

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

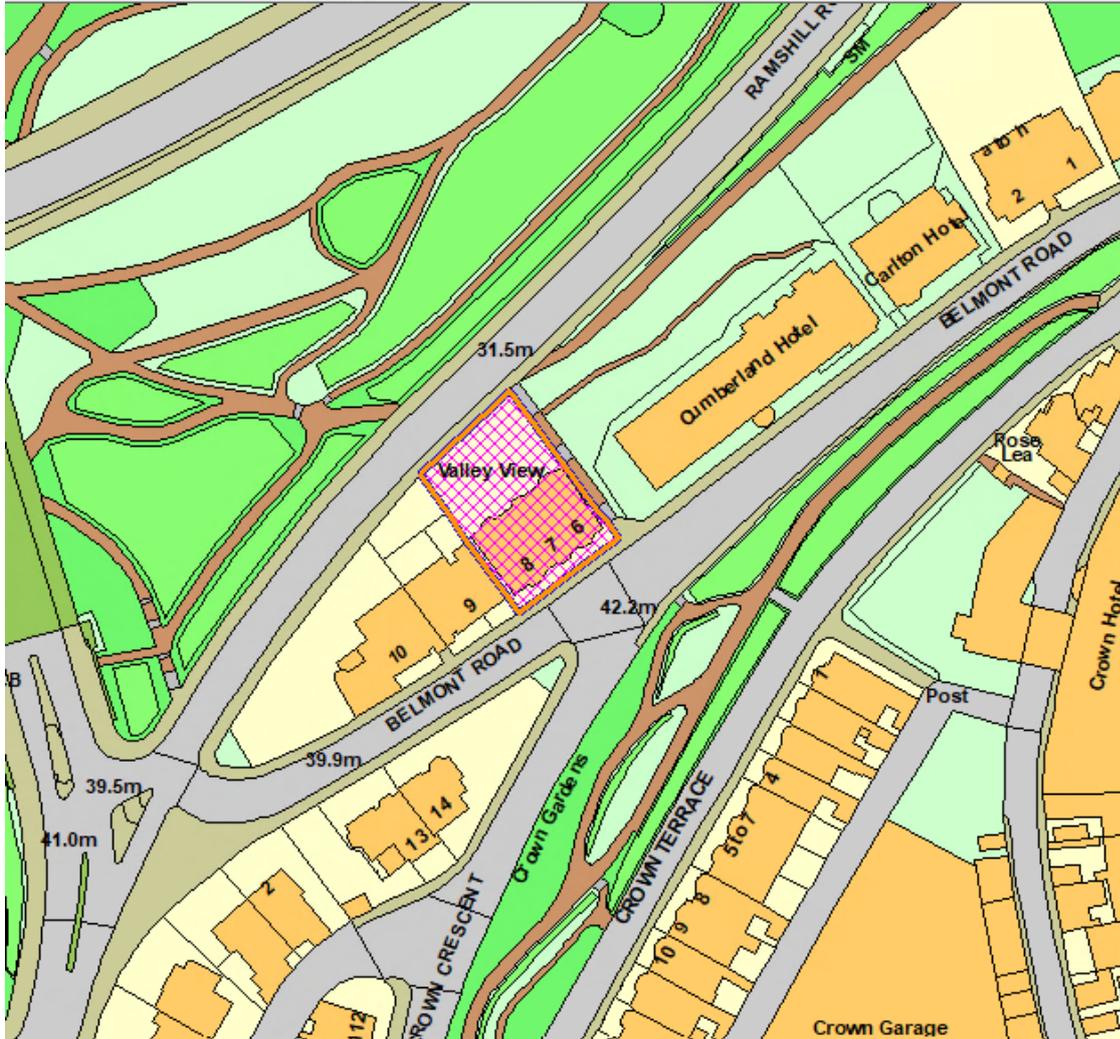
2.1 This application seeks planning permission to demolish the fire damaged Marine Residence building on Belmont Road, Scarborough. Site remediation is proposed in form of a rolled aggregate cap and a 2.4 metre high timber security hoarding surrounding the site. Currently, the building is at risk of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