

**Meeting:** Scarborough and Whitby Area Constituency Planning Committee

**Members:** Councillors Eric Broadbent, Janet Jefferson, Rich Maw, Clive Pearson, Heather Phillips, Subash Sharma\* (Vice-Chair) and Phil Trumper (Chair)

\*Councillor Liz Colling is substitute for Councillor Sharma

**Date:** Thursday, 11th May, 2023

**Time:** 2.00 pm

**Venue:** Scarborough Town Hall, St Nicholas Street, Scarborough, North Yorkshire YO11 2HG

Members of the public are entitled to attend this meeting as observers for all those items taken in open session. Please contact the named democratic services officer supporting this committee, details at the foot of the first page of the Agenda, if you have any queries.

This meeting is being held as an in-person meeting that is being broadcasted and recorded.

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### **Agenda**

**1. Apologies for Absence**

**2. Declarations of Interests**

All Members are invited to declare at this point any interests they have in items appearing on this agenda, including the nature of those interests.

**3. Public Questions and Statements**

Members of the public may ask questions or make statements at this meeting if they have given notice (including the text of the question/statement) to St John Harris of Democratic Services (contact details at the foot of page 1) by midday on Thursday, 4 May 2023. Each speaker should limit themselves to 3 minutes on any item. Members of the public who have given notice will be invited to speak:-

- At this point in the meeting if their questions/statements relate to matter which are not otherwise on the Agenda (subject to an overall time limit of 30 minutes).
- When the relevant Agenda item is being considered if they wish to speak on a matter which is on the Agenda for this meeting.

If you are exercising your right to speak at this meeting, but do not wish to be recorded, please inform the Chairman who will instruct anyone who may be taking a recording to cease while you speak.

4. **22/01928/OLA - application for the variation of condition 3 and removal of condition 18 on decision 19/01248/OL dated 03.09.2020 to delete the requirement for a pedestrian/cycle bridge/route over Sea Cut/Scalby Beck at land off Mill Way, High Mill, Scalby** (Pages 5 - 20)

Report of the Assistant Director – Planning

[View Plans and Documents](#)

5. **22/02501/RG3 - application for public realm works comprising relocation of the station taxi rank to rear and associated landscaping. Alterations to station building to facilitate pedestrian access to the rear. Installation of landscaping, planting, street furniture and public art features to front at Central Railway Station, Westborough, Scarborough** (Pages 21 - 38)

Report of the Assistant Director – Planning

[View Plans and Documents](#)

6. **22/02502/LB - application for listed building consent for formation of doorway to South-Eastern elevation, steps, walkway and access to internal taxi rank at Central Railway Station, Westborough, Scarborough** (Pages 39 - 44)

Report of the Assistant Director – Planning

[View Plans and Documents](#)

7. **23/00404/RG3 - application for the erection of bar buildings, removal of decking and infilling of a section of lake, widening of footpath and extension to concrete base to rear of the stage at Open Air Theatre, Northstead Manor Gardens, Scarborough** (Pages 45 - 54)

Report of the Assistant Director – Planning

[View Plans and Documents](#)

8. **23/00399/RG3 - application for the demolition of toilet block at Prince of Wales Terrace, Scarborough** (Pages 55 - 60)

Report of the Assistant Director – Planning

[View Plans and Documents](#)

9. **Any other items**

Any other items which the Chair agrees should be considered as a matter of

urgency because of special circumstances.

**10. Date of Next Meeting**

Thursday, 8 June 2023 at 2.00pm at Town Hall, Scarborough

Members are reminded that in order to expedite business at the meeting and enable Officers to adapt their presentations to address areas causing difficulty, they are encouraged to contact Officers prior to the meeting with questions on technical issues in reports.

**Agenda Contact Officer:**

St John Harris, Democratic Services Manager

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Tuesday, 2 May 2023

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**North Yorkshire Council  
Community Development Services  
Scarborough And Whitby Constituency Committee**

**11 MAY 2023**

**22/01928/OLA - VARIATION OF CONDITION 3 AND REMOVAL OF CONDITION 18 ON DECISION 19/01248/OL DATED 03.09.2020 TO DELETE REQUIREMENT FOR PEDESTRIAN/CYCLE BRIDGE/ROUTE OVER SEA CUT/SCALBY BECK AT LAND OFF MILL WAY, HIGH MILL, SCALBY, SCARBOROUGH ON BEHALF OF BELLWAY HOMES LTD - YORKSHIRE DIVISION AND ALMORA LTD**

**Report of the Assistant Director Planning – Community Development Services**

## **1.0 Purpose of the report**

1.1 To determine a planning application for Variation of condition 3 and removal of condition 18 on outline planning permission 19/01248/OL to delete the requirement for a pedestrian/cycle route and bridge over Sea Cut/Scalby Beck on land off Mill Way, High Mill, Scarborough Scalby.

1.2 The application is to be considered by the Area Constituency Committee because in your officers' opinion it raises significant material planning issues on which the Ward Member also made representations.

## **2.0 EXECUTIVE SUMMARY**

**RECOMMENDATION: That planning permission be REFUSED for the reason given at the end of this report.**

2.1 This application seeks to vary planning condition 3 and delete condition 18, which together require that a footpath/cycle route be provided with a bridge over Sea Cut/Scalby Beck. This would then continue southwards towards Newby across public open space. It shall be provided before the third and final phase of residential development at High Mill Farm is constructed.

2.2 In place of this cycle route/footpath, the applicants are proposing a range of works intended to make Station Road safer for pedestrians and cyclists as far as Chichester Close, where a national cycle route (The Cinder Track) crosses Station Road.

2.3 The land affected by the development is all within Development Limits as defined by the Local Plan. This identifies the High Mill Farm site as a Housing Commitment. At the time of the Plan's adoption in 2017 planning permission had already been approved for residential development. The former High Mill Farm buildings some

120m away are Grade II listed from the proposed bridge. Otherwise, there are no specific planning constraints of direct consequence to this application.

2.4 The key considerations are whether deletion of the route/bridge, would adversely affect the connectivity of the site with such key services for residents choosing to walk or cycle and whether this affects the overall sustainability of the development.

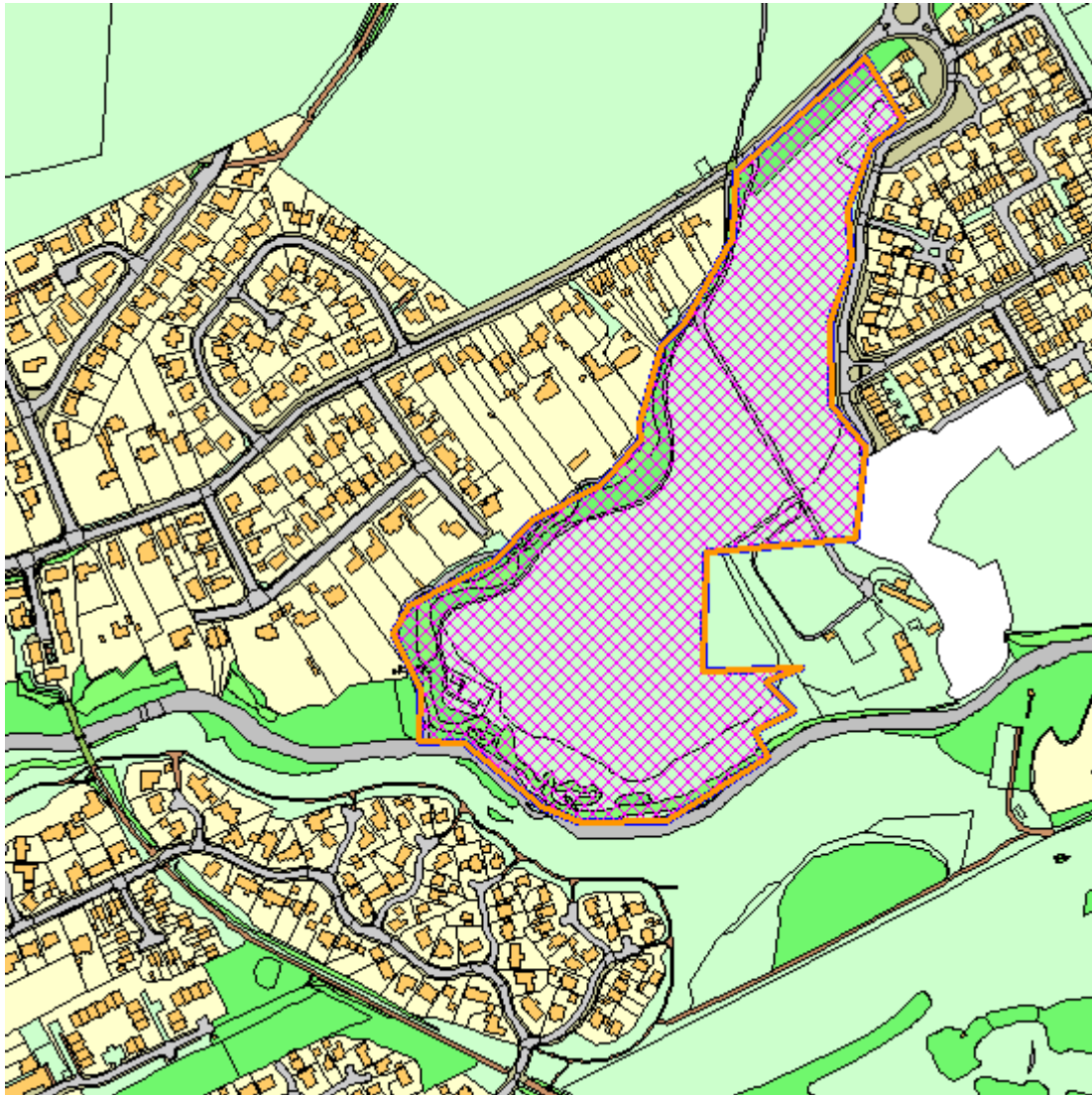
2.5 Having considered the case made by the applicant, officers conclude that the proposed variation of the condition would have a negative impact on these issues and related policies and for these reasons the application is recommended for refusal.

N.B. The map (below) shows the site for the residential development approved under planning permission 19/01948/OL. It does not encompass the route of the proposed pedestrian/cycle route to the south or highway works now proposed along Station Road, Scalby. Please view application 22/01928/OLA online for more details - link at paragraph 3.1 below.



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### **3.0 Preliminary Matters**

3.1 Access to the case file on Public Access can be found here

<https://planning.scarborough.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RI7FP2NSMS500>

3.2 The application needs to be considered in the context of the planning history as follows:

09/00717/OL outline planning permission for up to 485 dwellings, 27 to 30 live/work units, employment units, community facility, open space, play area, kickabout area and transport infrastructure, including roundabout and 2 pedestrian/cycle bridges/route - approved - This covered High Mill site as a whole and was the first application to propose a pedestrian/cycle link in the direction of Newby.

14/00636/FL - 29 dwellings in north-east corner (Phase 1A) - approved 2014

16/02273/FLA - 119 dwellings on remaining north-eastern part of site (Phase 1B) - approved 2015

13/02272/RM - reserved matters for 323 dwellings, including 27 live/work units, employment and office buildings, community hall, drainage basins, open space, play facilities, landscaping, roads and 2 bridges - phases 2 and 3 covering southern and western parts of the site - approved 2017 and permission subsequently expired

19/01237/FL - 151 dwellings including public open space, play equipment and drainage infrastructure (Phase 2 in south-east corner of High Mill site) - approved 2020 and currently under construction

19/01248/OL - outline planning application for up to 220 dwellings (Phase 3 occupying the western part of the High Mill site) - approved 2020 and awaiting submission of reserved matters. It is conditions on this planning permission which would be varied if this current application were to be approved.

3.3 In 2021, pre-application advice was provided to the applicants in respect of a residential layout for Phase 3. In 2022, further pre-application discussions took place involving the applicant, landowner and other relevant parties to try to resolve potential obstacles relating to the provision of the route/bridge.

### **4.0 Site and Surroundings**

4.1 The High Mill site on the eastern edge of Scalby covers 22 ha. in total. It is part developed (Phase 1), part currently under construction (Phase 2) and part consists of open fields with outline planning permission for residential development (Phase 3). Vehicular access is obtained from a roundabout on Field Lane to the north.

4.2 Development is approximately 50% complete with the eastern side having been mainly constructed, beyond which lies a camping and caravan site. The western and



southern parts of the site drops away on its perimeter into steeply sided and wooded river valleys. Cow Wath Beck forms the north-western boundary with residential development on Station Road and East Avenue, Scalby beyond. The long southern site boundary is formed by the Scalby Beck or Sea Cut watercourse. The former farmhouse and attached water mill lie close to the southern boundary. These buildings are Grade II listed, in a poor state of repair and are in separate ownership from the areas being developed for new housing. On the other Newby side of the Sea Cut/Scalby Beck valley is an area of informal open space known as the Millennium Field.

## **5.0 Description of Proposal**

5.1 The main proposal for this application comprises the deletion of the proposed pedestrian/cycle route, including a bridge over the Scalby Beck valley. Since the planning permission for Phase 3 was outline, the approximate position and form this takes has been stipulated, but the detailed design would still need to be approved as reserved matters. The bridge would be situated approximately midway along the southern boundary some 120m west of the listed farmhouse/mill. The bridge would span 40m over the valley and the pedestrian/cycle route would extend 140m in a south westerly direction before joining an existing cycle/pedestrian link along the southern edge of the Millennium Field, which runs between Scalby Mills and the Newby Farm housing estate/Cinder Track cycleway.

5.2 Condition 3 currently states as follows:

"The reserved matters shall be constructed in general accordance with the layout shown on Illustrative Masterplan Revision E and Southern Footbridge Connection, Revision B, both submitted on 3 December 2019, regarding the location of residential development, public open space and flood attenuation facilities, as well as the main distributor loop road shown as a green dashed line on these plans. The proposed emergency/pedestrian and cycle link as marked by a white dashed line shall be provided in the location indicated on these plans. A footpath and cycle route, incorporating a bridge over Scalby Beck shall be located within the diagonally hatched zone as shown on plan reference, Southern Footbridge Connection, Revision B ("the approved indicative plan"). At its northern end the route shall be connected to the main distributor loop road referred to above. The route shall extend southwards through the diagonally hatched area shown on approved indicative plan and continue across the land known as the Millennium Field to link into the existing cycle/pedestrian route running parallel to the southern boundary of the Millennium Field. The position of the route shall be in general accordance with the route as shown on the approved indicative plan."

5.3 The applicants seek to amend this condition and to delete condition 18 which requires the construction of the route/bridge prior to construction of the first dwelling forming part of the yet undelivered Phase 3 of the development of up to 220 dwellings.

5.4 As an alternative, the applicant is proposing a range of works intended to make Station Road safer for pedestrians and cyclists. An existing route (also suitable for emergency vehicles) linking Mill Way (the main estate road at High Mill) to Station

Road close to the bridge over Cow Wath Beck would be widened. The footway and verge on the southern side of Station Road would be converted into a footway/cycleway of up to 3m width for a distance of 620m as far as Chichester Close and the Cinder Track. The amended wording of condition 3 being proposed by the applicant would simply require details of the works to be approved as reserved matters. The applicant makes the case that this would be a suitable alternative route for pedestrians/cyclists wishing travel between the High Mill Farm site and facilities, such as schools and shops located in Newby.

## **6.0 Planning Policy and Guidance**

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

### Adopted Development Plan

6.2 The Adopted Development Plan for this site is Scarborough Borough Local Plan (2017). The most relevant policies are:

- SD1 - Presumption in favour of sustainable development
- DEC1 - Principles of good design
- ENV5 - The natural environment
- ENV8 - Green infrastructure
- INF1 - Transport
- INF3 - Sustainable transport and travel plans
- INF4 - Cinder Track.

### Emerging Development Plan - Material Consideration

6.3 The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

### Guidance - Material Consideration

- 6.4 Relevant guidance for this application is:
- National Planning Policy Framework 2021
  - National Planning Practice Guidance

## **7.0 Consultation Responses**

7.1 The following consultation responses have been received and have been summarised below:

### Consultees

7.2 Newby and Scalby Town Council - Unanimous strong objection to this application. The bridge over the Sea Cut had been an integral part of the original outline consent for the High Mill development to ensure adequate provision was

made for pedestrian and cycle routes and to maximise the sustainability of the development. Nothing has changed and the provision of a bridge is absolutely vital to ensure safe access between the estate and the parish to the south. It is not for the Borough Council's Estates Service or the Environment Agency to say the bridge would not deliver wider public benefits and difficulties experienced by the applicant in getting agreement in respect of landing and air rights is not a good reason for asking for removal of the condition.

7.3 Cllr D. Bastiman (Ward Member) - objects to the application - From day one I supported this development with the knowledge that this bridge would be installed. To remove it would leave this estate and its young families isolated. The bridge would give much easier access to schools, shops, doctors, library etc. It would integrate the two communities and would benefit many a walker in the area - something we as a Council support - a healthier and better living. This MUST not be allowed to happen and people's well-being should come before developer's profit.

7.4 Highway Authority - recommends the application is refused - The removal of the proposed cycle/ footbridge over Scalby Beck will result in longer walking and cycling distances to a number of nearby key local services and facilities. This is likely to make both walking and cycling to and from the development site less attractive and lead to increased car use. Guidance from the Institution of Highway and Transportation suggests the acceptable walking distance for commuting and to school is 1000m with a maximum distance of 2000m. Provision of the bridge would mean both the local primary and secondary schools as measured from the centre of the development would be within this maximum walking distance, whilst using the alternative route without a bridge along Station Road would mean both schools are of a distance in excess of 2000m.

There are a number of concerns with the applicant's proposals to provide a route for pedestrians and cyclists along Station Road. Part of the route would be below 3m in width - LTN1/20 Cycle Infrastructure Design recommends 3m as the minimum width for a shared use path. Failure to provide such a width may lead to increased conflict between pedestrians and cyclists and make the route less attractive to use. The proposal also requires narrowing the existing carriageway to below a recommended 6m width for a route with a bus service. Whilst there are existing pinch points on Station Road, such as over Cow Wath Beck, further reductions in road width are not recommended. A number of existing properties along Station Road adjacent to the proposed shared footway/cycleway also have boundary walls and gates which will prevent the typically recommended vehicle pedestrian splays of 2m by 2m for accesses that cross a footpath being provided at a number of locations along the route.

#### Local Representations

7.5 There have been 68 objections, mainly from local residents and also including the Scalby and Newby Village Trust and the Friends of the Old Railway (Cinder Track). In summary, the grounds of objection are as follows, in order of the frequency raised as a concern.

- The developers are renegeing on the previous commitment to provide the bridge/route. Profit is being put before the needs of local residents. No more delays in providing this or other key infrastructure should be allowed.
- The bridge would provide a much shorter and safer route for residents to key facilities, including schools, shops, doctors' surgeries, chemists, library, the Cinder Track, town centre, as well as general connectivity for pedestrians and cyclists.
- Other routes/alternatives including Station Road and Burniston Road are much less suitable due to increased distance and being unsafe for pedestrians/cyclists due to volume and speed of traffic and width of footway - bus services are also inadequate.
- The proposed route would reduce car traffic, air pollution and emissions contributing to climate change, and its loss would make the development unsustainable.
- The route/bridge was a key reason for moving to the High Mill Estate, which would be left isolated and remote from services.
- Removal of the route would detract from the health benefits of walking/cycling.
- Station Road is of inadequate width to provide a safe pedestrian/cycle route - the proposed shared route would cause conflict, especially for the visually impaired.
- The bridge/route would be essential for people who cannot drive, including school children and the disabled.
- Previous Committee reports stated that the bridge was fundamental to the sustainability of the development - proposals would be contrary to core principles in the NPPF.
- Residents should not be penalised by the ransom strip situation, which should be explained - the bridge should not be blocked by the Council or the Environment Agency.
- Route would provide an extra access in case of emergency.

## **8.0 Environment Impact Assessment (EIA)**

8.1 The first application approving residential development of the High Mill Farm site (09/00717/OL) was accompanied by an EIA. A new EIA is not considered necessary for this current application.

## **9.0 Main Issues**

9.1 The key considerations in the assessment of this application are:

- The principle of deleting the route/bridge as being a requirement of the planning permission(s) for residential development.
- The suitability of alternative routes to key local services in Newby and elsewhere
- Impact on the viability of development
- The overall balance of planning policy and other material considerations within the context of promoting sustainable development.

## 10.0 ASSESSMENT

### Principle of Deleting the Requirement for the Pedestrian/Cycle Route

10.1 Before considering the planning merits, it is helpful to understand how the proposals fit within the context of the site's planning history. When planning permission was originally approved in 2010 the site lay outside the development limits of the Scarborough Urban Area as defined by the previous Local Plan. At that time the Borough could not demonstrate a housing supply compliant with Regional policy based on remaining allocated sites, so it was necessary on a selective basis to grant planning permission for new housing outside development limits against the normal presumption against such proposals.

10.2 This included the outline planning permission for circa 500 dwellings at High Mill Farm, noting that it formed a relatively natural rounding off of existing development on the northern fringes of the urban area. However, it only had one road frontage, with steep river valleys to the south, west and north-west acting as a barrier in the key directions where local services, such as shops, schools and doctor's surgeries are located, most notably in Newby. Consequently, in granting planning permission weight was also given to the provision of a range of on-site facilities, helping to give the proposals community cohesion, including open space, play and sports facilities a community facility with the option of a shop, as well as on-site employment opportunities. This was complemented by S106 contributions towards local facilities such as the primary school and doctor's surgeries and improved transport links. For facilities in Scarborough town centre a S106 contribution was secured to allow the introduction of a bus route serving the development.

10.3 To provide links to local facilities, two bridges were proposed, reducing the distance residents would have to walk or cycle. One crossed Cow Wath Beck, decreasing the distance from the western part of the site to the centre of Scalby. However, more important to the overall sustainability of the development was the proposed pedestrian/cycle route/bridge in the direction of Newby (as well as links to the North Bay area). It is this requirement, now conditional to the most recent planning permission for the third and final phase which the applicant seeks to delete. The relative distance and quality of routes is considered in more detail later, but it is the impact on links to Newby which is most critical, being the closest Neighbourhood Centre as identified by the Local Plan. This is where the local primary and secondary schools are located, together with the nearest supermarket/post office (Proudfoots), two GP practices, a pharmacy and library. Committee reports have consistently advised the route is essential to the sustainability and acceptability of the residential development. Consequently, if the requirement for the new route were to be lifted it is your officer's view that a strong and compelling case would be required.

10.4 It has always been recognised that the provision of the bridge in particular may have some (largely short-term) negative environmental impacts. These notably relate to the clearance of trees on the valley sides where the bridge would be located. In the longer term, this could be largely mitigated (e.g. by replacement planting), but this was always a factor considered as part of the planning balance. Even if some harm would occur it has been your officers' consistent view that this does not outweigh the benefits of the new route to local services. It was also

previously concluded that a suitably designed bridge would not adversely affect the listed buildings on the site.

### The Suitability of Alternative Routes

10.5 Starting with the existing pedestrian/cycle links between the centre of the site and Newby there are two potential routes. Both options would first involve travelling west along Station Road (a Class C road) for as far as Chichester Close. The route cited by the applicants then turns south following the unlit Cinder Track, before in most cases taking Newby Farm Road (one of a number of side routes in a westerly direction) towards the centre of Newby. The other option is to continue along Station Road as far as the crossroads in the centre of Scalby, before heading south along the A171 Scalby Road. This latter route is longer and along relatively busy roads, though it is the more readily apparent route and would benefit from greater surveillance and street lighting.

10.6 The proposed route across Scalby Beck and the Millennium Field would follow a more direct route in a south-westerly direction, also picking up on a number of east-west routes after it crosses the Cinder Track.

10.7 A fundamental consideration is a comparison of the distance between the site and local services, as travelled by pedestrians and to lesser extent by cyclists. This emphasis is given because, as reinforced by the Highway Authority, it is the nationally recognised walking distances to facilities, such as schools, where the proposed new route would make a critical difference.

10.8 The application is supported by an Accessibility Appraisal which sets out the distances from the centre of the High Mill site to a range of local services. These were computer generated, but the distances do not always correspond to the shortest routes calculated by officers, having checked on site which routes may be used. Particularly, at the Newby end there are various permutations of routes and this may in part account for the discrepancies.

For purposes of transparency and to avoid a lengthy discussion of methodology the figures in Table 1 (below) give both officers figures to key destination and the applicant's figures in brackets. The first five are located in Newby and the remaining two on Burniston Road to the south-east. The final column indicates the difference between the proposed new route and the shortest existing alternative in distance, also indicating the percentage added if the route is not delivered. The table does not refer to the more limited range of facilities in the centre of Scalby, where there would be no difference in distances.

TABLE 1

	<b>Local Facility</b>	<b>Via New Route</b>	<b>Without New Route (Via Cinder Track)</b>	<b>Along Main Roads</b>	<b>Difference</b>
1	Secondary School	1290m (1270m)	2090m (1940m)	2360m	800m/62%
2	Primary School	1610m (1640m)	2260m (2170m)	2370m	650m/40%
3	Supermarket/P.O. (Proudfoots)	1280m (1330m)	1840m (1800m)	1990m	560/44%
4	Library/Pharmacy	1080m	1630m	1740m	550m/51%
5	Danes Dyke G.P.	1070m (1310m)	1550m (1490m)	1700m	480m/45%
6	Ivanhoe P.H.	1390m	n/a	1740m	350m/25%
7	Supermarket (Tesco)	1770m	n/a	2120m	350m/20%

10.9 It can be seen from the above figures that the distance to facilities, especially in Newby, would be significantly shorter using the proposed route. The new route would reduce journeys on foot to schools from more than the preferred maximum distance of 2,000m recommended in guidance from the Institution of Highway and Transportation to well below that figure - reductions of 800m and 620m respectively to the secondary and primary schools. The alternatives would at least partly be along classified roads, or the more likely scenario would be additional car journeys by parents, adding to traffic. While this report has concentrated on the impact on the High Mill estate, the route would also benefit other residents in its vicinity and in the future when allocated land north of Field Lane is developed.

10.10 Although perhaps more a matter of perception, the proposed route over the bridge would have the feel of a direct and attractive route following a roughly diagonal line towards Newby. In contrast the alternatives would have abrupt changes in angle and within the High Mill site itself it would be initially necessary to head in a northerly direction, while the services are mainly to the south-west (or south-east). When travelling along Station Road, the existence of any alternative route via Chichester Close is not readily apparent, although that particular point could in part be addressed with signage.

10.11 The applicant cites the previous concerns of the Designing out Crime Officer (DoCO) relating to lack of surveillance. To address this officers ensured that the new route would include lighting, barriers to stop motorcyclists and orient housing so it overlooks the northern end of the route. Full account was taken of the DoCO's comment at the time of the previous planning decisions, but greater weight was given to the improved access to local services.

10.12 When considering the safety of the route a direct comparison with the Cinder Track route being suggested by the applicants is also helpful. There are some houses backing onto the Cinder Track, but a substantial amount of vegetation also exists between the houses and the route, reducing the potential for surveillance, as well as increasing the sense of enclosure and adversely affecting the perception of safety. The proposed route across the Millennium Field may not be overlooked in its

entirety, but it would be less enclosed in character. The condition securing the route requires it to be lit. Lighting of the Cinder Track is a long term aspiration, but there are no current proposals, so it cannot be guaranteed.

#### Proposed Mitigation on Station Road/Site

10.13 In reaching a conclusion on the recommendation it is first necessary to consider the impact of alternative works proposed by the applicant, notably on Station Road up to the point where it crosses the Cinder Track. In summary, the benefits would be greater for cyclists since they would no longer travel on the road carriageway. For pedestrians, which is likely to be more frequent mode of travel, the change would be a widening of the footway, albeit one shared with cyclists. It would still be alongside the Station Road carriageway, whereas the new route over the bridge would be entirely free of motorised traffic.

10.14 Apart from any impacts on the visual character of Station Road due to loss of verges, it should be noted that the Highway Authority has raised concerns relating to the proposed works would not fully comply with the recommended 3m width of a shared footway/cycleway, since in places it reduces to 2.7m or less. It would reduce the width of the carriageway to below the recommended 6m width. This is a bus route and the access road to the development (and other side roads) for emergency and other vehicles. Pedestrian visibility splays from some private driveways would also be reduced. This further limits the weight which can be attached when considering the 'benefits' associated with these works which seek to mitigate the impact of the new route/bridge not being provided.

#### Viability

10.15 Members will note that 13 years have passed since outline planning permission was originally approved. The first phase proceeded relatively promptly. The development then stalled with no house builders coming forward until 2019 when Keepmoat applied for Phase 2, now currently under construction.

10.16 At the time that new applications for phases 2 and 3 were considered in 2019-20 the landowners and developers asserted that the cost of complying with planning conditions/s106 obligations had act as a deterrent. As part of the applications these were reviewed and in some cases it was found they could be modified in a manner which reduced potential costs without significant harm to planning interests. For example, the cost of providing a new bus service proved to be substantially less than originally anticipated, so these s106 contributions could be reduced. It was also accepted that the proposed pedestrian/cycle/emergency vehicle link over Cow Wath Beck could be deleted. In part this was because an alternative emergency vehicle onto Field Lane was agreed, but also it was less critical than the route to the south in terms of improving walking/cycling distances to local services, which are more concentrated in Newby than Scalby village centre.

10.17 A further point which was subject of detailed review was the timing of when the proposed route/bridge should be delivered. The original outline planning permission of 2010 tied this to the early part of Phase 2. The developers of Phase 2 were unwilling to deliver the route as part of their development. Ultimately, it was agreed



that it could be delayed to be a precursor of the Phase 3 planning permission for up to 220 dwellings and this is the current position. In addition, the Section 106 obligations for Phase 2 include payment of an estimated half of the cost of the provision of the bridge/route and initial maintenance totalling £174,500 + indexation based on an estimate calculated by the Highway Authority.

10.18 A factor which needs some explanation is a potential 'ransom strip' situation which has arisen. This relates to Lands Tribunal case law, whereby the owner the third party required for development to proceed is entitled to a proportion of the ensuing increase in land value. The Millennium Field is owned by the Council, while the Scalby Beck watercourse and the air above it are in the ownership of the Environment Agency (EA). Prior to the application being submitted, dialogue took place involving Council Planning and Estates officers, the landowner, the prospective developer of Phase 3 (Bellway Homes) and the EA. Ultimately, an impasse was reached and the most difficult point to resolve was the EA's insistence on pursuing a 'ransom' sum since the bridge would pass through the air in its ownership. Planning officers sought to act proactively and wrote to the Environment Agency, emphasising the importance of this key infrastructure on environmental sustainability grounds, but this was to no avail.

10.19 In this respect, it is recognised that the developer would potentially incur additional costs if this situation is not resolved. However, the applicants have not gone down the route of submitting a full viability assessment, which would be the established approach if the Local Planning Authority were to take this into account. In the absence of detailed evidence, viability is not a matter which can be afforded significant weight.

10.20 Clearly a risk of refusing planning permission is that development stalls again on this 'committed' housing site. While this would be regrettable, but would not cause any problems in the foreseeable future relating to housing land supply. Ultimately greater importance is attached to securing the proposed route to essential services. Furthermore, Phase 2 will secure important (if not all) on-site social infrastructure, such as play and sports facilities. Refusal of the application would represent a clear marker of the Local Planning Authority's position. It is then hoped that all relevant parties would re-evaluate the situation in a realistic manner to take matters forward in a positive and proactive manner.

## **11.0 PLANNING BALANCE AND CONCLUSION**

11.1 In terms of planning policy, the loss of the bridge/route would go to the heart of fundamental planning principles set out in the NPPF, NPPG (national guidance) and Local Plan policy. The NPPF states, "The purpose of the planning system is to contribute to the achievement of sustainable development." This should be achieved by means of 3 overarching economic, social and environmental objectives. All three are relevant to this application, but perhaps most important is the social objective which seeks to foster 'well-designed, beautiful and safe built environment places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being."

11.2 The presumption in favour of sustainable development is reinforced by Policy SD1 of the Local Plan and a number of other national and local plan policies. For example, the NPPF states, "Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes". Local Plan policy INF1 seeks to promote sustainable transport modes other than the car, while policy INF3 requires proposals to contribute to sustainable transport, improve transport choice by encouraging travel to work and school by public transport, cycling and walking and minimise the distance people have to travel. Policy DEC1 seeks to create attractive and desirable places where people want to live, work, invest and reduce carbon emissions, while also connecting with the surroundings, including provision of walking and cycling routes. Policy ENV8 also encourages the creation of new green corridors, which is what the proposed new route would provide. Officers conclude that approval of this application would either directly contravene or undermine the principles relating to these Local Plan policies.

11.3 As previously explained, the loss of the proposed route would significantly reduce options for the residents of High Mill and its surroundings to reach schools and other key facilities on foot, and to some extent by cycling. This was a fundamental point when considering whether the development as a whole would meet the principles of sustainable development, and as indicated above the proposals are considered to be contrary development plan (i.e. Local Plan policies).

11.4 As a consequence, it is necessary to consider whether there are other material consideration which would dictate a recommendation other than refusal. This report has considered the works of mitigation along Station Road, and the risk of development stalling as a result of the 'ransom strip' situation. However, given the critical importance of the route to the sustainability of this development of over 500 dwellings. It is your officers' conclusion is that the case/proposals put forward by the applicant do not outweigh the harm to concerns covered by local and national planning policies. It is therefore concluded that this application should be refused.

## **12.0 RECOMMENDATION**

12.1 That Permission be REFUSED for the reason given below:

- 1 The proposed variation/removal of conditions from planning permission 19/01248/OL would result in the loss of a key proposed pedestrian and cycle route between existing and proposed housing at and in the environs of High Mill Farm, Scalby and essential day-to-day services likely to be used by the occupiers of these dwellings. The Local Planning Authority has always considered that the provision of this route is fundamental to the sustainability of this development of over 500 dwellings on the High Mill site. The most significant benefit of the route/bridge is considered to be the reduction in journey times for pedestrians travelling to key services in the centre of Newby, having regard to recommended walking distances from the Institution of Highway and Transportation. These include the nearest secondary school, primary school, supermarket, doctor's surgery, pharmacy and library. The

route would also reduce journey times on foot to facilities and attractions in the North Bay/Burniston Road area of Scarborough. Similarly, journey times for cyclists seek to reach the destinations referred to above and beyond would be reduced. The deletion of the route as a requirement therefore have a negative impact, also isolating and turning the High Mill development away from the Scarborough Urban Area of which it should form an integral part.

Alternative routes, taking account of proposed works notably along Station Road, are significantly less sustainable and practical to use. Apart from the markedly greater distances than the proposed new route, the alternatives are less direct and attractive for pedestrians (and to some extent cyclists) to use. They would involve travelling along busy classified roads, or in the case of the Cinder Track, a route which is unlit and enclosed by vegetation. The proposed route to the south would be particularly beneficial for persons without access to motorised private transport, including school children attending the two local schools. The non-provision of the route would increase car journeys with negative impact on noise, air pollution and carbon emissions, notably along the highways which pedestrians/cyclists would be compelled to use.

Furthermore, very limited weight should be attached to the works proposed to the Station Road highway. This conclusion is reached noting the restricted width of the proposed shared footway/cycleway, the reduction in the width of the carriageway to below recommended standards and the negative impact on pedestrian visibility splays from private driveways. In addition, the application does not substantiate assertions that the route/bridge required by the existing planning conditions would render unviable the development approved by planning permission 19/01248/OL.

In light of the of the above, the application is considered to be in direct contravention of Policies DEC1, INF1 and INF3 of the adopted Scarborough Borough Local Plan and contrary to the broad principles contained in policies SD1 and ENV8 of the same document. Likewise, the application considered to be contrary to the policies and principles contained in the National Planning Policy Framework, notably the core principles underpinning the concept of sustainable development.

**Target Determination Date:** 11 November 2022

**Case Officer:** Mr Hugh Smith  
hugh.smith@northyorks.gov.uk

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**North Yorkshire Council  
Community Development Services  
Scarborough And Whitby Constituency Committee**

**11 MAY 2023**

**22/02501/RG3 - PUBLIC REALM WORKS COMPRISING RELOCATION OF THE STATION TAXI RANK TO REAR AND ASSOCIATED LANDSCAPING. ALTERATIONS TO STATION BUILDING TO FACILITATE PEDESTRIAN ACCESS TO THE REAR. INSTALLATION OF LANDSCAPING, PLANTING, STREET FURNITURE AND PUBLIC ART FEATURES TO FRONT AT CENTRAL RAILWAY STATION, WESTBOROUGH, SCARBOROUGH, NORTH YORKSHIRE, YO11 1TN ON BEHALF OF SCARBOROUGH BOROUGH COUNCIL (NORTH YORKSHIRE COUNCIL AS CONTINUING AUTHORITY)**

**Report of the Assistant Director Planning – Community Development Services**

**1.0 Purpose of the report**

1.1 To determine a planning application 22/02501/RG3 on land at Central Railway Station, Scarborough.

1.2 In accordance with the North Yorkshire Council Scheme of Delegation, the application has been brought to the meeting of the Committee as the Council is the applicant.

**2.0 EXECUTIVE SUMMARY**

**RECOMMENDATION:** That planning permission be **GRANTED** subject to the conditions listed at the end of this report.

2.1 In general terms, this application seeks planning permission for hard and soft landscaping works around Scarborough railway station. Most notably, the station forecourt is proposed to be set over to a pedestrianised plaza and the existing frontage taxi rank, drop-off facility and disabled parking provision are proposed to be re-sited to the rear of the station within the adjoining 'shed' building. An access between the shed and the main station building is proposed to be formed along with an accessible link between.

2.2 In principle, your Officers consider the proposal to be in accordance with policy INF1 of the Local Plan. Other key issues for consideration include:

- Design and impact on the character of the Conservation Area and heritage assets;
- Accessibility, highways and transport;

- Ecology and trees.

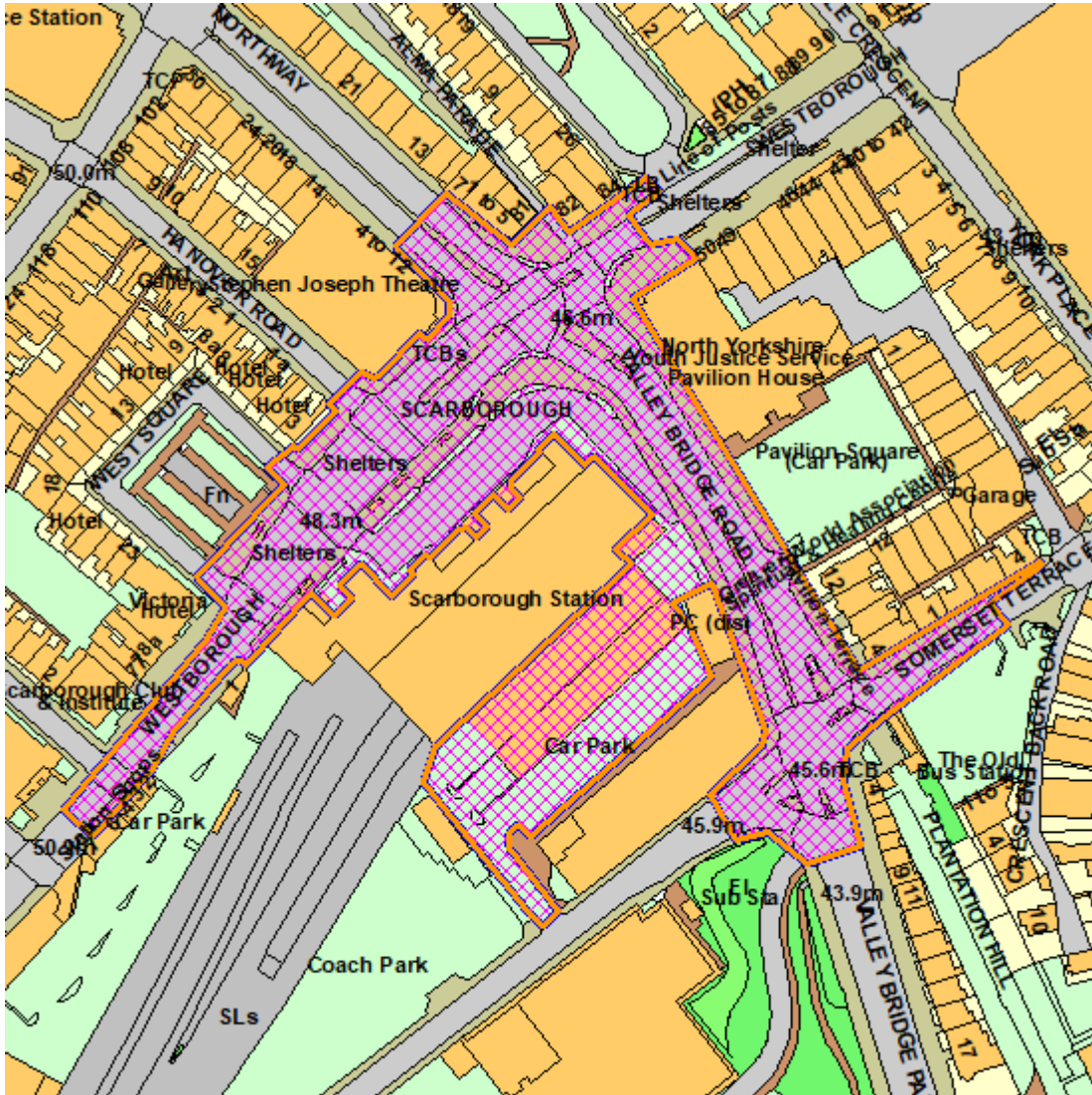
2.3 In these respects there are considered to be significant planning benefits, particularly to the character and appearance of the Conservation Area and the settings of important Listed Buildings. Weighing against the proposals are some impacts on the convenience of bus users.

2.4 On balance your Officers consider the proposals to be acceptable in principle.



N

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### **3.0 Preliminary Matters**

3.1 Access to the case file on Public Access can be found here

<https://planning.scarborough.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RMZW35NSH4100>

3.2 Members should be aware of two pieces of legislation which are important to the consideration of this case: 1) Section 278 of the Highways Act; and, 2) particular aspects of the 'Permitted Development Order'.

3.3 Members will be familiar with Permitted Development rights and their use. In considering the applicant's drawings and the recommended conditions it is important to hold in mind that Parts 9 (development relating to roads) and 12 (development by Local Authorities) to Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 (As Amended) grant the North Yorkshire Council broad rights to develop the highway and other infrastructure (such as its car parks) without first having to apply for planning permission.

3.4 For example, a Highway Authority can generally alter the highway around a bus stop (create a build-out, layby, raised curb and so forth) and erect a bus shelter and 'stop flag' utilising its permitted development rights. Similarly, a Local Authority could re-arrange its car park, add a payment meter, add bollards and similar using permitted development rights.

3.5 It is also important to hold in mind that whilst the majority of highway works are Permitted Development (and/ or are covered by s278 agreements), and much Local Authority development is also Permitted Development, it is still open to the Committee to add conditions relating to these Permitted Developments. For example, if a proposal involved the deletion of important bus-stops, but an applicant had suggested that they would provide these elsewhere under permitted development rules, then it would be in the gift of the Committee to require that these new 'Permitted Development bus-stops' be provided before the existing facilities were removed by way of a planning condition.

3.6 Members will appreciate that considerably more detail is shown on the submitted application drawings than is listed at points i) to iv) under paragraph 5.1 below.

3.7 Whilst the proposed highway work is not for consideration here, the applicant has been keen to illustrate their plans to change the layout of Valley Bridge Road, the A64, Northway and Westborough on many of the submitted drawings to illustrate how the re-development station surround would function as a package.

### **4.0 Site and Surroundings**

4.1 This application relates to a 1.49 hectare site comprising the Grade II Listed Scarborough Central Railway Station, its forecourt including frontage bus stops,



drop-off facility and disabled parking bays, the two stone and brick-built sheds to the rear (which are part of the Listed Building) and the Council operated car-park within.

4.2 In terms of context, the site lies immediately adjacent to junction between the A64, Valley Bridge Road, Northway and Westborough. Situated on a key node within the town, the site is surrounded by a range of town centre uses including leisure (notably the Stephen Joseph Theatre to the north), commercial and residential units.

4.3 With respect to planning designations and constraints, the major part of the application site is within the Scarborough Town Centre Area and is immediately adjacent to the Primary Shopping Area, as defined by the Scarborough Borough Local Plan. All of the application site is within the Scarborough Conservation Area.

## **5.0 Description of Proposal**

5.1 This application seeks planning permission for the following:

- i) Hard and soft landscaping to the front of the station building comprising raised and ground level planting together with new hard surfacing. The effect of the landscaping would be to pedestrianise the station forecourt; with the exception of service and emergency vehicles, all traffic is to be excluded from the station forecourt;
- ii) Hard and soft landscaping on the east side of the Westborough/ Northway junction;
- iii) Hard landscaping to the east side of the station together with the removal of the existing station plant enclosure, which will 'open up' the east side of the building to pedestrians allowing a route through the station complex from Valley Bridge Road. Pedestrian access ramps and stairs connecting the main station building and the 'shed' immediately to the rear to facilitate pedestrian access between the two (in conjunction with new apertures to be formed in the buildings - see associated application for Listed Building Consent 22/02502/LB)
- iv) Partial removal of the east wall of the shed immediately to the south of the station, with a new opening formed within to allow for use of the building as a taxi-rank, drop-off facility and disabled parking facility.

## **6.0 Planning Policy and Guidance**

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise.

### Adopted Development Plan

6.2 The Adopted Plan for this site is:

- Scarborough Borough Local Plan 2011 to 2032 adopted 2017

## Emerging Development Plan - Material Consideration

6.3 There is no emerging development plan which covers the application site.

## Guidance - Material Considerations

- National Planning Policy Framework 2021
- National Planning Practice Guidance
- National Design Guide 2021

## **7.0 Consultation Responses**

7.1 The following consultation responses have been received and have been summarised below.

7.2 Highway Authority: In principle there are no problems with the relocation of the bus stops. It would be necessary to add a prohibition of loading restriction on the area of Westborough opposite the area of the proposed replacement bus stops to prevent blockages (when buses are stopped). Note this could be detrimental to some blue badge holders. The relocation of the taxi rank and drop-off facility will improve the traffic situation on Westborough. There will be an increase in traffic on Westwood due to the relocation of the taxi rank and drop-off facility.

7.3 To limit the impact of the new station access on the surrounding road network a 'prohibition of entry' should be imposed immediately to the west of the Tesco access onto Westwood. This would ensure all vehicles exiting from the rear of the train station will have to use the signalised junction (between Westwood, Valley Road and Somerset Terrace). The introduction of this, together with the 'no loading' restriction opposite the relocated bus-stops on Westborough is a matter for the Highway Authority but will be at the applicant's cost.

7.4 A condition should be imposed requiring a construction management plan and an informative should be added to any planning permission advising that the 'restriction of entry' and 'no loading' restrictions required by the Highway Authority are subject to a process outside of the planning regime administered by the Highway Authority.

7.5 North Yorkshire Police Designing Out Crime Officer: I had the opportunity to comment on this scheme before the application was submitted. No objections.

7.6 Lead Local Flood Authority: Has not made any comment.

7.7 Parks and Countryside Services (SCA): Has not made any formal comment.

7.8 Licensing (Taxi) (SCA): Has not made any comment.

7.9 Local Bus Operators: Have not made any comment.

## Local Representations

7.10 5 local representations have been received of which 4 are objecting and 1 makes a neutral observation. A summary of the comments is provided below, however, please see the Council's website for full comments.

### 7.11 Objections:

- The proposed new road layout appears to show little regard to the movement of HGVs delivering to the town centre;
- This development will make existing anti-social behaviour problems in the locality worse;
- Unnecessary works to the structure of the station buildings must be avoided given its heritage value;
- I am surprised at the reduction in facilities for bus passengers outside the station;
- New bus shelters in the position indicated on the plans will impede pedestrians including those with disabilities;
- The transfer of passengers from trains to busses should be fundamentally integrated in the plans;
- Moving the bus stops 100 metres down Westborough could be a problem for some bus users.

### 7.12 Neutral:

- The applicant refers to Westborough Road when the road to the rear of the station is in fact Westwood.

## **8.0 Environmental Impact Assessment**

8.1 An Environmental Statement is not required.

## **9.0 Main Issues**

9.1 The main issues are:

- Principle of development
- Design and impact on the character of the Conservation Area and heritage assets;
- Accessibility, highways and transport;
- Ecology and trees.

## **10.0 Assessment**

### Principle of Development

10.1 In general terms, policy INF1 of the Local Plan is supportive of proposals to improve accessibility which support economic, tourism and sustainable regeneration objectives.

10.2 As a proposal aimed at improving pedestrian accessibility and sustainable transport options around the station together with stimulating regeneration of a key

node within the town, subject to the proposal being found to be in compliance with the other policies of the development plan, your Officers consider the scheme to be acceptable in principle.

Design and impact on the character of the Conservation Area and heritage assets

10.3 Policy DEC1 of the Scarborough Borough Local Plan requires that new development is of a high standard of design. Policy DEC5 of the Local Plan states that development which affects the Conservation Area should preserve or enhance its character. It goes on to require that the settings of Listed Buildings are preserved. These requirements build on the statutory requirements laid out at sections 72(1) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'), where the decision maker's duty to have regard to the desirability of preserving the character and appearance of the Conservation Area and settings of Listed Buildings are laid out.

10.4 The scheme is complex from a design perspective so each of the main groups of changes referenced at paragraph 5.1 is addressed in turn:

i) & ii) Hard and soft landscaping to the front of the station building and the Westborough/ Northway Junction

10.5 An expanse of tarmac dominates the current immediate station frontage. It has a somewhat scruffy appearance owing to potholes and many previous repairs. Further, the area of the forecourt has a confused appearance due to the plethora of road markings setting out disabled parking bays, the taxi rank and the drop-off facility, which are awkwardly arranged from a visual perspective.

10.6 Beyond the tarmac (to the north) are raised planters, three mature trees and bus stops, which have a functional appearance. These elements are not unattractive in their own right, but nevertheless Officers would contend that it is the frequently congested tarmac dominated forecourt that defines the setting of the impressive and historically significant Grade II Listed station building and this particular arm of the Conservation Area.

10.7 The scheme put forward here proposes to set the station forecourt area over to a pedestrianised plaza comprised of stone and reconstituted stone pavements arranged in broad 'wave patterns' set with artwork, large planting beds including 5 trees (a net gain of 2), artificial stone 'feature seats', general seating benches, lighting and a 'water garden' (a bed of water-loving plants with both decorative and functional drainage roles) defining the plaza's northern boundary with the highway.

10.8 Although separate from the plaza, the hard landscaping theme would continue to the Westborough/ Valley Bridge Road and Westborough/ Northway corners as a 'visual extension' to the station's proposed new forecourt. Two additional trees are proposed to be planted in this area.

10.9 It is the view of your Officers that the re-purposing of the station's existing cluttered and congested forecourt as proposed, with a visually consistent and attractive hard and soft landscaping theme including significant greenery, would give

the area an open and spacious character akin to an urban park which would enhance the setting of the Grade II Listed station and the appearance of this arm of the Conservation Area. Extending the theme beyond the station forecourt to the Westborough junction as proposed would amplify the effect, giving the whole area a consolidated appearance.

iii) Hard and soft landscaping to the (east) side of the station

10.10 With its striking railway architecture and robust stone boundary wall topped with well-preserved ornate cast iron railings (subject to a separate Grade II Listing), the eastern side of the station building is a defining feature of the Conservation Area.

10.11 Whilst the space between the station building and the boundary wall is open for public use, it currently forms a 'dead end' to pedestrians and in practice is little used, other than for vehicle parking. This is regrettable, given the architectural quality of the space.

10.12 The proposal here is to set the space between the eastern elevation of the station and the boundary wall over to pedestrians and to form an open walkable link between Valley Bridge Road and the new station plaza. In place of the existing plant enclosure (on the eastern side of the station building) an open space is proposed to be formed which would include stairs and a disabled access ramp to the newly formed facilities in the historic station shed. These facilities would also be accessible from the main station building itself by a new opening in the rear of this station building. In effect, a small new 'public' square would be formed to the rear of the station building.

10.13 If the submitted drawings are considered whilst stood in this area of the site, it is possible to envisage how the new space would appear. Subject to careful, crisp detailing, in your Officer's view it has the potential to form an impressive space in and of its own right; it would be bounded by the vast Listed station shed to the west, the imposing Listed station building to the north and by the distinctive original cast iron railings and wall to the east.

10.14 In the view of your Officers, improving the hard landscaping to the east of the station building, removing visual clutter (including the low quality plant enclosure) and opening up rear of station to provide access to new services at the rear from within will improve the appearance of the Listed station building in a visual sense and will also increase activity in what is currently a 'dead' space. It is your Officers view that both of these aspects, visual improvement and enhanced activity, will enhance the character of the Conservation Area and the setting of the Listed station.

iv) Partial removal of the east wall of the shed immediately to the south of the station, with a new opening formed within to allow for use of the building as a taxi-rank, drop-off facility and disabled parking facility.

10.15 With its distinctive louvered roof, cast iron roof supports, tall vaults and its cavernous internal dimensions, the shed to the rear of the station (which has Grade II Listed status as part of the station) is an interesting piece of railway architecture in an of its own right. The building is believed to be part of the original goods station

and formally used to cover the long since removed platforms 6 and 7. It is currently set over to car parking but is underutilised. As a result it is frequently vandalised and is occasionally a focus for antisocial behaviour.

10.16 Currently, a 2.85m high masonry wall forms the lower part of the east elevation of the shed building. Part of the proposal is to lower this wall to 1.85m and to add an aperture to its centre to form an access between the new 'rear square' mentioned above and the shed. This will facilitate links between the shed through to the station building itself and the new plaza to the front via the pedestrian route to the east side of the station.

10.17 The changes to the masonry wall will create a visual and physical (pedestrian) link between the new uses within the shed and will enable the enhancements to the setting of the Listed Buildings and the Conservation Area set out at point iii) above to be realised.

10.18 Moreover, putting the currently underutilised shed building to an operational public use will ensure regular maintenance and thus its long term conservation. Its public use together with the removal of the existing plant facilities (which screen the building from important views) will also allow people to enjoy an important, attractive and interesting historic building which is currently sat concealed and largely unused to the rear of the station.

#### Accessibility, highways and transport

10.19 Currently, the station forecourt has a confused appearance due to the plethora of road markings setting out disabled parking bays, the taxi rank and the drop-off facility, which are awkwardly arranged from both visual and practical perspectives. The area is not an easy one to navigate for those unfamiliar with it, particularly for pedestrians.

10.20 In your Officers' view, setting the forecourt over to a pedestrianised area will improve the station environment particularly for pedestrians and the properly planned taxi rank, drop-off and disabled parking arrangements within the building to the rear of the station represents a major enhancement for all users; no longer would turning taxis conflict with those making station drop-offs or those trying to manoeuvre in or out of (poorly conceived) taxi parking arrangements.

10.21 In terms of bus-stop provision, there are 10 bus stops in the near vicinity of the station and 4 of these stops are immediately to the front of station (stops R, S, T and U as referenced in the submitted Transport Statement). These 4 stops serve a significant number of local bus services and section 3.6 with Appendix 4 of the submitted Transport Statement sets out precisely which services use which of the 4 stops. These 4 stops are proposed to be removed as part of the development and whilst precise details of the new arrangements have not been supplied indicative details show them relocated around 100 metres to the west of their current position along Westborough.

10.22 There is no doubt in your Officers' minds that relocating these well-used bus stops will be less convenient for bus passengers and there is clearly less pavement

space for stops on Westborough around 100 metres to the west of the station, which may mean shelter space will have to be less generous.

10.23 However, the Highway Authority indicates in its response that the stops can be relocated safely, bus services will remain unchanged and the moved stops would be less than a 1 minute walk from their current location.

10.24 With these factors in mind, in the balance your Officers consider that the transport benefits to the scheme as identified outweigh the negative impacts of the relocation of the 4 bus-stops.

10.25 Your Officers recommend that a condition is imposed requiring precise details or the permanent replacement bus-stop arrangements as well as any temporary arrangements as may be necessary (with details of these supplied before the 4 existing stops are removed).

#### Ecology and trees

10.26 The work to the station forecourt will result in the removal of 3 healthy trees (1 x Sycamore and 2 x Cherry) but will result in the planting of 5 replacements, the precise details of which are yet to be specified. Further, 2 additional trees will be planted either side of the Westborough junction. As such, Officers consider that the development will lead to enhanced tree cover overall.

10.27 Officers recommend that conditions are imposed requiring a planting scheme in accordance with the broad principles set out within the Landscape Design and Access Statement, which proposes a spectrum of species within the significant number of planting beds to enhance the biodiversity of the locality. Of particular interest is the planned 'water garden' which will form the major planted feature at the station plaza's northern edge (adjacent to the road). It will feature water-loving plants, form an attractive centrepiece of biodiversity value and simultaneously will serve as a functional element of the planned drainage scheme, in line with sustainability principle.

#### Additional considerations

10.28 Policy DEC4 of the Local Plan requires that new development affords a good level of amenity to new residents, and it precludes development that would harm the amenity of neighbouring property.

10.29 In this regard, Officers do not consider that the amenity of other town centre users, including that of businesses and residences, will be unacceptably harmed as a result of the proposal; a standard of amenity will remain which is consistent with what can reasonably be expected from a core town centre location which includes retail and night-time uses, amongst others.

10.30 The Highway Authority has stated that access to vehicular traffic to the west of the Tesco junction on Westwood should be prohibited and that 'no loading' restrictions are placed on the highway opposite the planned new bus stops on Westborough. It is within the gift of the Highway Authority to make changes to the

relevant Orders related to the stretches of highway in question subject to a formal process, in which third parties will have the opportunity to comment.

10.31 No comment has been received from the Lead Local Flood Authority with respect to drainage. However, the proposal does not increase the amount of hard surfacing in the area (it largely substitutes existing hard surfacing for new) and as such the amount of run-off will not increase nor will the risk of flooding on the site or elsewhere.

## **11.0 Planning Balance and Conclusion**

11.1 In principle, your Officers consider the proposal to be in accordance with policy INF1 of the Local Plan. Other key issues for consideration include:

- Design and impact on the character of the Conservation Area and heritage assets;
- Accessibility, highways and transport;
- Ecology and trees.

11.2 In these respects there are considered to be significant planning benefits, particularly to the character and appearance of the Conservation Area and the settings of important Listed Buildings. Weighing against the proposals are some limited impacts on the convenience of bus users.

11.3 On balance your Officers consider the proposals to be acceptable.

## **12.0 RECOMMENDATION**

12.1 That Permission be GRANTED subject to conditions listed below

1 Approved plans

Except where may be modified by the conditions of this consent, the development shall be implemented in accordance with the following plans and drawings:

5630- OOB- ZZ- 00- DR- L- 0001 REV P04 , SITE PLAN, 21 Feb 23;

226131-BGP-01-XX-DR-C-90.4-01910 REV P01 , Proposed Extent of Works , 15 Feb 23;

226131-BGP-01-XX-DR-C-90.4-01917 REV P03, Proposed Alternative Accessible Parking, 15 Feb 2023;

226131-BGP-01-ZZ-DR-S-21-01600 REV P03, ELEVATION ON PROPOSED NEW DOOR OPENING, 15 Feb 2023;

226131-BGP-01-ZZ-DR-S-21-01601 REV P01, ELEVATION ON PROPOSED TAXI RANK ENTRANCE, 15 Feb 2023;

5630- OOB- ZZ- ZZ- DR- L- 0045 REV P01, Proposed Site Section A-A, 15 Feb 2023;



5630- OOB- ZZ- ZZ- DR- L- 0046 REV P01 , Proposed Site Section B-B , 15 Feb 2023;

5630- OOB- ZZ- ZZ- DR- L- 0047 REV P01 , Proposed Site Section C-C , 15 Feb 2023;

5630- OOB- ZZ- ZZ- DR- L- 0048 REV P01, Proposed Site Section D-D & E-E, 15 Feb 2023;

5630- OOB- ZZ- ZZ- DR- L- 0049 REV P01, Proposed Site Section F-F, 15 Feb 2023;

5630- OOB- ZZ- 00- DR- L- 0010 REV P4 , Trees to be removed and retained, 21 Feb 2023;

5630- OOB- ZZ- 00- DR- L- 0020 REV P04, CIRCULATION STRATEGY, 21 Feb 2023;

5630- OOB- ZZ- 00- DR- L- 0030 REV P04, PLANTING STRATEGY, 21 Feb 2023;

Reason: To avoid doubt.

## 2 Permanent replacement bus stop facilities (discharge required)

Prior to the removal of any part of the existing bus-stop facilities to the front (north) of the station (stops R, S, T and U as referenced in the submitted Transport Statement), a detailed plan for their permanent relocation shall be submitted to and approved in writing by the Local Planning Authority. The detailed plan shall include:

- Precise location details of the proposed bus stops, with details of which bus services are intended to be serviced by which stop;
- Details of the design of the proposed bus-stop flags;
- Details of litter bin locations, litter bin specifications and a plan for their regularly emptying;
- Precise specifications of proposed bus shelters;
- Precise specifications of any highway works to facilitate accessibility and use of the stop, including the provision of bus-stop clearways and raised kerbs.

The detailed plan for the permanent relocation of bus stops R, S, T and U shall be implemented in full within 24 months of the removal of the existing bus-stops.

Reason: To ensure permanent replacement bus-stop facilities are properly designed for in accordance with policy DEC1 of the Local Plan.

## 3 Temporary bus stop facilities (discharge required)

Prior to the removal of any part of the existing bus-stop facilities to the front (north) of the station (stops R, S, T and U as referenced in the submitted Transport Statement), if temporary relocation is to be required prior to the

implementation of the permanent replacement bus-stop plan (approved under condition 2), a detailed plan for their temporary relocation shall be submitted to and approved in writing by the Local Planning Authority. The detailed plan shall include:

- Precise location details of the proposed temporary bus stops, with details of which bus services are intended to be serviced by which stop;
- Details of the design of the proposed temporary bus-stop flags;
- Details of litter bin locations, litter bin specifications and a plan for their regularly emptying;
- Precise specifications of temporary bus shelters, if proposed;
- Details of any required modifications to the highway to facilitate accessibility.

The temporary bus-stop arrangements shall be provided in accordance with the approved detailed plan.

Reason: To ensure temporary bus-stop facilities are properly designed for in accordance with policy DEC1 of the Local Plan.

#### 4 Phasing of key transport service provision (discharge required)

None of the following existing services a) to c) currently located to the front of the station building shall be taken out of use until a phasing plan for the delivery of the respective new facilities as specified on approved plan 226131-BGP-01-XX-DR-C-90.4-01971 REV P03 (proposed alternative accessible parking, 15 Feb 2023) has been submitted to and approved in writing by the Local Planning Authority:

- a) Taxi rank;
- b) Disabled parking bays;
- c) Drop-off facility.

For each of the services a) to c) the phasing plan shall include details of:

1. Dates of the 4 week window within which the existing service shall be taken out of use;
2. Dates of the 4 week window within which the new service shall be available for use;
3. Details of temporary provision should the permanent provision as specified on the aforementioned approved plan not be provided before the removal of the existing service.

All of the new permanent services a) to c) shall be complete and operational, including the provision of all of the road markings shown on the approved drawings, within 24 months of the commencement of development.

Reason: To ensure services a) to c) are properly designed for in accordance with policy DEC1 of the Local Plan.

5 Tree protection

Those trees shown to be preserved on the approved drawings shall be preserved and shall be protected during construction in accordance with the methodology set out at section 6 of the submitted arboricultural report (ref: ARB/AE/3011, date: December 2022). Both retained and new trees shall be maintained post construction in accordance with the method set out at section 7 of the aforementioned report.

Reason: To ensure new and existing trees are appropriately managed to secure their long time survival in order to protect the amenity and biodiversity of the area. Policies DEC1 and ENV5 of the Local Plan.

6 Lighting strategy (discharge required)

Notwithstanding the submitted details, no floodlighting or other form of external lighting except for highway lighting (i.e. highway street lamps illuminating the public highway) shall be installed except in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting which is so installed shall not thereafter be altered.

Reason: To ensure the character of the Conservation Area is preserved in accordance with policy DEC5 of the Local Plan.

7 Detailed landscape plan (discharge required)

Prior to the planting of any trees, shrubs or other plants, and no later than 4 months post commencement of development, a detailed planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The planting scheme shall be based on the details presented in the 'Landscape Design and Access Statement' (received 15 February 2023), the 'Arboricultural Survey/ Arboricultural Impact Assessment/ Tree Protection Plan' (received 15 February 2023) and plan ref: 5630- OOB- ZZ- 00- DR- L- 0030 REV P04 ('planting strategy' received 15 February 2023), which set out the framework strategy for planting. The detailed planting scheme shall include a schedule of plants, noting species, plant sizes and proposed numbers/ densities together with an implementation programme.

The detailed planting scheme shall be implemented as approved in full within 12 months of the first use of the development. In the event of any of the trees, shrubs or other plants so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree, shrub or other plant of equivalent number and species shall be planted as a replacement.

Reason: As precise details have not been supplied. To ensure the 'greening' benefits of the proposal are realised to ensure the character of the area is improved in accordance with policies DEC1 and DEC5 of the Local Plan.

8 Landscape and public open space maintenance (discharge required)

A landscape and public realm management plan, including management responsibilities and maintenance schedules for all landscaped areas and areas of public realm (except for the public highway), shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of development. The approved landscape and public realm management plan shall be implemented upon first use of the development and shall continue in perpetuity.

Reason: To ensure the character of the Conservation Area is protected in the long-term in accordance with policy DEC5 of the Local Plan.

9 Materials of construction (discharge required)

Notwithstanding any indication contained in the application, a detailed schedule of all top-layer hard surface materials (except for areas in the public highway) shall be submitted to and approved in writing by the Local Planning Authority before any top-layer hard surfacing takes place. All surfaces shall be finished in accordance with the approved details within 12 months of the first use of the development. Future maintenance shall be carried out in materials as approved in the schedule.

Reason As precise details have not been supplied, to ensure the character of the Conservation Area is preserved in accordance with policy DEC5 of the Local Plan.

10 Public art (ground mounted) (discharge required)

Prior to installation, precise details of any public art installations to be incorporated into the surface treatments for the hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. Any public art installations to be incorporated into the surface treatments for the hard surface areas shall be provided in accordance with the approved details.

Reason: As precise details have not been supplied, to ensure the character of the Conservation Area is preserved in accordance with policy DEC5 of the Local Plan.

11 Street furniture - typical planting bed, seats, bollards, litter bins, lighting columns (discharge required)

Prior to their installation, typical details of the following items of street furniture to be incorporated into the design, including a material specification and an assembly drawing at no less than 1:20 scale, shall be submitted to and approved in writing by the Local Planning Authority:

- a) Bollards to be used to exclude traffic from pedestrianised areas;
- b) Raised planting beds, with cross-section;

- c) All seating types;
- d) Lighting columns;
- e) Litter bins.

The above mentioned street furniture shall be installed in accordance with the approved details.

Reason: As cumulatively this items will have a significant impact on the character of the area. To ensure the character of the Conservation Area is preserved in accordance with policy DEC5 of the Local Plan.

12 Construction environmental method statement (discharge required)

Development shall not continue beyond that which is approved for the shed to the rear of the station until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. Construction of the development must be undertaken in accordance with the approved CMP.

The Plan must include the following

1. details of any temporary construction access to the site including measures for removal following completion of construction works;
2. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
3. the parking of contractors' site operatives and visitor's vehicles;
4. areas for storage of plant and materials used in constructing the development clear of the highway;
5. measures to manage the delivery of and removal of materials and plant to and from the site, including timing of deliveries, the timing of removals and the timing and location of loading and unloading activities;
6. details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
7. protection of carriageway and footway users at all times during demolition and construction;
8. protection of contractors working adjacent to the highway;
9. details of site working hours;
10. erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
11. 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;
12. measures to control and monitor construction noise;
13. an undertaking that there must be no burning of materials on site at any time during construction;
14. details of external lighting equipment;
15. a detailed method statement and programme for the building works;

16. contact details for the responsible person (site manager/office) who can be contacted by the Local Planning Authority on the matter of compliance with this CMP.

Reason: This site is a key transport node within the town and is a particular busy mixed-use environment. Without reasonable restriction, there is the potential for construction activities to cause significant harm to amenity, public safety and highway safety. Policies DEC1, DEC4 and ENV3 of the Scarborough Borough Local Plan.

**Target Determination Date:** 21 April 2023

**Case Officer:** Mr Daniel Metcalfe  
daniel.metcalfe@northyorks.gov.uk

**North Yorkshire Council  
Community Development Services  
Scarborough And Whitby Constituency Committee**

**11 MAY 2023**

**22/02502/LB - FORMATION OF DOORWAY TO SOUTH-EASTERN ELEVATION,  
STEPS, WALKWAY AND ACCESS TO INTERNAL TAXI RANK AT CENTRAL  
RAILWAY STATION, WESTBOROUGH, SCARBOROUGH, NORTH YORKSHIRE,  
YO11 1TN, ON BEHALF OF SCARBOROUGH BOROUGH COUNCIL (NORTH  
YORKSHIRE COUNCIL AS CONTINUING AUTHORITY)**

**Report of the Assistant Director Planning – Community Development Services**

**1.0 Purpose of the report**

1.1 To determine an application for Listed Building Consent reference 22/02502/LB on land at Central Railway Station, Scarborough.

1.2 In accordance with the North Yorkshire Council Scheme of Delegation, the application has been brought to the meeting of the Committee as the Council is the applicant.

**2.0 EXECUTIVE SUMMARY**

**RECOMMENDATION: That Listed Building consent be GRANTED subject to the conditions listed at the end of this report.**

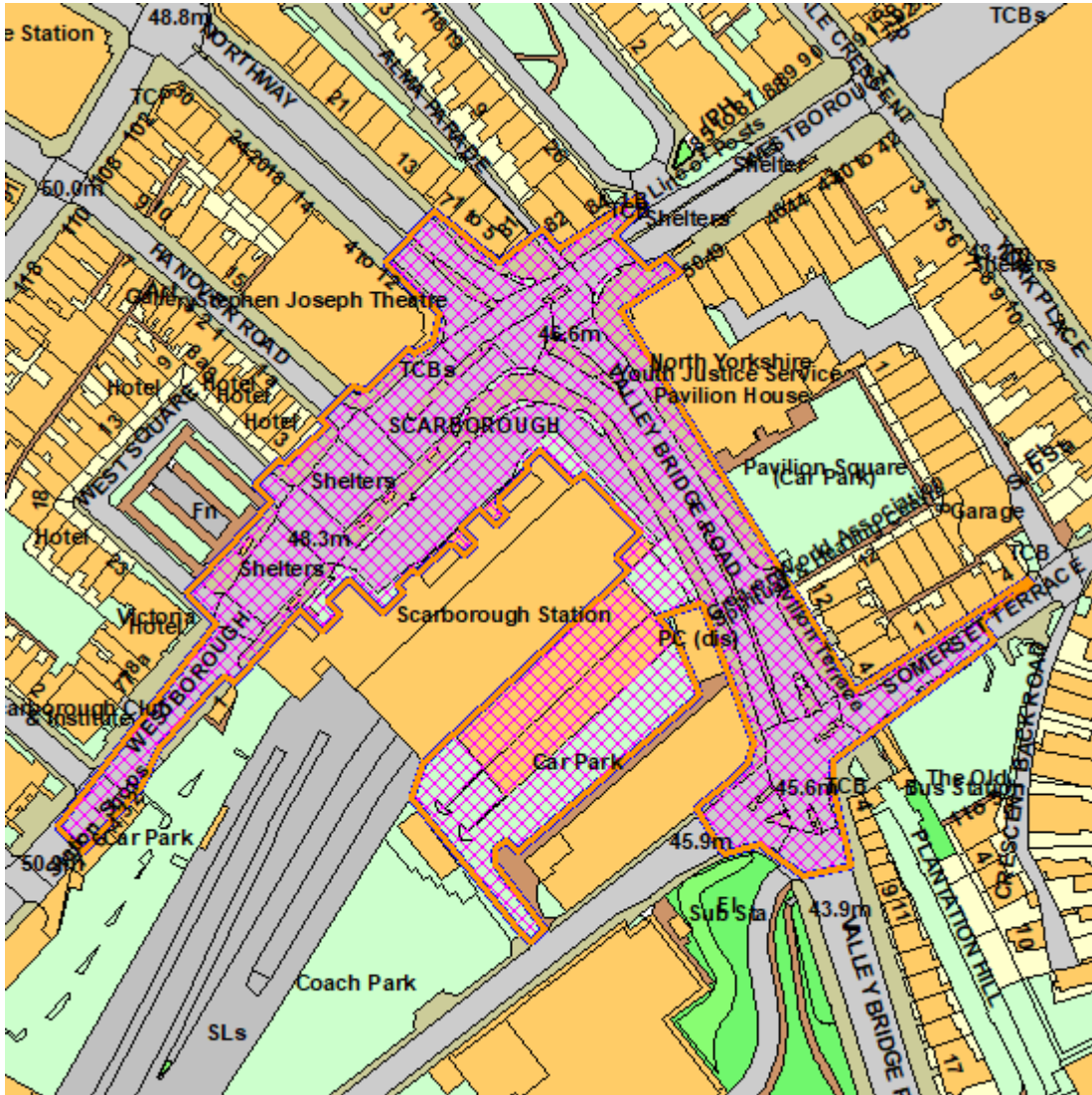
2.1 This application seeks Listed Building consent for works to the main Scarborough station building and the shed attached to its southern elevation. Both benefit from Grade II Listed status (under the same listing). The works involve creating new apertures in both buildings to form a link between the two together with linking stairs and an access ramp.

2.2 The sole consideration is whether or not the proposed works will preserve the special interest of the Listed Building. Officers conclude that the works meet this test.



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### **3.0 Preliminary Matters**

3.1 Access to the case file on Public Access can be found here

<https://planning.scarborough.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RMZW3GNSH4200>

3.2 It is recommended that this report be read in conjunction with that for planning application 22/025021/RG3.

### **4.0 Site and Surroundings**

4.1 This application relates to the Grade II Listed Scarborough Central Railway Station including the shed to the rear.

4.2 The main station building itself is a mid C19 building in characteristic Victorian seaside railway architecture constructed from ashlar stone with a timber-clad cast iron roof.

4.3 With its distinctive louvered roof, cast iron roof supports, tall vaults in its walls and its cavernous internal dimensions, the shed to the rear of the station is an interesting piece of railway architecture in an of its own right; the building is believed to be part of the original goods station and was used to cover the long since removed platforms 6 and 7. It is currently set over to car parking.

### **5.0 Description of Proposal**

#### **5.1 This application seeks Listed Building Consent for the following:**

- i) The formation of a doorway to the south eastern elevation of the main station building;
- ii) The lowering of the eastern elevation wall of the shed immediately the rear of the station, with a formation of an aperture within (to provide access);
- iii) The formation of stairs and a walkway in the area between the main station building and the shed to the rear.

### **6.0 Planning Policy and Guidance**

6.1 Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant listed building consent for any works the local authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The following contains policy and guidance pertinent to the making of such an assessment.

Adopted Development Plan

6.2 The Adopted Plan for this site is:

- Scarborough Borough Local Plan 2011 to 2032 adopted 2017

#### Emerging Development Plan - Material Consideration

6.3 There is no emerging development plan which covers the application site.

#### Guidance - Material Considerations

- National Planning Policy Framework 2021
- National Planning Practice Guidance

### **7.0 Consultation Responses**

7.1 There are no consultees in this case.

#### Local Representations

7.2 1 letter of objection to the proposal has been received from a local resident. A summary of the comments is provided below, however, please see website for full comments.

7.3 Objections:

- The proposal amounts to civic vandalism;
- The existing building is attractive and suitable for purpose;
- Moving the taxi rank to the rear of the building will give visitors a bland view of Tesco;
- Enough of the town's heritage has already been lost.

### **8.0 Environmental Impact Assessment**

8.1 Not relevant in this case; this application seeks consent for works to a Listed Building as opposed to development.

### **9.0 Main Issues**

9.1 In line with the point of law set out at section 6, the sole consideration for the Committee is whether the proposed works preserve the building or its setting or any features of special architectural or historic interest which it possesses.

### **10.0 Assessment**

10.1 Starting with the proposed works to the main station building itself, these are limited to the formation of a new arched aperture in the south elevation to provide pedestrian access to the shed building immediately to the south. In terms of its form and appearance, the aperture reflects existing openings in the station building, it will not visually un-balance the interior space owing to its sympathetic positioning and proportions, and whilst limited historic fabric will be removed this will not be

significant (no important mouldings of defining internal or external features will be lost, for example).

10.2 Moving to the proposed works to the shed building to the rear, here the works involve the lowering of the eastern elevation wall (from approximately 2.85m to 1.85m) and adding an opening to its centre. It appears that the masonry wall at the eastern end of the shed has been much modified over the years and the fabric to be lost perhaps originates from the mid C20 when platforms 6, 7 and 8 were removed from the station. In short, the works do not involve the loss of a significant fabric and the special interest of the Listed Building will not be undermined.

10.3 Moreover, the works will allow a currently underutilised but architecturally important part of the station complex to be put to an operational public use will ensure regular maintenance and thus its long term conservation.

10.4 Turning to the third element of the proposal, the ramps and stairs proposed to link the main station building and the shed will replace a visually obtrusive plant enclosure of low architectural merit. This change will reveal the east side of the shed to the public realm, allowing its special interest to be read in the street scene. The physical works will have only limited impact on the fabric of the shed and main station building.

## **11.0 Planning Balance and Conclusion**

11.1 In conclusion, Officers consider that the proposed works will preserve the special interest of the Listed Buildings in accordance with Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **12.0 RECOMMENDATION**

12.1 That permission be GRANTED subject to conditions listed below:

### **1 Approved Plans**

Except where may be modified by the conditions of this consent, the development shall be implemented in accordance with the following plans and drawings:

5630- OOB- ZZ- 00- DR- L- 0001 REV P04 , SITE PLAN, 21 Feb 23;

226131-BGP-01-ZZ-DR-S-21-01600 REV P03, ELEVATION ON PROPOSED NEW DOOR OPENING, 15 Feb 2023;

226131-BGP-01-ZZ-DR-S-21-01601 REV P01, ELEVATION ON PROPOSED TAXI RANK ENTRANCE, 15 Feb 2023;

5630- OOB- ZZ- ZZ- DR- L- 0048 REV P01, Proposed Site Section D-D & E-E, 15 Feb 2023.

Reason: To avoid doubt.

2 Protection of retained fabric

No demolitions, stripping out, removal of structural elements, replacement of original joinery or fittings and finishes shall be carried out except where shown and noted on the approved drawings.

Reason: To avoid doubt and to ensure the special interest of the Listed Building is preserved. Policy DEC5 of the Local Plan.

3 Works for making good

All new works and works of making good shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings.

Reason: To avoid doubt and to ensure the special interest of the Listed Building is preserved. Policy DEC5 of the Local Plan.

4 Precise details of new opening in station (discharge required)

Prior to the commencement of works, detailed drawings of the proposed new opening in the south elevation of the station building shall be submitted to and approved in writing by the Local Planning Authority. The drawings shall:

- Show the complete assembly of the new aperture at no less than 1:20 scale;
- Specify precisely, on a drawing of no less than 1:5 scale with accompanying specification, how the new stone blocks forming the arch and quoins will be integrated into the adjoining fabric and the materials to be used for these elements;
- Specify the depth of new mortar beds;
- Specify a mortar mix to be used;
- Show the complete assembly of the new door at a scale of no less than 1:20, with means of fixing to the fabric and delivering electrical power specified.

The works shall be implemented in accordance with the approved details.

Reason: To avoid doubt and to ensure the special interest of the Listed Building is preserved. Policy DEC5 of the Local Plan.

**Target Determination Date:** 27 April 2023

**Case Officer:** Mr Daniel Metcalfe  
daniel.metcalfe@northyorks.gov.uk

**North Yorkshire Council  
Community Development Services  
Scarborough And Whitby Constituency Committee**

**11 MAY 2023**

**23/00404/RG3 - ERECTION OF BAR BUILDINGS, REMOVAL OF DECKING AND  
INFILLING OF A SECTION OF LAKE, WIDENING OF FOOTPATH AND  
EXTENSION TO CONCRETE BASE TO REAR OF THE STAGE AT OPEN AIR  
THEATRE, NORTHSTEAD MANOR GARDENS, SCARBOROUGH, NORTH  
YORKSHIRE, YO12 7UZ ON BEHALF OF SCARBOROUGH BOROUGH  
COUNCIL (NORTH YORKSHIRE COUNCIL AS CONTINUING AUTHORITY)**

**Report of the Assistant Director Planning – Community Development Services**

## **1.0 Purpose of the report**

1.1 To determine a planning application 23/00404/RG3 on land at the Open Air Theatre, Scarborough.

1.2 In accordance with the North Yorkshire Council Scheme of Delegation, the application has been brought to the meeting of the Committee as the Council is the applicant.

## **2.0 EXECUTIVE SUMMARY**

**RECOMMENDATION: That planning permission be GRANTED subject to the conditions listed below.**

2.1 This application seeks planning permission for development at the Scarborough Open Air Theatre comprising: 2 x new bar buildings; the infilling of a pond; the laying of an area of hardstanding to the rear of the stage complex; and, the widening of a footpath within the site.

2.2 In principle, as proposals for the enhancement of an existing tourism based facility, your Officers consider the proposals are supported by policy TOU1 of the Local Plan. Other key issues for consideration include:

- Design and impact on the character of the area;
- Ecology;
- Highways and transport; and
- Amenity.

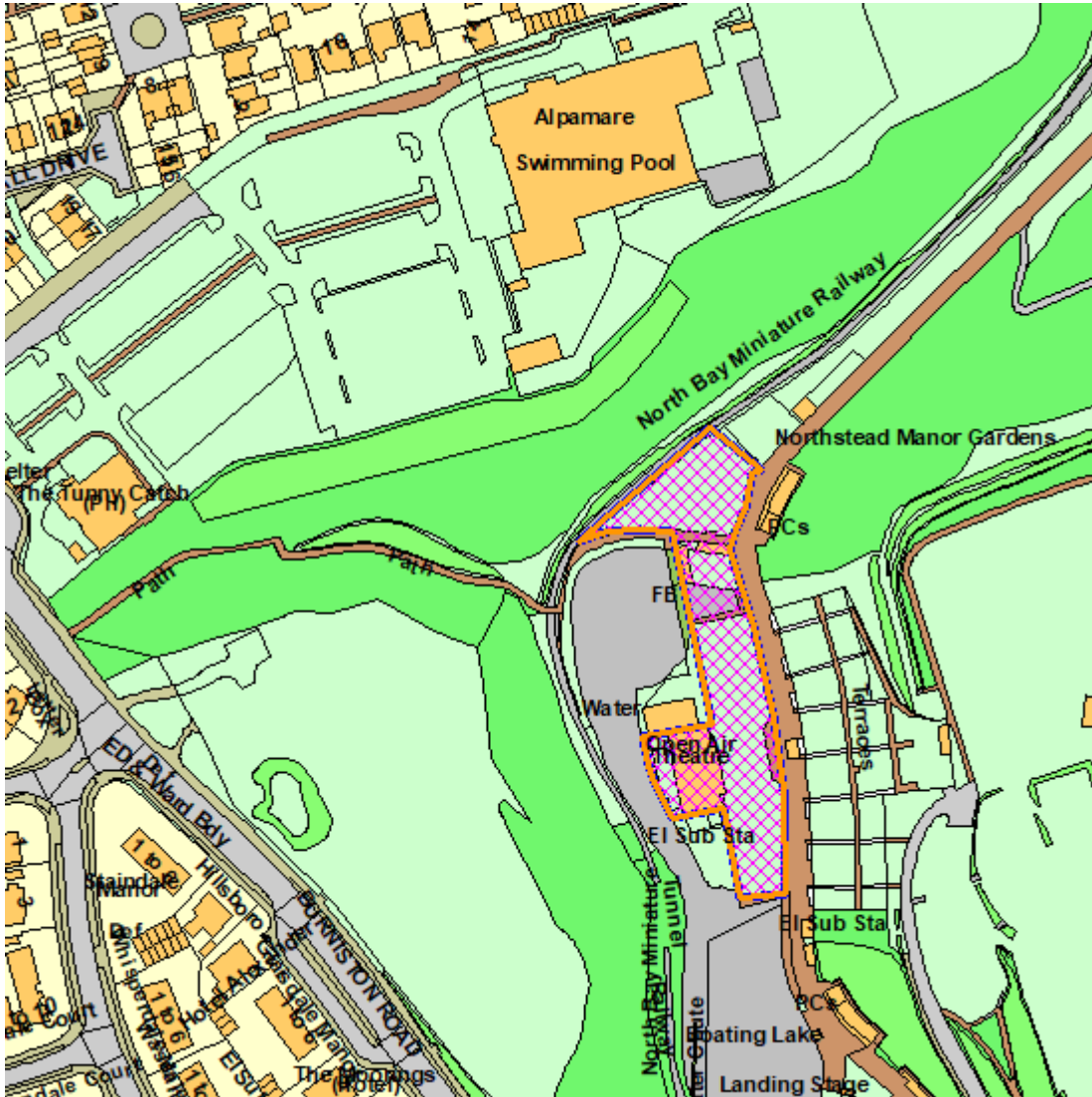
2.3 In these respects there are no planning issues arising which outweigh the supportive stance provided for the proposed development by policy TOU1. As such,

the scheme is considered to be acceptable in the balance and is recommended for approval, subject to conditions.



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### **3.0 Preliminary Matters**

3.1 Access to the case file on Public Access can be found here

<https://planning.scarborough.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RQYBS8NSILV00>

3.2 The enabling consent for the development and use of Open Air Theatre in its current guise was granted in 2008 (reference 08/01584/FL). In 2016 condition 17 of that planning permission was modified (under reference 16/02038/3RG) to allow for up to 30 major events per year. In 2017 planning permission was granted to infill part of the lake (beneath the former decked area) to form a permanent hardstanding for the standing audience (reference 17/02210/RG3).

### **4.0 Site and Surroundings**

4.1 This application relates to the Scarborough Open Air Theatre, which is the 8500 person capacity open air venue sited in Scarborough's North Bay area. It is accessible from both the sea front and the A165. Significant events take place at the theatre on a regular basis during the summer months.

4.2 With respect to planning designations and constraints, the application site lies within the Development Limits of Scarborough but outside of the Town Centre Area and the Primary Shopping Area, as defined by the Scarborough Borough Local Plan.

### **5.0 Description of Proposal**

5.1 This application seeks planning permission for the following:

- i) The siting of a 5m x 15m flat roofed permanent bar building (formed from a timber-clad shipping container) on the southern edge of the audience standing area;
- ii) The siting of a 10m x 15 metre flat roofed permanent bar building (formed from 2 timber-clad shipping containers) with a rooftop 'VIP' viewing area enclosed by railings on the northern edge of the audience standing area;
- iii) The filling in of the waterbody immediately to the north of the existing audience standing area to facilitate the development of ii), with the infilling finished in tarmac;
- iv) The laying of a concrete hardstanding to the rear of stage area.
- v) The widening of the footpath immediately opposite the kiosks to the north of the audience area by approximately 2 metres.

### **6.0 Planning Policy and Guidance**



6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise.

#### Adopted Development Plan

6.2 The Adopted Plan for this site is:

- Scarborough Borough Local Plan 2011 to 2032 adopted 2017

#### Emerging Development Plan - Material Consideration

6.3 There is no emerging development plan which covers the application site.

#### Guidance - Material Considerations

- National Planning Policy Framework 2021
- National Planning Practice Guidance
- National Design Guide 2021

### **7.0 Consultation Responses**

7.1 The following consultation responses have been received and have been summarised below.

7.2 Highway Authority: No objection.

7.3 North Yorkshire Police Designing Out Crime Officer: The single width stair to the bar roof viewing terrace is a possible point of conflict. Consideration should be given to adding a double width stair. An application will need to be made to alter the premises license.

7.4 Environmental Health: I have reviewed the proposal in detail and I am satisfied the scheme is unlikely to cause any significant changes to the noise environment of the locality including material effects on local residents. I have no objections.

7.5 Theatres Trust: Scarborough Open Air Theatre has a long history;

- The Open Air Theatre provides diversity to Scarborough's cultural offer and plays an important role in generating additional visitors which boosts other business and the local economy;
- The existing bar and hospitality provision is insufficient given the venue capacity;
- These proposals will enhance the theatre's function and audience experience through improving and expanding bar capacity;
- The applicant's biodiversity mitigations outlined in the submitted Ecological Survey should be followed;
- We have no objections to the concrete hardstanding proposed for behind the stage;

- We are supportive of the grant of planning permission.

7.6 NYC Ecologist: Has not made any comment.

7.7 NYC Engineers: Has not made any comment.

## **8.0 Environmental Impact Assessment**

8.1 An Environmental Statement is not required.

9.0 Main Issues

9.1 The key considerations in the assessment of this application are:

- Principle of development;
- Design and impact on the character of the area;
- Ecology;
- Highways and transport; and
- Amenity

## **10.0 Assessment**

Principle of Development

10.1 In general terms, policy TOU1 of the Local Plan seeks to support proposals for development which enhances existing tourism facilities and respects the distinctive tourism character of an area.

10.2 As proposals for tourist development within the envelope of an existing tourist attraction, subject to the favourable consideration of the other planning matters to be discussed in the following sections, your Officers consider the proposals to be acceptable in principle.

Design and impact on the character and appearance of the area

10.3 Policy DEC1 of the Scarborough Borough Local Plan requires that new development is of a high standard of design.

10.4 Starting with the bar buildings, whilst these will be formed of containers they will be good quality permanent structures clad in white weather proof, non-rotting composite board with the appearance of timber. In the view of your Officers, they will have a generally pleasing appearance and their design would be consistent with the distinctive character of the site as an entertainment venue.

10.5 The infilling of the pond to the north of the spectator standing area will have little impact on the character of the site in your Officers' view. Notwithstanding some previous infilling of the lake, the vast majority of the pond area around the theatre would remain and overall the site will still read as being set amongst water. This feature is considered to be an important part of the site's character.

10.6 In your Officers' view the hardstanding to the rear of the stage and minor widening of the footpath will have no material impact on the character of the area.

## Ecology

10.7 Policy ENV5 of the Local Plan seeks to enhance biodiversity by (amongst other measures) ensuring that potential adverse impacts on species and habitats resulting from development are successfully mitigated where appropriate.

10.8 It is well known that the waterbodies in and around the Open Air Theatre are host to Great Crested Newts (GCN) and their habitat. GCN are a European Protected Species protected by law along with their habitat.

10.9 An initial ecological appraisal carried out by the applicant concludes that the pond to be infilled is likely to be GCN habitat. The applicant has committed to undertake a 'population survey' to confirm GCN presence at the end of May (the beginning of the 'survey season'). Whilst this is a necessary step, taking into account the work the applicant has submitted to date, what is known of the site and Natural England's standing advice it is reasonable to progress on the basis that GCN will be found in the pond to be infilled when the May survey is undertaken. As GCN will most likely be impacted by the development a European Protected Species License (an 'EPS license') is likely to be required by the applicant (obtained from Natural England) in order to implement any planning permission the Committee may grant.

10.10 Therefore, in order to discharge its statutory to have regard to the requirements of the Habitats Directive, the Council must apply the same three tests as Natural England apply to EPS license applications when deciding whether to grant planning permission. In essence, these three tests are: 1) that there should be no satisfactory alternative to the plan or the way it is implemented; 2) that the plan must be for reasons of overriding public interest; and, 3) the favourable conservation status of the species affected must be maintained.

10.11 Starting with the first of these tests, it must be held in mind that the venue is of considerable size, that its natural growth as an operation is to be reasonably expected and that given the site is more or less enveloped by water additional space can only practically be created by way of infilling. Further, owing to the need for safe circulation space during peak operation existing land within the site cannot be utilised. In short, Officers consider limited expansion to be reasonable in principle and the only practical way of achieving this is by limited infilling of the existing water body enveloping the site.

10.12 On the second test, the development of the Open Air Theatre has significant cultural, tourism, employment and other economic benefits; its continued success is in the overriding public interest in the view of your Officers and this is contingent on it being able to develop and improve.

10.13 Moving to the final test, the area to be infilled could notionally support only a small population of GCN and limited habitat relative to the theatre site as a whole and certainly in relation to the national GCN population; the development will not undermine the favourable conservation status of GCN.

10.14 Your Officers recommend that conditions are imposed requiring details of a GCN population survey be submitted to the LPA together with a detailed mitigation strategy and translocation (of GCN) plan should that be necessary (recommended condition 2).

#### Highways and transport

10.15 The Highway Authority is the statutory consultee in the planning process with respect to highways issues and the Local Planning Authority is reliant on its expert advice in this respect. In this case the Highway Authority has not objected to the proposals, so Officers do not consider that there will be an unacceptable impact on the safety and convenience of users of the public highway.

#### Amenity

10.16 Policy DEC4 of the Local Plan requires that new development affords a good level of amenity to new residents, and it precludes development that would harm the amenity of neighbouring property.

10.17 In this regard, Officers do not consider that the amenity of neighbouring residents will be unacceptably harmed as a result of the proposal; the bar will operate within the Open Air Theatre during events permitted by the enabling planning permission and not separately, so they will not be a primary noise source. Importantly, the Council's Environmental Health Officer has not objected to the scheme.

#### Additional considerations

10.18 Officers note the observations of the North Yorkshire Police Designing Out Crime Officers with respect to the narrow access stair to the 'roof top VIP bar area' being a potential 'flash point' for conflict owing to its limited width. These observations are reasonable on face and are related to planning. With this in mind, Officers recommend a condition requiring the provision of a wider stair.

#### 11.0 Planning Balance and Conclusion

11.1 In principle, as a proposal for the enhancement of an existing tourism based facility, your Officers consider the proposal is supported by policy TOU1 of the Local Plan. Other key issues for consideration include:

- Design and impact on the character of the area;
- Ecology;
- Highways and transport; and
- Amenity.

11.2 In these respects there are no planning issues arising which outweigh the supportive stance provided by policy TOU1. As such, the scheme is considered to be acceptable in the balance.

## 12.0 RECOMMENDATION

12.1 That Permission be GRANTED subject to conditions listed below:

- 1 Except where may be modified by the conditions of this consent, the development shall be implemented in accordance with the following plans and drawings:

SK 101 REV B	LOCATION PLAN - 03/03/2023
SK 104 REV C	BLOCK PLAN AS PROPOSED - 03/03/23
SK 105 REV B	PROPOSED SECTIONS - 03/03/23
SK 106 REV B	EXISTING AND PROPOSED ELEVATIONS - 03/03/23
SK 107 REV D	UNIT TYPE 1 PROPOSED PLANS AND ELEVATIONS - 03/03/23
SK 108 REV D	UNIT TYPE 2 PROPOSED PLANS - 03/03/23
SK 109 REV B	UNIT TYPE 2 ELEVATIONS - 03/03/23

Reason: To avoid doubt.

- 2 Prior to any work to infill the area of pond, a GCN report including a population and habitat survey for the pond completed by a suitably qualified expert shall be submitted to and approved in writing by the Local Planning Authority. If GCN are found to inhabit the pond, the report shall include precise details of the translocation methodology and a mitigation strategy (resulting in an overall local enhancement in GCN habitat) together with a phasing and timing plan for the implementation of the translocation methodology and a mitigation strategy. The development, together with translocation of GCN and mitigation, shall be carried out in accordance with the approved GCN report.

Reason: To ensure permanent replacement bus-stop facilities are properly designed for in accordance with policy DEC1 of the Local Plan.

- 3 The approved bar buildings shall be clad in 'Cedral' type composite board, the colour of which shall be white or off-white.

Reason: To ensure the character of the area is preserved in accordance with policy DEC1 of the Local Plan.

- 4 The bar buildings shall be used in conjunction with events at the Scarborough Open Air Theatre only and shall not be used independently.

Reason: Regular use of the bars independent of use of the Open Air Theatre would conflict with Local Plan policies TC1 and TC2 in principle.

- 5 Notwithstanding the submitted details, a revised plan shall be submitted to and approved in writing by the Local Planning Authority showing a double-width stair access to the roof top terrace on top of the bar building referred to

on the approved drawings as 'unit 2'. The development shall be implemented in accordance with the approved details.

Reason: To ensure public safety is accounted for in design. Policy DEC1 of the Local Plan.

**Target Determination Date:** 18 May 2023

**Case Officer:** Mr Daniel Metcalfe  
daniel.metcalfe@northyorks.gov.uk

**North Yorkshire Council  
Community Development Services  
Scarborough And Whitby Constituency Committee**

**11 MAY 2023**

**23/00399/RG3 - DEMOLITION OF TOILET BLOCK AT PUBLIC TOILETS, PRINCE  
OF WALES TERRACE, SCARBOROUGH, NORTH YORKSHIRE, YO11 2AL  
ON BEHALF OF SCARBOROUGH BOROUGH COUNCIL (NORTH YORKSHIRE  
COUNCIL AS CONTINUING AUTHORITY)**

**Report of the Assistant Director Planning – Community Development Services**

**1.0 Purpose of the report**

1.1 To determine a planning application for Full Planning Permission for the demolition of the disused toilet block on land at Prince of Wales Terrace, Scarborough, YO11 2AL

1.2 This application is brought to the Area Planning Committee as the toilet block is on land within the ownership of Scarborough Borough Council (North Yorkshire Council as continuing authority) and it is the Applicant.

**2.0 EXECUTIVE SUMMARY**

**RECOMMENDATION: That planning permission be GRANTED subject to the conditions listed at the end of this report.**

2.1 Planning permission is sought for the demolition of a disused toilet block. Following removal, the area of land would be landscaped so as to blend with the existing open space.

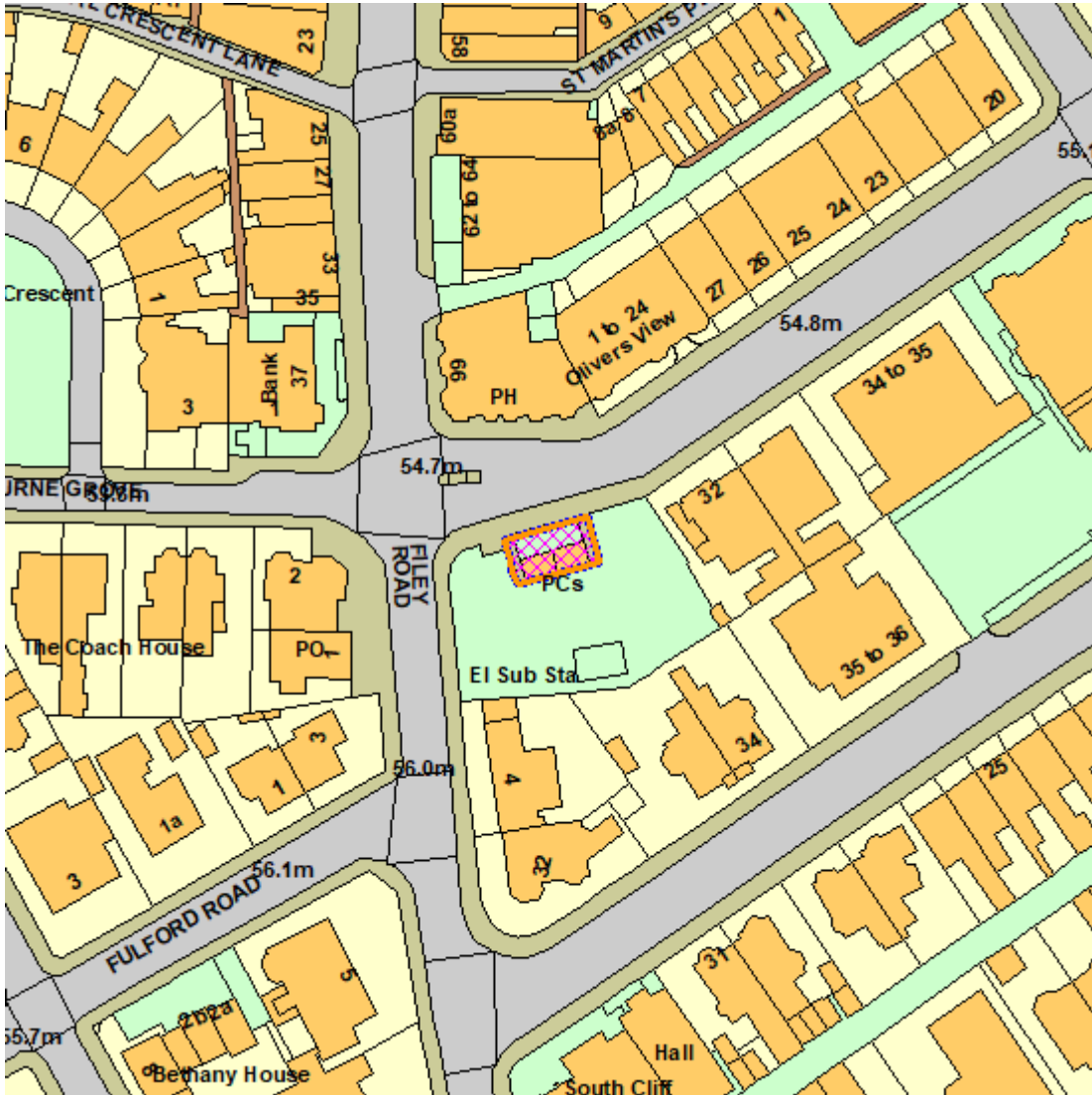
2.2 The site is located within the Ramshill area of Scarborough. The toilet block is situated within an area of public open space located on a prominent corner site along Prince of Wales Terrace and Filey Road, a main thoroughfare into Scarborough.

2.3 The building has been disused for some time and has become dilapidated. The removal of the redundant building and returning this part of the site to public open space is not considered to result in an adverse impact upon the appearance and character of the designated Scarborough Conservation Area. Owing to its condition the building has become a health and safety concern and it is considered to be in the public interest to remove this structure. The development is therefore viewed positively, subject to conditions outlined below.



N

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### **3.0 Preliminary Matters**

3.1 Access to the case file on Public Access can be found here

<https://planning.scarborough.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RQXWFFNS0EA00>

3.2 There are no relevant associated applications.

### **4.0 Site and Surroundings**

4.1 The toilet block sits within a relatively prominent corner site along the western end of Prince of Wales Terrace and Filey Road, a main thoroughfare into Scarborough. The site is an area of public open space that offers some relief providing a green area of public open space between the large Victorian Villas along Prince of Wales Terrace and the more commercialised Ramshill shopping area.

4.2 The area of green space is bounded to the north by a busy road junction leading onto Filey Road and residential flats to the east and south of the site. The Ramshill Public House lies opposite. The toilets are located within the designated Scarborough Conservation Area.

### **5.0 Description of Proposal**

5.1 This application seeks planning permission for the demolition of a redundant toilet block.

### **6.0 Planning Policy and Guidance**

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise.

#### Adopted Development Plan

6.2 The Adopted Plan for this site is:  
- Scarborough Borough Local Plan 2011 to 2032 adopted 2017

#### Emerging Development Plan - Material Consideration

6.3 There is no emerging development plan which covers the application site.

#### Guidance - Material Considerations

- National Planning Policy Framework 2021  
- National Planning Practice Guidance

## **7.0 Consultation Responses**

7.1 The following consultation responses have been received and have been summarised below.

7.2 Local Highway Authority: With its location near the junction of Prince of Wales Terrace, which is one way, and Filey Road and with there being no vehicular access a construction/demolition phase management plan will be required.

7.3 Environmental Services: No comments received.

### Local Representations

7.4 No local representation has been received in support. A summary of the comments is provided below, however, please see website for full comments.

7.5 Support - result in attractive open space.

## **8.0 Environmental Impact Assessment**

8.1 N/A

## **9.0 Main Issues**

9.1 The key considerations in the assessment of this application are:

- Principle of Development
- Heritage
- Amenity
- Landscape

## **10.0 Assessment**

### Principle of Development

10.1 It is evident that the public toilets have been disused for some time and consequently the building has become dilapidated. The former toilet block no longer serves a purpose and since closure the use of the building has in planning law terms become abandoned. Therefore, your Officers consider the demolition of the building in order to return the area of land to public open space, acceptable.

10.2 The landscaping to the perimeter of the building has become established and in its current form helps to disguise and soften the appearance of the former toilets, which lie within the designated Scarborough Conservation Area.

### Heritage

10.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving and enhancing the character and appearance of a

Conservation Area (CA). This is reflected within criterion (b) of Policy DEC 5, which states, 'Proposals affecting a Conservation Area should preserve or enhance its character or appearance especially those elements identified in any Conservation Area Appraisal'.

10.4 In this case, the toilet block is a utilitarian structure constructed using modern materials and does not have any defining features that would otherwise contribute to the character and appearance of this part of the CA. Owing to the relatively small scale of the building and surrounding landscape, which helps to screen the building from view, the former toilet block has a relatively low-key appearance. Your Officers therefore consider the impact of the building upon the wider CA to be neutral. Notwithstanding this, it is recognised that without the landscaping however, the boarded-up building, which owing to its redundant condition would have a negative impact on this area of public open space. The demolition of this feature is therefore viewed positively and following the reinstatement of the green space would ensure that the character of this part of the CA is preserved.

#### Landscape

10.5 In accordance with Policy ENV 7 of the Scarborough Borough Local Plan, proposals should protect and where possible enhance the distinctiveness or special features that contribute to the landscape character of a particular area. It is unfortunate that part of the existing landscape including some tree planting to the front of the toilet block will inevitably need to be removed during demolition works. The application indicates that this area shall be replenished with appropriate landscape planting. Your Officers, therefore recommend a condition to confirm landscaping details, which will see the trees and shrubs replenished so as to integrate the site back into the adjoining public open green space.

#### Amenity

10.6 Local Plan Policy DEC 4 seeks to ensure that existing and future occupants of land are provided with a good standard of amenity. Proposals for development should not give rise to unacceptable impacts by means of, amongst other things; (d) disturbance arising from such things as noise, light pollution and other activities. In this instance, the recommendation from the Highway Authority for a construction management plan, is considered reasonable owing to the junction constraints between Prince of Wales Terrace and Ramshill Road coupled with the high volume of traffic and proximity to residential buildings.

### **11.0 Planning Balance and Conclusion**

11.1 The toilets have been disused for a number of years and the building is in effect abandoned with no prospect of reuse. The building has subsequently become dilapidated during this time and without the mature landscaping bounding the building, it would detract from the appearance and character of the Conservation Area. Your Officers therefore consider that the proposal to remove the building and re-landscape the area so as to integrate with the existing public green space can be viewed positively.

## 12.0 RECOMMENDATION

12.1 That Permission be GRANTED subject to conditions listed below:

1 Approved Plans

The development hereby permitted shall be carried out in accordance with the following plan/s:

Site Location and Block Plan received 2nd March 2023;  
Design and Access Statement received 2nd March 2023.

Reason: For the avoidance of doubt.

2 Demolition Management Plan (Discharge Required)

No development must commence until a demolition management plan has been submitted to and approved in writing by the Local Planning Authority. Demolition must be undertaken in accordance with the approved plan.

The plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. Details of any temporary demolition access to the site including measures for removal following demolition works;
2. Restriction of Esplanade Road access for demolition purposes;
3. Parking of contractors' site operatives
4. Details of site working hours;
5. Details of the measures to be taken for the protection of trees.

Reason: In the interests of public safety and amenity in accordance with policy DEC 4 of the Scarborough Borough Local Plan.

3 Landscaping (Discharge Required)

Prior to the demolition hereby permitted, a scheme of landscaping and tree planting indicating, inter alia, the number, species, heights on planting and positions of all trees in respect of the land to which the application relates, together with post-planting maintenance shall be submitted to and approved by the Local Planning Authority. The scheme subsequently approved shall be carried out in its entirety within a period of six months of the demolition hereby permitted taking place.

Reason: To ensure that the site can be re-established with the surrounding public open green space in the interests of the character and appearance of the designated Scarborough Conservation Area in accordance with NPPF 16 and Policy DEC 5 of the Scarborough Borough Local Plan.

**Target Determination Date:** 27 April 2023

**Case Officer:** Mrs Amy Harrap

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