

Development Brief

## Filey Road Sports Centre

June 2011

Consultation Draft



*A great place to live, work & play*

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## **1.0 Introduction**

- 1.1 This is the Consultation Draft of a Development Brief (hereafter referred to as the ‘Brief’) which is being prepared to provide a guide to the future redevelopment of the Filey Road Sports Centre, Filey Road, Scarborough (hereafter referred to as the ‘site’). It has been prepared alongside the Development Briefs for the Seamer Road Football Stadium ‘Seamer Road’ and the Weaponness Valley Coach Park ‘Weaponness Valley’.
- 1.2 Subject to consideration of the results of consultation on this draft Brief, Scarborough Borough Council, in its capacity as Local Planning Authority, intends to adopt this document as a development management tool. It will be used to shape the nature and type of any applications for planning permission and inform the subsequent decision-making process.
- 1.3 The Brief is being prepared by the Planning Services Unit following a thorough consideration of planning and related issues falling within the remit of Scarborough Borough Council.
- 1.4 The strategic location and precise boundaries of the site covered by the Brief are shown in Figures 3.1 and 3.2. The site is situated 1.5km to the southeast of Scarborough town centre on the eastern edge of Oliver’s Mount within the Weaponness residential suburb and Weaponness Conservation Area. It lies adjacent to the A165, a main north – south route through the urban area and the main route linking Scarborough to Filey, Bridlington and other settlements along the east coast. The site is the historical home of the Yorkshire Tennis Club, it now plays host to Scarborough Sports and Tennis Centre which is owned and managed by Scarborough Borough Council.
- 1.5 Further to an appraisal of the site context and planning policy and an analysis of constraints and opportunities, the Brief establishes development principles and parameters for the site, providing clear guidance to potential developers on issues including:
- Use and amount
  - Siting and scale
  - Access and movement
  - Architectural design and appearance
  - Open space
  - Landscape treatment
  - Sustainable design
  - Environmental considerations
  - Planning obligations
  - Phasing.
- 1.6 Guidance is also provided on the requirements and the process to be followed in the preparation and submission of a planning application. The final section presents the proposed consultation process for the Brief and future planning applications and how comments can be submitted with respect to these.
- 1.7 A summary of the key development proposals and parameters is summarised overleaf in Table 1.0. It must be emphasised that this table is an abridged, non – technical version of

the guidance contained in the Brief. In preparing development proposals for the site applicants will need to have regard to the full contents of the Brief.

Table 1.0: Key development proposals and guidelines of the Brief

<b>Key Proposals / Guidelines</b>	
<b>1</b>	Development phasing sequence that ensures continuous provision of sports and leisure provision in the town by providing replacement facilities at Weaponness Valley.
<b>2</b>	Demolition of 1970s sports barns and clearance of tennis courts may be permissible, but. retention of pavilion, trees and preferably the grandstand.
<b>3</b>	The preferred use is residential development with the scope to introduce sheltered housing, care / nursing housing, tourist or student accommodation
<b>4</b>	Suitable commercial or community uses may be introduced to the pavilion and grandstand buildings (subject to safeguards including protecting residential amenity and the character of the area)
<b>5</b>	New build low density development would be located to southern and northern ends of the site. However, higher density development close to Filey Road, incorporating the retention of grandstand and pavilion buildings would also be acceptable.
<b>6</b>	Siting, scale and massing of development to respect the setting of the grandstand and the pavilion buildings and to draw reference from existing properties within the Weaponness Conservation Area.
<b>7</b>	Architectural detailing and materials to be consistent with the character of the Weaponness Conservation Area.
<b>8</b>	Landscape framework that retains and enhances the sylvan character of the surrounding area and contributes towards ecological diversity.
<b>9</b>	Existing vehicular access to serve the development with possible additional vehicular access points onto Weaponness Park. Parking to be provided within the site.
<b>10</b>	Cycle and pedestrian movement prioritised and linkages with the surrounding area enhanced.
<b>11</b>	Application of sustainable development principles through regard to development patterns and building designs that reduce the need to travel (particularly by private car), conserve and reduce demands for energy, reduce waste and minimise adverse impacts upon the environment.
<b>12</b>	Provision for securing planning obligations, including affordable housing, open space and education payments.
<b>13</b>	A comprehensive approach to the development is required; a full planning application for the whole site should be submitted (accompanied by relevant Conservation Area Consent application(s) for any demolition).
<b>14</b>	Consultation with the Council and key stakeholders, including the public, should form part of the pre – application design process.

## 2.0 Purpose of the Brief

### *Background*

- 2.1 Further to the objectives of the Leisure Strategy 2005 – 2010 and Sustainable Community Strategy 2010 – 2013 and the outcomes of a study undertaken by Strategic Leisure Limited (SLL) in 2007 the Council are actively seeking to improve the level and quality of sports and leisure facilities within the Borough. To achieve this consideration is being given to the development of a new football ground and sports and leisure village at Weaponness Valley.
- 2.2 The Council propose to work with a private sector partner on the delivery of the project. This will involve an ‘enabling development approach’ whereby the developer will finance and construct the sports and leisure village at Weaponness Valley in exchange for the Council owned Seamer Road and Filey Road Sports Centre sites. These sites, together with any residual land at Weaponness Valley would then be developed for alternative uses in order to recoup costs associated with the development of the sports and leisure hub and generate developer’s profit.

### *Status of the Brief*

- 2.3 This Brief provides a guide to the redevelopment of the Filey Road Sports Centre on the assumption that the Council decides to relocate existing facilities. The redevelopment of the other two sites will be guided by separate Development Briefs. The objectives of the Briefs are:
- To set the context for the future development of the site; and
  - To provide a comprehensive and planning led approach to the future development of a site which is linked to the redevelopment of Seamer Road and Weaponness Valley.
- 2.4 This Brief will help to secure or contribute to:
- The removal of unsightly buildings and structures (i.e. sports barns) incongruous with the character of the Conservation Area;
  - The introduction of a use(s) appropriate to, and compatible with, the predominantly residential area;
  - A development layout and landscape treatment that preserves and reinforces the distinct sylvan setting of the local area;
  - Development of a design, density, scale and massing consistent with the character of the Conservation Area;
  - Provision of housing (including affordable) as specified by the Regional Spatial Strategy (RSS), Interim Housing Position Paper and the emerging Local Development Framework (LDF);
  - A long - term future for on – site heritage assets;
  - A design approach underpinned by sustainable development principles;
  - A form of development that capitalises on the location of the site and its accessibility to sustainable modes of travel.
- 2.5 The Brief has been prepared in the context of saved policies from the Scarborough Borough Local Plan, the Regional Spatial Strategy (RSS) and emerging policies in the Local Development Framework which is currently in the process of preparation. It will

therefore provide an up to date framework for future development on the site, taking account of adopted policies and regeneration needs of the town.

- 2.6 The Brief is supplementary. It does not replace or have the same status as the statutory planning framework provided by the saved policies of the Local Plan. It should not be read in isolation but cross referenced to the relevant national and local planning policies. Any future development proposals for the site must take account of the saved policies of the Local Plan or any relevant policies that are subsequently adopted as part of the Council's Local Development Framework.

### 3.0 Site and its Surroundings

- 3.1 The site is located approximately 1.5km to the southeast of the town centre within the Weaponness suburb. It lies adjacent to Filey Road, an arterial route and attractive avenue. Land rises to the west towards Oliver's Mount and falls to the east towards South Bay. Scarborough College and the University of Hull Scarborough Campus lie a short distance to the south of the site. Figure 3.1 illustrates the location of the site and its relationship with the former football stadium on Seamer Road and the former Weaponness Park and Ride facility, for which parallel Briefs are being prepared.
- 3.2 The site lies within the Weaponness Conservation Area which has the character of a leafy 19<sup>th</sup> / 20<sup>th</sup> century residential area (Figure 3.2). Built development is at a low density, comprising principally of large, architecturally interesting, detached and semi – detached buildings set in generous grounds bound by brick walls, hedges and trees. Examples are given in Images 3.1 – 3.8. The majority of the properties directly adjacent to the site were built 1890 – 1940 (Figure 3.3). The mature trees, shrubs and hedges in private gardens partially screen buildings and create a spacious sylvan setting. This is enhanced by tree lined street planting and incidental open space.



Image 3.1: Annan, Deepdale Avenue



Image 3.2: Weaponness House, Filey Road



Image 3.3: 1 Weaponness Park



Image 3.4: Moor End / Norbury, Weaponness Drive



Image 3.5: Sunwood, Weaponness Park



Image 3.6: 28 Deepdale Avenue



Image 3.7: High Bank, Weaponness Park



Image 3.8: 2 College Avenue

3.3 The site occupies approximately 2.8ha and is broadly triangular in shape, tapering from north to south. It is bounded to the east by residential properties on Deepdale Avenue and to the north and west by residential properties on Weaponness Park. As illustrated in Figure 3.4, the main vehicular access is achieved to the eastern boundary via a priority controlled junction onto Filey Road (Image 3.9); to the north of this a minor vehicular access serves a small storage building adjacent to the grandstand (Image 3.10). Pedestrian access can be achieved from Filey Road, Weaponness Avenue (pedestrianised) and Weaponness Park, to the northern boundary a pedestrian link connects Filey Road and Weaponness Park (Images 3.11 – 3.12). Filey Road is served by the local Scarborough & District bus services 7 and 17 and a designated off – road cycle lane which provide connection to the town centre.

Figure 3.1: Strategic location plan

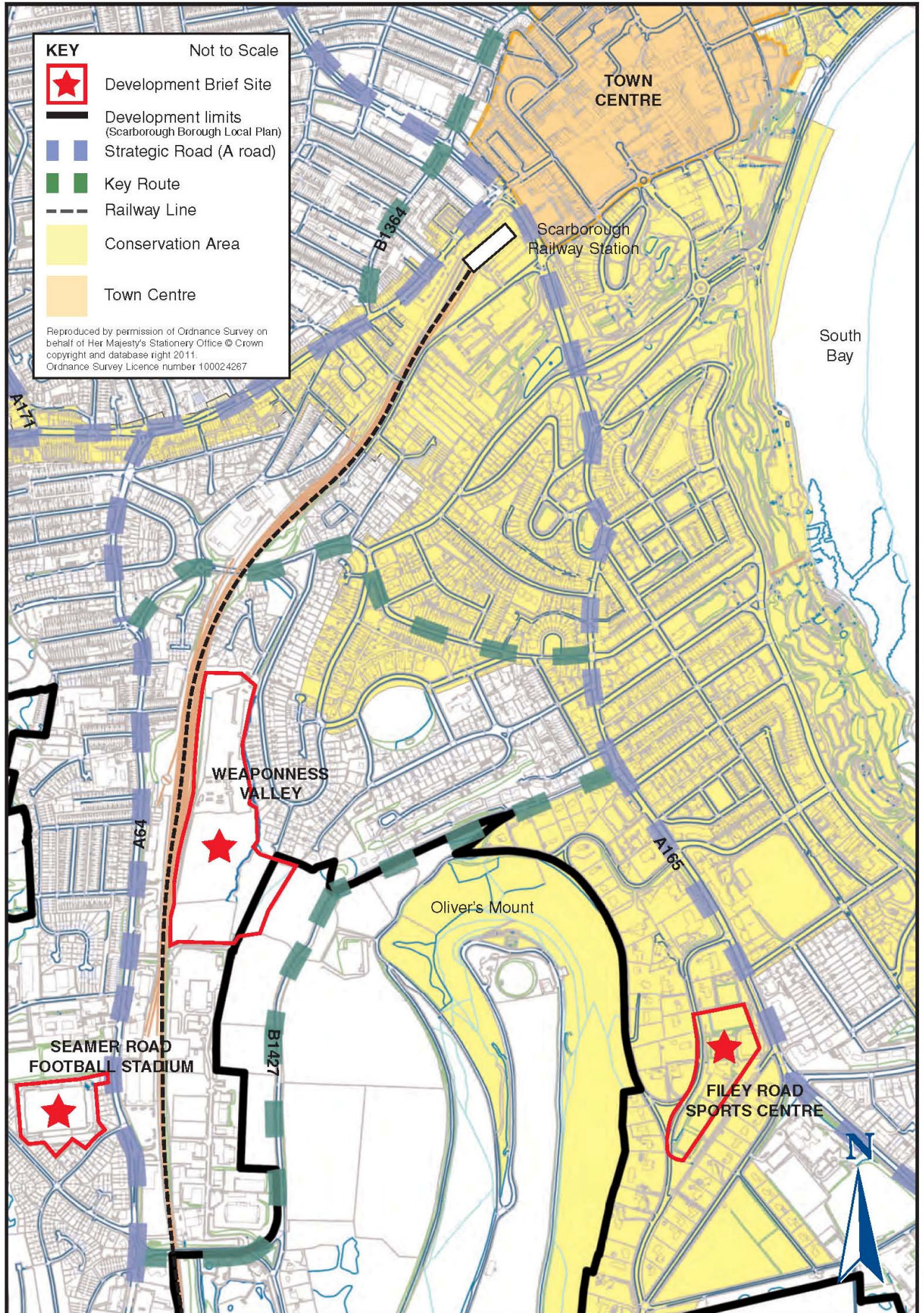


Figure 3.2: Site plan

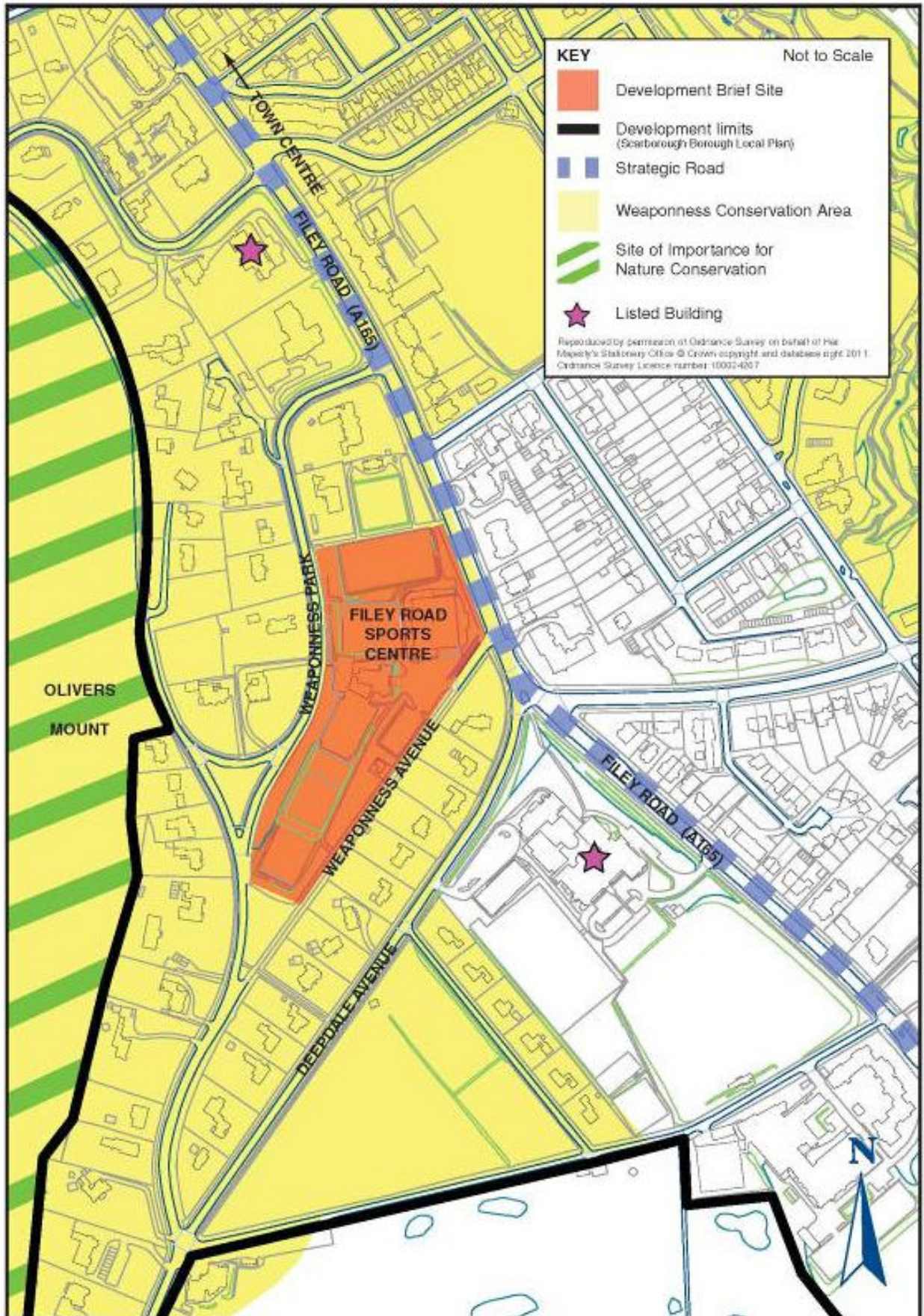


Figure 3.3: Age of Buildings



Image 3.9: Main vehicular site access on Filey Road



Image 3.10: Minor vehicular site access on Filey Road



Image 3.11: Pedestrianised Weaponness Avenue (from the south)



Image 3.12: Pedestrian link connecting Filey Road to Weaponness Park

- 3.4 The site is the historical home of the Yorkshire Lawn Tennis Club, it now plays host to Scarborough Sports and Tennis Centre which is owned and managed by Scarborough Borough Council. Figure 3.5 illustrates the extent and layout of development on the site. Its facilities comprise two sports halls, a fitness suite, three squash courts, 14 grass and tarmac tennis courts, one multi-purpose court and a refreshments bar. The indoor facilities are accommodated within 1970s brick built sports barns. These are connected by covered walkways to a ‘Colonial’ style tennis pavilion designed by Sir Edwin Cooper which is of high architectural value (Image 3.13). Adjacent to the pavilion is a grandstand encircling the former grassed tennis courts which hosted such tennis greats as Rod Laver and Fred Perry. The grandstand is in a poor and deteriorating condition but has some value as a heritage asset due to its contribution to the character of the area and its historical association with competitive tennis in the region (Image 3.14). Grassed tennis courts are located to the north, tarmac tennis courts to the south (Images 3.15 – 3.16). The area to the front of the sports centre is dominated by hardstanding car parking. An electricity substation is located on the eastern boundary to the south of the car park.
- 3.5 In January 2011 Scarborough Civic Society submitted an application to English Heritage to designate the tennis pavilion as a listed building. The outcome of this application is

pending determination. If listed status is granted the implications for the tennis pavilion and other buildings on the site would have to be assessed.



Image 3.13: Tennis pavilion and adjoining sports barns



Image 3.14: Tennis grandstand



Image 3.15: Hard surface tennis courts to the south of the site



Image 3.16: Grass tennis courts to the north of the site

- 3.6 The perimeter of the site is well defined by a significant number of mature indigenous tree species. Figure 3.6 identifies those trees that are subject to Tree Preservation Order (TPO) 1969/56. However, all trees are afforded protection by virtue of their location within a Conservation Area. An ecological walkover was undertaken in 2008. Although this determined that the site principally comprises managed species poor amenity grassland which is of low ecological value it also identified that the site has the potential to support bats within buildings and trees.
- 3.7 The site falls south to north by approximately 8m and is characterised by a series of terraces created to accommodate the tennis courts and sports halls. There is also a fall across the site from west to east of approximately 4 – 5m (Figure 3.6).
- 3.8 There are no extant planning permissions for the site and the planning history relates to operational development associated with its sports and leisure use. Historical mapping data dating from 1853 to present shows that the site has developed from open agricultural land alongside the adjacent residential area of Weaponness. It is considered that there is little potential risk for contamination on the site. The site is served by gas, water, electricity and foul / surface water infrastructure located within Filey Road. The site

falls within Flood Risk Zone 1 designated by the Environment Agency. This is the lowest risk category.

Figure 3.4: Access and connectivity

Figure 3.5: Built development

Figure 3.6: Tree cover and topography

## 4.0 Planning Policy Framework

- 4.1 The guidance provided in this Brief has been prepared having full regard to extant planning policy. Section 38 of the Planning and Compulsory Purchase Act 2004 indicates that where relevant planning determination shall be made in accordance with the Development Plan unless material considerations indicate otherwise. The relevant Development Plan for this Brief comprises of the Yorkshire and Humber Regional Spatial Strategy (2008) and the Scarborough Borough Local Plan (1999). The Local Plan will, in due course be replaced by Development Plan Documents forming part of the Local Development Framework. This section of the Brief sets out the local and regional planning policy context which has been considered in its preparation and which may be of relevance to bringing development proposals forward in the future. National planning policy set out in Planning Policy Statements and Guidance is also a key material consideration.
- 4.2 In the Localism Bill published in December 2010 the Government committed to abolish the regional tier of planning policy provided by Regional Spatial Strategies. When / if the Bill is enacted and becomes part of statutory law, the Yorkshire and Humber Regional Spatial Strategy (2008) will no longer form part of the Development Plan. It is anticipated that the Bill will be enacted by the end of 2011. Recent High Court decisions have confirmed that the RSS remains part of the Development Plan, but the government's intended revocation of the document is a material consideration in making planning decisions.
- 4.3 Due to the changes in local and regional planning policy that will be occurring over the next few years developers are advised to contact the local planning authority to clarify which planning policies are extant at the time of preparing and submitting a planning application. The following policies represent the current and emerging planning policy relevant to the site and the proposal:

### Local Planning Policy

#### *Scarborough Borough Local Plan*

- 4.4 The Local Plan was adopted in April 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.
- 4.5 The key 'saved' local plan policy includes:
- H3: Small Scale / Infill Housing within the Development Limits of Settlements;
  - E6: The Protection of Open Space;
  - E7: Local Nature Conservation Sites;
  - E12: Design of New Development;
  - E39: Development Affecting Hedgerows and Trees;
  - H10: Protection of Residential Amenity;
  - H14: Nursing and Residential Care Homes;
  - C6: Developer Contributions;
  - C7: Foul and Surface Water Disposal; and
  - R2: Open Space Provision within New Residential Developments.

### ***Local Development Framework (LDF)***

- 4.6 The emerging Local Development Framework (LDF) will provide the future planning policy context for the Borough. The Local Development Framework (LDF) will comprise a portfolio of Local Development Documents (LDDs), including Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs). DPDs, when adopted, will replace the saved policies in the Local Plan, whilst SPDs provide additional guidance on matters covered by the DPDs. Significant progress has been made on the Core Strategy DPD and Housing Allocations DPD, with major consultation undertaken on 'draft' versions of both documents in 2009 (these do not form part of the Development Plan and are therefore not material considerations in the determination of planning applications). The SPDs which have already been adopted must be taken into account alongside the development plan.

#### *Draft Core Strategy (Preferred Options) (November 2009)*

- 4.7 The Core Strategy DPD is linked to the Sustainable Community Strategy (SCS). This document sets out the issues which local people and organisations think are key priorities for the future of the Borough. It recognises the relationship between the economy and factors such as environmental regeneration, housing, health, culture, citizenship and community safety as integral to sustainable development. One of the strategic objectives of the SCS is to create safe and healthy communities. Reference is given to the need to provide good quality homes and increase the availability of affordable housing within the Borough.
- 4.8 The Draft Core Strategy (Preferred Options) was published for public consultation in November 2009. The Council is currently considering the comments that were made on the Core Strategy and is working towards the production of the final Core Strategy Pre-Submission Draft before it will be submitted to the Government for examination. The Draft Core Strategy includes a number of Spatial Objectives based on the key issues in the Sustainable Community Strategy, previous consultation and the supporting evidence base, which will be delivered through various Core Policies.

#### *Draft Housing Allocations DPD (Preferred Options) (November 2009)*

- 4.9 The Seamer Road, Filey Road and Weaponness Valley sites are indicated as suitable for residential use in the Draft Housing Allocations DPD (Option HA 25a-c). It is suggested that a total of 150 dwellings could be achieved in some configuration between the sites, with delivery phased to the first 5 years of the Plan up to 2016. The justification is that the redevelopment of the sites would provide housing alongside improved sports facilities for the town and a new football ground.

#### *Supplementary Planning Documents*

- 4.10 The following Supplementary Planning Documents (SPDs) have been adopted by the Council and will be of relevance to the determinations on the site:
- Affordable Housing SPD;
  - Travel Plans SPD;
  - Transport Assessments SPD;
  - Negotiation of Play, Greenspace and Sports Facilities in Association with New Housing Developments SPD; and

- Education Payments SPD.

## **Regional Planning Policy**

### ***Yorkshire and Humber Plan Regional Spatial Strategy***

4.11 The RSS was adopted by the Government Office for Yorkshire and the Humber in May 2008. It identifies Scarborough as a Sub-Regional Centre. Policy C1 sets out the overall strategic vision for the Coastal Sub-Region and states that plans, strategies, investment decisions and programmes for the Coastal Sub-Region should, among other provisions:

- Focus most development on Scarborough;
- Strengthen the role of Scarborough as a sub-regional town serving much of the sub-area and a focus for urban renaissance;
- Review housing stock in Scarborough to ensure it meets changing housing market needs.

4.12 The regional planning policy relevant to the site and the proposed uses includes:

- YH1: Overall Approach and Key Spatial Priorities;
- YH2: Climate Change and Resource Use;
- YH4: Regional Cities and Sub – Regional Cities and Towns;
- YH7: Location of Development;
- YH8: Green Infrastructure;
- H1: Provision and Distribution of Housing;
- H2: Managing and Stepping Up the Supply and Delivery of Housing;
- H4: The Provision of Affordable Housing;
- H5: Housing Mix;
- T1: Personal Travel Reduction and Modal Shift;
- T2: Parking Policy;
- T3: Public Transport;
- ENV1: Development and Flood Risk
- ENV2: Water Resources
- ENV5: Energy;
- ENV6: Forestry, Trees and Woodlands;
- ENV8: Biodiversity;
- ENV9: Historic Environment; and
- ENV11: Health, Recreation and Sport.

### **Other National and Local Planning Policy Guidance and Useful Information**

4.13 This consists of a range of different nationally and locally produced planning policy documents, which although not part of the formally adopted development plan, are nonetheless material planning considerations. The documents relevant to this Brief are listed below:

#### ***National***

- PPS1: Delivering Sustainable Development and Supplement to PPS1: Planning and Climate Change;
- PPS3: Housing;

- PPS4: Planning for Sustainable Economic Growth
- PPS5: Planning for the Historic Environment;
- PPG17: Planning for Open Space, Sport and Recreation;
- PPS9: Biodiversity and Geological Conservation;
- PPG13: Transport;
- PPG23: Planning and Pollution Control;
- PPG24: Planning and Noise; and
- PPG25: Development and Flood Risk;

### **Local**

- North Yorkshire County Council – Transport Issues and Development Guide (2003);
- Interim Housing Position Paper (2010);
- The Weaponness Character Appraisal and Management Proposals (2007); and
- Sustainable Building – Guidance for Developers (2008).

4.14 Of these, the Weaponness Character Appraisal and Management Proposals (2007) document is particularly relevant. This details the distinct physical and architectural features of the area and sets out a number of Recommended Management Policies (RMPs) relating to the design and management of new development.

4.15 In addition, there are a number of useful information sources that may be of assistance in developing proposals:

- Department of the Environment, Transport and Regions – By Design: Urban Design in the Planning System Towards Better Practice;
- Department for Transport: Manual for Streets (2007) and Manual for Streets 2 (2010);
- Secured by Design: New Homes 2010;
- BS5837:2005 Trees in Relation to Construction;
- English Heritage Guidance on sustainable energy generation and energy efficiency; and
- Kissing Sleeping Beauty: A Strategic Development Framework for Scarborough (July 2003).

## 5.0 Constraints and Opportunities

5.1 Before identifying a strategy for the future of the site a brief summary of the strengths, constraints, opportunities and threats of the site has been undertaken. It is recognised that the bullet points below represent a brief summary and complex inter-relationships exist between the different factors. However, with imaginative solutions it may be possible to transform some of the weaknesses into positive opportunities. These are summarised below:

### *Strengths*

- Located in a high value residential area of distinct sylvan landscape and architectural character;
- The pavilion building is of distinct architectural interest and provides a focal feature at the entrance to the site;
- The grandstand building is a dominant feature on the site frontage which provides reference to the historical use of the site;
- Under single ownership;
- Little potential for land contamination;
- Within the urban area and defined Development Limit;
- Adjacent to a key arterial road which is served by public transport and which provides a direct linkage to the railway station and town centre;
- Within close proximity to recreational opportunities on Oliver's Mount and at South Bay; and
- Served by utilities infrastructure.

### *Constraints*

- Filey Road is a potential generator of adverse noise impacts;
- Electricity substation located to the eastern boundary;
- Varied topography may necessitate earthworks;
- A proportion of trees along the boundaries are subject to a TPO and a cluster of trees is located within the site to the eastern boundary;
- Embankment along the western boundary accommodating trees covered by a TPO encroaches into the site, impacting upon the amount of developable area;
- Weaponness Conservation Area is subject to planning policies which would limit the developable area;
- The pavilion building could be listed by English Heritage. This would introduce constraints imposed by statutory legislation relating to listed buildings and their setting, particularly with respect to internal alterations (In addition to those relating to Conservation Areas);
- Potential for the presence of protected species on the site (bats);
- Single main vehicular access to the site; and
- Development is subject to provision of replacement sport facilities on other sites in order to satisfy the requirements of PPG17 and make provision for residents / visitors.

### *Opportunities*

- To secure 'enabling development' which will help cross – subsidise the funding of a modern fit for purpose multi – use sports and leisure hub for the town;

- To secure the long – term future of the pavilion and grandstand structures through renovation / conversion;
- To provide reference to the historical use of the site through retention of the grandstand;
- To enhance the setting of these heritage assets and the character of the Weaponness Conservation Area through the removal of 1970s brick built sports hall buildings that are incongruous with the high quality residential dwellings;
- To enhance the sylvan character of the area through sensitive structural and amenity landscape planting; and
- To improve the Filey Road interface through the siting of frontage development and the reconfiguration of car parking provision within the site.

### *Threats*

- Sensitive conversion of the pavilion building and grandstand to residential use could be difficult to achieve. Costs associated with conversion could be high, reducing the level of sports and leisure benefits that can be secured for the town;
- Overdevelopment or poorly designed development could impact upon the local highway network, adversely affecting local residential amenity and movement into and around the town;
- Overdevelopment or poorly designed development would detract from the character and appearance of the Weaponness Conservation Area;
- Development may not come forward, or may be delayed, if the development of replacement facilities at Weaponness Valley is not realised; and
- Loss of sports facilities which are readily accessible to residents in the locality and university students.

5.2 Having undertaken the preliminary analysis above, it is the Council's firm belief that the strengths and opportunities outweigh the potential weaknesses or threats with regard to the principle of redevelopment, but clearly a strategy needs to be put into place with suitable safeguards to ensure the purposes of the Brief are realised. This strategy is outlined in Sections 6.0 to 8.0.

## **6.0 Development Principles and Parameters**

- 6.1 This section of the Brief sets out the general principles and parameters that should guide the development of proposals for the site. Developers are expected to relate to these within supporting documentation (such as the Design and Access Statement) and to demonstrate compliance with the specific requirements of national, regional and local planning policy and guidance as outlined in Section 4. It is expected that specific reference will be given to the Weaponness Character Appraisal and Management Proposals (2007) document.
- 6.2 Development proposals should seek to preserve the architectural, ecological and landscape heritage of the site and ensure that the built form of development is respectful and mindful of the scale, form and character of the surrounding area. It is strongly recommended that the Council's Conservation Officer is consulted at an early stage in the design process.
- 6.3 Section 7.0 presents an illustrative form of development that could be achieved taking into account the Council's key principles and parameters outlined below. The illustrative proposals are not intended to be prescriptive and have been developed for information only.

### **Land Use**

- 6.4 It is a fundamental tenet of this Brief that suitable relocation of existing sports facilities takes place before the site is redeveloped. Subject to this provision the site is appropriate for residential use. It is a developed site in a residential area within the defined development limit. It is within close proximity of recreational opportunities and directly connected to the services and facilities of the Ramshill Road district shopping area and the town centre by an arterial road which is well served by public transport. This is consistent with PPS3 which places an emphasis on the use of suitable sites in sustainable locations which offer a good range of community facilities and are accessible to jobs, services and infrastructure.
- 6.5 Residential development on the site is consistent with existing and emerging planning policies. Policy H3 of the Scarborough Borough Local Plan permits new residential development within the development limits of settlements subject to certain criteria.
- 6.6 With respect to the requirement within PPG17 to maintain the provision of an adequate supply of sports and recreation facilities, the Council consider that the release of the site for an alternative use is acceptable subject to the development of a new multi – use sports and leisure village at Weaponness Valley. The rationale behind the strategy of concentrating sports facilities on one site is contained in the Weaponness Valley Brief.
- 6.7 The new facilities will generally represent a quantitative and qualitative improvement to those currently available on the site. However, a like for like quantitative level of tennis courts is unlikely to be achieved at Weaponness Valley. The final number of courts and playing surface type will be subject to detailed design which will be guided by the principle of achieving a multi – use sports hub that is economically sustainable. In addition to the new facilities, there are alternative locations within Scarborough that provide publicly accessible tennis facilities.

- 6.8 Sheltered housing, care / nursing housing and student accommodation are in principle considered acceptable forms of residential development. These uses are supported by national, regional and local planning policies which seek to diversify the mix of housing to reflect local needs and make provision for all sectors of the community. However, this is subject to the scale, massing and design of buildings for such uses being suitable in this location, notably in terms of impact upon the Weaponness Conservation Area.
- 6.9 As detailed within Section 5, the provision of affordable housing would normally be required in accordance with the Affordable Housing SPD. Sheltered housing and care / nursing housing would be subject to the requirement for affordable housing. Student accommodation would be exempt from this requirement.
- 6.10 It is envisaged that the 1970s brick built sports barns would be demolished and the tennis courts cleared to make way for new build development. Regardless of the outcome of the application submitted to English Heritage for listing, the strong preference of the Council is retention, conversion and refurbishment of the pavilion building due to its high architectural value. Similarly, the grandstand should be incorporated into any development proposal in order to retain a frontage to Filey Road that provides a visible reference to the historical use of the site.
- 6.11 The building fabric of the grandstand may not lend itself directly to conversion. Flexibility in the design approach may be needed to facilitate its retention. If conversion and refurbishment of the existing building is not feasible, as a minimum, the Council will consider an approach that retains and integrates the outer façade into new build development of a layout and form consistent with that of the existing building (i.e. retaining the grassed courtyard at its core for amenity space). Proposals that involve the complete demolition of the grandstand would only be considered in exceptional circumstances (e.g. significant structural defects); this would need to be fully justified as part of an application for Conservation Area Consent. Again, in this eventuality any new build development would need to be of a layout and form consistent with that of the existing building.
- 6.12 Other possible suitable uses for the pavilion and grandstand may include those ancillary to sheltered housing, care / nursing housing and student accommodation, such as dining halls, lounge rooms, administrative offices and medical consulting rooms may be considered where they are compatible with the amenity and character of adjacent development and the surrounding area.
- 6.13 The site is not considered suitable to accommodate retail, industrial or larger scale commercial uses; the introduction of which would be incompatible with residential amenity in terms of noise and highway impacts. These impacts could also undermine the distinct character of the Conservation Area; this would be inconsistent with PPS5. Furthermore, the introduction of commercial or retail development may require justification with respect to the principles of PPS4 which seek to concentrate such uses within established town or district centres.
- 6.14 Whilst the introduction of commercial use as the predominant use is not considered appropriate and will not generally be supported, it is recognised that securing a long term and sustainable future for the pavilion and grandstand could necessitate a flexible approach to the uses that may be accommodated within the buildings. Therefore, the Council may consider the introduction of certain commercial or community uses into the buildings. For example, non – residential uses of the grandstand could be used as tourist

accommodation or in part as a restaurant/bar. The pavilion could be used for such purposes or as community hall or crèche. In such circumstances it must be demonstrated that the uses are sympathetic to the character of the buildings and the Conservation Area, there would be no significant environmental, highway and visual impacts and appropriate evidenced justification can be provided in terms of PPS4 and PPS5. They should be compatible with nearby residential uses, in effect ruling out those in the B2 and B8 Use Classes.

### **Density and Zoning**

- 6.15 The surrounding area is predominantly characterised by low density development comprising large detached and semi - detached dwellings set in generous individually defined plots. Along Filey Road these are interspersed with higher density developments including large apartment blocks and nursing homes. The Weaponness Character Appraisal and Management Proposals (2007) document details that the low density built form is an intrinsic part of the character of the Conservation Area.
- 6.16 Within this context, it is required that the southern portion of the site should accommodate low density development.
- 6.17 The same principle is largely applicable to the area north of the pavilion and grandstand. However, PPS3 recognises that the density of existing development should not necessarily dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment. As such, higher density forms of development, such as apartments, sheltered housing, care / nursing housing and student accommodation, may be introduced to the northern portion of the site fronting Filey Road. In this location they would align with the character of the existing properties along the Filey Road corridor. The development would incorporate new build alongside the retention and conversion of the grandstand and pavilion buildings.
- 6.18 The opportunity to introduce development of varying densities provides scope for a range of unit numbers and mix of unit types to be achieved on site; this is consistent with the principles in PPS3. Due to the varying development options available proposals will be considered on a case by case basis. The amount and mix of units will be dependent upon securing a form of development that does not adversely impact upon trees and the character of the area and also other considerations such as residential amenity, access arrangements and utilities infrastructure capacity.

### **Siting and Scale**

- 6.19 The varying topography and on - site trees present constraints that will impact upon the siting and orientation of new development. The most significant variation in level is the embankment that runs along the length of the western boundary and extends into the site. This is topped by a number of mature indigenous tree species, a large proportion of which are protected by a Tree Preservation Order (TPO). Remodelling earthworks to the embankment would be restricted by the extent of tree Root Protection Areas (RPAs). Similar constraints would be experienced with respect to development that could be accommodated within proximity to the trees along the eastern boundary. Above ground, tree canopies will also have an impact as consideration will need to be given to achieving

appropriate daylight levels within the development and making provision for future tree growth.

- 6.20 It is strongly recommended that a full Tree Survey and Tree Constraints Plan (TCP) are undertaken before the design process commences so that the siting and orientation of development can be tailored to account for the constraints imposed by trees.
- 6.21 Remodelling earthworks along the western boundary would be acceptable where it can be demonstrated that they can be achieved without any detrimental effect on the health or setting of the trees it accommodates (see '*Landscape Treatment*' section for details on development affecting trees). Remodelling earthworks within the core of the site to create a level development platform should be acceptable. However, given that earthworks are disruptive and costly, proposals which seek to integrate with the existing topography would also be considered.
- 6.22 Low density components of the development should take reference from the urban grain of the surrounding area. Plots should be generous and of approximately similar size, the amount of building footprint within each plot should be substantially less than the area given to gardens and landscaping. Dwellings should be sited within plots to make provision for a generous amount of amenity space on all sides. This will help create an open and spacious setting. Dwellings should address the site frontages and be spaced to create an even rhythm to the street scene, as evident along Weaponness Park and Deepdale Avenue. With reference to RMP3 of the Weaponness Character Appraisal and Management Proposals (2007), **new built development should be less than 15% of the total plot area and buildings should occupy less than 60% of the plot frontage.** An appropriate plot area should also be provided around the pavilion building to reflect this requirement.
- 6.23 A possible exception to the requirement would be the grandstand. It is recognised that even in its existing form the size of the building is such that an appropriate plot area could not be practicably achieved. The importance of the grandstand as a historical reference on the principal site frontage justifies an exception. If the grandstand is extended or if replacement development is accepted it must be demonstrated that there would be no adverse impact upon the Conservation Area in terms of the openness and spaciousness of its setting and that an appropriate level of amenity space can be provided within a courtyard at its core.
- 6.24 The scale and massing of development should reflect, as far as practicable, that of adjacent dwellings and take account of any varying levels within the site and along its boundaries. Care should be taken to protect residential amenity and avoid a sense of overbearing within the development or upon the street scene.
- 6.25 The introduction of higher density development to the Filey Road frontage would not appear incongruous with the adjacent 2 – 3 storey detached and semi – detached dwellings and 3 – 5 storey apartment blocks and nursing homes which are of notable scale and massing (Image 6.1 and 6.2). In order to respect the setting of the pavilion the grandstand (or any building which integrates its façade or replaces it) should not extend above the ridge height of the building as existing (although the two single storey terraces closest to Filey Road may be extended to the height of the main grandstand). Any new build development to the north of the grandstand should be 3 - 4 storeys.

- 6.26 The siting, orientation and scale of new development within proximity of the pavilion and grandstand should seek to preserve and enhance their setting. In accordance with the provisions of PPS5 the Heritage Statement prepared in support of any planning application should include reflection upon the degree of potential impacts of new development on the buildings and provide a rationale for the design approach.
- 6.27 A visual impact appraisal should be detailed within the Design and Access Statement to demonstrate the relationship between buildings within the site and the development with the surrounding environment, particularly along Filey Road. Information should be presented using photomontages and / or 3D modelling images.



Image 6.1: Apartment block on Filey Road fronting the site



Image 6.2: Houses on Filey Road fronting the site

### **Access and Movement**

- 6.28 It is anticipated that the existing main access onto Filey Road has the capacity to accommodate the level of vehicular movements that may be generated by redevelopment of the site for residential use. It should therefore continue to serve as the primary vehicular access. Proposals for development including student accommodation, care / nursing housing and commercial or retail uses would need to be discussed with the relevant highway authority to ensure that the junction capacity and access arrangements are appropriate or could be achieved through highway improvements.
- 6.29 There may be scope to introduce additional vehicular access points to serve individual buildings or the development as a whole. Figures 7.1 – 7.2 illustrate the approximate locations where these could be sited on Weaponness Park taking into consideration constraints associated with tree cover and changes in ground level. The introduction of additional access points onto Filey Road may be difficult to achieve due to tree cover and provisions for public transport comprising a bus stop and bus lane. However, it is recognised that in urban design terms the provision of frontage access would be consistent with the character of development along Filey Road and would avoid the need for the provision of highways within the site. Therefore, the introduction of an access may be considered if an acceptable revised highway arrangement can be demonstrated. The exact location of proposed new vehicular access points should be discussed with the Council's arboricultural officer and the highway authority at an early stage in the design process.

- 6.30 Planning applications should be supported by a Transport Assessment in order to demonstrate the nature and extent of any impacts of the development and access arrangements and whether any highway infrastructure improvements are required. The scope of a Transport Assessment should be discussed with the Council and the relevant highways authority.
- 6.31 Pedestrian access to the site is generally good although the busy Filey Road can act as a barrier. The existing pedestrian link to the northern boundary connecting Filey Road and Weaponness Park should be retained; opportunities to maximise pedestrian permeability into the site from this link, Filey Road, Weaponness Avenue and Weaponness Park should be explored.
- 6.32 Any internal highways should be designed and constructed to adoptable standard. Design features should be utilised to ensure pedestrian and cycle priority and encourage low vehicle speeds, this may include shared surface ‘home zone’ style treatments. Appropriate provision should be given for emergency and servicing requirements. Developers will need to refer to the DfT’s ‘Manual for Streets’ and ‘Manual for Streets 2’.
- 6.33 Figure 7.2 illustrates that the most likely form of development to the south of the pavilion would be a row of detached houses. Access to these properties would be gained from a newly constructed shared road within the site running parallel to the pedestrianised Weaponness Avenue.
- 6.34 When considering car parking provision reference should be made to the North Yorkshire County Council – Transport Issues and Development Guide (2003). Parking for dwellings should be provided within the curtilage on driveways or internal / external garages. On street parking will be discouraged. Should a more intensive form of development, such as apartments, be introduced which requires open courtyard parking this should be located away from the Filey Road frontage and sensitively sited to preserve the setting of the pavilion. Parking within the courtyard framed by the grandstand should be avoided. Landscape planting should be used to break up and screen open courtyard parking, particularly from views into the site. Within higher density forms of development appropriate provision should be made for disabled spaces and secure cycle storage.
- 6.35 The developer must have regard to the Disability Discrimination Act 1996 and the Council’s policies on disabled access contained in the document ‘Access for All’ (1996). Further guidance is provided in the Government document ‘Planning and Access for Disabled People: a Good Practice Guide’ (2003). In particular, the design of pedestrian routes to or from public buildings will need to accommodate the need for disabled users, including both the mobility and visually impaired.

### **Architectural Design and Appearance**

- 6.36 The Weaponness Character Appraisal and Management Proposals (2007) document details the distinct physical and architectural features of the area.
- 6.37 Many of the buildings in the Weaponness Conservation Area were built during the period up to the 1914-18 war and are influenced by the Arts and Crafts movement that was predominant at the time (Images 3.1 – 3.8). Several are designed by architects of national and international standing: Sir Edwin Cooper, Sir Robert Lorimer, E J May, Fred Rowntree and A J Penty; whilst others are by architects of regional standing: Frank Tugwell, Runton & Barry, Walker, Son & Field of Hull and H Percival Binks of Hull.

- 6.38 There is an eclectic mix of materials in buildings. Walling materials are predominantly dark red or red / brown brick, ashlar stone and render, sometimes on the same building. Use is made of decorative brickwork such as bricks laid herringbone fashion. Other walling materials include small plain tile cladding and ‘half timbering’. Roofing materials are largely small plain clay Red Rosemary tiles, although a significant number of buildings use Westmorland green slate. Windows are a mix between vertically sliding sashes and casements. Other architectural detailing includes tall chimney stacks and the use of stone to create decorative corbals, porticos around doors and gable features.
- 6.39 In the detailed design of new buildings developers should reflect upon the use of such materials and architectural detailing in order to achieve a form of development that sensitively integrates with, and reinforces, the setting of the historic buildings that may be retained on site and the character of the Conservation Area. Similarly, original materials and restoration techniques should be utilised in any refurbishment and conversion of the pavilion and grandstand buildings. A materials and detailing specification, including illustrative images should be submitted as part of any planning application. This should be cross referenced on the elevation drawings for each building type.
- 6.40 It is expected that a bespoke design approach will be adopted. Whilst designs should reference the architecture and materials of the Weaponness Conservation Area, a rigidly ‘pastiche’ approach would not be expected, nor be desirable. Proposals for development of a contemporary design may be considered where these are of exceptional quality.



Image 6.3: Boundary wall with iron rail



Image 6.4: Gate piers with stone cappings

- 6.41 The street scene is defined and characterised by either brick boundary walls, often with a characteristic iron rail on top, or hedges, which are often beech. Gate piers are usually brick with simple decorative stone capping, some are entirely stone (Images 6.3 – 6.4). The design of boundary treatments and gates should be of high quality, but remain relatively simple and avoid ornate detailing.
- 6.42 In developing proposals crime should be designed out of the buildings and spaces between them with consideration given to ‘Secured by Design’ principles. Open spaces and areas of public realm should be subject to appropriate landscape treatments and overlooked by active frontages to provide animation and natural surveillance. The Police Architectural Liaison Officer should be consulted at the pre – application stage.

## **Open Space**

- 6.43 Policy R2 of the Local Plan sets out the requirement for new housing developments over 15 units to include for open space and play provision. The policy recognises that there may be circumstances where commuted sum payments can be made to the Council to enable the required open space to be provided off – site. This may involve the provision of new open space or the improvement of existing open space. The Negotiation of Play, Greenspace and Sports Facilities in Association with New Housing Developments SPD (2007), which supplements and provides additional guidance on Policy R2, sets out that in determining whether provision should be made on or off site each case will be assessed on its own merits. Where off site provision is to be made the SPD indicates the formula used to calculate the commuted sum which would be expected. Consideration will be given to the type of residential units proposed, their location and the likely demand generated for open space and play provision.
- 6.44 In this instance it is considered that formal open space and play provision would be more suitably provided off site and that a commuted sum payment towards the creation / improvement of facilities would be of most benefit to the residents of the development and the local area. However, an element of informal amenity space may be required on – site depending upon the form of development. This position is based on the following:
- A low density approach to development will result in a relatively low number of family dwellings with private gardens of a size appropriate to maintain the open and sylvan character of the Conservation Area.
  - It is recognised that there is a lack of formal play provision within the Weaponness, South Cliff and Ramshill part of town. However, due to the limited size and the narrow linear configuration of the site it would be difficult to integrate into the layout play provision of a useable area within a publicly accessible location that would not impact upon the amenity of existing or future residents or visually impact upon the setting of the pavilion building; and
  - The site is located within an established residential area with good pedestrian access to a range of leisure and recreation facilities, including Oliver’s Mount and South Cliff Gardens. These offer alternatives to on – site provision and are within 1000m distance which is considered acceptable within the SPD; and
- 6.45 There is no requirement for commuted sums for open space in respect of proposals for care and nursing homes, although as with the above, communal open space would have to be provided to meet the general amenity requirements of residents.

## **Landscape Treatment**

- 6.45 A proportion of trees on site are protected by a Tree Preservation Order (TPO). Those trees not subject to the TPO are afforded protection by virtue of their location within a Conservation Area.
- 6.46 Policy E39 of the Local Plan and RMP5 of the Weaponness Character Appraisal and Management Proposals (2007) document maintain a presumption in favour of the retention of all trees on the site in order to protect the distinct sylvan character of the Weaponness Conservation Area.

- 6.47 In view of these policies and the statutory levels of protection, the treatment and management of trees must be dealt with on a site wide basis; a piecemeal approach will not be accepted. It is strongly recommended that proposals are discussed with the Council's Arboricultural Officer at an early stage prior to any form of development on the site (including site clearance and demolition).
- 6.48 The British Standard 5837:2005 'Trees in Relation to Construction – Recommendations' document is an important reference tool which will underpin dialogue with the Council and against which decisions relating to trees will be considered. The document sets out guidance on the identification of trees suitable for retention, their protection during development operations and on the successful integration of existing and newly planted trees within a development. It also provides detailed information on the potential impact of development on trees, and of trees on buildings, and gives guidance on how to minimise that impact.
- 6.49 Works to, or the removal of any trees must be suitably justified. If trees are removed (i.e. to facilitate vehicular access) replacement planting of native species will be required. Where development is proposed within the proximity of trees it must be demonstrated that this can be facilitated without adverse impact upon the tree(s) or the amenity of future residents.
- 6.50 Development proposals must be informed by a full Tree Survey (where access is possible the survey should capture trees on third party land at the edge of the site), Tree Constraints Plan (TCP) and Arboricultural Implications Statement (AIS). It is expected that these will be submitted as part of the planning application package. An Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) will be secured by a condition attached to any planning permission.
- 6.51 In accordance with Policy E39 of the Local Plan and RMP6 of the Weaponness Character Appraisal and Management Proposals (2007) document existing tree cover on the boundaries of the site should be reinforced by new tree planting within the development. This should be used to enhance movement routes and open spaces, break up and screen car parking (if necessary) and integrate the new development with its surroundings especially where fronting roads. This should be complimented by low level amenity planting. The main emphasis of the landscape scheme should be the retention of the existing with limited supplementary new planting.
- 6.52 Given the essential contribution that trees and vegetation make to the Conservation Area, detailed landscape proposals will be required as part of the planning application package, rather than as a planning condition that may be attached to any planning permission.
- 6.53 The planning application should outline the approach to management of landscaped amenity areas to ensure the protection and maintenance of trees and spaces which form an essential feature of the character of the area.

### **Sustainable Design**

- 6.54 Sustainable development is a key cross cutting principle underpinning national, regional and local planning policy. As such, it should form an important consideration in any development proposal through regard to development patterns and building designs that make the most efficient use of land, reducing the need to travel (particularly by private

car), conserving and reducing demands for energy, reducing waste and minimising adverse impacts upon the environment.

- 6.55 In drawing up proposals regard should be had to PPS1 (including supplement), RSS Policy ENV5, the Council's Sustainable Building – Guidance for Developers (2008) document and English Heritage Guidance on sustainable energy generation and energy efficiency in historic buildings.
- 6.56 Opportunities which the Council strongly recommend potential developers to consider include:
- The sustainable management of construction and demolition waste including the re-use of demolition materials as aggregate where possible;
  - New build residential dwellings to achieve Code for Sustainable Homes (CSH) level 3 (from 2010), level 4 (from 2013) and level 6 (from 2016). New build multi – occupancy buildings which are not covered by CSH, such as sheltered housing, care / nursing housing and student accommodation, should be assessed under the BREEAM Multi – Residential Standard and achieve a 'excellent' rating as a minimum;
  - Bio-climatic design, including the need to take advantage of solar heat and light for heating, lighting and ventilation;
  - Research the opportunities to introduce renewable or low – carbon energy technologies;
  - On new build properties the Council will seek a 30% reduction in surface water run – off. This can be achieved through Sustainable Urban Drainage (SuDS) techniques such as permeable paving and grey water recycling. Should SUDS be proposed it is recommended that the developer contact Yorkshire Water on matters of design and adoption;
  - Provision of sufficient internal and external waste storage space on a plot by plot basis to enable segregation of waste for recycling;
  - The introduction of high speed broadband to facilitate home working. Home working reduces the need to travel to work and the amount of traffic on the roads, thereby reducing congestion and carbon emissions.
  - Reduction of transport related energy use through a permeable urban form that facilitates and encourages walking, cycling and the use of public transport.
  - Within higher density forms of development, such as apartments, the provision of cycle storage facilities; and
  - The creation of a wildlife-rich living environment which protects existing wildlife but also enhances biodiversity through the use of native species planting.
- 6.57 The approach to sustainable design should be detailed within the Design and Access Statement or Planning and Sustainability Statement supporting any planning application.

## Environmental Considerations

### *Ecology*

- 6.58 Although the ecological walkover undertaken in 2008 determined that the site principally comprises managed species poor amenity grassland which is of low ecological value it also identified that the site has the potential to support bats within buildings and trees. Planning applications should be supported by a Biodiversity and Assessment Report including a bat survey undertaken by a suitably qualified and licensed ecological consultant. This should include an inspection of buildings and trees and a bat activity survey. If bats are found to be present on the site appropriate mitigation measures will be required, these should be discussed and agreed with the Council's ecology officer. Prior to demolition or construction works involving the disturbance or handling of bats the requisite licences must be secured from Natural England.

### *Ground Contamination*

- 6.59 A preliminary desk based study has identified that the potential for contamination is limited although there are areas of made ground that warrant further examination of the site. Planning applications should be supported by a Phase I Geo – environmental Assessment to determine the presence and extent of any land contamination. This should be accompanied by an Outline Remediation Strategy if ground contamination is found.

### *Noise*

- 6.60 Filey Road is a principal route into Scarborough that experiences high levels of traffic flow. Highway traffic is a generator of noise pollution. Planning applications should be supported by a Noise Assessment to determine the existing noise environment and to assess whether the proposed development would experience any adverse effects. If necessary, this should include details of appropriate mitigation measures.

### *Utilities*

- 6.61 The site is served by gas, water, electricity and foul / surface water infrastructure located within Filey Road. An electricity substation is located within the site to the eastern boundary. The capacity of this infrastructure and its ability to accommodate development proposals should be discussed with the relevant utility providers. If deficiencies are identified developers will be required to fund relevant upgrades. The opportunity to relocate the substation could be explored. A Foul Sewage and Utilities Infrastructure Statement should accompany any planning application.

### *Flood Risk*

- 6.62 The site is located within Flood Risk Zone 1 as defined by the Environment Agency. This is the lowest risk category with a probability of less than 1:1000 of flooding in any year. However, as it measures greater than 1ha in extent a Flood Risk Assessment is required under the provisions of PPS25.
- 6.63 This should include a drainage impact assessment to demonstrate how a 30% reduction in surface water run-off compared to the existing site can be achieved. Within this,

appropriate allowance should be made for increased surface water volumes associated with climate change.

## **7.0 Development Brief – Indicative Proposals**

- 7.1 This section presents an indicative proposal for the development of the site which has been prepared by the Planning Services Unit drawing upon the issues and principles identified in Section 5.0 and 6.0. The illustrative proposals are not intended to be prescriptive and are presented here for information only. They demonstrate how the site could be developed and may be refined following the consultation process. They also act as a guide to potential developers; however, the form of development eventually constructed will be determined through the submission of a planning application to the Council as Local Planning Authority.
- 7.2 Figure 7.1 illustrates the potential distribution and orientation of development and how access may be achieved. A notable constraint that will determine access arrangements and the amount of developable land will be the perimeter trees and the extent of the tree root protection area.
- 7.3 Further to the above, Figure 7.2 illustrates a potential siting arrangement taking into account the guidance set out within the Weaponness Character Appraisal and Management Proposals (2007) document. It demonstrates that there is the flexibility to introduce built development of varying sizes whilst also achieving a consistency with the form of existing adjacent development.

Figure 7.1: Illustrative proposals – opportunities and constraints

Figure 7.2: Illustrative proposals – indicative layout



## **8.0 Bringing Forward Development Proposals**

### **Planning Performance Agreement**

- 8.1 The site is in Council ownership and its development forms part of a wider project involving the release of other Council owned sites, the development phasing of which will not be concurrent with that of Filey Road. The mechanism for its delivery is likely to be complex. Due to these considerations the Council will seek to enter into a Planning Performance Agreement with potential development partners which will cover the wider project.
- 8.2 A Planning Performance Agreement (PPA) is a framework for the management of complex development proposals within the planning process. It sets out an agreed project plan and programme which defines the roles and responsibilities of each party and the funding necessary to resource the project and determine planning applications to a firm timetable. The Council expect planning applications to be ‘front loaded’, with extensive consultations undertaken prior to a formal submission to the local planning authority.
- 8.3 This project management approach encourages a transparent and efficient process from which all parties will benefit. It will be particularly useful in defining and clarifying the role of the Council in its capacity as land owner and potential development partner. Early dialogue with the Council on PPA Project Scoping is advised.
- 8.4 Further information on PPAs can be found in the ‘Implementing Planning Performance Agreements Guidance Note’ (2008) published by the Advisory Team for Large Applications (ATLAS) in consultation with the Department for Communities and Local Government.

### **Phasing**

- 8.5 A phasing mechanism for the wider project would form one of the requirements of the Planning Performance Agreement (PPA) relating to this site. It is also likely to form part of a Section 106 legal agreement. This is in addition to any development agreement drawn up in connection with the sale and / or transfer of the sites to developers / development partners.
- 8.6 To secure the continuity of sports and leisure provision for the residents of the town this phasing mechanism will ensure that the redevelopment of the Filey Road sports facility does not take place until such a time that the development of the multi-use sports and leisure facilities at Weaponness Valley has been completed.
- 8.7 With respect to the phasing of development at Filey Road developers are encouraged to liaise with the Council on a sequence that minimises disruption to local residents, the highway network, ecological assets and visual impact upon the Conservation Area. It is expected that the conversion and refurbishment of the pavilion building would take place at an early stage in the sequence in order to secure the future of the building and ensure that its integrity is protected following the demolition of connecting and adjacent structures. An indicative phasing schedule should be outlined within the Design and Access Statement accompanying any planning application. Further phasing requirements may be set out in planning conditions / obligations.

## **Design Review**

- 8.8 In assessing development proposals the Council seeks to utilise external organisations that can provide independent, impartial and specialist advice on matters relating to architecture and design. These may include the Yorkshire Design Review Service managed by Integreat Plus and ARC the architecture and built environment centre for Hull and the Humber region. It is recommended that draft proposals are submitted for design review at the pre – application stage. The feedback should be outlined within the Design and Access Statement along with an explanation of how the proposal has evolved in response (in addition, this should also include reflection upon comments received during pre – application consultation with statutory consultees and the local community).

## **Planning Conditions and Obligations**

- 8.9 Where appropriate, the Council will impose planning conditions and / or utilise Section 106 legal agreements (or other planning gain capture mechanisms such as the Community Infrastructure Levy (CIL)) in order to secure the delivery of key aspects of the development and / or financial contributions for works outwith the site.
- 8.10 Further to the preparation of detailed proposals it is advised that developers liaise with the Council and other key stakeholders to establish the scope of contributions which will be sought. If a developer seeks to negotiate on the nature and scope of planning obligations on the grounds of financial viability a robust justification, supported by a detailed financial appraisal, must be submitted to the Council.
- 8.11 The key areas where planning conditions and obligations may be sought include:

### *Affordable Housing*

- 8.12 The Affordable Housing SPD indicates that applications involving 15 or more dwellings shall normally incorporate 40% on site provision (70% social rented / 30% intermediate). Institutional care / nursing homes and student accommodation are not subject to an affordable housing requirement. However, proposals for all other forms of care and retirement accommodation (e.g. sheltered housing or extra care) which are self contained will be treated as applications for dwellings and affordable housing will be sought.
- 8.13 The 40% level of provision may be negotiable through the viability procedure included in the Affordable Housing SPD. It would normally be expected that the 40% level of provision would apply equally to each of the sites containing residential development. If the developer wishes to distribute affordable housing unequally between the sites an appropriate justification would need to be demonstrated.
- 8.14 Planning policy guidance advises that affordable dwellings should generally be ‘pepper – potted’ in small clusters throughout a development to reduce a sense of social exclusion. However, it is recognised that in this instance density restrictions may affect the ability to ‘pepper – pot’; in particular this may not be practical if large detached properties are introduced. The mix of affordable dwellings in terms of type and tenure should reflect local needs. It should be noted that the Housing Market Assessment showed that the greatest need in the Borough is for social rented housing.

### *Open Space, Sport and Play Provision*

- 8.15 With respect to the sports component this would take into account the potential improvement of facilities proposed by any linked applications on other sites. A commuted sum payment towards the creation / improvement of off – site facilities would be required in lieu of, or a shortfall in, on – site provision. The commuted sum will be calculated in accordance with the guidance provided in the Negotiation of Play, Greenspace and Sports Facilities in Association with New Housing Developments SPD.

### *Education*

- 8.16 In formulating proposals developers must liaise with the Local Education Authority to determine whether the form and quantum of development will give rise either in the short or long term, to a demand for school places.
- 8.17 If there is, or will be, insufficient capacity in local schools and no additional capacity is programmed by the Local Education Authority, then the proposed housing development imposes a burden or ‘planning loss’ on the community which the developer will be required to resolve through commuted sum payments. In this eventuality, the threshold for contributions to education facilities for primary school places will be 25 dwellings or more, and for secondary school places 150 dwellings or more (dwellings of a type that children could occupy). Contributions will not be sought where a development would not generate a demand for additional school places. Therefore, sheltered accommodation for the elderly and *bona fide* student or accommodation would be exempt.

### *Transport*

- 8.18 Developers may be required to implement / provide commuted sum payments towards any highway infrastructure (on – site or off – site) improvements that arise out of any development proposal. In the interests of sustainable travel, commuted sum payments may be sought with respect to the improvement of public transport facilities along Filey Road. Subject to the form and quantum of development a Travel Plan for may also be required. This would need to accord with the principles set out in the Travel Plans SPD. Early liaison with the Council and the Local Highways Authority (North Yorkshire County Council) is recommended.
- 8.19 Other aspects which would be likely to be subject to planning conditions and obligations include possible commuted sums for S106 monitoring, education, tree protection, ecological mitigation, drainage, building materials and hard and soft landscape treatments.
- 8.20 In order to preserve the character of the Conservation Area permitted development rights are likely to be wholly or partially removed from the completed development by means of a planning condition or an Article 4 Direction.

### **Planning Application Requirements**

- 8.21 On the basis that the site is located within a Conservation Area, includes heritage assets and accommodates extensive tree cover the Council consider that the submission of an application for the whole site for full planning permission would be required. This will have to be accompanied by the necessary Conservation Area Consent application for demolition works.

- 8.22 In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 an Environmental Impact Assessment (EIA) screening opinion should be submitted to the Council. This will determine whether there are any environmental effects that would necessitate the submission of an Environmental Statement. Even if it is decided that EIA is not necessary for the Filey Road site its cumulative impact may need to be taken into account if an Environmental Statement is prepared for the Weaponness Valley site.
- 8.23 The Validation Checklist, which is available on the Council's website, sets out the national and local requirements for the information to be submitted within the planning application package. If an EIA is required, then some of these documents may be subsumed within the Environmental Statement.
- 8.24 With respect to the national requirement for a Design and Access Statement it is considered that this document should include particular reference to design, massing, appearance and architectural detailing in order to demonstrate how the proposal respects, protects and enhances the distinct character of the area and the setting of the Conservation Area.
- 8.25 In addition to the national requirements the following documents are in all likelihood considered to be essential:
- Flood Risk Assessment;
  - Foul Sewerage and Utilities Assessment;
  - Biodiversity Survey and Assessment Report;
  - Sports Impact and Open Space Assessments;
  - Phase I Geoenvironmental Assessment;
  - Outline Remediation Strategy (if required);
  - Structural Survey (of grandstand and pavilion);
  - Hard and Soft Landscape Treatment Plans (including materials and species);
  - Schedule of Materials (for buildings)
  - Planning and Sustainability Statement;
  - Affordable Housing Statement;
  - Heritage Statement;
  - Planning Obligations / Draft Heads of Terms;
  - Statement of Community Involvement (see Section 9 for further details);
  - Transport Assessment;
  - Tree Survey / Arboricultural Implications Statement;
  - Topographical Survey; and
  - Architectural drawing package, including cross section drawings showing finished site and slab levels.
- 8.26 Conservation Area and Listed Building Consent (if applicable) applications are subject to their own separate requirements as detailed in the Council's Validation Checklist.
- 8.27 Other documents may be requested depending on the form and use of development proposed. The precise form and content of planning applications will need to be agreed with the Council and other appropriate statutory agencies and enshrined within the PPA.

8.28 Developers should note that pre – application advice by Scarborough Borough Council planning officers is now subject to charges, full details of which can be found on the Council’s website.

## 9.0 Community Involvement

9.1 This consultation draft of the Brief has been prepared to specifically engage with the public, developers and other key stakeholders on how the Filey Road Sports Centre site should be redeveloped. It has been prepared alongside the Briefs for the former Seamer Road Stadium site and Weapონness Valley and should be considered in the context of these documents.

9.2 The consultation process will last for an 8 week between 13 June 2011 and 8 August 2011. During which time comments will be invited on the content of the Brief from members of the public and all other interested parties. Full copies of the Brief will be available to view on the Council's website ([www.scarborough.gov.uk](http://www.scarborough.gov.uk)) and at Scarborough Town Hall (St Nicholas Street, Scarborough), Scarborough Library (Vernon Road, Scarborough), Evron Centre (John Street, Filey) and Eastfield Community Association Centre (High Street, Eastfield). Comments can be submitted via a short questionnaire available at these locations or on the Council's website. Any other comments and letters will be welcome and can be sent to the Council via the following address:

Planning Services  
Scarborough Borough Council  
St. Nicholas Street  
Scarborough  
North Yorkshire  
YO11 2HG

9.3 In order to obtain a cross-section of views a representative sample of Borough Council residents will also be asked to complete the questionnaire as part of a focus group survey.

9.4 Public exhibitions will be held at Scarborough Town Hall, Filey Road Sports Centre and Falsgrave Community Resource Centre at dates to be arranged. The exhibitions will be advertised on the Council's website and in the local press. Planning officers from the Council will be available to discuss the redevelopment of the sites and answer any questions. Everyone interested in the future development of the sites is invited to attend.

9.5 As the document has been prepared to take account of the full range of service areas for which the Council has corporate responsibility the following agencies and organisations will be consulted (this list is not exhaustive):

- North Yorkshire County Council;
- Local Enterprise Partnerships;
- University of Hull (Scarborough Campus);
- Environment Agency;
- Natural England;
- Sport England;
- National Governing Bodies (NGBs) of each relevant sport;
- Yorkshire Water;
- Highways Agency;
- North Yorkshire Police;
- NHS North Yorkshire and York;

- Northern Electric Distribution Ltd;
- Northern Gas Networks Ltd;
- Scarborough Civic Society;
- Parish Councils;
- Organised Sports Clubs and Societies; and
- Other community and special interest groups.

9.6 In order to obtain wider feedback from the local community, including professional and business interests, the Brief will be presented to the Scarborough Town Team and Urban Space Group during the consultation process. It is intended that a focus group survey of residents will also be undertaken.

9.7 Subject to consideration of the results of this consultation exercise, Scarborough Borough Council, in its capacity as Local Planning Authority, intends to adopt this document as a development management tool. It will be used to shape the nature and type of any applications for planning permission and inform the subsequent decision-making process.

### **Stakeholder Consultation on Planning Applications**

9.8 Procedures for engagement with the local community and stakeholders should form a key component of the PPA. It is considered that developers will engage with the Council, statutory consultees and the local community at pre – application stage in order to identify key issues (in particular Sport England and the relevant NGBs). This consultation should be carried out in accordance with the Statement of Community Involvement (SCI). It is expected that the process and outcome of the consultation will be documented within a ‘Statement of Community Involvement’ and submitted as part of the planning application package.

9.10 Once submitted, a planning application would be subject to the statutory requirements for publicity and neighbour notification carried out by the Borough Council, as set out in the SCI.

## **Alternative Document Format**

If you require the document in an alternative format it can be made available in large copy print, audio cassette, Braille or languages other than English formats please contact: Planning Services, Scarborough, YO11 2HG Tel: 01723 383642

E-mail: [planningservices@scarborough.gov.uk](mailto:planningservices@scarborough.gov.uk)