



SCARBOROUGH
BOROUGH COUNCIL

**REPORT TO PLANNING &
DEVELOPMENT COMMITTEE**

**TO BE HELD ON THURSDAY,
10 November 2022**

APPLICATION REFERENCE NO:

22/01701/FL

**Corporate Aims
Better Lives, Better Homes, Better
Places, Brighter Futures, Better
Council**

TARGET DATE:

13 October 2022

GRID REF:

511339-480867

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



Reproduced by permission of Ordnance Survey on behalf of Her Majesty's Stationery Office. © Crown copyright and database right 2022 Ordnance Survey License number 100024267

