advises that:

When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan

5.9 As stated previously a site-specific FRA has been undertaken for the Application and this is discussed further in Section 6 of this statement. The FRA considers the issues set out in paragraph 173 of the NPPF.

5.10 In conclusion, it is therefore found that there are no alternative sites at a lower risk of flooding that are available which would provide a suitable site for the Proposed Development and therefore the Sequential Test is passed, whilst the water compatible uses of the Maritime Hub mean that an Exception Test is not required.

SECTION 6: PLANNING ASSESSMENT

- 6.1 Based on the relevant planning policy matters set out in the previous section, and in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, the proposals for the Application Site are considered within the context of the development plan, together with other material considerations below.
- 6.2 The key issues in the determination of the Application include the following considerations:
- Principle of the Proposed Development
 - Design
 - Heritage
 - Highways
 - Flood Risk
 - Ecology and Biodiversity
 - Impact upon Amenity
 - Other Considerations.

Principle of the Proposed Development

- 6.3 In policy terms, the Application Site is located within the 'Development Limits' of Whitby, where new development is acceptable in principle, subject to consideration of other relevant policy matters. Policy SH1 (Settlement Hierarchy) of the Local Plan confirms that Whitby is the second largest settlement in the Local Plan area, after Scarborough, where an appropriate level of development will be permitted in line with its role and function.
- 6.4 The Local Plan includes a number of Settlement Hierarchy Statements (SHS), with SHS2 describing Whitby (including Ruswarp). This states as follows:

"Whitby will be the focus for housing, employment, shopping, leisure, education, health and cultural facilities in the northern part of the Borough, where development should respond to local needs and reflect and enhance the high environmental quality and historic character of the town. In seeking to deliver the plan's spatial objectives at a local level, development should:

- a. support Whitby's role as a historic town, managing the consequent demands arising from being a major visitor destination
- b. deliver a range of modern housing that helps to meet local needs as far as possible
- c. deliver an enhanced role as a service and employment centre to its surrounding rural hinterland, capitalising on emerging economic drivers
- d. improve accessibility to and from surrounding settlements by public transport
- e. improve the town's function as a hub for transport services and interchange and increase opportunities for walking, cycling and riding within the surrounding countryside
- f. protect, and where possible enhance the role of the town centre; and
- g. achieve a high standard of design alongside a pattern and scale of development that reflects and enhances local character, distinctiveness, heritage and the town's relationship with the surrounding landscape."

- 6.5 Of the above criteria, the Proposed Development directly relates to point c. although it also supports a number of other criteria insofar as the project's location will support the role of the town centre (point f.) and also provide for a high standard of design which enhances local distinctiveness (point g.).
- 6.6 SHS2 is supported by text at paragraph 4.9 of the Local Plan which states that:
- "As a centre for economic and social activity, Whitby acts as the principal settlement in the northern part of the Borough. The town has a vital role as a service and employment centre for both its own population and that of the wider Esk Valley and beyond. The Local Plan seeks to protect and enhance this role."
- 6.7 The Proposed Development is considered to directly support the role of Whitby as a service and employment centre in the north of the Local Plan area, capitalising on emerging economic drivers in the form of offshore wind and new maritime initiatives such as the town's Lobster Hatchery business. The proposal would result in flexible workshop, laboratory and research space sited adjacent to the harbour's edge to allow direct access to vessels.
- 6.8 In addition to the above, the Maritime Hub is proposed as an innovation centre that will provide a venue for wharf based activities for the maritime industry, with the aspiration to drive the rebirth of the town's maritime industry by providing new opportunities for employment closer to home for residents of Whitby and the rural hinterland it serves.
- 6.9 The central location of the Site adjacent to the town centre of Whitby will ensure existing services and facilities will be supported by the new development as the town centre and its surrounding areas will be easily accessible from the Site on foot and cycle. The Proposed Development will therefore support the town centre and its role.
- 6.10 Given the above, the principle of the development of the Maritime Hub on Endeavour Wharf accords with the relevant Local Plan policies, including SH1 (Settlement Hierarchy).

Design

- 6.11 Government planning policy as outlined in paragraph 130 of the NPPF which indicates that planning decisions should ensure that development is visually attractive as a result of good architecture and layout.
- 6.12 The design policy of the Local Plan (DEC1) requires that development should reflect the local environment, respond positively to its context, and be laid out and orientated where possible to reduce the need for energy consumption.
- 6.13 Understanding the context and proposing a design that responds positively to this has been a key element of the scheme architect's work, as set out in the Design and Access Statement. The project's design development has been an iterative one that has focused on a number of matters, including the response to the Site's context. The design of the building has been developed following consultation with local stakeholders, the public and Historic England with the design evolution covered in detail within the accompanying Design and Access Statement. This has resulted in a

building form and mass that seeks to respond to the harbourside context, whilst ensuring the building remains a contemporary piece of architecture, and one which is energy efficient.

6.14 The building is sited and laid out so that it has good connectivity to the wharf's edge to allow direct access to vessels moored in the harbour. Workshops are proposed at ground floor with roller shutter doors on the east elevation facing out over the harbour, which will allow for direct access to the eastside of the wharf. The harbour master's offices are proposed at first floor allowing observation of the harbour and its activities. Other rooms on the first and second floors have large glazed openings enabling good visual connection with the wharf and harbour and can be subdivided to reflect future tenant's space requirements. The roof form and its north-south orientation allows for the provision of a large array of photovoltaic panels to maximise the renewable energy source for the building and its operation.

6.15 Given the central location of Endeavour Wharf within Whitby (and its designated Conservation Area) with widespread views of the Site from surrounding streets and properties sited at higher levels on both sides of the Esk, the scheme architects have given careful consideration to the building's form and its elevational treatment. Within the Design and Access statement, Enjoy Design Architects explain their approach as follows:

"The proposed maritime hub will create an iconic new building for Endeavour Wharf and Whitby. Standing isolated, its palette of traditional materials help to soften its presence, whilst its form and functions embrace the site's vernacular."

6.16 The materials of the external elevations of the building have been carefully considered, with various materials considered and discounted through the design development process. Through amendments to the client's brief a reduction in the overall floor area of the building has been possible and this has reduced both the footprint and height of the building. This reduction in overall scale and mass has facilitated the use of traditional external materials to the walls of the building, complemented by modern high performance window systems.

6.17 The elevations of the ground floor of the building are proposed to be finished in stone. The majority of the stone will be in a split face finish. A section of stonework is proposed to rise up to three-storeys in height on part of the north and west elevations of the building, in a sawn face finish to provide a contrast with the rugged split faced stone. The ground floor level split face stone reflects the more modest lower order buildings within the locality whilst the sawn faced stone rising up to second floor height reflects the taller grander buildings in the town, which often have external elevations finished in smooth faced 'finely dressed' stone.

6.18 The stone walling is proposed to be complemented by a red multi brick laid in two bond types. To reinforce the vertical emphasis of the building's fenestration columns of different brick bonds are proposed across the elevations. Between the window openings columns of brick finished in a traditional stretcher bond are proposed, whilst above and below the windows stack bonded bricks are to be utilised. The pattern of brickwork will subtly reinforce the visual rhythm of the window openings and at the same time break the building down visually into smaller component parts that has the effect of reducing its perceived visual mass. The overall effect, particularly on the

main east elevation, which will face over the harbour, is a building that has the character of a traditional maritime warehouse, but one in which a contemporary design approach has been adopted.

- 6.19 The mix of traditional and contemporary design detailing within the building is considered to be entirely appropriate for its setting within the Whitby Conservation Area. The building does not seek to mimic existing buildings but rather respond to them in a positive manner in a building form that is appropriate for its intended uses.
- 6.20 The design also seeks to ensure the building has a thermal efficient envelope. This includes adopting a fabric first approach using high quality products to target U-Values and air tightness values that are much lower than those required by the current Building Regulations.
- 6.21 Energy efficiency has influenced the overall form of the building and in particular its roof, which is designed to have south facing slopes that will accommodate photovoltaic panels, to maximise the renewable energy generation of the building. The benefit of the building generating its own renewable energy will be maximised through its thermally efficient envelope which will reduce heat loss during colder months and control heat gain in warmer months. Hybrid Ventilation Units are proposed to provide excellent levels of fresh air, CO₂ and temperature control all year round. Air Source Heat Pumps will be installed to provide low temperature hot water.
- 6.22 Given the above, it is considered that the building is of good design, which responds positively to its context within the harbour and the wider Conservation Area. In terms of design the proposed building is considered to accord with Policy DEC1 which requires that new development should:
- reflect the local environment and create an individual sense of place with distinctive character
 - have a detailed design that responds positively to the local context, in terms of its scale, form, height, layout, materials, colouring, fenestration and architectural detailing
 - take account of the need to safeguard or enhance important views and vistas, and
 - be laid out, orientated and designed to help to reduce the need for energy consumption, and ensure energy efficiency to reduce carbon emissions from the development.

Heritage

- 6.23 The development of the Application proposals has been informed by a Heritage Impact Assessment, undertaken by TheUrbanGlow. This considers archaeology and built heritage.

Archaeological Context

- 6.24 The Heritage Impact Assessment (HIA) considers that the site has low potential in terms of archaeology given that it was until the mid-20th century mudflats which may have supported some mooring piles. The HIA makes reference to previous reports which confirm that this area was in filled by dump material in the 18th century and

was later built over by the railway line. The Application Site itself is a later such infill, likely built with dump material post 1938. Due to the relatively recent transition from mudflats to harbour wharf the HIA advises as follows:

“As such the area of mudflats known as Low Bell were gradually reclaimed culminating in the late 20th century building of the existing harbourside upon which this proposed building would sit. As such, in light of the absence of this land being habitable until the later 20th century, there is considered to be a low likelihood of archaeological potential to this site. Despite this even were deposits thought by others to exist, the piling foundation would be a likely suitable approach to mitigating any potential impact upon below surface archaeology subject to suitable conditions.”

Built Heritage

- 6.25 The HIA advises that the application site exhibits some historic significance but that this is largely limited due to the recent development of Endeavour Wharf. However, it acknowledges that the site does have the potential to impact upon the character and appearance of the historic environment and the setting of several heritage assets.
- 6.26 In summarising the ‘significance’ of the site in heritage terms the HIA concludes that due to its relatively recent formation the site has low evidential, historical, aesthetic and communal value, although it is acknowledged that the site lies close to the historic docks that built the famous ships used by Captain James Cook, with Endeavour Wharf taking its name from the Whitby ship that he made his first Pacific voyage on.
- 6.27 The HIA includes an assessment of views which was used to inform the design development of the Maritime Hub. The assessment of public views of the site has allowed an understanding of how the development of the Maritime Hub building might impact on the character and appearance of the Whitby Conservation Area and the listed buildings that sit within it. In terms of the views assessed, the HIA advises:

“In order to inform the design development of the scheme, a thorough views assessment was undertaken of the Esk basin and the town. This was important to fully understand the historic and geographic context of the scheme and to fully understand the contribution of this site to the character and appearance of the Conservation Area and the setting of the plethora of Listed Buildings that populate the town. As such the focus of attention was not only upon gaining an understanding of the context to inform this design, but it was also, more fundamentally, aimed at fully understanding the impact and areas of sensitivity associated with Listed Buildings and the character of the Conservation Area. As such the following images focus upon the following areas:

- *Main cluster of development of the town of Whitby around Baxtergate and Victoria Road*
- *Several Listed Buildings including: LBs on Baxtergate*
- *Distant views to Abbey, Listed Buildings along Church Lane*
- *Views from Station and sense of arrival, views along the Esk towards the town looking north - Entry into the town from the North and sense of arrival*
- *Key views from Kyber Pass and the Abbey steps.”*

6.28 The HIA advises that the assessment of views clearly illustrates that Application Site is visible from certain areas and that this is primarily due to it being so isolated within the townscape due to it being reclaimed land with a lack of historic development in this vicinity. As such, the HIA advises that any building, of whatever scale, would stand out to some extent. Notwithstanding this the HIA concludes that:

"However, notably, what this assessment also shows clearly is that the Whitby we all know and love, is principally focused around the core of the town and the cross visibility between Abbey and town and vice versa. This site therefore does not protrude into these key views. Whilst a building here may be visible, it will not in any way dominate these views or cause a harmful impact upon them."

6.29 The significance of the various views of the site and its context are categorized into high, medium and low, as are the potential for harm and the assessment of impact. In all views the potential for harm is considered to be negligible or low.

6.30 In terms of the impact on Whitby Abbey, the HIA advises that:

"The proposed site is located some distance below the Abbey ruins and the associated complex of buildings of various ages and significance. The actual impact upon the significance of the Abbey would largely be negligible. As such Whitby Abbey would still maintain its iconic dominance above the town and nothing in this scheme would compete with this. As such any impact would be indirect and concerned with the wider setting of the Abbey as well as some views towards it."

6.31 In relation to other important buildings - including Church of St Mary, the Listed Buildings on Church Street, the Listed Buildings around Spital Bridge, and the listed Engine Shed and Whitby Station - the HIA concludes that in the main the impact on setting and significance would be low and the harm that would occur would be negligible/low.

6.32 In terms of the impact on the core of the Whitby Conservation Area, the HIA comments as follows on the effects of the proposals:

"The proposed site is of little direct significance other than it forming the hinterland of the maritime industry that the town served. The main point of interest in this regard is the fact that the proposed building would stand in relative isolation from the town. This is of benefit in many ways, but equally it has the potential to make the building more prominent. As such, although the building would not be visible from much of the town, it would be seen within the context of the town and from the bridge. As a result the building would, due to the absence of nearby structures, stand out far more than it would otherwise. The effect of this is that the building has the potential to be more apparent. This isn't a problem in itself as long as no key views or key elements of the town are harmed. It is our opinion that no key views are impacted. Most notably, those views over the harbour (from West Cliff to Abbey) are unaffected. The perception of built form would have the potential to undermine the compact historic townscape, but again, such maritime uses are common around the harbour and as such the building would be seen within this context."

6.33 Given the above, the HIA concludes that the main impact would be largely visual, but

key views would be unaffected and therefore harm would be low/negligible.

- 6.34 In terms of the impact of the development itself, the HIA advises this could be viewed as a resulting in a positive enhancement of the site over the existing surface car park. The HIA comments:

"...Although not accessible to members of the public, the building could become a reminder that Whitby is far more than an attractive, seaside harbour town and that it is still a functioning fishing port with a long term future. In this regard, despite any special, architectural, treatment the building will become a focal point both due to this prominence and its use and may well encourage people to explore further out of the town along this side of the Esk. Ultimately, the architectural design is responsive and the materials and function of the building will contribute well to the physical setting of the place. As such, the building will contribute to an enhancement of this site."

- 6.35 In terms of the overall assessment of harm that HIA advises that the isolated nature of the site means that there is no direct harm to heritage assets. The assessment work undertaken has demonstrated that the impact of the Proposed Development within the setting of the town is limited and the impact would be due to the sense of change occurring at the Site. As a result, the HIA advises that the proposal does not generate levels of harm that could be anything above Low, or at worst, Medium and the impact is due mainly to change occurring, not necessarily harmful change.
- 6.36 The HIA concludes that when the low level of impact is considered against the public benefits of the proposal, that any potential harm can be mitigated through both the overall design and the unique use of this building.
- 6.37 The following public benefits are considered to arise from the development:
- a) The building would help to conserve and allow future opportunities to enhance the maritime trades of Whitby. These include traditional and new means of managing the coastal environment for future generations. This represents a major benefit in protecting the very raison d'être of Whitby
 - b) The proposed building would enhance the existing site through the removal of existing car parking which would be a visual benefit to the setting of heritage assets
 - c) The building would be sustainable and environmentally friendly
 - d) The proposed building could become something of a landmark to the lower harbour (without causing distraction from heritage assets). In this respect it could enhance the offer of Whitby as a maritime trading centre
 - e) The proposed building would provide opportunities for old and young people to learn, explore and develop maritime skills that could enhance the skills base of Whitby and help diversify its economy
 - f) The building would employ local people and add to local GDP
 - g) The use of this building could promote Whitby and the region on a global scale as a place that is building upon traditional skills and industries in a sustainable and sensitive manner.

Highways

- 6.38 Paragraph 111 of the NPPF states 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 would be severe.'*
- 6.39 Policy DEC1 of the Local Plan requires that proposals provide suitable and safe vehicular access and suitable servicing and parking arrangements.
- 6.40 Bryan G Hall has prepared a Transport Assessment (TS) in support of the Proposed Development. This confirms that the Site will be accessed via Langborne Road which lies to the west of the Site.
- 6.41 The TS demonstrates that the local highway network is operating safely at present and that there are numerous opportunities for sustainable travel to and from the Site. The TS considered that the Site is well located to promote trips on foot and by cycle, as well as by public transport.
- 6.42 Whilst the TS confirms that the Proposed Development will result in the net loss of 52 car parking spaces from Endeavour Wharf, survey work on the available parking in Whitby indicates that this will not result in a significant detrimental impact on parking availability in the town.
- 6.43 The TS concludes that there are no justifiable reasons to withhold the grant of planning permission on highways grounds.
- 6.44 A Framework Travel Plan has also been prepared in support of the Proposed Development which sets out a number of measures to encourage sustainable modes of travel to and from the Site.

Flood Risk

- 6.45 The Application is accompanied by a Flood Risk Assessment (FRA) prepared by Fairhurst which confirms that the site location on Endeavour Wharf lies within Flood Zone 3b (functional floodplain), as shown below on the extract from the EA's Flood Map for Planning.



Endeavour Wharf shown outlined in red within Flood Zone 3.

- 6.46 The FRA confirms that the proposed development comprises a three-storey building on the existing wharf adjacent Whitby Harbour, which in addition to the Harbour Master's team is proposed to be occupied solely by 'water compatible' tenant uses, as defined in the NPPF. The FRA sets out the uses in a table at para. 3.4.2 and explains how these satisfy the 'water compatible' definition in the NPPF.
- 6.47 The information provided within the FRA demonstrates that the proposed uses fall within the classification of water compatible development and that the location of the building on Endeavour Wharf is essential to the activities which will take place at the building, therefore justifying the requirement to locate the development within Flood Zone 3b.
- 6.48 Whilst the nature of the Proposed Development means that an Exception Test is not required, consideration has been given the guidance set out in paragraphs 170 and 171 of the NPPF which set as follows:

The application of the exception test should be informed by a strategic or site-specific flood risk assessment ... at the application stage. To pass the exception test it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Both elements of the exception test should be satisfied for development to be allocated or permitted

- 6.49 In respect of point a) of paragraph 170, the Proposed Development is considered to provide wider sustainability benefits to the community that outweigh the flood risk that affect the proposed building, as set out in paragraph 6.37 above.
- 6.50 In respect of point b) of paragraph 170, the FRA confirms as follows:

“The ground floor of the Maritime Hub is to be set to provide level access to the surrounding ground levels to facilitate the proposed uses, including forklift trucks and other plant requiring access.

The ground floor of the building is to adopt a flood resilient water entry strategy – this is set out in Section 6.4 of the FRA. The construction materials used for the ground floor will be completely impermeable. The C40/50 grade concrete to be used is designed to retain structural integrity while being inundated with water.

During a 0.5% AEP tidal flood level with an allowance for climate change the peak flood level at the site would be 4.83m AODN, resulting in a flood depth of approximately 1 m in the ground floor of the building. The design of the building will allow for water entry of the ground floor via doorways.

A draft flood evacuation plan has been produced by North Yorkshire Council – this is set out in Appendix F of the FRA.

The site is fully impermeable in its current state and drains to the River Esk via drainage infrastructure and direct runoff. The proposed development will therefore not increase the area of hardstanding or the associated discharge rate from the site. As such there will be no increase in flood risk associated with surface water as a result of the development”

- 6.51 Given the above, the Proposed Development is considered to accord with Policy ENV3 (Environmental Risk) of the adopted Local Plan. In addition, the Proposed Development accords with the flood risk-related policies included in the NPPF in ensuring a sequential, risk-based approach to the location of development is applied (Paragraph 168), and that the proposals would not increase the risk of flooding elsewhere and that the development is appropriately flood resistant and resilient (Paragraph 170).

Ecology and Biodiversity

- 6.52 The Application is supported by a Preliminary Ecological Assessment (PEA) prepared by OS Ecology. The PEA advises that:

“The site is dominated by an area of carparking which comprises a sealed surface. There are a small number of lighting columns within the site as well as a small substation, a small storage building and the tourist information centre. The development area is adjacent to the River Esk to the east with the western and northern boundaries formed by quay walls. Overall the habitat value of the site is considered to be of low ecological value.”

- 6.53 The PEA advises that the majority of the Site is considered to be of negligible value to bats and that the buildings on Site which are to be impacted by the proposals are considered to have a negligible to low suitability for roosting bats.

- 6.54 The PEA further advises that a small numbers of Herring Gulls and Black-headed Gulls were recorded on the Site and around the local area but that there are no suitable nesting areas for these species. The ecologists advise that due to the lack of vegetation on Site, the value to birds is considered to be low.

- 6.55 The PEA confirms that no evidence of otter was recorded on Site and that overall, the value of the Site to the species is considered to be low. The Assessment also confirms that no other protected or notable species were recorded on site. Due to the lack of vegetation, the habitats on site and its urban location, the risk of other such species being present within the site boundary is considered to be low.
- 6.56 The PEA advises that migratory and resident fish use the adjacent River Esk and include European eel, Atlantic salmon, and brown/sea trout as well as marine species including plaice, smelt, whiting, herring and Atlantic cod. The importance of the River Esk to these species is considered to be of regional significance.
- 6.57 Based on the nature of the site should buildings on site be demolished as part of the scheme, additional bat surveys will be required in order to confirm the potential presence/absence of roosts from these buildings. However, the surveys will need to be undertaken in May and will be submitted in support of the Application as soon as they have been completed.
- 6.59 In terms of BNG, OS Ecology's calculations demonstrate that a 10% net gain in biodiversity can be achieved on the site through the inclusion of planters. Around the building. In addition, bat and box boxes are proposed to be sited on the building's elevations in line with the ecologist's recommendations.

Amenity Considerations

- 6.60 Paragraph 119 of the Framework states that:

'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions'.

- 6.61 Policy DEC5 of the adopted Local Plan
- 6.62 The Proposed Development is to be built at reasonable distances from existing residential properties. Generally, the separation distance between the Maritime Hub and the nearest dwellings are in excess of 50m.
- 6.63 Overall, it is not considered that the proposals give rise to any residential amenity issues and therefore the proposed development is in accordance with Paragraph 119 of the NPPF, which requires development not to cause significant adverse impact on amenity and Policy DEC4 of the adopted Local Plan.

Other Considerations

- 6.64 Paragraph 8 of the NPPF advises that there are three overarching objectives to achieving sustainable development which are interdependent. These objectives are economic, social and environmental.

Economic Benefits

- 6.65 In relation to the Maritime Hub project, the economic benefits that will arise from its operation are set out in paragraph 6.37 of this statement. In addition, the development

will generate jobs during the construction phase and throughout its lifetime in relation to maintenance and repair. The additional employment that the proposals will generate will be of benefit to the nearby shops and services in the town centre, with the workers' expenditure providing support to existing local services and the local economy.

Social Benefits

- 6.66 In terms of social benefits, the Maritime Hub project will provide an innovation centre in close proximity to the town centre, in a highly accessible location which has excellent access to shops, services and facilities.
- 6.67 As well as adding to the employment opportunities within the town, the Proposed Development will play an important role in supporting and maintaining the existing maritime industries and other services and facilities within the town, helping to support its role as required by the Local Plan together with providing opportunities to upskill the local labour force.

Environmental Benefits

- 6.68 The Proposed Development will incorporate sustainable design elements and will incorporate measures to deliver carbon reductions.
- 6.69 In addition, a number of ecological recommendations are made to enhance biodiversity across the Site.

Summary – Other Considerations

- 6.70 In summary, the Proposed Development will offer environmental, social and economic benefits, that meet the three dimensions to sustainable development as defined within the NPPF and as such there should be a general presumption in support of the Application.

SECTION 7: CONCLUSIONS

- 7.1 The Site is located centrally within Whitby, adjacent the harbour and River Esk. The development of the Maritime Hub will constitute sustainable development as defined by the NPPF, contributing to economic, social and environmental objectives.
- 7.2 The proposed development is of good design which responds positively to the site's context within the Whitby Conservation Area. The design of the building has been developed with input from Historic England and others to ensure its impact on heritage significance is acceptable.
- 7.3 In terms of technical issues, the accompanying Transport Assessment clearly demonstrates that there are no justifiable reasons that would warrant a refusal of planning permission on highways grounds.
- 7.4 In addition, the Flood Risk Assessment demonstrates that the building will incorporate flood resilience measures to its ground floor and that the water compatible uses that will occupy the building are appropriate for a Flood Zone 3 location.
- 7.5 The potential impacts of the proposed development have also been considered and appropriately addressed alongside all relevant planning policies and material considerations. The supporting documents which accompany this submission clearly demonstrate that the proposals present no insurmountable constraints.
- 7.6 Based on the above, the Application is considered to be acceptable, and it is therefore respectfully requested that full planning permission be granted.

APPENDIX A: RELEVANT PLANNING POLICY

The Development Plan

- A.1 The Development Plan of relevance to the proposed development comprises:
- Scarborough Borough Local Plan 2011-2032 (adopted July 2017).
- A.2 The Local Plan's Vision advises that:
- "Whitby will continue to be a thriving historic town attracting visitors worldwide whilst growing sustainably to accommodate the demands of new employment opportunities within and close to the town."
- A.3 The Local Plan contains a number of policies that are considered to be relevant to the Application proposals. These are set out below.

- A.4 **Policy SD1: 'Presumption in Favour of Sustainable Development'** – This policy makes clear that the Council will take a positive and proactive approach to the consideration of development proposals that reflects the presumption in favour of sustainable development that is contained in the NPPF. It states that the Council will take a proactive approach and will work co-operatively with people wishing to carry out development and applying for planning permission, to find solutions to secure sustainable development that meets relevant plan policies that can be approved wherever possible.
- A.5 **Policy SH1: 'Settlement Hierarchy'** – This sets out the broad distribution of development within the Local Plan area, advising that Whitby is the second settlement in the hierarchy after Scarborough.
- A.6 **Policy DEC1: 'Principles of Good Design'** – This policy sets out a number of principles of good design which applicants need to demonstrate have been followed, including an analysis of the context and how the scheme responds positively to this. It also encourages reduced carbon emission from development.
- A.7 **Policy DEC2: 'Electric Vehicle Charging Points'** – Seeks the provision of rapid charging points for electric vehicles on non-residential development providing 100 car parking bays or more.
- A.8 **Policy DEC4: 'Protection of Amenity'** – This policy seeks to ensure that existing and future occupiers of land and buildings are provided with a good standard of amenity. It requires that amenity is protected from unacceptable impacts, including disturbance and other impacts.
- A.9 **Policy DEC5: 'The Historic and Built Environment'** – The policy advises that historic environments will be conserved and, where appropriate, enhanced and their potential to contribute towards the economic regeneration, tourism offer and education of the area exploited. Proposals affecting a Conservation Area should preserve or enhance its character or appearance especially those elements identified in any Conservation Area Appraisal.
- A.10 **Policy HC10: 'Health Care and Education Facilities'** – This policy advises that access to high quality education facilities will be encouraged by supporting proposals for new education facilities.
- A.11 **Policy TC1: 'Hierarchy of Centres'** – This policy advises that the economic role and function of centres will be maintained and enhanced in line with a hierarchy which places Whitby (and Filey) second to Scarborough. The policy advises that the scale of development should be proportionate to the relevant centre and not result in an unacceptable adverse impact on a higher centre.
- A.12 **Policy TC2: 'Development in Commercial Centres'** – The policy advises that 'town centre uses' will be permitted within the town and district centres and that where it is demonstrated that sites within the defined centres are not available, suitable or viable, edge-of-centre sites followed by out-of-centre sites should then be considered in line with the principles of the sequential approach.

- A.13 **Policy EG1: 'Supporting Industry and Business'** – The policy advises that new employment opportunities within industrial and business sectors will be encouraged by supporting and enhancing the role of the harbours at Scarborough and Whitby.
- A.14 **Policy EG2: 'Jobs and Skills and Employment Training'** – This policy advises that the Council will encourage all local employers to participate in skills and employment training initiatives to increase access to employment for those who live within the area.
- A.15 **Policy ENV3: 'Environmental Risk'** – This policy advises that proposal will be expected to mitigate against the implications of environmental risk and the effects of climate change. This includes avoiding development in high flood risk areas by following a sequential approach in giving priority to lowest risk areas as identified by the North-East Yorkshire Strategic Flood Risk Assessment or any subsequent update or replacement. Where the Sequential Test cannot be passed, the Exception Test should be utilised in order to demonstrate whether the development's wider benefits to the community outweigh the flood risks, whether the development can be made safe, and whether it has, wherever possible, reduced flood risk overall.
- A.16 **Policy ENV5: 'The Natural Environment'** – This policy states that proposals should respond positively and seek opportunities for the enhancement of species, habitats or other assets thereby resulting in a net gain in biodiversity.
- A.17 **Policy ENV7: 'Landscape Protection and Sensitivity'** – This policy states that proposals should protect and where possible enhance the distinctiveness or special features that contribute to landscape character of a particular area and take into account the sensitivity of the landscape to change.

Material Considerations

National Planning Policy Framework 2023

- A.18 The NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development including the provision of commercial development and supporting infrastructure (paragraph 7).
- A.19 Paragraph 8 details that there are three overarching objectives to achieving sustainable development which are interdependent. These objectives are:
- an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure
 - a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land,

helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

A.20 Paragraph 9 details that these objectives should be delivered through the preparation and implementation of plans and the application of the policies in the NPPF; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

A.21 Paragraph 10 states that at the heart of the NPPF is a presumption in favour of sustainable development, with Paragraph 11 detailing that, for decision-taking, this means:

“Approving development proposals that accord with an up-to-date development plan without delay, or

Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed: or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

A.22 In terms of decision-making, paragraph 38 states:

“Local planning authorities should approach decisions on proposed development in a positive and creative way” and that “Decision-makers at every level should seek to approve applications for sustainable development where possible.”

A.23 In terms of pre-application engagement, paragraph 39 states:

“Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality preapplication discussion enables better coordination between public and private resources and improved outcomes for the community.”

A.24 Chapter 6: ‘Building a strong, competitive economy’ advises that planning decision should help create the conditions in which businesses can invest, expand and adapt. It also states that:

“Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.”

A.25 Chapter 12 seeks to achieve well-designed places through the creation of high quality, beautiful and sustainable buildings and places. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

A.26 Paragraph 130 requires planning decisions to ensure that developments:

- “will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”

A.27 Paragraph 137 advises that:

“Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests.”

A.28 Chapter 14 addresses the issues of climate change and flooding and advises that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change.

A.29 Paragraph 165 advises that:

“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.”

A.30 Paragraph 169 advises that:

“If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.”

A.31 Paragraph 180 advises that:

“The application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

A.32 Chapter 15 seeks to conserve and enhance the natural environment and advises that policies and decisions should contribute to this by minimising impact on and providing net gains for biodiversity whilst also taking account of risks such as land contamination and adverse impacts from noise and light.

A.33 Chapter 16 seeks to conserve and enhance the historic environment, with Paragraph 200 stating:

“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.”

A.34 In addition, paragraph 205 advises that:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be).”

A.35 Paragraph 208 advises that:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

National Design Guide

A.36 The National Design Guide sets out the characteristics of well-designed places and demonstrates what good design means in practice. It forms part of the government’s collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools. The ten characteristics are:

- Context – enhances the surroundings
- Identity – attractive and distinctive
- Built form – a coherent pattern of development
- Movement – accessible and easy to move around
- Nature – enhanced and optimised
- Public spaces – safe, social and inclusive
- Uses – mixed and integrated
- Homes and buildings – functional, healthy and sustainable
- Resources – efficient and resilient
- Lifespan – made to last.

Whitby Conservation Area Character Appraisal and Management Plan

A.37 The Character Appraisal seeks to record and analyse the various features of the Conservation Area and immediately adjacent areas that create its characteristics, in order to inform the making of decisions which are likely to affect that character.

A.38 The Character Appraisal advises that the study area is the historic core of Whitby plus Georgian, Victorian and later development either side of the River Esk and inland towards the west. The Whitby Conservation Area was designated in 1973 by the former North Riding County Council, with the boundary drawn to include the whole of the town centre plus the Abbey Headland on the East Cliff and the Victorian guest house and hotel development on the West Cliff.

A.39 The Character Appraisal advises that:

“Whitby is historically one of the most interesting towns in Yorkshire. The built form of the town illustrates the impact of changing economic and social conditions from Medieval times to the present day. The mouth of the River Esk forms a natural sheltered harbour in a long stretch of forbidding coast on a busy sea route and this provided the basis for Whitby’s position and growth.”

A.40 The Character Appraisal places Endeavour Wharf in Character Area 11 (Upper Harbour) although no specific mention is made of the wharf although land to its south used for extensive car parking is noted as having a negative effect.