

- 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).
- Date:** Thursday, 9th November, 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.

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The Council operates a scheme for public speaking at planning committee meetings. Normally the following people can speak at planning committee in relation to any specific application on the agenda: speaker representing the applicant, speaker representing the objectors, parish council representative and local Division councillor. Each speaker has a maximum of three minutes to put their case. If you wish to register to speak through this scheme, then please notify St John Harris, Democratic Services Manager by midday on Monday, 6 November 2023.

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.

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Agenda

1. Apologies for Absence

2. **Minutes for the Meeting held on 14 September 2023** (Pages 3 - 6)
3. **Declarations of Interests**
All Members are invited to declare at this point any interests, including the nature of those interests, or lobbying in respect of any items appearing on this agenda.
4. **(ZF23/00983/FL) - application for erection of care home (Use class C2) and nine dwellings (use class C3), with access road [re-submission following application 22/00029/FL] at Racecourse Road, East Ayton, Scarborough** (Pages 7 - 38)
Report of the Assistant Director Planning – Community Development Services
[View Plans and Documents](#)
5. **(ZF23/01671/FL) - application for demolition of 5-storey residential building severely damaged by fire and erection of a perimeter site hoarding in a conservation area at 6-8 Belmont Road, Scarborough** (Pages 39 - 48)
Report of the Assistant Director Planning – Community Development Services
[View Plans and Documents](#)
6. **(23/00359/LB) - application for formation of drainage routes, installation of replacement benches, replacement of platform railings and installation of replacement platform surface at St Nicholas Shelters, Foreshore Road, Scarborough** (Pages 49 - 54)
Report of the Assistant Director Planning – Community Development Services
[View Plans and Documents](#)
7. **Any other items**
Any other items which the Chair agrees should be considered as a matter of urgency because of special circumstances.
8. **Date of Next Meeting**
Thursday, 14 December 2023 at 2.00pm

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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Wednesday, 1 November 2023

North Yorkshire Council

Scarborough and Whitby Area Constituency Planning Committee

Minutes of the meeting held on Thursday, 14th September, 2023 commencing at 14:00.

Councillor Phil Trumper in the Chair, plus Councillors Eric Broadbent, Janet Jefferson, Rich Maw, Clive Pearson and Subash Sharma.

Officers present: Fiona Casson (Legal Services Manager), Frances Davenport (Planning Officer), Amy Harrap (Planning Officer), Rosalind Kain (Conservation Officer), Levi Korner (Systems Analyst), Daniel Metcalfe (Area Planning Manager), James Edward Mowbray (Democratic Services Officer), David Walker, Head of Planning

Other Attendees: .

Apologies: Heather Phillips. .

Copies of all documents considered are in the Minute Book

34 Apologies for Absence

Apologies noted (see above).

35 Minutes for the meeting held on Thursday 10/08/2023

The minutes of the meeting held on Thursday the 10th of August 2023 were confirmed and signed as an accurate record.

36 Declarations of Interests

There were no declarations of interest.

Planning Applications

The Committee considered reports of the Assistant Director Planning – Community Development Services relating to applications for planning permission. During the meeting, Officers referred to additional information and representations which had been received.

Except where an alternative condition was contained in the report or an amendment made by the Committee, the conditions as set out in the report and the appropriate time limit conditions were to be attached in accordance with the relevant provisions of Section 91 and 92 of the Town and Country Planning Act 1990.

In considering the report(s) of the Assistant Director Planning – Community Development Services, regard had been paid to the policies of the relevant development plan, the National Planning Policy Framework and all other material planning considerations. Where the Committee deferred consideration or refused planning permission the reasons for that decision are as shown

in the report or as set out below.

Where the Committee granted planning permission in accordance with the recommendation in a report this was because the proposal is in accordance with the development plan, the National Planning Policy Framework or other material considerations as set out in the report unless otherwise specified below. Where the Committee granted planning permission contrary to the recommendation in the report the reasons for doing so and the conditions to be attached are set out below.

37 ZF23/00991/RG3 Planning Application for the installation of floodlights (six per tennis court) for North Yorkshire Council at Whitby Tennis Courts, West Cliff, Whitby

The Assistant Director Planning – Community Development Services sought the determination of a planning application for the installation of floodlights (six per tennis court) for North Yorkshire Council at Whitby Tennis Courts, West Cliff, Whitby.

The Committee were supportive of the application and welcomed the additional sports facility in Whitby. There was however some concern about light spilling onto neighbouring properties and the impact the space could have on any bats living in the area.

In addition to the conditions set out in the report the Committee sought to include some informatives:

- That post completion checks be made to ensure that luminance levels did not exceed that which was expected.
- That the ability to use just one of the courts at any one time be enabled without having to illuminate both courts for the purpose.
- That floodlighting only be operational when the tennis courts are in use, otherwise the floodlighting should be switched off.

Decision: -

That in line with officer recommendations planning permission be granted.

Voting Record: -

A vote was taken and the motion was declared carried unanimously.

Reason: -

Members were enthusiastic about the proposals but sought to include informatives for the benefit of properties in the vicinity of the application site.

38 Any other items

There were no urgent items of business.

39 Date of Next Meeting

14.00 Thursday the 12th of October 2023, Scarborough Town Hall.

The meeting concluded at 14:21.

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**North Yorkshire Council
Community Development Services
Scarborough and Whitby Area Constituency Planning Committee**

9 NOVEMBER 2023

ZF23/00983/FL - ERECTION OF CARE HOME (USE CLASS C2) AND NINE DWELLINGS (USE CLASS C3), WITH ACCESS ROAD [RE-SUBMISSION FOLLOWING APPLICATION 22/00029/FL] AT RACECOURSE ROAD EAST AYTON SCARBOROUGH NORTH YORKSHIRE ON BEHALF OF MR WYLIE

Report of the Assistant Director Planning – Community Development Services

1.0 PURPOSE OF THE REPORT

1.1 To determine a planning application for the erection of a care home (use class c2) and nine dwellings (use class c3), with access road on Land at Racecourse Road, East Ayton, Scarborough

1.2 This application is brought to the area planning committee in light of the planning history, whereby in March 2023, Scarborough Borough Council's planning committee resolved to refuse planning permission for a very similar proposal contrary to officer recommendation. That application is now at appeal.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That planning permission be APPROVED, subject to conditions and S106 obligations in this report.

2.1. This site is one of three parcels of open agricultural land to the south of Racecourse Road (A170) on the eastern edge of East Ayton, which together form Local Plan Housing Allocation HA32. The application site is its westernmost part adjacent to the existing built up area and cover 1.5ha.

2.2. The development would comprise two separate elements: nine detached houses occupying the northern end closest to Racecourse Road, and a 100 bedroom care home on the southern part of the site. This would be contained in an essentially two storey building (with use of the roof space for some ancillary facilities) which would wrap around a central courtyard.

2.3. The application follows the refusal of a previous application by Scarborough Borough Council's Planning Committee contrary to officer's recommendation. An appeal has been lodged against that decision. The main differences from the

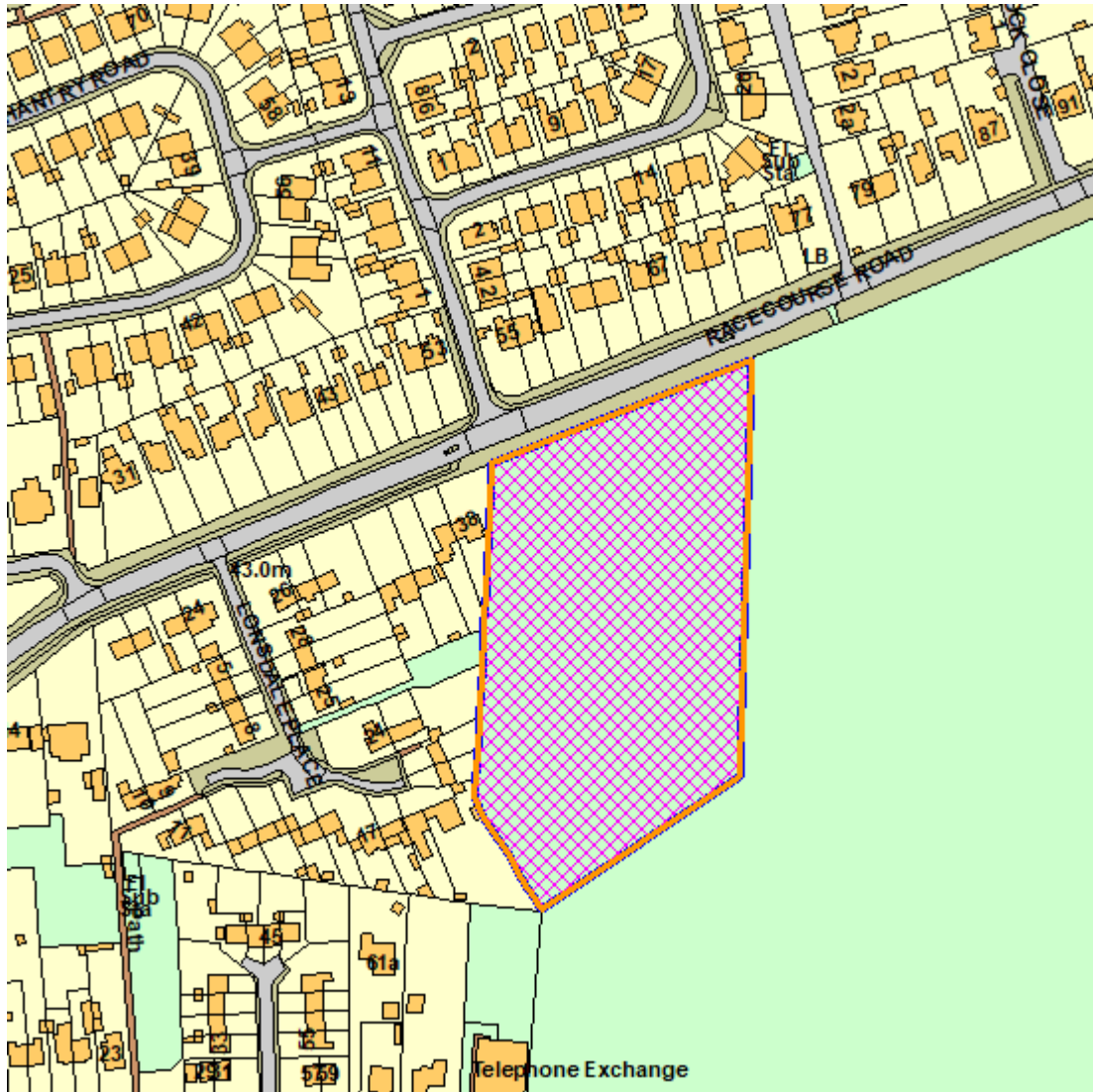
previous application now at appeal essentially relate to a hipped rather than gabled roof and the submission of additional information.

2.4. The two reasons for refusal on the previous application related to the size, design and massing of the building in its setting, and secondly, the absence of an effective travel plan, noting limited public transport in the area. Other key considerations include the impact on the highways, neighbouring properties, the quality of landscape treatment, drainage and the impact on local services (e.g. GP surgeries).

2.5. The site is allocated for residential development in the Local Plan. It is your officers' firm view that the care home (in addition to the housing) would accord with relevant policies and it is not necessary to demonstrate need. Other detailed matters, including those on which the previously refused have been re-assessed as part of this current application. It remains the case that officers recommend approval of this application.



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3.0 Preliminary Matters

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

[ZF23/00983/FL | Erection of care home \(Use class C2\) and nine dwellings \(use class C3\), with access road \[re-submission following application 22/00029/FL\] | Racecourse Road East Ayton Scarborough North Yorkshire](#)

3.2. Various amendments were made during the course of the previous application, including the housing layout, the position of the care home and the amount of landscape planting. As previously stated this application (22/00029/FL) was refused in March 2023 and is at appeal. The current application changes the roof shape and supplies additional information.

3.3. Other previous relevant planning applications for this site are detailed below.

15/02665/OL - outline consent for residential development - 2016 - permission approved subject to conditions and now expired.

19/00768/OL - outline consent for residential development - 2016 - permission granted subject to conditions and now expired.

3.4 In addition, there are also two other current applications relating to the remainder of the HA32 Housing allocation on land to the east. These are as follows:

22/01644/FL - residential development (residential development including 93 dwellings including roads, open space and play facilities) on land immediately to the east representing the central and largest component of the HA32 Housing Allocation.

23/00454/FL - residential development (56 dwellings) on the easternmost part of the HA32 Housing Allocation towards Betton Farm.

4.0 Site and Surroundings

4.1 The site is a roughly rectangular plot of open agricultural land to the south of the A170. On its western edge it is adjacent to residential development served from both Racecourse Road and Lonsdale Place. Land on the northern side of Racecourse Road side is also well-established 20th century residential development. To the east of the application site is a continuation of allocation HA32, also an open field, and subject of a separate application for residential development (ref: 22/01644/FL). Land to the south of the site also consists of open fields and falls outside the Development Limits of the village as defined by the Local Plan.

4.2 The site typically measures 170m north to south and 90m east to west. It gently slopes down by approximately 5m from Racecourse Road to its southern boundary. The incline of the field continues down towards Seamer Road (the B1261), which is situated some 110m to the south. Hedgerows exist on the site's boundaries to the west and north, where the site abuts established developed areas, but otherwise the site perimeter is unmarked. An undesignated public footpath runs adjacent to the western boundary, linking Racecourse and Seamer Roads.

5.0 Description of Proposal

5.1 The development would comprise two separate elements: nine detached houses occupying the north of the site closest to Racecourse Road, and a 100 bedroom care home on the southern part of the site.

5.2 The 9 two storey houses would be detached with a separate garage set to the side. There would be four house types which would be two storey, each with four bedrooms, except on two plots where a five bedroomed 2½ storey houses are proposed.

5.3 Four of the houses would have access directly from Racecourse Road. They would be set approximately 19m back from the carriageway and a new footway provided behind a verge. The remaining 5 houses and the care home would be served off a private road which joins Racecourse Road in the north-east corner of the site. It then runs parallel to the eastern boundary separated by a 2.5m wide verge. After 70m the road then bends into the centre of the site with the remaining 5 detached houses in a row to its north. It also leads into the care home car park to the south. The footpath running along the western edge of the site would be retained.

5.4 The care home would be a substantial and multi-faceted in architectural form. It would have the appearance of a two storey building, although the roof space would in part be use for ancillary facilities. It would fall within the C2 Use Class which comprises nursing homes, hospitals and residential schools/training centres.

5.5 The building would have a largely hipped roof, whereas the previous application proposed a roof with a largely gabled form. There have also been some minor changes to external elevations. The main elements of the building would have a width of 18m with rooms served off a central corridor. The central and largest component would be 56m long running parallel to the southern boundary. At angle of 28 degrees it then extends north, following the line of the eastern boundary for a distance of 27m along the ridge. At its northern end it is linked by means of a two storey 2.7m recessed glazed corridor to a secondary block which would be set at right angles to the gable end of the central/southern part of the building. The axis of this block would be east-west over a distance of 42m and its front elevation would face the new houses and the access road from Racecourse Road to the north. A similar, but smaller linked block (18m in length) would be positioned to the front and at right angles to the south-western end of the main block.

5.6 The care home building would be typically set 11-14m from the southern, south western and eastern boundaries, although the northern block would be 6m from the eastern boundary at it closest point. The land to the south and east of the building would form a private garden area, while trees and hedges would be planted close to boundaries. The building would partially wrap around a central courtyard/parking area. The car park would also extend onto land to its north-west and in total 43 spaces would be provided.

5.7 Internally, the bulk of the care home accommodation would be residents' bedrooms with en-suites, each with a floor area of 18-19sqm. Other facilities would include lounges, games and cinema rooms, salons, assisted bathrooms and staff facilities. The roof space of the central block would contain ancillary facilities, including the kitchen, laundry, staff rooms, plant room and storage.

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 the Scarborough Borough Local Plan. Relevant policies include the following:

SD 1 - Presumption in Favour of Sustainable Development
DEC 1 - Principles of Good Design
DEC 3 - The Efficient Use of Land and Buildings
DEC 4 - Protection of Amenity
DEC 6 - Archaeology
HC 1 - Supporting Housing Development
HC 2 - New Housing Delivery
HC 5 - Older Persons Housing
HC 10 - Health Care and Education Facilities
HC 14 - Open Space and Sports Facilities
SH 1 - Settlement Hierarchy
ENV 3 - Environmental Risk
ENV 4 - Groundwater Protection
ENV 5 - The Natural Environment
ENV 7 - Landscape Protection and Sensitivity
INF 5 - Delivery of Infrastructure

Guidance - Material Considerations

6.3. Relevant guidance for this application is:

- National Planning Policy Framework 2021
- National Planning Practice Guidance
- Green Space Supplementary Planning Document
- Residential Design Guide - SPD

7.0 Consultation Responses

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

7.2. East Ayton Parish Council - objects to the application - it should be refused due to lack of evidence to justify that a large-scale urban institutional care home is appropriate for an isolated site in a rural community.

The Parish Council has an ambition to support a "Community that Integrates Retirement" and would like to work with North Yorkshire Council (NYC), the landowners and developers of the Racecourse Road land allocated in the Local Plan for development to create homes that meet the aspiration for older people to live independently that integrates well with general housing, namely specific custom-built housing not speculative development. This approach is consistent with the 2020 North Yorkshire - Care and Support Where I Live Strategy.

The allocation of the residential development land on Racecourse Road was made on the basis that there would only be two highway access points. The current 3 applications have 4 access points - this is not acceptable in planning terms. A cohesive strategic plan with the two highway access should be developed, or otherwise applications should be refused.

The applicant has not carried out consultations with the Parish Council or the local community as required by the Statement of Community Involvement, so the application should be considered invalid by the planning authority until satisfied. The care home would add 100 older persons to East Ayton i.e. a 10.8% increase in the older population and the percentage of over 65's from 33.1% to 35.4%, higher than local and national averages, placing excessive strain upon local health services. The minor alterations made to the design do not address the Parish Council's fundamental objections to the application. The proposals fail to comply with Policy HC5 (Older Persons' Housing) and para. 6.65 of the Local Plan and does not address the needs for 4,000 homes in the Plan area for older people living independently. Key reasons to justify refusal are as follows:

- To comply with policy the development should be well-integrated to the wider neighbourhood. This large-scale care home is intended to serve the town of Scarborough, but is in an isolated location away from the town and does not integrate with other facilities or the workforce located in the urban area to make it function effectively
- The development should integrate with the community, but the applicant has sought to hide the scale of the buildings at the back of the site, so it is further away from local services. It is an institutional building for an urban setting which overpowers and does not integrate with the rural community of East Ayton. Policy HC5 envisages that a care home could be part of an extra-care setting to support independent living in an integrated retirement community providing a range of tenures. The occupants will merely have an agreement for care or nursing services and may have no connection with Scarborough or North Yorkshire.
- The applicant should provide a suitable transportation assessment to show how the development has sustainable transport plans in place. Whilst officers have unusually agreed to junction arrangements for a private development to overcome inadequacies in on-site arrangements, the issue of transportation has not been addressed. In the absence of any suitable public transportation to meet the needs of occupants, visitors and staff, the applicant has not sought to provide a suitable

transport assessment or put in place a green travel plan, community transport or employer transport arrangements.

- The analysis of need is flawed - the Planning Statement refers to analysis from the Local Plan, based on 2015 data. Occupancy rates in care homes in Scarborough were 96% but reduced to 80%, so there is not a shortfall. The applicant has not provided any detailed analysis to support the application for a large-scale urban institutional care home in a rural village. Further points relating to this matter can be viewed online.

- There has not been an assessment of the appropriate scale of the care home element of the development. If a viability appraisal and market analysis had been sought, officers would have found that care homes with a smaller number of bed-spaces are also viable - also more in keeping with a rural setting, making more land available for housing which would trigger the need for social provision.

7.3. Highway Authority - No objection subject to conditions and a S106 contribution. The plan shows the road layout would remain private and will not be submitted for adoption by the Highway Authority. The junction opposite the western end of the site serving Broadlands Drive currently has a 73 metre long deceleration and right turn lane. The proposed new access shows a new right turn lane into the development which will require the relocation of the existing central island to the east and a slight widening of the existing carriageway. The relocated traffic island should include a tactile pedestrian crossing, with new dropped crossings either side of Racecourse Road. A swept path analysis will be required for the relocated island to ensure that existing property accesses would not be compromised. An improved and upgraded tactile pedestrian crossing point with dropped crossings and tactile paving should be provided at the existing central crossing point to the west of the site. The speed limit changes from 30mph to 40mph at the location of the proposed new access road, the 30 mph will require extending to the eastern side of the relocated central pedestrian crossing island, reducing approach speed at both the crossing point and the junction. The relocated speed restriction will require a change to the Traffic Regulation Order to shorten the length of the 40mph restriction, at the expense of the applicant. This will require a s106 contribution of £6,000 and implementation prior to the first occupation of the care home.

A new footway link is shown which must connect to the existing footway on the southern side of Racecourse Road. The existing village name plate feature will need to be relocated with the agreement of the Parish Council. The revised plans show the new footway connection along Racecourse Road which must be a minimum of 2m in width. The landscape plan proposes to plant a number of trees within the highway verge, which is not acceptable. Any boundary planting or treatment must be within the applicants land and a minimum 3 metres from the new footway.

The applicant has confirmed that the development will remain private and will be maintained by a private maintenance agreement. The access road to the care home and five of the dwellings now provides a turning area, but it would require use of some of the care home car park area. This is only acceptable if the development remains under private ownership. Should the developer wish to submit the development for adoption by the Highway Authority at a later stage, the parking facilities provided must be sufficient to accommodate all users of the care home.

Parking for the 9 dwellings must meet the minimum required by NYC'S Interim Guidance, namely 3 spaces. Three house types only show one space plus a garage, although there appears to be more space available. Parking for the dwellings must be provided to the minimum standard to prevent any overspill parking on Racecourse Road. Parking provision for the care home provides the absolute minimum required for the number of operational staff during any shift, not for the number of staff likely to be on site at the busiest times as required. As the proposed access road to the care home and some of the residential properties will remain private, it is likely that any care home over-spill parking would remain within the development and not spill out onto Racecourse Road.

Proposed conditions would relate to the construction specification for the new access onto Racecourse Road; provision of off-site works (a right turn lane into the new development, provision of a 2m footway along the site frontage and provision of two tactile pedestrian crossing points); parking provision for the proposed dwellings and management plan for the construction period.

7.4. Lead Local Flood Authority - comments awaited.

7.5. Environment Agency - No objection, subject to conditions. The proposed development is located within a groundwater Source Protection Zone 1 (SPZ1) used for a number of potable water abstractions that take water from the underlying Corallian Limestone aquifer. One of these is for a public water supply located just over 1 km from the site. Therefore, we have a concern with the proposed use of soakaways for surface water disposal, as this could potentially contain pollutants to enter the groundwater. Position Statement G12 sets out that it is acceptable to discharge only clean roof water to ground, provided that all down pipes are sealed at ground level to stop pollutants from entering. We are unclear as to why discharge via soakaways is proposed in respect of the hydrogeological conditions why possibly more appropriate Sustainable Urban Drainage have not been considered/proposed. We therefore concur with the comments made by Yorkshire Water regarding the submission of further details for the proposed surface water drainage in respect of the sensitive groundwater setting. Whilst a hydrogeological risk assessment was submitted with the planning application, this did not cover the risk to groundwater from the construction phase, drainage proposals and foundation proposals and the mitigation measures factored in to protect groundwater. Conditions are therefore recommended for a more detailed hydrogeological risk assessment for the construction and operational phases, a method statement to protect groundwater resources during construction shall submitted, approved and complied with, and that it is demonstrated that foundation construction will not cause contamination of the aquifer. Without the imposition of these conditions the EA would object to the application.

7.6. Yorkshire Water - No objection, subject to conditions. Regarding water supply, this can be resolved under the Water Industry Act. The development is within Source Protection Zone 1 (SPZ1) and 600 metres from the swallow holes at East Ayton and 1.3km from the Irton groundwater abstraction. SPZ1 is characterised as the area in which a pollutant would reach the groundwater abstraction in approximately 50 days. The geology present underlying the site is the Malton oolite limestone characterised by fracture and fissure flows which indicate fast groundwater

flows and contaminants that may enter the system and superficial sand /gravel deposits underlying the development. The foul water drainage proposal is to connect to the public sewer network which is an acceptable option for this location double lining is required due to the SPZ location.

The surface water drainage proposal is to use soakaways. Soakaway design must be distributed for review. What mitigation trains are to be implemented to reduce the number of possible pollutants from infiltrating the ground? This method will only be acceptable for uncontaminated surface water arising from building roofs and continuous down pipes without any other inlet including gullies. Surface water from road and car parks is not permitted to infiltrate. The Hydrological Risk Assessment states that a ground investigation is required to assess the risk of contamination to the underlying aquifer - YW agrees with this suggestion. In addition, are the building foundations selected the most suitable to ensure pathways are not created into the aquifer? As current construction method statement does not suffice a Construction Environmental Management Plan (CEMP) will be required. This will detail storage and use of fuels and other chemicals to minimise the pollution risk; refuelling must be carried out in a designated area; fuels and other chemicals must be stored in a secure and suitably bunded location; personnel must be trained in dealing with spillage.

Proposed conditions relate to the storage of liquids in tanks within a bund, approval of a CEMP, approval of full details of foul and surface water disposal, which shall be separate systems and a limit on the discharge rate to the public sewer network.

7.7. North Yorkshire and Humber Integrated Care Board (NHS) - No objection subject to a financial Section 106 contribution. The existing GP practice in West Ayton does not have the capacity to accommodate the additional growth resulting from the proposed development. The proposed development will generate approximately 121 residents and subsequently increase demands upon existing services. It would be unsustainable if unmitigated. A S106 contribution of £32,334 has been calculated and this would fund works at the GP practice.

7.8. Council Archaeologist - No objection, subject to a condition. The application includes a desk based archaeological assessment which provides a suitable level of information from which to assess the impact of the proposal on heritage assets of archaeological interest. Previous archaeological work at the site, summarised in the desk based assessment, has revealed evidence of a palaeochannel, a palisaded enclosure and various other linear and pit like features. The artefactual assemblage suggests an Iron Age date for these features. Human remains in the form of an infant burial were also noted. The desk based assessment recommends that further archaeological works take place to mitigate the loss of the remains. In this case the archaeological remains revealed could be considered to be of local or regional interest. The desk based assessment recommends that a geoarchaeological assessment could be carried out to further assess the archaeological potential of the site and allowing a targeted scheme of archaeological excavation to take place in advance of development. I support this approach and this should be secured by condition.

7.9. Designing Out Crime Officer (NY Police) - No objection. the proposals are in an area with low crime and disorder levels. Although there have been some changes to boundary treatments from the last application, they remain appropriate in terms of Designing Out Crime. Utility meters should be external at the front of the property or if on the side elevation as close to the front building line. The developer should consider using doors and windows certified to the relevant Secured by Design standards.

7.10. Environmental Health (Commercial Regulation) - recommends submission of a Noise Assessment including the noise impact of road traffic on the A170 and appropriate acoustic mitigation for the proposals to meet recommended internal noise levels, as well as the noise impact if air source heat pumps are proposed. A note restricting hours of construction is recommended, machinery should comply with noise limits and measures to prevent dust during construction. The site should so be investigated for any contamination e.g pesticides or fertilizers.

7.11. Environmental Health (Residential Regulation) - no objection.

7.12. Countryside Access Services - the walking route on the western side of the site is not currently recorded as a Public Right of Way (PROW). Nearby Public Footpath 30.6/2/1 was created at the same time as the first phase of adjacent Lonsdale Place was built. The second phase built over the footpath and it was not diverted. This was not probably seen as a priority since access to the footpath can be obtained via a Lonsdale Place and people also started using the edge of the field as a route. A fingerpost sign adjacent to Racecourse Road also suggested it was a 'Public Footpath', but that has now been removed following some local controversy. The application documents suggest it is a PROW, which it is not. If it had been a PROW we would have advised against the proposed enclosure with a 1.8m high fence, which could lead to anti-social behaviour along the path. It is also possible someone may in the future make a request for the route to become a PROW.

7.13. Health & Adult Services - no comments received

Local Representations

7.14. 13 local representations objecting to the application have been received. A summary of the comments is provided below, however, please see website for full comments.

- The size of the care home is not sustainable in the village.
- Inadequate health provision - the local GP surgery is already overstretched.
- Increased traffic on busy road where speeding occurs, adversely affecting highway safety - too many access points proposed on Racecourse Road in combination with other applications.
- Bus service is inadequate in terms of frequency, timing route which does not pass site, so staff would use cars.
- Insufficient parking provision
- The care home is too large in visual terms for the rural setting - a smaller home would be more suitable.
- Impact on drainage infrastructure - flood risk and water pressure

- Insufficient information to make the application valid - the transport assessment is flawed, information on need relies on out of date data and lack of information on economic impact.
- Racecourse Road is poor for pedestrians and cyclists
- Negative impact on wildlife
- Further increase in proportion of older people in the village
- Construction noise
- Isolated from main population centre - Scarborough
- Care home not integrated with the village
- Contrary to Local Plan policy HC5.

8.0 Environment Impact Assessment (EIA)

8.1. The development proposed by this application does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). The development of the HA32 site as whole would exceed Schedule 2 thresholds to a limited degree, but taking into account the cumulative impacts of development arising from all three current applications it is not considered that an Environment Statement is required.

9.0 Main Issues

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

- Principle of development
- Size and design within landscape setting
- Impact on neighbours
- Impact on highways and proposed transport arrangements for staff/visitors
- Hydrology/Drainage
- Section 106 planning obligations
- Other Matters - including biodiversity and archaeology.

10.0 ASSESSMENT

Principle of Development

10.1. It is your officers' firm view that the principle of both the housing and care home uses would accord with Local Plan policies. This Assessment Section considers this point before taking a view on site specific considerations. The principle of developing this site is well-established. The site is allocated for residential development in the adopted Local Plan (Housing Allocation HA32) and outline planning permission for housing was previously granted in 2016 and 2019, but never progressed to a detailed scheme in the form of a reserved matters application. The presumption in favour of the residential development proposed at the front of the site is therefore clear cut.

10.2. The same applies to the care home use on the rear of the site, although some greater explanation is necessary. The relevant Local Plan Policy (HC2) allocates 35 sites across the Borough (including HA32), stating "the following sites are for residential development". The care home is a residential use, albeit of a specialised form. At a national level the government also takes account of care home provision when compiling housing land supply figures.

10.3. Local Plan policy HC5 indicates that older person's housing should be located close to essential services and facilities, open space to meet the needs of occupiers and good access to public transport. East and West Ayton are identified by Policy SH1 as Service Villages, which by definition offer a range of services and consequently have been identified as a suitable location for additional development (such as HA32) on the basis of services and public transport links available. Clearly, the range of facilities would not be as great as a town such as Scarborough, but given that the village has been identified as having a reasonable level of service provision by policy SH1, it would be difficult to argue it fails to meet the criteria in Policy HC5. While bus service provision to the villages may have reduced it is your officers' view that the Service Village designation remains applicable and was carried over into the new Consultation Draft Scarborough Borough Local Plan before that was shelved in light of local government reorganisation.

10.4. Paragraph 6.65 (in support of policy HC5) contains 5 criteria, of which 3 are relevant to these proposals. These are set out below:

- Be well integrated into the wider neighbourhood
- Offer easy access to community facilities, services and public transport
- Provide sufficient car parking for visitors

10.5. Regarding these points the extent which high-dependency residents in particular would be able to use local facilities may be restricted. Nonetheless, for staff and visitors, the village centre and its facilities would be approximately 700 to 800 metres away on foot. It is a similar distance by footway to nearest bus stop or considerably less if the unsurfaced path to Seamer Road is used. As explained later the Highway Authority does not object to the amount of parking proposed. Consequently, it is not considered that an objection is justified due to the provisions of para. 6.65.

10.6. If the situation were one where the use does not accord with Development Plan policy, or the position were more ambiguous than set out in paragraphs above, then a greater onus would be placed on the applicant to provide justification, taking account of factors such as need. As part of this current application a detailed assessment of need has been undertaken by a property adviser specialising in social care. This document can be viewed online. It considers both the quantitative and qualitative need within the national and local context. Among the conclusions of the report are the following:

- In 2026, (the earliest the care home could be available), a net need for 303 market standard care beds in the former equivalent Scarborough Borough area is identified.
- The equivalent figure for dedicated dementia beds in 2026, would be 284 beds.

- A more relevant measure is considered to be the net need for care home beds that provide full en-suite wetrooms - to bring supply up to this level a net need for 385 care beds in the 5 mile market area and 706 (364 for dedicated dementia) in the former Borough.
- By 2036 the equivalent shortfall is expected to increase to 339 and 682 respectively.
- The proposed care home will be capable of caring for residents of all dependency levels, including those who require dementia care within a specialist unit, with well-specified, flexible, infection control-compliant care accommodation to enable care to be administered most effectively.
- Without this capability a number of very high-dependency care home residents would otherwise experience an enforced hospital stay.

10.7. The Parish Council is critical of reliance on data contained in the Local Plan going back to 2015. However, the Need Assessment includes much more recent data up to 2021-22. The high demand for all types of housing for the elderly is also identified by the Council's Strategic Housing Market Assessment (2021) for the Scarborough area. Clearly the Need Assessment was commissioned by the applicant, but in general terms it appears thorough, robust and professionally prepared although your planning officers would not claim expertise to comment on the detailed conclusions. The Adult and Health Services of the Council have not commented on the application. The applicant chose to provide this extra information, but it remains your officers' firm view that it is not necessary to demonstrate need. By their nature predicted figures are to some extent speculative. Nonetheless, it is difficult to ignore totally the last two points in the preceding paragraph about medical care provision and how this relates to the well-documented benefits of availability of suitable care beds in relieving hospital bed shortages.

10.8. In light of the points raised above, it is your officers' clear view that a rejection of this application on policy grounds due to the principle of the proposed use cannot be substantiated. The previous application, now at appeal, was also not refused on these grounds. Having established this, it is necessary to consider the merits of the development against the range of planning policies applicable to more detailed matters. In addition to the more general topic-based planning policies, there are site-specific requirements for Site HA32 set out in the Allocation Statement in the Local Plan. These are considered within the context of wider considerations in subsequent parts of this assessment. The issues and requirements in the Allocation Statement are as follows:

- "1. The site will be accessed from Racecourse Road (A170);
2. The site has a Public Right of Way which must be incorporated into the development or kept clear of obstruction until such time as an alternative route has been provided and confirmed by order;
3. A substantial landscape buffer will be required to the southern edge of the site;
4. It will have to be demonstrated, potentially through the submission of appropriate evidence, that development of the site will not adversely affect the groundwater resource."

Scale and Design of Care Home within its Landscape Setting.

10.9. This is a critical issue requiring careful assessment. Following amendments as part of the previous application officer's concluded that the impact, taking account of a balance of considerations, would be acceptable. This remains the case, also noting a reduction in that bulk of the building due to the change from a gabled to a hipped roof.

10.10. In March 2023 SBC's Planning Committee reached a different opinion and the first of two reasons for refusal stated as follows:

"The proposed development, in particular the care home, would by reason of its size, design, massing, siting and location detract from the appearance of the area and the local character of East Ayton village. It would be located in a village-edge location, and in combination with its unduly dominant massing and continuous built form, would be out of keeping with the established architectural scale, form and vernacular found in the village. This would result in a more urban and inappropriate character and would therefore detract from the wider rural landscape setting of the village. Consequently, the development is considered to be contrary to the provisions of the adopted Scarborough Borough Local Plan Policies DEC1 (notably criterion a.) and ENV7, as well as Section 12 (Achieving Well-Designed Places) of the National Planning Policy Framework."

10.11. When considering the scale of the building, it is noted that the proposals would provide accommodation for residents requiring specialist medical care and that economies of scale apply when developing such a facility, affecting the proposed size. This is not as such a planning consideration, but it potentially reduces the scope to negotiate a smaller scale care home, although the bulk of the roof has been reduced with this new application. The Local Planning Authority can only determine what is put forward. The number of dwellings has not reduced from the 100 previously proposed, implying that this is not a point on which the applicants will compromise.

10.12. In respect of the wider landscape and visual impact the key public viewpoints would be firstly from the north/east, especially when approaching from the Scarborough direction along Racecourse Road; and secondly, from the south/east, most notably when travelling along Seamer Road from Irton and the footpath along the western edge of the field to the south. The fields are open in character and are situated on the lower edge of the broad sweep of land descending from the North York Moors towards the flat landscape of the Derwent valley. Existing 20th century residential development to the north and west would very much limit views from these directions. This established housing and vegetation also provides a backdrop when viewing the proposals from the east and south.

10.13. The siting of the care home on the lowest part of the site, behind the proposed housing, would limit the impact from Racecourse Road to the north. The front of the northern wing would be visible along the access road into the site, but this also helps to provide a focal point when entering the site. Even though the open land to the east does not have a current planning permission in place, it is a fair assumption that it will in due course be developed, Some landscaping would be provided to the east of the care home, but in the longer term, the adjacent development would provide more significant visual mitigation when approaching the village from the north-east.

10.14. The height and architectural form help to break up in relative terms the massing of the building. The maximum height to the ridge of 9.9m is not dissimilar to other two storey development in the vicinity. The direction from which the building would be visible and without any intervening development would be the south, noting that the main part of the building stretches across much of the width of this lower end of the site. The horizontality of this and other longer elevations are broken up by white rendered two storey gables, contrasting with one of the two shades of red brick proposed. Thus, on the critical southern elevation there would be three gable features. The central section would be slightly recessed back and down from the main ridge while its walls, together with those of the two ends of the southern elevation would utilise a contrasting brick of lighter colour.

10.15. While the resultant building would be substantial, particularly in the horizontal dimension, its massing would not appear entirely alien in the wider landscape, where there are a number of large agricultural buildings. The application does not fully explain how it seeks to reflect local vernacular architecture, but its quality is nonetheless considered to be appropriate. It is also evident that the architectural form genuinely attempts to address potential concerns relating to massing. The site is also divorced from the more historic village centre with adjacent development largely being post WWII. The overall design of the building is considered to be acceptable and complies with relevant policies, including DEC1. In purely design terms the change from the previous gabled roof form to a predominantly hipped roof is largely neutral, but it would help to reduce the overall bulk, which was a concern expressed by Members when the previous application was refused.

10.16. Apart from the adjacent footpath views from Seamer Road would be from over 100m away. The previous application originally did not originally comply with point 3 the Housing Allocation Statement, whereby "a substantial landscape buffer will be required to the southern edge of the site". This is all the more important given the scale of the building proposed. This was rectified (and carried over into the current application) by moving the building farther from the southern site edge with a 3m wide landscape belt proposed consisting native species adjacent to the boundary with 16 trees on its inner edge. The building is then a further 11m into the site. Taking this into account, it is recognised that when first constructed the building is likely to stand out, but this would diminish once planting becomes established and other probable development in the vicinity proceeds.

10.17. The visual impact of the car park needs to be taken into account noting its size containing 43 spaces. Its impact is reduced by the fact that it is partially surrounded by the building and is also towards the centre of the site, thus views are localised. They would be restricted to the private road serving the development and a section of the footpath on the western boundary. A 1.2m beech/holly hedge is proposed between the two. A condition seeks to ensure the hedge attains a height of 1.8m to lessen views of the car park.

10.18. It is acknowledged that judgements relating to scale, design and appearance are in part a matter of subjectivity. Members previously concluded that the care home proposals were not acceptable on these grounds. Officers remain of the view

that on balance the scale/visual of the scheme is acceptable in this regard having regard to policy DEC1 and the NPPF.

Design and Layout of the Proposed Housing

10.19. The residential component at the front of the site has remained unaltered from the previous application and the reasons for refusal did not directly relate to this element. It was significantly amended during the course of the earlier application and now comprises two parallel rows of detached housing; one facing Racecourse Road and the other facing the internal access road immediately to its rear. The proposed density of the residential element at 18.4 dwellings per hectare is below the 30 d.p.h standard encouraged by Local Plan policy DEC3 relating to the efficient use of land. However, this creates a less dense form of development on the site as a whole, helping to offset the scale of the care home and providing a greater opportunity for soft landscaping.

10.20. The design and variety of the dwellings is considered to be acceptable, both individually and on a collective basis. The houses on plots 3 and 4 facing Racecourse Road would be 2½ storey, but this is only manifested in the form of two relatively small dormers and ridge line of 9.9m, which is only 1.3m higher than the adjacent proposed 2 storey house. No objection is raised to this, noting that other existing houses on this side of Racecourse Road are two storey, as well as the distance from and slightly lower level of land compared to the highway.

10.21. A case could be made for some greater interaction with the proposed access road into the site. However, the elevations of the Plots 1 and 9 have an L-shaped form with windows facing the road, thus acknowledging their corner position. The rear/side gardens of the two houses would have close-boarded fencing facing the road, but this would be set back by 2m. This enables both sides of the road to be tree-lined. Since the route would be private, the normal limitations on planting applicable to adopted highway land would not apply. The housing is considered broadly to comply with policy DEC1 and Residential Design Guide SPD.

Other Layout and Design Considerations

10.22. A 1.8m high paladin fencing is proposed around the care home. Officers accept that when viewed in isolation and in close proximity it may have relatively functional appearance. Its use is restricted to the boundaries to the rear garden of the care home. Particularly over greater distances its visual impact is likely to diminish once the planting belt to its rear becomes established, in effect making any negative impact short-term and limited to part of the footpath to the west.

10.23. The well-established hedgerow on the western boundary would help to reduce the impact on the existing residential occupiers in this direction. The nearest house (38 Racecourse Road) would be located 14m away and without windows on the side, which is considered to be acceptable. The houses on the frontage would be set 18m back from Racecourse Road, lessening impact on properties opposite, as well as the impact of traffic noise on the occupiers of the new dwellings.

10.24. Views from proposed windows on the first floor of the south-western part of the care home would face towards the western boundary, beyond which houses on Lonsdale Place are located. A combination of the relative distances, oblique angles to the nearest windows and intervening vegetation help to render the relationship acceptable with regard to potential privacy loss. The distances between buildings forming part of this application are considered to be acceptable. The side of the care home would face the allocated housing land to the east. Since a planning application has not been approved yet on that site, it is premature to place any significant weight on the submitted layout when making a judgment, but in proximity to the care home the side elevation of proposed houses would currently face the boundary.

10.25. The Designing Out Crime Officer is satisfied with the layout and design. The revised residential layout secured during the course of the previous application addressed previous concerns relating to the security of rear gardens.

Highways/Transport

10.26. The Highway Authority does not raise an objection to the application, subject to conditions. The proposed new access into the site from Racecourse Road shows a new right turn lane, which will require the relocation of the existing central island and a slight widening of the carriageway. A further existing pedestrian crossing point to the west shall also be upgraded. A new footway along the site frontage is proposed, which is now set back behind a verge. These measures and the detailed construction of the access point into the site would be secured by condition. The relocation of the village sign sited close to the new entrance would be matter to be agreed separately between the Highway Authority and Parish Council.

10.27. This stretch of Racecourse Road currently has a speed limit of 40mph. It is proposed that the 30mph to the west would be extended up to the eastern site boundary. This would require payment of a Section 106 contribution of £6,000 to cover the costs of the necessary Traffic Regulation Order. The Parish Council previously suggested that the 30mph speed limit is extended further to the east of the site. It would be more appropriate that this is addressed as part of the other two applications relating to Allocation HA32 when they are determined.

10.28. The Parish Council has raised concern about the number of main access points serving the 3 applications site forming the larger HA32 site. This is not a matter raised in the Local Plan Allocation Statement, so will need to be judged on its merits in respect of each application, taking account of matters such as highway safety and visual impact. Officers do not object to the proposed single access point onto Racecourse Road serving this main part of application site. In addition, there would be 3 vehicular crossings serving the 4 houses facing Racecourse Road. In visual terms these are reasonably spaced with intervening planting. Also noting that the existing dwellings on the opposite side of the road largely have open plan front gardens with individual driveways, this arrangement is considered to be acceptable.

10.29. No direct link is proposed to the site to the east. It would be premature to comment in detail on the neighbouring applications, but a link would not provide a significantly shorter walking route from the allocated site to facilities in the centre of

the village. Given these circumstances, it is not considered the provision of such a link can be insisted upon as a planning requirement.

10.30. During the course of the previous application the number of parking spaces increased from 17 to 43 spaces following initial objections from the Highway Authority, taking into account noting that non-car transport options in East Ayton for employees or visitors would be more restricted than an a more urban setting. This application proposes the same parking layout with 43 spaces including 3 for the disabled and 2 with electric vehicle charging points. A plan also shows how disabled access from the car park and into the building would be achieved. The amount of parking relating to the housing is also considered to be satisfactory.

10.31. One of the two reasons for refusal relating to the previous application related to the absence of a Travel Plan. It stated:

" The planning application lacks a coherent, effective and sustainable transport plan, notably for staff employed at the proposed care home. The site has limited access to the limited public transport serving the area and the village does not have safe/convenient cycle and pedestrian routes to the main nearby population centre - the Scarborough urban area. The application does not demonstrate how staff, especially shift workers, and visitors to the care home would be able to travel to and from the site in an effective, affordable and sustainable manner, except where they have access to a private car. As such, the proposals would not accord with the broad principles contained in Policies HC5 and INF3 of the adopted Scarborough Borough Local Plan."

10.32. An important difference from the previous is that the application is now accompanied by a Framework Travel Plan (FTP). This sets out existing non-car modes of transport. For example, it indicates the first bus for East Ayton leaves Scarborough leaves at 06:15 and the last return journey leaves the village at 20:58, which as a proportion of the day is 2 hours 47 minutes longer than the equivalent period for Whitby from and to Scarborough. The FTP estimates that an area encompassing the whole of the wider Scarborough urban area, and as far as Filey, Pickering and Rillington would be accessible by public transport within 1 hour. The FTP commits to the appointment of a travel plan coordinator supported by funding for 5 years. It does not specify further detailed measures, but it is a framework document. A condition is proposed which requires the submission of a more detailed document prior to occupation with a review once in operation. This allows measures to be designed to take account of actual shift times and locations from which employees are drawn, as well as subsequent review.

10.33. The layout would not interfere with the (non-designated) public footpath along the western boundary. A gap of between 2.5m and 4.5m would be retained where it would become enclosed by development at the northern and southern ends of the site. It is important that the route does not become too concealed from public view, although by its nature it is more likely to be used during daytime. The southern end would benefit from surveillance from the care home. On the northern section, the side of houses closest to the path would not have windows and this limits overlooking of the existing houses/gardens to the west, but there would still be some more distant surveillance from the care home.

Trees and Ecology

10.34. There a number of trees forming part of the hedgerow to the west. The only one potentially affected is an elm prominently located on the Racecourse Road frontage. Conditions are proposed to protect the trees during construction and ensure that any post holes for the fence in the root protection area are hand dug. The plans show the replacement of the existing frontage hedgerow with a new beech hedge of 1-1.25m height with 3 gaps for driveways. While the rationale for this has not been explained, the existing hedge has already been much reduced in height and generous provision of planting is made elsewhere, so an objection is not raised. The landscape plan also shows planting on the verge between the carriageway and footway, but this should be discounted when considering the application, noting the Highway Authority's objection to this.

10.35. Apart from the existing trees/hedges mentioned above the site solely consists of an open agricultural field. As a result this provides a relatively low threshold to achieve a Biodiversity Net Gain. This would primarily take the form of the proposed landscape scheme, incorporating, native species planting. Following amendments the Council Ecologist did not object to the previous application and circumstances are not considered to have changed regarding this consideration. A condition is also proposed to provide for bat and bird boxes/bricks, including for swifts.

Drainage and Ground Conditions

10.36. The site is in the lowest Flood Risk category (Zone 1) and naturally drains north to south in accord with its topography. The underlying geology is relatively permeable and the developer has opted for discharge of surface water run-off by means of infiltration. Multiple soakaways serving individual dwellings or sections of the care home roof, car park and highway are proposed. The comments of the Local Lead Flood Authority are awaited on the current application, but previously no objection was raised to the Flood Risk Assessment, subject to conditions, which have been included at the end of this report, noting it is a matter on which there appear not to be material changes from the previous application.

10.37. The site is also in Source Protection Zone 1, which seeks to protect groundwater which is abstracted as drinking water. Yorkshire Water has not objected in principle, subject to safeguards by means of planning conditions. Given the sensitivity of groundwater to possible pollution, the Environment Agency has questioned why soakaways are proposed instead of a Sustainable Urban Drainage (SUDS) solution (i.e. largely overland controlled discharge to watercourse which mimics natural forms of drainage). However, the EA does not raise an objection, indicating that the matter can be addressed by condition, in addition to conditions to ensure groundwater is protected during the construction phase and that foundations do not adversely affect the aquifer. Any alternative to the submitted soakaway based system would also need to be acceptable regarding flood risk, but the conditions are framed in a manner which requires a comprehensive assessment of such matters at the pre-commencement stage should a different approach be required.

10.38. Foul water arising from the development would use gravity to feed into an existing mains sewer on Seamer Road to the south. Yorkshire Water does not raise objection to this.

10.39. Previous archaeological investigations revealed the likelihood of Iron Age remains on the site. The County Archaeologist has examined the submitted desk-based assessment and confirmed that a condition should be attached to planning permission requiring that further on site investigations take place in advance of the development to ensure any remains are recorded.

S106 Legal Agreement

10.40. The following Heads of Terms are considered necessary to comply with relevant policy and ensure that the impact on off-site social infrastructure is not adversely affected.

Category/Type	Contribution	Amount & Trigger
Health	Primary Health Care facilities in West Ayton	£32,334 index linked - Prior to first occupation of the development
Children's Play	Children's Play facilities in East Ayton	£11,649.60 index linked - Prior to occupation of 4 th dwelling.
Sports	Outdoor sports facilities in East or West Ayton	£7,120.20 index linked - Prior to occupation of 4 th dwelling.
Traffic Regulation Order (TRO)	Payment to cover TRO to reduce speed limit on Racecourse Road.	£6,000 index linked – trigger to be confirmed
Monitoring	S106 Monitoring Fee	Sum to be confirmed - index linked - Prior to commencement of development

10.41. The proposed number of houses (9) and amount of land dedicated for general housing is in both cases just below the national and local thresholds for affordable housing provision. The Affordable Housing SPD indicates that such provision is not required in connection with care homes. The amount of housing capable of being occupied by families also falls below the threshold to consider a financial contribution towards local schools.

10.42. Clearly the care home in particular is likely to have an impact on local health infrastructure. This is confirmed in the response from the NHS Humber and North Yorkshire Integrated Care Board (ICB). It is also recognised that the area served by the local GP Practice has a high age profile and this is reflected in the formula used to calculate its normal grant from the NHS. Using an established mathematical methodology to calculate the impact of development on primary healthcare facilities, a Section 106 sum of £32,334 has been requested covering both component parts of the development. This would contribute towards the improvement of facilities at the local doctor's surgery in West Ayton. Such contributions may only be made towards capital costs of improving surgery infrastructure, rather than subsequent revenue costs, such as staffing where the NHS funding formula would take account of any changes in the population/ demography of the area. Since the time of the last

application the ICB has reviewed the formulae for calculating sums to take account of inflation in the cost of providing health infrastructure; hence the sum request has increased from the previous £22,837.

10.43. The care home would have reasonable provision of private green space for residents to enjoy, thus helping to comply with Policy HC5. Nonetheless the development as a whole and as part of a wider allocation is likely to have an impact on local open space provision. Officers consider appropriate response is to seek S106 contributions towards local sports and play facilities based on the predicted number of residents in the proposed houses, since a direct link can be demonstrated. Using formulae set out in the Green Space SPD sums for children's play and outdoor sports are required as indicated in Table 1.

10.44. It is considered that the above S106 Heads of Terms are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and as such complies with the Community Infrastructure Levy (CIL) Regulations 2010.

10.45. While the appeal on the previous application is still at an early stage procedurally, it does not currently propose payment any of the above S106 contributions, which would apply in the event that the appeal is allowed. If this persists, Members are advised that officers will include an objection on those grounds, but ultimately the final decision would be taken by the appointed Planning Inspector.

11.0 PLANNING BALANCE AND CONCLUSION

11.1. The principle of both the care home and the 9 dwellings are consistent with Local Plan policy HC2 which allocates the site for residential development as part of the HA32 Housing Allocation. Consequently, it is not necessary for the applicant to justify the need for the uses.

11.2. In common with the previous application now at appeal, the size and visual impact of the care home in particular has had to be considered carefully. It would be a substantial building on the edge of the village, but negative impacts would be mitigated due its position behind other (largely proposed) development, a landscape buffer to the south and the architectural form of the building. The change in the roof form to hipped form would also reduce its bulk compared to the appeal application.

11.3. The previous section of this report considered in detail a range of detailed planning considerations relating to the care home and the 9 dwellings. This included detailed design, the impact on neighbours, biodiversity and drainage. The Highway Authority is satisfied with the impact on the highway network and unlike the previous application it is now accompanied by a Framework Travel Plan. The impact on off-site infrastructure, such as the local doctors' surgery can be addressed by means of S106 contributions. Where conditions listed in this report require discharge prior to the commencement of development this will first be agreed with the applicant.

11.4. The previous application, now at appeal, was considered by officers to be acceptable in principle and in detail, although the latter was only achieved following lengthy negotiations. At its meeting in March 2023, the Scarborough Borough Council Planning Committee refused the application on two grounds relating to the care home; namely its size and design, as well as the lack of a Travel Plan. The Committee did not include reasons for refusal relating to other matters including the principle of the development, the proposed 9 dwellings or the impact on the actual highway network, hydrology or local infrastructure.

11.5. The current application is largely similar to the previously refused scheme, now at appeal. However, it has sought to address the concerns previously raised by Members, by reducing the bulk of the care home roof and submitting a Travel Plan. It remains your officers' opinion that like the previous application the overall balance consideration of planning issues is acceptable and consequently the application is recommended for approval.

12.0 RECOMMENDATION

12.1 That planning permission be GRANTED, subject to conditions listed below and completion of S106 obligations with terms as detailed in Table 1.

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

List to be compiled.

Reason: For the avoidance of doubt.

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

Reason: In the interest of visual amenity to accord with Policy DEC1 of the adopted Scarborough Borough Local Plan.

3 A) No demolition/development shall commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. Community involvement and/or outreach proposals
3. The programme for post investigation assessment

4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: This condition is imposed in accordance with Section 16 of the NPPF and policy DEC6 of the adopted Scarborough Borough Local Plan as the site is of archaeological significance.

4 Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document). The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed.

Reason: To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.

5 If the drainage proposals submitted in connection with condition 4 above involve discharge of surface water to a public sewer, then the submitted details of drainage works shall require approval in writing by the Local Planning Authority prior to the commencement of development and these shall include:

- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
- ii) the means of discharging to the public sewer network at a rate to be agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal

6 No development shall take place until a suitable maintenance of the proposed SuDS drainage scheme arrangement has been demonstrated to the local planning authority. Details with regard to the maintenance and management of the approved scheme to include; drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development.

Reason: To prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage system.

7 No development shall take place until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Run-off must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.

Reason: To prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site.

8 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority. All foul sewers shall be lined with an impermeable liner. Furthermore, occupation of any part of the development shall not commence until the approved drainage works have been fully constructed in accordance with the approved plans and there shall be no temporary storage of foul sewage.

Reason: To ensure that the development can be properly drained and to protect the public water supply.

9 Any liquid storage tanks shall be located within a bund with a capacity of not less than 110% of the largest tank or largest combined volume of connected tanks.

Reason: To ensure that there are no discharges to the public sewerage system which may injure the sewer, interfere with free flow or prejudicially affect the treatment and disposal of its contents

10 Prior to the commencement of any development a hydrogeological risk assessment shall be submitted to and approved in writing by the Local Planning Authority. The risk assessment shall identify potential groundwater hazards associated with both the construction and operational phases of the development and shall evaluate the likelihood and consequences of each hazard. The assessment shall include the following components:

- a. A conceptual model for the site based on site specific geological and hydrogeological information.
- b. Identification of sources of pollution, potential pathways for the movement of contaminants and identification of receptors.
- c. A qualitative assessment of risk progressing to numeric assessments where risks are greater.
- d. An evaluation of the uncertainties in the assessment.
- e. An appraisal of options for dealing with the identified risks.
- f. Scheme for the implementation of mitigation measures, including petrol interceptors for hardsurfaced areas used by motorised vehicles and grease traps.

The development permitted by this planning permission shall be carried out in accordance with the approved hydrogeological risk assessment.

Reason: The site is located within groundwater Source Protection Zone 1 (SPZ1) for a number of potable water supply abstractions (including public water supply). These abstractions take groundwater from the underlying Corallian Limestone aquifer which is designated as a Principal Aquifer. Therefore, the construction phase activities together with the drainage and foundation proposals associated with the final development itself may present a risk to the groundwater.

11 No development shall take place until a detailed method statement/Construction Environmental Management Plan for the protection of groundwater and assessment of the impact on the underlying aquifer during the construction phase has been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include details of the following:

- Based on the findings of the required hydrogeological risk assessment, identification of those activities that pose a risk to groundwater during the construction phase (considering both potential disturbance and pollution risks to the aquifer).
- The appropriate measures to be used during the construction phase in order to prevent or limit the impacts to groundwater from these activities.

Reason: The site is located within groundwater Source Protection Zone 1 (SPZ1) for a number of potable water supply abstractions (including public water supply). Therefore, it will need to be demonstrated how the construction phase will be carefully managed to ensure against pollution of the groundwater and protect public water supplies.

12 Foundations using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed foundations, do not harm groundwater resources in line with paragraph 174 of the National Planning Policy Framework and

Position Statement N8 of the 'The Environment Agency's approach to groundwater protection'.

13 The development must not be brought into use until the main proposed access road to the site off Racecourse Road has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:

- The crossing of the highway verge must be constructed in accordance with the approved layout details and Standard Detail number A2 and the following requirements.

- All works must accord with the approved details.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

14 The development must not be brought into use until the accesses from Racecourse Road to proposed plots 1 to 4 have been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:

- The crossing of the highway verge must be constructed in accordance with Standard Detail number E50 and the following requirements.

- The final surfacing of any private access within 1 metre of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

- All works must accord with the approved details.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

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

15 The following schemes of off-site highway mitigation measures must be completed as indicated below:

- provision of right turn lane to new development at Racecourse Road prior to first occupation

- provision of new 2 metre wide footway to connect to existing footway to west and new crossing point to east at Racecourse Road prior to first occupation

- provision of two new tactile pedestrian crossing islands and associated tactile crossings at Racecourse Road prior to first occupation.

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.

A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site. Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

Reason: To ensure that the design is appropriate in the interests of the safety and convenience of highway users.

Informatives

Notwithstanding any valid planning permission for works to amend the existing highway, there should be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and North Yorkshire County Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence.

No development should commence until a Construction Management Plan has been agreed in writing with the Local Highway Authority. Construction of the permitted development should be undertaken in accordance with the approved Construction Management Plan. The Plan should include, but not be limited to, arrangements for the following in respect of each phase of the works:

- a. details of any temporary construction access to the site including measures for removal following completion of construction works;
- b. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- c. the parking of contractors' site operatives and visitor's vehicles;
- d. areas for storage of plant and materials used in constructing the development clear of the highway;
- e. measures to manage the delivery of materials and plant to the site including routing and

- f. timing of deliveries and loading and unloading areas;
- g. details of the routes to be used by HGV construction traffic and highway condition
- h. surveys on these routes;
- i. protection of carriageway and footway users at all times during demolition and construction;
- j. protection of contractors working adjacent to the highway;
- k. details of site working hours;
- l. erection and maintenance of hoardings including decorative displays, security fencing
- m. and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
- n. means of minimising dust emissions arising from construction activities on the site,
- o. including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
- p. measures to control and monitor construction noise;
- q. an undertaking that there must be no burning of materials on site at any time during construction;

16 No dwelling/care home bedroom shall be occupied until the related minimum parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. This will require the provision of an additional off-site parking space on plots 6-9 than as indicated on the otherwise approved plans. A revised plan indicating these additional parking spaces shall be submitted to and approved in writing to the Local Planning Authority prior to the houses on these four plots being constructed above foundation level. Once created all parking spaces must be maintained clear of any obstruction and retained for their intended purpose at all times.

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

17 Prior to first occupation of the proposed care home, a Travel Plan which shall include clear objectives and modal split targets, together with a time-bound programme of measures to encourage and facilitate travel to and from the care home (especially by staff), shall be submitted to and approved in writing by the Local Planning Authority. It shall also include details of the proposed implementation, monitoring, regular review and update of Travel Plan measures and be based on the particulars associated with the approved care home. The Travel Plan shall thereafter be operated in accordance with the agreed details.

Reason: To encourage travel to and from the site by sustainable modes of transport.

18 Before the development is constructed above foundation level, the written approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on

planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority shall be carried out in its entirety within a period of twelve months beginning with the date on which the development is commenced. All trees, shrubs and bushes shall be maintained by the owner of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good. The landscape plan shall be in general accordance with plan 6732.01C submitted with the application, except it shall be restricted to land within the control of the applicant and not extend onto the public highway. Furthermore, the hedge planting set to the west of the care home car park shall attain a height of 1.8m in height.

Reason: In the interests of the appearance of the area and ecology in accordance with policies DEC1 and ENV5 of the Scarborough Borough Local Plan.

Informative: The submitted plan in respect of this condition may broadly accord with the submitted Landscape Plan 6732.01 Rev C, including the 3m wide landscape bund on the southern site boundary. However, it should exclude the 5 trees shown on the Racecourse Road highway verge and shall be amended to take account of the additional parking spaces required on plots 6-9 by virtue of conditions on this Notice.

19 Except where indicated for removal to facilitate development hereby approved, all trees and hedgerows on or adjacent to the site shall be protected for the duration of the construction period in accordance with the details specified in the Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement prepared by ROAVR Environmental and as submitted with the application on 6 January 2022. Any excavation or other construction works taking place within the Root Protection Area of the elm tree situated in the north-west corner of the site shall accord with best arboricultural practice, including that any excavations to take place using hand held or compressed air tools and not any mechanical digging equipment.

Reason: To protect trees and hedges which contribute to the appearance and ecological interest of the area.

20 A Construction Environmental Management Plan (CEMP) relating to ecological matters shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of development. This CEMP shall broadly accord with the Ecological Survey and Assessment by ERAP Ltd with the application on 6 January 2022. Works shall comply with the precautionary working methods (Reasonable Avoidance Measures) set out in this report during site clearance. The CEMP to be submitted shall cover the following:

- A sensitive lighting scheme to minimise impact on bats and other wildlife, covering both the construction phase and the lighting design of the completed development.
- Provision of hedgehog highways between fenced garden boundaries.
- Bat and bird bricks/boxes as specified in the ERAP document with additional provision of swift boxes/bricks to be provided

- A programme for the implementation of measures referred to in this condition and which shall be subsequently adhered to.

Reason: Having regard to Policy ENV5 in the adopted Scarborough Borough Local Plan.

Target Determination Date: 20 September 2023

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

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North Yorkshire Council
Community Development Services
Scarborough and Whitby Area Constituency Planning Committee

9 NOVEMBER 2023

**ZF23/01671/FL -DEMOLITION OF FIRE DAMAGED FORMER HOTEL AND
ERECTION OF PERIMETER HOARDING AT MARINE RESIDENCE 6-8 BELMONT
ROAD SCARBOROUGH NORTH YORKSHIRE YO11 2AA ON BEHALF OF
NORTH YORKSHIRE COUNCIL (MR MARTIN ASTON)**

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the report

1.1 To determine planning application ZF23/01671/FL relating to the Marine Residence hotel building, 6-8 Belmont Road, Scarborough.

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

2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That subject to no additional substantive issues being raised during the remainder of the consultation period, it is recommended that the Committee grant its Officers delegated authority to APPROVE the application subject to the conditions listed below upon expiry of the formal consultation period

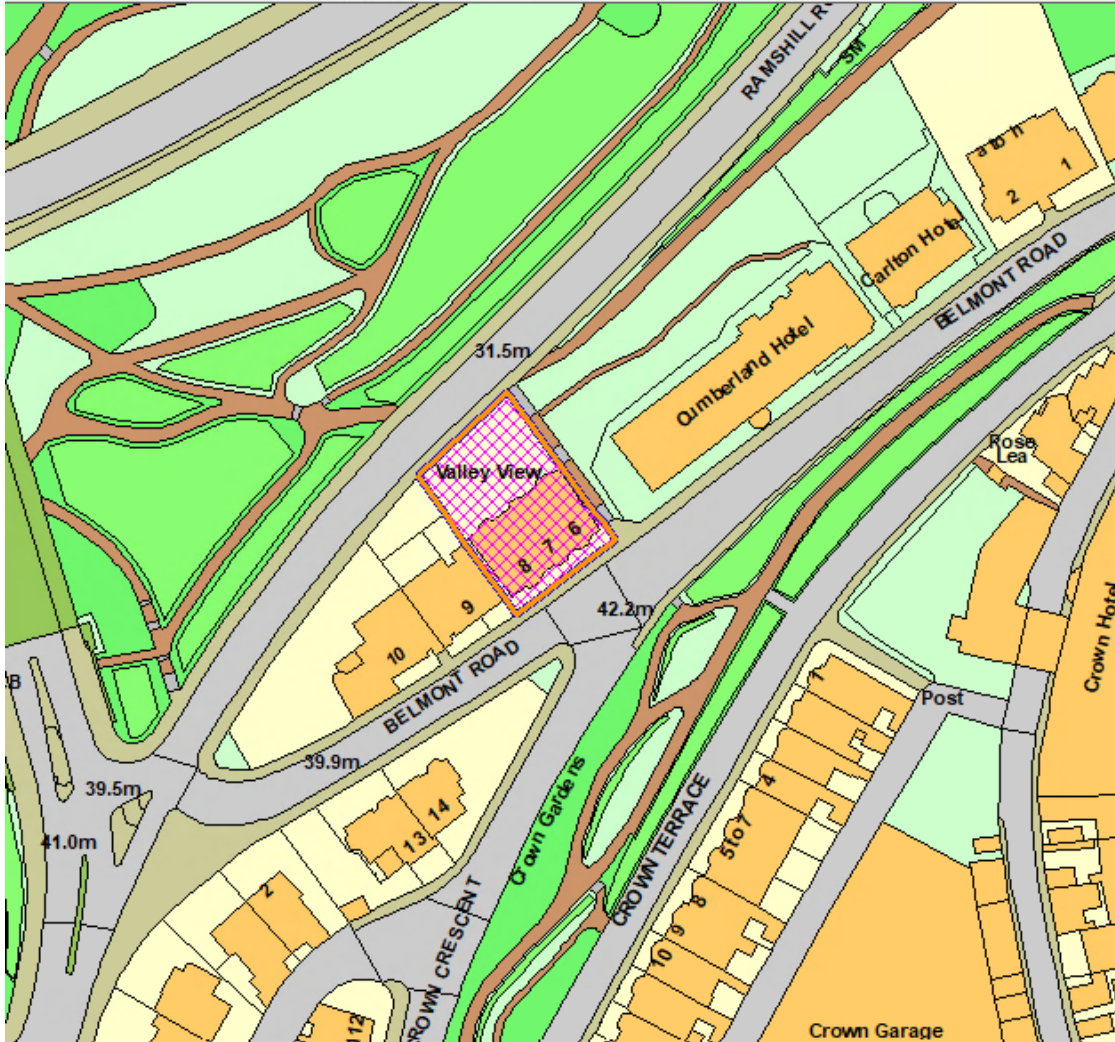
2.1 This application seeks planning permission to demolish the fire damaged Marine Residence building on Belmont Road, Scarborough. Site remediation is proposed in form of a rolled aggregate cap and a 2.4 metre high timber security hoarding surrounding the site. Currently, the building is at risk of collapse and exists as a public safety hazard.

2.2 The key issue for consideration is the impact of the development on the character and appearance of the Scarborough Conservation Area and other heritage assets.

2.3 In this respect, it is advised that the full demolition/ total loss of the Marine Residence building and the proposed method of remediation amount to (in the Language of the NPPF) 'less than substantial harm' to the Conservation Area. It is concluded that this 'less than substantial harm' is offset in the balance by the very significant public benefit of removing a public safety hazard. As such, the proposal 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=S2AZTKNSFX200>

4.0 Site and Surroundings

4.1 This application relates to the fire damaged 'Marine Residence' hotel building which is formed of 6-8 Belmont Road, Scarborough. Comprised of three former terraced townhouses constructed (circa 1875) in the locally characteristic Victorian seaside vernacular, the building is five storeys built from a pale brick, with a tiled and pitched roof, terminating with two gables, together with central dormers to the front and rear elevations.

4.2 Fires in December 2022 and July 2023, the second which caused more extensive damage, have left the building a ruin. The fire damage has particularly affected the rear of the building and has destroyed the roof. All floor levels to northeast/ northwest corner and the stone bay windows to the central section have collapsed. The collapse of the roof structure as well as the third floors and second floors into the building has resulted in an accumulation of building material on the first floor.

4.3 The submitted Structural Report explains that the building is at risk of collapse and is a risk to public safety. Owing to this risk, parts of Belmont Road and Ramshill Road are closed to the public.

4.4 With respect to planning designations and constraints, the application site lies within the Scarborough Conservation Area, is situated immediately adjacent to the Valley and South Cliff Gardens Registered Park and Garden (Grade II) and sits within the context numerous Listed Buildings including Woodend (Grade II*), the Crescent (Grade II*) and the Art Gallery (Grade II*). It is also within the Development Limits of Scarborough, as defined by the Local Plan Policies Map.

4.5 It should be held in mind that whilst the North Yorkshire Council is the applicant it does not own or have an interest in the site in question.

5.0 Description of Proposal

5.1 This application seeks planning permission to fully demolish the fire damaged building, to clear the site of most construction materials and to leave the area of and around the building's footprint as a rolled aggregate cap. Additionally, a 2.4 metre high timber security hoarding is proposed to be sited around the site's boundaries. It is proposed to retain the garden area at the northern end of the hotel's curtilage (adjacent to Bird Cage Walk) along with the six sets of stone steps and the mature tree in this area.

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 Historic England: Awaited.

7.3 NYC Principal Conservation Officer: Originally built as three grand townhouses in circa 1875 the buildings combined to form a single hotel in the 20th century. Prior to the recent fire damage, the Victorian properties had a positive impact on the character and appearance of Scarborough Conservation Area. As a result of the extensive fire damage, the former hotel is a public safety risk. From a conservation perspective it would be preferable to secure what remains of the 19th century fabric, the pale brick-built elevations for example. Retention would allow for some elements of the architectural quality to be retained and restored in any future redevelopment. The Structural Report provides some justification for wholesale demolition. It is considered to be the only safe option. The option to retain what remains of the elevations, by way of a temporary safeguarding and shoring scaffold has been discounted on safety grounds.

A gap site would be created in the street scene if demolition is approved. Evidence suggests large gardens to the side and rear of the grandest Victorian properties were characteristic on Belmont Road prior to intensive development in the 20th century.

The wholesale demolition of the Victorian townhouse terrace and lack of any landscaping mitigation to improve the appearance of the resultant gap site, would

result in 'less than substantial' harm to the character and appearance of the conservation area. This is assessed to be 'low' factoring in its current unsightly appearance within the street scene after the extensive fire damaged sustained. The Heritage Impact Assessment sets out how the public benefit of the proposal should be factored into the overall planning balance.

If planning permission is approved it is recommended that the resulting gap site is soft landscaped, in lieu of screening. The mature tree, stone steps and brick and stone boundary walls should be protected during demolition. The remaining cast-iron railings should be salvaged and reinstated on the Belmont Road boundary wall to create a permanent traditional boundary and a Building Recording Survey carried out prior to demolition.

7.4 Highway Authority: the development should be carried out in accordance with a Construction Environmental Management Plan which shall deal with matters including site access, prevention of the displacement of mud onto the road, details of site working hours and site supervision.

Local Representations

7.4 No letters of representation have been received at the time of writing. Members will be updated on any representations received at the meeting of the Planning Committee.

8.0 Environmental Impact Assessment

8.1 The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environmental Statement is therefore required.

9.0 Main Issues

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

- A) Impact on the character and appearance of the Conservation Area, the setting of the Registered Park and Garden and settings of Listed Buildings; and,
- B) Highways and amenity

10.0 Assessment

A) Impact on the character and appearance of the Conservation Area, the setting of the Registered Park and Garden and settings of Listed Buildings.

Legal and policy requirements

10.1 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, 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. Additionally, the NPPF makes it clear that great weight should be assigned to the conservation of Registered Parks and Gardens.

Alternative options for the building

10.2 Before it was fire damaged, this large and attractive Victorian vernacular building made a strong positive contribution to the character and appearance of the Conservation Area. Since it became damaged the appearance of the ruin harms the character of the Conservation Area and the applicant states it is a risk to public safety.

10.3 In their Structural Report the applicant explains that three remedial options have been considered:

- 1) Temporary shoring works with scaffolding;
- 2) Partial demolition;
- 3) Full demolition.

10.4 Noting that embedded within planning law and policy is a presumption in favour of retaining heritage assets, keeping something of the building such that it might ultimately be rebuilt and its positive contribution to Conservation Area restored would be preferable from a conservation perspective. However, Officers note from the submitted Structural Report that options 1) and 2) have been discounted essentially because the processes of shoring-up/ partial demolition carry unacceptable safety risks and there are no guarantees that any of the fabric retained would be safe to use as a part of a re-built structure in any event; the masonry on the site has undergone harmful thermal shock which has most likely compromised its structural integrity.

10.5 leaves full demolition as the only practical option for dealing with the issue of the risk to public safety posed by the fire damaged building.

Site restoration

10.6 Taking into account the poor visual condition of the site as it exists, Officers consider that the proposed rubble capping, the retaining of the garden area (including tree and sets of stone steps) and the securing of the site at its boundaries with a 2.4 metre high hoarding is adequate restoration for the site.

10.7 In accordance with the Government's Planning Practice Guide, Members will be aware that Officers normally advise that the 'motives' of an applicant or their 'position' in respect of land ownership/ options are not material planning considerations.

10.8 It is important to hold in mind that in this case if any planning permission the Committee may grant comes to be implemented by the Council it will be with the permission of the Courts as an emergency measure because the land owner has failed to act to deal with the public safety issue of their own accord.

10.9 As such, your Officers would advise that conditions are not applied which go beyond dealing with the immediate safety risk appropriately, including those which could require potential restorative measures for the site. Such conditions might risk putting a planning permission at odds with any permission the Courts grant the Council to deal with the immediate public safety risk (which is on third party land).

B) Highways and amenity

10.10 The Local Highway Authority has requested that a Construction Environmental Management Plan (CEMP) is requested by condition. Given the site's position in very close juxtaposition to a main thoroughfare (Ramshill Road), tourist facilities and residences, your Officers would agree with the Highway Authority that in this instance some control of construction related activities is reasonable and necessary in the interests of protecting the amenity of the locality and highway safety.

10.11 In this respect, the applicant has already supplied sufficient information in the form of the Demolition Method Statement and the Construction Phase Safety Plan (Stage 2). Your Officers consider that these propose sufficient controls relating to noise and vibration, traffic management (with access to and from the site being via the A165 and Belmont Road) and dust mitigation. On account of the detailed information already in hand, Officers do not consider that there is a need to request a CEMP by planning condition.

11.0 Planning Balance and Conclusion

11.1 Before it was fire damaged the Marine Residence building on Belmont Road made a strong positive contribution to the character and appearance of the Conservation Area. However, in its current ruined condition the building harms the character and appearance of the Conservation Area.

11.2 Given that there is a presumption in favour of retaining the building its loss amounts to 'harm' to the Conservation Area, but accounting for the building's current ruined condition and its residual impact on the Conservation Area your Officers consider this 'harm' (in the language of the NPPF) to be 'less than substantial'.

11.3 Additionally, in the interests of enhancing the Conservation Area your Officers would prefer to see a plan for the full restoration and re-use of the site, but accounting for the visual harm caused by the current condition of the building Officers consider the proposal being advanced to be appropriate. However, your Officers would accept that a site surrounded by a high security hoarding and largely set to rolled aggregate is less-than-ideal and suggest that this too amounts to 'less than substantial harm' to the Conservation Area.

11.4 Paragraph 202 of the National Planning Policy Framework explains that where development would lead to 'less than substantial harm' this harm should be weighed against the public benefits of the proposal.

11.5 In this case it is the view of your Officers that the removal of an immediate and serious public safety risk and the re-opening of key highway routes within the town for all users constitute public benefits of very significant weight which tilt the balance in favour of the proposal and outweigh the 'less than substantial' harm to the Conservation Area.

11.6 In conclusion, the proposed development is considered to be acceptable.

12.0 RECOMMENDATION

12.1 That subject to no new and substantive issues being raised during the remainder of the consultation period, it is recommended that the Committee grant its Officers delegated authority to APPROVE the application subject to the conditions listed below upon expiry of the formal consultation period:

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

- 23.3812-03A, block plan as proposed, 10 October 23
- 23.3812-12A, south east elevation as a proposed, 10 October 23
- 23.3812-13A, north west elevation as proposed, 10 October 23
- 23.3812-14A, south west elevation as proposed, 10 October 23
- 23.3812-15A, north east elevation as proposed, 10 October 23
- 23.3812-16, floor plans existing and proposed, 10 October 23

Reason To avoid doubt.

2 The development shall be implemented in strict accordance with the provisions of the Demolition Method Statement and the Construction Phase Safety Plan (Stage 2) received by the Local Planning Authority on 23 October 2023.

Reason This site is in a mixed-use environment in very close juxtaposition with dwellings, businesses and a main thoroughfare into and out of the town. Without reasonable restriction, there is the potential for demolition and remediation activities to cause significant harm to amenity and highway safety. Policies DEC1, DEC4 and ENV3 of the Scarborough Borough Local Plan.

3 During the construction phase, all trees shown to be retained on the site on the approved drawings shall be protected in accordance with British Standard BS 5837:2012 'Trees in relation to design, demolition and construction.

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

Target Determination Date: 5 December 2023

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

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North Yorkshire Council
Community Development Services
Scarborough and Whitby Area Constituency Planning Committee
9 NOVEMBER 2023

23/00359/LB - FORMATION OF DRAINAGE ROUTES, INSTALLATION OF REPLACEMENT BENCHES, REPLACEMENT OF PLATFORM RAILINGS AND INSTALLATION OF REPLACEMENT PLATFORM SURFACE AT ST NICHOLAS SHELTERS FORESHORE ROAD SCARBOROUGH NORTH YORKSHIRE YO11

1PB ON BEHALF OF NORTH YORKSHIRE COUNCIL (JOE POISMANS)

Report of the Assistant Director Planning – Community Development Services

1.0 PURPOSE OF THE REPORT

1.1 To determine a listed building consent for the formation of drainage routes, installation of replacement benches, replacement of platform railings and installation of replacement platform surface at st nicholas shelters, foreshore road, scarborough.

1.2 The proposal is being considered by members of the scarborough and whitby planning committee as the council is the applicant.

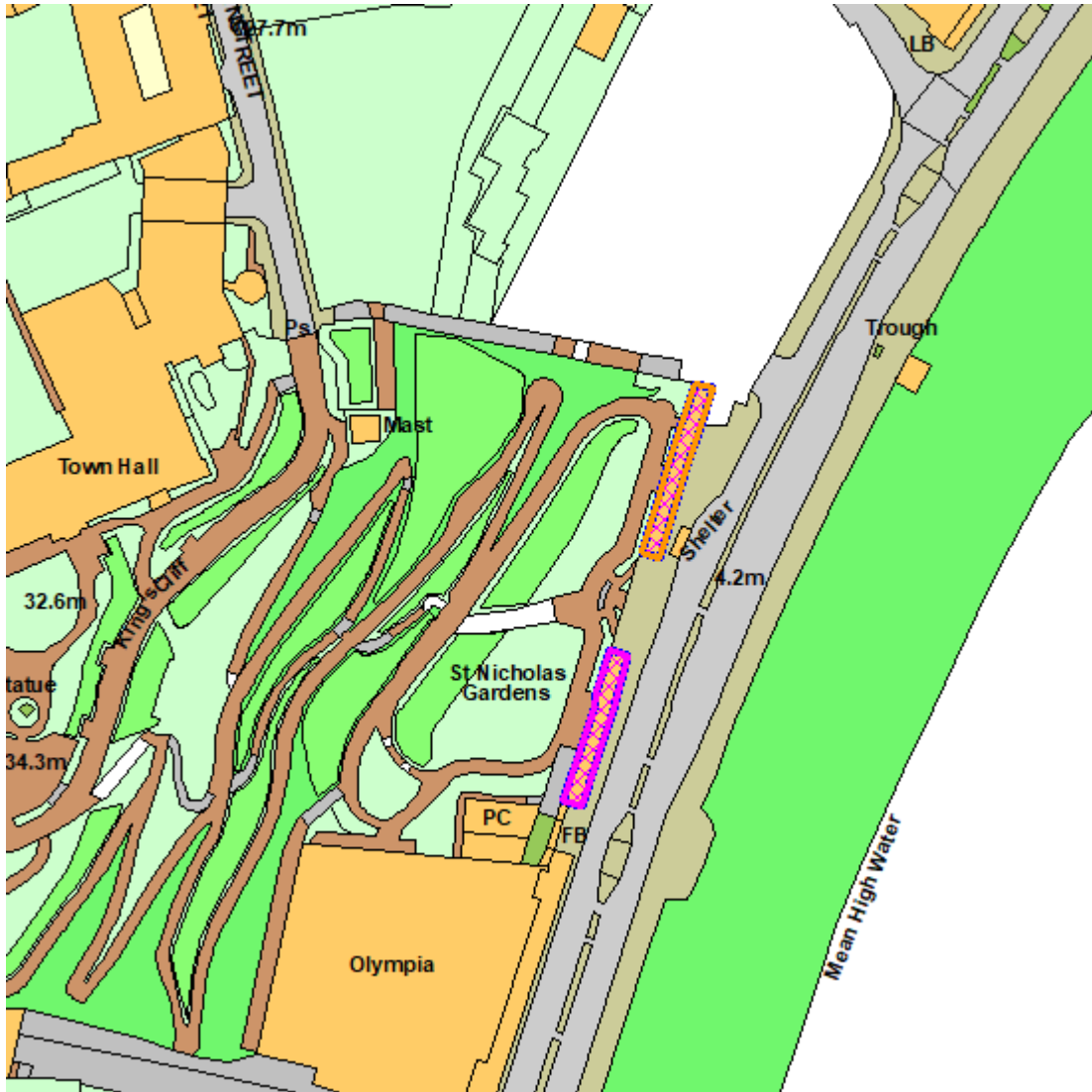
2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That listed building consent be GRANTED subject to conditions.

2.1 This application seeks Listed Building consent for a series of repair and restoration works to the St Nicholas Shelters on Foreshore Road, Scarborough. The scheme would replace the existing platform railings and benches, whilst carrying out repair and drainage works to the platform and shelter. It is concluded that the works will preserve the special interest of the Listed Building and that Listed Building consent should be granted.



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3.0 Preliminary Matters

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

4.0 Site and Surroundings

4.1 The site comprises 2no. Edwardian tram shelters. The shelters were constructed between approximately 1904-1907, and are designated Grade II Listed structures. The shelters comprise cast-iron arcades to the front, and include supporting steel beams to the platforms above. The platforms include iron railings which are fixed around the platform edge.

4.2 The rear walls of the shelters comprise white and brown ceramic bricks with a 'glazed' external surface, whilst within the shelters are 3no. continuous stretches of modern benching which are fixed to the rear wall, and comprise timber seating.

4.3 The shelters are located on Foreshore Road between the Olympia Leisure and Coney Island amusement arcades. The shelters are separated from each other by the entrance to the St Nicholas Gardens to the west of the site. To the east of the site lies the South Bay of Scarborough, whilst to the west of the site lies the Town Hall. To the north-east of the site lies the Scarborough Harbour and main retail area of the Scarborough South Bay, including a number of amusement arcades food outlets, retail units and public houses.

4.4 The site also lies within the designated Conservation Area of Scarborough.

5.0 Description of Proposal

5.1 This application seeks Listed Building Consent for a series of restorative and repair works to the Grade II listed St Nicholas Shelters, Foreshore Road, Scarborough. The proposed works can be summarised as the following:

- Replacement of existing benches with 21no. benches
- Replacement of platform iron railings with steel railings
- Like-for-like replacement and repair of ceramic bricks
- Concrete slab repair and drainage works
- Pavement repair works
- General repair of metalwork, including spandrels, main frame and posts.

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.

Adopted Development Plan

The following policy documents assist in the assessment of the statutory test.

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

7.0 Consultation Responses

7.1 No consultation responses received.

Local Representations

7.2 One public comment has been received in support of the proposal. A summary of the comment can be viewed below, however to view full details please visit the web site.

Support

- In-keeping with the traditional architecture

8.0 Main Issues

8.1 In accordance with the aforementioned legal requirement, the sole consideration for the Committee in its determination of this application is:

- Whether or not the proposed works would preserve the special interest of the Listed Building

9.0 Assessment

Whether or not the proposed works would preserve the special interest of the Listed Building

9.1 The proposed works would comprise a number of repair and restoration works to the fabric of the Listed structure. These include repair works to the metalwork of

the shelters, including re-application of paint where applicable, and repair of concrete slabs, including infill mortar of damaged areas of the concrete. Drainage improvements would also be made to the concrete slab to help prevent water damage to the shelters.

9.2 There would be a total of 45no. replacement ceramic bricks to replace the damaged and missing bricks in the rear wall of the shelters. Retained bricks would also be repaired where necessary and steam-cleaned.

9.3 The proposal would replace the existing wall-mounted benches with individual steel-framed benches that would be fixed to the ground within each bay of the shelters, and would total 21no. benches. The benches would feature timber backs and seats.

9.4 The existing benches are relatively modern additions to the shelters, and therefore it is considered that their replacement with individual benches would not harm the special interest of the Listed shelters.

9.5 The proposal would also replace the existing railings atop the 'first floor' public viewing platform which are fixed to the shelters, and provide a safety barrier for occupants of the platform. The proposed replacement railings would be steel railings, and the central "ring" of the railing design would be very similar in terms of style and appearance to the existing railings.

9.6 The official Listing by Historic England, states of the benches and railings, 'these aforementioned features (benches and railings) are not of special architectural or historic interest'. It is therefore considered that the proposal to replace these elements of the shelters would not harm the special interest of the Grade II Listed structures, given the replacement features are contemporary additions.

9.7 Furthermore, it is considered that the main interest of the shelters are the cast-iron arcade frontages which provide the shelters with their form and structure, and these would remain in place with renovation and repair works occurring where applicable.

10.0 Planning Balance and Conclusion

10.1 Overall, the proposed works would comprise essential improvements and repair works to the shelters that would ensure safer, more comfortable shelters, and would include upgraded furnishings such as the proposed benches and railings that would allow greater appreciation of the special interest of the Listed Building by its users whilst successfully preserving the architectural integrity of the Grade II Listed structure, such that it will be sustained as a heritage asset for many years to come.

10.2 It is therefore considered that the proposal would preserve the special interest of the Listed shelters.

11.0 RECOMMENDATION

That permission be GRANTED subject to the conditions listed below:

1 Approved Plans

The development hereby permitted shall be carried out in strict accordance with the following plans:

- Railing Details
- Seat End Detail,
- North and South Shelter Plans (Drawing No. 21933-11 to 21933-24)

received on 24 February 2023, and;

- North Shelter Bench Plan (Drawing No. 21933-10 A)
- South Shelter Bench Plan (Drawing No. 21933-18 A)
- North Shelter Drainage and Slab Repair (Drawing No. 21933-13 A)
- North Shelter Repair Works (Drawing No. 21933-14 A)
- South Shelter Drainage and Slab Repair (Drawing No. 21933-21 A)
- South Shelter Repair Works (Drawing No. 21933-22 A)
- Proposed Repair Details Sheet 1 (Drawing No. 21933-25 A)
- Proposed Repair Details Sheet 2 (Drawing No. 21933-26 A)
- Design & Access Statement
- Heritage Statement

received on 22 August 2023, unless any amendment is first approved by the Local Planning Authority.

Reason: for the avoidance of doubt.

2 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 preserve the architectural integrity of the Listed Building

3 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 preserve internal features of the Listed Building.

Target Determination Date: 17 October 2023

Case Officer: Mr Luke Hadfield
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