

North Yorkshire Council
Community Development Services
Scarborough and Whitby Area Constituency Planning Committee
14 DECEMBER 2023
23/00394/RG3 - ERECTION OF 2NO. MODULAR BUILDINGS TO PROVIDE
SHOWER & LOCKER FACILITIES, WITH ASSOCIATED BIN STORE AND CYCLE
STORAGE RACK AT WINDMILL SITE FORESHORE ROAD SCARBOROUGH
NORTH YORKSHIRE ON BEHALF OF NORTH YORKSHIRE COUNCIL
Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the report

1.1 To determine a planning application for full planning permission for the provision of shower and changing facilities, along with bicycle storage at the former Windmill Site along Foreshore Road.

1.2 In line with the Council's Scheme of Delegation, the application is being considered by Members of the Scarborough and Whitby Planning Committee as the development is on behalf of North Yorkshire Council.

2.0 EXECUTIVE SUMMARY

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

2.1 This application seeks planning permission for installation of 2No modular buildings to provide shower and changing facilities for beach users, with associated bin and cycle storage.

2.2 The site is located along Foreshore Road within the South Bay area of Scarborough. South Bay beach lies opposite. McBean Steps provide a direct route to the Town Centre and are located adjacent and to the rear of the application site, which is demarcated by a high retaining wall with the Grade II* Listed Grand Hotel positioned above.

2.3 The proposal is considered to be acceptable in principle, providing additional beach recreational facilities and making use of an otherwise vacant site in a prominent location along the seafront. Further, the scheme is considered to be acceptable from design, amenity and flood risk perspectives.

2.4 The proposed development is considered to be acceptable on its merits.



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3.0 Preliminary Matters

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

[23/00394/RG3 | Erection of 2no. modular buildings to provide shower & locker facilities, with associated bin store and cycle storage rack | Windmill Site Foreshore Road Scarborough North Yorkshire](#)

3.2 23/00394/RG3 | Erection of 2no. modular buildings to provide shower & locker facilities, with associated bin store and cycle storage rack | Windmill Site Foreshore Road Scarborough North Yorkshire

4.0 Site and Surroundings

4.1 The site is a vacant rectangular shaped piece of land measuring approx. 210sqm and located towards the southern end of Foreshore Road within the South Bay area of Scarborough.

4.2 The site is bounded to the North by McBean Steps and the Central Tramway. To the West and South, lies the retaining wall boundary with the Grade II* listed Grand Hotel on St Nicholas Cliff elevated above. Opposite lies South Bay beach and the North Sea.

4.3 The site lies within the designated Scarborough Conservation Area and the Development Limits for Scarborough.

4.4 The site is within the Environment Agency's Flood Zone 2, which is land at a 'medium' risk of flooding by rivers and/ or the sea.

5.0 Description of Proposal

5.1 The application seeks planning permission for the installation of 2No modular buildings to provide shower and changing facilities, locker facilities, bin and cycle storage as part of a 'water sports hub'.

5.2 The site would be re-surfaced using a 'Flexipave' system consisting of rubber and stone aggregate. The formation of the 'hub' would see modular buildings positioned along the southern and western boundary of the site in an 'L' shape configuration. The southern building measuring 6.1 metres x 2.5 metres, length and width respectively, to provide a separate store and locker area. The western building would measure 9.3 metres x 2.5 metres, length and width respectively, providing an office space, store room and 4No shower/changing facilities. Brown/red coloured metal doors and glazed windows with metal security covers would be installed. The buildings would be clad in timber. The space to the rear would be enclosed by a timber fence (with access gates), measuring approx. 2.5 metres in height to screen the modular buildings from view.

5.3 The Council's Drainage and Coastal Engineer leading on the project has informed the Authority that the facilities would accord with statutory disability access requirements.

5.4 The bin storage area would be located adjacent the western modular building. A cycle store area would be located along the northern boundary of the site.

5.5 By way of some background information, the details supplied by the applicant indicate that if permission was granted North Yorkshire Council would invite applications from commercial water sports hire operators to manage and operate the hub. It is stated in the application material that all beach users would be able to make use of the facilities, not only those wishing to hire equipment. The use would include an ancillary element of retail allowing for the selling of watersports merchandise and apparel such as clothing, wetsuits and accessories. No food or drink would be permitted for sale at the premises. The applicant also states that beach wheelchairs will also be available for hire.

6.0 Planning Policy and Guidance

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

Adopted Development Plan

6.2 The Adopted Plan for this site is:

- Scarborough Borough Local Plan 2011 to 2032 adopted 2017

Emerging Development Plan - Material Consideration

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

Guidance - Material Considerations

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

7.0 Consultation Responses

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

7.2 Local Highway Authority: No objection

7.3 Estates: No comments received.

7.4 Drainage and Coastal Engineer: No comments received

Local Representations

7.5 No representations received

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 main issues are:

- Principle of Development
- Design and Appearance
- Heritage
- Amenity
- Highways and parking
- Flood Risk

10.0 Assessment

Principle of Development

10.1 The proposal seeks to utilise an existing vacant site for the provision of a 'water sports hub' to include associated storage, locker, shower and changing facilities. North Yorkshire Council intend on making the on-site provisions to attract a commercial operator in this field who would then manage and maintain the 'hub' as part of their own enterprise. As part of the scheme, as well as hiring out their own equipment, the operator would also be responsible for the hiring of beach wheelchairs that are to be provided as part of a NYC funded scheme.

10.2 Local Plan Policy DEC 3 (The Efficient Use of Land and Buildings) encourages the re-use of land (brownfield) where this accords with other plan policies. The Authority recognise that the site is constrained in terms of its location, size and high retaining walls, which has limited the potential for redeveloping this area, as such the site has remained vacant for some time. Historic records indicate the site to have been used for leisure purposes, generally accommodating food kiosks and small fairground rides on a temporary basis. The Authority consider the proposed 'water sports hub' to be positive use for an otherwise redundant space and would represent an efficient re-use of this piece of land as required by LPP DEC 3.

10.3 Local Plan Policy TOU1 (New Tourism Facilities) supports proposals for the development of new tourism facilities where they (a) respect the distinctive tourism character of the area in which the development is proposed, both in terms of scale and nature of development; and (b) wherever possible; help to reduce the seasonal nature of the tourism industry in the area. Whilst it is recognised that the hub may be more actively used during peak tourist season, it is intended for both visitors and locals alike and to have a facility opposite the beach where users can store belongings, shower and change, whilst also being able to hire out water sports equipment. With that in mind, your officers would consider the development likely encourage more year round use of this part of the South Bay area, in accordance with the objectives of the Local Plan's tourism policies.

10.4 The proposed use of the site as a water sports hub is considered compatible with the character and nature of the surrounding area, going hand in hand being so close to the beach and sea. Those drawn to use the facility/hire equipment may also be attracted to use other facilities in the vicinity. In this regard, it is considered that the proposed scheme can be viewed positively and in accordance with the criteria contained within Policy TOU 1.

10.5 Local Plan Policy HC14 (Open Space and Sports Facilities) sets a positive policy context for proposals which would deliver new sport provisions. Whilst the development may not be considered a formal recreational provision, it would however deliver an informal opportunity that nevertheless would encourage water sports activities and allow for hiring of specific equipment in order to fulfil water related activities at South Bay. In this regard, it is considered that the application can be viewed positively in accordance with LPP HC 14.

10.6 The development would require on-site staff. Policy EG 1 encourages new employment opportunities, criterion (b) supporting the development of new employment units within settlements where proposals are compatible with the scale and nature of the surrounding uses. The hub can be accommodated within the site and is considered to be suitably positioned in the South Bay area to take advantage of the surrounding environment.

10.7 The scheme would allow for the redundant site to be re-occupied with a use considered compatible with the South Bay area and is considered to complement existing uses. The development is therefore considered acceptable in principle in accordance with Policies DEC3, TOU1, HC14 and EG 1 of the Scarborough Borough Local Plan.

Design and Appearance

10.8 Local Plan Policy DEC 1 (Principles of Good Design) seeks to ensure that the design responds positively to the local context, in terms of its scale, form, height, layout, materials, colouring, fenestration and architectural detailing. In this case, the site is fairly constrained owing to the large retaining walls to the south and west boundaries.

10.9 In terms of scale and form, it is considered that the use of the flat roof modular structures ensure that the development remains low key presence -

obscured by the boundary walls or screened from view by the timber cladding proposed to combine the two modular buildings to appear as one and also to secure the rear of the site. The buildings have been sensitively sited towards the side and rear boundaries so as to not become dominant features and allow for suitable manoeuvrable space fronting the development and therefore not encroach into the public highway.

10.10 The simple design and detailing is considered appropriate and would not result in a visually intrusive development being set back from the public highway and subservient to the large retaining walls that provide a backdrop to the site. As the site in more recent years has been vacant, it has become difficult to regularly maintain. The proposal would allow for the occupation of the site and help to maintain its appearance within what is considered a prominent location along the seafront. The scheme is therefore considered to accord with the principles of good design as required by Local Plan Policy DEC 1.

Heritage

10.11 The site lies within the designated Scarborough Conservation Area with the imposing Grade II* Listed Grand Hotel situated above the site to the West. Policy DEC5 of the Local Plan requires that new development preserve both the character and appearance of the Conservation Area and the settings of Listed Buildings. The setting of the designated heritage asset in relation to the application site is noted and due consideration has been given to the relationship between the site and the listed hotel. Whilst it is appreciated that the setting is important it is considered that the proposed development can take place on the Windmill site due to the difference in land levels which protects both the setting and views of the hotel. Moreover, it is considered that the development would add visual interest to an otherwise redundant site. As highlighted under sub-heading 'Design and Appearance' the scheme is of a simple design and in terms of impact upon this part of the Conservation Area and settings of Listed Buildings, it is considered that on balance, the scheme would enhance this underutilised space and contribute to the existing character, which is considered varied - amusement arcades amongst traditional buildings and historical gardens. The development would preserve the character and appearance of the Conservation Area and the settings of nearby Listed Buildings.

Amenity

10.12 Local Plan Policy DEC4 (Protection of Amenity) seeks to ensure that existing and future occupants of land and buildings are provided with a good standard of amenity. Good quality development, by definition, should not result in an adverse impact on the amenities of occupiers or nearby properties. The development takes place along the seafront, where it is considered that there is lots of activity and footfall, particularly during the peak season. It is not considered that the development would increase levels of activity such that a negative impact upon surrounding amenities would result.

10.13 The development would not result in a materially harmful impact upon amenity and is in accordance with the requirements of Policy DEC 4 of the Scarborough Borough Local Plan.

Highways and parking

10.14 The Local Highway Authority is the statutory consultee in the planning process for matters relating to access and parking and the Local Planning Authority is reliant on its expert advice in this respect. No objections have been raised by the Highway Authority. With this in mind, your Officers would advise that the proposed development is unlikely to have a detrimental impact on the safety and convenience of users of the public highway.

Flood Risk

10.15 Local Plan Policy ENV 3 (Environmental Risk) requires proposals to mitigate against the implications of environmental risk and effects of climate change. This will be achieved by, amongst other things, (a) avoiding development in high flood risk areas by following a sequential approach in giving priority to lowest risk areas...where the Sequential Test cannot be passed, the Exception Test should be utilised. These requirements echo national planning policy.

10.16 The site lies within Flood Zone 2 (medium probability of flooding from rivers and seas) and is therefore accompanied by a Site specific Flood Risk Assessment (SsFRA). The report identifies the scheme as a 'water compatible development' defined within the NPPF Flood Risk Vulnerability Classification - outdoor sports and recreation and facilities such as changing rooms falling within this category.

10.17 The nature of the development being 'water compatible' means in this case there is no requirement to meet the Exception Test. Sequentially however, it is clearly evident that the development is sought in this location owing to its proximity to the beach and sea, with the site proposed being available and at a lower risk of tidal flooding along this section of Foreshore Road. The Authority are satisfied that the scheme therefore passes the Sequential Test as required by LPP ENV3 and NPPF. Moreover, as identified above, the re-use of the brownfield site is of wider benefit.

10.18 In terms of flood risk from surface water, the site lies within an area identified by the Environment Agency as being at 'very low risk' of surface water flooding.

10.19 On the points of foul and surface water drainage, for development proposals of this scale and nature neither the Lead Local Flood Authority nor Yorkshire Water are statutory consultees in the planning process. The Building Regulations deal with drainage matters and the Government's Planning Practice Guide is clear in that in the exercise of planning functions (notably the imposition of planning conditions) Local Planning Authorities should not seek to duplicate existing legislation.

11.0 Planning Balance and Conclusion

11.1 In principle, a proposal for a 'water sports hub' which is considered a water compatible development (as identified within the NPPF) and is in accordance with Policies DEC3, TOU1, HC14 and EG1 of the Scarborough Borough Local Plan.

11.2 The other key issues concern design, impact upon the Conservation Area, amenity and flood risk. The report establishes that the development is of an acceptable design for this part of the designated Scarborough Conservation Area and would not have a detrimental impact upon surrounding amenities. The proposed site passes the Sequential Test as required by Local Plan Policy ENV3 and the NPPF to ensure that the impact from flood risk has been considered.

11.3 The scheme is in accordance with the development plan policies as a whole and represents sustainable development as required by the National Planning Policy Framework.

12.0 RECOMMENDATION

12.1 That permission be GRANTED subject to the following conditions

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

- Location and Block Plan received 2nd March 2023;
- North Elevation and Floor Plan received 26th April 2023;
- Proposed Plan received 13th June 2023;
- Elevation Plan received 13th June 2023;
- Management Statement received 26th April 2023;
- Site specific Flood Risk Assessment received 2nd March 2023.

Reason: For the avoidance of doubt.

2 The external materials of construction of the buildings and hardsurfacing within the curtilage of the development hereby permitted, shall be as per those specified within Proposed Plan received on 13th June 2023 by the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of the appearance of the development and the character and appearance of that part of the Conservation Area in which it is set. Policy DEC5 of the Local Plan.

Target Determination Date: 4 December 2023

Case Officer: Mrs Amy Harrap
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