

# SCARBOROUGH BOROUGH COUNCIL

## PLANNING & DEVELOPMENT COMMITTEE

At a meeting to be held at **13.00** on **Thursday 10/11/2022**  
The Council Chamber, Scarborough Town Hall, Scarborough

### AGENDA

Please note that this meeting may be filmed for live or subsequent broadcast via Scarborough Borough Council's website on the internet. At the start of the meeting the Chair will confirm if all or part of the meeting is to be filmed. The images and sound recording may be used for training purposes by the Council. Generally the public gallery is not filmed. However, by entering the Council Chamber and using the public seating area you are consenting to be filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes.

If you have any queries regarding this please contact the Monitoring Officer.

- 1. DECLARATIONS OF INTERESTS** (Pages 1 - 2)  
Members are reminded of the need to consider whether they have a disclosable pecuniary, prejudicial or other (personal) interest to declare in any items on this agenda. Details of any interest must be declared at the start of the meeting or as soon as any interest becomes apparent during the meeting. The attached form must also be completed. Any advice required should ideally be sought before the day of the meeting.
- 2. MINUTES** (Pages 3 - 8)  
To approve as a correct record and sign the Minutes of the meeting held on Thursday 06/10/2022 (minutes attached).
- 3. PUBLIC QUESTION TIME**  
Public questions of which due notice has been given and which are relevant to the business of the Committee.
- 4. PLANNING APPLICATION - (22/01604/FL) CHURCH FARM, SPEETON 22/228** (Pages 9 - 32)  
To consider:-
  - i. a planning application for the erection of nine dwellings, with associated access and infrastructure, following the demolition of existing agricultural buildings.
  - ii. a report of the Head of Planning (reference 22/228 attached).

[View Plans and Documents](#)

**5. PLANNING APPLICATION - (22/01701/FL) 12 CARLTON ROAD, FILEY 22/227** (Pages 33 - 44)

To consider:-

- i. a planning application for the demolition of commercial properties (B1) and the erection of 6 dwellings (C3).
- ii. a report of the Head of Planning (reference 22/227 attached).

[View Plans and Documents](#)

**6. PLANNING APPLICATION - (18/00470/FL) LAND NORTH OF BOTANY WAY & DISCOVERY WAY, WHITBY 18/140** (Pages 45 - 60)

To consider:-

- i. a planning application for fifteen industrial/warehouse units with associated roads, parking and landscaping.
- ii. a report of the Head of Planning (reference 18/140 attached).

[View Plans and Documents](#)

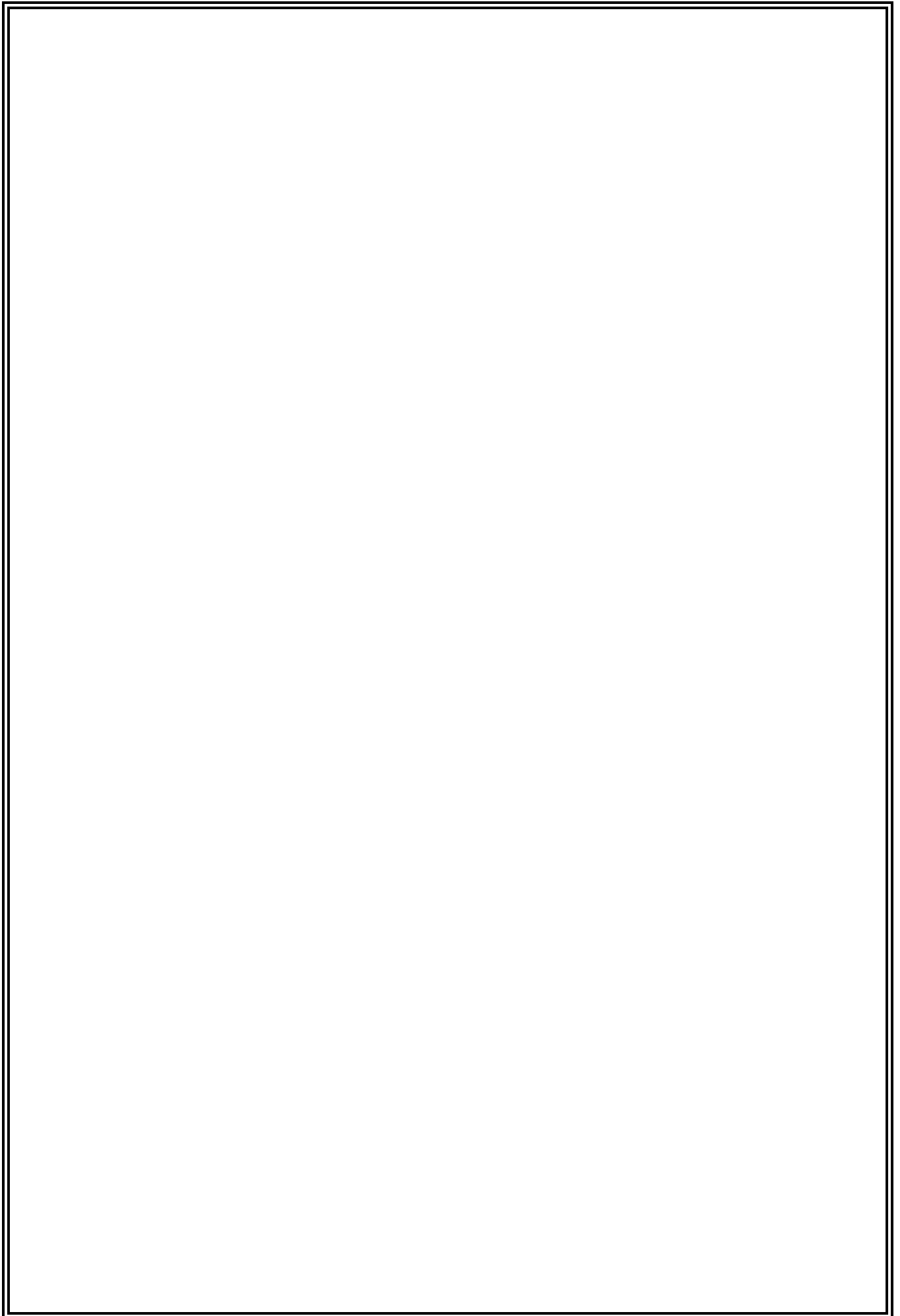
**7. PLANNING APPLICATION - (21/02303/RG3) NORTH BAY, SCARBOROUGH 22/8** (Pages 61 - 68)

To consider:-

- i. a planning application for the demolition of a footbridge over the North bay miniature railway for Scarborough Borough Council.
- ii. a report of the Head of Planning (reference 22/8 attached).

[View Plans and Documents](#)

***(N.B. If you have any questions, need further information about the meeting or require special facilities in order to attend, please contact James Mowbray, Electoral & Democratic Services Officer, Town Hall, St. Nicholas Street, Scarborough – 01723 232307 or e-mail [james.mowbray@scarborough.gov.uk](mailto:james.mowbray@scarborough.gov.uk). (If you wish to register for public speaking please e-mail [planning.services@scarborough.gov.uk](mailto:planning.services@scarborough.gov.uk) or telephone 01723 384314.)***



## NOTES

**MEMBERS' DECLARATIONS OF INTERESTS**

Name:	
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Meeting:	
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Date:	
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Agenda No & Item	
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Nature of Interest:	
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*If you are uncertain whether you have an interest, please seek officer advice before the meeting.*

Is the interest:

a disclosable pecuniary interest?

personal and non-prejudicial?

personal and prejudicial?

(Please put an X against the appropriate interest and email to the Clerk for the meeting)

## NOTES

## PLANNING & DEVELOPMENT COMMITTEE

At a meeting held on Thursday 06/10/2022

Present:-

Councillor S. Sharma (Chair);

Councillors C. Pearson, R. Swiers, T. Norton, P. Riley, G.W.L. Smith, W. Forbes, G. Goodberry, P. Kershaw, W. Chatt, R. Maw, J.E. Mortimer and J. Nock

### CHAIR'S OPENING REMARKS

The Chair invited all those present to stand in silence as a mark of respect following the death of Committee Member, ward member for Scalby and former Mayor, Councillor Hazel Lynskey.

#### 1. DECLARATIONS OF INTERESTS

There were no declarations of interest.

#### 2. MINUTES

**RESOLVED** that the minutes of the meeting held on Thursday 08/09/2022 be **APPROVED** and signed by the Chair.

#### 3. PUBLIC QUESTION TIME

No public questions were received.

#### 4. PLANNING APPLICATION - (21/02412/FL) LAND TO THE REAR OF THE GRANGE, HIGH STREET, BURNISTON 22/207

The Committee considered:-

- i. a planning application for the erection of fifty dwellings with associated open space, car parking and vehicular access to the rear for Mulgrave Developments Ltd.
- ii. a report of the Head of Planning (reference 22/207).

Correcting the report the Planning Officer clarified that the proposed structures would be made of reconstituted stone or render, as opposed to buffed bricks; as had been stated in the report. The Planning Officer confirmed that delegated authority was being sought to clarify some of the conditions with the applicant and these would include a condition relating to the protection of a neighbouring tree.

Following the presentation the Chair invited Sophie Williams, an agent, to speak on behalf of the application.

The Committee expressed some unhappiness regarding the affordable housing allocation on site.

A query was raised regarding access to a farm neighbouring the site. The Planning Officer confirmed that farm access already existed and that the farm was accessed away from the application site. The Planning Officer went on to confirm that vehicular access to the application site would only be made from High Street. The Planning Officer acknowledge that he would check what arrangements were in place for the pedestrian access point but that they would seek to ensure it was only for pedestrians.

Members did express approval of the range of designs contained within a relatively small estate but a query was raised regarding the monies requested by North Yorkshire Clinical Commissioning Group to assist with servicing the medical needs of the area's increased population. To the latter point the Planning Officer confirmed that the figures outlined in the report were arrived at using standard NHS formulae.

**RESOLVED** that planning permission be **GRANTED** subject to completion of the S106 agreement with delegated authority to Officers to ensure the conditions are satisfactorily fine-tuned and to ensure that access to the farm track to the west is pedestrian only.

**5. PLANNING APPLICATION - (22/01073/FL) LAND ON THE NORTH SIDE OF WOODLANDS DRIVE, SCARBOROUGH 22/204**

The Committee considered:-

- i. a planning application for the erection of a building for ambulance maintenance and preparation, paramedic welfare accommodation, officers and training facilities, with associated substation, roads and parking for Yorkshire Ambulance Service NHS Trust.
- ii. a report of the Head of Planning (reference 22/204)

Updating the report the Planning Officer outlined comments received from Environmental Health (they had raised no objections during the consultation phase). Environmental Health were not objecting to the proposal now, but were concerned about the testing of sirens in service bays. The Planning Officer was able to confirm that given the distances between the application site and other properties Officers felt the imposition of a condition requiring the use of sirens only to be undertaken in the service bays with the doors closed and a management plan for other service operations would provide for adequate protection from such noise. Environmental Health also requested that a further condition be imposed regarding the remediation of contamination owing the fact that the site is a former landfill area. The Planning Officer also reported that the condition listing all the approved plans needed some revision as some of the plans were not included in the condition.

Following the Planning Officer's report Members were broadly welcoming of the application, however, a couple of points were raised. Firstly, surprise was registered at the limited consultation response received by Yorkshire Water owing to the view by Members that the surrounding area was susceptible to flooding. Secondly, it was felt by Members that "keep clear" signs in the vicinity of the application site would have little impact on congestion in the area and could not be expected to substantially tackle the wider issue of congestion in that part of Scarborough. The Planning Officer responded that they would be happy to pass Members comments to Yorkshire Water but that flooding was not an issue for this particular development.



**RESOLVED** that planning permission be **GRANTED** with delegated authority to Officers to finalise the conditions, with the two additional conditions relating to use of the service areas and site contamination.

**6. PLANNING APPLICATION - (21/02161/FL) 24 VERNON ROAD, SCARBOROUGH 22/206**

The Committee considered:-

- i. a planning application for the construction of a multi-storey apartment building with parking and associated access for Wright Investments.
- ii. a report of the Head of Planning (reference 22/206).

The consideration of this application followed a site visit on Tuesday 04/10/2022.

Updating the report the Planning Officer made a couple of corrections. Firstly, the report stated that £322,500.00 was being sought as an affordable housing contribution. The correct figure was £280,723.00. Secondly, the Planning Officer explained how paragraph 1.7 of the report could read as though the fire statement was in hand and under consideration by the Health & Safety Executive. The Planning Officer confirmed that this was not in hand and was therefore not yet under consideration by the Health & Safety Executive.

Providing further updates to the report the Planning Officer provided comments that had been received from the Lead Local Flood Authority after the publication of the report. The LLFA required further information. The applicant had demonstrated that the site was not suitable for soakaways. Yorkshire Water, the statutory undertaker, were happy for surface and foul water to drain into the adjacent combined sewer at a rate of nine litres per second. The applicant had confirmed that their scheme would meet that figure.

Following the Planning Officer's report the Chair invited John Wyatt, an agent, to speak on behalf of the application.

Members were complimentary about the application and appreciative of the site visit that had been held earlier in the week. Having taken that opportunity to see the application site Members now queried where responsibility would fall in the event that the distinctive parking mechanism was to falter. The Planning Officer confirmed any such occurrence would be the remit of the management company or of the freeholder of the building. While a management plan was being requested regarding the handling of onsite waste the Committee also requested that a management plan be provided for the upkeep of the site's novel parking solution.

While the Committee's response to the application was mostly positive the Membership registered alarm with a potential proposal of the North Yorkshire Police, Fire & Crime Commissioner to reduce the number of fire engines covering the North Yorkshire coast overnight from two engines to one. The Membership suggested that the Health & Safety Executive ought to be made aware of this proposal when making their professional consideration. However, the Chair did not feel this was necessary and that the Health &

Safety Executive could be relied upon to keep themselves informed of any such proposals. However, as part of the resolution the Planning Services Manager requested that Officers be granted the ability to reject the application if standards were not felt to meet the expectations of the Health & Safety Executive.

**RESOLVED** that planning permission be **GRANTED** subject to:

a) the conditions set out in the report, plus additional conditions as deemed necessary following receipt of the Health & Safety Executive's comments on the applicant's latterly submitted Fire Statement;

b) the completion of a Section 106 Agreement to secure:

- an affordable housing financial contribution
- an contribution towards NHS primary care services local to the site;
- a green space contribution.

OR, if b) is not met and/or the Health & Safety Executive responds to its consultation on the applicant's latterly submitted Fire Statement with objections that cannot be addressed by planning condition, the Committee granted Officers delegated authority to refuse the application on the grounds that:

- 1) no legal agreement is in place and thus the proposal fails to deliver affordable housing and open space provision in accordance with the Local Plan and relevant Supplementary Planning Documents; and/or
- 2) the applicant's Fire Statement is inadequate.

**7. PLANNING APPLICATION - (22/01354/FLA) LAND OFF GREEN LANE, WHITBY 22/214**

The Committee considered:-

- i. a planning application for the variation of condition 2 (plans) on decision 19/02258/FI, to allow changes to house types and the relocation of a substation and solar panels to the roofs for Wharfedale Homes Limited.
- ii. a report of the Head of Planning (reference 22/214).

Having left the room during the presentation and debate of this item Councillor Nock took no part in the determination of this item.

**RESOLVED** that delegated authority be **GRANTED** to approve the application subject to:

- a) the conditions as set out in the Officer's report;
- b) no new and substantive issues being raised in the remainder of the consultation period;

c) the completion of deed of variation to bind this new amended planning permission to the Section 106 Agreement allied to the planning permission granted by Inspector under reference: APL/00011/21.

**8. DEED OF VARIATION APPLICATION - (22/01175/DOV) LAND OFF GREEN LANE, WHITBY, YO22 4JP 22/205**

The Committee considered:-

- i. a request to vary a S106 obligation associated with 19/02258/FL – planning application for the erection of 62 dwellings, granted at appeal for Wharfedale Homes Limited.
- ii. a report of the Head of Planning (reference 22/205).

Having remained away for the Council Chamber for the presentation and debate of this item Councillor Nock took no part in the determination of this agenda item.

**RESOLVED** that the variation to the terms of the Section 106 agreement be **APPROVED**.

**9. PLANNING APPLICATION - (22/00609/FL) VICTORIA SEAVIEW HOTEL, 125-129 NORTH MARINE ROAD, SCARBOROUGH 22/209**

The Committee considered:-

- i. a planning application for the change of use of a hotel (C1) and owner's accommodation (C3) to fourteen self-contained apartments (C3) with associated alterations to the front access, canopies and signage and the installation of replacement rear windows in uPVC for JARK101 Limited.
- ii. a report of the Head of Planning (reference 22/209).

**RESOLVED** that permission be **GRANTED** subject to a signed S106 unilateral undertaking, the conditions set out in the report and an additional condition for proposed waste management arrangements for the development.

**Chairman**

## NOTES

 <p style="margin: 0;"><b>SCARBOROUGH</b> BOROUGH COUNCIL</p>	<p><b>REPORT TO PLANNING &amp; DEVELOPMENT COMMITTEE</b></p> <p><b>TO BE HELD ON THURSDAY, 10 November 2022</b></p>	
<p><b>APPLICATION REFERENCE NO:</b></p> <p><b>22/01604/FL</b></p> <p><b>Corporate Aims</b> <b>Better Lives, Better Homes, Better</b> <b>Places, Brighter Futures, Better</b> <b>Council</b></p>	<p><b>TARGET DATE:</b></p> <p><b>4 October 2022</b></p> <p><b>Extended date:</b> <b>14 November 2022</b></p>	<p><b>GRID REF:</b></p> <p><b>515027-474676</b></p>

## REPORT OF THE HEAD OF PLANNING – HOP/22/228

**SUBJECT: Erection of 9no dwellings, with associated access and infrastructure following demolition of existing agricultural buildings at Church Farm Main Street Speeton Filey North Yorkshire YO14 9TD for Mr T, Mrs J and Miss P Coleman**

### 1.0 THE PROPOSAL

1.1 The application site comprises of two parcels of land within the village of Speeton, part of the wider farmstead of "Church Farm". The site currently comprises of modern agricultural buildings, a brick built barn that is the subject of a "Class Q" prior notification for conversion to a dwelling, a chalk barn and the dwelling house "The Cottage". A further agricultural building, a field to the north of the site and the dwelling house of "Church Farm" are also within the applicants ownership and will be unaffected by the proposals. Church Farm is currently a working farm, but this will cease if planning consent is granted. The applicant has other agricultural buildings elsewhere and will continue to use these and land for the farming operations and live in the existing dwelling on the site.

1.2 In terms of the topography of the site, it is reasonably flat, rising gently from east to west before levels reduce again towards Chapel Lane. The site is currently accessed via Main Street and Chapel Lane, with Main Street having 2 access points, one for the existing agricultural buildings and one for the dwelling and further agricultural buildings to the rear.

1.3 The proposal seeks the erection of 9 dwellings, with garaging, parking, associated access and infrastructure following the demolition of existing agricultural buildings. During the course of the planning application, brick tumbling has been included on the gable ends for Plots 1, 2, 3, 5 and 6. Furthermore, space within each curtilage has been provided for bin and cycle storage and the root protection areas shown for the trees on the grass verges adjoining the site.

1.4 The proposed general site layout are 4 dwellings fronting onto Main Street, with a further 2 dwellings fronting onto Chapel Lane, with front gardens between the roads and

the main elevations of the dwellings, with private gardens, car parking and garaging to the side and to the rear. Plots 7 and 8 are located within the northern area of the site, accessed from Chapel Lane, with Plot 7 facing onto the private driveway and field to the north. Plot 8 faces eastwards, towards the private drive and access from Chapel Lane beyond. Plot 9 is located on the existing footprint of the chalk barn to the west of The Cottage, abutting the existing vehicular access to the cottage and the garden area of Church Farm house.

1.5 The proposed dwellings are detached and semi-detached, varying in floor area and ridge height, but all being two storey. All dwellings will have dedicated car parking spaces including garages, with space also available for an electric vehicle charging point.

1.6 Six of the dwellings have been designed to have a "cottage style" appearance, facing onto Main Street and Chapel Lane. Two of the detached dwellings have been designed to be standalone in design terms. One being a three-bay 'farmhouse' and the other having a hipped roof, taking homage from "Wold-top" Victorian farmhouses and rectories. The dwelling on the site of the chalk barn (dwelling 9) will broadly follow the same form, scale, layout and architectural detail of the existing barn. Existing materials will be re-used, vertical timber boarding for the infill panels of the cart shed openings and doors and windows being painted timber.

1.7 The external walls and roofs of the proposed dwellings will be constructed in antique blend red bricks (for 6 of the dwellings) and antique white render (dwellings 4 and 8), with roofs covered in red clay interlocking pantiles (for 6 of the dwellings) and concrete slates (dwellings 4 and 8). Composite doors and uPVC windows and rainwater goods are proposed, with broader details including cills, lintels, gable chimney stacks and open fronted porches.

1.8 Three garage blocks are proposed, to be built in an antique blend red brick and dark stained timber boarding, with roofs in interlocking clay pantiles and concrete slates. Two blocks will have a hipped roof and the garage for Plot 7 will have a pitched roof. All of the garages meet the required internal measurements to be considered a car parking space (6 metres in length and 3 metres in width). There is also space within the curtilage of each dwelling for an electric vehicle charging point.

1.9 The 9 proposed dwellings comprise of:

- 2 x 2 bedroom semi-detached, 2 storey dwellings
- 4 x 3 bedroom semi-detached, 2 storey dwellings (in 2 blocks)
- 1 x 3 bedroom detached, 2 storey dwelling
- 2 x 4 bedroom detached, 2 storey dwellings

1.10 Each dwelling meets the Nationally Described Space Standards (NDSS) based upon their storeys, number of bedrooms and number of bed spaces.

1.11 In terms of the individual plots, Plots 1 and 2 (facing Main Street) form a pair of pitched roof, 2 storey, semi-detached dwellings. They would have pitched roofs, running ridge parallel to the road. Each dwelling would measure 5.8 metres in width, 8.1 metres in depth, 5.2 metres to the eaves and 7.8 metres to the ridge. They will be set back from the road by 13 metres, with a 5 metre set back from the grass verge. Each dwelling will have a timber, open fronted porch, with small paned casement windows. Plot 1 would

have a lean to garage, with a hip to the rear and timber cladding to the front. It would have a set back from the front elevation of the host dwelling by 3.7 metres, to allow for a car parking space at the front. The rear boundary between the plots and plot 7 will have a 1.8 metre high brick wall and a 1.8 metre high timber close boarded fence will delineate each plot. The plots will have a garden depth of 7 metres. Plot 2 will have 2 car parking spaces, one within the garage block and one to the front of the garage that is located immediately to the west of the plot.

1.12 Plots 3 and 4 (facing Main Street and on the corner of Chapel Lane) form a pair of pitched roof, 2 storey, semi-detached dwellings. They would have pitched roofs, running ridge parallel to the road. Dwelling 3 would be set back by 0.7 metres from 4, creating a staggered appearance in the street scene, with a lower ridge and eave height compared to Dwelling 4. Dwelling 3 will be the smaller dwelling of the pair, measuring 6.6 metres in width, 9.7 metres in depth at ground floor level, 8.4 metres in depth at first floor level, 7.7 metre to the eave and 4.5 metre to the eaves. The single storey lean to that forms the kitchen/dining area will measure 3.2 metres to the ridge and 2.4 metres to the eaves. This dwelling will have timber framed open porch, with small paned casement windows. Plot 3 will have 2 car parking spaces, one within the garage block and one to the front of the garage that is located immediately to the east of the plot. The plot would have a garden depth of 6 metres.

1.13 Dwelling 4 is the larger dwelling of the pair, with a width of 7.8 metres, depth of 8 metres, ridge height of 7.8 metres and eave height of 4.8 metres. It would have side facing windows onto Chapel Lane, with a timber framed open porch, with sash windows. It would have 2 car parking spaces, one within the garage block and one to the front that is located to the east of dwelling 3. The rear boundary between the dwellings and dwelling 5 will have a 1.8 metre high brick wall and a 1.8 metre high timber close boarded fence will delineate each plot. The brick wall will continue to the side for dwelling 4 and form an enclosed rear garden, with open space to the west that will be part of the curtilage for dwelling 4. The side boundary for dwelling 3 will be the side wall of the garage block. Dwelling 4 will have a set back from Main Street by 1.4 metres, with a set back at the side from Chapel Street of 7.4 metres. It would have a garden depth of 7 metres.

1.14 Plots 5 and 6 (facing Chapel Street) form a pair of pitched roof, 2 storey, semi-detached dwellings. They would have pitched roofs, running ridge parallel to the road. Dwelling 5 would be the smaller dwelling of the pair, with a small lean to side extension as part of the kitchen/dining roof. Dwelling 5 would measure 8 metres in width at ground floor, 6.7 metres in width at first floor, 8.4 metres in depth, 4.7 metres to the eaves and 7.9 metres to ridge. The lean to would have a setback of 4.2 metre from the front elevation of the main dwelling, with a ridge height of 3.6 metres and eave height of 2.6 metres. It would have casement windows, with a timber front canopy. Its rear and side boundary will be a 1.8 metre height close boarded fence, with the side elevation of the garage block forming the rear boundary. Plot 5 would have 2 car parking spaces, one within the garage block and one to the front of the garage that is located immediately to the east of the plot, accessed off Chapel Lane.

1.15 Dwelling 6 is the larger of the pair, with a width of 6.7 metres (10.3 metres with the attached garage), depth of 9.3 metres at ground floor, depth of 8.4 metres at first floor, ridge height of 7.9 metres and eave height of 4.7 metres. It would have a wraparound single storey rear extension and attached garage to the side. The garage will have a setback of 2.7 metres from the front wall of the main dwelling and the garage

would be accessed by a car from the rear, with the other car parking space immediately outside the garage. There would be a ground floor front facing window on the attached garage. It would have a 1.2 metre high timber palisade fence along the north, side boundary to form a boundary between the dwelling 6 and the newly formed private drive to dwellings 7 and 8. Both dwellings would have a garden depth of 10 metres.

1.16 Dwelling 7 is a detached, pitched roof, double fronted, 2 storey dwelling that would face onto the newly formed private drive and the field to the north beyond. It has the appearance of a farmhouse with its symmetrical frontage. It would be set back 7.8 metres from the northern boundary. It would have a single storey flat roof "orangery" to the rear. The dwelling would have a total width of 11.2 metres, depth of 10.8 metres, eave height of 5.2 metres and ridge height of 8.2 metres. The orangery would measure 3.2 metres to the top of the flat roof and 3.5 metres to the top of the lantern. It would have small pane, sliding sash windows with a timber framed open porch to the front. It would have 4 car parking spaces, 2 within the garage to the immediate west and 2 at the front of these garages. The garden would have a depth of between 9-11 metres, with a 1.8 metre high brick wall forming the rear and side boundaries with dwellings 1, 2 and the Class Q dwelling. The side elevation of the detached garage will form the other boundary with the rear garden.

1.17 Dwelling 8 is a detached, hipped roof, double fronted 2 storey dwelling that would be at the end of the newly formed private driveway. It would have semi-hexagonal bay windows on the ground and first floor, on the front and side elevation, with double doors to the rear. All of the windows would have small panes, with an arched door detail on the front elevation. This dwelling would have a detached, pitched roof double garage to the south east of the main dwellings, with a gravel driveway and parking for up to 4 cars. The garden would have a depth of 10 metres, with a distance of 7.6 metres from the front elevation to the side elevation of dwelling 7. The driveway to dwelling 8 would be between these dwellings, with the main outlook for the dwelling is towards the access onto Chapel Lane.

1.18 Dwelling 9 is a detached dwelling, ranging from two and single storey with its gable facing Main Street. It would form a linear building that broadly reflects the form, scale, layout and architectural detail of the existing chalk barn that will be demolished, with some contemporary additions. Existing materials will be salvaged and re-used where appropriate with new sourced to make-up any shortfall to ensure that the dwelling has the appearance of the original chalk barn, with cobble walling and red clay pantiles. This includes brick cart piers, with the additional of timber cladding with full height timber glazing incorporated as well as retaining features such as cart shed openings, pitch holes, and loose box openings. An oak entrance lobby is proposed, along with solar panels and roof lights. Some of the existing front garden of Church Farm house will be afforded to Plot 9 for parking, turning and private garden.

1.19 It is proposed that the site will be accessed via three separate points of vehicular access; two to the south of the site from Main Street and a single access point to the west of the site via Chapel Lane.

1.20 The western access along Main Street will serve four new dwellings. This existing access to the existing farmyard will be sub-divided to also provide a separate access to the dwelling approved under Class Q. The Cottage will remain accessed via the eastern access that serve the single new dwelling. Main Street is a



single carriageway two-way road which is subject to a 30mph speed limit and has a footway running along the southern side of the carriageway.

1.21 Chapel Lane will provide access to four new dwellings. The access is proposed in the same location as the existing access which currently accesses the agricultural outbuildings. The existing access will be upgraded to a suitable junction and private drive with a carriageway width of 4.1 metres. Chapel Lane is a single carriageway two-way road which is subject to a 30mph speed limit and has a footway present along the western side of the carriageway.

1.22 The existing hedgerows and post and rail fences that form the boundary of the site will be retained, with further native species hedgerow planting and fencing proposed to supplement the existing boundary treatments and provide clear separation of the plots.

1.23 Surface water from the development is proposed to be discharged via soakaways. Foul water will be discharged to the existing public sewer to the south of the site, located within Main Street.

1.24 Immediately to the north of the site is an agricultural field that forms part of the wider Church Farm holding, within the applicant's ownership. The Old Chapel (a residential dwelling) is beyond this field to the north. To the east of the site are existing agricultural buildings, the closest of which is proposed to be converted to a dwelling house under a Class Q prior notification. The chalk barn within the eastern part of the site is proposed to be demolished.

1.25 To the south of the site is the road of Main Street, with a grass verge comprising a number of trees, with residential dwellings on the opposite side of the road. To the west is the road of Chapel Lane, with residential dwellings beyond.

1.26 In terms of the planning constraints of the site, it is located within the main core of the village of Speeton, within the Development Limits of the settlement. Speeton is located between the towns of Bridlington and Filey, it is the southernmost village in the Borough and is part of the "Yorkshire Wolds" villages.

1.27 Speeton does not have a conservation area and includes buildings of varying ages. There are two listed buildings in village; the Grade II\* Church of St Leonard, 130 metres to the north east of the site and the Grade II Manor Farmhouse, located 200 metres to the southeast of the site. There are four ponds located within a 180 metre radius of the site. The site is located within Flood Zone 1 (lowest risk) and has no other designations.

1.28 In addition to the detailed plans that have been submitted, the application is accompanied by several supporting documents (available to view on the Council's website) including:

- Design Commentary prepared by Walker Graham Architects
- Ecological Appraisal by Wold Ecology Ltd
- Bat Survey by Wold Ecology Ltd
- Great Crested Newt Assessments by Wold Ecology Ltd
- Flood Risk Summary and Drainage Strategy by Andrew Moseley Associates
- Highways Supporting Statement by Andrew Moseley Associates

- Phase 1 Geo-Environmental Assessment by Alan Wood & Partners
- Planning Statement by nineteen47
- Structural Survey for the Chalk Barn by LHL Group
- Tree Survey by Tree Survey Solutions

## 2.0 SCREENING OPINION REQUIRED?

2.1 No

## 3.0 PRE-APPLICATION COMMUNITY ENGAGEMENT

3.1 None undertaken

## 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 Reighton and Speeton Parish Council - no objection.

4.2 Local Highway Authority (NYCC) - no objection, subject to conditions.

The application proposes to construct nine dwellings on the site of disused farm buildings, with two points of access. Four dwellings would gain access from a private drive access from Chapel Lane, and four dwellings would gain access from Main Street. Parking for each dwelling has been provided to comply with NYCC's Interim Guidance on Transport Issues including Parking Standards. A further dwelling is proposed for dwelling nine with a separate access and parking.

4.3 Environmental Health Private Sector Housing - no objection.

4.4 Environmental Health CRT - no objection.

The applicant has already submitted a detailed Phase I Geo-environmental Assessment and I therefore recommend conditions that a Phase II intrusive Site investigation Report should be submitted to and approved in writing by the Local Planning Authority.

Should remediation be recommended in the Phase II Intrusive Report, development shall not commence until a Remediation Strategy Report has been submitted to, and approved in writing by the Local Planning Authority. In the event that remediation is unable to proceed in accordance with an approved Remediation Strategy, or unexpected significant contamination is encountered at any stage of the process, the Local Planning Authority shall be notified in writing immediately. Following completion of any measures identified in the approved Remediation Strategy Report, a Validation Report shall be submitted within agreed timescales to, and approved in writing by the Local Planning Authority. The site shall not be brought into use until all the validation data has been approved in writing by the Local Planning Authority on completion of the works outlined in the approved Remediation Strategy Report.

4.5 Parks and Countryside Services (Ecology) - no objection.

I have reviewed the Ecological Appraisal, Great Crested Newt and Bat Survey reports submitted with the application and their recommendations are sound and thorough. The Bat Method Statement and the GCN Mitigation Strategy are a pre-requisite of licencing and they must be to Natural England's satisfaction before licences are granted, but the planning authority may wish to impose a condition that we receive a copy of these documents prior to works commencing.

Overall, the proposal may go ahead with suitable mitigation measures and method statements, and will require Natural England protected species licences for Bats and Great Crested Newt (GCN) before any clearance, demolition, excavations or heavy plant are brought on site. Given the nature of the protected species precautions in relation to site clearance, I would advise that an Ecological Clerk of Works (ECoW) is appointed for the clearance and demolition phase.

The GCN assessment is based upon two surveys in 2017 and re-assessed June 2021, which confirmed the population is still present and similar in size. Four ponds are within a close radius of the development site and together with terrestrial habitats on and around the site support a 'medium sized' population of GCN. The closest pond, 40 metres away being in the view of the ecologist the core of the population. No GCN breeding habitat will be lost as a consequence of the development.

In terms of bats, a number of day roosts of common pipistrelle and brown long eared bats are present in various buildings. Due to the relatively low numbers and the species, these are of low conservation significance. Loss of the roosts, under a protected species licence is acceptable given that mitigation i.e. alternative roosting features will be provided, more or less like for like. Six bat boxes are to be sited on the buildings close to the existing roosts to be lost.

Both the GCN and the bat licence should be secured before work starts on any part of the site.

Nesting birds use some of the buildings. Appropriate precautions should be followed, including timing constraints and nest box provision.

Some amenity planting will be associated with the development and the ecologist indicates in the GCN report that a net gain of terrestrial habitat for GCN will be created adjacent to pond 1, as part of the mitigation proposals for the licence. I am happy to take this as read, but for clarity it would be useful for the LPA to see those designs as part of the mitigation strategy.

4.6 Parks and Countryside Services (Arboricultural) - no response received.

4.7 Yorkshire Water Services - no objection, subject to conditions.

Surface water is proposed to be drained to soakaway that is fully endorsed as a means of surface water disposal.

If planning permission is to be granted, conditions should be attached to ensure that the site is developed with separate systems of drainage for foul and surface water on and off site. Furthermore, no piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed,

## 4.8 Publicity

Consultation period expired on 29th September 2022. Two comments have been received from third parties, neither objecting nor supporting the application but raising concerns. These comments are summarised as:

- The nearest bus stop is about 2 miles away, near the Dotterel and there is not an adequate footpath out of the village to this stop
- The village is located 5 miles from the nearest towns, working households may need 2 cars or more. We are very concerned that even with the provision of parking for 20 cars this may not be enough. Garages are frequently used as storage areas and visitors need to park somewhere. The roads in the village are often crowded, both by residents and walkers who frequently join the coastal footpath from Speeton. In addition, there are currently only about 50 houses in Speeton, so traffic will increase significantly with the development.
- There is no through road in Speeton. Any vehicle that comes into the village needs to turn around to leave. This includes the refuse lorry, which has to reverse up Chapel Lane to collect bins and the school bus, which also backs into Chapel Lane to turn round in order to leave the village.
- Any new development should add to strong, healthy and vibrant communities, add to the overall quality of life and be visually attractive, with good architecture and layout. However, it would be wonderful to see some covenant on these houses to stop them being bought as holiday homes, Airbnb's, or holiday lets so they and their residents can really contribute to life and community in the village.

## 5.0 RELEVANT SITE HISTORY

5.1 2009 - Alterations and extensions to redundant farm buildings and erection for new housing to create 10 dwellings; approved subject to conditions and a S106 agreement but never implemented.

5.2 2022 - Conversion of brick built barn to form a 4 bedrooomed dwelling house; permitted under Part 3, Schedule 2, Class Q of the Town and Country Planning (General Permitted Development)(Amendment)(England) Order 2015; prior approval not required.

## 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**

**ENV 6** - Development Affecting the Countryside

**HC 3** - Affordable Housing

**SH 1** - Settlement Hierarchy

**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  
**HC 1** - Supporting Housing Development  
**HC 2** - New Housing Delivery  
**ENV 3** - Environmental Risk  
**ENV 5** - The Natural Environment

### **National Planning Policy Framework**

**NPPF6** - Building a strong, competitive economy  
**NPPF12** - Achieving well-designed places  
**NPPF14** - Meeting the challenge of climate change, flooding and coastal change  
**NPPF15** - Conserving and enhancing the natural environment

### **Scarborough Borough Supplementary Planning Documents**

Residential Design Guide - SPD

### **Local Planning Policy and Guidance**

None relevant

## **7.0 ASSESSMENT**

7.1 Taking into account the relevant planning policy, consultation responses and all other material planning considerations, it is the view of Officer's that the key issues for consideration in the determination of this application are:

- A) Principle of the development, including efficient use of land and affordable housing
- B) Design
- C) Impact upon the character and appearance of the wider landscape
- D) Highway safety
- E) Ecology
- F) Neighbouring amenity
- G) Drainage
- H) Land contamination
- I) Other matters
- J) Conclusion

A) Principle of the development

7.2 Local Plan Policy HC2 (New Housing Delivery) states that proposals for new housing development will be permitted within the defined Development Limits of settlements where in accordance with other policies in the Local Plan. The site is located within the Development Limits of the village of Speeton that is also identified within the settlement hierarchy of the Local Policy SH1 (Settlement Hierarchy) as a "Rural Village".

7.3 The village of Speeton has limited services and links to public transport, whilst facilities within the village are a church and play area. The development is on an existing farmstead within the village that is within the Development Limits of the settlement. The dwellings would provide a mixture of sizes of dwellings and whilst the reliance will be on car to access services, there will be other social benefits of having dwellings within the village. Consideration should also be given to a planning permission from 2009 (that granted the redevelopment of the site for 10 dwellings (albeit now lapsed and a different scheme to this proposal, and with one more dwelling).

7.4 In terms of the demolition of the buildings across the site, they are not listed nor within a Conservation Area. Most of the agricultural buildings are modern, utilitarian in appearance and their demolition can be supported. It is regrettable that the existing chalk barn is to be demolished. However, a structural survey has been submitted that confirms the building cannot be converted and is in danger of collapsing. The existing materials will be salvaged where possible and its overall re-build will reflect its scale, form and detailed design which will be discussed in the design section of the report.

#### Efficient use of land

7.5 Local Plan Policy DEC3 (The Efficient Use of Land and Buildings) states that proposal will be required to make efficient use of land and the density of development should be in keeping with the character of the local area.

7.6 It is considered the erection of 9 dwellings, ranging from detached and semi-detached on the site is considered an acceptable density, given the size of the site and it being bounded by 2 existing roads, in accordance with Local Plan Policies HC2 and DEC3.

#### Affordable housing

7.7 The erection of 9 dwellings within the site would fall below the threshold of 11 units or more that would require the provision of on-site affordable housing in accordance with Local Plan Policy HC3 (Affordable Housing). This is also the case, with consideration of the Class Q application that has been approved for the conversion of an agricultural building to one dwelling on the site. Therefore, the total number of dwellings is 10. For the reasons explained above, it is considered that the site is not capable of accommodating more than 10 dwellings.

7.8 In light of the above, it is considered that the principle of development can be supported in this case, complying with Local Plan Policies SD1, SH1, HC2 and DEC3.

### C) Design

7.9 Local Plan Policy DEC1 (Principles of Good Design) seeks through good design to create attractive and desirable places where people want to work, live and invest, and includes the following requirements:

- i. That the proposal reflects the local environment and creates an individual sense of place with distinctive character;
- ii. That the detailed design responds positively to the local context, in terms of its scale, form, height, layout, materials, colouring, fenestration and architectural detailing; and

iii. That the proposal has taken account of the need to safeguard or enhance important views and vistas.

7.10 Furthermore, Section 12 (Achieving well-designed places) of the NPPF also sets out the requirement for good design which it describes as a key aspect of sustainable development, and seeks to create better places to live and work.

7.11 The Council's Residential Design Guide identifies that Speeton is a Wolds Fringe Village. The positive characteristics on these villages are high density, close grain historic cores, staggered frontage, simple building forms and balanced proportions with narrow layouts, dual pitched roofs, run through chimneys, plain closed eaves finish or stone tabling to gable ends. Materials and architectural details include a mix of chalk stone, brick and white rendered/painted buildings with clay pantiles, stone copings and kneelers, window cills and lintels, timber sliding sash windows and tumbled gables.

7.12 The Design Guidance also explains how the design components of character and identity, layout, streetscape and built form, density and mix, detailing, materials and landscaping, efficiency, adaptability and resilience should be considered for any new housing developments.

7.13 The site occupied by agricultural buildings and is prominent from the principal approach into the village via Wide Lane, as you turn the corner onto the junction between Main Street and Chapel Lane.

7.14 The proposed dwellings are to be laid out to address the street frontages of Main Street and Chapel Lane, with active front elevations, front gardens, with private gardens to the rear. The front gardens will be appropriately landscaped to soften the impact of the built form upon the village. There will be dwellings to the rear, accessed from Chapel Lane. Plot 7 will face onto the open countryside and Plot 8 towards Chapel Lane. Plot 9 will retain its front and side elevation with Main Street, beyond the existing dwelling of The Cottage.

7.15 Therefore, the overall site layout has resulted in active frontages for all of the dwellings and will create a strong sense of place as a new build development site. Parking does not dominant, with garaging and side parking provided for all plots. The gardens, whilst being relatively short for some plots (6 metres), are commensurate to the size of the proposed dwellings and other dwellings in the village that don't have vast rear gardens. Any Plots 1-8 all benefit from private areas to the front to create a well-spaced out layout. Achieving a higher quality frontage onto Chapel Lane and Main Street is considered more beneficial to the overall layout of the site to accept what would normally be considered substandard size gardens, failing below 10 metres in depth.

7.16 The bin and cycle storage areas have been designed to join the dwellings, garages or boundary walls, in discrete locations with a simple lean to roof design.

7.17 The layout will allow for the recently approved conversion of a traditional brick barn under Class Q to a dwelling to be more visible, given that the modern adjoining buildings are proposed to be demolished to allow the dwelling to have a rear garden and wider views from Main Street.

7.18 Density is concentrated to the site perimeter south and west (7 dwellings) to reinforce the street scene of Main Street and Chapel Lane and core of the village. The north of the site is a rural fringe and therefore density lessens with 2 detached dwellings.

7.19 The dwellings generally follow the topography of the site, their scale has been designed to complement the lower buildings of the barn to the east and existing cottages to the west to create a 'sweeping curve' of ridge heights.

7.20 The dwellings will be detached and semi-detached properties, of varying sizes and two-storeys in height. They will mainly have pitched roofs, with the larger detached dwelling having a hipped roof.

7.21 It is considered that the built form is appropriate to the sites context, given that the buildings are two-storey in scale and having a simple plan form, with balanced proportions.

7.22 The external walls and roofs will be constructed in antique blend red bricks and antique white render with roofs covered in red clay interlocking pantiles and concrete slates (dwellings 4 and 8). Composite doors and uPVC windows and rainwater goods are proposed, with cills and lintels, gable chimney stacks and open fronted porches. Window openings will be sash and casements. Rainwater goods will be black, attached by rise and fall brackets, with no barge or fascia boards. Tumbled gables are proposed to create a further sense of individuality for the dwellings, within a Wolds village

7.23 It is however considered that concrete slates are inappropriate and would have a stark, bulky appearance and therefore will not be accepted. Natural or a reconstituted slate is required for a high quality development such as this.

7.24 There are subtle detail differences between the proposed dwellings, which give each dwelling its own identity, whilst allowing them to sit together as a new cohesive development. Subject to the exact detailing and samples of the materials, it is considered that the overall use of materials are acceptable in this context.

7.25 In terms of the vehicular access points, they will be upgraded but they follow existing points. There are considered to be no objections to the ground surfacing materials, with tarmac for the private drives and turning and gravel for the car parking areas to delineate them and will help to make an attractive development.

7.26 Parking has also been restricted to the side of the dwellings or within the garages to reduce an overly dominate landscape of cars across the development site or to the immediate front of the dwellings.

7.27 The frontage of the dwellings will be remain as open grassed areas, with paved path to the front door. A condition is recommended to withdraw permitted development rights in respect of the creation of hardstanding areas to the front of plots for car parking, to ensure that the open nature of the frontage of the plots is retained.

7.28 The proposals are considered replicate some locally distinct design elements from the traditional Speeton vernacular whilst creating dwellings that incorporate some contemporary and innovative design solutions, where these enhance local character and distinctiveness.



7.29 There is considered to be no objection to the overall site layout, scale and appearance of the proposals. Given that the site has been carefully designed in a bespoke way to protect the character of the village, it is considered that special circumstances have been met to withdrawn permitted development rights from the plots.

7.30 An uncontrolled extension, alteration and provision of curtilage structures and means of enclosures could seriously harm both the character of the village and development as a whole as well as and harm the amenities of the neighbours. Curtilage buildings for cycle and bin storage have been included already for some of the plots to aide with the pressure to include such structure within gardens. An appropriate condition is recommended accordingly.

7.31 In light of the above, it is considered that the proposals respond positively to local context and complies with Local Plan Policy DEC1, the Residential Design Guide SPD and Section 12 of the NPPF.

#### C) Impact upon the character and appearance of the wider landscape

7.32 Local Plan Policy ENV7 (Landscape Protection and Sensitivity) states proposals should protect the landscaping character of an area and consider its sense of openness and relationship to existing settlement edges.

7.33 The site is bounded by open countryside to the north and east (fields), with Chapel Lane to the west, Main Street to the south and other residential development.

7.34 The development of the site is on existing areas of hardstanding and buildings. The existing post and rail fence on the north boundary will be retained, with a native species hedgerow being planted to soften the impact of the development upon the open countryside to the north. The dwellings have been carefully designed to ensure that they reflect the local vernacular of the Wolds villages and pay homage to the use of the site as a farmstead.

7.35 There is dispersed development to the north of the site, with the Old Chapel and a farmstead beyond. This proposal ensures that the character and appearance of the adjacent field, outside of the Development Limits is protected by virtue of not encroaching into this open area and maintains an open area along the northern boundary, forming the access road. Dwelling 9 will also be located on an existing footprint of a building, with the garden space being existing curtilage associated with the dwelling of Church Farm.

7.36 In light of the above, it is considered that the proposal will protect the character of the open countryside and comply with Local Plan Policy ENV6.

#### D) Highway safety

7.37 Local Plan Policy DEC1 (Principles of Good Design) states that proposals should provide suitable and safe vehicular access and suitable servicing and parking arrangements.

7.38 The Local Highway Authority is a statutory consultee in the planning process, and the Local Planning Authority is reliant on its technical expertise when assessing proposals from transport and highways perspectives.

7.39 Each individual plot is considered to have a safe access point, to ensure safe pedestrian movement around the site. Satisfactory levels of parking and turning within the site are provided to serve the development, as well as having secure cycle storage and provision for electric vehicular charging points.

7.40 The Local Highway Authority confirmed that parking for each dwelling has been provided to comply with their standards and the visibility splays are satisfactory. All dwellings will have a garage and the internal dimensions are 6 metres x 3 metres to be considered a parking space. Conditions are suggested regarding the stands for the verge crossing and the parking for dwellings to be constructed and maintained for their intended purposes.

7.41 It is considered that a development of nine dwellings will not significantly increase the volume of traffic into the village and the surrounding highway network. Consideration should also be given to the existing use of the site as an agricultural working farm that has an existing volume of traffic.

7.42 It is considered that subject to the suggested conditions from the Local Highway Authority, the proposal will not have an unacceptable impact upon highway safety and would comply with Local Plan Policy DEC1.

#### E) Ecology

7.43 Local Plan Policy ENV5 (The Natural Environment) requires development proposals to respond positively and seek opportunities for the enhancement of species, habitats and other assets.

7.44 Given that existing buildings on the site that are proposed to be demolished and the proximity of the site to 4 ponds in the village, the application has been accompanied by an Ecological Appraisal, Bat Survey and Great Crested Newt Report.

7.45 The habitats within the site comprise of hard standing, buildings, amenity grassland, hedgerow and a dwelling house. The submitted reports confirm that some of the buildings support common pipistrelle and brown long-eared day roosts and any works that will disturb, modify or permanent lose the roosts will require a development licence from Natural England.

7.46 Furthermore, due to the construction zone occurring within 50 metres of a known Great Crested Newt (GCN) population, presence within buildings at Church Farm comprising viable terrestrial habitat, a Natural England development licence will need to be obtained.

7.47 The site is suitable for nesting birds and any building or vegetation removal should be done outside of the bird besting season.

7.48 The Council's Ecologist has raised no objection to the proposal, subject to the development being carried out in associated within the recommendations within the submitted Ecological Appraisal, Bat Survey and Great Crested Newt Report. A condition

will be imposed to reflect this. Other primary legislation) Wildlife and Countryside Act 1981) will ensure that the development does not harm protected species or their habitats.

7.49 In light of the above, it is considered that the proposal complies with Local Plan Policy ENV5.

#### F) Neighbouring amenity

7.50 Local Plan Policy DEC4 (Protection of Amenity) does not allow development that would have an unacceptable impact on existing and future occupants of land and buildings. Proposals should not give rise to unacceptable impacts by means of overbearing, overlooking and loss of privacy, disturbance from noise, light pollution or other activities, emissions and overshadowing or loss of light.

7.51 The proposed layout will generally offer a good standard of amenity for future occupants. The houses comply with the national space standards. Back to back distances of at least 18 metres are achieved between new houses and their juxtaposition and other separation will avoid unacceptable levels of overlooking or overbearing impacts. The rear gardens, with some falling below the 10 metre accepted depth, are considered to be acceptable, given the width of the dwellings and also having front gardens, garages and cycle and bin storage. It is important from a visual and amenity point of view to have the dwellings facing Chapel Lane and Main Street set back with the driveway in front, to create a sense of openness and to retain the trees in the grass verges. By having dwellings closer to the front and side of the site, whilst increasing the back garden depths would have a more overbearing nature on the street scene and dwellings opposite. It is therefore considered that what would normally be considered substandard size gardens, failing below 10 metres in depth are acceptable in this case.

7.52 In terms of the impact of the proposal upon existing residents, the dwellings will not sit higher than the ridge height of the existing agricultural buildings on the western boundary of the site. Whilst the new builds will be closer to the western boundary, the grass verge, trees and roadway form a buffer between the site and the existing dwellings. The site is also located on slightly higher land than the existing dwellings on Chapel Lane. However, this is the same as the existing farmstead and buildings, with no changes to levels proposed across the site.

7.53 There is a front to front relationship between Plots 5 and 6 to the dwellings of 1 and 3 Chapel Lane, with a distance of 18 metres. There is a side to side relationship between Plot 4 and the dwelling of White Gables, with a distance of 15 metres.

7.54 There is a front to front relationship between Plot 4 to the dwelling of The Bungalow, 1 Main Street, with a distance of 25 metres. There is a front to front relationship between Plot 3 to the dwelling of Robina, 2 Main Street with a distance of 28 metres. A detached garage is on the front boundary of 2 Main Street. There is a front to front relationship between Plots 1 and 2 to the dwelling of Highbury 3 Main Street, with a distance of 32 metres. There is a side to rear relationship between Plot 6 and the dwelling of The Old Chapel with a field in between and distance of 19 metres.

7.55 Existing hedgerows and additional planting is proposed on the north, west and eastern boundaries to act as further screening between dwellings, with the existing trees on the grass verges being retained.

7.56 Plot 9 on the eastern end of the site, by virtue of its orientation and garden space afforded, will not impact upon the amenity of the dwelling of Church Farm.

7.57 It is considered that the proposal will not result in unacceptable or unreasonable impacts on the amenities of existing adjoining or nearby residents and therefore and complies with Local Plan Policy DEC4.

#### G) Drainage

7.58 Local Policy ENV3 (Environmental Risk) advises that proposals will be expected to mitigate against the implications of environmental risk and the effects of climate change. It further states that using mitigation measures such as Sustainable Drainage Systems where possible in order to facilitate development in areas of sensitive drainage and to meet the requirements of the Water Framework Directive. Development should also have an adequate provision for foul and surface water disposal in advance of occupation.

7.59 The site falls in Flood Zone 1 (low flood risk). The proposal is not considered major development and therefore the Lead Local Flood Authority are not statutory consultees in this case. Yorkshire Water have been consulted on the proposal, raising no objection.

7.60 Surface water from the development is proposed to be discharged via soakaways. An infiltration test confirms that this is possible with the ground conditions. Foul water will be discharged to the existing public sewer to the south of the site, located within Main Street.

7.61 It is considered that the site has adequate means of surface water and foul water disposal and complies with Local Plan Policy ENV3.

#### H) Land contamination

7.62 Local Plan Policy ENV3 (Environmental Risk) states that proposals should require the remediation or mitigation of contaminated land to reduce unacceptable risks to the environment through development.

7.63 The application has been accompanied by a Phase I Geo-Environmental Appraisal, which provides background data in terms of the land uses of the site and its surroundings together with details of the general geology, mining and hydrogeology.

7.64 It outlines that a Phase II intrusive Site investigation Report is undertaken and this can be secure by planning condition to ensure that there are no unacceptable risks to the environment or human health as a result of the development, complying with Local Plan Policy ENV3. Should remediation be recommended in the Phase II Intrusive Report, a Remediation Strategy Report will be required.

#### I) Other matters

## Electric charging points

7.65 Local Plan Policy DEC2 (Electric Vehicle Charging Points) states every new residential property with a dedicated car parking space should include an electrical socket suitable for charging electric vehicles. The minimum requirement would be a single phase 13 amp socket. There is space within each plot for this requirement, and this will be required by condition.

## Light pollution

7.66 The site is located within a rural village whereby external lighting needs to be carefully considered to ensure that the overall character of the area is protected as well as protected species. The exact detail of this can be secured by planning condition.

## Refuse collection and storage

7.67 Each dwelling has space for 2 refuse bins, provided as a lean-to structure as either part of the bike store structure or sited close to the 'back door' for the dwelling. Two bin collection points are also shown on the submitted site layout plan, one at each access point to the site.

## J) Conclusion

7.68 Following the above assessment and comments that have been received from statutory consultees, it is considered that the development can be accommodated in this location, without significant impact upon the character of the village, an unacceptable impact upon highway safety, neighbouring amenity, ecology and can be adequately provide a means of foul and surface water disposal. The application is therefore recommendation for approval, subject to the following conditions.

## 8.0 PRE-COMMENCEMENT CONDITIONS

8.1 There are no pre commencement conditions recommended.

## POSITIVE AND PROACTIVE STATEMENT

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including Local Development Framework Policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

## RECOMMENDATION

1 The development hereby approved shall be undertaken in accordance with the following drawings unless otherwise required or specified by other planning conditions required or otherwise approved in writing by the Local Planning Authority:

Site Location Plan 01F, Proposed Floor Plans and Elevations - Plot 7 06A,  
Proposed Floor Plans and Elevations - Plot 8 07A - all received 5th August 2022.

Proposed Site Plan 02F, Proposed Floor Plans and Elevations - Plots 1 and 2 03B, Proposed Floor Plans and Elevations - Plots 3 and 4 04C, Proposed Floor Plans and Elevations - Plots 5 and 6 05B, Proposed Site Elevations 08F and Proposed Garages 13A - all received 27th October 2022.

Reason: To avoid doubt.

2 Notwithstanding the submitted plans, prior to the external walls of the development hereby approved being first constructed, the following samples shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in full prior to the dwelling being first occupied:

Dwellings and garages

- Bricks
- Roof tiles (concrete tiles are not acceptable)
- Render
- Cill and lintels
- Window units (the external face of the frame to all new windows shall be set in a reveal of a minimum of 75mm from the outer face of the adjacent walling and sash windows shall have a sliding opening mechanism).
- Timber cladding
- Rainwater goods (to be black and attached via a rise and fall bracket/spikes) with no barge or fascia boards.

Reason: Note: It is suggested that the samples of materials that are requested are delivered to site and the planning Case Officer is advised that they are available for inspection.

3 Prior to the erection of any new boundary or surface treatment, details of the proposed boundary treatment, including a schedule of materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure a satisfactory appearance and to protect the amenity of existing dwellings, to satisfy Local Plan Policies DEC1 and DEC4.

4 No above groundworks should take place until the exact details of the hard surfacing details across the site, including a schedule of materials have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity and sustainable drainage of the development in accordance with Local Plan Policies DEC1 and ENV3.

5 Prior to first occupation of the dwellings hereby approved and notwithstanding the submitted details, a full scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority.

The scheme should include the number, species, heights and positions of planting, together with details of post-planting maintenance and the trees, hedgerows

and planting that will be retained. The landscaping scheme as approved shall be implemented in its entirety within the first planting season, prior to the first occupation of the dwellings hereby approved. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme. During that period, all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the visual amenity of the development, within a rural village on the edge of the countryside and to protect the amenity of adjoining residents, in accordance with Local Plan Policies ENV6, DEC1 and DEC4.

6 The development hereby approved shall be undertaken in accordance with the following recommendations contained within the following documents unless otherwise required or specified by other planning conditions:

- Mitigation and Compensation (Section 7), Mitigation Strategy (Section 7.2) and Method Statement (Section 7.3) contained within the Bat Survey by Wold Ecology Ltd dated August 2021.

- Mitigation (Section 7) contained within the Great Crested Newt Assessments by Wold Ecology Ltd dated 2021.

Reason: To avoid doubt, in accordance with Local Plan Policy ENV5.

7 Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or amending that Order) Class F (hard standing surfaces incidental to the enjoyment of the dwelling house) shall not apply to the areas between the front and side elevations of the dwellings and the roadway other than as may be approved in writing by the Local Planning Authority following a specific application in that respect.

Reason: There are considered to be special circumstances that apply in accordance with the Planning Practice Guidance that warrant the removal of these permitted development rights. These special circumstances relate to ensuring an attractive residential environment and prevent internal roads being dominated by the appearance of cars within front garden areas. This also reflects Local Plan Policy DEC1 and Section 12 of NPPF.

8 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), none of the following developments or alterations shall be carried out without the prior written approval of the Local Planning Authority:

- (a) The erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas or raised decks;
- (b) The erection of house extensions including dormer windows, conservatories, garages, car ports, porches or pergolas;
- (c) Alterations including the installation of replacement or additional windows or doors and the installation of roof windows;
- (d) The installation of flues;
- (e) The erection of any means of enclosure.

Reason: There are considered to be special circumstances that apply in accordance with the Planning Practice Guidance that warrant the removal of these permitted development rights. These special circumstances relate to the development being carefully designed in a bespoke way to protect the character of the village and the amenity of the existing dwellings. Design of a lesser standard would not have been approved in this location. Therefore the very special circumstances have been met where the removal of permitted development rights is justified to protect both visual and residential amenity in accordance with the requirements of Local Plan Policies DEC1 and DEC4.

9 With the exception of street lighting within the adoptable highway areas, precise details of any external lighting within the private parking areas shall be submitted to and approved in by the Local Planning Authority prior to its installation. The lighting scheme shall include measures to minimise any impact through light spillage on the visual amenities of the area as well as to minimise disturbance to bats and birds.

Reason: In order to ensure areas are satisfactorily lit without unacceptable light pollution and spillage, to satisfy Local Plan Policies DEC1 and ENV3.

10 All dwellings with a dedicated car parking space within its curtilage shall be provided with an electrical socket capable of charging electric vehicles. It shall be provided before the dwelling is first occupied.

Reason: In the interests of sustainable development and to comply with Local Plan Policy DEC2.

11 The development must not be brought into use until the access to the site at Chapel Lane and Main Street, Speeton has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works" published by the Local Highway Authority and the following requirements:

The crossing of the highway verge must be constructed in accordance with the approved details and/or Standard Detail number E9A and the following requirements.

- Any gates or barriers must not be able to swing over the existing or proposed highway.
- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway must be constructed and maintained thereafter to prevent such discharges.
- Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users, in accordance with Local Plan Policy DEC1.

12 No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times



Reason: To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

13 The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

Reason: In the interest of satisfactory and sustainable drainage, to comply with Local Plan Policy ENV3.

14 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network, to comply with Local Plan Policy ENV3.

15 Should further intrusive investigation be recommended in the Phase I report, development shall not commence until a Phase II intrusive Site investigation Report has been submitted to and approved in writing by the Local Planning Authority. The Phase II Intrusive Site Report shall be prepared in accordance with Land Contamination Risk Management (LCRM) which replaced CLR11 in October 2020 and PPS23.

Reason: To ensure that actual or potential land contamination at the site has been investigated and that associated environmental risks have been assessed, in accordance with Local Plan Policy ENV3.

16 Should remediation be recommended in the Phase II Intrusive Report, development shall not commence until a Remediation Strategy Report has been submitted to, and approved in writing by the Local Planning Authority. The Remediation Strategy Report shall be prepared in accordance with Land Contamination Risk Management (LCRM) which replaced CLR11 in October 2020 and PPS23.

In the event that remediation is unable to proceed in accordance with an approved Remediation Strategy, or unexpected significant contamination is encountered at any stage of the process, the Local Planning Authority shall be notified in writing immediately. Revisions to the Remediation Strategy shall be submitted to, and approved in writing by the Local Planning Authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the development shall be 'suitable for use' and that identified contamination will not present significant environmental risks, in accordance with Local Plan Policy ENV3.

17 Following completion of any measures identified in the approved Remediation Strategy Report, a Validation Report shall be submitted within agreed timescales to, and approved in writing by the Local Planning Authority. The Validation Report shall be prepared in accordance with Land Contamination Risk Management (LCRM) which

replaced CLR11 in October 2020 and PPS23. The site shall not be brought into use until all the validation data has been approved in writing by the Local Planning Authority on completion of the works outlined in the approved Remediation Strategy Report.

Reason: To enable the Local Planning Authority to determine whether the site has been rendered 'suitable for use' and that contamination has been dealt with so as not to present significant environmental risks, in accordance with Local Plan Policy ENV3.

18 No above groundworks should take place until full details of the existing and proposed site levels and proposed finish floor levels of the dwellings, garages, garden areas and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The planning permission hereby granted gives no consent for any increase in ground levels, the construction of any retaining walls, other structures or engineering operations other than those specifically identified within the approved drawings.

Reason: To avoid doubt, minimize the impact of the development on the surrounding area and protect the amenities of the occupiers of the existing dwellings, in accordance with Local Plan Policies DEC1 and DEC4.

## Notes

1 Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site:

[https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification\\_for\\_housing\\_\\_\\_ind\\_est\\_roads\\_\\_\\_street\\_works\\_2nd\\_edition.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification_for_housing___ind_est_roads___street_works_2nd_edition.pdf)

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

*David Walker*

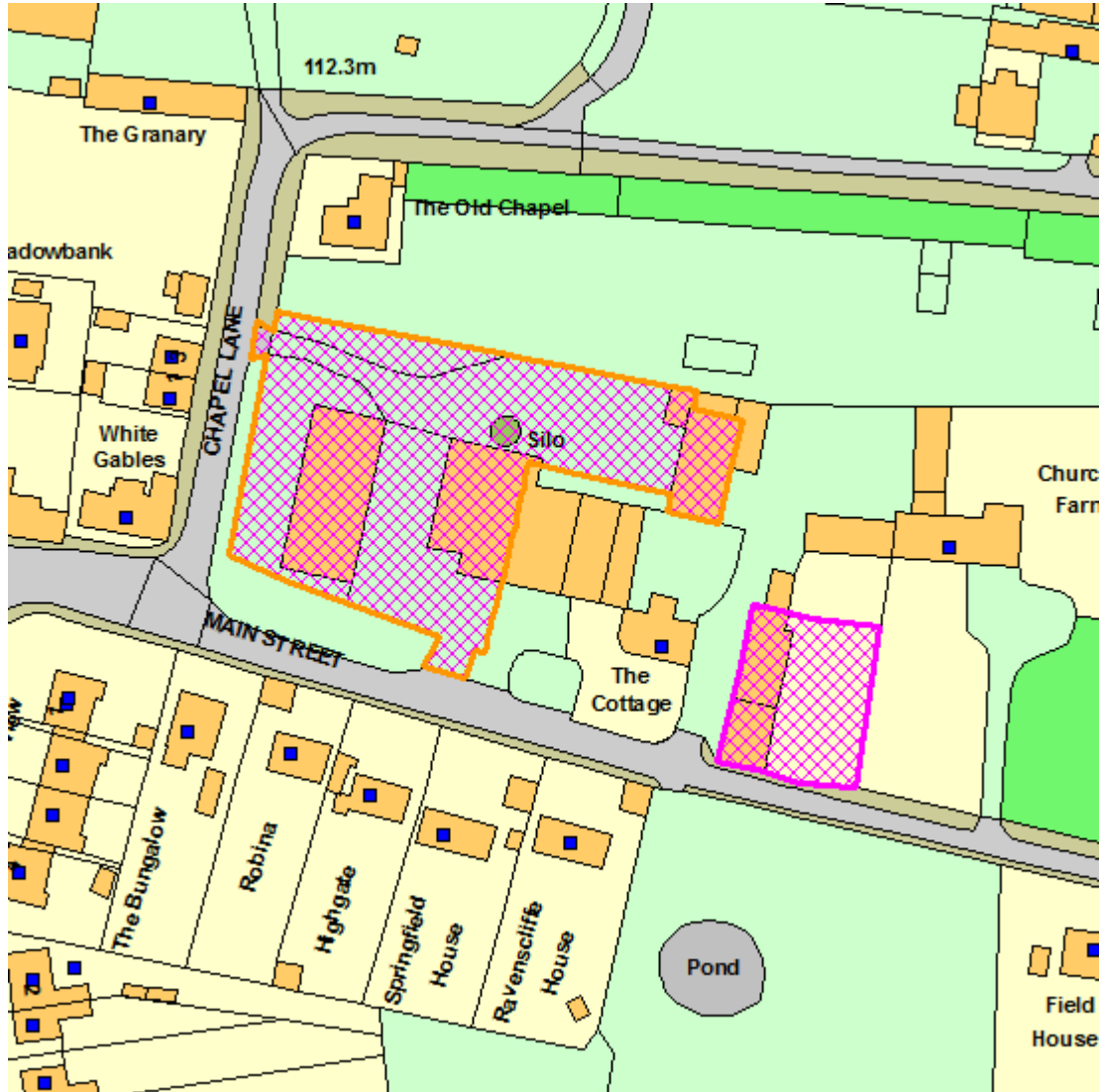
## **Background Papers:**

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 MS CHARLOTTE CORNFORTH ON 01723 232482 email [charlotte.cornforth@scarborough.gov.uk](mailto:charlotte.cornforth@scarborough.gov.uk)



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## NOTES

 <p style="margin: 0;"><b>SCARBOROUGH</b> BOROUGH COUNCIL</p>	<p><b>REPORT TO PLANNING &amp; DEVELOPMENT COMMITTEE</b></p> <p><b>TO BE HELD ON THURSDAY, 10 November 2022</b></p>	
<p><b>APPLICATION REFERENCE NO:</b></p> <p><b>22/01701/FL</b></p> <p><b>Corporate Aims</b> <b>Better Lives, Better Homes, Better</b> <b>Places, Brighter Futures, Better</b> <b>Council</b></p>	<p><b>TARGET DATE:</b></p> <p><b>13 October 2022</b></p>	<p><b>GRID REF:</b></p> <p><b>511339-480867</b></p>

## REPORT OF THE HEAD OF PLANNING – HOP/22/227

**SUBJECT: Demolition of commercial properties (B1) and erection of 6 dwellings (C3) at 12 Carlton Road Filey North Yorkshire YO14 9AW for Mr John Sawdon**

### 1.0 THE PROPOSAL

1.1 The application site is located in the centre of Filey and is currently used as a builder's yard and electrical depot by a local business. Whilst at present the site is commercial in character, the most western part of it (rear of 33-49 West Road) is grassland which is left unmanaged and left to grow. The site area is approx. 0.15ha. The site is bordered by residential development to the north, west and south, with some commercial uses at the most south easterly boundary. The site is not easily visible from public viewpoints except from the commercial building at the end of Carlton Road. The character of the immediate area is one of very dense and close knit red brick and slate Victorian housing, mostly 2 storey with further living space in the roof, small front areas behind dwarf walls and small back yards behind tall brick boundary walls (Carlton Road). To the north of the site (West Road) are semi-detached two storey houses and to the south (Birch Close) are bungalows (living for the elderly). The access point for the application site is in form of a narrow access road between existing dwellings, from West Road.

1.2 This application seeks planning permission for the erection of a block of 4No flats and the erection of 2No semi-detached bungalows following the demolition of the existing commercial properties.

1.3 Regarding the new units, the block of flats is of two storey height incorporating a pitched roof design measuring 4.9m to eaves height and 7.9m to roof ridge height. The footprint of the building is rectangular with an overall length of 17m and a depth of 13m. The four flats are proposed as two-bedroom units. The proposed block of four flats would sit on the eastern edge of the application site, adjoining the townhouses located to the north of the site (Victorian housing on Carlton Road), with the principal elevation facing Carlton Road. The building (gable end) is set away from the shared boundary to

the south by some 1.3 - 3m. The walls of the building would be finished of brick, with slate proposed to the roof. Fenestration will be double glazed uPVC.

1.4 The semi-detached bungalows incorporate a pitched roof design measuring 2.3m to eaves height and 4.5m to roof ridge height. The footprint of the building is rectangular with an overall length of 14.3m and a depth of 8.8m. They are proposed as two-bedroom units. A shared access and manoeuvring area would be created in front of the dwellings leading from a short access road to an access off West Road. This area provides car parking for all new units (12 spaces in total). Full width gardens to the rear of the dwellings are proposed, measuring approximately 35m in length and 4.8 - 8m in width for bungalow 1, and 6 - 8m for bungalow 2. The rear gardens would be divided to comprise a patio area with a garden office (mono-pitched timber structure), and lawn at the most western area where it narrows. The proposed semi-detached bungalows would sit almost centrally within the application site, with the principal elevation facing the car parking area. The gable end of the building would be set away from the shared, southern, boundary by some 1 - 2m, adjoining the rear gardens of properties on Birch Close. Along the north boundary (rear gardens of properties on West Road), a separation distance of 1.15 - 1.5m would be maintained. The walls of the building would be finished in brick, with slate proposed for the roof. Fenestration will be double glazed uPVC.

1.5 Access to the site would be off West Road via an access road between existing dwellings, adjacent to 29 West Road. The block of flats could also be accessed from Carlton Road. All 12 car parking spaces shown on the block plan feature an electric car charger. An area for bins is provided as part of the car park.

1.6 In terms of planning designations and constraints, the application site lies within the Development Limits of Filey as defined by the Scarborough Borough Local Plan (2017).

1.7 The Design and Access Statement refers to the pre-application process confirming that the applicant is happy to submit the scheme as designed. It should be noted that no pre-application advice has been sought and so no advice was given on the likely acceptability of development proposed in this application.

1.8 It should be noted that consent has been refused recently for the development of the site with a similar proposal. It is acknowledged that this scheme has a reduction in the number of units to be proposed and scale of the proposed buildings.

## 2.0 SCREENING OPINION REQUIRED?

2.1 No.

## 3.0 PRE-APPLICATION COMMUNITY ENGAGEMENT

3.1 None undertaken.

## 4.0 CONSULTATIONS AND COMMENTS

4.1 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.

4.2 Filey Town Council: No comment received to date.

4.3 Local Highway Authority (NYCC): No objections - Details submitted show access to a parking court for 12 cars provided via the existing access track from West Road with no vehicle access onto Carlton Road. The end of Carlton Road from the end of the constructed kerbed footway is not shown as publicly maintained highway and there is no formal turning area within the highway. These details meet the requirements of NYCC's "Interim Guidance on Transport Issues including Parking Standards" which requires a minimum number of off street parking spaces be provided depending on the number of bedrooms each dwelling has. Each dwelling will be allocated with two spaces. Each space must be 2.4 metres wide by 4.8 metres in length to be considered as a parking space.

The access track from West Road to the proposed parking area is narrowed by a low fenced footway, both the lane and the footway are within the red line area. The current details show the fence will be removed to allow two vehicles to pass removing the risk of vehicles reversing back into West Road. The access onto West Road is a constructed dropped kerb crossing which is suitable for a private drive access to an off street parking area.

4.4 Environmental Health Housing (SBC): No objections to the proposals on housing grounds.

4.5 Environmental Health Commercial Regulations (SBC): Request that a Noise Impact Assessment be undertaken due to the site being nearby commercial premises and close to the railway line. Also request that a full and complete Contaminated Land Risk Assessment be undertaken due to the site having a number of buildings on it which may contain asbestos and other contamination.

4.6 Drainage and Coastal Engineers (SBC): No comment received to date.

4.7 Yorkshire Water: No objections - request conditions regarding foul and surface water.

4.8 Publicity: Consultation period expired on 14 October 2022. No representations received.

## 5.0 RELEVANT SITE HISTORY

1977 - Outline Application for erection of approx. 35 lock-up garages to let (Land to rear of 29-39 West Road). Application refused on grounds of detriment to amenities of adjacent existing and proposed residential development, by reason of the increased noise and disturbance associated with development of such a scale.

2005 - Change of use from builder's yard to electricians yard (12 Carlton Road). Application permitted with conditions.

2022 - Demolition of commercial properties and erection of 9 dwellings. Application refused. It was considered that the proposal constitutes overdevelopment of the site which will result in a cramped unattractive development offering a poor standard of amenity. It was considered that the design of the proposal is neither distinctive nor responsive to its local context. In terms of scale, it was considered that the proposed buildings would be overly dominant in their setting. Consequently, the proposal was in conflict with policy DEC1 of the Scarborough Borough Local Plan which requires that good design be demonstrated and responds positively to the local context and Section 12 (Achieving well-designed places) of the National Planning Policy Framework. It was also considered that the erection of the proposed sizeable buildings in close proximity to neighbouring properties and their yards is likely to result in harm to amenity, in conflict with policy DEC4 of the Scarborough Borough Local Plan which requires that good quality development, by definition, should not result in an adverse impact on the amenities of occupiers or nearby properties.

## 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**

**SD 1** - Presumption in Favour of Sustainable Development  
**SH 1** - Settlement Hierarchy  
**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  
**HC 2** - New Housing Delivery  
**HC 3** - Affordable Housing  
**EG 5** - Safeguarding Employment Sites and Premises  
**ENV 3** - Environmental Risk

### **National Planning Policy Framework**

**NPPF5** - Delivering a sufficient supply of homes  
**NPPF11** - Making effective use of land  
**NPPF12** - Achieving well-designed places  
**NPPF14** - Meeting the challenge of climate change, flooding and coastal change

### **Scarborough Borough Supplementary Planning Documents**

None relevant

### **Local Planning Policy and Guidance**



None relevant

## 7.0 ASSESSMENT

7.1 Taking into account the relevant planning policy, consultation responses and all other material planning considerations, in Officers' view the key issues for consideration in the determination of this application are:

- A) Principle of the development;
- B) Scale, layout and overall design;
- C) Impact on the amenity of neighbouring property;
- D) Affordable Housing;
- E) Highways considerations;
- F) Drainage

A) Principle of the development

7.2 In general terms, policy HC2 (New Housing Delivery) of the Local Plan allows for the development of new housing within the defined development limits of settlements, provided the criteria of the policy are met and other planning policies are complied with.

7.3 Policy EG5 (Safeguarding Employment Sites and Premises) seeks to ensure that there is an adequate supply of employment sites and premises across the Local Plan area, all sites and premises operating in the B use classes, including those allocated for such uses will be safeguarded. Proposals that result in the loss of these sites and premises to other uses will be permitted where; a: it is clearly demonstrated that there is no reasonable prospect of the site being retained in an employment use; and b: the proposed use is compatible with the nature of surrounding uses, including both existing and planned uses.

7.4 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 to the adjacent houses and the nearby junior school. In addition, the poor access to the site makes it unsuitable for continued modern day employment use. It is noted that the site has been identified through the Scarborough Employment Land Review 2015 (ELR) as being released for non-employment uses such as housing. The ELR states that the majority of redevelopment of sites identified will take place on poor quality sites, i.e. those that are unable to meet the requirements of modern day businesses.

7.5 As the site is located within the Development Limits of Filey adjacent to other residential development, in Officers' view the site is suitable for an appropriately designed housing scheme in principle. 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, HC2 and EG5 of the Local Plan.

B) Scale, layout and overall design

7.6 Local Plan Policy DEC1 (Principles of Good Design) states that good design will be expected in order to create attractive and desirable places where people want to live,

work and invest, and to reduce carbon emissions from development. Proposals will be permitted where it can be demonstrated that the principles of good design have been followed.

7.7 Proposals should reflect the local environment and create an individual sense of place with distinctive character, the detailed design should respond positively to the local context, in terms of its scale, form, height, layout, materials, colouring, fenestration and architectural detailing and the proposal should take account of the need to safeguard or enhance important views and vistas.

7.8 In terms of the layout, this includes buildings, routes and open spaces within the development site and the way they are laid out in relation to other buildings and spaces outside the development site. There is a small gap to the north and south of the new buildings to allow for pedestrian access to rear gardens. The site is awkward in shape (narrowing in width east to west from 20m to 11m) and close to dwellings and bungalows at the southern boundary (Birch Close). Due to the site's constrained size, the width of the new buildings nearly extend the full site (north to south) potentially leaving very little spacing between the proposed dwellings and the boundaries of the site. While the proposed buildings would sit fairly close to neighbouring residential boundaries, by reducing the number of units proposed and also reducing the scale (height) of the buildings proposed, it is considered, on balance, that the proposed layout is acceptable and would not constitute overdevelopment of the site.

7.9 Turning to the designs of the buildings themselves, Members will note that there are proposed to be 2 buildings, adopting a more contemporary approach to their appearance. The proposed block of flats would adjoin the Victorian terrace on Carlton Road, but would not be taller than surrounding development. However, the proposed design of the building by virtue of the relatively shallow roof pitch and lack of architectural detail, is considered to not relate to the character and appearance of Carlton Road thus failing to reinforce local distinctiveness of the area. Whilst the use of brick and slate is supported, it is felt that a more 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 visual elements to reduce the sense of mass and introduce an appearance compatible with surrounding development.

7.10 Although the overall mass (height) of the building has been reduced when compared to the previous scheme, the lack of architectural detail would add to the visual bulk of the building and as a result the building would appear to be quite sizeable within its immediate setting, particularly when compared to other buildings on the street.

7.11 Whilst it is acknowledged that the site is located close to more modern development (West Road), the new block of flats will be read in the context of Carlton Road when viewed from all directions. Therefore, the form and character of any development should complement the terrace. The present scheme fails to do this and would be bland in appearance.

7.12 The proposed two semi-detached bungalows would sit behind the properties on West Road. The building is relatively uncomplicated in design terms and can be considered to be modest in scale. The design concerns in relation to these proposed dwellings also relate to the lack of architectural detail. Traditional detailing could also have been used on these properties to reinforce local distinctiveness of the area. Whilst this building would appear modest in scale, the area of the proposed location for the

bungalows is extremely limited and the proposed building would leave very little space between the building and the curtilage boundaries of the site. However, given the single storey nature of these dwellings, it is not considered that the proposed building would be overly dominant in its setting, particularly when viewed in relation with the neighbouring bungalows on Birch Close.

7.13 In conclusion, it is felt that overall the design of the proposals is neither distinctive nor responsive to its local context. It is considered that the elevational design approach to the buildings, particularly the block of flats, is bland and does not reflect the local character of the area. Consequently, in the view of Officers, the detailed design of the proposal is unacceptable and would have an adverse impact on the character and appearance of the area.

7.14 In light of the above, the proposal is considered contrary to Local Plan Policy DEC1 and section 12 of the National Planning Policy Framework in terms of failing to promote good design and failing to reflect the local environment.

### C) Impact on the amenity of neighbouring property

7.15 Local Plan Policy DEC4 (Protection of Amenity) expects that proposals will ensure that existing and future occupants will be provided with a good standard of amenity and that development should not give rise to unacceptable impacts such as being overbearing; overlooking and loss of privacy; overshadowing or loss of natural light.

7.16 In relation to amenity, given the proposed buildings have been reduced in size (block of flats from 10.4m height to 8m, and from two storey high to single storey), the proposed layout is considered to avoid any unacceptably overbearing/overshadowing relationships between dwellings or inappropriate levels of overlooking. The windows in the fronts and rear of the new buildings would generally only allow for oblique and/ or distant views of neighbouring property, which would not result in undue harm to amenity.

7.17 Whilst the bungalows would be close to the shared boundaries of residences immediately to the north and south of the site, given their single storey nature it is felt that the development is unlikely to result in a materially harmful impact upon neighbouring properties. It should also be kept in mind that the proposed bungalows would be lower structures than the building (workshop) currently in place in that location.

7.18 It is considered that sufficient amenity space has been secured for the proposed dwellings, providing space for drying clothes, sitting out and cycle and bin storage. The bungalows have gardens of at least 10 metres in length. The curtilage spaces will be surrounded by walls, fences or hedgerows, back gardens will be divided with timber fencing and/or hedges and will offer a reasonable level of privacy.

7.19 Notwithstanding the above, it is considered that the development would have a serious effect upon the amenity of nearby residential properties by virtue of the proposed access drive. The proposed new access drive would be adjacent to 29 West Road and to the rear gardens of properties on Carlton Road. It would serve 6 dwellings and 12 parking spaces. Such an access road would undoubtedly have an adverse effect upon the amenities of the neighbouring dwellings either side of the drive, by virtue of the

disturbance from vehicular movements. The access road as existing is 4.3m wide but there is also a fenced off footpath on the eastern side, 1.4m wide. The distance between the sidewall of 29 West Road and the access drive would be 2.5m with the access road also alongside the rear garden of No.29 (separated by a 1.2-1.9m high timber fence), and immediately adjacent to rear walls and rear gardens of properties on Carlton Road.

7.20 In light of the above considerations, it is considered that the proposal would result in an unacceptable impact upon neighbouring amenity and therefore does not accord with the requirements of Local Plan Policy DEC4.

#### D) Affordable Housing

7.21 The current application makes no provision for affordable housing as the proposal is not large enough in terms of dwelling numbers and site area to require the provision of affordable housing.

#### E) Highways considerations

7.22 Local Plan Policy DEC1 (Principles of Good Design) states that proposals need to provide suitable and safe vehicular access and suitable servicing and parking arrangements.

7.23 Details submitted show access to a parking court for 12 cars provided via the existing access track from West Road, with no vehicle access onto Carlton Road. Each dwelling will be allocated with two parking spaces, which meets the requirements of the Highway Authority's guidance. Each space must be 2.4 metres wide by 4.8 metres in length to be considered as a parking space. The access track from West Road to the proposed parking area is currently narrowed by a low fenced footway. The submitted plans show that the fence will be removed to allow two vehicles to pass, removing the risk of vehicles reversing back into West Road. The access onto West Road is a constructed dropped kerb crossing which is considered suitable for a private drive access to an off street parking area.

7.24 The Council is reliant to the expert technical advice of North Yorkshire County Council as Highway Authority on matters relating to highways and parking (they are the statutory consultee in that respect). Fundamentally, the Highway Authority has assessed the proposals from a highway safety perspective and has not objected to the scheme. Only one condition has been requested, and this would require that the related parking facilities are constructed prior to the dwellings being first occupied.

7.25 As such, subject to this condition being imposed on any planning permission, should Members be minded to permit this application, Officers consider the proposal in hand to be acceptable from a highways and parking perspective.

7.26 In light of the above considerations, it is considered that on balance, the proposal accords with the access requirements of Local Plan Policy DEC1.

7.27 If the application were to be considered favourably, a condition would need to be imposed in respect of electric vehicle charging points pursuant to Policy DEC2 (Electric Vehicle Charging Points) of the Local Plan.

7.28 As parking is provided entirely on-site, it is not anticipated that the development will significantly affect the parking provisions in the locality.

#### F) Drainage

7.29 Policy ENV3 (Environmental Risk) of the Local Plan states that development will only be permitted where adequate provision for foul and surface water disposal exists or can be provided. Section 14 of the NPPF requires Local Planning Authorities to ensure flood risk is not increased elsewhere as a result of new development.

7.30 In terms of drainage, the proposal is for surface and foul water running to an existing combined main drain (public sewer).

7.31 As the site contains less than 10 units, neither the Lead Local Flood Authority (LLFA) nor the Environment Agency have any statutory role in the planning process. Yorkshire Water has been consulted and responded with 'no objections' to the proposal however, conditions have been requested and they would require: separate systems of drainage for foul and surface water on and off site, details for discharge of surface water to be submitted prior to completion of surface water drainage works. The applicant needs to satisfy Yorkshire Water in relation to the condition of the proposed discharge point and its ability to accept the proposed new flows without increasing flood risk elsewhere. Discharge of surface water will require consent from Yorkshire Water at an agreed rate.

7.32 As such, subject to these conditions being imposed on any planning permission, should Members be minded to permit this application, Officers consider the proposal in hand to be acceptable from a drainage perspective.

#### Additional considerations

7.33 The Council's Environmental Health Officer has requested that a Noise Impact Assessment be undertaken due to the site being nearby commercial premises (garage/MOT station) and close to the railway line, and also that a full and complete Contaminated Land Risk Assessment be undertaken due to the site having a number of buildings on it which may contain asbestos and other contamination and the remainder of the site, being a brown field site, may also be contaminated.

7.34 No evidence has been supplied by the Environmental Health Officer which demonstrates that the operation of the garage/MOT station is currently problematic for residents of Carlton Road or Birch Close from a noise perspective. Your Officers consider that new residents are unlikely to suffer unacceptable noise impacts as a result of the garage's operation, and requiring a detailed noise report would be unduly onerous; on face it is unnecessary and no evidence has been supplied to the contrary. Similarly, your Officers would suggest that a contamination report is not necessary. In the unlikely event that significant contamination is encountered during construction, there are provisions in the Building Regulations for dealing with it.

#### PRE-COMMENCEMENT CONDITIONS

Not relevant.

## POSITIVE AND PROACTIVE STATEMENT

The following steps were taken in an effort to achieve a positive outcome to this planning application.

The Council encourages the completion of pre-application discussions prior to the submission of formal planning applications so that solutions to issues can be found where possible. The proposals were not subject to pre-application discussions, which the Local Planning Authority actively encourages. This limited the scope for the Authority to act positively and proactively during the lifespan of the application. The planning objections were so fundamental or would have required such significant modification, that it was concluded that refusal was the only decision which was appropriate in this case.

## RECOMMENDATION

**PERMISSION BE REFUSED**, for the following reason(s)

1 Policy DEC1 (Principles of Good Design) of the Scarborough Borough Local Plan requires that good design be demonstrated, based upon an analysis of a site and its context. Proposals should reflect the local environment and create an individual sense of place with distinctive character, the detailed design should respond positively to the local context, in terms of its scale, form, height, layout, materials, colouring, fenestration and architectural detailing.

It is felt that overall the design of the proposals is neither distinctive nor responsive to its local context. The Local Planning Authority also considers that the elevational design approach to the buildings, particularly the block of flats, is bland and does not reflect the local character of the area. A more traditional approach should be adopted to the external design of the properties to reinforce local distinctiveness of the area. Consequently, the detailed design of the proposal is unacceptable and would have an adverse impact on the character and appearance of the area.

As a consequence of the above, the proposal is in conflict with policy DEC1 of the Scarborough Borough Local Plan which requires that good design be demonstrated and responds positively to the local context and Section 12 (Achieving well-designed places) of the National Planning Policy Framework.

2 Local Plan Policy DEC4 (Protection of Amenity) expects that proposals will ensure that existing and future occupants will be provided with a good standard of amenity and that development should not give rise to unacceptable impacts such as being overbearing; overlooking and loss of privacy; overshadowing or loss of natural light.

It is considered that the access road would undoubtedly have an adverse effect upon the amenities of the neighbouring dwellings either side of the proposed access drive, by virtue of the disturbance from vehicular movements. It is considered that this development will increase activity at the location throughout the day and possibly evenings/night, resulting in disturbance to the existing levels of residential amenity

enjoyed by the neighbours. The siting of the access drive in this location would result in an uncomfortable relation with neighbours that would be harmful to their general amenity by virtue of the intensification and increase in levels of activity of the access road.

As a consequence of the above, the proposal is in conflict with policy DEC4 of the Scarborough Borough Local Plan, which requires that existing and future occupants of land and buildings are provided with a good standard of amenity, and proposals for development should not give rise to unacceptable impacts by means of, amongst other things, disturbance arising from such things as noise, light pollution and other activities.

*David Walker*

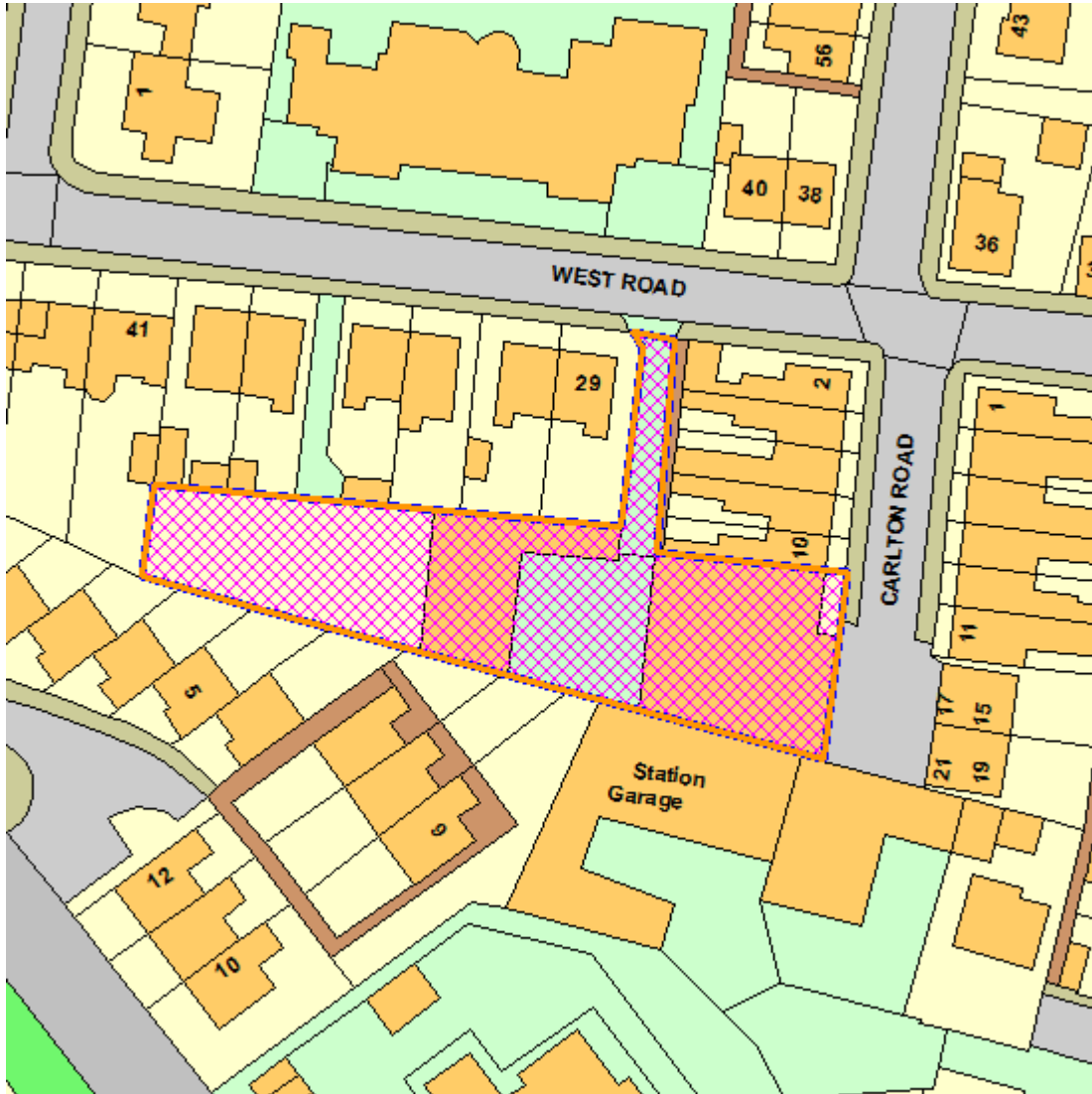
**Background Papers:**

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 MRS KATJA HARPER ON 01723 383532 email [katja.harper@scarborough.gov.uk](mailto:katja.harper@scarborough.gov.uk)



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 <p style="margin: 0;"><b>SCARBOROUGH</b> BOROUGH COUNCIL</p>	<p><b>REPORT TO PLANNING &amp; DEVELOPMENT COMMITTEE</b></p> <p><b>TO BE HELD ON THURSDAY, 10 November 2022</b></p>	
<p><b>APPLICATION REFERENCE NO:</b></p> <p><b>18/00470/FL</b></p> <p><b>Corporate Aims</b> <b>Better Lives, Better Homes, Better</b> <b>Places, Brighter Futures, Better</b> <b>Council</b></p>	<p><b>TARGET DATE:</b></p> <p><b>24 July 2018</b></p>	<p><b>GRID REF:</b></p> <p><b>490778-509627</b></p>

## REPORT OF THE HEAD OF PLANNING – HOP/18/140

**SUBJECT: 15 no. industrial/warehouse units with associated roads, parking and landscaping at Land North Of Botany Way And Discovery Way Whitby NORTH YORKSHIRE for Mr C Middleton**

### 1.0 THE PROPOSAL

1.1 The application relates to two fields covering 1.98ha on the north-western edge of Whitby Business Park. It largely corresponds to allocated Site 3 in the Whitby Business Park Area Action Plan (AAP). The site measures 198m at its maximum east to west. The equivalent north to south measurement is 140m on its western boundary and this reduces to 33m at its narrower eastern end.

1.2 Access to the land is currently obtained via a farm track which leads from the A171 (Stainsacre Lane) adjacent to the entrance of East Whitby Primary School. The proposals show access being obtained via a different route, namely the recently constructed road (Botany Way) within the Business Park at the south-west site corner. The north-western part of the site (where the existing field access is located) is the lowest part of the site. There are slopes down to a small watercourse on the western boundary, but the eastern, central and southern parts of the site form a reasonably level plateau.

1.3 To the west and north are open agricultural fields. Beyond the field to the west are the primary school and residential areas of Whitby. On the north-eastern edge of the field to the north is a tree belt, while to the north-west there are distant views towards Whitby Abbey, which is 1.6 km away. Existing Business Park premises are located to the south, most notably a County Council depot and offices, as well as one of the business starter units recently constructed by the Borough Council off Botany Way. To the east lies a smaller parcel of undeveloped land, which is also part of the AAP Site 3 allocation, through which the Spital Beck watercourse flows. Beyond this is the part of the Business Park falling within the boundaries of the North York Moors National Park.

1.4 The application has been amended a number of times since it was originally submitted. The recent most plans show a continuation of Botany Way from the south-

western corner. The road splits into two cul-de-sacs - one to the east serving proposed business units 1-6, and the other to the north serving proposed business units 7-16, occupying the western half of the site.

1.5 The units are numbered 1-16 and total 15 since there is no no.13. Units 1-3 are small starter type units, each with a rectangular footprint and a floor area of 96sqm. They are situated between the southern boundary and the main access road. Unit 5 is slightly larger (120 sqm) and together with Unit 6 (369sqm) is on the northern side of the eastern spur. Unit 6 is joined to Unit 7, which is served from the western cul-de-sac. At the end of the eastern site is Unit 4, which dominates the north-eastern part of the site. With a floor area of 3,354sqm and external basal dimensions of 100m x 34m it would be by far the largest building on the site. Like most of the proposed buildings it would incorporate parking to its front and in this case would have 7 HGV spaces. The building's axis would run parallel to the northern site boundary, which would be 7m away.

1.6 The proposed business units served off the western spur road would generally be of an intermediate size. The largest of these would be Unit 7 at 512.5sqm, is on the eastern side of the cul-de-sac and together with the adjoining Unit 6 it would occupy a relatively central position within the site as a whole. Units 8 and 9 (both 309 sqm), as well as units 11 and 12 (both 289sqm), form a row at the northern end of the western spur. They line up with the larger Unit 4 to the east parallel to the north-eastern boundary at a point where the site starts to slope down to the lowest north-western corner. This lowest corner next to unit 11 is where one of two underground flood attenuation tanks would be provided beneath a visitor parking area.

1.7 Units 12, 14, 15 & 16 vary in size from 117 sqm to 312sqm and would form a row situated to between the western spur road and the western site boundary. Their southern end would directly face Botany Way as it enters the site .They would be typically 10m from the boundary formed by a watercourse and as a result the land falls away to the rear of the units. The finished floor levels of individual units in blocks 8-11 and 12-16 are stepped in response to the changes in ground levels.

1.8 The buildings on the site would be constructed with profiled metal sheeting being the main external facing material. The lower walls and shallow pitched roofs would be grey and the upper walls white. The plans only show ground floors but the height and design (including windows) would imply that in many cases that it would be subsequently possible to insert a mezzanine floor. The height of buildings would range from 6m to 14m in the case of Unit 4. The plans show retention of existing hedgerows and supplementary planting notably on the north-east and eastern boundaries.

## 2.0 SCREENING OPINION REQUIRED?

2.1 Not required - the site area is below the threshold whereby a Screening Opinion for Environmental Impact Assessment (EIA) would be required for an industrial estate development project as set out in the relevant regulations, as amended.

## 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 Highway Authority - No objections, subject to conditions. the access from Botany Way is considered of satisfactory standard to accommodate goods vehicles and the traffic likely to be associated with the proposals. The Transport Assessment undertaken by the applicant has also considered the impact of the expected additional development traffic on the junction of Cholmley Way / Stainsacre Lane and the Sainsbury's access. The modelling has shown that the junctions would continue to operate within capacity with the additional traffic generated by the development.

The proposed internal site road layout does generally meet NYCC adoption standards but should be amended to include widening on the bends to ensure heavy goods vehicles can access the site whilst maintaining 2 way traffic. Overall parking provision is well above minimum requirements and the high numbers of visitor parking bays proposed would appear unnecessary given the nature of the development. Conditions are recommended relating to the submission of detailed plans for road and footway layout, the construction of adoptable roads and footways, provision/retention approved access, turning and parking arrangements, agreement of a travel plan and a construction management plan.

4.2 Lead Local Flood Authority (LLFA) - comments awaited on the most recently submitted information. Prior to that commented that additional information was required in respect of the following:

- Revised surface water run off rate.
- Revised calculations based on the run off rate with the correct allowance for climate change.
- Exceedance plan based on the proposed finished site levels to ensure that any changes in levels do not inadvertently increase flood risk elsewhere.
- Maintenance details of proposed drainage system.

The site is in Flood Zone 1 with a low risk of surface water flooding. No overland flows cross the site. The LLFA consider this site to be greenfield. The applicant is proposing to discharge surface water to a watercourse to the west of the site. Ground conditions are not suitable for the use of soakaways or infiltration techniques. Land Drainage Consent from the LLFA may be required for works to an Ordinary Watercourse. Surface water discharge should be restricted to 8.79 l/s. The drainage network must be designed and demonstrate, that surface water flows is contained within the proposed drainage pipes without surcharge for up to the 1 in 2 year flood event, flooding does not occur on any part of the site for a 1 in 30 year rainfall event and during a 1 in 100 year rainfall event (plus climate change) in any building utility plant susceptible to water. SuDS design must ensure that the quality of any receiving water body is not adversely affected and preferably enhanced.

Pollution from surface water run-off from the development from parking areas and hardstanding areas should be mitigated against by the use of oil interceptors, road side

gullies, reedbeds or alternative treatment systems. An exceedance plan is required to show overland flow during an extreme flood event, exceeding the capacity of the proposed drainage system up to the 1 in 30 and 1 in 100 rainfall events referred to above. The applicant must check that they are working with correct catchments allowances. Temporary flood risk measures during the construction phase should be submitted to the Local Planning Authority to mitigate the impact of flooding during construction. Arrangements for the maintenance of the proposed SuDS surface water run-off attenuation features should be submitted for approval. This may be subject to a S.38 agreement with NYCC Highways and a S.104 agreement with Yorkshire Water. SuDS not to be adopted by a Water and Sewerage Company (i.e. Private) must a detailed maintenance plan for the lifetime of the development.

4.3 Yorkshire Water - no observations/comments.

4.4 Drainage Engineers (SBC) - no objections

4.5 Natural England - does comment directly on the proposals and provides standard generic guidance.

4.6 Ecologist and Biodiversity Officer (SBC) - The landscaping includes a good mix of native trees, retention of existing features such as trees and hedges and new native hedging. Details of management prescriptions or establishment for the soft landscaping is not provided and could be secured by condition or more detail provided in a revision of the landscaping scheme. I would recommend adding to the 'traditional hedgerow' planting mix some wych elm and if there are damper soils some alder buckthorn. (Both support locally noteworthy butterflies, ie White-Letter Hairstreak and Brimstone.) A rotational cutting regime for the hedgerows is recommended. The biodiversity gain on grass areas is not specified in the landscape scheme - an appropriate wildflower grassland mix will add significant value. Native or flowering / fruiting shrubs would offer some biodiversity gain. The buildings offer good opportunity for nesting or roosting features eg bat bricks, swift bricks, sparrow bricks. For buildings of significant elevation (5m or greater) the addition of integrated Swift bricks or boxes, mounted externally would be especially encouraged - I would suggest that across the site 10 such features (bat or bird boxes) could be accommodated.

4.7 Environmental Health (SBC) - no comments received

4.8 Designing Out Crime Officer (NY Police) - sets out relevant national and local guidance on designing out crime. This is an open commercial development, where it is desirable to limit access/use to employers, employees and legitimate visitors features such as rumble strips, change of road surface, pillars or narrowing of the carriageway should be used. This will help define defensible space, psychologically giving the impression that the area beyond is private. The design and layout shown and the low crime rate in the area will not make the sites permeability a factor in making the site vulnerable to crime. Routes from the car parks to receptions and delivery points should be clearly defined and benefit from as much overlooking from the reception and other occupied offices as possible. Signs that identify areas that are not open to public access can act as a reminder that unauthorised persons should be challenged. The proposed layout shows all the units to have windows on every facade providing natural surveillance of the public realm. Planting in the car parks should either have a maximum growth height of 1m or should be maintained to that height and the lowest branch of any tree should be at least 2.5m from ground level. Cycle storage should be roofed to keep

cycles out of inclement weather, appropriately illuminated and located to enable it to be seen from within the unit it serves to provide natural surveillance. The design of the stands should enable the cycle to be secured at two separate parts. Industrial buildings, should have windows, doors, shutters and roof lights fitted to a good security standard.

4.9 North York Moors National Park Authority - As the site is allocated for business use development within the Scarborough Borough Council Local Plan no objection is raised to the principle of development. The scheme needs to be assessed against the guidance set out in the Whitby Business Park Design Brief, approved in November 2016. This requires all buildings to be of a high standard of design, with attractive frontages, with attention being paid to the design of the entrance features, car parking and signage. It also requires the use of sustainable building principles, minimal low level lighting and that a landscaping scheme should accompany applications.

4.10 Northern Gas Networks - no objections, but there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly.

4.11 Northern Electric Distribution Ltd - no comments received.

4.12 Whitby Town Council - No objections.

4.13 Publicity - There were 3 rounds of public consultation relating to different layouts/proposals. The consultation period for the most recent of these expired on 29.07.2022. Apart from the responses reported above no comments have been received from the public.

## 5.0 RELEVANT SITE HISTORY

5.1 None of direct relevance.

## 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**

**SD 1** - Presumption in Favour of Sustainable Development

**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

**EG 1** - Supporting Industry and Business

**EG 3** - Employment Land Delivery

**ENV 3** - Environmental Risk  
**ENV 5** - The Natural Environment  
**ENV 6** - Development Affecting the Countryside  
**ENV 7** - Landscape Protection and Sensitivity

### **National Planning Policy Framework**

**NPPF2** - Achieving Sustainable Development  
**NPPF4** - Decision-making  
**NPPF6** - Building a strong, competitive economy  
**NPPF9** - Promoting sustainable transport  
**NPPF11** - Making effective use of land  
**NPPF12** - Achieving well-designed places  
**NPPF14** - Meeting the challenge of climate change, flooding and coastal change  
**NPPF15** - Conserving and enhancing the natural environment  
**NPPF16** - Conserving and enhancing the historic environment

### **Scarborough Borough Supplementary Planning Documents**

Transport Assessments

### **Local Planning Policy and Guidance**

**WBPAAP1** - Whitby Business Park Area Action Plan Policy 1 Presumption in Favour of Sustainable Development  
**WBPAAP2** - Whitby Business Park Area Action Plan Policy 2 Allocation of Additional Employment Land  
**WBPAAP3** - Whitby Business Park Area Action Plan Policy 3 Retail Development  
**WBPAAP5** - Whitby Business Park Area Action Plan Policy 5 Design and Appearance  
**WBPAAP6** - Whitby Business Park Area Action Plan Policy 6 Biodiversity and Green Infrastructure  
**WBPAAP8** - Whitby Business Park Area Action Plan Policy 8 Sustainable Travel  
**WBPAAP9** - Whitby Business Park Area Action Plan Policy 9 Parking  
**WBPAAP11** - Whitby Business Park Area Action Plan Policy 11 Energy  
**WBPAAP10** - Whitby Business Park Area Action Plan Policy 10 Drainage

Guidance in the Whitby Business Park Design Brief is also relevant.

## **7.0 ASSESSMENT**

### **Principle of Development and the Proposed Uses**

7.1 The site largely corresponds to Site 3 in the Area Action Plan (AAP), which in Policy 2 allocates the land for business Use Classes B1 (now Class E), B2 and B8. The proposals fit within these categories and therefore are consistent in principle with the AAP allocation of the site. A portion of AAP Site 3 to the south-east is not part of this application site and this can still be potentially accessed separately from the end of Discovery Way. Local Plan policies EG1 and EG3 seek to encourage new employment opportunities through the delivery of land allocated in the AAP. This application

therefore assists in the delivery of these objectives, subject to consideration of more detailed matters.

7.2 The site incorporates a narrow elongated triangle of land (approximately 0.3ha or 16% of the application area) along its northern edge, which falls outside the Site 3 allocation as shown on the AAP Policies Map. It also falls outside the Development Limits of Whitby indicated on the Local Plan Proposals Map. Within the boundaries of the Business Park, as defined by the AAP, Policy 1 indicates a presumption in favour of sustainable employment-related development. However, the strip along the northern edge of the application site would be classified as 'open countryside', where Local Plan policy ENV6 presumes against development unless it relates to agriculture or other essentially rural activities. For this reason, the publicity for the application stated that it is not in accord with the development plan.

7.3 Despite this, it is your officer's firm opinion that there are particular circumstances in this case why an objection should not be raised to the development the application site as a whole, including the northern strip outside of Development Limits. This is because it is the application site on the ground and not the policy proposals maps, which accurately reflects the well-established field boundaries. Especially along the western part of the northern boundary where there is greatest deviation, a mature hedgerow exists. There is no evidence of the boundary ever having been in a different position and historic maps show the field boundary in the same position since the mid 19th century at least. From a wider visual and landscape perspective, the inclusion of the land as part of the development site would not make any clear perceptible difference from public vantage points. As explained more fully later, it is considered best to have a planned extension to the Business Park, which retains and enhances well established field boundaries. For these reasons, it is concluded that an objection on these grounds would not serve any practical planning purpose, so development of the whole application site for employment generating development is in principle is considered to be acceptable.

7.4 Since the application was received in 2018 there have been changes to the Use Classes Order. The uses classes originally sought comprised B1 (offices, research & development and light industry), B2 (industry likely to cause noise/disturbance if located close to housing) and B8 (warehousing/distribution). Class B1 has subsequently been abolished and now forms part of the much wider ranging Class E, which also incorporates other 'town centre' uses, such as shops, restaurants, professional and financial services. The site would not occupy a location, which would necessarily be attractive to such uses, and permission for these has not been actively sought. Nonetheless, the Local Plan seeks to protect the viability of Whitby town centre. The AAP has made provision for such uses closer to the A171 and policy 3 of the document indicates that retail development will not be permitted unless it is ancillary or justified by means of a sequential assessment of town centre and edge of centre sites. Consequently, condition 2 at the end of this report limits those uses within Class E, which may be permissible without a separate planning permission.

7.5 In general terms, there are no residential or other pollution sensitive uses immediately adjacent to the site. There are County Council highway offices to the south, although the proximity of the highway depot and recycling centre may causes some disturbance to these already. A use deemed to be more sensitive under planning considerations is the primary school 90m away across a valley and beyond this is housing. It is therefore necessary to consider the potential impact of noisy or otherwise

unneighbourly B2 uses. At present, the occupiers of the employment units are not known, so it is unclear whether or which units could house B2 uses. As a consequence, proposed condition 3 requires that the units on the western part of the site, closer to the school, may only operate as a B2 use following the submission and assessment of a noise report prepared by a qualified acoustician. This should not unduly restrict Class B2 businesses wishing to locate on the Business Park since in addition to the units on its eastern side there are other allocated sites, which are even farther away from sensitive receptors, such as housing or schools.

#### Visual impact, landscape and design

7.6 In terms of the wider landscape, the main impacts from public vantage points would be distant and within a restricted field of vision. The most notable heritage assets potentially affected would be in the vicinity of the Abbey (Grade I listed, Scheduled Ancient Monument and within the Whitby Conservation Area). These are highly sensitive, but are approximately 1.5km away and visibility is restricted to a narrow gap between housing off St Peters Road and a tree belt. Recently approved development west off Captain Cook's Crescent may also partially intervene in due course and from this vicinity there may be a view over a distance of 800m. It is primarily the rear of the largest Unit 4 which would be distantly visible as a 100m long horizontal feature, albeit at an angle. During the course of the application, officers requested that development be moved farther from the boundary to accommodate good quality planting; hence the gap of 7m now provided. Vegetation would only partially screen the building, which would be 10.7m in height to the eaves and 14m to the roof apex. The existence of an overhead electricity line may limit the height to which vegetation may reach. However, the Business Park Design Brief acknowledges that Site 3 may accommodate slightly taller buildings due to the distance from the Abbey. The combination of the distance, angle and restricted field of vision, as well as proposed planting once established, leads officers to the conclusion that any harm from and to the setting of the Abbey and its environs would be negligible.

7.7 The other key constraint in the area is the North York Moors National Park. Despite its proximity to the east, views of the proposed development would be extremely limited. This is due to the position of an intervening tree belt and the eastern part of the Business Park, which itself lies in the National Park. The other notable public view from outside the Business Park would be from the A171 to the west when travelling out of the town. The western boundary has a well-established hedgerow, but Units 12-16 would sit at a higher level. Nonetheless, the building would be at least 80m from the A171, the field of vision would be limited and viewed within the context of other nearby buildings of modern industrial appearance.

7.8 From within the Business Park, the most visible feature would be the end elevation of Unit 16 when approaching along Botany Way, and this would be broken up by proposed planting. Otherwise the views would be self-contained from the two cul-de-sacs within the site. It is within this context that no objection is raised to parking areas to the front of buildings. With the exception of units 8-11 the impact would be diminished by planting proposals. As noted later, the visitor parking area is larger than strictly required. This is adjacent to units 8-11, so there should be scope to re-arrange the parking layout to introduce some additional planting. The proposed materials are acceptable, having regard to the Design Brief and the self-contained nature of the site. They are relatively uniform in terms of design, materials and colour, but this would lend



the proposals some visual coherence. The application is not accompanied by lighting details, but officers are satisfied that in this case this can be agreed by condition.

7.9 The proposed soft landscape treatment is also largely acceptable, with planting of native species being located in key positions to limit impacts from outside the site, such as the northern boundary and helping to break up parking areas within the site. The original layout would have had a negative impact, particularly on the hedgerow on the western boundary. The Council Ecologist is broadly satisfied with the amount and distribution of planting and has made suggestions how the ecological benefit within landscape proposals could be enhanced. Conditions are recommended to ensure that biodiversity net gain is secured, together with provision of features such as bird and bat boxes.

7.10 The Designing Out Crime Officer does not raise an objection to the overall layout, noting there is good surveillance. The visitor parking area is overlooked by Unit 12. It is mentioned that the areas to the front of buildings sometimes lack defensible face due to lack demarcation by fencing or similar features. It is also noted that there are some areas to the rear of buildings which are not secure. A condition is proposed to agree details of fencing and in assessing this officers would have regard to both visual and security considerations.

## Highways

7.11 The road network to reach the site, most notably Botany Way is of recent construction and was designed to accommodate the development of this allocated site. As originally submitted in 2018, the application did not adequately assess the impact on the wider highway network. This was addressed in a Transport Assessment through a modelling exercise and the Highway Authority (HA) is satisfied that the impact would be within acceptable limits, especially taking into account the signal controlled junction on the A171, which is close to the access to and from Sainsbury's supermarket.

7.12 There were two previous versions of the proposed layout which were not satisfactory from a highway perspective. The problems were to some extent symptomatic of a proposed overdevelopment of the site. Issues included inadequate turning facilities for large vehicles, thus increasing the likelihood of reversing onto the highway, and the absence of footways, resulting in poor highway/pedestrian safety. These concerns have now been rectified and as a consequence the HA no longer objects. It is commented that highway bends would need to be widened slightly for HGVs to meet adoptable standards. Before a decision is issued this is one of a number of points on which it is intended to obtain a slightly amended version of the proposed layout plan.

7.13 On parking, the situation has evolved from a position where there was inadequate parking to one where the HA states it is above minimum requirements. This particularly applies to visitor parking. Before a decision is issued it is intended to liaise with the Highway Authority and applicant to reduce the size of visitor car park which would then provide scope for some additional green space/planting. Both the applicant's transport consultant and the HA recommend the implementation of a travel plan. There are sometimes practical difficulties in enforcing conditions relating to travel plans, although in this case it is made more feasible because the units would be let within the context of an overall management framework. The plans as submitted only show ground floor accommodation, but the height and design implies that the buildings could

accommodate a first floor. To maintain some control over the parking situation in particular, a condition is proposed whereby planning permission would be required for the introduction of large mezzanines, but gives businesses some flexibility.

7.14 Local Plan Policy DEC2 indicates that for non-residential development, schemes proposing more than 100 parking spaces should include 2% of bays equipped with electric vehicle charging points. This equates to 2 spaces on this development and a condition is proposed to ensure that 2 visitor bays are thus equipped. These are not currently shown on the plans, but again this is an amendment that officers intend to secure before a decision would be issued.

#### Drainage and other matters

7.15 The site lies in Flood Zone 1 which is the lowest risk category. Surface water would run off to Spital Beck and its tributary on the western boundary and would eventually flow into the River Esk on its eastern side near Church Street in Whitby. The watercourse is at a markedly lower level than proposed buildings and roads, reducing potential flood risk. Since the site is currently greenfield the construction of buildings and provision of hardstanding would reduce the permeable surface area. Consequently, it is essential that suitable mitigation is provided to ensure an overall net reduction in run-off, also taking into account of the predicted impact of climate change. Two attenuation tanks are proposed and it is intended that water would be discharged into the adjacent watercourse at a controlled rate.

7.16 The LLFA previously commented that additional information is required relating to surface water run-off rate with associated calculations taking account of climate change; an exceedance plan is also required based on the proposed finished site levels to ensure that any changes in levels do not inadvertently increase flood risk elsewhere and maintenance details of the proposed drainage system should be submitted. The comments of the LLFA reported in Section 4 of this report also set out the parameters and requirements which the applicant would be expected to comply with. Additional information has been submitted by the applicant and at the time of writing this report the comments of the LLFA were awaited on this. Consequently, the recommendation of approval for this application is subject to favourable consultation response being received from the LLFA and the imposition of any resultant conditions relating to drainage.

7.17 The text supporting the allocation of the site in the AAP makes reference to the reinforcement of the existing water supply and the existence of a public sewer crossing the site. Yorkshire Water has not objected or recommended conditions. It would have its own powers relating to water supply and it appears the sewer crosses a small portion of the allocation outside the area covered by the application site.

#### Conclusion

7.18 The plans as originally submitted in 2018 would have resulted in an overdevelopment of the site, causing concerns relating to highways, the visual appearance and impact on the landscape setting. Following a change in the applicant and lengthy discussions, amendments took place to achieve a scheme which complies with relevant planning policies/guidance. The quantum of development would now sit more comfortably on the site, and overall the proposals are now considered to be acceptable. Any remaining minor shortcomings would now be outweighed by the benefit

to businesses wishing to locate or expand in Whitby. Opportunities for this in the town are limited outside of the Business Park, and as such approval of the application would help to support the long-term economic resilience of Whitby and the northern part of the Borough.

## POSITIVE & PROACTIVE STATEMENT

The following steps were taken in an effort to achieve a positive outcome to this application.

The proposed development as submitted was not entirely acceptable, so the Local Planning Authority acted positively and proactively by securing the submission of revised plans and additional information, which in addition to the conditions above addresses the original concerns.

## RECOMMENDATION

PERMISSION BE GRANTED, subject to the conditions set out below and receipt of a favourable consultation response from the Lead Local Flood Authority, including the imposition of any conditions recommended.

1 The development hereby approved shall be carried out in strict accordance with the following plans and documents received by the Local Planning Authority on the date(s) as listed below. This is unless otherwise agreed in writing by the Local Planning Authority:-

List to be confirmed

Reason: For the avoidance of doubt.

2 Except as specified by condition 3 below, the use of the 6 units hereby approved shall only be for purposes falling within the following Use Classes as defined by the Town & Country Planning (Use Classes) Order 1987 (as amended):

Class B8 - storage and distribution

Class B2 - general industrial - subject the provisions of condition 3 below

Class E - commercial and business, excluding sub-classes a. to d., except where such use within these excluded categories is purely ancillary to a primary use permitted under the terms of this condition.

Reason: To define the permission and having regard policies in the adopted Scarborough Borough Local Plan and the Whitby Business Park Area Action Plan, which seek to support the viability of Whitby town centre.

3 Units 7 to 16 hereby approved may only be occupied by a business falling within Use Class B2 (general industry) as defined by the Town & Country Planning (Use Classes) Order 1987, following a written request to and confirmation in writing from the Local Planning Authority that the proposed B2 use is acceptable having regard to the noise impact on nearby sensitive receptors. The written request shall therefore be accompanied by a noise impact assessment prepared by a qualified acoustician in accordance with relevant professional standards at the time of submission. Any

measures of noise mitigation, as agreed by the Local Planning Authority, shall be implemented and maintained as long as the said use remains in situ.

Reason: To protect nearby sensitive receptors (notably the nearby school and housing) from unacceptable levels of noise pollution.

4 Within any of the individual employment units hereby approved, the total extent of first floor mezzanines shall be restricted to the following without the submission and approval of a separate planning permission.

- No more than 100sq metres of mezzanine floor area within the unit;
- A mezzanine floor area no more than 30% of the total ground floor area of the unit as shown on plans hereby approved;
- Or, whichever is the greater of the two criteria above.

Reason: The submitted plans would provide buildings of a height and design which can accommodate mezzanines, so this condition seeks to maintain control over proposals which may adversely affect planning considerations, notably the impact arising from parking of vehicles outside individual premises.

5 Before the commencement of the development above foundation level, a schedule of external materials to be used in the construction of buildings (in particular their colour) and hard surfaced areas shall be submitted to and be approved in writing by the Local Planning Authority. Samples shall be provided as may be required by the Local Planning Authority of the materials in the schedule and the use of such samples shall be approved in writing by the Local Planning Authority, and the development shall be carried out in these unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the area and to comply with Policy DEC1 of the adopted Scarborough Borough Local Plan.

6 Trees and hedgerows shown on the approved plans to be retained shall be protected during construction work as follows :-

(a) Chestnut pale or similar fencing 1.5 metres in height shall be provided around the trees to be retained before development is commenced at a minimum distance from the trunks equal to the spread of the crowns of the trees. No materials, equipment, site huts, fuels or other items shall be placed or stored within the areas enclosed by the fencing so erected and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

(b) No burning of materials or other items shall take place within 3 metres of the crown spread of any of the trees to be retained.

(c) No services shall be routed under the spread of the crowns of the trees to be retained without the prior written consent of the Local Planning Authority.

(d) No retained tree shall be cut down, up-rooted, destroyed, topped or lopped without the prior written consent of the Local Planning Authority and if any tree which is to be retained dies within five years beginning with the date on which the

development is commenced it shall be replaced with a tree of such size and species as may be specified in writing by the Local Planning Authority.

Reason: To comply with Policy DEC1 and ENV7 of the adopted Scarborough Borough Local Plan.

7 Before any development takes place above foundation level, the approval of the Local Planning Authority is required to a detailed scheme of landscaping and tree planting for the site indicating, the number, species, heights on planting and positions of all the trees, details of the proposed grassland mix, together with details of post-planting maintenance. This shall be in general accordance with drawing no. xxx hereby approved where new planting is provided on the north-eastern site boundary this shall be of 3 in width and such scheme as is approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.

Reason: To comply with Policy DEC1, ENV5 and ENV7 of the adopted Scarborough Borough Local Plan.

Informative: To encourage biodiversity, it is recommended that proposed hedgerow planting includes wych elm and alder buckthorn and that a grass mix of low vigour with 20% wildflower content over sub-soil is used in open grassed areas.

8 Prior to the commencement of development above foundation level a scheme of bat and boxes on the site shall be submitted to and approved in writing by the local planning authority. This shall provide details of the design and location of such proposals with a minimum of 10 such features, which shall be provided at the same time as the building on which they are located, or most closely related, and shall remain in situ thereafter.

Reason: To enhance biodiversity and comply with Policy ENV5 of the adopted Scarborough Borough Local Plan.

9 Before the commencement of development above foundation level,, details of the proposed on site fencing/walls, including the location, design and materials, shall be submitted to and approved in writing by the Local Planning Authority. This shall include fencing or other boundary teatment to restrict access to the rear of buildings. The details so approved shall be implemented in full before the related development is first brought into use unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise the risk of crime in accordance with Policy H10 of the adopted Scarborough Borough Local Plan.

10 Prior to its installation details of any external lighting, including its position, design and luminance shall be submitted to and approved in writing by the Local Planning Authority . Development shall be carried out in accordance with the approved details.

Reason: Having regard to the visual amenities of the area.

11 Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority. The development must only be carried out in compliance with the approved engineering drawings.

Reason: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.

12 No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation. The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

Reason: To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.

13 No part of the development must be brought into use until the related access, parking, manoeuvring and turning areas for all users have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

14 Prior to the first occupation of the development, a Travel Plan must be submitted to and approved in writing by the Local Planning Authority. The Travel Plan will include:

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- agreed targets to promote sustainable travel and reduce vehicle trips and emissions within specified timescales and a programme for delivery;
- a programme for the delivery of any proposed physical works;
- effective measures for the on-going monitoring and review of the travel plan;
- a commitment to delivering the Travel Plan objectives for a period of at least five years from first occupation of the development, and;
- effective mechanisms to achieve the objectives of the Travel Plan by both present and future occupiers of the development.

The development must be carried out and operated in accordance with the approved Travel Plan. Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in

accordance with the timetable contained therein and must continue to be implemented as long as any part of the development is occupied.

Reason: To establish measures to encourage more sustainable non-car modes of transport.

#### Informative

It is recommended that before development commences that a Construction Management Plan is agreed in writing with the local Highway Authority. Construction of the permitted development should be undertaken in accordance with the approved Construction Management Plan. The Plan should include arrangements for the following in respect of each phase of the works:

1. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
2. the parking of contractors' site operatives and visitor's vehicles;
3. areas for storage of plant and materials used in constructing the development clear of the highway;
4. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
5. protection of carriageway and footway users at all times during demolition and construction;
6. details of site working hours;
7. means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
8. measures to control and monitor construction noise;
9. details of the measures to be taken for the protection of trees;
10. details of ditches to be piped during the construction phases;
11. a detailed method statement and programme for the building works; and
12. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

*David Walker*

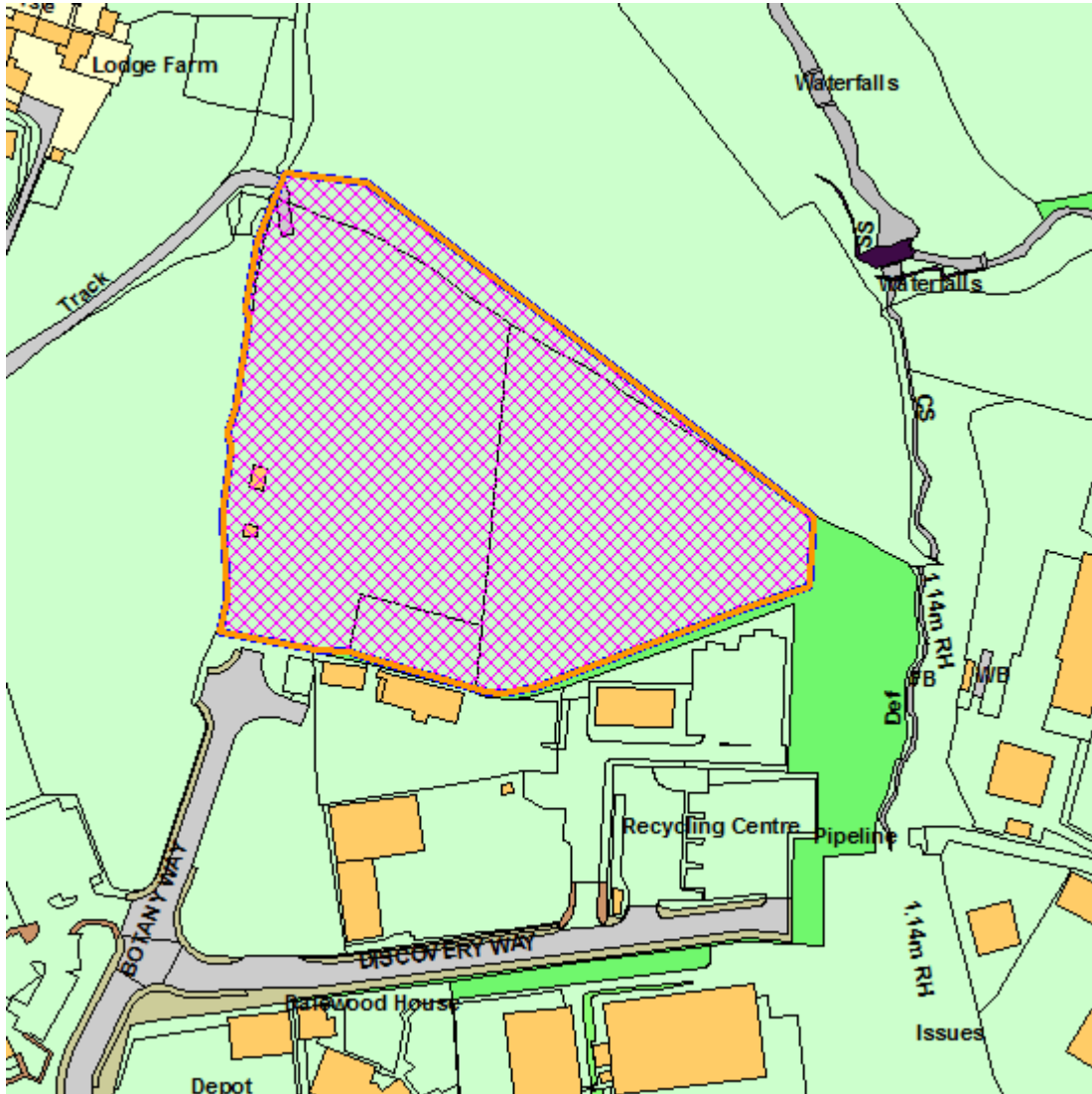
#### **Background Papers:**

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 HUGH SMITH ON 01723 383642 email [hugh.smith@scarborough.gov.uk](mailto:hugh.smith@scarborough.gov.uk)



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 <b>SCARBOROUGH</b> BOROUGH COUNCIL	<b>REPORT TO PLANNING &amp; DEVELOPMENT COMMITTEE</b>  <b>TO BE HELD ON THURSDAY, 10 November 2022</b>	
<b>APPLICATION REFERENCE NO:</b>  <b>21/02303/RG3</b>  <b>Corporate Aims</b> <b>Better Lives, Better Homes, Better</b> <b>Places, Brighter Futures, Better</b> <b>Council</b>	<b>TARGET DATE:</b>  <b>29 December 2021</b>	<b>GRID REF:</b>  <b>503470-489809</b>

## REPORT OF THE HEAD OF PLANNING – HOP/22/8

**SUBJECT: Demolition of footbridge over the North Bay miniature railway at North Bay Scarborough North Yorkshire for Scarborough Borough Council**

### 1.0 THE PROPOSAL AND BACKGROUND

1.1 This application for planning permission proposes the removal of a pedestrian footbridge close to the North Bay Promenade. It crosses the North Bay miniature railway approximately halfway between the Sands Development and the Sea Life Centre. It was previously considered by Planning Committee in January 2022 when it was resolved to defer a decision on the application. Subsequently, the applicant was requested to explore the option of repairing and reopening and/or to provide additional information to address concerns raised by Members. The relevant Service Area Manager has more recently requested that application returns to Committee for a decision as originally submitted.

1.2 The footbridge was closed for public access in 2020, but provided a pedestrian link between the seafront from the area often referred to as 'the bulge' and Burniston Road. It is close to the point where a pedestrian route through Northstead Manor Gardens and the Open Air Theatre emerge onto the seafront. On the inland side of the bridge a path leads up a hill to the south of the Alpamare Water Park. There are also other paths leading across area of public open space through to residential development off Green Howards Drive.

1.3 The footbridge dates from the 1960s and both the deck and support columns are constructed from reinforced concrete with metal railings. The bridge is 1.8m wide and has a span over the railway of 12.5m at a height of 2.9m above the track. On its seaward side is a 26m long ramp set at a right angle, which provides graded access due to the topography of the land at this point with the land to west rising sharply

1.4 There is a level crossing point across the railway 160m to the north of the bridge and is also reached by a ramped path on the eastern seafront side, accessed by a footpath which runs parallel to the track immediately to the west. This would be the sole

rail crossing point for pedestrians, although the application also mentions a route through Northstead Manor Gardens as an alternative. It is intended to modify the 3.5m wide level crossing as follows:

- Re-alignment of the gates and fencing at the crossing, to provide more space to manoeuvre a wheelchair, increasing the width from 1.2m to 2.0m.
- Replacing timber board decking across the track to that of a slip resistant concrete surface.
- Application of yellow lining to the crossing perimeter to aid the visually impaired.
- Clearer signage to identify the crossing point from the bridge position.

1.5 The footbridge is not a designated Public Right of Way (PROW). However, there is a Public Right of Way which leads from the seafront, up a graded slope to the north of the 'bulge', traverses the level crossing and then continues in a north-westerly direction beyond the railway.

1.6 The supporting documents explain that a bridge inspection report in 2019 highlighted severe defects to the concrete structure and the steel balustrade. It concluded that the bridge is in very poor condition and significant repairs are necessary. Further investigation was undertaken to establish why its condition had deteriorated so quickly when a design life of 100 years would be expected. This found the most likely causes to be poor construction and proximity to the sea. The documents also explain the cost implications of replacement, although this would principally be a matter for the Council as landowner rather than being a planning consideration.

## 2.0 SCREENING OPINION REQUIRED?

2.1 Not required.

## 3.0 PRE-APPLICATION COMMUNITY ENGAGEMENT

3.1 Consultation took place with Ward Councillors, the North Bay Miniature Railway and the Yorkshire Coast and Ryedale Disability Forum. A summary of the reported comments is as follows:

3.2 The Ward Councillors were not in support of the demolition. One Councillor opposed demolition of the bridge and asked if there is no funding for repair, to consider providing another gate to cross the track at this location. A second Councillor received several messages from residents, the majority of whom were extremely keen to get it repaired. In response, the applicants state another gated level crossing to the track at or near to the bridge location was also considered. However, the railway operators highlighted concerns relating to insufficient sight lines for the train driver due to the curved nature of the line at that point which could result in an accident.

3.3 The Yorkshire Coast and Ryedale Disability Forum support the application.

3.4 North Bay Miniature Railway confirmed that the omission of the bridge would not adversely impact on their business, although it was inferred, that additional foot traffic over the existing level crossing would arise. With this in mind the applicants in

conjunction with the Disability Forum and the Miniature Railway have been in discussion to develop improvements to the crossing point.

#### 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 Highway Authority - Public Rights of Way (NYCC) - confirm that the footbridge proposed for demolition is not a designated Public Right of Way.

4.2 Publicity - Consultation period expired on 16.12.2021. Objections have been received from 16 parties raising the following concerns:

- The use of the level crossing as an alternative to the bridge is much less safe/suitable for pedestrians, especially for people with wheelchairs, mobility scooters, prams, young children, partially sighted or hard of hearing.
- Serious legal implications for the Council if an accident happens.
- Miniature railway level crossings are governed by Health & Safety guidelines
- The path is much more used with the opening of the Water Park and the adjacent hotel.
- Other suggested routes are not so suitable - the route through Northstead Manor Gardens is often closed in summer due to concerts.
- The route across the bridge is enjoyed by residents and is part of Scarborough's heritage.
- Money would be best spent repairing or replacing the bridge and the submitted costs are questioned.
- The condition of the bridge has deteriorated due to lack of maintenance.

#### 5.0 RELEVANT SITE HISTORY

5.1 None of direct relevance.

#### 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

**INF 1** - Transport

#### **National Planning Policy Framework**

**NPPF9** - Promoting sustainable transport  
**NPPF12** - Achieving well-designed places

## **Scarborough Borough Supplementary Planning Documents**

None relevant

### **Local Planning Policy and Guidance**

None relevant

## 7.0 ASSESSMENT

7.1 The reinforced concrete bridge is functional and decaying in appearance. It is not of any known historic or architectural importance. It is in a relatively prominent position set behind 'the bulge' section of the North Bay seafront. Purely in visual terms, no objection is raised to the loss of the bridge

7.2 The value of the pedestrian route to be diverted from the bridge has been carefully considered. Local Plan policy INF1 seeks to protect, manage and enhance an integrated network of routes for those without access to a car. This part of North Bay is largely car-free apart from authorised access. While the bridge clearly has been used as a footpath, it is not a designated Public Right of Way (PRoW). There is a nearby PRoW leading from the seafront over the existing level crossing and then proceeding in a northerly direction towards Scalby Mills to the east of the golf course. Since the route over the bridge is not a PRoW, this makes it more difficult to warrant an objection to its removal, especially since alternatives exist. It is accepted that especially for walkers unfamiliar with the area and arriving from the direction of Burniston Road it may not be immediately apparent how to reach the seafront, but this can be remedied if signage is provided as suggested.

7.3 Concerns have been raised about the safety of the level crossing. The works proposed to improve the crossing, as described in paragraph 1.3, would not require planning permission, but they can be secured by condition should planning permission be granted. The level crossing has good visibility in both directions - the closest bend is approximately 180m to the south. Trains on the miniature railway would not travel as fast as a conventional locomotive. There is Health & Safety guidance, although this is linked to Health & Safety at Work legislation. It does not provide specific guidance on distances, but by way of comparison the distance is roughly 4 times that required for visibility splays where an access joins a major 30mph road. However, a more fundamental point is that planning legislation should not normally be used to secure objectives achievable under other legislation, so refusal based on Health & Safety guidance would be inappropriate.

7.4 It is acknowledged that the removal of the bridge increases the number of pedestrians using the level crossing. This needs to be balanced against the improvements to this crossing, and the fact they would improve access on the route of the designated PRoW, which unless formally diverted, would remain in place. The works are partly intended to make its use easier for disabled users and followed discussions with the local Disability Forum. Possibly apart from the route to the north

towards Scalby Mills, both the path to Burniston Road and a second route across the open space towards Green Howards Drive may in practical terms be difficult for disabled pedestrians to use due to steep gradients. The applicant comments that the proposals comply with Railway Regulations and it has been in use for many decades without accidents. It is further added that the safety improvements have been agreed with the North Bay Railway and that their insurers are happy with the changes and the crossing's continued legal compliance.

7.5 Matters relating to the cost of repair or replacement are not a planning consideration. It is important to distinguish the role of the Council as Local Planning Authority from its responsibilities as landowner/service provider. The concerns raised by residents relating to the loss of the route across the bridge are noted. However, for the reasons outline above it is concluded that it would be difficult to justify refusal of planning permission and the application is therefore recommended for approval.

#### POSITIVE & PROACTIVE STATEMENT

The Local Planning Authority acted proactively by imposing planning conditions to mitigate potential negative impacts of the development.

#### RECOMMENDATION

**PERMISSION BE GRANTED**, subject to the following condition(s)

1 The development hereby approved shall be carried out in strict accordance with the following plans received by the Local Planning Authority on the date(s) as listed below. This is unless otherwise agreed in writing by the Local Planning Authority:-

SK01 - Site Location Plan (24/09/2021)  
SK04 - Proposed Bridge Layouts (24/09/2021)  
Fence Details (03/11/2021).

Reason: For the avoidance of doubt.

2 Within 12 months of the demolition of the footbridge the improvement works to the level crossing and signage as shown on approved drawing SK04 shall carried be out in their entirety.

Reason: To benefit the movement and safety of pedestrians.

*David Walker*

#### Background Papers:

Those documents referred to in this report.

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## NOTES