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# SCARBOROUGH HARBOUR WEST PIER REGENERATION



## Prepared for:

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## 1 Introduction

- 1.1 This Planning Statement has been prepared on behalf of North Yorkshire Council (‘the Applicant’) in support of a full planning application and listed building consent for the regeneration of Scarborough Harbour West Pier.
- 1.2 The Proposed Development seeks the comprehensive regeneration of the Pier through the sympathetic renovation of some existing buildings, demolition of poorer quality buildings and provision of new high-quality fisheries infrastructure and improvements to the public realm.
- 1.3 The full description of development is as follows:

*“The regeneration of the Grade II Scarborough Harbour West Pier comprising the extension and change of use of Building 1 from public toilets (sui-generis), offices (Class E(g)(i)) and Artist’s studios (sui-generis) to a restaurant (Class E(b)); the part change of use on the upper floor of Building 2 from office and storage (Class E(g)(i)) to Artist’s studios (sui-generis) with gallery (Class E(a)); the part change of use of Building 3 from industrial/storage (Class B2) to retail (Class E(a)) and office space (Class E(g)(i)); the demolition of Building 4 (storage/warehouse) and Building 5 (bait sheds), and the erection of a new bait shed building (Building 4); the demolition of the existing retail kiosks (Building 6) fronting onto Foreshore Road; the erection of a new building (Building 7) to accommodate retail kiosks (Class E(a)), public toilets (sui generis) and a sub-station (sui-generis), an enhanced public realm; and the retention of 81 public car parking spaces which will also be used as a flexible, temporary outdoor event space.”*

### Case for change

- 1.4 Scarborough Borough Council (now North Yorkshire Council) presented a case for change within the approved Business Case<sup>1</sup> which detailed a comprehensive need for regeneration of the West Pier. The strategic aims align with the Scarborough Town Investment and the ‘Cord of Activity’ connecting the Station to the Foreshore.

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<sup>1</sup> Scarborough Borough Council West Pier Business Case

- 1.5 The strategic case highlights the important impact the fisheries sector has on the local economy and the need for diversification into new markets such as greater local capitalisation of the shellfish catch. Scarborough is the second largest shellfish port (by tonnage) in the UK and it is estimated that the benefit of the fishing industry to the local economy exceeds £3.1 million per year. Similarly, the Evidence of Need presents information on the value of tourism visits to Scarborough and the harbour area and the need to diversify this sector also.
- 1.6 The majority of the buildings on the West Pier are in a dilapidated state including the fishing facilities for the maritime industries which urgently need to be improved to support exiting operations and promote growth within the sector.
- 1.7 As recognised within the Visitor Economic Strategy 2021-2035 there is also a recognised need to develop the tourism model to attract new higher spending visitors to Scarborough, extend the tourism season, and to embed broader 'value chain' activities within the tourism offer, that positively impact immediate stakeholders and the general population of the town. It is evident that this can be achieved by promoting and creating a new cultural form of tourism. Building the connection between the fishing industry and the visitor economy has the potential to benefit both sectors. The proximity of the new and improved cultural facilities with the working harbour will provide opportunities to raise awareness about the fishing industry and its heritage and develop the market for local catch.
- 1.8 As demonstrated within the Scarborough Blueprint (2021) document, the West Pier is an essential element in achieving the town's regeneration aims of transformative investment from the foreshore to the station. The proposed development aims to be one such transformative investment which will strengthen and reinforce the ongoing sustainability of the fishing industry and deliver an assortment of new uses and enhance the circular economy of the Pier through the creation of modern fisheries infrastructure and retail units that will increase the proportion of the catch that is sold locally. Complemented by a range of leisure, offices and a reimagined public realm the scheme will also support growth in activity to ensure visitors and locals can work, explore, dwell, be entertained and dine in a high-quality environment.
- 1.9 Due to the Grade II listing of West Pier, the buildings situated on the host structure are subject to the same designation. However, the West Piers' primary significance is that of its historical profile and association with the fishing community providing scope for a high-quality setting to accommodate the new mix of uses.

### **The need for the Proposed development**

- 1.10 The regeneration of the Pier is essential for economic, social and environmental reasons. Many of the buildings on the West Pier need renovating and are at risk of

further decay without intervention. The fisheries require new processing and storage facilities to support and maintain competitiveness and to protect social and economic heritage. Staff based at the Pier also need more modern welfare facilities.

#### Supporting the maritime economy

- 1.11 There are approximately 30 local boats, predominantly shellfish vessels, and an additional 10 to 15 nomadic vessels operating from Scarborough Harbour and it is estimated that they generate 174 Full Time Equivalent (FTE) jobs. In combination with the other business activities at the Pier, £8.4 million is contributed to the local economy.
- 1.12 There is a need to provide modern fisheries to protect existing industry, support growth and to diversify the harbour's output. The operating harbour is the anchor for all activity at the pier therefore it is essential to secure its continued use. The new facilities will be able to support enhanced operations such as infrastructure for a lobster hatchery and better cold storage.
- 1.13 The existing facilities are under-used and insufficient in supporting growth into new markets. As detailed within the Business Case, there is a need to deliver modern storage, processing and welfare facilities that provide capacity for growth into new markets.
- 1.14 Improving the Pier's infrastructure including upgrading flood resilience, drainage and power supply and lighting will help future proof the development by putting in the necessary facilities to support a cleaner and greener port operation.
- 1.15 At present, safety issues arise from Heavy Goods Vehicles (HGV) manoeuvring across the Pier including loading and servicing of the fisheries which presents functional challenges.
- 1.16 The Proposed Development seeks to demolish and reconstruct the bait sheds to deliver modern fit for purpose storage and processing facilities to provide capacity for the diversification of the existing outputs.
- 1.17 The redesign of the access road and public realm aims to increase public health and safety by segregation of the industry and public space at the Pier, leading to reduced safety risks and ease of movement for servicing the fisheries.
- 1.18 Improvements to the design of the working harbour area are expected to contribute to increasing industry and local Gross Domestic Product (GDP), therefore, building on the

existing circular economy of the Pier. The Proposed Development will support existing jobs and create additional ones.

### Economic Need

- 1.19 In addition to the benefits from supporting the maritime economy, the proposed development will benefit the wider economy of Scarborough. From a functional perspective, the existence of dilapidated and underutilised heritage assets limit the economic capacity of West Pier and the wider area. The site is situated at an economically strategic location, adjacent to Scarborough's main retail and leisure facilities, presenting an opportunity to build on the existing offer.
- 1.20 Simultaneously, as demonstrated within the Business Case for the regeneration, there is a material need to eliminate seasonality of the economy through the introduction of new competitive uses and buildings.
- 1.21 There is a need to provide buildings that are fit to support an array of uses to create new jobs, foster greater levels of use of the Pier and to create a resilient circular economy supported by an assortment of vibrant uses. The existing units within building 1 fail to meet energy performance standards and cannot be re-let as a result. The ongoing decay poses a serious risk of losing the assets all together.
- 1.22 The delivery of a high-end sea food restaurant, new kiosks, artist studios and a flexible event space anchored by a reimagined public realm aims to realign the tourist model to attract footfall, future investment and foster economic resilience and a high quality sense of place.

### Environmental and social need

- 1.23 The regeneration of the West Pier is essential to secure the future of the Pier. The Pier is central to the social fabric of Scarborough and protecting and enhancing the host buildings is essential to ensure that the Pier is economically viable. Unfortunately, without intervention the Pier will continue to degenerate and decay which would diminish Scarborough's social fabric.
- 1.24 At present, pedestrian access can conflict with HGV access and fisheries activities. The delivery of safe and attractive public open space is only achievable through careful consideration of pedestrian and HGV movements across West Pier. The proposed development aims to mediate both interests to improve public realm for locals and visitors to enjoy and a functional road layout to mitigate restriction of the West Pier.

- 1.25 The proposed development will increase accessibility for those users with limited mobility through the introduction of a large, flat area of public realm in front of the new kiosks (Building 7). A lift will also be introduced to Buildings 1 and 3.
- 1.26 The proposed development aims to create an attractive destination punctuating the 'cord of activity' from station to foreshore allowing locals and visitors to dwell, be entertained and dine. A series of urban design interventions is essential to resolve the current conflict between pedestrians and vehicles.
- 1.27 The proposed development reduces vehicle dominance, introduces a mix of uses and creates a flexible space that can be used for occasional events. The events held in this space aim to build upon the existing offers including seafood markets, showcasing local talent, and championing the maritime economy.
- 1.28 The buildings are protected through the statutory listing of the Pier. As such, there is a need to protect and enhance the heritage assets and prevent further decay. The heritage assets are irreplaceable and are central to the socio-economic and environmental make-up of the West Pier.
- 1.29 The introduction of interpretative education boards and heritage features will help to raise awareness of the history of West Pier and the wider Harbour and the important role that the fishing industry has played in shaping the town.

### Benefits of the proposed development

- 1.30 The regeneration of the West Pier has a transformative capacity to deliver wider sustainability benefits for the town. In particular, it will generate the following benefits:

Regenerate 2,812m<sup>2</sup> of floorspace renovating and repurposing existing buildings to support an array of economic uses to deliver a reimagined tourism model including a high-end sea food restaurant and event space;

Safeguarding the fisheries by providing modern fit for purpose storage, processing, and welfare facilities – to support growth and diversification of economic output;

Enhance the connection between the fishing industry and leisure and tourism sector by facilitating the Harbour's circular economy allowing seafood to be caught, processed and sold on the Pier through improved processing facilities and an expanded commercial offer;

The future economic footprint of the West Pier is expected to grow with the delivery of 82 net additional jobs forecasted to deliver an additional £3.28 million of direct GVA every year;



In terms of direct and indirect economic benefits, 50 FTE construction employees are forecasted to create an additional £2.54 million of direct GVA to the local economy during the temporary construction period;

The multiplier effect is expected to lead to an additional induced 80 FTE jobs in the local economy through increased footfall from the high-end seafood restaurant at the Pier and upon completion tourism value added is expected to create 45 new FTE jobs;

Reverse the spiral of decline of the West Pier by increasing footfall through the delivery of a high-end sea food restaurant, expanded retail and leisure offers and the provision of a flexible event space;

Provide a reimagined road network which delineates the access road and separates pedestrian and vehicular flows of movement to improve public safety on the Pier;

Deliver an assortment of uses which diversify the economic base to achieve economic resilience throughout the year and which maintains the role of the town as Yorkshire's principal coastal destination; and

Deliver a high quality inclusive and safe public realm to foster social interaction and allow people to gather at the Pier.

### Purpose of this report

- 1.31 This Planning Statement provides background information relating to the proposed regeneration of Scarborough's West Pier and a detailed assessment of the Proposed Development against the Development Plan and other policy documents that constitute material considerations.
- 1.32 The Planning Statement specifically sets out the justification for why this Site and the characteristics of this location are suitable to meet the needs of the Proposed Development.

### Submission Documents

- 1.33 The following documents have been prepared and submitted to support this planning application:
- Application drawings;
  - Design and Access Statement;
  - Air Quality Assessment;
  - Lighting Assessment;
  - Planning Statement;
  - Economics and Social Benefits Assessment;
  - Statement of Community Involvement;
  - Preliminary Ecological Appraisal;
  - Bat Activity Survey Report;

Biodiversity Net Gain (“BNG”) Assessment;  
Landscape Plan and Statement;  
Townscape and Visual Impact Assessment;  
Flood Risk Assessment (including Drainage Strategy, Foul Sewerage Assessment and Overtopping Assessment);  
Heritage Statement;  
Heritage Impact Justification Report;  
Structural Survey and Demolition Report;  
Ventilation/Extraction Statement;  
Noise Impact Assessment; and  
Transport Statement.

1.34 The structure of this document is divided into the following sections:

**Section 2** describes the application site and planning history;

**Section 3** details the Proposed Development;

**Section 4** summarises the planning policy framework;

**Section 5** provides an assessment of the Proposed Development against the Development Plan and other policy documents that constitute material considerations; and

**Section 6** summarises the report and applies the planning balance.

## 2 Application Site and Planning History

### The Site

- 2.1 The West Pier is in a prominent location within the town at the confluence of Eastborough and Foreshore Road and Sandside and forms part of Scarborough Harbour in Scarborough-South Bay. Beyond the Application site to the south-west lies the RNLI Lifeboat Station and existing retail kiosks. At low tide, the beach extends to the Pier walls alongside the lifeboat station.
- 2.2 The seafront and beach are serviced by Foreshore Road and Sandside Road which collectively function as arterial routes both regionally and locally, connecting the North and South Bays together and further afield to Whitby to the north and Filey to the south.
- 2.3 The West Pier was listed in 1973 (entry ref: 1242900) however other structures that pre-date 1948 fall within the curtilage of the listed building and are therefore treated as a whole. The listing encompasses the East, West, and Vincent's Piers, all of which are located to the East of the Site. Scarborough Castle sits on the headland overlooking the harbour and is a scheduled monument.
- 2.4 The Site currently accommodates six buildings which are identified below:
  - Building 1: accommodates public conveniences and storage on the ground floor and offices and artists' studios on the upper floor;
  - Building 2: includes retail (wet fish sales) and storage on the ground floor and the harbour office and café welfare facilities on the upper floor;
  - Building 3: accommodates fisherman's welfare facilities and storage on the lower floor and a café, workshops and storage space on the upper floor;
  - Building 4: single storey structure used for fish processing activities;
  - Building 5: accommodates bait sheds; and
  - Building 6: single storey commercial kiosks fronting onto Foreshore Road, which sell wet fish, fast food and beach goods.
- 2.5 The Site extends to 0.81 hectares and is identified by the Location Plan (Figure 1 below). It consists of the majority of the West Pier, which is located at the northern end of South Bay approximately 400m from Scarborough Town Centre, as defined in the Scarborough Borough Local Plan (2017).

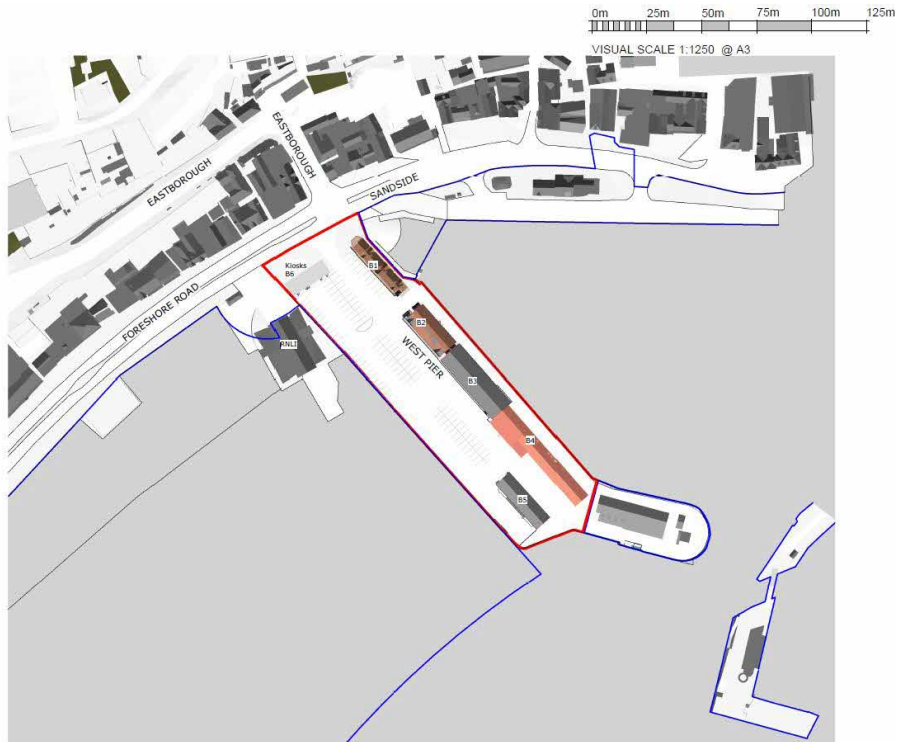


Figure 1: Site location plan (drawing reference: 2135-JSA-ZZ-XX-DR-A-90001-P5)

### Parking and site access

- 2.6 The vehicular route along the Pier is dominant and constrained by parking and loading bays on both sides with no pavements. Hatched areas for turning of Heavy Goods Vehicles (HGVs) and other large service vehicles create large pedestrian no-go zones and detract from the working harbour as an important setting and sensory experience for tourism. HGVs associated with the fishing industry currently access West Pier which generates conflict between pedestrians and drivers using the Pier to park their vehicles or to deliver/pick-up goods.
- 2.7 Access to the Pier is at a signalled junction between Eastborough, Foreshore Road, and Sandside. In terms of pedestrian access, there is a high degree of permeability through Scarborough from the station to the coast, the primary route being via Eastborough.

### Environmental baseline

- 2.8 West Pier is not located within any local, national or international ecological designations. The closest Site of Special Scientific Interest (SSSI) is North Bay to South Toll House Cliff and is 280m to the north-east. The Flamborough and Filey Coast Special
- 2.9 Protection Area (SPA) is located 5km to the south-east. The Site is not located in an Area Quality Management Area (AQMA).

- 2.10 An extended phase 1 habitat survey and Preliminary Ecological Appraisal (PEA) of the Site was undertaken in February 2023 and concluded that there is no presence of badger, great crested newt and reptiles so no additional surveys are required.
- 2.11 The PEA concluded that some of the buildings have low suitability to support bats so further bat activity surveys were undertaken in early May 2023. These surveys did not identify any evidence of roosting bats.
- 2.12 The majority of the Site is in Flood Zone 3 (high risk), which means land having a 1 in 100 or greater annual probability of river flooding; or land having a 1 in 200 or greater annual probability of sea flooding.
- 2.13 The Site is not located within a ‘sensitive area’ as defined in the Environmental Impact Assessment (EIA) Regulations. This includes a Site of Special Scientific Interest (SSSI), Special Protection Area (SPA), Special Area of Conservation (SAC), National Park, World Heritage Site, Scheduled Monument, and Area of Outstanding Natural Beauty (AONB).

**Site planning history**

- 2.14 The available planning history for the West Pier for the most part is not relevant to the proposed regeneration of the site, as most applications are for minor extensions and alterations to the listed buildings and change of uses. Most applications relate to the extension and alterations to fisheries to support storage and processing of product.
- 2.15 The available planning history for the West Pier on the North Yorkshire County Council’s online planning history includes the planning and listed building applications displayed within Table 1 below.

*Table 1: Scarborough Harbour West Pier relevant planning history*

Reference	Decision	Decision date	Description of development
18/03009/RG4	Approved with Conditions	22/03/2019	Proposed enclosure of open area to rear
18/03008/RG4	Approved with Conditions	07/02/2018	Alterations to cafe and change of use of loft 8 i cafe
16/00598/RG4	Approved with Conditions	29/05/2016	Erection of enclosure screening to existing freezers
16/00599/LB	Approved with Conditions	21/03/2016	Enclosure screening to existing freezers

13/00411/RG4	Approved with Conditions	19/02/2013	Minor alterations to crab stalls 7-8 on Foreshore Road including replacement of metal stanchion with removable mullion and formation of new opening with removable gate
13/00403/RG4	Approved with Conditions	19/02/2013	Extension to shellfish facility
13/00291/RG4	Approved with Conditions	01/02/2013	Erection of external store freezer
10/01190/RG4	Approved with Conditions	23/08/2010	Total demolition of 'bait sheds' 1 and 2 and the re-instatement of the Pier surface with Bituminous Tarmacadam in conjunction with the format and layout of a pay and display car park
96/00937/LB	Approved with Conditions	25/06/1996	Application for listed building consent for alterations, including new doors, associated with change of use of stores to retail fish unit

### 3 Consultation

#### Pre-application

- 3.1 There has been ongoing communication with NYC since the outset of the project. An initial discussion was held with Daniel Metcalfe from the Planning Department on 17th February 2023 and a subsequent meetings were held in April and June 2023.
- 3.2 The main purpose of these meetings was to explain the proposed development and to agree the list of planning deliverables. Daniel Metcalfe raised a number of issues that would need to be addressed within the application. The main themes discussed are displayed below within Table 2.

*Table 2: Summary of North Yorkshire Council (Planning) engagement*

Theme	Local Planning Authority (LPA) Comment	Project Team Response
Flood-risk	<p>Concluded that the sequential test would not apply to a change of use but as there is a proposed extension the test does still apply.</p> <p>Daniel Metcalfe noted that under footnote 56 of the PPC, extensions to non-residential uses of less than 250sqm do not need a sequential test but that any subsequent change of use would require a separate planning application.</p> <p>The project team met with Daniel Metcalfe to discuss the proposed methodology in assessing sequentially preferable sites. It was agreed that due to the need of some of the proposed uses to be located by the coast that the area of search would be limited. Daniel Metcalfe accepted the proposed methodology.</p>	<p>Applicant to undertake consultation with Environment Agency on flood risk designation and relay response to North Yorkshire Council.</p> <p>Project team to prepare sequential test within the Flood Risk Assessment which assesses alternative sequentially preferable sites for the proposed development.</p>
Retail	<p>Officers acknowledged that the recent approval of the Brunswick Centre in the Town Centre for the cinema-led and retail-led redevelopment of the building including on 9<sup>th</sup> March 2023 would have an impact on the sequential test (ref:22/02512/FL).</p> <p>Both parties acknowledge that the site sits outside of the town centre and the proposed development involves new retail and town centre uses so there is a potential conflict with policy and the sequential test therefore needs to be undertaken.</p>	<p>Applicant to prepare retail sequential test methodology and undertake the assessment once the methodology has been agreed by NYC.</p> <p>Project team to prepare sequential test which assesses alternative sequentially preferable sites</p>

	<p>The project team met with Daniel Metcalfe and Matthew Lickes to discuss the proposed retail sequential test methodology. The proposed methodology was explained by the retail specialist and the proposed methodology was accepted by both officers as it was deemed to be an appropriate strategy.</p>	<p>for the proposed development within town for the town centre uses.</p>
<p>Departure from Local Plan</p>	<p>Officer suggested project team may wish to approach the application as a departure from the Local Plan which is pragmatic given the funding became available post-adoption.</p> <p>The officer advised that In light of the departure from local policy it was agreed that there is a requirement to prepare a robust socio-economic assessment which illustrates the wider benefits of the project</p>	<p>Applicant to identify and provide justification if the proposed development departs from the local plan.</p> <p>The onus is on the Applicant to explain the wider benefits as part of the planning balance exercise.</p>
<p>EIA Screening Opinion</p>	<p>Officers advised that an EIA screening exercise would need to be undertaken. Project team committed to submit EIA screening letter to NYC in due course.</p>	<p>EIA Screening as soon as possible to enable legal review by North Yorkshire Council prior to planning application submission.</p>



### Environmental Impact Assessment Screening (EIA)

- 3.3 A formal request for an Environmental Impact Assessment (EIA) Screening Opinion was sent to North Yorkshire Council on 04 May 2023 in accordance with Regulation 6 of *The Town and Country Planning (Environmental Impact Assessment) Regulations 2017* ('the Regulations'). This explained that the Proposed Development does not fall within either Schedule 1 or Schedule 2 of the Regulations and therefore, EIA is not required.
- 3.4 A screening opinion was issued by NYC on 19 May 2023 which agreed that the Proposed Development is unlikely to generate any significant environmental effects so does not constitute EIA development.

### Environment Agency (EA)

- 3.5 Following initial pre-application discussions with the Planning Officers regarding flood-risk (see above Table 1), the Applicant sought clarification of the flood risk zone designation with the Environment Agency (EA). The Applicant issued a draft version of the Flood Risk Assessment (FRA) to the EA as part of this exercise.
- 3.6 The Applicant received Charged Flood Risk Advice from The EA dated 19th May 2023. The response stated:

*"We note that Scarborough Council have designated the development area as Indicative Flood Zone 3b. This is not something the Environment Agency can change you will need to discuss this with the LPA and challenge the designation/demonstrate that the site is 3a and not 3b. In regard to what has been produced in the FRA we are happy that there is sufficient information to agree that the development can be assessed as being in flood zone 3".*

- 3.7 The response also suggested that the Applicant seeks advice from NYC regarding the need for a flood warning and evacuation plan. With reference to Section 6.2 of the issued Flood Risk Assessment, the EA was satisfied with the proposed measures.

### Public consultation

- 3.8 To consult members of the public effectively, an online platform was deployed in addition to street surveys and public exhibitions across Scarborough. The online platform was launched 25<sup>th</sup> September 2023 and was live for 3 weeks and concluded on the 13<sup>th</sup> October 2023. The website hosted an online survey and a landing page detailing the main components of the proposed development accompanied by proposed plans.
- 3.9 Parallel to this, public consultation events were held at the Pier, at the Town Hall and Market Hall throughout the duration of the online consultation. Information cards were distributed to attendees to register their comments on the online survey using QR code technology.

A total of 542 online consultation responses were received through the online survey and hard copies. The results of all of the engagement exercises are summarised within the submitted Statement of Community involvement.

### Engagement with other consultees

- 3.10 The stakeholder feedback has been considered in conjunction with project team during the design development and tenant aspirations have been accommodated where possible and where those aspirations align with the overall vision for regeneration.
- 3.11 As part of RIBA Stage 2, stakeholder feedback was obtained from occupiers of the Pier. Table 3 below summarises the responses.
- 3.12 With regards to the submission documents, consultation held with the relevant bodies/parties for each specialism are detailed within each respective report.

*Table 3: Summary of West Pier tenant questionnaire responses*

Stakeholder Group	Summary of questionnaire responses
Kiosk tenants	<p>Significant concern regarding the impact of the construction works including potent for temporary closure.</p> <p>Loss of visibility and passing trade from Foreshore Road and preference for strong presence at Foreshore Road connection.</p> <p>Mixed views on building aesthetics and ability for individual signage and branding. Canopy to front of unit considered essential.</p> <p>One operator is keen to have dedicated seating to the front of the unit.</p> <p>External access required for daily deliveries and waste collection from dedicated bin storage areas.</p>
Artist studio and office tenants	<p>Unit sizes similar to the existing would suit the needs of the existing tenants and art studio space works well in a first-floor location.</p> <p>Keen for improved visibility of working artists and the potential for passing trade.</p>
Shellfish holding and processors	<p>Requirement for sea water to be pumped around the holding tanks. The water is ch and purified. Currently an underground pipe serves Building 2 and an over ground hose serves units within the bait sheds. An underground piped system would be the preference moving forward.</p> <p>Aspiration for retail expansion in Building 2 if chiller/freezer can be relocated.</p> <p>Ice plant, communal chillers and bait freezers could be located anywhere on the Pier to free space for expansion of commercial/retail space.</p>

	<p>Temporary holding tank and processing facilities during construction not an option would need to decant straight into new facility.</p> <p>Preference to keep the public away from the industrial part of the pier and improve physical segregation.</p> <p>Processors require welfare unit with toilet facility within unit in accordance with environmental health standards.</p> <p>Yorkshire Lobster and Well-Dressed Crab ambitions to expand operation including use of modernised tiered holding tank system.</p> <p>Doors need to be bigger than the current bait shed doors and ideally a roller shutter for forklift access.</p> <p>Suggestion for electric hook up for freezer lorries that sit idling.</p>
Cafe	<p>Entrance is poor and would really benefit from improved accessibility, grating difficult to walk on.</p> <p>Insufficient storage for stock which necessitates frequent deliveries. Staff welfare space required.</p> <p>Would like improved signage and presence from entrance to the Pier.</p> <p>Aspiration for increased outdoor seating.</p>
Workshop and stores	<p>Current significant health and safety risk with forklifts delivering heavy stock to first floor net lofts.</p> <p>High value product currently stored within net lofts- security in any new location paramount such as security roller shutter.</p>

## 4 Proposed Development

### Building 1

- 4.1 Building 1 shall, following restoration of the external fabric, be adapted, and converted into a restaurant. To provide a functional space for this use, the internal spaces need to be opened out along with 61m<sup>2</sup> of additional floor space to the front on the ground floor and terrace to the first floor.
- 4.2 The proposed glazed addition to the south facing elevation provides additional restaurant covers and an entrance lobby at ground floor and uncovered seating at first floor balcony level.
- 4.3 The external fabric shall be restored but the elevations shall remain fundamentally unchanged excluding the addition of the glazed extension. The defective balcony will be removed to the front elevation along with the mid-20th century steps.

Building 1 and New Build Extension	Area (m <sup>2</sup> )
Restaurant Ground Floor	252.1
Restaurant First Floor	155.3
Restaurant Terrace	61.4
<b>Restaurant</b>	<b>468.8</b>

### Building 2

- 4.4 The proposed alterations to Building 2 provides storage and processing facilities for the fisheries at ground floor level with offices, artists’ studios, and a gallery at first floor level. The upper floor requires renovation as it currently accommodates for the Harbour Master’s Office.
- 4.5 At ground floor level on the southern elevation, it is proposed to reinstate the existing arched openings to foster greater interaction with the public realm. On the northern elevation, a new roller shutter is proposed to facilitate deliveries to the weighing and holding tanks space.
- 4.6 The external alterations are minor and will have minimal impact on the architectural character of the buildings, whilst simultaneously reinstating the rhythm of the ground floor and removing later additions at the rear.

<b>Building 2 Ground Floor</b>	<b>Area (sqm)</b>
Cod & Lobster	34.0
Freezers	43.0
Holding Tanks	35.0
Weighing & Holding Tanks	87.0
<b>Retail</b>	<b>199.0</b>
<b>Industrial</b>	<b>87.0</b>

<b>Offices (Building 2 First Floor)</b>	<b>Area (sqm)</b>
Art Gallery	22.3
Artist's Studio	119.1
Offices	30.6

### Building 3

- 4.7 Building 3 will accommodate the existing fisheries uses that occupy the entire ground floor level. At first floor level, a new Harbour Master's Office is proposed to occupy the west of the building. The existing café will be extended across towards the centre of the building to provide a larger unit. The existing terrace at first floor level at the north facing elevation is to be extended to provide additional outdoor seating.
- 4.8 The café is currently a viable business but the increase in space will help it to prosper. The remaining first floor area will be converted into office and meeting room spaces.
- 4.9 Externally, there is little change other than improvement of the fenestration to reinstate a rhythm of arched openings at ground floor level. The Proposed Development is considered to have little impact on the setting of the building within this historic streetscape.

<b>Fisheries (Building 3 Ground Floor)</b>	<b>Area (sqm)</b>
<b>Retail</b>	<b>46.0</b>
<b>Fisheries</b>	<b>218.5</b>

<b>Café/Harbour Master Offices (Building 3 First Floor)</b>	<b>Area (sqm)</b>
Harbour Master Offices	146.1
Café	190.9
Café Balcony (with seating)	41.1
<b>Harbour Master Offices</b>	<b>146.1</b>
<b>Café</b>	<b>232.0</b>

### Building 4

- 4.10 The building accommodates redeveloped water compatible bait sheds which will accommodate 30 units across 3 levels, including lift, stair, and deck access on the upper levels.
- 4.11 At ground floor, 20 single aspect units will be provided which will be accessed via a double door with an adjacent full height side light to provide natural light internally. A system of underground pipes supplies the building with the required flow of seawater.
- 4.12 This building offers replacement space for the existing building that sits on the site and Building 5 which is subject to demolition.
- 4.13 At first floor the Proposed Development allows for a total 10 double aspect units of 32m<sup>2</sup> each. The units are accessed from a raised external deck through double doors. Natural light is let in through full height side lights adjacent to the doors and a large window to the rear of each unit.

<b>Building 4 (Bait Sheds)</b>	<b>Area (sqm)</b>
20no. Ground Floor Units	337.6
10no. First Floor Units	337.6
Roof Space	257.3
<b>Bait Sheds</b>	<b>932.5</b>

### Building 5

4.14 Building 5 currently accommodates bait sheds which will be demolished to provide accommodate car parking access/egress and a space to manoeuvre to improve movement for HGVs that serve the fisheries. The building has several salient defects as identified within the submitted Demolition Report.

### Building 6

4.15 Building 6 currently accommodates retail kiosks and will be demolished. Public realm improvements are proposed to replace the kiosks for the purposes of placemaking, opening the Pier to the public to dwell and enjoy. The public realm will host a variety of street furniture scattered across a shared surface to supplement the new uses introduced as part of the wider regeneration of the Pier.

### Building 7

4.16 Building 7 will be sited at the western end of the Pier close to the junction with Foreshore Road and adjacent to the modern Lifeboat Station building. The building represents a modern version of building 6 consisting of retail kiosks which is accompanied by the addition of new public conveniences welfare and a substation.

<b>Building 7 (New kiosks and public toilets)</b>	<b>Area (sqm)</b>
Kiosk 1	51.9
Kiosk 2	30.5
Kiosk 3	30.5
Kiosk 4	28.4
Kiosk Store	12.6
<b>Public toilets</b>	<b>135.2</b>
<b>Kiosks</b>	<b>153.9</b>



*Figure 2: Proposed site plan (drawing reference: 2135-JSA-ZZ-XX-DR-A-90003-P6)*

## Public Realm

- 4.17 At the juncture of the West Pier and Foreshore Road, Yorkstone cobbles and paving are proposed to match the existing paving on Sandside, to the perimeter of Building 1. Street furniture is proposed to be located between the access road and Building 7 to provide seating for customers and members of the public visiting the Pier.
- 4.18 As part of the public realm improvements and with reference to the submitted Landscape Statement and Plans, a heritage sculpture to celebrate the Pier's rich history is proposed to be a sculptural piece that celebrates those that worked and lost their lives off the Scarborough coat.
- 4.19 Towards the east of the Pier, following the demolition of building 5, HGV manoeuvrability will be improved. Contrasting dark paving is proposed on the designated vehicular route to alert pedestrians to traffic in addition to electronic signalling boards.



- 4.20 The road network and egress has been reimagined to increase the ease of movement of HGV across the Pier. The layby adjacent to Building 4 is proposed to assist to optimise loading and circulation of fisheries service vehicles.
- 4.21 The proposed development seeks to reduce the car parking spaces from 109 to 81 spaces. Part of the car park is multifunctional as it is proposed to be used as a flexible event space on some weekends and bank holidays.

### Construction Phase

- 4.22 The Proposed Development construction phase has been devised to limit the impact on the operating fisheries and the use of the car park. The following phases have been proposed:

Enabling works to relocate utilities is scheduled to be immediately in front of building 1 and connections to the new substation;

Demolition of building 4 and closure of public toilets and temporary accommodation for artists/office tenants will be provided to allow for works to building 1 to commence;

Commencement of construction of building 4 would commence and activity to decant from building 5 to allow for its demolition and to ensure harbour operations are not interrupted;

Works to building 3 and decant of Harbour Master offices from building 2 into building 3, followed by works to building 2 to allow artists and office tenants move in. Simultaneously works to the car park are scheduled to commence with the partial closure of the existing public car park;

Existing kiosks (building 6) are scheduled to be demolished to allow for the redevelopment of building 7 on part of the existing footprint; and

Public realm improvements will form the final construction phase which includes temporary or managed road closure.

### Flood Resistance and Resilience

- 4.23 The building 1, 2 and 7 are proposed to be flood resistant construction up to a minimum of 600mm above the external ground level. The flood resistant measures include construction of a concrete retaining wall to protect all new buildings around their perimeter. Flood gates will be installed at all doors to provide flood resistance to the buildings up to 600mm above ground floor level.
- 4.24 Flood resilient measures were chosen for flood events greater than 600mm above finished floor level to reduce the likelihood of structural damage on the buildings.

- 4.25 All buildings in the development will benefit from flood resilient construction up to 300mm above the design flood level. Solid concrete flooring or tiling will be considered instead of carpets for an easier clean up. Flood resistant materials will be used inside for furniture and fittings. Electrical equipment and sockets will be raised a minimum of 300mm above the design-flood level. All equipment such as computers and TV screens will be wall mounted or on raised cabinets where practicable.
- 4.26 As part of the operational flood risk mitigation, a draft Emergency Evacuation Plan and is presented in the Flood Risk Assessment.

## 5 Planning Policy Framework

- 5.1 This Application has been informed by the relevant policies in the Development Plan<sup>2</sup> and other material considerations. This section of the Statement provides a summary of the planning context from which such policy is drawn from.

### The Development Plan

- 5.2 The statutory Development Plan relevant to the Site and this assessment is the Scarborough Local Plan 2011-2032, which was adopted in 2017.
- 5.3 The Local Plan covers the period from April 2017 to March 2032 and sets out a planning version and a strategy for growth up to 2032.
- 5.4 The Development Plan sets out the planning vision and strategy for growth up to 2032 and will contribute to the priorities identified in Scarborough Borough Town Investment Plan (2020/23) or future iterations as well as other strategy and objective-based documents including the Scarborough Blueprint (2021).

### Development Plan Objectives

- 5.5 The development management policies are structured by nine spatial objectives under the headings Economic Activity, Community and Health, Land-use and Development Patterns, Environmental Protection and Resource Use and Climate Change.
- 5.6 In summary, the relevant objectives aim to improve and regenerate the town centre and support the growth of a diversified marine economy to provide employment opportunities for local residents. This is to be supported by the provision of new required infrastructure to service new development which aims to protect, conserve, and enhance local character and the natural and historic environment.

### Emerging Draft Local Plan

- 5.7 A draft Local Plan was published in January 2023 by Scarborough Borough Council. However, this will not progress beyond 1st April 2023 due to the reorganisation of the local government bodies.
- 5.8 Notwithstanding, strategic policies had been revised to include the Council's aspirations for Scarborough Harbour as set out within the 'Blueprint' document. Paragraph 7.15 expresses the need to bring the harbour up-to-date, also acknowledging that there may also be potential for these areas to be redeveloped for alternative economic uses where these can complement the sustainability of harbour based industry.

Paragraph 7.16, notes that there is a desire to integrate the fishing industry with the visitor economy through a regeneration programme. The regeneration of the harbour is identified as a key objective within the 'Blueprint' document for Scarborough.

### National Guidance

- 5.9 The latest National Planning Policy Framework<sup>3</sup> ("the NPPF") was published on 20 July 2021.
- 5.10 The NPPF sets out the Government's approach to planning matters and is a material consideration in the determination of planning applications. At the heart of the NPPF is a presumption in favour of sustainable development (Paragraph 11). This means approving development Proposed Developments that accord with an up-to-date Development Plan without delay.
- 5.11 The National Planning Practice Guidance<sup>4</sup> ("NPPG") supports the provisions of the NPPF and provides detailed guidance of how to interpret and apply policies within the NPPF. The NPPG is also a material consideration in relation to planning applications.

### Statutory Framework

- 5.12 Section 70(2) of the *Town and Country Planning Act 1990* states that in dealing with an application for planning permission, the relevant local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and Section 38(6) of the *Planning and Compulsory Purchase Act 2004* states that the determination (of an application) must be made in accordance with the (development) plan unless material considerations indicate otherwise.

### Other Material Considerations

- 5.13 The below documents form material considerations and form part of the planning analysis and balance in section 6 and 7 of this statement. A brief explanation of each document is provided below:
- **SBC Landscape Character Assessment 2013<sup>5</sup>** – identifies and assesses the built and natural environment and its contribution to setting and character including strategic short and long views;

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<sup>2</sup> [Scarborough Borough Local Plan \(2011-32\)](#)

<sup>3</sup> [National Planning Policy Framework 2021](#)

<sup>4</sup> [National Planning Policy Guidance 2016](#)

<sup>5</sup> [SBC Landscape Character Assessment 2013](#)

- **SBC and Ryedale Strategic Flood Risk Assessment 2021<sup>6</sup>**– assesses flood risk and designates West Pier in Flood Zone 3;
- **Scarborough Blueprint 2021** – Expresses the need to regenerate the harbour to integrate the fishing industry with the visitor economy and the possibility to introduce new economic uses;
- **Scarborough Business Case Approval for West Pier** - Provides the Strategic, Economic, Commercial, Financial and Management case for the redevelopment of the West Pier. This includes the justification of the deployment of capital, the cost-benefit analysis, project governance, risk management and optioneering; and
- **Scarborough Town Investment Plan (TIP)<sup>7</sup>**– Identifies the Town’s strengths, challenges, opportunities and development strategy and how projects will be funded and delivered. This includes recognition of the need to realise the potential of the harbour to accommodate public space linking marine heritage and commercial space and invest in infrastructure needed to grow and support the fishing industry. The Plan also focuses on the ‘Cord of Activity’ connecting the Station to the Harbour and how the Fund will be used to unlock the towns socio-economic potential.

### Site Specific Designations

5.14 The site is not subject to any specific designations.

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<sup>6</sup> SBC and Ryedale Strategic Flood Risk Assessment 2021

<sup>7</sup> Scarborough Town Investment Plan (TIP)

## 6 Planning Analysis

6.1 Assessment of the Proposed Development has been undertaken under the following headings:

1. Principle of development;
2. Flood Risk
3. Design and appearance;
4. Historic environment;
5. Economic development;
6. Impact on the town centre;
7. Biodiversity;
8. Traffic and transport; and
9. Impact on amenity.

6.2 The documents forming material considerations listed at paragraph 5.15 of this statement and the following Scarborough Local Plan 2011-2032 policies are of relevance to the Proposed Development:

SH1 – Settlement Hierarchy;

DEC1 – Principles of Good Design;

DEC3 – The Efficient Use of Land and Buildings;

DEC4 – Protection of Amenity;

DEC5 – The Historic and Built Environment;

DEC6 – Archaeology;

TOU1 – New Tourism Facilities;

TC3 – Regeneration of Scarborough Town Centre;

SD1 – Presumption in Favour of Sustainable Development;

EG5 – Safeguarding Employment Sites and Premises;

ENV1 – Low Carbon and Renewable Energy;

ENV3 – Environmental Risk;

ENV5 – The Natural Environment;

ENV7 – Landscape Protection and Sensitivity;

INF1 – Transport;

INF3 – Sustainable Transport and Travel Plans; and

INF5 – Delivery of Infrastructure.

## 1. Principle of development

### Policy Summary

- 6.3 Development Plan policy SH1 focuses on the role and function of places in meeting objectives for each level of the hierarchy. Settlement Hierarchy Statement 1 identifies that the Scarborough Urban Area is the main centre for higher level services and job opportunities, acting as a focus for growth.
- 6.4 At paragraph 4.6, this is further expanded stating that to secure a prosperous future for the Scarborough Urban Area there is a need to diversify the economic base such as creative industries, alternative tourism and fishing industries to secure quality year-round employment opportunities.
- 6.5 Policy DEC 3 advocates that it is essential that existing land and buildings are used in an efficient and effective manner and that this approach is to contribute to the aim of sustainable development whilst making efficient use of land and/or buildings where it accords with other plan policies.
- 6.6 At paragraph 5.50, the extension and alterations of existing buildings is characterised as an efficient use of land and is recognised as an adaptive approach to respond to the evolving needs of a business or other use whilst complimenting the character of the host building and/or area.
- 6.7 Similarly, policy DEC 5 recognises that the protection and enhancement of heritage assets plays a fundamental role in contributing to the regeneration of an area. At paragraph 5.57, it is stated that proposals that seek to secure a long-term sustainable future for designated heritage assets will be supported, especially those identified as being at greatest risk of loss or decay.
- 6.8 Policy SD1 advocates that the local planning authority will always work proactively with applicants to secure development that improves the economic, social, and environmental conditions in the area.

- 6.9 Moreover, Policy TOU 1 reiterates the importance of tourism for Scarborough’s economy stating that there is a need to develop a more diverse tourism product through capitalising on existing natural and historic assets as catalysts for new visitor attractions.
- 6.10 Policy TOU 1 reflects the Visitor Economy Strategy mission statement which is to revitalise the visitor economy so that it is more competitive, profitable, and sustainable.
- 6.11 Paragraph 124 of the NPPF states that planning policies and decisions should support development that makes efficient use of land, considering including the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and the importance of securing well-designed, attractive, and healthy places.
- 6.12 Paragraph 190 of the NPPF states that “plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats.
- 6.13 Furthermore, paragraph 197 of the NPPF states that “in determining applications, local planning authorities should take account of:
- (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - (c) the desirability of new development making a positive contribution to local character and distinctiveness.”

#### Policy Assessment

- 6.14 The Site is situated in the development limits for Scarborough Urban Area which is allocated as the centre for local and regional economic growth. The application promotes development in the area that is identified as top of the settlement hierarchy and the proposed uses accord with policy objective in Settlement Hierarchy 1.
- 6.15 The proposed development aims to integrate the fishing industry with the visitor economy providing expanded leisure, dining and retail opportunities to provide economic diversification and therefore resilience.



- 6.16 Collectively, the introduction of new uses and the enhancement of fisheries infrastructure and public realm seeks to strengthen the role as the Principal Town by fostering growth and realising development aspirations expressed within the Town's Blueprint document.
- 6.17 Directing new development to a strategic location in need of regeneration is a principle promoted in both local and national policy; Scarborough's Blueprint Document; Scarborough Town Investment Plan and the NPPF.
- 6.18 The Applicant is proposing to renovate the existing heritage assets to provide floor space for uses which support the tourism and maritime economy with the view to create a sustainable and competitive economy. The approach to reusing existing land and buildings is regarded as sustainable and is supported by the NPPF and local plan policy DEC 3.
- 6.19 As demonstrated within the Scarborough Blueprint (2021) document, the West Pier is essential to achieve regeneration aims throughout the town from the foreshore to the railway station. The Proposed Development aims to deliver an assortment of new uses and enhances the circular economy of the Pier through the creation modern fisheries infrastructure and retail units. Leisure, offices and a reimagined public realm aims to support growth to ensure visitors and locals can work, explore, dwell, be entertained and dine in a high-quality environment.
- 6.20 The submitted Socio-economic Impact Assessment projects an uplift of 82 full time jobs which could deliver an additional £3.28 million of direct GVA per annum. Furthermore, it is estimated that net additional spending of £223,623 per annum will be created by new workers and retained within the local economy.
- 6.21 The projected figures support the development objectives within the Scarborough Blueprint Document that the Harbour is essential in unlocking a diverse range of socio-economic benefits thus strengthening the role as the region's Principal Town.
- 6.22 Based on the above evidence, the principle of introducing the proposed uses in this location is supported by the relevant policies in the Local Plan and the guidance in the NPPF.

## 2. Flood Risk

### Policy Summary

- 6.23 Policy ENV3 of the Development Plan explores flood risk, which requires the need for a sequential approach. Proposals should be designed to ensure residual risk is safely managed, resilient and resistant including sufficient attenuation and long-term storage measures.
- 6.24 NYC requires developers to undertake the Sequential test to all development sites excluding for strategic allocations, change of use applications (footprint of less than 250m<sup>2</sup>), minor development or development in Flood Zone 1.
- 6.25 NPPF14 identifies that new development should avoid increasing the vulnerability to impacts from climate change and that risks should be appropriately managed through adaptation measures.
- 6.26 Paragraph 161 of the NPPF states that all plans should apply a sequential approach to the location of development to avoid flood risk to people and property, including the sequential tests and exceptions test if necessary. The NPPG echoes that any proposals should ensure that impacts are avoided or limited wherever possible.

### Planning Assessment

- 6.27 The submitted Flood Risk Assessment (“FRA”) presents a case that the site is located within Flood Zone 3A. The development site is in Flood Zone 3 according to the EA flood map for planning and is at high risk of flooding and the proposal is to be assessed as Flood Zone 3A on that basis.
- 6.28 Flood resistant construction methods have been proposed to protect against adverse effects of flooding events. Most vulnerable elements i.e. Buildings 1, 2 and 7 will benefit from flood resistant construction up to 600mm above the external ground level. A concrete retaining wall and flood gates at openings are proposed to protect all new building around their perimeter.
- 6.29 In terms of flood resilience, all new buildings will benefit from construction up to 300mm above the design flood level. Electrical equipment and sockets are to be raised, solid concrete flooring and resistant materials are used for fixtures and fittings. A Flood Evacuation Plan has been proposed to manage residual risk during construction and operational phases of the development.

- 6.30 Drainage across the site is managed via a proposed surface after network to accommodate all flows of storm water event of up to 1 in 100 years return period with a 40% allowance for climate change. Flows are to be contained below ground in modular attenuation tank as well as an oversized drainage channel.
- 6.31 The site is not shown to be at risk from any other sources of flooding and the design will employ both flood resistant and flood resilient measures to mitigate the effect of such events.
- 6.32 The sequential approach has been applied to the car park and the new floor space associated with those uses identified as less vulnerable in Annex 3 (flood risk vulnerability classification) of the NPPF i.e. Building 1 and Building 7 (see Appendix K of the FRA). This concluded that for some of the proposed uses there are suitable reasonably available sites that have a lower risk of flooding. Therefore, in the context of the NPPF and Planning Practice Guidance it can be concluded the sequential test has been failed.
- 6.33 As the sequential test had been failed there is a need explain the wider benefits of the Proposed Development which outweigh the flood risk concerns for site. This is covered in Section 6 of this report and focusses on the prevention of the loss of heritage assets, socio-economic uplift and diversification of the tourism model.
- 6.34 As such, there is evidently a conflict with Policy ENV3 of the Development Plan and the relevant sections of the NPPF as it has been identified that there are alternative available sequentially preferable sites. However, the wider benefits delivered by the Proposed Development outweigh the flood risk and any residual risk/vulnerability will be managed through the inclusion of flood resistant and resilience measures and the implementation of a Flood Evacuation Plan.

### 3. Design and appearance

#### Policy Summary

- 6.35 Policy DEC1 sets the standard that NYC expects for new development within Scarborough, acknowledging the need for design proposals to respond to natural and physical features as well as local character and key features within the built environment.
- 6.36 DEC 1(a)(i) states that proposals should reflect the local environment and create an individual sense of place with distinctive character.

- 6.37 DEC1(a)(ii) requires detailed design to respond positively to the local context, in terms of its scale, form, height, layout, materials, colouring, fenestration and architectural detailing.
- 6.38 DEC1(a)(d) states elements of public realm have been designed to reinforce or complement the distinctive character of the local area and to ensure they are attractive, safe, accessible, and well connected their surroundings.
- 6.39 In terms of detailed design, at paragraph 5.13, DEC1 requires proposals to respond to character and immediate environment and enhance the sense of place through appropriate design including proximity and height.
- 6.40 Paragraph 5.15 requires that new development to alter or extend host buildings should respect the character and scale of the host building and draw from the detailing and materials used in the construction of the host building.
- 6.41 DEC1 recognises the value of the use of alternative materials and detailing in extensions and alterations can enhance the character of an existing building and/or the surrounding area.
- 6.42 Development Plan policy ENV7 state that Proposals should protect and where possible enhance the distinctiveness or special features that contribute to the landscape character of a particular area and take into account the sensitivity of the landscape.
- 6.43 Section 12 of the NPPF acknowledges that the creation of quality, beautiful and sustainable buildings and place is fundamental to what planning aims to achieve as good design is a key aspect of sustainable development. At paragraph 130, the NPPF states that planning decisions should be sympathetic to local character and history, including the ‘built environment and landscape setting’ and maintain a strong sense of place to ‘create distinctive places to live, work and visit’.

#### Policy Assessment

- 6.44 The proposed redevelopment constitutes the regeneration and enhancement of the existing buildings within the site, with the demolition of buildings that have fallen into disrepair and pose detracting elements of the local character of the site, replacement of these buildings with new buildings which are considered to create improvements to the local townscape character.

- 6.45 The replacements buildings, namely buildings 4 and 7 are similar in terms of massing and form to the pre-existing buildings therefore the impact in terms of design and appearance is limited. The materiality is consistent with the treatment applied to new ancillary buildings across the harbour, as a result treated timber has become part of the local vernacular.
- 6.46 The extensions and alterations proposed to the existing buildings including the glazed extension and balcony space with railings and alterations to the fenestration are sympathetic to the host buildings and are proposed to assist with the form and function of the buildings.
- 6.47 With reference to the submitted Townscape and Visual Impact Assessment (TVIA), during operation of the proposed development, the effects on townscape character are expected to be negligible at national level, negligible at a local level, to moderate beneficial for the site and its immediate context.
- 6.48 In summary, the design is of a high quality and the supports the relevant policies in the Development Plan and the NPPF.

#### 4. Historic Environment

- 6.49 Local Plan policy DEC 5 recognises that the protection and enhancement of heritage assets plays a fundamental role in contributing to the regeneration of an area. At paragraph 5.57, it is stated that proposals that seek to secure a long-term sustainable future for designated heritage assets will be supported, especially those identified as being at greatest risk of loss or decay.
- 6.50 Policy DEC 6 requires proposals to consider potential impacts on non-designated archaeological assets, in order to demonstrate consideration of the possible impact on the heritage asset and avoid any conflict which may arise. The aim of the policy is to ensure assets are preserved in perpetuity.
- 6.51 Furthermore, section 16 of the NPPF focuses on the conservation and enhancement of the historic built environments, recognising that such assets are an irreplaceable resource. Planning proposals should take account of the desirability to introduce new development making a positive contribution to local character and distinctiveness.

- 6.52 Paragraph 200 of the NPPF states that “any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification”. Where it is identified that a proposed development will lead to substantial harm to a designated asset, consent should be refused unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh the harm or loss.

#### Planning Assessment

- 6.53 The West Pier is currently in a declining state and the Proposed Development is seeking to revert this trend by finding viable uses for various buildings on the site and by removing and replacing the worst.
- 6.54 The proposed changes to the buildings identified to be of heritage value have a negligible impact on character by keeping the reference to the historic fabric of the buildings.
- 6.55 The poor quality structures forming Building 4 and the Kiosks (Building 6) along with Building 5 have a negative impact on the character of the Pier and the conservation area and will be removed. The new buildings, Buildings 4 and 7, will be constructed at a scale that they will sit within the existing streetscape and do not have a negative impact on the character of the surrounding area.
- 6.56 With reference to the submitted Heritage Statement, the proposed works to Building 1 will maintain the character of the space through the use of a transparent lightweight glass structure. The works to Building 2 and 3 have minimal impact on character.
- 6.57 The replacement of Building 4 has a minor positive impact as the current Building 4 is considered to have a negative impact on the setting of the Pier. The impact of the redeveloped retail kiosks is considered neutral and is to have a modern materiality to differentiate from the adjacent stone flagship buildings.
- 6.58 With regards to the wider area the Castle and promontory are a Scheduled Monument in which the Pier is viewed from the Castle promontory. The impact on the views from this area will be negligible and subsequently, there will be no impact on the Scheduled Monument.
- 6.59 The original Pier likely remains within the existing concrete fabric and strong archaeological evidence will exist whilst the Pier remains in its current form. There are no proposed ground works other than the demolition of Buildings 3 and 5 which is limited to the existing building footprint.

- 6.60 The works proposed are generally beneficial to the setting of West Pier and the Proposed Development will not have a significant adverse effect on the Pier's character, setting or archaeological fabric. The identified potential harms are set out in Section 6 of the submitted Heritage Statement, which provides mitigation measures to manage the harm.
- 6.61 Furthermore, the submitted Building 1 Heritage Impact Justification document details the wider societal and economic benefits of the proposed extension of the principal elevation of the host building (Building 1). The report explains that in its current form, the shallow floor plate limits the useability and therefore prevents the delivery of a sustainable economic use required to finance the regeneration of the asset. Additionally, the proposed extension of Building 1 is essential to deliver a Class E(a) unit which accords with the current space standards.
- 6.62 The report concludes that a future anchor tenant in Building 1 has the potential to stimulate economic development activity, on the Pier, which will increase employment in the local area.
- 6.63 Based on the above evidence, the proposed development does not conflict with the relevant policies of the Development Plan or the guidance in the NPPF.

## 5. Economic development

- 6.64 At a local level, development plan policy EG1 at paragraph 7.15 states that the decline of the fisheries sector has left outdated and under-used buildings within Scarborough's harbour. This is further explored detailing that where possible they should be modernised to meet the requirement of contemporary businesses and that there is scope for these areas to be redeveloped for alternative economic uses.
- 6.65 Similarly, the policy identifies that the development aim for the West Pier is to integrate the traditional fishing industry with the visitor economy through renovation and repurposing existing buildings and new public space. Regenerating Scarborough's harbour is identified as key objective with the 'Blueprints' for the town.
- 6.66 The proposed amendment outlined within the draft version of the Scarborough Local Plan (2023) adds that development of the industrial and business sector is a fundamental part of long-term economic resilience, providing a more diverse economic base and helping to reduce the reliance on the tourism industry.

- 6.67 Policy EG5 within the development plan acknowledges that there are several sites located within the Scarborough Urban Area that are well placed for smaller economic activities. The policy emphasises the need to safeguard the economic use of fringe sites, acknowledging that an unbalance can create a greater need to travel further afield to access employment due to the difficulty to introduce employment areas in existing built-up areas.
- 6.68 This is echoed by Development Plan policy SH1 which identifies that there is a need to diversify the economic base, building on creative industries and providing alternatives to the traditional tourism and fishing industries to secure year-round employment opportunities.
- 6.69 In addition, it is recognised that some existing premises are no longer viable for economic use due to unsuitability for modern employment-use, lack of demand and neighbouring non-compatible uses. Considering this, where proposals demonstrate where there is limited prospect for the retention of a specific economic use, proposals for change of uses are likely to be acceptable.
- 6.70 Section 6 of the NPPF 'Building a strong, competitive economy' emphasises that planning decisions should help create conditions in which businesses can invest, expand and adapt'. Paragraphs 81-82 establish that significant weight should be placed on the need to support growth considering local business needs and locational requirements.

#### Planning Assessment

- 6.71 With regards to the submitted Socio-economic Impact Assessment, it is projected that the Proposed Developments will result in socio-economic benefits including new synergies between the fishing industry, tourism, cultural events, and maritime heritage. The provision of the reimagined attractive public realm anchored by a high-end sea food restaurant and kiosks is expected to lead to increased footfall therefore multiplying the economic output.
- 6.72 The regeneration of the West Pier will support the long run viability of the local fishery with upgrades to the Pier facilities. Safeguarding existing jobs is important for the continuity of the fishing industry along the east coast. The new facilities provide scope for future growth and diversification of the produce stored, processed and sold at the Pier and further afield.



- 6.73 The future economic footprint of the West Pier is expected to grow with the Proposed Development. The redevelopment at the West Pier is expected to create indirect economic benefits in Scarborough. These include effects due to the supply chain effects because of activities at the West Pier and consumption effects from increased local expenditure.
- 6.74 In terms of the operational phase of the development, it is estimated that 82 net additional jobs will be delivered which is forecasted to deliver an additional £3.28 million of direct GVA per annum.
- 6.75 Once the regeneration scheme is fully operational, the economic activities associated with the Scarborough Harbour West Pier will generate a total of £11.68 million per annum in GVA to the Scarborough economy. Over a 30-year time frame, this would amount to an estimated GVA of £350.4 million to the local economy.
- 6.76 As such, the proposed development complies with Development Plan policies EG1, EG5 and SH1 as the economic footprint is to be enlarged whilst simultaneously safeguarding existing employment sites.

## 6. Impact on the town centre

- 6.77 Policy TC1 states that the economic role and function of centres will be maintained and enhanced in line with the following settlement hierarchy which places Scarborough Town Centre at the top. Paragraph 7.51 elaborates on this, stating that centres are distinctive and vibrant and new development should contribute to their individual distinctiveness and sense of place.
- 6.78 Policy TC2 established that where it is demonstrated that sites within the defined centres are not available, suitable or viable, edge-of-centre sites should then be considered in line with the principles of the sequential test.
- 6.79 Policy TC3 states that in support of Scarborough Town Centre uses, it is essential that uses are provided within existing centres where possible, following the principles of the sequential approach. In meeting the additional need for these uses, it is essential that they are provided within the defined town and district centres wherever possible.
- 6.80 This is supported by NPPF2 'Achieving Sustainable Development' which details that sustainable development is structured via 3 overarching objectives: economic, social and environmental. Plans and decisions should apply a presumption in favour of sustainable development, meaning that proposals in accordance with an up-to-date development plan should be approved without delay.

- 6.81 Furthermore, Section 7 of the NPPF ‘Ensuring the vitality of town centres’ states that when considering edge of centre proposals, preference should be afforded to accessible sites which are well connected to the town centre and that the sequential test should be applied to explore all suitable out of centre sites.
- 6.82 Moreover, paragraph 87 of the NPPF states that “main town centre uses should be in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered”.

### Planning Assessment

- 6.83 The subject site is located beyond the town centre boundary and does not form part of a defined centre. However, the foreshore is central to Scarborough’s socio-economic make-up as the tourist model is reliant on the maritime economy and coastal uses.
- 6.84 As part of a robust assessment, the proposed development has been assessed in line with principles of the sequential test.
- 6.85 With reference to Appendix 1 attached to this statement, the test assessed the suitability of available units to accommodate the main town centre uses proposed at West Pier. The test considered the potential for town centre locations to accommodate each of these uses on a disaggregated basis, rather than the potential for a single site to accommodate all the main town centre uses within a single location.
- 6.86 The sequential test did not identify any available locations that would be suitable for accommodating the proposed main town centre uses on a disaggregated basis, noting that the proposal would not be delivered as a disaggregated scheme.
- 6.87 As such, the sequential test is passed which satisfies the policy requirements of Development Plan policies TC2 and TC3 and Section 7 of the NPPF.

### **7. Biodiversity**

- 6.88 Development Plan Policy ENV5 requires proposals to respond positively and seek opportunities for the enhancement of species, habitats or other assets thereby resulting in net gain in biodiversity.
- 6.89 An ecological assessment is a requirement of the LPA as part of the planning application process which is specified in the NPPF section titled ‘Conserving and enhancing the natural environment.’

- 6.90 Paragraph 179 of the NPPF states that plans should promote “conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity”.
- 6.91 Paragraph 180 of the NPPF states that planning permission should be refused if significant harm to biodiversity results from a development cannot be avoided, mitigated, or compensated for.

#### Policy Assessment

- 6.92 Green infrastructure is absent across the site and wider harbour area, terrestrial habitats are limited to urban habitats dominated by roads and buildings. The proposed development does not include the proposal of trees or vegetation due to the harsh coastal conditions and limited available space.
- 6.93 In terms of the natural environment, the Preliminary Ecology Survey (PEA) concludes that there are no statutory or non-statutory sites located within the site boundary. The PEA identified a need for additional bat activity survey work in season and identified that the site has limited potential for protected species, but to proceed with caution undertaking a watching brief prior to the commencement of works as a standard control measure.
- 6.94 The subsequent Bat Activity Surveys reported that the impact on roosting bats from the conversion and demolition of the buildings is negligible.
- 6.95 Furthermore, the Nationally Designated Sites are located over 300m from the Site and consequently the impact is considered to be negligible.
- 6.96 The submitted Biodiversity Net Gain Assessment establishes that the existing site consists of sealed surfaces including tarmac and buildings which are assigned a zero score in the statutory biodiversity metric. Consequently, these surfaces are effectively exempt from the 10% net gain requirement.
- 6.97 Based on the above evidence, it can be concluded that there is no conflict with the relevant policies in the Development Plan, the NPPF and the requirements of the Environment Act 2021.

### **8. Traffic and Transport**

- 6.98 The North Yorkshire County Council Local Transport Plan<sup>8</sup> was published in 2016 and sets out transport objectives for the County for the period 2016-2045. The main aims of the LTP are economic growth, safety, access, environmental change and healthy travel.

- 6.99 Policy INF1 of the Development Plan acknowledges the need for an efficient sustainable transport network to address the 'climate emergency', improve the overall economy and environment of the area and prevent social exclusion of less mobile demographics. In addition, the policy aims to attract new business via improved connectivity and encourages active travel.
- 6.100 Similarly, Policy INF3 identifies that there is a need for demand management measures to be intrinsically linked to new development and to encourage the use of sustainable modes of travel.
- 6.101 This aim is mirrored by policy INF5 which highlighted that a key element of sustainable development is making the best use of existing infrastructure, locating growth in areas of adequate infrastructure with efficient existing connectivity.
- 6.102 Policy DEC 2 notes that for non-residential developments providing 100 or more car parking bays, at least 2% should provide Electric Vehicle Charging (EVC) points.
- 6.103 Policy INF3 on sustainable transport has also been updated to include reference to electric vehicle infrastructure.
- 6.104 Section 9 'Promoting sustainable transport' of the NPPF states that proposals should promote walking, cycling and public transport use and realise opportunities arising from the existing transport infrastructure network. In addition, proposals should ensure that safe and suitable access to the site can be achieved for all users, giving priority first to operation and cycle movements.

#### Policy Assessment

- 6.105 Encouraging a greater degree of pedestrian movement on the Pier and reducing the vehicle dominated nature of the Pier encourages active travel to, from and around the Pier. The principle of reducing the vehicle-dominated nature of the Pier and increasing the use of sustainable modes of transport is supported by policies at all levels.
- 6.106 The existing transport network adequately services the Pier and the South Bay, with visitors arriving by car, public transport, park, and ride schemes and walking through the town from the railway station. As such the proposed development is considered sustainable as the site makes efficient use of existing transport links.

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<sup>8</sup> [The North Yorkshire County Council Local Transport Plan 2016-2045](#)

- 6.107 It is acknowledged that servicing and delivery movements will need to be accommodated on the Pier in a safe and convenient manner. Loading/unloading areas are proposed adjacent to the various buildings, and swept path analysis has been undertaken to demonstrate that the relevant vehicle types can manoeuvre within the Site safely, therefore mediating the interests of pedestrian safety with functionality of the working Pier.
- 6.108 The Proposed Development aims to promote opportunities to walk and cycle and mitigate adverse effects resulting from vehicle domination. The decrease of 28 car parking spaces is negligible and allows for the reworking of the access road and delivery of a segregated, pedestrian friendly public open space. A total of 18 cycle parking spaces are to be provided as part of the proposals.
- 6.109 In response to concerns regarding the small loss of public car parking, there are multiple existing sites that can be utilised for public car parking located near the Pier. This includes Eastborough Car Park located at the eastern end of the road and Quay Street Car Park.
- 6.110 Within the site, pedestrian movement will be prioritised through the widening of existing and provision of new footways. A new carriageway surfacing treatment will also be incorporated to create a more pedestrianised feel and to encourage drivers to proceed more cautiously.
- 6.111 All pedestrian access will be at grade to enable mobility by all users including those using pushchairs and the mobility impaired. As such, the proposed development satisfies the requirement of Section 9 of the NPPF.
- 6.112 The site is expected to have a minimal impact on the public highway network and from a transport perspective meets the tests of the NPPF. The proposed development makes the best of existing connectivity and provides new provisions therefore meeting the Policy requirement of INF5.

6.113 As such the proposed development aligns with Development Plan policies INF1, INF3 INF5 and DEC 2 and the requirements of the NPPF.

## 9. Impact on Amenity

6.114 Development Plan Policy DEC4 requires proposals should ensure that existing and future occupants of land and buildings are provided with a good standard of amenity. Proposals for development should not give rise to unacceptable impacts in terms of noise, vibration, air quality, odour, release of contamination, lighting, and loss of light.

6.115 Furthermore, new development must provide a high level of amenity for their occupiers as low levels of amenity may result in high vacancy levels in buildings and only limited use of public and private spaces.

6.116 At a national level NPPF paragraph 130(f) states that decisions should create places that promote health and well-being, with a high standard of amenity for existing and future users.

6.117 Paragraph 174 of the NPPF subsection (e) expresses that decisions should contribute to the local environment by preventing new development from contributing to an acceptable risk and levels of soil, air, water or noise pollution. Developments where possible should help to improve local environmental conditions.

6.118 Development plan policy ENV3 requires proposals to mitigate against the implication of environmental risk and the effects of climate change by seeking to maintain good ambient air quality standards.

6.119 Section 14 of the NPPF states that local planning authorities should expect new development to take account of landform, layout, building orientation, massing, and landscaping to minimise energy consumption.

### Policy Assessment

#### Construction phase

6.120 Whilst the construction has been phased to limit the impact of the day-to-day operation of the Pier as described within section 5.61 of the Design and Access Statement, there will be some temporary disruption to the amenity of the area for existing users and occupiers of the site as a result of undertaking the demolition and construction works.

6.121 The anticipated impacts include increased amount of particulate matter in the air emanating from the demolition and building works, noise, and general operational disruptions. The identified impacts will be managed in accordance with standard control measures. This includes the preparation of a Construction Environmental Management

Plan (CEMP) which will be prepared in response to a pre-commencement condition that is included on any planning permission that is granted.

### Noise and vibration

- 6.122 The desktop assessment of possible background noise levels of the proposed mechanical plant and activities has assessed the effects on the nearest noise receptors. The assessment indicates that the predicted rating noise level of the mechanical plant is below the anticipated background sound level at the nearest noise sensitive receptors.
- 6.123 In addition, an assessment of other possible sources of noise, such as external parking, fishery operations and community events, and the cumulative noise assessment indicates that the Proposed Development will likely have no adverse impact.

### Air quality

- 6.124 The submitted Air Quality Assessment determined that there will be negligible impact on air quality because of construction traffic and during the operational phase as a result of traffic movements. The dust risk assessment concludes that following the implementation of mitigation measures any residual adverse effects will be negligible. t
- 6.125 It has been identified that there is limited impact on local and future receptors, so the proposed development does not conflict with policies ENV3 and section 14 of the NPPF.

### Design and overbearing

- 6.126 The delivery of an enhanced public realm constitutes an uplift of the level of amenity experienced by those working at and visiting the Pier providing modern facilities, places to sit and a higher level of visual amenity.
- 6.127 The redevelopment buildings namely Buildings 4 and 7 are of a similar massing of the pre-existing buildings and therefore their impact on the degree of overbearing is limited. In addition, there are no sensitive uses with habitable rooms located across the Site so there is limited scope for detriment to residential amenity in terms of overbearing.
- 6.128 From an urban design perspective, the re-orientation of the retail kiosks enhances the degree of enclosure of the site, creating a public open space separate from the Pier edge. As a result, passive surveillance is increased as users of the Pier collectively monitor the open space delivering a higher standard of amenity to users of the site in terms of safety.
- 6.129 It can be concluded that the proposed development supports the relevant Policies in the Development Plan and the NPPF.

## Lighting

- 6.130 The proposed lighting scheme comprises a combination of lighting columns and luminaires. The lighting columns are proposed to illuminate the public realm and seating area serving Building 7 and as access to the car park for public safety and passive surveillance purposes.
- 6.131 Luminaires are proposed to be affixed to Buildings 2, 3, 4 and 7 to illuminate the Pier. The lighting solution proposes lighting at the north facing elevation of the buildings at the pier to assist the fisheries with processing produce.
- 6.132 The lighting scheme has been devised in conjunction with the Heritage Consultant to select a sympathetic proposal which protects the heritage asset.



## 7 Planning Balance and Conclusions

- 7.1 This document has described the application site, provided a brief overview of the proposed development, and used the evidence presented in the technical documents that have been prepared to support the planning application to assess how it performs against the relevant policies in the Development Plan and those policy documents that constitute material planning considerations.
- 7.2 The regeneration of the West Pier has a transformative capacity to deliver wider sustainability benefits for Scarborough. In particular, the proposed development will generate the following benefits.

Regenerate 2,812m<sup>2</sup> of floorspace renovating and repurposing existing buildings to support an array of economic uses to deliver a reimagined tourism model including a high-end sea food restaurant and event space;

Safeguarding the fisheries by providing modern fit for purpose storage, processing, and welfare facilities to support growth and diversification of economic output;

Enhance the connection between the fishing industry and leisure and tourism sector by promotion of the Harbour's circular economy allowing seafood to be caught, processed and sold on the Pier through improved processing facilities and an expanded commercial offer ;

The future economic footprint of the West Pier is expected to grow with the delivery of 82 net additional jobs forecasted to deliver an additional £3.28 million of direct GVA every year;

In terms of direct and indirect economic benefits, 50 FTE construction employees are forecasted to create an additional £2.54 million of direct GVA per annum to the local economy during the temporary construction period;

The multiplier effect is expected to lead to an additional induced 82 FTE jobs in the local economy through increased footfall from the high-end seafood restaurant at the Pier and upon completion tourism value added is expected to create 45 new FTE jobs;

Reverse the spiral of decline of the West Pier by increasing footfall through the delivery of a high-end sea food restaurant, expanded retail and leisure offers and the provision of a flexible event space.

Provide a reimagined road network which delineates the access road and separates pedestrian and vehicular flows of movement to improve public safety on the Pier;

Deliver an assortment of uses which diversify the economic base to achieve economic resilience throughout the year and which maintains the role of the town as Yorkshire's principal coastal destination; and

Deliver a high quality inclusive and safe public realm to foster social interaction and allow people to gather at the Pier.

- 7.3 The evidence that has been prepared to support the planning application has concluded that there will be some temporary adverse effects during the construction phase, but these will be effectively managed by standard control measures that will be included in the CEMP. All other operational effects are expected to be minor and appropriate mitigation measures have been suggested to remove, reduce or to offset any adverse effects.
- 7.4 In terms of the policy conflict identified in Section 6, paragraph 6.69 of this statement, the proposed development has failed the flood risk sequential test as the site is in Flood Zone 3 and suitable alternative land and premises have been identified for some of the proposed uses at a lower risk of flooding.
- 7.5 Notwithstanding this, this conflict should be considered against the substantial benefits outlined in Section 6 which outweigh the conflict with policy. Subsequently, there is a strong case for the proposed development as demonstrated in this document.
- 7.6 On balance, it can be concluded that the proposed development is acceptable when it is considered against the majority of the relevant policies in the development plan and those policy documents that constitute material considerations. Accordingly, it is considered that NYC should grant planning permission, subject to the imposition of any conditions deemed to be necessary.

## Appendices

### Appendix 1 – Sequential Retail Test (Prepared by Ruth Jackson Planning)

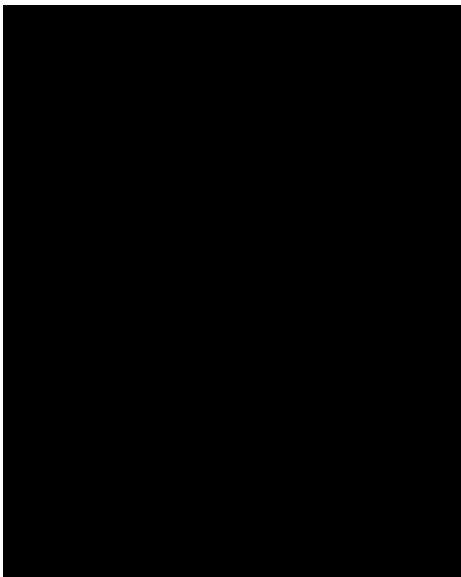
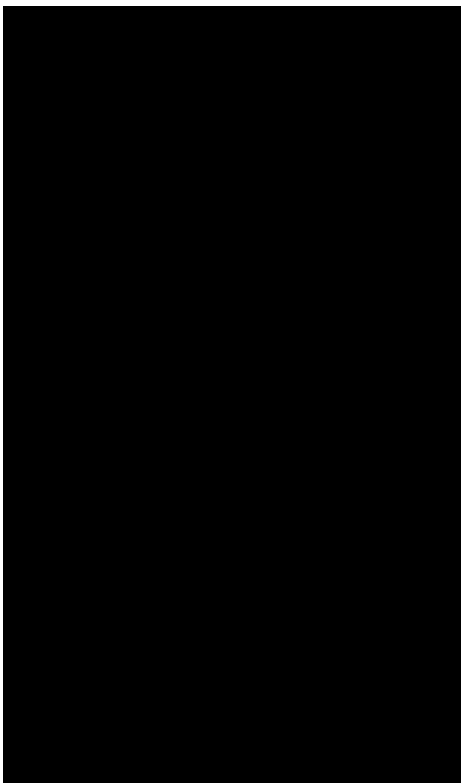
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<b>Report:</b>	Sequential Test	<b>Job no.</b>	2023004
<b>Client:</b>	Temple Group		
<b>Date:</b>	25 July 2023		
<b>Document version</b>	<b>Prepared by</b>	<b>Checked by</b>	<b>Approved by</b>
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## 1. INTRODUCTION

- 1.1.1. This sequential test has been prepared by RJP Town Planners (RJP) on behalf of Temple Group to support a planning application for the Scarborough Harbour West Pier Regeneration project, which is being promoted by North Yorkshire Council Regeneration.
- 1.1.2. The project comprises the renewal and regeneration of West Pier to create a public space that connects with Scarborough's maritime heritage, provide retail, leisure and artist studio/gallery space, and enhances the pier as a working harbour with a thriving fishery. The proposal includes the change of use of existing heritage buildings, selective demolition and reconstruction to provide reconfigured and extended retail floorspace.
- 1.1.3. A sequential test is required to support the planning application due to West Pier being located in an out of centre location with respect to Scarborough Town Centre. A retail impact assessment is not required as the proposed increase in floorspace falls below the locally set floorspace thresholds for retail and other uses.<sup>1</sup>

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<sup>1</sup> Policy TC 2 of the Scarborough Borough Local Plan 2011-32 sets a local floorspace threshold of 500 sqm for retail uses and 2,500 sqm for any other use.

## 2. PROPOSED DEVELOPMENT

### 2.1. Introduction

2.1.1. This section provides a summary of the proposed development relevant to applying the sequential test. Full details of the proposal can be found in the accompanying Planning Statement.

### 2.2. Summary of existing and proposed uses

2.2.1. Table 1 provides a summary of the existing buildings at West Pier and the changes proposed. Buildings 1, 2 and 3 will be retained and refurbished, with changes proposed to existing uses. Buildings 4, 5 and 6 will be demolished and the existing uses moved to new buildings with reconfigured floorspace.

2.2.2. Changes to ancillary uses (such as parking) are detailed elsewhere in the planning application and are not relevant to the sequential test and are not included in this report.

**Table 1 – Existing and proposed uses at West Pier**

Building	Description	Existing use(s)	Proposed use(s)
<b>Building 1</b>	Heritage building c1910	<b>Ground Floor</b> Public toilets and storage	<b>Ground floor</b> Restaurant. Public toilets moved to new building.
		<b>First floor</b> Artist studios and offices	<b>First floor</b> Restaurant including terrace with new build extension
<b>Building 2</b>	Heritage building c1926	<b>Ground Floor</b> Retail (wet fish sales) and storage	<b>Ground floor</b> Seafood retail and industrial use (weighing and holding tanks).

Building	Description	Existing use(s)	Proposed use(s)
		<b>First floor</b> Harbour offices and storage, café welfare facilities	<b>First floor</b> Offices, artist studios and art gallery
<b>Building 3</b>	Fisheries c1990	<b>Ground Floor</b> Industrial/storage (fisherman's welfare facilities)	<b>Ground Floor</b> Retail
		<b>First floor</b> Storage/warehouse and Lookout on the Pier café	<b>First floor</b> Harbour Master's offices and café.
<b>Building 4</b>	Storage/warehouse (late 20 <sup>th</sup> century)	Storage/warehouse (fish processing)	Demolition and replacement with new Building 4
<b>Building 5</b>	Bait sheds (late 20 <sup>th</sup> century)	Bait sheds	Demolition
<b>Building 6</b>	Kiosks (Foreshore Road)	Commercial kiosks (retail) selling fast food, wet fish and beach goods	Demolition and replacement with Building 7 (see below)
<b>Building 7</b>	Kiosks (Foreshore Road)	n/a	<b>New building</b> Replacement kiosks with extended floorspace, public toilets and substation

## 2.3. Schedule of accommodation

2.3.1. below sets out the schedule of accommodation in terms of existing and proposed use for the main town centre uses relevant to the sequential test. Main town centre uses are defined in the NPPF. Those relevant to West Pier are retail, leisure, restaurants, offices and galleries.

**Table 2 Schedule of accommodation**

Main town centre use	Category	Existing floorspace (sqm)	Proposed building no.	Proposed floorspace (sqm)	Change
Kiosks	Retail	99	Building 7	154	55
Artist studio	Sui Generis	49	Building 2, 1F	130	81
Art gallery	Retail	17	Building 2, 1F	22	5
Offices	Offices	296	Building 2, 1F Building 3, 1F	162	-134
Other retail	Retail	199	Building 2, GF Building 3, GF	245	46
Café	Leisure	111	Building 3, 1F	232	121
Restaurant	Leisure	0	Building 1, GF and 1F	469	469
<b>Total</b>					<b>643</b>

2.3.2. Table 3 below sets out the overall floorspace change by main town centre use.

**Table 3 Schedule of accommodation by main town centre use**

Use category	Use(s)	Existing floorspace (sqm)	Proposed floorspace (sqm)	Net change
Retail	Kiosks	99	154	+106
	Art gallery	17	22	
	Other retail	199	245	
		<b>315</b>	<b>421</b>	
Leisure	Restaurant	0	469	+590
	Café	111	232	
Offices	Offices	296	162	-134
Sui Generis*	Artist studios*	49	130	+81

*\*Artist studios are not a defined main town centre use; included in the table due to link with ancillary gallery use.*

- 2.3.3. These tables show that the overall retail floorspace will increase from 315 sqm to 421 sqm, an increase of 106 sqm.
- 2.3.4. The largest category increase is leisure, with the introduction of a new 469 sqm restaurant across two floors in Building 1 and an extended café, which will increase from 111 sqm to 232 sqm.
- 2.3.5. Office use will decrease overall and is therefore not included in the sequential test.
- 2.3.6. Artist studios will occupy spaces on the first floor of Building 2 from their existing first floor location within Building 1. The studios will be linked to an ancillary art gallery space with a retail element and are therefore considered in the sequential test, noting that the retail element cannot be disaggregated from the studio uses.

### **3. PRE-APPLICATION CONSULTATION**

#### **3.1. Introduction**

3.1.1. This section summarises the pre-application consultation undertaken with the local planning authority, North Yorkshire Council, to inform the sequential test.

#### **3.2. Pre-application consultation meeting with North Yorkshire Council Planning**

3.2.1. A meeting took place on 4 April 2023 between planning officers and members of the project team. In relation to the retail sequential test, officers confirmed:

A proposal to regenerate the Brunswick Centre (a shopping centre located within Scarborough town centre) was approved on 9 March 2023, however, the sequential test must be carried out as per existing conditions. The Brunswick Centre is experiencing high levels of vacancy owing to the closure of Debenhams and other retails including Topshop.

There is existing case law regarding out of centre developments such as drive through restaurants, which by their nature need a roadside location.

It would be difficult to control ownership of the proposed units at West Pier on the pier through planning conditions.

North Yorkshire Council would be prepared to discuss the sequential test methodology in advance of the test being carried out.

3.2.2. These points have been considered in preparing this report.



### **3.3. Consultation on draft sequential test methodology**

- 3.3.1. The proposed methodology for the sequential test was shared with officers at North Yorkshire Council by email on 26 June 2023. Prior to undertaking the site visit, it was agreed with officers that the sequential test should assess potential alternative locations within Scarborough town centre only.
  
- 3.3.2. The proposed methodology was subsequently discussed with officers at North Yorkshire Council via Teams on Wednesday 5 July. Key outcomes from this discussion were that the proposed methodology was acceptable with due regard to disaggregation of the various proposed uses at West Pier (for example, alternative locations for each discrete use should be considered rather than an alternative location capable of accommodating the scheme as a whole).
  
- 3.3.3. It was agreed that vacant units that were not marketed would not be considered 'available' for the purpose of applying the sequential test to ensure a proportionate approach.

### **3.4. Site visit**

- 3.4.1. A site visit was carried out on 4 July. This identified 118 vacant units within or on the edge of Scarborough town centre.
  
- 3.4.2. Despite evidence of vacant units, the town centre was observed to be busy, particularly within the main town shopping area, with good footfall along Westborough and Newborough streets. Vacant shops tended to be small and most were located primarily in edge of centre locations. The vacant units were not concentrated in any specific area. Scarborough offers good connectivity between the train station, town centre and

harbour foreshore. Foreshore Road, where West Pier is located, was observed to be particularly busy on a summer weekday.

3.4.3. Key vacancies identified in the town centre were:

Unit at the corner of Valley Bridge Road and Westwood

Former Post Office on Aberdeen Walk

Units within Brunswick Centre shopping centre (including vacant former Debenhams)

Former DW Sports unit on North Street

50-59 and 79 Newborough

71 Newborough

3.4.4. In total, 29 vacant units were identified within and on the edge of the town centre that were marketed for lease or sale and are therefore available for the purpose of the sequential test. Although the units are not being marketed, vacant units within the Brunswick Centre are considered as this shopping centre is a focal point of the town centre. The Brunswick Centre contains a substantial quantum of vacant floorspace due to the closure of Debenhams, along with vacancies created by other national multiple retailers such as Topshop.

## **4. RELEVANT PLANNING POLICY**

### **4.1. Introduction**

4.1.1. This section provides a summary of the planning policies relevant to applying the sequential test, both at national and local level.

### **4.2. National planning policy**

4.2.1. Paragraph 87 of the NPPF directs that the main town centre uses, which include retail and leisure uses, should be located in town centres, then at the edge of centre locations. Out of centre sites should only be considered if no suitable town centre or edge of centre sites are available or expected to become available in a reasonable period.

4.2.2. The NPPF defines 'edge of centre' as within 300 metres of a primary shopping area for retail purposes, or within 300 metres of a town centre boundary for other main town centre uses.<sup>2</sup>

4.2.3. In accordance with paragraph 88 of the NPPF, when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

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<sup>2</sup> Main town centre uses are defined in the NPPF as: retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

4.2.4. The planning practice guidance (PPG) confirms that it is the applicant's responsibility to demonstrate compliance with the sequential test. This should be proportionate and appropriate to the given proposal.

4.2.5. The checklist below sets out the considerations that should be taken into account in determining whether a proposal complies with the sequential test:

With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. It is important to set out any associated reasoning clearly.

Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.

If there are no suitable sequentially preferable locations, the sequential test is passed.

4.2.6. The PPG further clarifies that use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. Robust justification will need to be provided where this is the case, and land ownership does not provide such a justification.

### 4.3. Local planning policy

4.3.1. The adopted local plan for Scarborough is the Scarborough Borough Local Plan adopted on 3 July 2017.

4.3.2. Policy TC 1 sets out the hierarchy of centres for Scarborough Borough. Scarborough town centre is at the top of the retail hierarchy. The supporting text to Policy TC 1 states that Scarborough town centre acts as,

*the central hub for services and facilities within the borough and the wider coastal area. The town centre contains a good range of retail offer including a managed shopping mall, anchored by a major department store, and many national retailer stores. In addition, with a highly regarded theatre ... and a growing number of restaurants and public houses, Scarborough town centre is re-emerging as a cultural and leisure destination. The overall level of facilities within the town centre reflects its position at the top of the hierarchy.*<sup>3</sup>

4.3.3. Notably, West Pier lies at the northernmost extent of the Amusement Arcades that are a prominent feature along Foreshore Road. The arcades are afforded protection by Policy TOU 5, which permits new or extended arcades in specific locations including along Foreshore Road. West Pier is located at the intersection between Foreshore Road and Eastborough, which leads back to the town centre. West Pier therefore occupies a unique location that is well placed to complement the existing leisure uses located along the seafront.

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<sup>3</sup> Scarborough Borough Local Plan 2011-32, p. 99.

4.3.4. The town centre is well connected to West Pier via Newborough and Eastborough.

Figure 1 below shows the location of West Pier in relation to the town centre boundary and the Amusement Arcades. The relevant policies maps for Scarborough town centre and West Pier are included at **Appendix A**.



**Figure 1 Map of Scarborough town centre showing the location of West Pier (source: Scarborough Borough Local Plan Policies Map).**

4.3.5. Local planning policy with respect to the sequential test is set out in Policy TC 2. The policy states 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”.<sup>4</sup>

<sup>4</sup> Scarborough Borough Local Plan 2011-32, p. 100.

4.3.6. Policy TOU 1 (New Tourism Facilities) supports the diversification of the tourism industry. This policy supports proposals for new and enhanced tourism facilities where they “respect the distinctive tourism character of the area in which the development is proposed, both in terms of the scale and nature of the development” and “wherever possible, help to reduce the season nature of the tourism industry in the area”.<sup>5</sup>

#### **4.4. Application of local policies**

4.4.1. West Pier is located to the east of Scarborough town centre and connects to South Bay Beach. The pier is located in an out of centre location with respect to Scarborough town centre, being 430 metres from the defined primary shopping area and 320 metres from the town centre boundary.

4.4.2. For the purpose of applying the sequential test, the distance from the primary shopping area is relevant to retail uses. The distance from the town centre boundary is relevant for main town centre uses. For simplicity, the sequential test considers suitable alternative in-centre and edge of centre locations with respect to the town centre boundary.

4.4.3. Although policy TOU 1 is not specifically related to the sequential test, the regeneration of West Pier supports the goals of this policy in terms of respecting the distinctive tourism character of the area in which the development is proposed. An important goal of the West Pier regeneration scheme is to retain activity at the pier during the off season. The types of uses that will enhance and support the tourism offer at West Pier

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<sup>5</sup> Scarborough Borough Local Plan 2011-32, p. 104.

(leisure, artist studio/gallery and retail uses) fall into the category of main town centre uses that will promote year-round activity in this location. Therefore, although these uses are expected to be located within the town centre boundary or primary shopping area, they can also play a positive role in complementing tourism uses in specific locations, such as West Pier, that are not within a town centre.



## 5. SEQUENTIAL TEST METHODOLOGY

### 5.1. Introduction

5.1.1. This section outlines the methodology used to carry out the sequential test with reference to national and local policy and the PPG.

### 5.2. Methodology

5.2.1. Planning policy requires applicants to assess whether there are any in-centre or edge-of-centre sites that are available (or expected to become available in a reasonable timescale) that would be suitable for the proposed development, demonstrating flexibility on format and scale.

5.2.2. The proposal is for a mixed-use scheme at West Pier that is part change of use and part redevelopment. Existing uses at the pier fall into the category of main town centre uses and therefore any additional floorspace for existing or new uses at the pier requires consideration in the sequential test.

5.2.3. In accordance with guidance in the PPG, scope for flexibility in the format or scale of the proposal should be considered.

5.2.4. A copy of the schedule of accommodation is shown in Table 4 below.

**Table 4 Schedule of accommodation**

Main town centre use	Category	Existing floorspace (sqm)	Proposed building no.	Proposed floorspace (sqm)	Change
Kiosks	Retail	99	Building 7	154	55
Artist studio	Sui Generis	49	Building 2, 1F	130	81
Art gallery	Retail	17	Building 2, 1F	22	5
Offices	Offices	296	Building 2, 1F Building 3, 1F	162	-134
Other retail	Retail	199	Building 2, GF	245	46

Main town centre use	Category	Existing floorspace (sqm)	Proposed building no.	Proposed floorspace (sqm)	Change
			Building 3, GF		
Café	Leisure	111	Building 3, 1F	232	121
Restaurant	Leisure	0	Building 1, GF and 1F	469	469
<b>Total</b>					<b>643</b>

5.2.5. As set out in the schedule of accommodation:

The existing retail kiosk floorspace will increase by 55 sqm to provide 154 sqm in total.

The proposal will introduce new restaurant floorspace extending to 469 sqm across ground and first floors and a terrace in Building 1.

The existing café space will increase by 121 sqm café space. The café will be located on the first floor of Building 3.

Overall, leisure floorspace (café and restaurant use) will increase by 590 sqm to provide 701 sqm in total, noting that café use is an existing use at the pier.

The existing artist studio floorspace will increase by 81 sqm, to provide 130 sqm in total. The ancillary art gallery floorspace will increase by 5 sqm to 22 sqm. The artist studio and gallery space will be provided on the first floor of Building 2.

Other retail floor space will increase by 46 sqm to 245 sqm. These retail uses will be provided on the ground floors of buildings 2 and 3.

Office floor space will decrease by 280 sqm.

- 5.2.6. The methodology considers sequentially preferable sites within or on the edge of Scarborough Town Centre only as the closest town centre to the application site, and the centre at the top of the retail hierarchy that offers good connectivity to South Bay Beach via Eastborough.
- 5.2.7. In applying the sequential test, national planning policy requires applicants to demonstrate flexibility on format and scale. In this case, the format for the proposed restaurant, artist studio/gallery and café use are determined by the constraints presented by existing heritage buildings, whereas the proposed kiosk format is derived from a refreshed design that incorporates additional floorspace.
- 5.2.8. For the purpose of applying the sequential test, to demonstrate flexibility on scale, a minimum floorspace figure is proposed for each use that is approximately 10% smaller than the total proposed floorspace given in the schedule of accommodation, summarised in the table below. The total proposed floorspace figure for each discrete use is used in the test because the extended floorspace proposed for the kiosk, artist studio, other retail and café uses cannot be disaggregated and provided separately in a town centre location. For example, it would not be reasonable for the existing kiosk floorspace (99 sqm) to be located at West Pier and the extended floorspace (55 sqm) to be located in the town centre.

**Table 5 Minimum floorspace threshold**

Use category	Existing floorspace (sqm)	Proposed floorspace (sqm)	Minimum floorspace threshold
Kiosks	99	154	139
Artist studios and gallery	49 17 <b>66</b>	130 22 <b>152</b>	137
Other retail	199	245	220
Café	111	232	205
Restaurant	0	469	420

- 5.2.9. To demonstrate flexibility on format, the sequential test considers alternative locations that provide (for example) sufficient floorspace across adjacent vacant units, or a location that provides floorspace at both ground and first floors as appropriate (the café and restaurant floorspace will be provided across two floors).
- 5.2.10. Office space is not included in the sequential test as there will be a net decrease in office space.
- 5.2.11. The NPPF states that out of centre sites should only be considered if no *suitable* town centre or edge of centre sites are available or expected to become available in a reasonable period. In terms of suitability, the proposals are locationally specific to West Pier in seeking to regenerate existing listed buildings, encourage year-round use at the pier and support the working fisheries. Therefore, the assessment of suitability in the sequential test considers the potential for alternative locations to support the role and function of a regenerated West Pier having regard to the characteristics of each use.
- 5.2.12. In summary, the methodology for applying the sequential test as follows:

Consideration of alternative in-centre and edge-of-centre sites in respect of Scarborough Town Centre only;

In identifying alternative sites, minimum floorspace figure approximately 10% lower than the total proposed floorspace for each use category;

Consideration of alternative sites that provide the minimum floorspace in a single vacant unit, adjacent vacant units or across ground and first floors as appropriate;

Consideration of suitability in terms of the potential for alternative locations to support the role and function of a regenerated West Pier.

- 5.2.13. A copy of the proposed methodology issued to Scarborough Borough Council is enclosed at **Appendix B**. Please note, the floorspace figures used in this methodology vary slightly from those used in this report due to minor updates to the schedule of accommodation since the methodology was shared with the Council. These changes are not material to the application of the sequential test.
- 5.2.14. It is noted that the existing kiosks are locationally specific to West Pier and their role and function is intrinsically linked to the seaside, by serving visitors to South Bay and West Pier with goods that are typical of a seaside location (such as fresh fish, fast food, ice cream and beach goods). As the proposed extended floorspace cannot reasonably be disaggregated from the existing uses, the sequential test considers alternative locations capable of accommodating the total floorspace required for the redeveloped kiosk uses.

5.2.15. For robustness, alternative locations for the retail and restaurant uses will be considered on a disaggregated basis, however, it is noted that any alternative locations will not provide the same regeneration benefits to West Pier and would, therefore, not serve the same role and function in other locations. As such, alternative sites are unlikely to be suitable.

## 6. AVAILABLE UNITS

### 6.1. Introduction

6.1.1. This section sets out data on available units and key vacancies within Scarborough Town Centre based on the site visit undertaken on 4 July 2023.

### 6.2. Available units

6.2.1. The survey of Scarborough Town Centre identified 118 vacant units within and on the edge of the town centre boundary. Edge of centre units located within 300 metres of the town centre boundary are included for robustness, noting that for retail uses 'edge of centre' sites are located within 300 metres of the designated primary shopping area.

The survey can be found at **Appendix C**.

6.2.2. Table 6, Table 7 and Table 8 below detail the available units included within the sequential test. Note, some units are included within these lists that are not being actively marketed (such as within the Brunswick Centre). They are listed here for completeness.

**Table 6 – Available units (small shops)**

Ref.	Unit address/description	Floorspace (sqm)	Marketed (Y/N)	Notes
S1	99 Victoria Road	Small shop	Y	
S2	17 York Place	Medium	Y	First floor
S3	16 York Place	Medium	Y	First floor
S4	Unit adj Mecca Bingo, Albermale Cres	Unknown	Y	
S5	21 Victoria Road	72	Y	Two floors
S6	Fmr Cup House Café, Hoxton Rd	Small shop	Y	
S7	Fmr Rose Garden florist, Dean Road	38	Y	
S8	Christchurch House, Vernon Rd	Unknown	Y	
S9	Game, Newborough	Unknown	Y	
S10	Vacant shop, Newborough	58	Y	Three floors

Ref.	Unit address/description	Floorspace (sqm)	Marketed (Y/N)	Notes
S11	Ground floor shop, Huntriss Row	Unknown	Y	
S12	Blue shop adj. KFC, Huntriss Row	117	Y	Three floors
S13	Premier Inn shopfront, Huntriss Row	Small shop	Y	
S14	Unit adj Le Jardin, Huntriss Row	Unknown	Y	Five floors
S15	37B Fmr Grade 1 Barber, Victoria St	Unknown	Y	
S16	Fmr All News, Victoria St	Unknown	Y	
S17	Kebab shop, St Thomas St	Unknown	Y	
S18	7 St Thomas St	Unknown	Y	
S19	District 4, St Thomas St	Unknown	Y	
S20	Blue and white shop, Newborough	Unknown	Y	
S21	Fmr tattoo parlour, Newborough	Unknown	Y	
S22	Your Style, St Helen's Sq	66	Y	
S23	Discount beach bargains, St Helen's Sq	Unknown	Y	
S24	The Saudgate (hotel), St Helen's Sq	Unknown	Y	

**Table 7 - Available units (Brunswick Centre)**

Ref.	Brunswick Centre	Floorspace (sqm)	Marketed (Y/N)	Notes
BC1	Fmr Supercuts (GF)	Unknown	N	Adj. vacant unit
BC2	Fmr Nomination Italy (GF)	Unknown	N	Adj. vacant unit
BC3	Vacant shop opposite Nomination (GF)	Unknown	N	Adj. vacant unit
BC4	Fmr Greggs (GF)	Unknown	N	Adj. vacant unit
BC5	Fmr Dorothy Perkins (GF)	Unknown	N	Adj. vacant unit
BC6	Vacant shop adj fmr Dorothy Perkins (GF)	Unknown	N	Adj. vacant unit
BC7	Fmr Ping Pong Parlour (GF)	Unknown	N	Adj. vacant unit
BC8	Vacant shop adj fmr Ping Pong Parlour (GF)	Unknown	N	Adj. vacant unit
BC9	Vacant Shop	Unknown	Y	
BC10	Fmr Debenhams	Unknown	N	Three floors
BC11	Fmr Topshop and Topman	Unknown	N	

*Note: units highlighted in blue, green and yellow are adjacent.*



**Table 8 - Available units (large shops)**

Ref.	Unit address/description	Floorspace (sqm)	Marketed (Y/N)	Notes
L1	Unit at corner of Valley Bridge Road and Westwood	Unknown	Y	Sold
L2	Fmr Post Office, Aberdeen Walk	313	Y	
L3	Discount Store, Unit 2, 86-87 Newborough	447	Y	
L4	Fmr DW Sports, Chapman's Yard	1,325	Y	Three floors
L5	50-59 Newborough	Unknown	N	Large vacant building

### 6.3. Small Shops

6.3.1. Small shops marketed for sale or let were identified throughout the town centre. Very few had floorspace data advertised. Based on the available data, small shops are assumed to offer between 30 and 80 sqm floorspace. Some shops offered floorspace across two or three storeys. Shop S12 in Table 6, for example, offers 117 sqm floorspace. This unit is listed under small shops as the floorspace is split across three storeys. Therefore, the ground floor shop is assumed to offer approximately 40-50 sqm floorspace.

### 6.4. Brunswick Centre

6.4.1. Brunswick Shopping Centre is Scarborough's only fully enclosed shopping centre and provides approximately 12,542 sqm of prime retail floorspace along with a 350 space multi storey car park. Rawstron Johnson is the company overseeing its business ventures. The shopping centre is experiencing a high vacancy rate with 11 shops currently unoccupied, including the former Debenhams unit over three floors.

6.4.2. Only one unit is being actively marketed based on the site visit. Despite the high vacancy rate, the Brunswick Centre attracts a decent level of footfall, with shoppers

and activity present in the ground floor café area. The shopping centre is relatively small by modern standards but offers natural light and a well-maintained environment.

- 6.4.3. The Brunswick Centre received planning approval in March 2023 for a new regeneration scheme which is due to commence at the end of the year and complete by 2025.<sup>6</sup> The scheme proposes *change of use to cinema (sui generis) and commercial/retail/leisure units within use classes E(a), (b) and (d) or sui generis drinking establishment.*

## **6.5. Large shops**

- 6.5.1. Four large shops in the town centre were identified as being actively marketed. One unit, L1, is understood to be sold based on the agent's website and is therefore not included in the sequential test.
- 6.5.2. Other units identified were the former Post Office on Aberdeen Walk (L2), a large discount store unit on Newborough (L3) and the former DW Sports unit on Chapman's Yard (L4). A large vacant building at 50-59 and 70 Newborough is not being actively marketed and is therefore not included in the sequential test.

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<sup>6</sup> Planning permission ref. 22/02512/FUL.

*Former Post Office*



**Figure 2 – Former Post Office**

6.5.3. The ground floor of the former Post Office on Aberdeen Walk was identified as vacant and being actively marketed by BNP Paribas. Details of this listing are not available online. The former Post Office unit, if available, is understood to offer 313 sqm floorspace.

*Discount store, 86-87 Newborough*



**Figure 3 – Discount Store**

- 6.5.4. A large discount store is available on Newborough offering 447 sqm floorspace. The unit does not offer good natural light and features low ceilings.

*Former DW Sports*



**Figure 4 – Former DW Sports**

- 6.5.5. The former DW Sports unit on Chapman's Yard offers 1,231 sqm retail floorspace available to let. The ground floor offers 27 sqm and the first floor offers 1,299 sqm. Customer access is by lift or escalator and the plot is located on the corner of St Thomas Street and Waterhouse Lane.

### 50-59 Newborough



**Figure 5 – 50-59 Newborough**

- 6.5.6. A significant town centre vacancy is located at 50-59 Newborough. A redevelopment proposal was submitted in 2020 to provide commercial floor space with accommodation for NHS workers and students on higher floors.<sup>7</sup> This was refused due to concerns about height and massing of the building. The site is not actively marketed and is therefore not included in the sequential test.

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<sup>7</sup> Planning application ref. 20/02167/FUL.

## 7. SEQUENTIAL TEST

7.1.1. This section sets out the sequential test based on the methodology and available units detailed in previous sections. The test is applied by uses proposed in the West Pier Regeneration scheme. A proportionate approach is taken owing to the large number of available units identified within the town centre. An assessment of the potential alternative sites is provided, disaggregating uses proposed at West Pier, having regard to availability and suitability of alternative, in-centre locations.

### 7.2. Kiosks

**Table 9 – Kiosks summary**

Main town centre use	Category	Existing floorspace (sqm)	Proposed building no.	Proposed floorspace (sqm)	Change	Min. floorspace threshold
Kiosks	Retail	99	Building 7	154	55	<b>139</b>

7.2.1. Potential alternative locations based on minimum floorspace threshold: **L2, L3, L4**. Vacant units within the Brunswick Centre are also considered as consolidating some or all of these units would provide the minimum floorspace required for the kiosk use.

**Table 10 – Kiosks sequential assessment**

Alternative location	Assessment
L2 (Former Post Office)	<p>Unit is not listed as available on BNP Paribas' website.</p> <p>Configuration of floorspace unsuited to kiosk uses, which require prominent frontage for multiple discrete units to attract footfall.</p> <p>Location is not suitable due to role and function of the kiosks as intrinsically linked to the seaside for the sale of beach goods, fast food and wet fish.</p> <p>Location would not deliver the regeneration benefits for part re-use and redevelopment of the pier.</p>
L3 (Discount Store)	<p>Configuration of floorspace unsuited to kiosk uses, which require prominent frontage for multiple discrete units to attract footfall. The unit is deep, with limited natural light and low ceilings. Poor ventilation unsuited to fast food or wet fish sales.</p>

Alternative location	Assessment
	<p>Location is not suitable due to role and function of the kiosks as intrinsically linked to the seaside for the sale of beach goods, fast food and wet fish.</p> <p>Location would not deliver the regeneration benefits for part re-use and redevelopment of the pier.</p>
L4 (DW Sports)	<p>Configuration of floorspace unsuited to kiosk uses, which require prominent frontage for multiple discrete units to attract footfall. The majority of floorspace is available on the first floor. Kiosks require a ground floor location.</p> <p>Location is not suitable due to role and function of the kiosks as intrinsically linked to the seaside for the sale of beach goods, fast food and wet fish.</p> <p>Location would not deliver the regeneration benefits for part re-use and redevelopment of the pier.</p>
BC1-11	<p>Only one unit within the Brunswick Centre actively marketed as available.</p> <p>Units within an enclosed shopping centre would not be suitable due to role and function of the kiosks as intrinsically linked to the seaside for the sale of beach goods, fast food and wet fish.</p> <p>Location would not deliver the regeneration benefits for part re-use and redevelopment of the pier and would compromise the delivery of the town centre, cinema-led regeneration scheme approved under planning permission ref. 22/02512/FUL.</p>

7.2.2. The above analysis demonstrates that none of the large vacant units or Brunswick Centre units would be suitable as an alternative location for the kiosks.

### 7.3. Artist studios and gallery

**Table 11 – Artist studios and gallery summary**

Main town centre use	Category	Existing floorspace (sqm)	Proposed building no.	Proposed floorspace (sqm)	Change	Min. floorspace threshold
Artist studio	Sui Generis	49	Building 2, 1F	130	81	<b>137</b>
Art gallery	Retail	17	Building 2, 1F	22	5	

7.3.1. The artist studios and gallery are an existing use at West Pier. Artist studios are a sui generis use and are not specifically identified as a main town centre use in the NPPF.

The art gallery use is ancillary to the artist studio use and cannot be disaggregated from the studios.

- 7.3.2. As galleries are a main town centre use, the studio and gallery spaces are included in the sequential test for robustness. It is noted that the art gallery (retail) component will increase by only 5 sqm, and therefore represents only a minor element of the regeneration scheme that cannot realistically be disaggregated and located in the town centre.
- 7.3.3. In theory, it would be possible to disaggregate artist studios and gallery into small vacant shops within the town centre (units S1-S24). However, this approach would remove an existing use at the pier, and would de-link the studios and gallery, which are functionally and economically connected, with artists able to make their work available for sale in close proximity to their studios. This approach would also not be viable as it would necessitate multiple negotiations with agents/owners. It would therefore not be deliverable, is unrealistic and is not considered further.
- 7.3.4. As set out in Table 11, the regeneration proposals will extend the existing floorspace of the studios by 81 sqm, and the art gallery by 5 sqm. As the extended floorspace cannot be disaggregated from the existing floorspace, for the purpose of the sequential test a minimum floorspace threshold of 137 sqm is used.
- 7.3.5. Potential alternative locations based on minimum floorspace threshold: **L2, L3, L4**.  
Vacant units within the Brunswick Centre are also considered as consolidating some or



all of these units would provide the minimum floorspace required for the artist studio and gallery use.

**Table 12 – Artist studios and galley sequential assessment**

Alternative location	Assessment
L2 (Former Post Office)	<p>Unit is not listed as available on BNP Paribas' website.</p> <p>Unit offers more than double required floorspace, therefore requiring sub-division (unlikely to be acceptable to owner).</p> <p>Location would not deliver the regeneration benefits for part re-use and redevelopment of the pier and would not be as attractive to artists as a seaside location.</p>
L3 (Discount Store)	<p>Unit offers more than triple required floorspace, therefore requiring sub-division (unlikely to be acceptable to owner).</p> <p>Configuration of floorspace unsuited to artist studio or gallery uses. The unit is deep, with limited natural light and low ceilings.</p> <p>Location is not suitable due to role and function of the artist studios and gallery already located at the pier, which assist in providing year-round activity at the beachside location.</p> <p>Location would not deliver the regeneration benefits for part re-use and redevelopment of the pier.</p>
L4 (DW Sports)	<p>Unit offers more than 9x required floorspace, therefore requiring significant sub-division (unlikely to be acceptable to owner).</p> <p>Configuration of floorspace and commercial retail character of the unit unsuited to artist studio and gallery.</p> <p>Location is not suitable due to role and function of the artist studios and gallery already located at the pier, which assist in providing year-round activity at the beachside location.</p> <p>Location would not deliver the regeneration benefits for part re-use and redevelopment of the pier and would not be as attractive to artists as a seaside location.</p>
BC1-11	<p>Only one unit within the Brunswick Centre actively marketed as available.</p> <p>Units within an enclosed shopping centre would not be suitable due to role and function of the artist studios and gallery already located at the pier, which assist in providing year-round activity at the beachside location.</p> <p>Location would not deliver the regeneration benefits for part re-use and redevelopment of the pier and would compromise the delivery of the town centre, cinema-led regeneration scheme approved under planning permission ref. 22/02512/FUL.</p>

7.3.6. The above analysis demonstrates that none of the large vacant units or Brunswick Centre units would be suitable as an alternative location for the artist galleries or studios.

#### 7.4. Other retail

**Table 13 – Other retail summary**

Main town centre use	Category	Existing floorspace (sqm)	Proposed building no.	Proposed floorspace (sqm)	Change	Min. floorspace threshold
Other retail	Retail	199	Building 2, GF Building 3, GF	245	46	<b>220</b>

7.4.1. Other retail uses proposed at West Pier will be located on the ground floor of Heritage Building 2 and the fisheries building (Building 3). Retail is an existing use at the pier, with a net change of only 45 sqm proposed through the regeneration project. It is not appropriate to decouple this increased floorspace from the existing floorspace. Therefore, a minimum threshold of 220 sqm is used. However, as the floorspace will be provided within two units, this floorspace could, in theory, be provided within two adjacent units offering approximately 110 sqm floorspace.

7.4.2. There are no ground floor units within the town centre known to meet this minimum floorspace threshold as all are assumed to offer below 80 sqm floorspace. The retail space at the pier serves a specific role and function, being intrinsically linked to the fisheries. Therefore, a pier location is unlikely to be attractive to traditional or national multiple retailers.

7.4.3. Potential alternative locations based on minimum floorspace threshold: **L2, L3, L4.**

Vacant units within the Brunswick Centre are also considered as consolidating some or all of these units would provide the minimum floorspace required for the other retail use.

**Table 14 – Other retail sequential assessment**

Alternative location	Assessment
L2 (Former Post Office)	<p>Unit is not listed as available on BNP Paribas' website.</p> <p>Unit offers 93 sqm more than the required floorspace, therefore requiring sub-division (unlikely to be acceptable to owner).</p> <p>Location would not deliver the regeneration benefits for part re-use and redevelopment of the pier and would not be as attractive to artists as a seaside location.</p>
L3 (Discount Store)	<p>Unit offers more than double required floorspace, therefore requiring sub-division (unlikely to be acceptable to owner).</p> <p>Configuration of floorspace unsuited to other retail uses. The unit is deep, with limited natural light, poor ventilation and low ceilings.</p> <p>Location is not suitable due to role and function of the other retail use being intrinsically linked to the fisheries at the pier, which assist in providing year-round activity at the beachside location.</p> <p>Location would not deliver the regeneration benefits for part re-use and redevelopment of the pier.</p>
L4 (DW Sports)	<p>Unit offers more than 6x required floorspace, therefore requiring significant sub-division (unlikely to be acceptable to owner).</p> <p>Location is not suitable due to role and function of the other retail uses located at the pier, which assist in providing year-round activity at the beachside location.</p> <p>Location would not deliver the regeneration benefits for part re-use and redevelopment of the pier.</p>
BC1-11	<p>Only one unit within the Brunswick Centre actively marketed as available.</p> <p>Units within an enclosed shopping centre would not be suitable due to role and function of the other retail uses already located at the pier, which assist in providing year-round activity at the beachside location, and are intrinsically linked to the fisheries.</p> <p>Location would not deliver the regeneration benefits for part re-use and redevelopment of the pier and would compromise the delivery of the town centre, cinema-led regeneration scheme approved under planning permission ref. 22/02512/FUL.</p>

7.4.4. The above analysis demonstrates that none of the large vacant units or Brunswick Centre units would be suitable as an alternative location for the other retail units.

## 7.5. Café

**Table 15 – Café summary**

Main town centre use	Category	Existing floorspace (sqm)	Proposed building no.	Proposed floorspace (sqm)	Change	Min. floorspace threshold
Café	Leisure	111	Building 3, 1F	232	121	<b>205</b>

7.5.1. Potential alternative locations based on minimum floorspace threshold: **L2, L3, L4.**

Vacant units within the Brunswick Centre are also considered as consolidating some or all of these units would provide the minimum floorspace required for the café use.

**Table 16 – Café sequential assessment**

Alternative location	Assessment
L2 (Former Post Office)	<p>Unit is not listed as available on BNP Paribas' website.</p> <p>Unit offers 1.5x more than required floorspace, therefore requiring sub-division (unlikely to be acceptable to owner).</p> <p>Location would not deliver the regeneration benefits for part re-use and redevelopment of the pier.</p>
L3 (Discount Store)	<p>Unit offers more than double required floorspace, therefore requiring sub-division (unlikely to be acceptable to owner).</p> <p>Configuration of floorspace provides poor amenity for café use. The unit is deep, with limited natural light and low ceilings.</p> <p>Location is not suitable due to role and function of the existing cafe located at the pier, which assists in providing year-round activity at the beachside location and serving as an amenity to the fisheries operation.</p> <p>Location would not deliver the regeneration benefits for part re-use and redevelopment of the pier.</p>
L4 (DW Sports)	<p>Unit offers more than 6.5x required floorspace, therefore requiring significant sub-division (unlikely to be acceptable to owner).</p> <p>Location is not suitable due to role and function of the existing cafe located at the pier, which assists in providing year-round activity at the beachside location and serving as an amenity to the fisheries operation.</p> <p>Location would not deliver the regeneration benefits for part re-use and redevelopment of the pier.</p>

Alternative location	Assessment
BC1-11	<p>Only one unit within the Brunswick Centre actively marketed as available.</p> <p>Units within an enclosed shopping centre would not be suitable due to role and function of the existing cafe located at the pier, which assists in providing year-round activity at the beachside location and serving as an amenity to the fisheries operation.</p> <p>Location would not deliver the regeneration benefits for part re-use and redevelopment of the pier and would compromise the delivery of the town centre, cinema-led regeneration scheme approved under planning permission ref. 22/02512/FUL.</p>

7.5.2. The above analysis demonstrates that none of the large vacant units or Brunswick Centre units would be suitable as an alternative location for the café use.

## 7.6. Restaurant

**Table 17 – Restaurant summary**

Main town centre use	Category	Existing floorspace (sqm)	Proposed building no.	Proposed floorspace (sqm)	Change	Min. floorspace threshold
Restaurant	Leisure	0	Building 1, GF and 1F	469	469	<b>420</b>

7.6.1. The proposed restaurant will be a new use at West Pier. It will be located across two floors in Building 1, which has significant heritage value. The restaurant will also include balcony floorspace to take full advantage of the seaside location.

7.6.2. The restaurant floorspace figure is derived from the conversion of the heritage building. The use is designed to provide amenity for tourists visiting the pier and the nearby leisure attraction of Foreshore Road.

7.6.3. Potential alternative locations based on minimum floorspace threshold: **L2, L3, L4**. Vacant units within the Brunswick Centre are also considered as consolidating some or all of these units would provide the minimum floorspace required for restaurant use.

**Table 18 – Restaurant sequential assessment**

Alternative location	Assessment
L3 (Discount Store)	<p>Unit offers 447 sqm compared to 469 sqm for the restaurant use, however it does exceed the flexible floorspace threshold identified (420 sqm) and is therefore included in the assessment.</p> <p>Configuration of floorspace provides poor amenity for restaurant use. The unit is deep, with limited natural light and low ceilings.</p> <p>Location is not suitable due to role and function of the proposed restaurant to be located at the pier, which will assist in providing year-round activity at the beachside location and serving as an amenity to visitors to promote staying activities.</p> <p>Location would not deliver the regeneration benefits for part re-use and redevelopment of the pier.</p>
L4 (DW Sports)	<p>Unit offers more than triple the required floorspace, therefore requiring significant sub-division (unlikely to be acceptable to owner).</p> <p>Location is not suitable due to role and function of the proposed restaurant to be located at the pier, which will assist in providing year-round activity at the beachside location and serving as an amenity to visitors to promote staying activities.</p> <p>Location would not deliver the regeneration benefits for part re-use and redevelopment of the pier.</p>
BC1-11	<p>Only one unit within the Brunswick Centre actively marketed as available.</p> <p>Location is not suitable due to role and function of the proposed restaurant to be located at the pier, which will assist in providing year-round activity at the beachside location and serving as an amenity to visitors to promote staying activities.</p> <p>Location would not deliver the regeneration benefits for part re-use and redevelopment of the pier and would compromise the delivery of the town centre, cinema-led regeneration scheme approved under planning permission ref. 22/02512/FUL.</p>

7.6.4. The above analysis demonstrates that none of the large vacant units or Brunswick Centre units would be suitable as an alternative location for the restaurant use.

## 7.7. Discussion

7.7.1. This section has demonstrated that, on a disaggregated basis, there are no available units within Scarborough town centre that are suitable for accommodating the proposed main town centre uses at West Pier.

- 7.7.2. It should also be noted that the scheme cannot realistically be disaggregated as this would not be deliverable. The regeneration proposal is locationally specific to West Pier and, as such, would not serve this role and function in a town centre location. Furthermore, it is emphasised that, with the exception of the restaurant use, all the uses included within the sequential test already exist at West Pier, with modest extensions proposed. It would not be practical or reasonable to disaggregate the extended floorspace from the existing floorspace within a town centre location.
- 7.7.3. It should also be noted that the sequential test has considered the scheme on a disaggregated basis for robustness. It follows that there are no available locations within or on the edge of the town centre that are capable of accommodating the mix of uses proposed within the scheme as a whole, notwithstanding that town centre locations would not deliver the benefits of a regenerated West Pier.

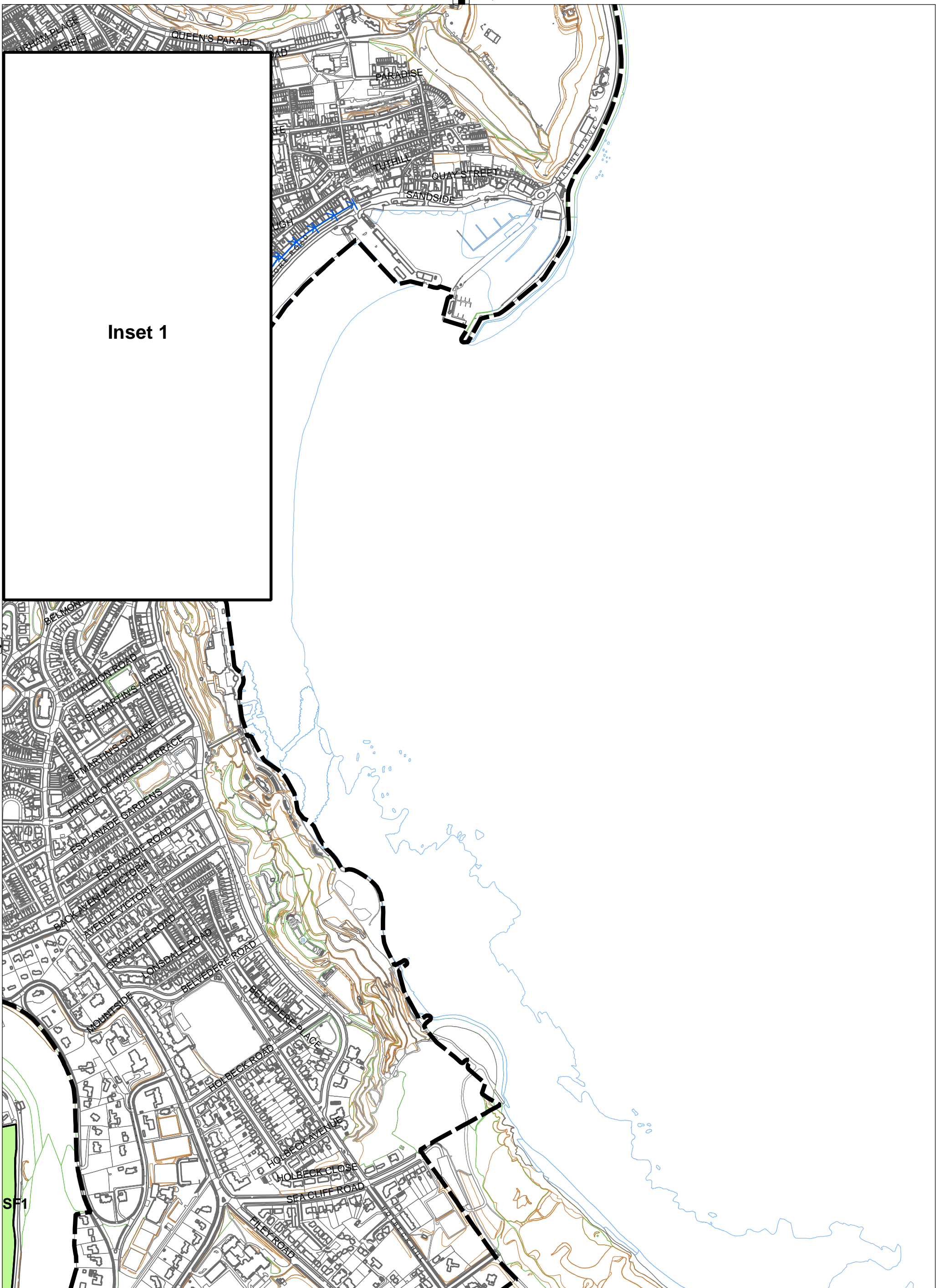
## **8. SUMMARY AND CONCLUSION**

- 8.1.1. This sequential test has been prepared by RJP Town Planners on behalf of Temple Group to support a planning application for the Scarborough Harbour West Pier Regeneration project.
- 8.1.2. The project comprises the renewal and regeneration of West Pier to create a public space that connects with Scarborough's maritime heritage, provide retail, leisure and artist studio/gallery space, and enhances the pier as a working harbour with a thriving fishery. The proposal includes the change of use of existing heritage buildings, selective demolition and reconstruction to provide reconfigured and extended retail floorspace.
- 8.1.3. A proportionate sequential test has been carried out to support the planning application due to West Pier being located in an out of centre location with respect to Scarborough town centre. This was based on pre-application advice, a methodology agreed in advance with officers at Scarborough Borough Council, and a site visit on 4 July 2023 that identified vacant units within and on the edge of Scarborough town centre.
- 8.1.4. The sequential test in Section 7 assessed the suitability of available units to accommodate the main town centre uses proposed at West Pier: kiosks, artist studios with ancillary gallery, other retail, café and restaurant. The test considered the potential for town centre locations to accommodate each of these uses on a disaggregated basis, rather than the potential for a single site to accommodate all the main town centre uses within a single location.



8.1.5. The sequential test did not identify any available locations that would be suitable for accommodating the proposed main town centre uses on a disaggregated basis, noting that the proposal would not be delivered as a disaggregated scheme. Therefore, the sequential test is passed.

**APPENDIX A – POLICIES MAPS**



**Inset 1**

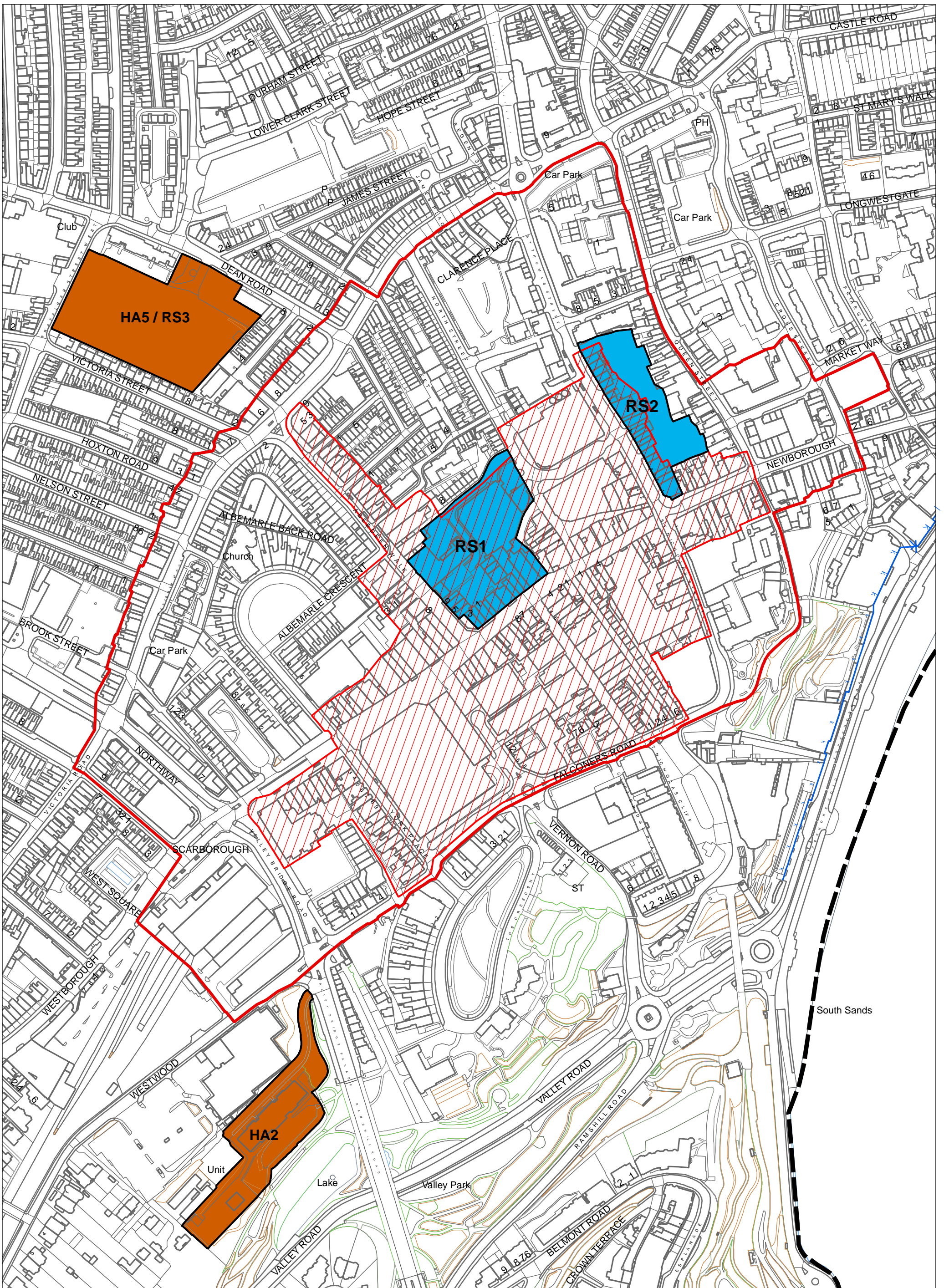


**Map 6: Scarborough Urban Area**

Scarborough Borough Local Plan - Policies Map  
July 2017

**1:7,000**





A great place to live, work & play!

Scarborough Borough Council

**Inset Map 1: Scarborough Town Centre**

Scarborough Borough Local Plan - Policies Map  
July 2017

**1:3,000**

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Ordnance Survey 100024267



# KEY

## SCARBOROUGH BOROUGH LOCAL PLAN



Borough Boundary



Land outside Local Plan Area



SH1: Development Limits



Whitby Business Park  
(for details see the Area Action Plan)

### HOMES AND COMMUNITIES



HC2: Housing Allocations  
SGA1: Strategic Growth Area  
TC4 (RS3): Additional Site for Town  
Centre Uses



HC1: Committed Housing Sites



HC11: Whitby Health and Community Hub



HC12: Former Rugby Club Site  
HC13: Site of Former Gas Showroom



HC15: Open Space Allocations



HC15: Sports Facility Allocations

### SOUTH OF CAYTON STRATEGIC GROWTH AREA



SGA1: Buffer / Green Link

### ECONOMIC GROWTH



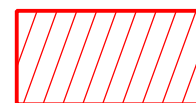
EG3: Employment Allocations



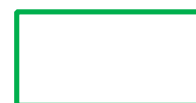
EG4: Protected Land for Employment Use



TC2: Town Centre Boundary



TC2: Primary Shopping Area



TC2: District Centre Boundary



TC3: Regeneration Sites

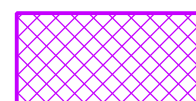


TOU2: North Bay Leisure Parks



TOU5: Amusement Arcades

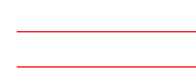
### TRANSPORT AND INFRASTRUCTURE



INF 2: Highway Schemes



INF4: Cinder Track



Proposed Road Layout  
(Middle Deepdale Development)

## **APPENDIX B – SEQUENTIAL TEST METHODOLOGY**

## Tillie Baker

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**From:** Tillie Baker  
**Sent:** 26 June 2023 16:56  
**To:** [REDACTED]  
**Cc:** Tess Cook; Marc Zablotny; Jack Paine; Stephen Price  
**Subject:** Scarborough Harbour West Pier redevelopment - Proposed Sequential Test methodology [Filed 26 Jun 2023 16:56]

**Importance:** High

**Categories:** Filed by Mail Manager

Good afternoon Daniel,

I am writing to set out our methodology for undertaking the sequential test required to accompany the planning application for the Scarborough Harbour West Pier Redevelopment, being promoted by North Yorkshire Council Regeneration. I understand that, further to the advice provided at the pre-application meeting on 4<sup>th</sup> April 2023, the methodology for the sequential test should be agreed in advance of a site visit being carried out.

We intend to undertake a site visit on **Tuesday 4 July**, so we would be grateful for feedback by **COB Friday 30 June**.

I note that a retail impact test is not required because the net increase in retail floorspace (+219 sqm) is below the locally-set threshold of 500 sqm.

### Project background

The project comprises the renewal and regeneration of Scarborough Harbour's West Pier to create a public space that connects with Scarborough's marine heritage.

Physical works will include renovation and change of use of existing heritage buildings, the demolition of existing kiosks and bait sheds, and replacement new build contemporary kiosks incorporating public toilets and bait sheds.

The project includes a combination of change of use of existing listed buildings and physical redevelopment to regenerate the pier. According to the schedule of accommodation, the proposal will increase the amount of floorspace dedicated to main town centre uses at the site. A summary of the existing and proposed floorspace by use is summarized in the table below. Please note, these figures include main town centre uses only.

Use	Existing floorspace (sqm)	Proposed floorspace (sqm)	Change (sqm)
Retail kiosks	99	187	+88
Artist galleries and studios	66	151	+85
Other retail	199	245	+46
Office	296	16	-280
Café	111	232	+121
Restaurant (new)	0	469	+469
<b>Total</b>	<b>771</b>	<b>1,300</b>	<b>+529</b>
<i>Retail floorspace (Kiosks, artist galleries/studios and other retail)</i>	<i>364</i>	<i>583</i>	<i>219</i>

## Need for a sequential test

Paragraph 87 of the NPPF directs that main town centre uses, which include retail and leisure uses, should be located in town centres, then in edge of centre locations. Out of centre sites should only be considered if no suitable town centre or edge of centre sites are available, or expected to become available in a reasonable period. The NPPF defines 'edge of centre' as within 300 metres of a primary shopping area for retail purposes, or within 300 metres of a town centre boundary for other main town centre uses.

In accordance with paragraph 88 of the NPPF, when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

West Pier is located to the east of Scarborough town centre and connects to South Bay Beach. The pier is located in an out of centre location with respect to Scarborough town centre, being 430 metres from the defined primary shopping area and 320 metres from the town centre boundary. Therefore, a sequential test is a requirement for this application. Due to the out-of-centre location of West Pier, the sequential test should consider suitable alternative in-centre and edge of centre locations.

## Proposed sequential test methodology

As set out in the schedule of accommodation above:

- the existing retail kiosk floorspace will increase by 88 sqm to provide 187 sqm in total.
- the proposal will result in a net increase of 469 sqm restaurant space provided across two floors and a terrace, and 121 sqm café space. The restaurant use will be new to the pier and the café space will be an expansion and consolidation of existing café use. Overall, leisure floorspace (café and restaurant use) will increase by 590 sqm to provide 701 sqm in total.
- existing artist studio and gallery space will increase by 85 sqm, to provide 151 sqm in total.
- other retail use will increase by 46 sqm.
- office use will decrease by 280 sqm.

We propose that a proportionate test needs to consider sequentially preferable sites within or on the edge of Scarborough Town Centre only as the closest town centre to the application site, and the centre at the top of the retail hierarchy that offers good connectivity to South Bay Beach via Eastborough.

In applying the sequential test, national planning policy requires applicants to demonstrate flexibility on format and scale. In this case, the format for the proposed artist studios, restaurant and café uses is determined by the constraints presented by existing buildings, whereas the proposed kiosk format is derived from a refreshed design that incorporates additional floorspace.

For the purpose of applying the sequential test, to demonstrate flexibility on scale, a minimum floorspace figure is proposed for each use that is approximately 10% smaller than the total proposed floorspace given in the schedule of accommodation, summarised in the table below. The total proposed floorspace figure is used because the additional floorspace proposed for the kiosk, artist studio, other retail and café uses cannot be disaggregated from the proposed development.

Use	Existing floorspace (sqm)	Proposed floorspace (sqm)	Proposed minimum floorspace threshold
Retail kiosks	99	187	165



Artist galleries and studios	66	151	<b>135</b>
Other retail	199	245	<b>220</b>
Café	111	232	<b>205</b>
Restaurant (new)	0	469	<b>420</b>

To demonstrate flexibility on format, the sequential test will consider alternative locations that provide (for example) sufficient floorspace across adjacent vacant units, or a location that provides floorspace at both ground and first floors as appropriate (the café and restaurant floorspace will be provided across two floors).

Office space is not included in the sequential test as there will be a net decrease in office space as a result of the proposal.

The NPPF states that out of centre sites should only be considered if no *suitable* town centre or edge of centre sites are available, or expected to become available in a reasonable period. In terms of suitability, the proposals are locationally specific to West Pier in seeking to regenerate existing listed buildings and support the working fisheries. Therefore, the assessment of suitability in the sequential test will also consider the potential for alternative locations to support the role and function of a regenerated West Pier having regard to the characteristics of each use.

In summary, we are seeking your agreement as to the proposed methodology as follows:

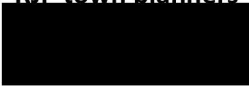
- Consideration of alternative in-centre and edge-of-centre sites in respect of Scarborough Town Centre only;
- In identifying alternative sites, minimum floorspace figure approximately 10% lower than the total proposed floorspace for each use category;
- Consideration of alternative sites that provide the minimum floorspace in a single vacant unit, adjacent vacant units or across ground and first floors as appropriate;
- Consideration of suitability in terms of the potential for alternative locations to support the role and function of a regenerated West Pier.

We would be pleased to discuss the methodology via Teams if this would be preferable.

I look forward to hearing from you.

Kind regards,

**Tillie Baker**  
Associate Planner  
**RJP town planners**



*My usual working days are Monday to Thursday.*



If you have received this email by mistake please notify us by emailing the sender, and then delete the email and any copies from your system.

## **APPENDIX C – TOWN CENTRE SURVEY**

**Scarborough Town Centre sequential test**

Unit description	Street	Adjacent vacant unit?	Marketed	Marketing details
No. 78a	Westborough	No	No	
No. 77a Chambers coffee bar	Westborough	No	No	
Galea Sunblinds	Westborough	No	No	
No. 5-7 Station shops	Westborough	No	No	
No. 147 CCTV sales	Victoria Rd	No	No	
No. 129 Tempest jewellery	Victoria Rd	No	No	
No. 150 (corner shop)	Victoria Rd	No	No	
No. 99 Sheila's buns	Victoria Rd	No	Yes	CPH
No. 6 (white curtain)	Hanover Road	Yes - 10 Hanover	No	
No. 10 (grey door)	Hanover Road	Yes - 6 Hanover	No	
No. 14 Hanover Rd	Hanover Road	No	No	
No. 10 Hanover Rd	Hanover Road	No	No	
Nos. 9 and 9a Hanover Rd	Hanover Road	No	No	
No. 108 Victoria Rd	Victoria Rd	No	No	
Unit adj William Hill	Northway	No	No	
Unit cnr Valley Bridge Rd and Westwood	Valley Bridge Road	No	Yes	SW
No. 17 York Place	York Place	No	Yes	Hunters
No. 16 York Place	York Place	No	Yes	Andrew Cowen
Unit adj Mecca Bingo	Albermale Cres	No	Yes	CPH
No. 53 former café	Albermale Cres	No	No	
Fmr Youth Justice service	Westborough	No	No	
No. 62 fmr craft store	Westborough	No	No	
Fmr Trader adj No. 47	Westborough	No	No	
No. 35a fmr Little White Dress Co	Westborough	No	No	
No. 21 (double bay windows)	Victoria Rd	No	Yes	Colin Ellis
Fmr Cup House Café	Hoxton Rd	No	Yes	Colin Ellis
Fmr Buntie Bows	Victoria Rd	Yes - 7 Victoria Rd	No	
Fmr Sewing Solution	Victoria Rd	Yes - Fmr Buntie Bows	No	
No. 8 (grey shop)	Victoria Rd	Yes - No. 10	No	
No. 10 (blue shop)	Victoria Rd	Yes - No. 8, No. 13	No	
No. 13 (black shop)	Victoria Rd	Yes - No. 10	No	
Fmr second hand goods	Victoria Rd	No	No	
Derelict corner shop	Dean Rd	No	No	
No. 19 (boarded up shop)	Dean Rd	No	No	
No. 27 (pink shop)	Dean Rd	No	No	
Fmr Rose Garden florist	Dean Rd	No	Yes	Ellis Hay
Fmr Hairdresser	Hoxton Rd	No	No	
Fmr Post Office	Aberdeen Walk	No	Yes	BNP Paribas
Max IT	Newborough	No	No	
Fmr Baxters	Newborough	Yes- no. 91A, cafe	No	
No. 91A (Clothing alteration)	Newborough	Yes- Baxters, cafe	No	
Fmr Cafe	Newborough	Yes- no. 91A, Baxters	No	
Christchurch House (Offices?)	Vernon Rd	No	Yes	Scotts
Supercuts	Brunswick Centre (GL)	Yes- Nomination Italy	No	
Nomination Italy	Brunswick Centre (GL)	Yes- Supercuts	No	
Blue shop (opp Nomination)	Brunswick Centre (GL)	Yes- Fmr Greggs	No	
Fmr Greggs	Brunswick Centre (GL)	Yes- Blue Shop	No	
Dorothy Perkins	Brunswick Centre (GL)	Yes- PPP, 2x Vacant Shops	No	
Vacant shop	Brunswick Centre (GL)	Yes- Dorothy Perkins, PPP, Vacant Shop	No	
Ping Pong Parkour (PPP)	Brunswick Centre (GL)	Yes- Dorothy Perkins, 2x Vacant Shops	No	
Vacant shop	Brunswick Centre (GL)	Yes- Dorothy Perkins, PPP, Vacant Shop	No	
Vacant shop	Brunswick Centre (GL)	No	Yes	Rawston Johnson
Debenhams	Brunswick Centre (G-2nd floor)	No	No	
Topshop + Topman	Brunswick Centre (1st floor)	No	No	
Game	Newborough	No	Yes	Smith Price RRG
Tokyo Star	Newborough	No	No	
Vacant shop	Newborough 3 floors	No	Yes	Colin Ellis
Boarded up building	Newborough	No	No	
Ground Floor unit	Huntriss Row	No	Yes	Colin Ellis
Derelict building (2 shops, 1 under construction)	Huntriss Row	No	No	
Blue shop (adj KFC)	Huntriss Row	No	Yes	Colin Ellis
Premier Inn Shopfront	Huntriss Row	No	Yes	CPH
Unit (over 5 floors, adj Le Jardin)	Huntriss Row	No	Yes	Harris Shield
Sm shop (opp Emma's)	Huntriss Row	No	No	
No. 42 grey shop	Bar Street (Laneway)	No	No	
No. 29 blue shop	Bar Street (Laneway)	Yes- No. 27 pink shop	No	
No. 27 pink shop	Bar Street (Laneway)	Yes- No. 29 blue shop	No	
No. 30 PLT	Bar Street (Laneway)	No	No	
No. 26 grey shop	Bar Street (Laneway)	No	No	
No. 86-87, Unit 2, Discount Store	Newborough	No	Yes	Ockleston Bailey
DW Sports	Chapman's Yard	No	Yes	Reid Birkett
No. 37B Fmr Grade 1 Barber	Victoria St	Yes- Ca3 barber, Wellington pub	Yes	CPH Commercial
Ca3 Barber	Victoria St	Yes- Grade 1 barber, Wellington Pub	No	
Wellington Pub (PP for flats + retail)	Victoria St	Yes- Ca3 barber, Grade 1 barber	No	
All News	Victoria St	Yes- Tiny's Kitchen, Bangs and Bows	Yes	Pugh
Tiny's Kitchen	North Marine Rd	Yes- All news, Bangs and Bows	No	
Bangs and Bows	North Marine Rd	Yes- All news, Tiny's kitchen	No	
No. 14A Derelict locksmith	North Marine Rd	No	No	
Duke's lanickers pub	North Marine Rd	No	No	
Mauiprizes	St Thomas St	No	No	
Karma nightclub	St Thomas St	No	No	
Kebab shop	St Thomas St	No	Yes	Christie and Co

No. 7 Vacant shop	St Thomas St	Yes- Heron foods, orchard cafe	Yes	CPH Commercial
Heron foods	St Thomas St	Yes- No.7, Orchard cafe	No	
Orchard cafe	St Thomas St	Yes- No.7, Heron foods	No	
Vacant grey shop	Newborough	No	No	
Lanova shop	Newborough	No	No	
Harry's diner	Newborough	No	No	
District 4	St Thomas St	No	Yes	Colin Ellis
Weigh 2 save	St Thomas St	No	No	
Blue + white shop	Newborough	Yes- little martini crafts	Yes	CPH Commercial
Littlemartini crafts	Newborough	Yes- Blue + white shop	No	
Building on car with queen? (entire block vacant)	Newborough		No	
No.3 Fmr cycle shop (3-4 have planning application for alterations)	Newborough		No	
Fmr tattoo parlour	Newborough		Yes	CPH Commercial
White shop	Newborough	Yes- No. 12	No	
No. 12	Newborough	Yes- White shop	No	
Red shop (having work done)	Newborough		No	
Fmr shakespeare pub	St Helen's Sq	Yes- newsagent	No	
Fmr newsagent	St Helen's Sq	Yes- Shakespeare pub	No	
Newborough News	St Helen's Sq	No	No	
No. 39-40 style plus	St Helen's Sq	Yes- your style	No	
Your style	St Helen's Sq	Yes No. 39-40	Yes	Colin Ellis
Shop car	St Helen's Sq	No	No	
Jessie's	St Helen's Sq	No	No	
Tribe	St Helen's Sq	No	No	
White shop	St Helen's Sq	No	No	
White shop	St Helen's Sq	No	No	
White shop	St Helen's Sq	No	No	
Discount beach bargains	St Helen's Sq	No	Yes	Opa
Grey shop (sailors den)	St Helen's Sq	No	No	
The saudgate	St Helen's Sq	No	Yes	Ellis Hay
Green shop	Leading Post St	No	No	
White shop	Leading Post St +upper floor	No	No	
No.6 Red Smitter	Market Way	No	No	
White frontage	Market Way	No	No	