

	REPORT TO PLANNING & DEVELOPMENT COMMITTEE TO BE HELD ON THURSDAY, 11 March 2021	
APPLICATION REFERENCE NO: 20/01696/FL	TARGET DATE: 16 February 2021	GRID REF: 489018-509181

REPORT OF THE PLANNING SERVICES MANAGER – PSM/21/42

SUBJECT: Erection of 9 no. flats at Old Bata Site High Street Ruswarp Whitby YO21 1NJ for R S T Jay Ltd

1.0 THE PROPOSAL

1.1 The application proposes the erection of a two storey building with accommodation in the roof space, providing 9 no. residential flats on three floors. It is understood the site was previously use as a coal yard in association with the neighbouring railway station, but more recently was occupied by a BATA store. Following demolition of the BATA store the site has been operated as a storage and distribution depot by a local business.

1.2 The site lies within the defined development limits of Ruswarp with open countryside to the north east. Its south east boundary abuts the railway line and platform of Ruswarp Station, with the station house and the site's access onto the High Street to the south west of the site. Ruswarp Primary School and its associated playground lies to west of the site. The building is set some distance from the highway, with its nearest elevation (south west facing) being some 37.0m distant from the carriageway edge of High Street.

1.3 Four flats are proposed at ground and first floor level, with a further flat proposed within the roof space. 4 no. flats are proposed as three-bedroom units, with 5 no. flats proposed to have two-bedrooms. The footprint of the building is roughly rectangular with an overall length of 23m and a depth of 21m.

1.4 The building has been designed to sit centrally within the site, with an access road, turning area and car parking provided to serve the flats together with grassed and landscaped areas. Some 15 car parking spaces are shown on the block plan, the majority of these being placed on the northern side of the building. The building is set away from the shared boundary with the railway line to the south east by some 7 - 9m. The walls of the building would be finished in a mix of natural stone and render with slate and pantiles proposed to the different roof pitches. The choice of materials and the design approach has generally been employed to keep the overall height and massing of the building to a practical minimum. The extent of the footprint of the building and its siting is largely dictated by services that run underground through the site.

2.0 SCREENING OPINION REQUIRED?

2.1 No.

3.0 PRE-APPLICATION COMMUNITY ENGAGEMENT

3.1 None.

4.0 CONSULTATIONS AND COMMENTS

The following is a summary of the key and relevant comments received from consultees and interested parties. Their full comments and any accompanying documentation are available to view on the Council's website.

4.1 Parish Council - No objections.

4.2 Highways Authority - The principle concern regarding this application is that it should not compound the existing problems regarding parking on the High Street near the primary school and the level crossing. The HA anticipate that the provision of 15 parking spaces will be sufficient to meet the demand for the development.

The access to the site is via an existing dropped kerb access across the public footway and through another plot of land that is not shown as part of the site but is shown as being under the control of the applicant. For drivers coming out of the access onto the High Street, vision will often be obscured by parked cars. However, the amount of cars using this access compared with the previous and existing use that the site holds is expected to be reduced overall.

It is simpler if the access can be gained to a property directly from the publicly maintainable highway rather than having to obtain rights of access across 3rd party land. It would be preferred that this application site and the access to the High Street could be conditioned to remain ancillary to each other. If the two sites were under different ownership, the access arrangements would be a private matter.

There are no local highway authority objections to the proposed development.

4.3 Environmental Health - No objection on environmental health or housing grounds.

4.4 Network Rail - With reference to the protection of the railway, Network Rail has no objection in principle to the development, but sets out some requirements which must be met, some of which are proposed to be the subject of conditions.

4.5 Drainage Engineers (SBC) - I have reviewed the above application and subject to the proposals in the drainage report and flood risk assessment being implemented I have no objection from a land drainage point of view.

4.6 Lead Local Flood Authority - No comments received.

4.7 Publicity - Expired on 11 February 2021.

Representations in support of the proposal have been received by two local residents, making the following points:

1. Whilst the use by BATA and Noble Recycling has been carried out on a very professional basis it will be beneficial to the village to finally have this area returned to residential use. I live directly opposite the entrance to this site and can remember it as the railway coal yard back in the 1960s. This will be the final step in its development.
2. The block looks aesthetically pleasing and having seen the developments carried out by the developer I am confident it will be a quality development.
3. We have no objections to these plans. They will be an asset to the village. This small development will increase the number of people who will use local businesses, but it is not too big to swamp the village

A number of comments have been received from a local resident and Whitby Civic Society, making the following points:

1. I further note that there seems no provision for affordable housing nor an obvious contribution to village amenities in the development proposal when I understand it is Local Authority policy to seek both when considering applications in villages.
2. Given the Government's strong encouragement for new developments to contribute to beautiful place-making, Whitby Civic Society is disappointed that the application is architecturally unambitious and uninspiring. If approved, we suggest that there should be conditions respecting safe access to the road, usable outdoor space, e-vehicle charging points, and the use of sustainable energy.

5.0 RELEVANT SITE HISTORY

5.1 There is no relevant history for the site, although its historic use is considered to be primarily Class B8 (Storage and Distribution).

6.0 PLANNING POLICY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of The Town and Country Planning Act 1990 require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise (in the case of advertisement applications the Advertisement Regulations 2007 are applicable). Attention is drawn to the following Development Plan and other planning policies and guidance which are considered to be particularly relevant to the consideration of this application:-

Scarborough Borough Local Plan 2017

- DEC 1** - Principles of Good Design
- DEC 2** - Electric Vehicle Charging Points
- DEC 3** - The Efficient Use of Land and Buildings
- DEC 4** - Protection of Amenity
- DEC 5** - The Historic and Built Environment
- HC 2** - New Housing Delivery

ENV 3 - Environmental Risk

SD 1 - Presumption in Favour of Sustainable Development

SH 1 - Settlement Hierarchy

National Planning Policy Framework

NPPF12 - Achieving well-designed places

NPPF2 - Achieving Sustainable Development

NPPF5 - Delivering a sufficient supply of homes

Scarborough Borough Supplementary Planning Documents

None relevant

Local Planning Policy and Guidance

None relevant

7.0 ASSESSMENT

7.1 It is considered that the main issues concerning this planning application are:

- Principle of Development
- Design Issues
- Impact on Setting of Ruswarp Station (Grade 2 listed building)
- Residential Amenity
- Protection of Railway Infrastructure during works
- Flood Risk and Drainage.

Principle of Development

7.2 The sites within the development limits of Ruswarp and is a brownfield site. At present the site is commercial in character being mainly concrete surfaced and used as a storage and distribution depot. The site was previously occupied by a steel portal framed building when it operated as a BATA store.

7.3 It is considered that in principle the site is suitable for redevelopment to a residential use, removing a commercial site that does not necessarily sit comfortably within its context, particularly in relation the adjacent historic station building and the neighbouring primary school. This part of Ruswarp is largely residential in character with commercial uses positioned some distance to the south east across the railway line and the River Esk. The site already benefits from an access to the public highway, via land lying between the station building and the school. The Highway Authority has confirmed that it raises no objection to the proposed development. Subject to the consideration of the proposal against other relevant policies of the local plan the proposed re-use of the site for housing is considered to be sustainable development which accords with Policies SD1, SH1 and HC2 of the Local Plan.

Design Issues

7.4 During pre-application discussions with your Officers, a number of design principles were agreed. Firstly, that the proposed building should be no higher than the neighbouring Ruswarp Station building, which is a Grade 2 listed building, with the element of the building closer to the neighbouring being slightly lower if possible, in terms of roof ridge heights, allowing the impressive chimneys of the station building to remain the dominant feature when viewing the existing and new buildings together. Secondly, that the building should be set back from the boundary with the railway platform, again to ensure the station remained the dominant building from the platform.

7.5 It was also agreed that a traditional approach should be adopted to the external design of the property, with the building appearing to be made up of a number of different elements to reduce its massing. The approach adopted is considered to have the character of a small factory/mill building with the factory/mill owners house attached, which has been converted to residential flats. The dominant elevation material is proposed to be natural stone with stone heads and cills to window openings. A number of gables are proposed in a rendered finish to add visual interest and to lessen the visual bulk of the building. The larger element of the building is proposed to be roofed in terracotta coloured clay pantiles with grey slate tiles to the smaller element (closest to the station house, which also has a slate covered roof, with walls of natural stone).

7.6 The siting of the building in a central location on the site is considered helpful in reducing its dominance in views from the north, east and south, when it would be seen in conjunction with the station building, ensuring it would be viewed as deferential to its historic neighbour. Its siting away from the shared boundary with the railway allows for a landscaped area to be established that will over time soften views of the property from the public footpath that runs alongside the railway line, along its eastern side.

7.7 Whilst the Civic Society's comments are noted, it is considered that the development is visually appropriate for its context and that the design has been arrived at through pre-application discussions which focussed on the opportunities and constraints that the site provided, whilst taking account of its context, particularly that of the neighbouring listed station building. The proposal is considered to represent good design and accords with Policy DEC1 of the Local Plan.

Impact on Setting of Ruswarp Station

7.8 Ruswarp Station was built around 1850, in a Tudor style designed by G.T. Andrews. Its elevations are a mix of coursed rubble and ashlar dressings, under slate roofs. The listing description notes its impressive chimneys, including a single and double external chimneys, plus a triple ridge chimney all with moulded octagonal stacks. The building was originally built for the Yorkshire and North Midland Railway Company.

7.9 In terms of the considerations relating to the planning application, the LPA has a duty under S.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a listed building or its setting, in considering whether to grant planning permission for development which affects the building or its setting.

7.10 The proposed building would sit some 15.0m away from the listed building and would be viewed behind or alongside the listed building in the main public views of the site from the High Street, and the public footpath and railway line running to the east and south east of the site. In views from the east from the footpath the building would be set back in relation to the listed building so that the listed building would continue to be read as the dominant structure in relation to the railway line. In views from the south and south west from High Street the building would sit behind the listed building, and with its ridge height set in line with that of the listed building, with the impressive chimneys of the listed building sitting in the foreground, the proposed building would appear to be a visually submissive neighbour. The use of natural stone, slate and pantiles, with rendered elements would ensure the building would be visually appropriate in relation to the listed building and the wider settlement. Given these factors it is considered that the proposal would not have a harmful impact on the setting of the listed building and may improve it by redeveloping a site that has been in commercial use for many years and was formerly occupied by a portal framed industrial building.

Residential Amenity

7.11 Policy DEC 4 of the Scarborough Borough Local Plan states that planning proposals should not give rise to unacceptable impacts through an overbearing effect on neighbouring properties, overlooking and the loss of privacy, disturbance from noise, light pollution or other activities, emissions, overshadowing or the loss of natural light.

7.12 Given the separation distance between the proposed development and the nearest residential property (Ruswarp Station), the location of the proposal north of the station and the relationship between the existing and proposed properties it is not considered that any unacceptable impacts would arise to residential amenity through overbearing effect, overlooking and loss of privacy or loss of natural light. The residential occupation of the development, once construction works have been completed, should not result in unacceptable impacts through disturbance and light pollution, from vehicles entering and leaving the site and manoeuvring within it. The proposal is therefore considered to accord with Policy DEC4 of the Local Plan.

Protection of Railway Infrastructure during works

7.13 Network Rail has advised that all surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. All soakaways must be located so as to discharge away from the railway infrastructure. Network Rail advises that the following points need to be addressed:

- There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
- All surface water run-off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.

7.14 Network Rail recommends that the approval of a surface water drainage strategy addressing the above points should be conditioned as part of any approval.

7.15 Network Rail also recommends that a condition be imposed requiring the details of all excavations/ earthworks carried out in the vicinity of Network Rail property, as well as the siting of any temporary structures during the construction works should be included in a method statement for approval by Network Rail. A condition is recommended regarding the submission of full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence. In addition, conditions are recommended regarding landscaping with advice on trees and shrubs that are acceptable and unacceptable for planting in close proximity to railway infrastructure and also external lighting to avoid glare impacting on train drivers.

7.16 In addition, Network Rail advises that all operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports. Before occupation of the flats appropriate barriers are recommended to avoid vehicles manoeuvring within the car park from breaking through to the railway line.

7.17 In terms of information to future residents Network Rail has asked that new residents have level crossing safety leaflets included in their information/welcome packs. An informative to this effect has been included as part of the recommendation at the end of this report.

Flood Risk and Drainage

7.18 The application has been accompanied by a Flood Risk Assessment (FRA) and percolation tests to demonstrate that surface water can be drained via the ground. The FRA advises that the site lies within the extensive flood plain of the River Esk.

7.19 The historic 1 in 100 flood level for the River Esk is 4.51m AOD. The site levels of the application site vary from approximately 4.46m AOD at the north-east corner to 4.93m AOD to the south-west corner. Unfortunately the FRA contains an error in the proposed floor level for the ground floor flats, which only came to light as the report was being finalised. The issue is to be discussed with the Council's Drainage Engineers to determine the level at which the floor level should be set in order to give an appropriate safeguard against flooding in a significant storm event. It is anticipated that Members can be updated on this matter at the meeting.

7.20 In terms of drainage, 76% of the existing site (which has an area of 1744 sq.m) is covered in hardstanding (1324 sq.m), with surface and foul water running to a combined main drain. The proposed footprint of the building and hard surfaced areas serving the flats will be less than the hard surfaced area that presently covers the site, at around 1069 sq.m (at reduction of coverage to 61%) with the surface water proposed to be drained to ground, via soakaways. Percolation tests have been carried out to demonstrate that the site is one that can be drained to ground. The Council's Drainage Engineers have confirmed that the proposals are satisfactory subject to being built in accordance with the approach set out in the FRA.

8.0 PRE-COMMENCEMENT CONDITIONS

8.1 Pre-commencement conditions are proposed in relation to the issues to be agreed with Network Rail. The applicant's agent has agreed these in principle.

POSITIVE AND PROACTIVE STATEMENT

The proposed development as submitted is in principle acceptable, but there are certain aspects where additional details need to be agreed and implemented and/or specific safeguards need to be put into place. The Local Planning Authority acted proactively by attaching planning conditions which can adequately address such matters.

RECOMMENDATION

The PERMISSION BE GRANTED, subject to conditions to cover the following matters:

1. List of approved plans and documents
2. External materials for buildings and hard surfaces
3. Drainage details
4. Finished site and floor levels
5. Boundary fencing details
6. Barriers for railway protection
7. Method Statement for works adjacent railway infrastructure
8. Measures for soundproofing
9. Details of external lighting
10. Details of landscaping
11. Electric vehicle charging points
12. Car parking and turning to be provided before occupation.

David Walker

Background Papers:

Those documents referred to in this report.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT MR M P WHITMORE ON 01723 232475 email Marcus.Whitmore@scarborough.gov.uk



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