

North Yorkshire Council

Community Development Services

Thirsk and Malton Area Constituency Committee

20 APRIL 2023

23/00093/RG3 - DEMOLITION OF TOILET BLOCK AT RAVINE ROAD, FILEY, NORTH YORKSHIRE ON BEHALF OF SCARBOROUGH BOROUGH COUNCIL

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the Report

- 1.1 To determine a planning application for the demolition of toilet block on land at Ravine Road, Filey, North Yorkshire.
- 1.2 The application is to be considered by the Area Constituency Committee as the Council is the applicant and the landowner.

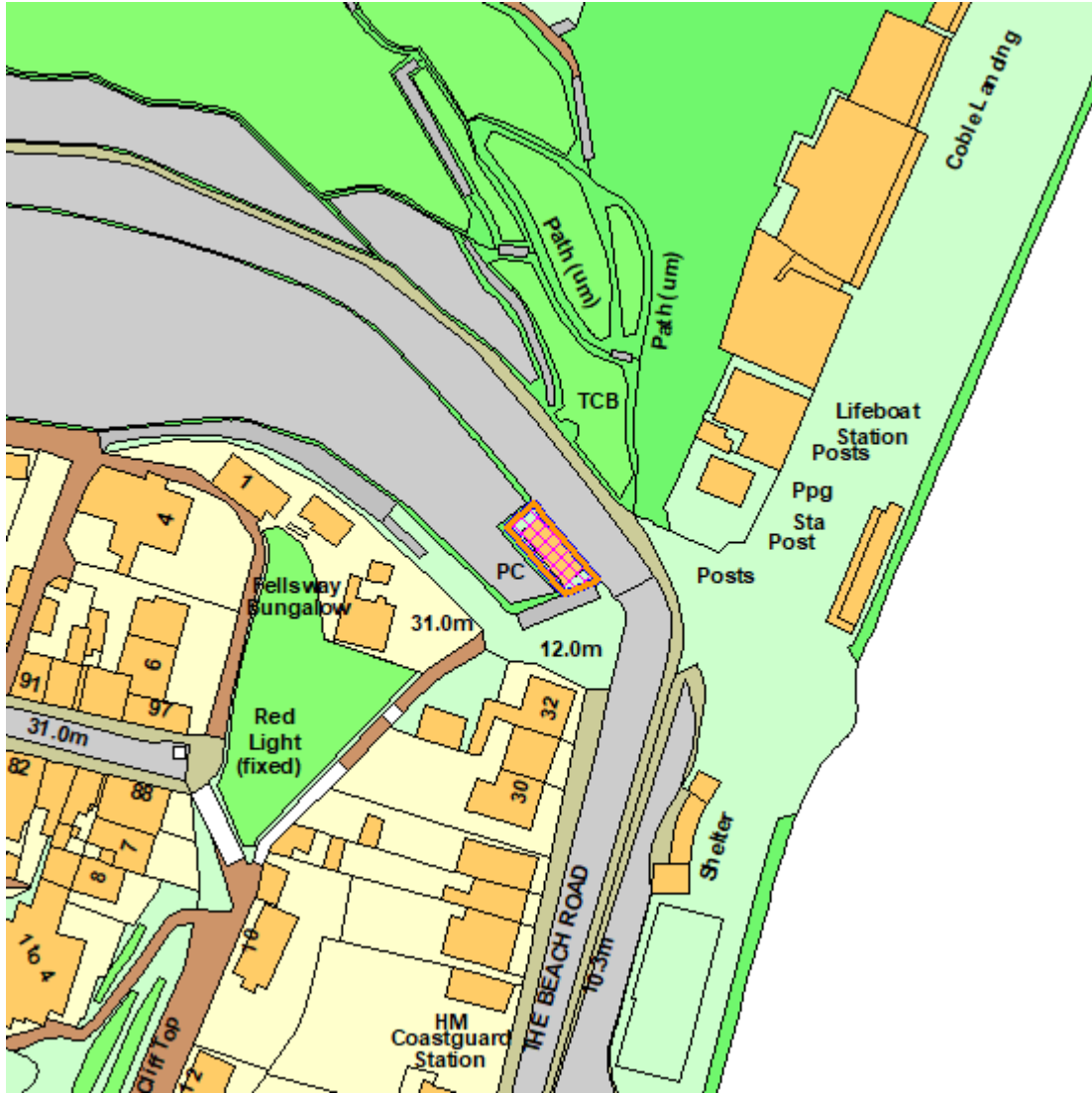
2.0 EXECUTIVE SUMMARY

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



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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=ROMNBANS0EE00>

Planning History

- 3.2. 2022 - demotion notice for the demolition of the existing toilet block confirmed that planning permission was required.

4.0 Site and Surroundings

- 4.1. The existing site is located on the southern side of Ravine Road and built close to a steeply sloping bank to the rear that forms pedestrian access to the Cliff Top, Queen Street and the town centre of Filey beyond. Opposite the site is the Cobble Landing and beach beyond. The site is also located within the Filey Conservation Area and Flood Zone 3 (most at risk of flooding).

5.0 Description of Proposal

- 5.1. The proposal seeks the demolition of the toilet block building. It is rectangular in shape, being single storey in height, with a flat roof, constructed from brick and rendered panels block. It measures 11.5 metre in length, facing Ravine Road, 5.2 metres in width, with a height to the top of the roof of 3.5 metres. The building contains a total of 15 toilets. The toilets have been closed since last year and considered to be unsuitable for current and future use by the Council.
- 5.2. A replacement toilet block, measuring 13.8 metres in length, 3.3 metres in depth and a height of 3.5 metres to the ridge would be provided following demolition, containing 7 separate unisex toilets and 1 disabled toilet, with access from Ravine Road.
- 5.3. It has been previously confirmed that the new toilet block would be “permitted development”, whereby planning permission is not required. Consideration of this application is therefore restricted matters directly relating to the physical impacts of the demolition. Issues relating to the loss of the current W.C. facility and securing a replacement are not relevant to this application.

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 2011 – 2032, adopted July 2017. The relevant policies are:
- DEC 4 - Protection of Amenity
 - DEC 5 - The Historic and Built Environment
 - ENV 3 - Environmental Risk

Guidance - Material Considerations

6.3. Relevant guidance for this application is:

- National Planning Policy Framework 2021
- National Planning Practice Guidance
- National Design Guide 2021
- Filey Conservation Area Character Appraisal and Management Proposals – adopted 2012

7.0 Consultation Responses

7.1 The following consultation responses have been received and have been summarised below. Their full comments and any accompanying documentation are available to view on the Council's website.

7.2 Filey Town Council – support the application. The demolition of this toilet block and its subsequent replacement are considered to be a priority for Filey.

7.3 Local Highway Authority – no objection but suggest an informative regarding the doors and windows opening over highway.

Local Representations

7.4 Three comments have been received from local residents. The comments are mainly focused on the replacement toilet block which does not require planning permission and toilet provision as a whole. The comments do refer to flood risk, tree roots and health and safety.

8.0 Environment Impact Assessment (EIA)

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

9.0 Main Issues

9.1 Taking into account the relevant planning policy, consultation responses and all other material planning considerations, it is the view of Officer's The key considerations in the assessment of this application are:

- A) Impact upon the character and appearance of the Filey Conservation Area
- B) Impact upon highway safety
- C) Impact upon flood risk
- D) Impact upon neighbouring amenity

10.0 ASSESSMENT

A) Impact upon the character and appearance of the Filey Conservation Area

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

- 10.2. Furthermore, Local Plan Policy DEC5 (The Historic and Built Environment) states that proposals affecting a Conservation Area should preserve or enhance its character or appearance especially those elements identified in any Conservation Area Appraisal.
- 10.3. There is a Conservation Area Appraisal for Filey. It states that there will be a general presumption against the demolition of buildings which contribute to the character of the Filey Conservation Area.
- 10.4. The existing building has a flat roof, is constructed from modern materials and detailing, including higher level windows and has previously provided a functional use as a toilet block close to the Filey seafront. It has fallen into a state of disrepair and it is considered that by virtue of its form, construction and detailed design, it does not have a positive contribution towards the character and appearance of the Filey Conservation Area. Its removal would enhance the character and appearance of this part of the conservation area
- 10.5. In light of the above, the proposal is considered to comply with Local Plan Policy DEC5, Section 16 of the NPPF and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact upon highway safety

- 10.6. The existing building is next to the short strength of public footpath next to Ravine Road below you reach the off-street parking. The Local Highway Authority have raised no objection to the demolition but suggested an informative regarding the doors and windows of the replacement building not opening over highway. This application is restricted to matters relating to the impact of the demolition, rather than the new building so conditions relating to the new building are not applicable.

Impact upon flood risk

- 10.7. Local Plan Policy ENV3 (Environmental Risk) states that proposal will be expected to mitigate against the implications of environmental risk and the effects of climate change, including flood risk.
- 10.8. The site is located within Flood Zone 3 which is identified in national planning policy as the highest probability of flooding. In this case, the building proposed to be demolished is limited to 244 cubic metres. The building does not benefit from any form of flood defence and does not adjoin any dwelling or other structure. Its demolition will not therefore increase flood risk in the area.
- 10.9. In light of the above, the proposal is considered to comply with Local Plan Policy ENV3.

Impact upon neighbouring amenity

- 10.10. Local Plan Policy DEC4 (Protection of Amenity) states that proposals should ensure that existing and future occupants of land and buildings are provided with a good standard of amenity. Proposals should not give rise to unacceptable impacts by means of overbearing, overlooking and loss of privacy, disturbance from noise, emissions and overshadowing.
- 10.11. There is a neighbouring dwelling to the rear of the site; Fellsway Bungalow. This dwelling sits behind the bank and steps, in excess of 25 metres from the application site. To the south of the site is the dwelling of 32 The Beach. Due to the turn in the corner from Ravine Road to The Beach Road, the buildings are not considered to

have a direct side to side relationship and the distance between is in excess of 17 metres.

- 10.12. Safeguards regarding matters including possible asbestos encountered or more general dust arising during demolition are proposed to protect neighbouring amenity.
- 10.13. The construction of the new toilet block would follow on from the demolition works and as such this would be the 'restoration' of the site and it will not be left un-kept or untidy for neighbouring dwellings.
- 10.14. In light of the above, the proposal is considered to comply with Local Plan Policy DEC4.

Other matters

- 10.15. Although there is a steep slope behind the existing building there is a narrow gap in between so the building is not supporting this ground, so there are unlikely to be significant issues relating to land stability as part of the demolition. The tree on the bank side will also be unaffected.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 The proposal for the demolition of the toilet block is not considered to harm the character and appearance of the Filey Conservation, not cause significant impacts upon highway safety, flood risk nor neighbouring amenity.

12.0 RECOMMENDATION

- 12.1 That planning permission be GRANTED subject to conditions listed below

Recommended conditions:

Condition 1 Time Limit

The development hereby permitted must be begun not later than three years from the date of this Decision Notice.

Reason: To ensure compliance with Section 91 of the Town & Country Planning Act 1990

Condition 2 Approved Plans

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

Site Location and Block Plan 18.04-01 and Existing Building Elevations and Plan – both received 17th January 2023.

Reason: For the avoidance of doubt.

Condition 3 Treatment of surface if undeveloped

Should the site remain undeveloped for a period of 6 months from the start of demolition works, a scheme for the treatment of the surface of the site shall be submitted to and approved in writing by the local planning authority and the approved scheme shall be completed no later than 6 months from the date of its approval.

Reason: In the interests of the visual amenity of the area and character of the Conservation Area in accordance with Local Policy DEC5 of the Scarborough Borough Local Plan.

Target Determination Date: 21.04.2023

Case Officer: Miss Charlotte Cornforth charlotte.cornforth@northyorks.gov.uk