

| | |
|---|--|
|  | LEADER 3 JUNE 2011 |
| | Key Decision NO Council Leader Cllr. Tom Fox |
| Corporate Priority Developing Safer and Stronger Communities Building Prosperous Communities Creating Healthy and Vibrant Communities Creating Quality Environments | Date of Decision/ Referral to O&S 03 June 2011 Deadline for call-in 5.00pm 08 June 2011 Implementation Date (if no call-in) 09 June 2011 |

REPORT OF: HEAD OF REGENERATION AND PLANNING – HRP 11/241

WARDS AFFECTED: ALL (Weaponness, Ramshill, and Falsgrave Park Wards most directly affected)

SUBJECT: DEVELOPMENT BRIEFS FOR WEAPONNESS VALLEY, FILEY ROAD SPORTS CENTRE AND SEAMER ROAD FOOTBALL STADIUM, SCARBOROUGH

RECOMMENDATION (S):

That the three Development Briefs referred to above are published for public consultation

REASON FOR RECOMMENDATION (S):

The Council has entered a competitive tender process to select a developer to develop a Sports/Leisure Village incorporating a new football ground on the

Weaponness Valley site. To raise funds the disposal of the Seamer Road Stadium and Filey Road Sports Centre are required. The development of the sites must be acceptable in planning terms and the Briefs are required to provide planning guidance when assessing planning applications. They can only be afforded significant weight as material considerations if they have been subject to adequate public consultation.

HIGHLIGHTED RISKS:

1. Failure to prepare Development Briefs could limit the range of planning benefits secured.
2. The Development Briefs would be subject to full public consultation. Failure to do this increases the risk that subsequent planning applications could be refused due to objection from residents or statutory bodies.
3. If the requirements of the Development Briefs are too onerous this could hinder regeneration.
4. Negative environmental consequences could occur if sites are developed without policy guidelines/parameters.
5. Economic circumstances or lack of developer interest prevent redevelopment.
6. Consultation representations received prevent or delay adoption of Brief.

1. INTRODUCTION

- 1.1 This report seeks approval of the contents of three draft Development Briefs (herein referred to as 'Briefs') for the purposes of public consultation. The Briefs relate to the Council owned sites of the former Weaponness Car and Coach Park (referred to herein as Weaponness Valley), the Filey Road Sports Centre and Seamer Road Football Stadium, Scarborough. The three draft Briefs are attached as Appendices 1 – 3.
- 1.2 The Briefs have been prepared as part of a Council led project, the ultimate aim of which is to provide a new football ground and sports and leisure village for the town on the Weaponness Valley site. The Briefs will provide up to date planning guidance, setting out the development principles and parameters which would be used to inform any proposals and assist in the determination of future planning applications.
- 1.3 The report sets out a short summary of the rationale underpinning the overall project, appraises the need for the Briefs and details the consultation process which would be undertaken prior to formal adoption.
- 1.4 The decision sought is to agree the Briefs purely for consultation purposes. Members will have the opportunity to raise issues and make further comments throughout the consultation process. A presentation will be held for all Council members on all feedback received and suggested amendments prior to further consideration by Planning & Development Committee and Cabinet in the Autumn of 2011 prior to adoption as planning guidance by Full Council.

- 1.5 At its meeting on 26th May, Planning & Development Committee resolved to recommend that the 3 Development Briefs be published for consultation in accordance with the revised timetable as contained in section 7 of this report. Prior to publication there may need to be some minor drafting changes to the Briefs, and questionnaire, such as inserting remaining images or refining the wording, but the overall contents will be unchanged.

2. CORPORATE AIMS/PRIORITIES AND THE COMMUNITY PLAN

- 2.1 The drafts of the Briefs are underpinned by the aims and priorities of both the Corporate Plan and the Community Strategy. The implementation of development as proposed in the Briefs would directly contribute towards the achievement of four of the five corporate aims, namely:
- Developing Safer and Stronger Communities
 - Building Prosperous Communities
 - Creating Healthy and Vibrant Communities
 - Creating Quality Environments

3. BACKGROUND AND ISSUES

- 3.1 A review of sports facilities in the town was undertaken by Strategic Leisure Limited (SSL) in 2007 and a subsequent Feasibility Study was prepared in 2008. The outcome of these studies was the recommendation for the development of a football ground and multi-use sports and leisure village on the Weaponness Valley site. The Council agreed to progress this project in 2010. The accompanying report (10/63) was approved by Council to authorise the disposal of the three sites to facilitate the development of the football ground and the sports and leisure village and to procure a private sector developer to assist the Council in the implementation of the project in accordance with European Regulations. This report also contained detailed background information relating to the demise of the Seamer Road Stadium, the SSL report and Feasibility Study.
- 3.2 The delivery of the project will involve an 'enabling development' approach, whereby the successful bidder to the tender will develop Weaponness Valley in exchange for the Seamer Road Football Stadium ('Seamer Road') and Filey Road Sports Centre ('Filey Road'). These would then be developed for alternative uses by the developer in order to recoup costs associated with the Weaponness Valley development. The tendering process to select a preferred development partner is currently underway; a final decision is anticipated later in 2011. The assumed target date within the tender documents for the completion of the sport and leisure component of the project is 2015. It is emphasised that the tendering process is independent of the preparation of the Briefs and the contents of the Briefs can only relate to relevant material planning considerations.

- 3.3 Section 38 of the Planning and Compulsory Act 2004 indicates that where relevant, planning determinations shall be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan in this instance currently consists of the Yorkshire and Humber Plan Regional Spatial Strategy (RSS) and the Scarborough Borough Local Plan (1999). Since September 2007, some Local Plan policies have been deemed to have expired, especially where they replicated national or regional planning policy or have become obsolete. Therefore, only 'saved' policies remain as material planning considerations.
- 3.4 Whilst the Local Plan contains 'saved' general planning policies against which development proposals would be assessed (i.e. relating to ecology, design, highway considerations, etc) it does not contain detailed planning guidance relating to the three sites. In due course the Local Plan will be replaced by the Local Development Framework (LDF), but being Borough-wide its timescale for preparation is longer to prepare and it would not concern itself with site specific issues to the same degree as Development Briefs. It is therefore considered that the current planning policy framework is not best placed to guide any development proposals that may come forward or to capture any associated planning and community benefits. The Briefs will provide a planning guidance reference tool to complement the statutory 'saved' policies of the Local Plan. They will also be able to provide guidance in advance of the LDF.

4. CONSULTATION

- 4.1 The draft Briefs have been prepared by the Planning Service Unit following consultation with officers representing a wide range of service areas within the Council. There have also been discussions with key external agencies such as the County Council (highways) and Sport England.
- 4.2 It is intended that the draft Briefs will now undergo a thorough process of consultation with statutory bodies, the local community and other key stakeholders. These are likely to include the following agencies and organisations. It should be noted that this is not an exhaustive list.
- North Yorkshire County Council;
 - University of Hull (Scarborough Campus);
 - Environment Agency;
 - English Heritage;
 - Natural England;
 - Sport England;
 - National Governing Bodies of Sports;
 - Local Enterprise Partnerships;
 - Yorkshire Water;
 - Highways Agency;
 - Network Rail;

- North Yorkshire Police;
- NHS North Yorkshire and York;
- Northern Electric Distribution Ltd;
- Northern Gas Networks Ltd;
- Scarborough Civic Society;
- Scarborough Town Team;
- Scarborough Urban Space Group;
- Parish Councils in hinterland of Scarborough;
- Local Schools
- Organised Sports Clubs and Societies; and
- Other community and special interest groups.

- 4.3 The proposed consultation process has been devised taking account of the principles of community involvement as set out in national guidance PPS1 and the Council's Statement of Community Involvement (SCI).
- 4.4 The consultation process will consist of an 8 week period. Full copies of the Brief will be available to view on the Council's website and at the Council Offices, Scarborough Library and other key locations. A summarised version will also be available (Appendix 4). A questionnaire, as contained in Appendix 5 has been prepared so that interested parties may answer specific questions and submit comments on the content of the Brief; this will be sent to neighbours and be available on the Council's website. Any other comments and letters may be submitted to the Council by email or post.
- 4.5 In order to obtain a representative cross-section of views of all interest groups in the area a focus group of local residents will be asked to complete the questionnaire. This would comprise of approximately 500-600 residents who regularly respond to customer surveys and have been selected to represent a cross-section of the local population according to age, sex, disability etc.
- 4.6 Public exhibitions will be held at the Town Hall, the Filey Road Sports Centre and the Falsgrave Park Community Centre on Seamer Road and possibly another venue close to the Weaponness Valley on dates to be arranged and this will be clearly specified in the material publicising the consultation process. Planning officers from the Council will be available at specified times to discuss the redevelopment of the sites and answer any questions. Again, the questionnaires will be available.
- 4.7 The proposed consultation timetable is included in the Action Plan in Section 7.0 below.
- 4.8 Once the consultation process is complete, comments will be analysed and used to inform the final version of the Briefs. A presentation will be made to all members and a report will then be presented to the Planning & Development Committee and Cabinet with the intended subsequent adoption by Full Council in autumn 2011.

- 4.9 The community involvement associated with the preparation of the Briefs is intended as the start of a process of engagement with the local community and statutory agencies with respect to the future development of the sites. Applications for any future development proposals would be expected to continue this process with pre – application consultation as set out in the SCI. Any subsequent application would also be subject to the statutory requirements for publicity and neighbour notification to be carried out by the Council as Local Planning Authority and these are also outlined in the SCI.

5. ASSESSMENT

- 5.1 The Council project to develop a new single site football ground and multi – use sports and leisure village on the site of the former Weaponness Car and Coach Park is of strategic importance to future sporting and leisure provision within the town and borough. Its facilitation is intrinsically linked to the release and development of two additional sites. Due to the nature and complexity of the project, and in the absence of an up to date Local Plan and specific planning guidance relating to the sites, it is necessary to prepare Development Briefs to inform proposals that may come forward.
- 5.2 Briefs are considered the best tool to provide this guidance. Other alternatives would be to prepare guidance as part of the emerging Local Development Framework (LDF), such as Supplementary Planning Documents (SPDs) or Area Action Plans (AAP), but detailed planning guidance is required much more quickly than can be facilitated by the LDF process. This is particularly relevant given the status of the tendering process and the Council's assumed target date for the completion of the sport and leisure component of the project.
- 5.3 The Briefs have been prepared in the context of a thorough appraisal of the physical site characteristics and national, regional and local planning policy, including the emerging LDF. Further to this appraisal, development principles and parameters are established with respect to key issues including:
- Land Use
 - Land Use Zoning
 - Siting and Scale
 - Access and Movement
 - Architectural Design and Appearance
 - Landscape Treatment and Open Space
 - Sustainable Design
 - Environmental Considerations
 - Planning Conditions and Obligations
 - Development Phasing (e.g. Filey Road site cannot be developed until new sports facilities have been provided)
 - Community Consultation

- 5.4 The Briefs also contain indicative layout diagrams which demonstrate how the sites could be developed. These are not intended to be prescriptive and have been developed for information only. It is not implied that the indicative layouts would necessarily be acceptable in design or planning terms. The form of development eventually constructed will be determined through the submission of a planning application to the Council as Local Planning Authority.
- 5.5 It is important to note that at this stage a request is not being made for a decision to adopt the Briefs for development management decision – making purposes. Authorisation is merely being sought for publication of the draft Briefs for the purposes of consultation. It must be stressed that members will have ample opportunity to make further comments on the Briefs through the consultation process.
- 5.6 The documents will be reconsidered following completion of the consultation process, when members will be asked to decide upon the Briefs, having regard to the views of statutory bodies, local community and other key stakeholders

6. IMPLICATIONS

Policy

- 6.1 Further to the consideration of the results of the consultation process, Scarborough Borough Council, in its capacity as Local Planning Authority, intends to adopt the documents as development management tools. They will be used to shape the nature and type of any applications for planning permission (and / or Conservation Area Consent) and inform the subsequent decision-making process.

Legal

- 6.2 There are no direct legal implications arising from this report.

Financial

- 6.3 There are no financial issues arising from this report. Existing budget provision is in place for costs associated with the development of the Briefs and proposed consultation events. Any financial considerations relating to the sale / transfer of the Council owned sites are not material to the planning issues raised by the Briefs and are therefore not pertinent to the consideration of this report.

Equalities and Diversity

- 6.4 The Briefs seek to promote equality and social inclusion. A range of local community groups will be consulted and the focus group survey will ensure a representative cross-section of the local population is consulted. The Briefs

also make reference to the need to cater for all sectors of the community, including those of the disabled.

Staffing

- 6.5 There are no direct staffing implications arising from this report. Any decision on the relocation of Filey Road Sports Centre and any resultant impact on staffing levels will be taken separately.

Planning

- 6.6 There will be significant planning implications for the sites covered by the Briefs. The Briefs are documents which will guide any future redevelopment. In drafting the Briefs full regard has been had to existing national, regional and local planning policy as well as the emerging Local Development Framework. While the Briefs would not replace existing adopted policy, they would in effect provide an up to date assessment of planning issues relating to the sites. The Briefs, when adopted, would remain in place as a material planning considerations until such time that they are superseded, although their significance would reduce upon redevelopment of the site.

Crime and Disorder

- 6.7 The Briefs make specific reference to the need to reduce the risk of crime as part of the design process. The North Yorkshire Police Architectural Liaison Officer will be consulted on the draft Briefs.

Health and Safety

- 6.8 No direct health and safety implications, but the provision of improved sports provision will be beneficial to the health and well-being of Borough residents.

Environmental Implications

- 6.9 There are potentially significant environmental implications for the sites (and the immediate environments) covered by the Briefs. The Briefs are documents which will guide any future redevelopment. In drafting the Briefs full regard has been had to national, regional and local planning policies which seek to promote environmentally beneficial and sustainable forms of development. An overarching principle of the Briefs is to promote positive and prevent negative environmental outcomes.

Human Rights Act 1998

- 6.10 All decisions relating to planning matters should comply with the requirements of the Human Rights Act 1998 (HRA). Article 8 of the HRA relates to the right to respect for privacy, family life, home and correspondence. It further states that there shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in a number of interests including the national security,

public safety or the economic well – being of the country. The Convention Rights conferred by HRA are qualified and there are circumstances when interference with them is justified, however, any interference must be proportionate.

7. ACTION PLAN

7.1 Timescales for preparation, consultation and adoption of the Briefs are set out below. The dates may be subject to change.

- Planning & Development Committee 26 May 2011
- Individual Cabinet Member Decision 3 June 2011
- ICM Decision confirmed 9 June 2011
- Public consultation (8 weeks) 13 June - 8 August 2011
- Results analysis Aug/early Sept 2011
- P & D Committee Member site visit late Aug/ early Sept 2011
- Presentation to all members early/mid Sept 2011
- Planning & Development Committee 6 Oct 2011
- Cabinet 18 Oct 2011
- Full Council 7 Nov 2011
- Publish final draft 15 Nov 2011



Jill Low
Planning Manager

Author: Hugh Smith, Major Projects Officer, Planning Services
Telephone No: 01723 383642
E-mail address: hugh.smith@scarborough.gov.uk

Background Papers:

Appendices

1. Weaponness Valley Development Brief – Consultation Draft
2. Filey Road Sports Centre Development Brief – Consultation Draft
3. Seamer Road Football Ground Development Brief – Consultation Draft
4. Summary Document for the three Development Briefs
5. Questionnaire for Public Consultation