

Planning Services  
Scarborough Borough Council  
Town Hall  
St Nicholas Street  
Scarborough  
YO14 2HG



04.02.2018

**Reference: Full Planning Application 17/02734/FL.**

**Made by McCarthy and Stone Retirement Lifestyles Limited for development of Retirement Living Apartments and Lifestyle Living Bungalows on land off Church Cliff Drive, Filey, YO14 9ES. (Housing allocation HA24 within the SBC Adopted Local Plan)  
All comments are in reference to this planning application.**

Dear Sir/Madam,

The proposed plan shows 20 bungalows and a large L shaped apartment block with accommodation on 2 levels containing 39 apartments with some accommodation in roof space described as one and a half levels to the frontage onto Church Cliff Drive.

I object to these proposals. I list the reasons why with supporting evidence.

**Planning History: Site HA24- Previous Planning Applications on this site.**

Reference documents: Planning application 29/8/1990 and Appeal decision 20/8/1991  
Planning application and appeal dismissed.

It is clear from the planning history documents that this site has previously been considered as a site for new housing delivery, however both Scarborough Borough Council and The Planning Inspectorate have determined the site is **not** appropriate for development.

The Planning Inspectorate States. *"A scheme would result in the Country Park being contiguous with the urban area, and this would be detrimental to the enjoyment of Country Park by visitors"*.

(The proposal is in conflict with the Local Plan policy "Protection of a tourism asset within the borough". Country Park borders site HA24).

*"A detrimental effect on Country Park and Filey Brigg would diminish its rural character, which is so attractive to visitors"*.

(The proposal is in conflict with Local Plan policy "Protection of a tourism asset within the borough" The area is a green belt buffer zone).

*"This site performs a valuable role in providing physical and visual separation of Country Park and urban area of Filey"*.

(The area is a green belt buffer zone).

*"The interests of permanent residents and holiday makers may not always coincide. Thus I can see an advantage to both parties in maintaining a physical separation between Filey Country Park and the urban area".*

(The proposal is in Conflict with the Local Plan policy "Protection of a tourism asset within the borough". Country Park caravan site borders site HA24).

Furthermore in the interim it is not considered that there have been any material changes to the site in terms of its suitability for development and that the reasons for the refusal of planning permission 20/08/1991 should also be applicable on application 17/02734/FL.

*See Appendix 1 – Planning application dismissal letter Scarborough Borough Council, application dated 29<sup>th</sup> august 1990, decision number 4/3/674/PA. and the letter of dismissal from Planning Inspectorates, Department of the Environment, dated 20 august 1991.  
See Appendix 2 – Strategic Housing and Employment Land Availability Assessment (Sept 2015)*

**This previous planning application and its decision notice should still be valid and considered in this current application.**

**Housing Land Selection Methodology and Assessment (HLSMA) HA23 May 2016-Local Plan**  
Scarborough Borough Councils Conservation Officer gives three alternatives for development on this site in the Housing Land Selection Methodology and Assessment (HLSMA) report dated May 2016. The site at this time was identified as HA23 land off Church Cliff Drive, Filey.

I refer you to. Question 13 - Historic Environments.

The HLSMA states: *"Design considerations should be placed upon proximity to listed Church Cliff Farm".*

HLSMA also states: *"For development here **not** to have adverse effect on the heritage assets it needs to be one of three alternatives"*. Please note the emphasis in bold type

**HLSMA Assessment Comments; By SBC Conservation Officer States.**

Church Cliff Farm is a listed building located to the south over Church Cliff Drive. The Borough Council's Conservation Officer has considered the impact upon the heritage assets and concluded as follows;

*"Alternative 1. A predominantly open green area with small existing trees retained, new tree planting, no private drives or car parking and **single storey development** well set back, served off a private drive or a road further to the north. Main frontages should face Church Cliff Drive to avoid later conservatory or other ad hoc extensions intruding into view.*

*Alternative 2. An enclosed courtyard or terrace of **single storey development** with tall brick walls to small private yards to reflect the 1989/90 development south. Car parking again and vehicular access again to be sited to the north of the development"*.

*Alternative 3. An open U or L shaped courtyard with a communal green area with trees facing south. Car parking again and vehicular access again to be sited to the north of the development. There may be potential for this to be sheltered or other managed residential accommodation.*

*Subject to the above requirements, which are considered would satisfy Para 126 of the NPPF, in making a positive contribution to Local Character and distinctiveness the site is considered suitable for development."*

The Conservation Officer gives three separate alternatives of requirements for development on this site but in this proposed plan there is a combination of two alternatives? (Bungalows and a large L shaped 2 storey apartment block). Despite the SBC conservation officers setting out of three distinct and separate alternatives for development on this site, this amended latest proposal advances a new fourth alternative. This does **not** conform to the acceptable development requirements set down in the HLSMA.

The conservation officer states **single story development** is required on site HA23 now HA24. A large L shaped two storey building is not sympathetic to the surrounding area and will look totally out of character in this setting, especially with the topography of the land sloping upwards away from Church Cliff Farm.

The HLSMA also states in the overall assessment and deliverability section *"The Indicative yield is at a relatively low density to replicate the existing development nearby which would be considered representative of a similar scheme appropriate here"*.

The inclusion of a large two storey apartment block which contains 39 residences does **not** in any way replicate the existing development nearby.

The HLSMA states "The indicative yield is 30 residences"

Reference overdevelopment

This proposed plan has 59 residences, 20 Bungalows and 39 Apartments in a 2 storey block. 29 extra residences equates to an increase of 49.1% over the maximum permitted allowance as stated in the HLSMA for this site. This proposed plan is significantly overdeveloped. This proposed plan is pushing beyond the boundaries of acceptable development for this site and needs to be changed to comply.

The planners claim the proposal is sympathetic to Church Cliff Farm and Parish Field House on the corner of Church Cliff Drive. Parish Field House is the only property on two levels in the Church Cliff Farm properties running adjacent to this site. Parish Field House sits considerably lower than Church Cliff Drive so does not appear as imposing as a very large L shaped apartment block would do which will rise up away from the Church Cliff Farm conservation area.

The properties along Church Cliff Drive are single storey with some roof lights purely to let more light into the property, they do not have roof space accommodation in them, they are not classed as one and a half level (two storey) properties as the proposed plan shows on the front of the L shaped block, the rest of the large L shaped block in the plan shows as a full two storey building.

The proposed plan is in conflict with National Planning Policy Framework (NPPF) Section 12, Conserving and Enhancing the Historic Environment specified in Paragraph 126 and stated in the Conservation Officer's appraisal, plus Paragraph 129 of the NPPF:

The Conservation Officer states in the HLSMA after giving the three acceptable alternatives. Subject to the above requirements, which are considered and would satisfy Para126 of The NPPF, *"in making a positive contribution to local character and distinctiveness"* the site is suitable for development.

After reading the three alternatives given by the conservation officer as suitable development for this site. Under **no** circumstances would a large L shaped 2 storey block with 39 residences meet this criteria.

NPPF-Para129. *"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal"*.

*See Appendix 3 – copy of Scarborough Borough Councils - Housing Land Selection Methodology Assessment (HLSMA May 2016)*

**There is conflict between the SBC Conservation Officer's appraisal within the Housing Land Selection Methodology Assessment (HLSMA) specific to this Site and McCarthy and Stone's proposed plans for this site. The current proposed plans need to be changed to conform to the HLSMA requirements set down specifically for this site.**

#### **Aims of the Local Plan:**

There is also conflict between the proposed plan and the Aims of the Local Plan. To achieve the vision in a sustainable manner support will be given to achieve the following Local Plan Aims:

The Local Plan. Section HA24- Issues and Requirements, States: *"A scheme comprising bungalows may be the most appropriate option for this location"*.

Local Plan Aims – Local Character 5.6 and Detailed Design 5.13: *"Local character and key features within the built environment, such as listed buildings and other heritage assets play a significant role in promoting economic and social prosperity by providing attractive living and working conditions. It is therefore essential that local character is safeguarded."*

Policy DEC1- Principles of good design. States. *"ii. That the detailed design responds positively to the local context, in terms of its scale, form, height, layout....."*

Policy DEC5 - The Historic. *"b. Proposals affecting a conservation area should preserve or enhance its character or appearance especially those elements identified in a conservation appraisal."*

**All development on this site should be a single storey development.**

**This proposed plan contravenes the HLSMA, Conservation Officers Appraisal, Aims of the Local Plan, and policies to protect such areas.**

**This is one of the reasons why so many Filey residents are against this planning proposal in its current form.**

**The proposed plan needs to be changed to conform to the above requirements and policies**

### **The connection with Filey Flood Alleviation Scheme**

The Filey Flood Alleviation Scheme money has already been granted by central government and regional flood funding bodies and planning has been passed and approved for works to commence. (Works to commence early 2017, **now on hold**).

The residents of Filey around the Site of HA24 see no extra benefit in development of this area as everything is already in place for flood defences to protect Church Cliff Farm properties without a residential development.

Residents want the original Filey Flood Alleviation Plan, SBC Plan 15/02657/RG3, Drawing Number PB1154/9005 to be built in this area, as this already planned, approved and funded flood alleviation scheme will be above ground.

The benefit of this design is easy maintenance and if any flaw in design was to appear it will be easier and more cost effective to rectify, unlike an underground system.

The only benefits residents can see with residential development on this site are:

- The benefit of profit for a developer.

- The benefit of profit for the landowners.

- The benefit for Scarborough Borough Council to offload the responsibility and a section of the construction cost of the Filey Flood Alleviation Scheme.

(Please note this will also include site HA23 from Parish Wood to Scarborough Road when it comes forward, both sites make a considerable Filey Flood Alleviation Scheme area).

SBC have already received 5.5 million for the Filey Flood Alleviation Scheme project, central government and the regional flood funding bodies and other stakeholders have granted the monies for this to commence. Offloading the responsibility of the Flood Alleviation construction costs to a developer results in SBC gaining the difference in the surplus grant funding.

The funding was allocated for the benefit of the residents of Filey NOT for SBC to use elsewhere. Will this surplus be ring fenced for later application to its intended purposes or for projects directly benefitting the community of Filey?

It now becomes clear to residents why SBC have pursued this controversial site through the Local Plan Process for Housing Allocation and now a Full Planning Application.

*See Appendix 4 – Copy SBC Plan Filey Flood Alleviation Scheme covering site HA24 from plan15/02657/RG3, drawing number PB1154/9005*

*See Appendix 5 – Copy item 4.2 Yorkshire RCFF Investment Programme 2016/2017 Onwards.*

*See Appendix 6 – Environment Agency, Email - confirmation of allocated funding for Filey Flood Alleviation Scheme*

*See Appendix 7 – SBC – Full Planning Permission has been fully granted. Decision notice number 15/02657/RG3.*

**Residents around the proposed site of HA24 are in favour and prefer the already planned, approved, and funded Filey Flood Alleviation Scheme to protect their properties. And want this plan implementing. Ref: SBC planning reference 15/02657/RG3 – HA24 area shown on Drawing number PB1154/9005.**

**The Strategic Flood Risk Assessment (SFRA) for North East Yorkshire, 2010.  
Section 11.5 to 11.5.8 Filey.**

Section 11.5.7: Existing Recommendations Regarding New Development.  
*States "It is recommended within the Filey Town Flooding Investigation Report that NO further new developments take place in areas identified as being at risk of flooding, or that have been subject to previous flooding, until alleviatory measures have taken place".*

The HA24 area is identified and formally recognised as a flood management zone. The Church Cliff Farm complex has had previous internal and external flooding of properties identified in the Atkins, Filey Town Flood Investigation Map.  
Location Incidents- Drawing number 5002531/WA/F017-Dated 2004

*See Appendix 4 -copy of SBC Plan Filey Flood Alleviation Scheme covering site HA24 from plan15/02657/RG3, drawing number PB1154/9005*

*See Appendix 8 - copy of the Filey section 11.5 of Strategic Flood Risk Assessment, issue 16<sup>th</sup> February 2010, Ove Arup and Partners Ltd.  
See Appendix 9 - copy of the Atkins, Filey Town Flooding Investigation 2004*

**This is why residents in and around the Church Cliff Farm area object to this planning application, preferring the original SBC planned, approved and all ready funded Filey Flood Alleviation Plans and want them to be constructed.**

**McCarthy and Stone - Objected to this site at the Draft Local Plan Stage.**

At the Consultation stage of Scarborough Borough Councils - Draft Local Plan Stage, the representatives for McCarthy and Stone (Planning Prospects Limited) objected to the inclusion of site HA24, representor number ID 371848.

They stated: **NO** to the legal compliance and soundness. The reasons they gave: **NOT** justified or consistent with National Policy.

This objection highlights the issues, constraints and the conflicts connected to this site. And the consequence is the proposed plan has been overdeveloped to make it viable.

*See Appendix 10 – copy of the response to the draft local plan from Planning Prospects Limited, McCarthy and Stones representatives- representor No. 371848*

**Why has McCarthy and Stone changed their viewpoint from the Draft Local Plan Stage when there have been no material changes to the site?**

**The current proposed plan for this site is overdeveloped and needs to be changed to conform to Requirements set down in the HLSMA**

**This section refers to the contents of The Design, Assessment and sustainability Statement – Darnton B3 Architecture - Client McCarthy and Stone.**

Ref: Page3: Clients Brief states *“ In addition to the functional requirements the proposal must also respond to the specific site conditions including, its physical context, historic context, the surrounding character, constraints and opportunities and neighbours privacy and amenity are equally respected”*.

On Page11: Site photographs. States *“ many owners have added conservatories, dormers and extensions to their properties”*, this statement is misleading referring to dormers. In fact only one property has extended into the roof space and it is not a dormer roof style extension, this is number 70 Wooldale Drive, it is not on the boundary of site HA24.

On Page 15: Policies and Guidance Context. Reference Development Constraints for this site. NO mention of the HLSMA, Conservation Officers Appraisal, single storey development, development on this site needs to be one of three alternatives or the maximum allowed number of residences on this site to be a maximum of 30.

On Page16/17: Figure and Ground Building Heights and Site Analysis.  
Building heights are marked as light blue single storey and dark blue two storeys.  
These two pages contain conflicting information.

On Page 16: Building Heights. Three of the properties on the Church Cliff Farm complex are **incorrectly** marked as two storeys. (They are single storey).

On Page 17: Site Analysis. Eight of the properties are incorrectly marked as two storeys (They are single storey). These are numbers 93,95,97,99 and 101 Wooldale Drive, numbers 24, 40 and 42 Arndale Way. **A total of eight properties incorrectly marked on this page.**

A combined total of eleven properties marked incorrectly over the two pages 16 and 17.

Six properties are one and a half storey numbers 32,34,36,38,44,46 Arndale Way.

The inaccuracies in this section could be misleading to a planning assessor as it could be interpreted that there are more two storey buildings around the site of HA24 than there actually is.

When in fact only four two storey buildings are on the boundary of HA24, They are numbers 29,31,33 Arndale Way and Parish Fields House set lower down on the corner of the Church Cliff Farm Complex.

The Figure and Ground Building Heights map show a total of 72 properties in this area, **78% of the properties shown on this map are single storey.**

The lack of two storey buildings in this area supports the Conservation officer's appraisal and the HLSMA document in which it states **development needs to be single storey and to replicate development nearby.**

On page 18, Scarborough Borough Council – The Filey Flood Alleviation Scheme states this area falls within Area 1 of the Flood Management Zone but fails to mention that the area is also identified as a Critical Ground water/ Surface water runoff zone, Critical Drainage Area, Reported Sewer Flooding Area and Sensitive to Climate Change.

These additional critical identifications should be considered in the planning assessment process Ref: NPPF, NPPG and The SFRA Report for this area.

The NPPG recommends inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk to less vulnerable areas.

On Page 22: Policy Amenity and Privacy. Relationship with neighbouring Bungalows and Residents Gardens and On Page 24: Site Layout

Properties overlooking each other in this case it will be French doors to French doors, Number 91 Wooldale Drive will look from its living room directly across into the living room of Plot Number 8 on the proposed plan.

The proposed fence height between these properties is 1.8 Metres , The floor level in 91 Wooldale Drives Living room is elevated this will result in a view over the fence directly into the adjacent property and vice versa,

The planning regulations for properties window to window is a distance of 21 Metres, The distance on this plan is **15.2 Metres**.

Plot number 8 does **not** comply with planning regulations on amenity and privacy.

93 Wooldale Drive. The plan is not showing the rear extension on this property.

The rear extension to this property is 2.7 Metres. The site layout map states Plot Number 7 in the proposed plan is 12Mtrs away from number 93 Wooldale drive.

Planning regulations for properties wall to wall is 12 Metres.

However on this plan it is in fact incorrect as the omission of the rear extension is not considered.

The distance between the properties is actually **9.3 Metres**.

Plot Number 7 does **not** comply with the planning regulations on amenity and privacy

*See Appendix 11. Darnton B3 Architecture, Design, Access and Sustainability Statement - Pages 3, 11,15,16,17,18,22,24*

*See Appendix 12. Photo Mannequin in Site HA24 in the Position of Plot 8 Ref: Privacy and Amenity.*

**This section highlights the conflict as mentioned at the top of this section**

**Ref: Page 3. Clients Brief States..., specific site conditions, physical context, historical context, surrounding character, constraints, neighbours privacy and amenity.**

**The current proposed plan needs to be changed to comply with these conditions and regulations.**



**Community Statement of Involvement – CSI. Supporting Document in the SBC Planning Application. 17/02734/FL - Community Statement of Involvement / McCarthy and Stone.**

McCarthy and Stone, Pre Planning Exhibition at The Evron Centre, Filey - November 2017. McCarthy and Stone used a public consultation at pre-planning application stage as a sales preview for future customers.

Was that ethical when they had not purchased the land or submitted the proposed plans into the planning application process?

Residents perceive this practice to be contentious and manipulating.

However the results of the pre planning application exhibition and consultation show: Overall **67%** of the pre application consultation responses objected to the development proposals for this site.

Ref: 3.8.2. Statement of community involvement

Pre application question *"Do you consider that this is a good use of this site for specialist housing for local older people"*. **57%** of respondents objected with the answer of **NO**.

Ref: 3.9ii Statement of community involvement

Pre Application consultation points raised more than once by respondents to the question: *"Do you have any comments on the design and layout of the proposal?"*

**51%** of respondents objected to the buildings exceeding one storey.

Ref: 3.9iii Statement of community involvement

Ref: 4.3

Firstly the design has 20 Bungalows included in the plan NOT 30 as stated in this section.

Secondly this section states *"there exists no regulations which will limit the height of new buildings in Filey"* However there are site specific regulations contained within the Housing Land Selection Methodology Assessment (HLSMA) May2016 and Scarborough Borough Councils. Conservation Officers Appraisal which does limit height of buildings on this site HA24.

Ref: 4.3 Statement of Community Involvement

*See Appendix 13. Statement of Community Involvement (CSI) McCarthy and Stone – becg – November2017*

Residents continue to seriously question the controversial manner in which this site has been assessed and allocated.

Residents will continue to update the website [www.siteha23filey.weebly.com](http://www.siteha23filey.weebly.com) with any relevant information available.

## CONCLUSION:

I object to this Planning Application in its current form.

The evidence to support these comments is substantial and remarkable.

It is of paramount importance that Members and Officers do not abrogate on any of the aforementioned issues.

The current proposed plans need to be changed to comply with Planning Policies, Regulations, Site Constraints and Conditions that affect site HA24.

Planners have a legal obligation to follow Planning regulations, Policies, and Site Specific appraisals especially when the Environs around this site are sensitive environmental areas.


It is imperative to follow and maintain Integrity in the planning methodology and process.

Given the significance of the points raised concerning this planning application 17/02734/FL. I would urge you that the proposed plan is rejected on this basis.

I look forward to hearing from you about any further developments regarding this proposed planning application.

Yours Sincerely

Address:



91 WOOLDALE DRIVE  
FILEY  
NORTH YORKSHIRE  
YO14 9ER.

Residents continue to question abuses of power, manipulation and unethical conduct by persons entrusted with positions of authority.

If methodology, assessment policies and protocols are not followed correctly in the process then **serious** questions about legal compliance are raised.

# APPENDICES INDEX

*Appendix 1 – Planning application dismissal letter Scarborough Borough Council, application dated 29<sup>th</sup> august 1990, decision number 4/3/674/PA. and the letter of dismissal from Planning Inspectorates, Department of the Environment, dated 20 august 1991.*

*Appendix 2 – Strategic Housing and Employment Land Availability Assessment (Sept 2015)*

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*Appendix 6 – Environment Agency, Email - confirmation of allocated funding for Filey Flood Alleviation Scheme*

*Appendix 7 – SBC – Full Planning Permission has been fully granted. Decision notice number 15/02657/RG3.*

*Appendix 8 - copy of the Filey section 11.5 of Strategic Flood Risk Assessment, issue 16<sup>th</sup> February 2010, Ove Arup and Partners Ltd.*

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Decision No. 4/3/674/PA

TOWN AND COUNTRY PLANNING ACT, 1971

## SCARBOROUGH BOROUGH COUNCIL

### NOTICE OF DECISION OF PLANNING AUTHORITY ON APPLICATION FOR PERMISSION TO CARRY OUT DEVELOPMENT

To Messrs. Taylor Megginson Estates,  
Eastburn,  
DRIFFIELD.

The above-named Council being the Planning Authority for the purposes of your application dated the 29th August, 1990 in respect of proposed Development for the purposes of outline application for residential development to the north of Church Cliff Drive, (part O.S. 7640), Filey.

have considered your said application and have refused permission for the proposed Development for the following reasons:

1. The proposal is contrary to Policy E.1 in the Draft Filey Local Plan which states that, inter alia :-

"Within the defined "Rural Landscape Area" (i.e. areas of open country largely outside the built-up areas and villages) development will not normally be permitted unless :-

- (a) ~~in the case of residential development it can be shown that it is~~ essential to the needs of agriculture or forestry or that there are exceptional circumstances which would warrant the granting of planning permission".

It is not considered that there are any exceptional circumstances which would justify a departure from this policy.

2. The proposal is contrary to Policy H.1 in the Draft Filey Local Plan which states that :-

"Sufficient land will be made available through existing or new planning permissions and the allocation of new housing sites to accommodate about 950 dwellings in the plan area over the period 1981-1996".

The proposal, if approved, would contribute to an over-provision of housing in the plan area.

Continued/...

Date 5th. October, 1990.

  
Director of Technical Services

#### NOTE:

No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under the Building Regulations, of the District Council in whose area the site of the proposed Development is situated; or of obtaining approval under any other byelaws, local acts, orders, regulations and statutory provisions in force; and no part of the proposed development should be commenced until such further approval has been obtained.


**TOWN AND COUNTRY PLANNING ACT 1971**

Continuation of Decision No. 4/3/674/PA

Dated 5th October, 1990.

3. The proposal is likely to have a detrimental effect on the adjacent Country Park and Filey Brigg due to the reduction of the openness and remoteness at present experienced and, therefore, be contrary to Policy L.10 in the Draft Filey Local Plan which states that :-

"The area of the Country Park and Filey Brigg will be improved as a visitor destination and developed as an informal recreation area".



Director of Technical Services



## Planning Inspectorate

Department of the Environment

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Messrs Dee & Atkinson  
14 North Bar Within  
BEVERLEY  
North Humberside HU17 8AX

Your Reference

PJF/JF

Our Reference

T/APP/H2733/A/91/180817/P8

Date

20 AUG 91

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY TAYLOR MEGGINSON ESTATES  
APPLICATION NO: 4/3/674/PA

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Scarborough Borough Council to refuse outline planning permission for residential development to the north of Church Cliff Drive (part OS 7640), Filey, North Yorkshire. I have considered the written representations made by you, by the Borough Council, and also those made by Filey Town Council, by Filey District Civic Society and by interested persons. I have also considered those representations made directly by Filey District Civic Society and by interested persons to the Council which have been forwarded to me. I inspected the site on 19 June 1991. Since my visit to Filey, I have received from the Borough Council a copy of the report of the Inspector on the inquiry into the Filey Local Plan, and also your letter dated 26 July 1991 commenting on that report.

2. Filey is a coastal town about 11 km to the south-east of Scarborough. The appeal site is on the northern side of the town.

3. From my inspection of the site, its surroundings and the written representations made, I am of the opinion that the main issue in this appeal is the effect of the proposed development upon the Filey Country Park.

4. The Filey Country Park lies to the east of the appeal site, separated from it by a green lane. Church Cliff Drive runs along the southern side of the appeal site, and there are bungalows on Wooldale Drive to the west. The northern boundary of the appeal site is undefined; at the time of my visit, the appeal site and the land to the north were carrying a crop of cereals.

5. The Country Park is open to the public. Cars can be parked in this area, and the Country Park provides access to the cliffs and to the promontory of Filey Brigg. Much of the Country Park appears to be laid out for use by holiday caravans; toilet blocks have been erected and there is a shop. When I visited the Filey Country Park there were several caravans on this area, some of them were located on that part which is nearest to the appeal site.



6. In the Grounds of Appeal you say that the backs of the properties fronting Wooldale Drive only serve to display a very distinct, stark urban appearance. Your clients contend that this impression could be offset by allowing development of the appeal site, which would enable the visual amenities of the area to be improved by the incorporation of suitable landscape measures. These would serve to soften the approach and create a more appropriate transition between the Country Park and the urban area of Filey. You claim that the Country Park is already relatively separated from adjoining areas due to the existence of a tree belt along its western side; and when standing in the park area one would not be more aware of the close proximity to the site of residential development as a result of the current proposals than is now experienced.

7. When I visited Filey I formed the impression that the appeal site performs a valuable role in providing physical and visual separation of the Country Park from the urban area of Filey. As you have pointed out, there is a degree of tree screening on the western side of the Country Park and along the green lane; although I noted that in this location close to the coast, trees tend to be somewhat stunted in growth. It is my opinion that if the appeal site were developed, and even if the buildings were restricted to a single storey as your clients propose, they would visually intrude into the Filey Country Park. I am sure that this would diminish its rural character which is so attractive to visitors.

8. Whilst I do not dissent from your opinion of the appearance of the rear of the dwellings on Wooldale Drive, this aspect is mellowed somewhat by its distance from the Country Park. I do not accept your contention that extending the development across the appeal site would improve the position, even if, as your clients propose, more landscaping were provided than on the present residential area. I consider that your clients' scheme would result in the Country Park being contiguous with the urban area, and this would be detrimental to the enjoyment of the Filey Country Park by visitors.

9. The interests of permanent residents and holidaymakers may not always coincide. Thus I can see an advantage to both parties in maintaining a physical separation between the Filey Country Park and the urban area.

10. You have referred to the development for residential purposes of the former Church Cliff Farm, which lies to the south of Church Cliff Drive and the appeal site. I took note of this development when I visited the area, but I consider that this work will not impinge on the Country Park to the extent that your clients' proposal would.

11. The Local Planning Authority argue that sufficient land will be made available for residential development in the draft Local Plan, and the proposal, if permitted, would contribute to an overprovision of housing land in the Plan area. In the Grounds of Appeal you have suggested that designated housing sites in the Filey area might not become available, leading to a shortfall in the supply of housing land. On the evidence before me, I consider that the need to develop the appeal site for housing purposes is not sufficiently strong to override the desirability of preserving the environment of the Filey Country Park.

12. I have considered all the other matters raised in the representations, but I am of the opinion that they are outweighed by the factors leading to my decision.

13. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Gentlemen  
Your obedient Servant



G S Elliff MSc CEng MICE MCIT MIHT  
Inspector



SCARBOROUGH BOROUGH COUNCIL - SEPTEMBER 2015  
 STRATEGIC HOUSING AND EMPLOYMENT LAND  
 AVAILABILITY ASSESSMENT (SHELAA)  
 FOR FILEY. SITE REF:- 03/D  
 DLP REF:- HA21. NOW HA24 in the Adopted NEW LOCAL PLAN  
 2011-2032

Address: Land at Church Cliff Drive, opposite Church Cliff Farm, Filey		Site Ref: 03/D (Draft Local Plan Ref: HA21 – Proposed Allocation)	Site Area: 1.76 ha
Description of site (inc. any planning status): Site comprises open field that forms part of larger agricultural land. It is located between Wooldale Drive to the west, caravan park to the east, and Church Hill Cottage to the south. The site has no recent relevant planning history.		Site Access: Access would be off Church Cliff Drive and/or Wooldale Drive (the latter being to serve a small cul-de-sac only)	
		Access to Services: Site located in close proximity to Filey town centre and associated services available here accessible via Church Cliff Drive and Scarborough Road. Bus services run from this area into town centre, whilst train station also in close proximity offering services toward Scarborough to the north and Bridlington and Hull to the south.	
		Ownership: The site is privately owned.	
Site Constraints			
Nature / Geological Designations	No	Listed Buildings	No
Flooding (Band 3)	No	Historic Park	No
Conservation Area	Opposite site at Southern boundary	Scheduled Monument / Archaeological	No
Coastal Erosion Zone (SMP2)	No	Infrastructure Constraints - Water/Waste	Yes
Groundwater Source Protection Zone	No	- Roads	No
Gas Pipeline	No	Other Constraints	Drainage Sensitive Area. Site located outside Development Limits.
Details of Constraints: Filey has had significant flooding and drainage issues in the recent past. Any development of this site would have to accord with the emerging Filey Flood scheme that will provide further protection to the town from surface water run-off in this location and along the escarpment. Development would have to take into account the Conservation Area opposite the site in addition to Filey Country Park and the relationship between future occupants and users of the aforementioned park.			
Suitable type of development: Development here would be a partial continuation of Wooldale Drive which has an access point developed from a previous scheme though recent discussions with County Highways suggest that this would have to be limited to a cul-de-sac due to the specification of this access point. Development should not detract from the adjacent Conservation Area and listed buildings. The site could assist in provision of affordable dwellings.			
Densities: Owing to the access constraints and the requirement to ensure an appropriate buffer to the Country Park, this site is subject to a bespoke yield with a likely maximum of 30 dwellings		Time Frame: The site is vacant and available for development. Subject to flooding and drainage issues, the site could come forward within 5 years.	
Marketing, Viability and Comments from SHELAA Sub-Group: Agreement that despite not actually a flood zone, Filey should be considered as flood zone 3 until determined otherwise. The site is seen as a logical expansion of Filey and could provide opportunity for allocation.			
Final suggested net yield for site		30 dwellings.	

HOUSING LAND SELECTION METHODOLOGY ASSESSMENT  
 PAGES 11-18, LOCAL PLAN - MAY 2016 - REF: - SITE 10.HA23  
 NOW IDENTIFIED AS HA24 IN THE ADOPTED NEW LOCAL PLAN.

**Site Assessment**

<b>Housing Allocations Reference:</b>	HA 23 <u>NON</u> HA24		
<b>Site Ref:</b>	03/06		
<b>Area (ha):</b>	1.62 ha		
<b>Parish:</b>	Filey		
<b>Address:</b>	Land at Church Cliff Drive, opposite Church Cliff Farm		
<b>Score:</b>	<b>Stage A: Pass</b>	<b>Stage B: 1-71-3</b>	<b>Stage C: 25</b>
<b>Concluding Comments:</b>	<p>Site offers opportunity for development within Filey that is of a scale that would not cause capacity issues. The site would be deemed a logical expansion within the existing town area and may form an extension to Wooldale Drive. Design considerations should be placed upon proximity to Listed Church Cliff Farm, and entrance to Caravan Park however, this could be overcome with a sympathetic scheme that enhances this area of Filey.</p> <p>The site was considered appropriate for allocation at the Preferred Options stage and this remains the recommendation of officers.</p>		
<b>Indicative Yield:</b>	30 dwellings.		

*Prior to Stage A, all sites that cannot accommodate 10 or more dwellings will be dismissed from the formal allocation process in the Local Plan but will be considered to determine if the development limits can be amended to allow small scale housing or have the potential to be suitable as an exceptions site in the rural area.*

**Stage A: Conformity with Settlement Strategy and Major Constraints**

**A(i) Conformity with the evolving Scarborough Borough settlement strategy:**

Question 1a) Does the proposed site lie within or is well related to an existing settlement? YES / NO

*If Yes, proceed to Question 1b.*

*If No, site is dismissed.*

Question 1b) Does the settlement lie within or above the Service Village classification?

YES / NO

*If Yes, proceed to Question 2a.*

*If No, proceed to Question 1c.*

Question 1c) Are there any circumstances that would warrant an allocation of housing within the settlement? YES / NO

*If Yes, proceed to Question 2a.*

*If No, site is dismissed.*

Question 2a) Is the site of an appropriate scale/size that reflects the role of the respective settlement as defined in the settlement hierarchy within the Local Plan? YES / NO

*If Yes, proceed to Question 3.*

*If No, proceed to Question 2b.*

Question 2b) Could a smaller portion of the site be in conformity with the settlement hierarchy? YES / NO

*If Yes, proceed to Question 3.  
If No, site is dismissed.*

#### A(ii) Major Constraints (Environmental and Historic)

Question 3a) Is the site within the prescribed distance of any national or international site of biodiversity or geological value; e.g. RAMSAR, SSSI, SAC, SPA, National Nature Reserves ? YES / NO

Question 3b) If YES would the development have a negative impact on the associated area of protection? YES/NO

EXPLAIN.... This site lies within 10km of Flamborough Head, however, it is of such a scale that would accommodate less than 50 dwellings and any impact from increased recreational pressure is therefore considered to be minor.

Question 4) Does the site lie within an area considered to be unsuitable due to its position within a flood risk zone (high risk)? YES / NO

Question 5) Does the site lie within an area considered to be at significant risk of coastal erosion zone, i.e. located within 100-year erosion zone? YES / NO

Question 6) Would the development of the site have an adverse negative impact upon nationally-important archaeology (including Scheduled Monuments) or other high-Grade historic assets or their settings? YES / NO

Question 7) Where one of the above questions may have answered 'yes', does the constraint prohibit development of the entire site with no possibility of amending the site area? YES / NO / N/A

*If Yes, site is dismissed.*

*If, as a result of amending site boundaries, a site can no longer yield 10 dwellings or more, it will be dismissed. Where 10 dwellings may be yielded, proceed to Question 8*

#### Stage B: First Round Scoring

##### **Question 8) Brownfield or Greenfield Land**

Is the site classified as previously developed land (Brownfield), Greenfield or is it a mixture of both land types?

100% Brownfield	6
Majority Brownfield	4
Majority Greenfield	2
100% Greenfield	1
<b>POINTS</b>	<b>1</b>

##### **Question 9a) Accessibility of site to 'pre-determined' areas by public transport**

This question, along with Question 10, relate to accessibility. With the use of accessibility software, complex transport modelling is utilised to enable the relative accessibility of potential sites to pre-determined services and facilities by sustainable modes such as public transport, walking and cycling.

Destination	Journey time to Destination by Public Transport				
	Less than 15 mins	15 to 30 mins	30 to 45 mins	45 to 60 mins	More than 1 hour
Defined town	6	4	2	1	0

centres, service centres and neighbourhood centres.					
Major employment centres.	6	4	2	1	0
Indoor Sports Centres / Pools	6	4	2	1	0
Primary Schools	6	4	2	1	0
Secondary Schools	6	4	2	1	0
GP Surgeries	6	4	2	1	0
<b>TOTAL</b>	<b>32</b>				

**Question 9b) How accessible is the site to existing services and facilities?**

Destination	Walking Distances within			Cycling Distances within		
	500m	1000m	2000m	1.5km	5km	8km
Defined town centres, service centres and neighbourhood centres.	6	4	2	3	2	1
Major employment centres	6	4	2	3	2	1
Indoor Sports Centres / Pools	6	4	2	3	2	1
Primary Schools	6	4	2	3	2	1
Secondary Schools	6	4	2	3	2	1
Train Station	6	4	2	3	2	1
GP Surgeries	6	4	2	3	2	1
<b>TOTAL</b>	<b>39</b>					

**Question 10) Accessibility of site to pre-determined areas for leisure and recreation**

Destination	Within Pre-determined range		
	350m (5 mins)	700m (10 mins)	1000m (15 mins)
Informal Open Space for Recreation	1	0	0
Outdoor Sports Pitches and Facilities	3	2	1
Local Children's Play Area	1	0	0
Neighbourhood Children's Play Area	2	1	0
Settlement Level Children's Play Area	3	2	1
<b>Total</b>	<b>3</b>		

**Comparison Scores for Q8 to 10**

Brownfield / Greenfield	Accessibility to Services	Accessibility to Recreation
1	71	3

**Stage C: Detailed Site Implications**

*At any stage of this process, where a constraint to development may be so significant, the site could require dismissing.*

#### **Question 11) Regional and Local Biodiversity**

Would the development of the proposed site affect a regional or local site of biodiversity or geological value or affect any protected species/habitats?

<b>Assessment / Comments</b>	<b>No impact on designated site.</b>	<b>Score</b>	<b>1</b>
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#### **Question 12) Trees and Hedgerows**

Would the development of the site affect trees or hedgerows not covered by statutory protection or by the BAP?

<b>Assessment / Comments</b>	<b>No significant vegetation on site although hedgerows screen site from adjacent Caravan Park. It would be likely these would be retained with development.</b>	<b>Score</b>	<b>1</b>
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#### **Question 13) Historic Environment**

Would the proposed development affect the historic environment including the setting of an historic asset?

<b>Assessment / Comments</b>	<p><b>Church Cliff Farm is a listed building located to the south over Church Cliff Drive. The Borough Council's Conservation Officer has considered the impact upon the heritage assets and concluded as follows;</b></p> <p><b>"Church Cliff Drive forms the approach to the Filey Country Park and is assumed will form a main entrance to the site but it should not be widened. This boundary is closest to the Heritage Assets and the most sensitive to adverse development impacts. For development here not to have an adverse effect on the Heritage Assets it needs to be one of three alternatives;</b></p> <ol style="list-style-type: none"> <li><b>1. A predominantly open green area with the small existing trees retained, new tree planting, no private drives or car parking and single storey development well set back, served off a private drive or a road further to the north. Main frontages should face Church Cliff Drive to avoid later conservatory or other ad hoc extensions intruding into view.</b></li> <li><b>2. An enclosed courtyard or terrace of single storey development with</b></li> </ol>	<b>Score</b>	<b>1</b>
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	<p>tall perimeter brick walls to small private yards to reflect the 1989/90 development to south. Car parking again and vehicular access again to be sited to the north of the development.</p> <p>3. An open U or L shaped courtyard with a communal green area with trees facing south. Car parking again and vehicular access again to be sited to the north of the development. There may be potential for this to be sheltered or other managed residential accommodation.</p> <p>Subject to the above requirements, which are considered would satisfy Para 126 of the NPPF, in making a positive contribution to local character and distinctiveness, the site is considered suitable for development."</p>		
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#### Question 14) Character of Built Area

Would the development affect the built character of the town or village?

<b>Assessment / Comments</b>	<b>Proximity to the Listed Building would guarantee high quality design at the southern end of the site but consideration should also be placed on ensuring integration with existing dwellings to the west at Wooldale Drive.</b>	<b>Score</b>	<b>1</b>
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#### Question 15) Impact on the Landscape

What is the capacity of the landscape to accommodate development with respect to the conservation and enhancement of distinctive rural and coastal landscape character areas?

<b>Assessment / Comments</b>	<p>The site lies in an area designated as D4 (Lebberston and Filey) Coastal Hinterland. This area has a sense of openness and visual relationships with the coast.</p> <p>This site is raised up toward the rear although still of little real landscape value. The site is relatively hidden, is disconnected from the main landscape beyond towards the coast and is more connected to the main urban fabric of Filey. The development of this site would do little to detract from its setting within the wider landscape.</p>	<b>Score</b>	<b>1</b>
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#### Question 16) Flood Risk

Is the proposal within an area at risk of flooding?

*Note: Sites deemed at a high risk of flooding are likely to have been dismissed at Stage 1 of assessment process.*

<b>Assessment / Comments</b>	<b>Flood zone 1.</b>	<b>Score</b>	<b>3</b>
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**Question 17) Agricultural land**

Would the development of the site result in the loss of the best and most versatile agricultural land?

<b>Assessment / Comments</b>	<b>Grade 3</b>	<b>Score</b>	<b>2</b>
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**Question 18) Water Supply and Source Protection Zones**

Would the development adversely affect a water supply?

<b>Assessment / Comments</b>	<b>No impact on water supply</b>	<b>Score</b>	<b>3</b>
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**Question 19) Mineral Resources**

Would the development of the land impact on mineral resources?

<b>Assessment / Comments</b>	<b>No impact on mineral resources</b>	<b>Score</b>	<b>2</b>
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**Infrastructure**

**Question 20) School Capacity**

What is the capacity of schools to cope with the development?

<b>Assessment / Comments</b>	<b>Sufficient school capacity.</b>	<b>Score</b>	<b>2</b>
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**Question 21) Capacity of Utility Providers**

What is the capacity of existing utilities (Water, Sewage, etc) to cope with the development?

<b>Assessment / Comments</b>	<b>Significant Waste Water Treatment Works Capacity constraints associated with Filey, however, individually the number of dwellings associated with this development would not push the WWTW over capacity. The cumulative impact and any restrictions on total development in Filey will have to be considered separately.</b>	<b>Score</b>	<b>2</b>
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**Question 22) Impact on Strategic Highway Network**

Does the development have an adverse impact on the Strategic Road Network?

<b>Assessment / Comments</b>	<b>No impact on strategic highway network.</b>	<b>Score</b>	<b>2</b>
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**Question 23) Impact on Local Highways Network**

Is the highway network (local) able to safely and efficiently cope with this development?

<b>Assessment / Comments</b>	<b>NYCC Highways have confirmed that the primary access to the site should be taken from Church Cliff Drive. The site could also be accessed from Wooldale Drive, however, this should only serve a small number of properties, perhaps forming only a cul-de-sac.</b>	<b>Score</b>	<b>2</b>
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**Amenity Issues****Question 24) Land Use Conflicts**

Would the development of the site be compatible with adjoining land uses (now or in the future) or are there conflict / amenity issues?

<b>Assessment / Comments</b>	<b>Development could be integrated with existing dwellings to the west. Caravan Park adjacent to the east, however, this is screened by vegetation and could be compatible.</b>	<b>Score</b>	<b>2</b>
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**Question 25) Other Issues and Constraints**

Are there any other constraints that affect the site?

<b>Assessment / Comments</b>	<b>The site is in an area identified in the SFRA as being a Drainage Sensitive Area. There are ongoing plans in relation to the Filey Flood Alleviation Scheme. It is unlikely the proposals will prevent development of this site alone, however, it may be something that requires attention at application stage in order not to jeopardise the wider Flood Alleviation Scheme.</b>
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**Availability and Deliverability****Question 26) Ownership**

Are there any ownership constraints?

<b>No</b>	<b>Owner has submitted site and is willing to sell</b>
<b>Yes</b>	<b>Ownership constraints or little developer interest</b>

**Question 27) Timescale for Development**

Is the site likely to be developed within the Local Plan period up to 2032?

<b>Within 5 years</b>	<b>Site can be developed within first 5 years and any constraints can be overcome.</b>
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**Overall Assessment of Deliverability**

Any comments on estimated yield; overarching constraints, justification or mitigation; revised site boundary where necessary for instance.

<b>Although the south of the Borough suffers from Waste Water Treatment Works capacity constraints, it is likely development of this site would fall under the estimated threshold at which expansion of the Treatment Works would be required.</b>
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The site forms a logical 'rounding-off' of this aspect of Filey. Access is readily available whilst the land, although sloping up to its rear, is not particularly prominent and offers little to the character of the area. Church Cliff Farm opposite the site is a listed building thus a requirement is needed for assurances over design that integrates not only with this but also existing dwellings adjacent to the east at Wooldale Drive. This site would be the preferential option for development within Filey.

The indicative yield is at a relatively low density to replicate the existing development nearby which would be considered representative of a similar scheme appropriate here.

Indicative Yield	30 dwellings.
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CANADIAN PACIFIC  
SILVERBIRD

FROM 1928, A BARRIER STAGED  
AT BOSTON CENTRAL. POLICE  
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ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED  
DATE 08-11-2010 BY 60322 UCBAW/SJS

FIGURE 1. (continued)

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ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED  
DATE 08-01-2001 BY 60322 UCBAW

NOTES

1. ALL ONE-YEAR AND INTEREST RATES NOTED
2. ALL OTHERS ARE IN LINE WITH RELATIVE TO COUNTRY

**SITE PLAN KEY**

- PROPOSED CLIENT  
PROPOSED PAYMENT (PROVIDED)  
PROPOSED PAYMENT (PROVIDED)  
PROPOSED PAYMENT (PROVIDED)

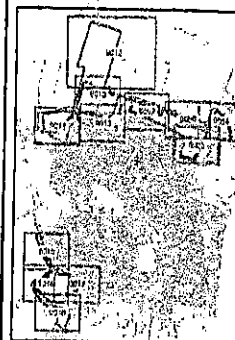
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**KEY PLAN**  
SCALE 1:1000

**NOT FOR  
CONSTRUCTION**

PLT	DATE	DESCRIPTION	AMOUNT	CREDIT
01	10/10/71	PLANTING	100.00	YES
02	11/10/71	PLANTING	100.00	YES
03	12/10/71	PLANTING	100.00	YES
04	1/10/72	PLANTING	100.00	YES
05	2/10/72	PLANTING	100.00	YES
06	3/10/72	PLANTING	100.00	YES
07	4/10/72	PLANTING	100.00	YES
08	5/10/72	PLANTING	100.00	YES
09	6/10/72	PLANTING	100.00	YES
10	7/10/72	PLANTING	100.00	YES
11	8/10/72	PLANTING	100.00	YES
12	9/10/72	PLANTING	100.00	YES
13	10/10/72	PLANTING	100.00	YES
14	11/10/72	PLANTING	100.00	YES
15	12/10/72	PLANTING	100.00	YES
16	1/10/73	PLANTING	100.00	YES
17	2/10/73	PLANTING	100.00	YES
18	3/10/73	PLANTING	100.00	YES
19	4/10/73	PLANTING	100.00	YES
20	5/10/73	PLANTING	100.00	YES
21	6/10/73	PLANTING	100.00	YES
22	7/10/73	PLANTING	100.00	YES
23	8/10/73	PLANTING	100.00	YES
24	9/10/73	PLANTING	100.00	YES
25	10/10/73	PLANTING	100.00	YES
26	11/10/73	PLANTING	100.00	YES
27	12/10/73	PLANTING	100.00	YES
28	1/10/74	PLANTING	100.00	YES
29	2/10/74	PLANTING	100.00	YES
30	3/10/74	PLANTING	100.00	YES
31	4/10/74	PLANTING	100.00	YES
32	5/10/74	PLANTING	100.00	YES
33	6/10/74	PLANTING	100.00	YES
34	7/10/74	PLANTING	100.00	YES
35	8/10/74	PLANTING	100.00	YES
36	9/10/74	PLANTING	100.00	YES
37	10/10/74	PLANTING	100.00	YES
38	11/10/74	PLANTING	100.00	YES
39	12/10/74	PLANTING	100.00	YES
40	1/10/75	PLANTING	100.00	YES
41	2/10/75	PLANTING	100.00	YES
42	3/10/75	PLANTING	100.00	YES
43	4/10/75	PLANTING	100.00	YES
44	5/10/75	PLANTING	100.00	YES
45	6/10/75	PLANTING	100.00	YES
46	7/10/75	PLANTING	100.00	YES
47	8/10/75	PLANTING	100.00	YES
48	9/10/75	PLANTING	100.00	YES
49	10/10/75	PLANTING	100.00	YES
50	11/10/75	PLANTING	100.00	YES
51	12/10/75	PLANTING	100.00	YES
52	1/10/76	PLANTING	100.00	YES
53	2/10/76	PLANTING	100.00	YES
54	3/10/76	PLANTING	100.00	YES
55	4/10/76	PLANTING	100.00	YES
56	5/10/76	PLANTING	100.00	YES
57	6/10/76	PLANTING	100.00	YES
58	7/10/76	PLANTING	100.00	YES
59	8/10/76	PLANTING	100.00	YES
60	9/10/76	PLANTING	100.00	YES
61	10/10/76	PLANTING	100.00	YES
62	11/10/76	PLANTING	100.00	YES
63	12/10/76	PLANTING	100.00	YES
64	1/10/77	PLANTING	100.00	YES
65	2/10/77	PLANTING	100.00	YES
66	3/10/77	PLANTING	100.00	YES
67	4/10/77	PLANTING	100.00	YES
68	5/10/77	PLANTING	100.00	YES
69	6/10/77	PLANTING	100.00	YES
70	7/10/77	PLANTING	100.00	YES
71	8/10/77	PLANTING	100.00	YES
72	9/10/77	PLANTING	100.00	YES

• **உயிரினங்கள்**

CLIENT



*A great place to live, work & play*

**PRIVATE**

FILEY FLOOD  
ALLEVIATION SCHEME

838

AREA 1  
SITE PLAN  
SHEET 2 OF 4



DATE	TIME	LOCATION	REMARKS
10/10/78	10:15	AN	ARRIVAL BY
SUB	NAME	STAGE	
	NAVIS	STAGE 1,600	
PASSENGERS			ATTEND
PB1134/9005			P5

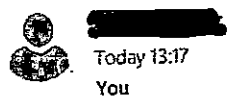
47

TOTAL PROJECT EXPENDITURE  
(£K)OUTCOME  
MEASURESHARNEL-  
SHIP  
FUNDING2015/16 - 2020/21  
PROGRAMME - FUNDING  
SOURCE (£K)

Projects by Lead Local Flood Authority and Lead Risk Management Authority	Prior Yrs	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23 on	Total	OM2 Total	OM3 Total	OM4 Total	Adjusted PF Score %	PV B/C Ratio	FCRM GIA	Local Levy	Public Contribs	Private Contribs	Further Contribs
<b>North Yorkshire</b>																				
<b>North Yorkshire</b>																				
<b>Ongoing</b>																				
<b>Environment Agency</b>																				
Burnistoun and Cloughton Community Resilience Project	07	50	73	00	00	00	00	00	00	130	0	0	0.00	0%	0.00	00	123	00	00	00
Catterick FAS	481	4,343	13	00	00	00	00	00	00	4,837	55	0	0.00	122%	2.75	370	388	3,600	00	00
Hensall Barrier Banks - Defence Improvements	2,869	3,140	00	00	00	00	00	00	00	6,009	0	0	0.00	0%	0.00	00	00	00	3,140	00
Northallerton (Sun and Turker Becks) Flood Alleviation Scheme	3,207	177	05	00	00	00	00	00	00	3,389	172	0	0.50	152%	25.94	182	00	00	00	00
Scarborough Church Beck Culvert Improvements	07	80	00	00	00	00	00	00	00	87	26	0	0.00	201%	12.96	10	05	40	00	25
Skipton Flood Alleviation Scheme	2,253	8,355	2,884	87	23	00	00	00	00	11,401	367	0	2.00	100%	8.87	5,668	479	2,702	300	00
Pickering Flood Storage Scheme	3,352	736	00	00	00	00	00	00	00	4,088	100	0	0.00	100%	1.05	628	27	81	00	00
Ripon Flood Alleviation Scheme	13,687	73	00	00	00	00	00	00	00	13,771	548	0	0.00	0%	0.00	73	00	00	00	00
<b>North Yorkshire CC</b>																				
Sandsend Coast Protection Scheme	1,779	6,679	1,402	00	00	00	00	00	00	9,860	0	10	0.00	100%	9.09	3,143	00	4,939	00	00
<b>Ouse &amp; Derwent Internal Drainage Board</b>																				
Hagthorpe Pumping Station Improvements	20	00	00	00	00	00	00	00	00	20	3	0	0.00	132%	19.80	00	00	00	00	00
<b>Scarborough BC</b>																				
Filby Flood Alleviation Works	396	410	1,377	2,595	647	00	00	00	00	5,425	593	0	0.00	101%	3.71	3,149	1,850	30	00	00
Robin Hoods Bay PAR & Works	50	00	00	00	00	00	00	00	00	50	0	0	0.00	0%	0.00	00	00	00	00	00
Runswick Bay Appraisal and Works	82	200	1,100	300	00	00	00	00	00	1,682	0	49	0.00	111%	11.80	1,500	00	00	100	00
Scarborough South Bay Spa Seawall Works	850	290	3,800	5,800	5,000	100	00	00	00	15,640	0	380	0.00	100%	8.04	12,490	00	2,300	00	00
Whitby Church Street FAS	248	326	150	564	00	00	00	00	00	1,288	54	0	0.00	115%	6.38	733	248	61	00	00
Whitby Harbour Works MU17 & MU18	827	160	100	1,918	2,303	00	00	00	00	5,108	14	382	0.00	120%	5.89	4,481	00	00	00	00
Scarborough South Bay Beach Management Programme	66	10	00	00	00	00	00	00	00	76	31	0	0.00	209%	200.00	10	00	00	00	00
<b>Year 0</b>																				
<b>Environment Agency</b>																				
Fairburn Sluice and Structure Replacement	00	40	00	200	00	00	00	00	00	240	0	0	0.00	0%	0.00	40	00	00	00	200
Selby Lock Gates Strengthening	00	20	00	00	00	00	00	1,000	00	1,020	300	0	0.00	38%	2.78	20	00	00	00	00
Temple Hirst to Hirst Courtney Bank Replacement	00	120	00	00	00	00	00	00	00	3,430	0	0	0.00	0%	0.00	120	00	00	00	00
Kirkby Wharfe PLP scheme	00	22	00	00	00	00	00	00	00	22	7	0	0.00	0%	0.00	00	22	00	00	00
Upland Land Management	00	09	00	00	00	00	00	00	00	09	0	0	0.00	0%	0.00	00	09	00	00	00
The Drain, Bolton Percy	00	26	00	00	00	00	00	00	00	26	0	0	0.00	0%	0.00	00	26	00	00	00
<b>North Yorkshire CC</b>																				
Dalton Industrial Estate Flood Relief Scheme	00	283	917	00	00	00	00	00	00	1,200	0	0	0.00	100%	1.32	88	200	195	717	00
Bradley, Skipton	00	05	00	00	00	00	00	00	00	05	0	0	0.00	0%	0.00	00	05	00	00	00
Sandsend Sea Wall (Recovery)	00	183	00	00	00	00	00	00	00	183	0	0	0.00	0%	0.00	183	00	00	00	00
<b>Scarborough BC</b>																				
Boggle Hole Youth Hostel Coastal Erosion Scheme	00	120	00	00	00	00	00	00	00	120	0	0	0.00	135%	6.25	00	20	100	00	00
<b>Year 1</b>																				
<b>North Yorkshire CC</b>																				
FMU 02 Stokesley & Great Ayton FRMP	00	00	123	00	40	24	00	493	00	680	70	0	0.00	100%	15.01	123	32	32	00	00
FMU 04 Swale Upland & Catterick FRMP	00	00	443	48	48	1,107	664	00	00	2,308	242	0	0.00	101%	15.62	2,118	95	95	00	00
FMU 07 Swale Washlands West FRMP	00	00	129	08	20	344	20	208	00	727	74	0	0.00	100%	15.06	453	28	40	00	00
FMU 10 River Rye Uplands FRMP	00	00	122	25	25	304	182	00	00	658	65	0	0.00	102%	14.70	558	50	50	00	00
FMU 11 River Dove Uplands FRMP	00	00	119	08	20	319	20	191	00	677	68	0	0.00	100%	14.98	418	28	40	00	00
FMU 12 River Seven FRMP	00	00	121	08	20	321	20	193	00	683	69	0	0.00	100%	14.89	422	28	40	00	00
FMU 14 Pickering & Costa Becks FRMP	00	00	100	20	20	250	150	00	00	593	53	0	0.00	102%	14.68	459	40	40	00	00
FMU 15 Holbeck FRMP	00	00	50	00	00	100	80	405	00	635	64	0	0.00	101%	14.90	150	40	40	00	00
<b>Year 2</b>																				
<b>Environment Agency</b>																				
Skipton Coach Street Culvert - ECI	00	00	00	10	00	100	00	00	00	110	123	0	0.00	298%	8.47	110	00	00	00	00
<b>Selby Area Internal Drainage Board</b>																				
Bond Ings Pumping Station	00	00	00	55	00	00	00	40	00	95	5	0	0.00	178%	21.05	25	00	30	00	00
Coates Marsh Pumping Station	00	00	00	40	00	00	00	00	00	40	2	0	0.00	283%	50.00	40	00	00	00	00
Temple Hirst Pumping Station	00	00	00	125	00	00	00	00	00	125	5	0	0.00	449%	80.00	125	00	00	00	00
<b>Scarborough BC</b>																				
Whitby Coastal Strategy 2 Sandgate IPP and Capital Scheme for Q	00	00	00	128	00	00	00	00	250	376	0	0	0.00	0%	0.00	00	00	00	00	128

RE: Your Enquiry: RFI/2016/ 13361

Reply |



Today 13:17  
You

Photos

Copies of emails to print

Sent from Samsung tablet

"Milner, Debbie A" [redacted] wrote:

Dear [redacted]

Thank you for your email.

Sufficient funding has been allocated for the scheme to enable it to proceed if it receives technical and financial approval. **BOTH HAVE BEEN APPROVED**

1. 2.

I hope that helps.

Kind regards

Debbie

2.

Debbie Milner

Customers and Engagement Team

Environment Agency  
Lateral

8 City Walk

Leeds

LS11 9AJ

Residents point to a quote from Councillor Mike COCKERILL:

The scheme will be rubber-stamped by the full council on January 9, with work due to begin in the second quarter of 2017. Cllr Mike Cockerill said: "There's still one or two things to formalise with landowners for the scheme, just getting all the paper work sorted so it can be signed and what not."

"This is why we recommended approval to full council in January but it's very good news for everyone in Fley that we are finally at this stage, it's been a long wait."



REF:- FINANCIAL - RUBBER STAMPED ON:-  
JANUARY 9th 2017.





**TOWN & COUNTRY PLANNING ACT 1990**  
**SCARBOROUGH BOROUGH COUNCIL**  
**FULL PLANNING PERMISSION**

To Miss Allison Naylor Royal Haskoning DHV  
 36 Park Row  
 Leeds  
 West Yorkshire (Met County)  
 LS1 5JL  
 United Kingdom

**Date of Application** 22 December 2015

**Proposal** Construction of flood defences, comprising of: A series of earth embankments to encircle large areas of the town of Filey; Flood water storage areas; Land raising; and, Drainage channels and culverts to redirect floodwater flows

**Site Address** Various Sites Around Outskirts Filey

**Applicant** Scarborough Borough Council (Mr Stewart Rowe)

The Scarborough Borough Council hereby give notice in pursuance of the Town & Country Planning Act 1990, that **full planning permission has been granted** for the carrying out of the development described above in accordance with the application and plans submitted, subject to the general condition (to ensure compliance with Section 91 of the said Act) that the development hereby permitted must be begun not later than **three years** from the date of this Decision Notice, and subject to the following condition(s)

- 1 The development hereby approved shall be carried out strictly in accordance with the application plans as amended by the plan reference PB1154/9016 Rev P6 (showing the proposed amended alignment of the Wold Way public footpath), received by the Local Planning Authority on 15 March 2016.

Reason: To avoid doubt.

- 2 All of the proposals and recommendations contained within the Environmental Statement reference: IEMPB1154R001F00, dated 1 December 2015 shall be implemented in full in undertaking the development hereby approved.

*David Walke*

.....  
 Planning Manager

**DATE** 21 March 2016

**NOTES**

This is an approval under the Town and Country Planning Act only. It does not absolve the applicant from the necessity of obtaining Listed Building consent if necessary or approval under the Building Regulations, or of obtaining approval under any other Bye-laws, Local Acts, Orders, Regulations and Statutory Provisions in force, and no part of the proposed development should be commenced until such further approval has been obtained.

**YOUR RIGHTS OF APPEAL ARE AVAILABLE AT** [www.scarborough.gov.uk/planning](http://www.scarborough.gov.uk/planning)

dcperg3z

## 11.5 Filey

### 11.5.1 Description of the Settlement

Filey is a coastal settlement situated approximately 10 km to the south-east of Scarborough. Apart from the sea front, most of Filey is located a significant height above sea level.

In total, four significant watercourses are present within the Filey area. Filey Beck and Long Plantation Watercourse flow through Filey. Martin's Ravine flows into the sea to the south of Filey, and Dam's Golt rises in the Dams area, to the west of Filey. This final watercourse has been diverted into the public surface water sewers at Pasture's Crescent, with only a small overflow pipe to allow some flow to continue along the original channel.

### 11.5.2 Previous Flood Events and their Extents

According to the Filey Town Flood Investigation Report<sup>67</sup>, Filey has been subjected to flooding incidents in the summer and autumn months every year since 1999, and also for many years prior to this date. This report also provides the dates of historical flood events since 1985, and the properties affected by each event. Figure 11.11 shows a generalised representation of these flood locations within the settlement<sup>68</sup>.

Recent consultation with Scarborough BC has indicated that the flood risk may have increased further since the original SFRA report. Flooding has continued to occur on an annual, or sub-annual, basis and the town was particularly badly flooded during 2007. Areas impacted in 2007 include the areas around the Wharfedale Estate, Cawthorne Crescent, Linton Close and Muston Road.

The Filey Town Flood Investigation Report attributes the flood events in Filey to a number of interacting problems, some relating to the watercourses and drainage systems, and others to the sewer system. The report suggests that the common factor in the majority of the flood problems is that the existing drainage systems are under capacity to deal with the flood events.

The Long Plantation Watercourse Flood Alleviation Scheme Report<sup>69</sup> also provides details of several recent flood events, with particular impact upon the western side of Filey. The number and general location of properties affected are included. This report attributes the flooding to insufficient channel capacity along sections of Long Plantation Watercourse.

Estimated flood extents for differing return period flow events are included in the report. The flood outline for the 1% event along Long Plantation Watercourse has been included in Figure 11.11.

Surface runoff flooding incidents have also been reported in the north and west of the settlement where surface water may impact upon properties from the surrounding, higher land. These reported events have been plotted on Figure 11.11 which also shows areas in which surface water flooding incidents were reported during the 2007 event<sup>70</sup>.

<sup>67</sup> 'Filey Town Flooding Investigation', Atkins (2004).

<sup>68</sup> For indicative purposes only. Figure adapted from drawing number S002531/WA/F017 (Revision A) from the 'Filey Town Flooding Investigation'.

<sup>69</sup> 'Long Plantation Watercourse, Filey – Flood Alleviation Scheme, Phase 2', Atkins (2004).

<sup>70</sup> 'Filey Flood 18 July 2007', Scarborough Borough Council (February 2008).

**11.5.3 Flood Zones in and around the Settlement**

Figure 11.11, which displays the existing flood risk situation within Filey, shows that a number of properties close to the coast fall within the predicted extent of Flood Zones 2 and 3. The figure also shows that other areas of Filey have experienced either surface runoff flooding or sewer flooding in the past but are located within Flood Zone 1 of the Environment Agency maps.

The settlement lies within a zone of potential groundwater and surface runoff flood risk (Zone B, see Section 6.4).

**11.5.3.1 Floodplain Delineation**

Flood Zones 1, 2 and 3 are all present within the settlement.

The majority of Filey is classified as Flood Zone 1, however as explained above, a significant amount of flooding has occurred within the settlement. Historic and hydraulically modelled flood extents have been included in Figures 11.11. For the purposes of land use planning and development control these flood extents should be accorded the same status as Flood Zone 3. All currently developed sites within this zone may be accorded 3a(i) status, while all other areas within Zone 3 should be accorded Zone 3b status.

**11.5.4 Potential Flood Risk Management Measures**

A number of flood alleviation measures were proposed for the settlement of Filey within the Filey Town Flood Investigation Report, which also discusses the relative merits of each of the proposals in financial terms.

The report identifies surface water attenuation measures as the optimum solutions for the problems associated with Filey Beck and the Muston Road area of the settlement. For Filey Beck, the proposed solution is the construction of an embankment to retain flood water in the fields to the north of the settlement. At Muston Road, the preferred solution is the construction of an offline tank sewer. Other mitigation measures within the settlement include sewer capacity upsizing in the Wharfedale Estate, and drain replacement and tree root cutting in the vicinity of Filey Senior School.

Flood management proposals have recently been further developed as part of a collaborative study<sup>71</sup> evaluating flood risk management and environmental benefits. These proposed measures are shown on Figure 11.11.

The mitigation measures proposed for the Long Plantation Watercourse are detailed in the Flood Alleviation Scheme Report. In summary, three possible solutions were proposed, comprising a flood embankment, a flood storage area, or channel widening and re-profiling works. The latter option has been recommended as the most viable solution but has not yet been taken forward.

**11.5.5 Sensitivity to Climate Change**

Based on Defra recommendations (Section 3.7) sea levels can be expected to rise by around 850 mm over the next 100 years. This will not significantly affect the extent of flooding from the sea in this area, although some properties and sites along the foreshore will become more vulnerable.

A climate change sensitivity analysis was carried out within the Long Plantation Watercourse Flood Alleviation Scheme Report. Assuming a 20% increase in the 1% flow, a maximum increase in water levels of 70 mm upstream of the Dams area could be expected, with an average increase of 20 mm along the remainder of the watercourse.

No detailed climate change sensitivity analysis was carried out within the Filey Town Flooding Investigation.

<sup>71</sup> Study partners include Scarborough Borough Council, Environment Agency, Natural England, North Yorkshire County Council, Yorkshire Water and Filey Town Council. Consultants are Mouchel.

#### **11.5.6 Critical Drainage Catchments**

As explained in the sections above, much of the flood risk within Filey is due to issues surrounding the capacity of the existing drainage systems. Any increase in the amount of water entering these drainage systems may increase the degree of flood risk elsewhere in the settlement. These Critical Drainage Catchments may be particularly sensitive to potential climate change impacts:

The entire area which may drain into the existing systems within Filey, including both the rural and urban areas, is displayed in Figure 11.12. Refer to Section 9.

#### **11.5.7 Existing Recommendations Regarding New Development**

It is recommended within the Filey Town Flooding Investigation Report that no further new developments take place in the areas identified as being at risk of flooding, or that have been subject to previous flooding, until alleviatory measures have taken place. These areas can be identified by the generalised flood risk areas in Figure 11.11, or the 'Location Incidents'<sup>72</sup> figure in the Flooding Investigation Report.

#### **11.5.8 Guidance on Land Use Planning and Flood Risk**

Flood Zones present in Filey have been identified above. The following Forward Planning (Section 7) and Development Control (Section 8) Flood Risk Zone Policies/Guidance should be applied within the settlement: 1, 2, 3a(i), and 3b.

Other flood mechanisms reported within the settlement are surface water flooding and sewer flooding. Refer to FP/DC Policy Recommendation/Guidance A. It is recommended in this report that, following the suggestion of the Filey Town Flooding Investigation that no further development take place in the areas identified at risk of flooding until alleviatory measures are put in place, consultation should be undertaken with the appropriate drainage engineers at Scarborough BC at an early planning stage regarding the acceptability of proposed developments.

Development on the potential sites for flood storage areas upstream of Filey should be avoided, in order to ensure that potential for future flood alleviation works is not compromised.



# ATKINS

Key

- SPECIFIC RECORDED INTERNAL FLOOD INCIDENT
- INTERNAL FLOODING
- EXTERNAL FLOODING
- HIGHWAY FLOODING
- FLOOD INCIDENTS WITH A COMMON CAUSE
- FLOOD INCIDENTS EXACERBATED BY OVERFLOWS FROM LONG PLANTATION WATERCOURSE

FROM GENERAL PLAN OF 01/06/02 INCIDENT

A	LOW EXACERBATED SEWER FLOODING IN WHARFEDALE	PRB	03/04	SJB	7
Rev	Description	By	Date	Ch'g	Auth
Purpose of Issue		Rev	Date	Authorised	

**ATKINS** ©  
 Thomson House  
 Birchwood Park  
 Warrington Road  
 Risby  
 Warrington WA3 5A1  
 Tel: (01925) 622000  
 Fax: (01925) 622054



Project: FILEY TOWN FLOODING INVESTIGATION

Title: LOCATION INCIDENTS

Original Scale	Drawn	Checked	Authorised
1:10000	PRB	SJB	SCC
	Date 09/02/04	Date 06/02/04	Date 09/02/04
Drawing Number			Rev
5002531/WA/F017			A



CHURCH CLIFF DRIVE FARM complex.



(A)

(REPRESENTOR NUMBER)

What are you looking for?

- Comments
- Consultees
- Agents
- Find
- List

MR JASON TAIT - ID 371848

% PLANNING PROSPECTS  
4 MILL POOL, NASH LANE  
BELBROUGHTON DY9 9AF.

Enter keyword(s): ha23

Search

Proposed Submission Local Plan McCarty & Stone, Retirement Lifestyles Ltd. ( ) (ID: 371848)  
Order by: Date

To which document does your comment(s) relate?

Scarborough Borough Local Plan

Housing Site If your representation refers to a Housing Site listed under Policy HC2 please select the site from the list.

Site HA23: Land off Church Cliff Drive, Filey

Legal Compliance Do you consider the Scarborough Borough Local Plan to be legally compliant?

No

Soundness Of Plan Do you consider that the Scarborough Borough Local Plan is sound?

No

Reason for being Unsound If you consider the plan to be unsound, is it because it is not: (If you are suggesting the Plan is sound please select N/A)

- Justified
- Consistent with national policy

Unsound or Not Legally Compliant Why specifically do you consider the Scarborough Borough Local Plan is not legally compliant or is unsound? (Or alternatively confirm your support)

\*Note this is an extract from a wider submission on Policy HC2, see attached.\*

Policy HC2 identifies 34 sites which the Council seeks to allocate for residential development, as also shown on the Policies Map. Through these 34 sites the Council identify an indicative total yield of 6,350 of which the Proposed Submission Local Plan relies on to deliver it's identified housing requirement of a minimum of 9,681 dwellings over the Plan period. The identified yield of these 34 sites is 6,350, but this is indicative meaning that it could be more but in reality it is more likely to be less. In this instance the suggested allocated sites would not contribute sufficient numbers of housing to meet the identified requirement (notwithstanding our concerns over the requirement not being sufficient itself - see separate representations with regard to draft Policy HC1).

This would result in a reliance on non-allocated 'windfall' sites to meet the Borough's need for housing. The Council acknowledge this in the Proposed Submission Local Plan, at paragraph 6.15. Where this is the case, and to avoid a reliance on potentially unsustainable windfall sites, we would suggest that the Council needs to allocate significantly more sites to meet its housing need. This is particularly pertinent where we believe the identified housing target is insufficient to begin with.

In addition to the above, there are a number of draft allocation sites that are unsustainable and/or would not yield the number of houses indicated by the Council. As such these sites should not be taken forward as draft Allocations as suggested in the Proposed Submission Local Plan. We object to these allocations principally on the following grounds:

HA23 - Land off Church Cliff Drive, Filey

Filey has had significant flooding and drainage issues in recent years. As stated above for HA22, the draft policy states that development should not prevent or stymie the flood alleviation measures proposed and will be required to perform to the same specification as the flood alleviation measures proposed by the Filey Flood Alleviation Scheme. This could impact on the viability of a scheme. The site is in close proximity to listed buildings at Church Cliff and Filey Country Park. Draft policy HC2 suggests a landscape buffer is provided between the development and Country Park which would reduce the amount of land available for development. + LANDSCAPE BUFFER TO CONSERVATION AREA. CHURCH CLIFF FARM, AND DRAINAGE INFRASTRUCTURE TO MOVE TO FIT PLAN.

Necessary Changes to make Local Plan legally compliant or sound What are the changes required to make the Scarborough Borough Local Plan legally compliant or sound? (If you support the Plan then please type N/A)

Scarborough Borough Council  
**Proposed Submission**  
**Scarborough Borough Local Plan**  
**(Regulation 19 Stage) Response Form**

OFFICE USE ONLY:

Comment Ref No: PSLP

Date Received:

Date Acknowledged:

Thank you for taking the time to comment. All comments will be considered by the Planning Inspector as part of the examination of the Plan. The Inspector may wish to contact you to discuss your comments and concerns prior to the formal examination into the Plan.

Please complete this form clearly in **black ink**. If required, please use and attach additional sheets, clearly stating the policy, paragraph or appendix which your comment refers to. Comments can also be submitted electronically using our online Consultation Portal which can be accessed through:

<http://scarborough.objective.co.uk/portal>

Personal Details	Agent Details (if applicable)
<b>Name:</b>  <b>Organisation:</b> McCarthy & Stone  <b>Address:</b> c/o Agent   <b>Postcode:</b>  <b>Telephone:</b>  <b>Email:</b>	<b>Name:</b> Jason Tait  <b>Organisation:</b> Planning Prospects Ltd  <b>Address:</b> 4 Mill Pool, Nash Lane, Belbroughton, Worcestershire   <b>Postcode:</b> B617NS  <div style="background-color: black; width: 100%; height: 40px;"></div>
<b>Do you wish to remain / be added to the Local Plan consultee database and be informed of publication of plan documents?</b>	
<b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> <input type="checkbox"/>	

**Please return this completed form by 12 noon on Friday 18 December 2015 to:**

Scarborough Borough Council  
 Forward Planning  
 Town Hall  
 St. Nicholas Street  
 Scarborough  
 YO11 2HG



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**Anonymous comments will not be accepted.**

Please note that any representations made in respect of the Local Plan will become part of the public record (including your name) and will be made available for public scrutiny including publication on the Council's web site without further notice. Also, your contact details will be stored in a database by the council's Forward Planning Team in accordance with the Data Protection Act 1998.

To ensure that your comments are accurately recorded please use a separate form for each policy, paragraph or appendix you wish to comment on.

Which document does your comment refer to:	<input checked="" type="checkbox"/> Scarborough Borough Local Plan
	<input checked="" type="checkbox"/> Policies Map
	<input type="checkbox"/> Sustainability Appraisal
	<input type="checkbox"/> Habitats Regulations Assessment (Appropriate Assessment)

Please state the paragraph, policy or appendix in the Local Plan which your comment specifically refers to.

Whole document /-paragraph / policy / appendix (delete as applicable) Policy HC 2

Do you consider the Local Plan to be **legally compliant**?

- ☐ Yes
- ☒ No
- ☐ Don't know

Do you consider the Local Plan to be **sound**?

- ☐ Yes
- ☒ No\*
- \*If you consider the Local Plan is unsound, is it because it is not:
- ☐ Positively Prepared
- ☒ Justified
- ☐ Effective
- ☒ Consistent with National Policy

Please give details of why you consider the Local Plan to be not legally compliant or unsound.

Your reason should concisely cover all the information, evidence and supporting information necessary to support or justify your comments, as there will not normally be another chance to make further representations after Publication stage. After this stage, further submissions will only be at the request of the Inspector, based on the matters and issues he/she identifies for Examination.

**You may also use this box if you wish to support the legal compliance or soundness of the Local Plan or make a representation on the Sustainability Appraisal, Habitats Regulations Assessment or Policies Map.**

Policy HC2 identifies 34 sites which the Council seeks to allocate for residential development, as also shown on the Policies Map. Through these 34 sites the Council identify an indicative total yield of 6,350 of which the Proposed Submission Local Plan relies on to deliver it's identified housing requirement of a minimum of 9,681 dwellings over the Plan period. The identified yield of these 34 sites is 6,350, but this is indicative meaning that it could be more but in reality it is more likely to be less. In this instance the suggested allocated sites would not contribute sufficient numbers of housing to meet the identified requirement (notwithstanding our concerns over the requirement not being sufficient itself – see separate representations with regard to draft Policy HC1).

This would result in a reliance on non-allocated 'windfall' sites to meet the Borough's need for housing. The Council acknowledge this in the Proposed Submission Local Plan, at paragraph 6.15. Where this is the case, and to avoid a reliance on potentially unsustainable windfall sites, we would suggest that the Council needs to allocate significantly more sites to meet its housing need. This is particularly pertinent where we believe the identified housing target is insufficient to begin with.

In addition to the above, there are a number of draft allocation sites that are unsustainable and/or would not yield the number of houses indicated by the Council. As such these sites should not be taken forward as draft Allocations as suggested in the Proposed Submission Local Plan. We object to these allocations principally on the following grounds:

~~HA1~~ Land off Springhill Lane, Scarborough

This site is owned by Yorkshire Water and requires relocation of a reservoir that is not scheduled to take place until the later part of the plan period (2020 to 2025). Even if that takes place Yorkshire Water's representations to the previous draft Local Plan (2014) stated that a large diameter water mains is laid within the site boundary, which would need to be taken into consideration by any development, and a pumping station on site might have to be retained. In addition to these significant constraints, further investigations would be required which could reduce the indicative yield (of 40 dwellings) further, raising serious doubts over the viability of this proposed allocation site.

~~HA2~~ Westwood Campus Site, Valley Bridge, Scarborough

Site consists of education facilities linked to Yorkshire Coast College which has plans to relocate freeing up the existing building and adjacent plot for development. The existing building is Grade II Listed, in addition to the site being within the Conservation Area and adjacent to a Registered Historic Park and Garden. The topography of the site forms another constraint, including the raised A165 which runs along its eastern boundary. Safe use of the existing access is also a constraint, as is the overbearing Tesco superstore located on the site's northern boundary. It is unclear how any of the surrounding plot could be developed for housing, particularly without detrimentally impacting on the Grade II Listed Building's significance. The Council's indicative yield of 50 dwellings would result in a development of 60 dwellings per hectare.

~~HA3~~ 101 Prospect Mount Road, Scarborough

Policy HC2 refers to the current use of the site as a care facility, but this site could become available where the Council is in the process of re-providing care which is more 'fit for purpose'. Whilst there is evidence of a general strategy being in place (to this effect) there is no evidence that alternative sites are being sought or that relocation is being undertaken. The Council's indicative yield of 30 dwellings would result in a development of 69 dwellings per hectare. The Council's strategy includes a shift away from directly owned and operated Elderly Persons' Homes to housing-based provision consistent with national and local policies, which in itself would generate need for additional housing.

~~HA4~~ Land at Yorkshire Coast College, Lady Edith's Drive

This site forms part of a campus of Yorkshire Coast College and accommodates playing pitches and green space associated with that use. Development would therefore involve the loss of playing pitch and amenity green space.

specification as the flood alleviation measures proposed by the Filey Flood Alleviation Scheme. These requirements could reduce the amount of land available for development as well as impact on the viability of a scheme.

#### HA23 – Land off Church Cliff Drive, Filey

Filey has had significant flooding and drainage issues in recent years. As stated above for HA22, the draft policy states that development should not prevent or stymie the flood alleviation measures proposed and will be required to perform to the same specification as the flood alleviation measures proposed by the Filey Flood Alleviation Scheme. This could impact on the viability of a scheme. The site is in close proximity to listed buildings at Church Cliff and Filey Country Park. Draft policy HC2 suggests a landscape buffer is provided between the development and Country Park which would reduce the amount of land available for development.

#### ~~HA24 – Silver Birches, Station Avenue, Filey~~

As outlined in draft policy HC2, the site is currently used as an Elderly People's Home. However, it is expected that the site will become available for development in the future as the County Council are in the process of re-providing care home which is more 'fit for purpose'. As previously discussed, whilst there is evidence of a general strategy being in place, there is no evidence that alternative sites are being sought or that relocation is being undertaken. New care home provision could be delivered elsewhere within the County which could lead to an under provision in the local area. There could be safety issues with providing dense residential development on a site in close proximity to a railway crossing.

#### ~~HA25 – Land at Outgaits Lane, Hunmanby~~

A footpath and lane run to the eastern edge of the site. Draft policy HC2 states that development should have no impact of the integrity of the footpath. In addition to this, a public footpath runs along the north west of the site. Policy HC2 requires a buffer along this path to separate it from the development. This could reduce the amount of land available for development. The site is in close proximity to a Waste Water Treatment Plan and therefore an Odour Assessment is required. This could restrict development on parts, or potentially all, of the site if a good level of amenity is unable to be achieved. There is also limited spare capacity at the waste works to accommodate new development.

#### ~~HA26 – Land off Sands Lane, Hunmanby~~

The site consists of three separate, previously submitted, sites raising questions of site ownership and delivery, i.e. there could be conflicting interests of different landowners which could impact the delivery of the site for housing. A railway line runs along the south-eastern boundary of the site. A substantial buffer would be required to ensure a good level of amenity is achieved on site. This would reduce the amount of land available for development. The site is also located within 100 m of a Site of Importance for Nature Conservation (SINC). There is limited capacity at the water treatment works for the area.

#### ~~HA27 – Land between Stonegate and Sheepdyke Lane, Hunmanby~~

There is limited capacity at the waste water treatment works for this area. The site is located in close proximity to the Waste Water Treatment Plant. An Odour Assessment would have to be produced as part of any application for the site to ensure that an adequate level of amenity could be achieved. The results of this could limit development on parts of the site, if not all of it, if a good level of amenity cannot be achieved. In addition to this, a railway line runs along the eastern boundary of the site meaning a substantial landscape buffer would be required if housing was to be delivered on the site. This would further reduce the amount of land available for



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Revision 00 Issued April 2017 – Planning Issue.

411



## Client's Brief

Our client, McCarthy and Stone Retirement Lifestyles Ltd, has instructed that the site should be developed in accordance with government policy and design guidance, having due consideration to relevant planning policies, design guides and subject to the applicant's specific brief for provision of Category II type sheltered housing and age restricted bungalows.

The success of the accommodation is dependent upon a range of specific building-type requirements which have evolved as a result of the years of experience gained by McCarthy and Stone in the provision of this specialist form of housing.

The most important functional requirement for the Category II type sheltered housing relates to the ease of movement throughout any development and therefore the building of single mass and footprint is required by the client. The building should accommodate self-contained apartments linked by heated corridors accessed from a secure entrance. Communal facilities in the form of a homeowner's lounge, guest suite and refuse room, must be located at the heart of the scheme, all accessible without residents having to leave the building.

The bungalows themselves are entirely self-contained but are to be focused around a central resident's garden, to create a strong sense of community on this edge of settlement site that forms a transition into the country park.

In addition to the functional requirements the proposal must also respond to the specific site conditions including; its physical context, historical context, the surrounding character, constraints and opportunities and neighbour's privacy and amenity are equally to be respected.

Illustrated opposite are a number of recent examples of McCarthy and Stone schemes which demonstrate successful and inclusive design responses to the relevant contextual considerations of differing locations.



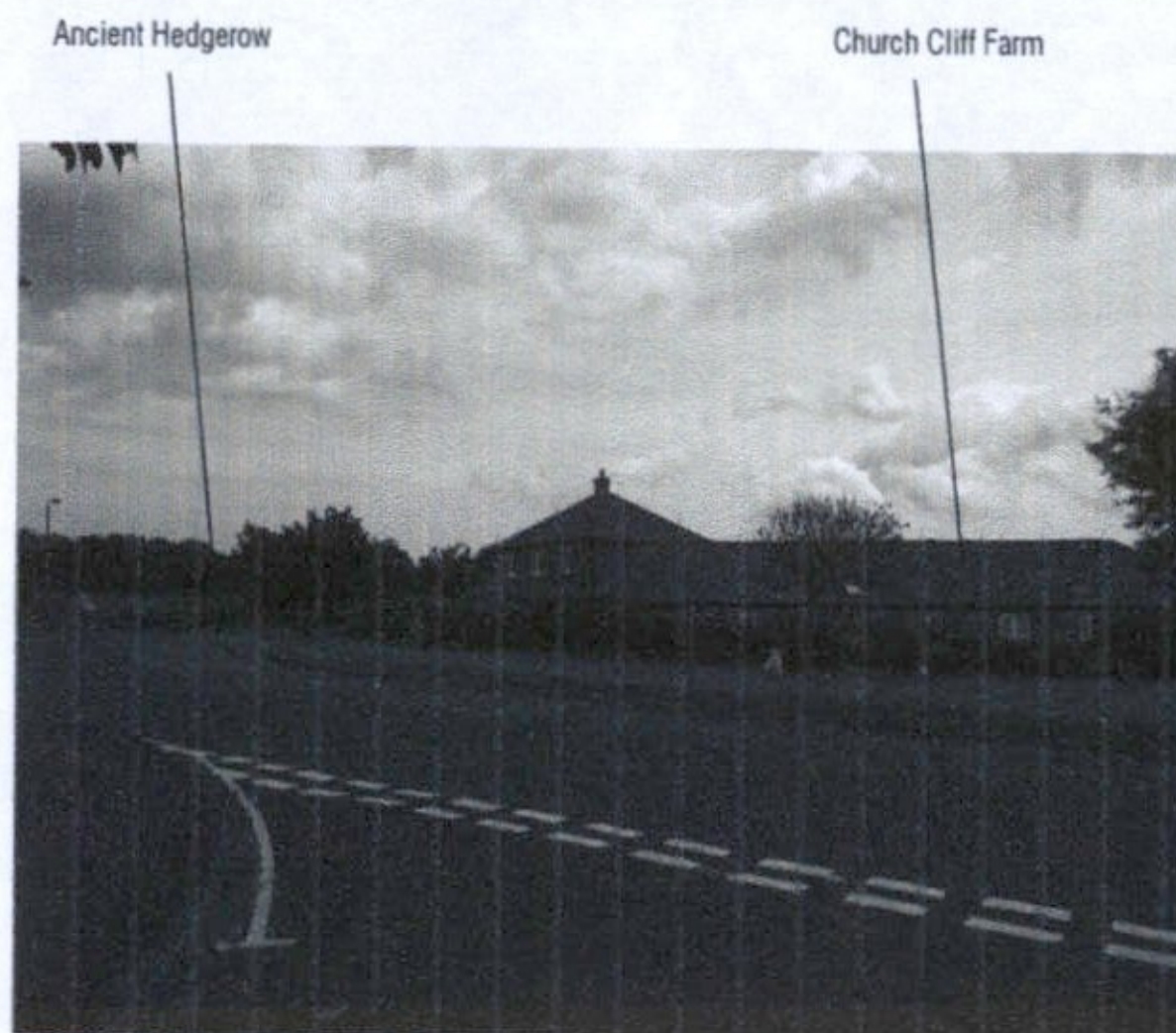


## Site Photographs

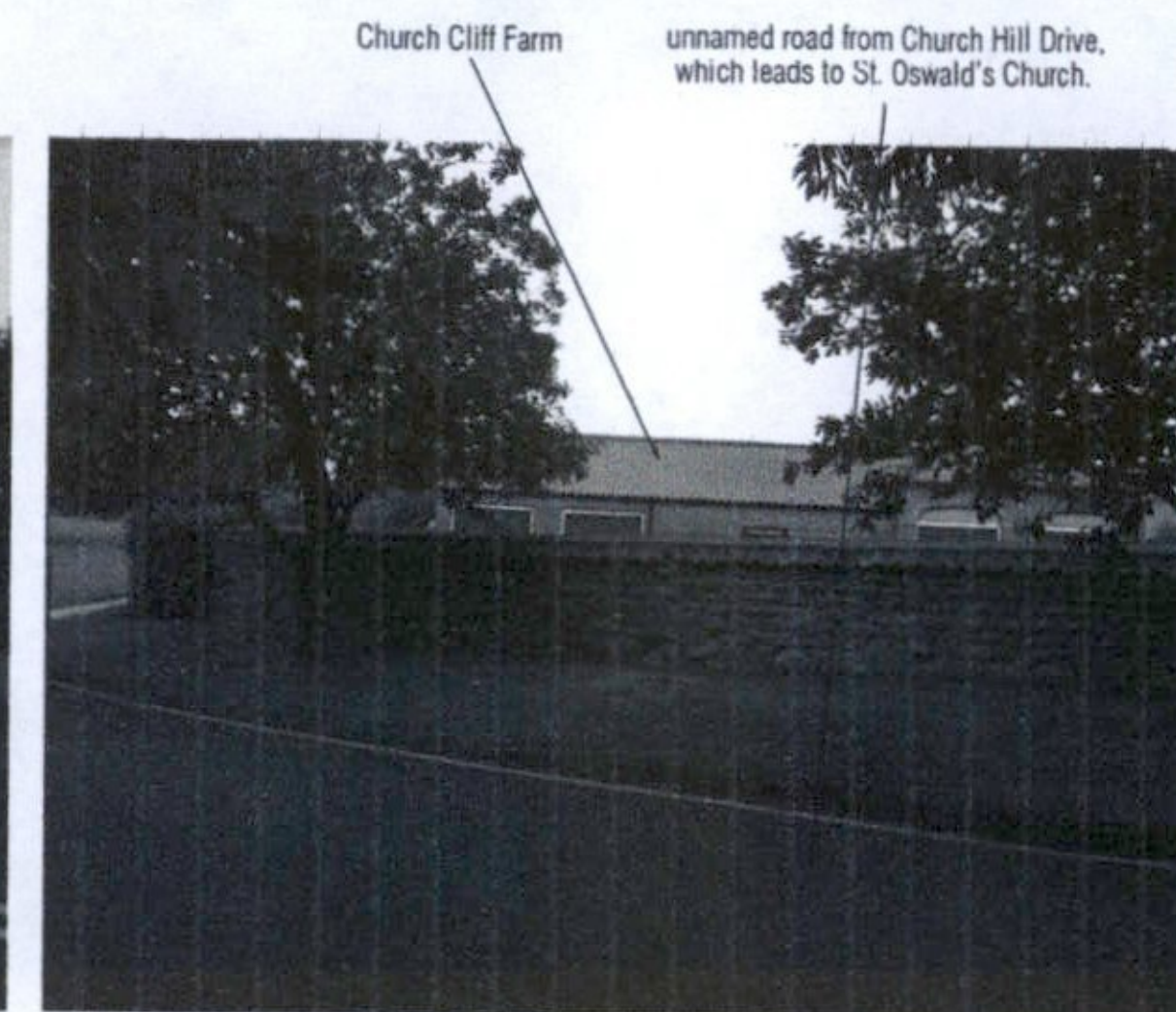
The site is opposite a cluster of Grade II listed buildings; Church Hill Farm buildings, Dovecote and farmhouse. The unnamed road which leads to its South entrance also leads to St. Oswald's Church.

To the east of the site sits the Filey Brigg caravan site and the Country Park beyond, with an extensive carpark for tourists.

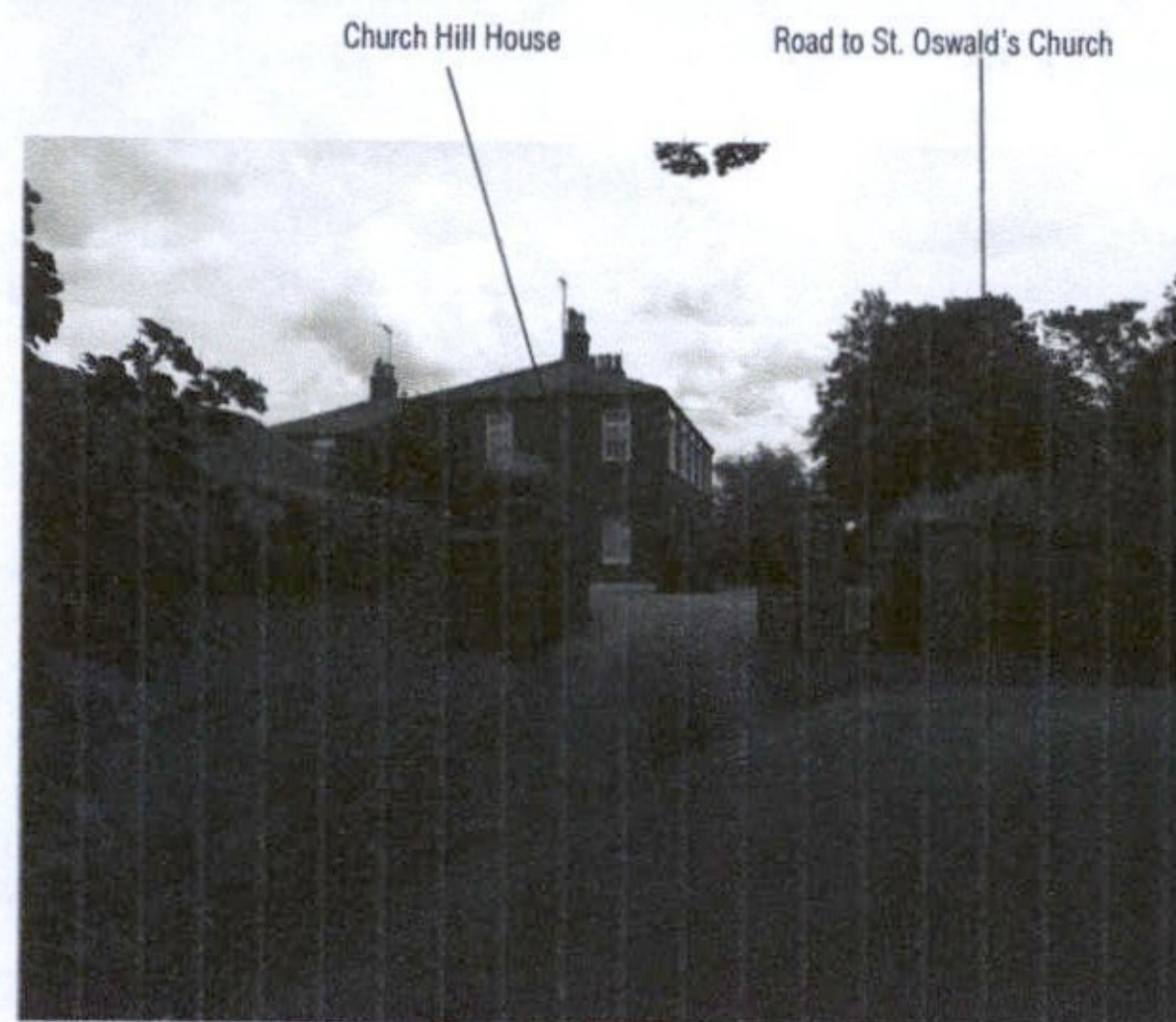
To the West is a low key 1970's housing development, predominantly comprised of detached bungalows constructed in soft red/brown brick and brown/grey roof tiles, along with good sized gardens and low brick walls demarcating defensive space to the fronts of the properties. Many owners have added conservatories, dormers and extensions to their properties.



A: View at the end of Arndale Way, showing Church Hill Farm.



B: View from unnamed street, near Church Hill Drive, facing Church Hill Farm entrance.



C: View towards Church Hill House, road to the right leads to St. Oswald's church.



D: View from Wooldale Drive into the cul-de-sac, showing the site boundary from the West.



## Policies & Design Guidance Context

In preparing design proposals for this site, due account has been taken of the following design guidance:

- NPPF National Planning Policy Framework
- 'By Design' Urban design in the planning system - CABI
- Design Statements How to read and write them – CABI
- Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice – Second Edition – BRE Press 2011

In accordance with NPPF the design takes the opportunities available for improving the character and quality of an area and the way it functions. Particular attention has been paid to ensuring that the development will function well and adds to the overall character and quality of the area in which it is located, not just in the short term but for its whole lifetime. The scheme responds to its local context and will help to reinforce local distinctiveness and be visually attractive as a result of its architecture and appropriate landscaping.

"By Design", sets out to promote and guide higher standards of urban design. The first objective of urban design is defined as character – a place with its own identity. By Design outlines six requirements of development to deliver this objective which are considered to be particularly appropriate to these proposals.

- Consider the site's land form and character.
- Integrate new development into its landscaping setting.
- Respond to the existing layout of buildings, streets and spaces.
- Responding to local building forms and local patterns of development in the details, layout and design helps to reinforce a sense of place.
- Consider the use of local materials.
- Consider the scale, massing and height of proposed development in relation to that of adjoining buildings; the topography; the general pattern of heights in the area; and views, and landmarks.

Identified as Site HA 24 in the Local Plan, the development constraints identified by the LA are as follows:

*Land off Church Cliff Drive, Filey*

*The site lies at the north-eastern edge of Filey along the approach to the Country Park and adjacent to residential development at Wooldale Drive and has been allocated for residential development with an indicative yield of 30 dwellings, based on the location of the site and the likely form of development.*

### Issues and Requirements:

1. The main or sole access to the site will be taken from Church Cliff Drive. If an access is taken from Wooldale Drive this should serve only a small number of properties in the form of a cul-de-sac due to the restricted width of the existing access road;
2. Any proposal should be accompanied by a flood risk assessment containing a surface water drainage strategy. Consultation should also take place with the relevant 176 Scarborough Borough Local Plan - 2011/32 A Housing Allocation Statements body or bodies into whether this development could contribute to or assist in facilitating the proposed flood alleviation measures for Filey. The development of this site should not prevent or stymie the flood alleviation measures proposed and as a minimum, any proposal will be required to perform to the same specification as the flood alleviation measures as proposed by the Filey Flood Alleviation Scheme for this part of the wider scheme;
3. Although shown outside Development Limits, Open Space Allocation OS10, land to the north of the area allocated for residential development should be provided as an area of natural and semi-natural green space that links to Parish Wood (and beyond) to the west and the Country Park to the east.
4. The development should be designed to respect the entrance to Filey Country Park and the listed buildings opposite at Church Cliff Farm with the inclusion of appropriate boundary treatment along Church Cliff Drive. A scheme comprising bungalows may be the most appropriate option for this location;
5. A landscape buffer will be required between the eastern edge of the site and Filey Country Park.



Figure and Ground/ Building Heights

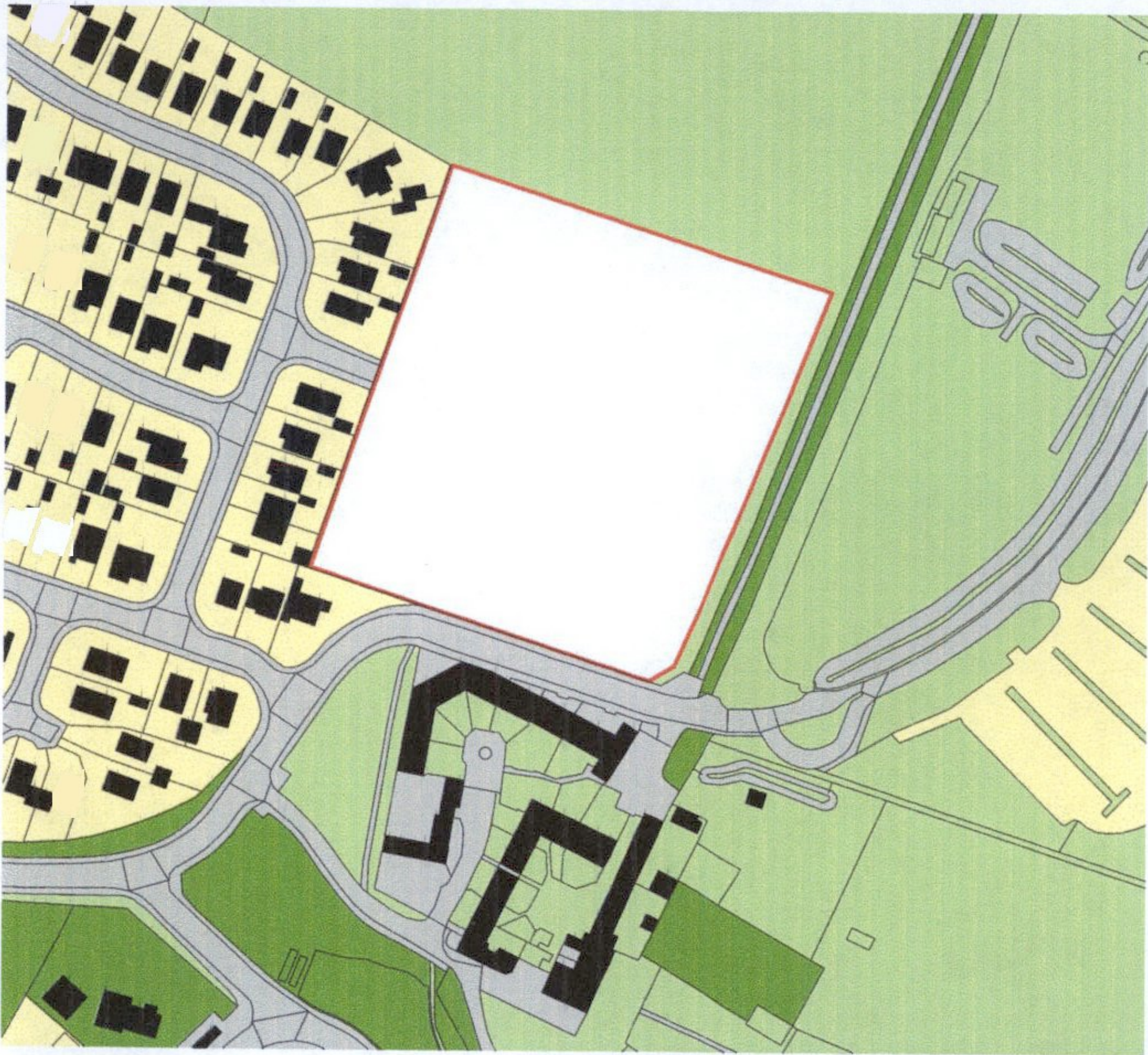


Figure and Ground

Building Heights

- Key
- 1 Storey
  - 2 Storeys
  - INCORRECTLY MARKED HEIGHT OF BUILDINGS

ONLY DORMERS ON SOUTH FACING SIDE OF ROOF.  
1/2. PROPERTIES  
LOOK SINGLE STOREY FROM THE PROPOSED SITE.

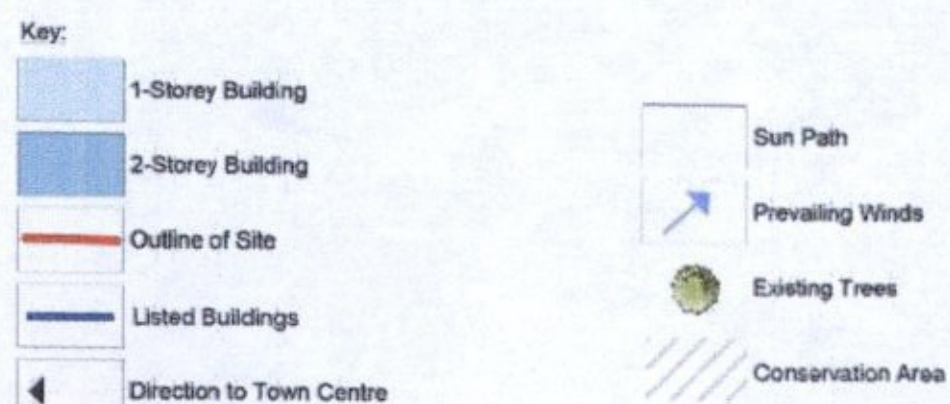


The total site area is 1.445 HA of farm land rising over 5m from the South East Corner across to the North West.

- The site enjoys good access by foot and cycle, with a short walk to the town centre.
- Bus Service Nos 11, F5, 118, 119, 120, 121, 555 and X20 services are accessible at nearby Scarborough Road.
- The bungalows will be placed to the West of the site, respecting the neighbouring low rise homes. They will also be set approximately 1m lower than the existing bungalows that run along this edge.

The redevelopment of the site is an opportunity to improve the domestic street scene along Church Cliff Drive, and recognise the importance of the location as a transitional/edge site into the country park. The proposed scheme should also contribute to the economic, social and physical sustainability of the immediate area.

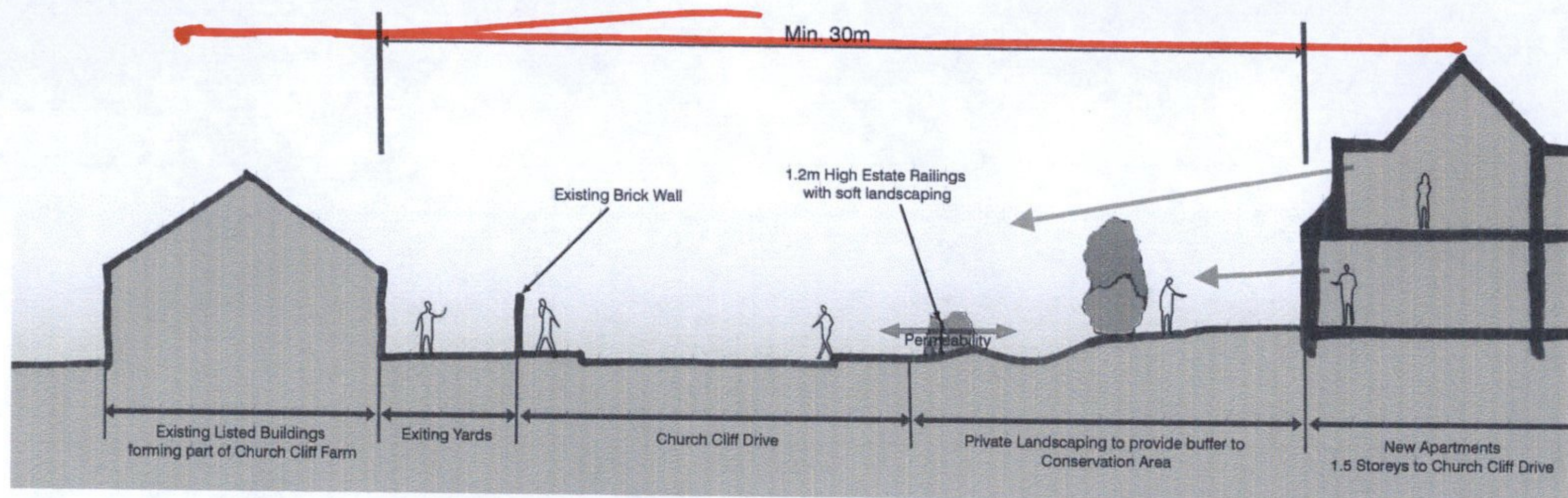
- Provide purpose built retirement homes close by the town centre to help satisfy existing demand as part of a mixed-use development. This would encourage the release of family homes into the open market.
- Create a scheme more appropriate to its location.
- Create a more active street front to Church Cliff Drive.
- Create a more appropriate urban edge adjoining the residential zone to the immediate West.
- Provide social space and green space within the scheme to support retirement living.
- Provide an attractive and sympathetic setting to the listed buildings and conservation area opposite.
- Enhance the entrance to the Country Park and public car park.



INCORRECTLY  
MARKED HEIGHT OF BUILDINGS = 11 IN TOTAL



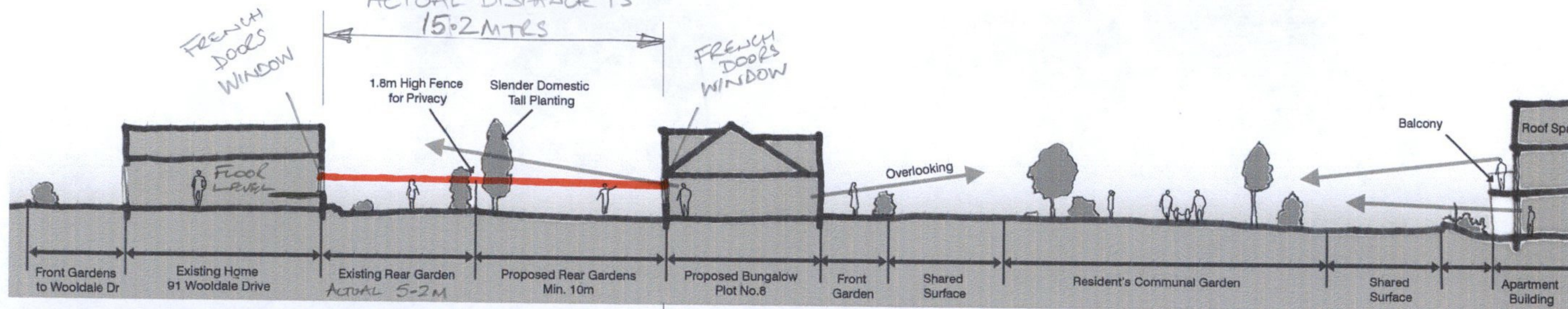




### Relationship with Conservation Area and Listed Buildings Opposite

DISTANCE NOT MARKED ON  
SITE LAYOUT - PAGE 24.

ACTUAL DISTANCE IS  
15.2 METRES



### Relationship with neighbouring Bungalows and Residents Gardens

91 WOOLDALE DRIVE  
750mm DIFFERENCE BETWEEN  
GROUND LEVEL PLOT 8 AND  
FLOOR HEIGHT 91 WOOLDALE DR.

DISTANCE NOT COMPLIANT  
TO PLANNING REGULATIONS  
WINDOW TO WINDOW.  
SHOULD BE 21 METRES

PROPOSED PLOT NO.8, NEEDS TO BE MOVED TO COMPLY WITH  
DISTANCE PLANNING REGULATIONS, REF:- PRIVACY + AMENITY



# Site Layout

REF:- POLICIES ON  
PRIVACY AND AMENITY.

Nº 91 WOOLDALE DRIVE  
REAR OF PROPERTY TO  
ITS BOUNDARY IS 5.2MTRS  
ADD THIS TO THE PROPOSED  
REAR GARDENS MIN 10MTRS  
= 15.2 MTRS APART.

Key: THIS DOES NOT COMPLY TO  
WINDOW TO WINDOW  
BUILDING REGULATIONS  
OF 21 MTRS.

2-Bed 2P  
Bungalow  
Type A: 5 No.

2-Bed 2P  
Bungalow  
Type A+: 1 No.

2-Bed 2P  
Bungalow  
Type B: 14 No.

39 No. Retirement  
Apartments

1-Bed : 24 No.  
2-Bed : 15 No.

TOTAL UNITS: 59

1.8m high timber  
fencing

1.5m high timber  
fencing

1.1m high railings

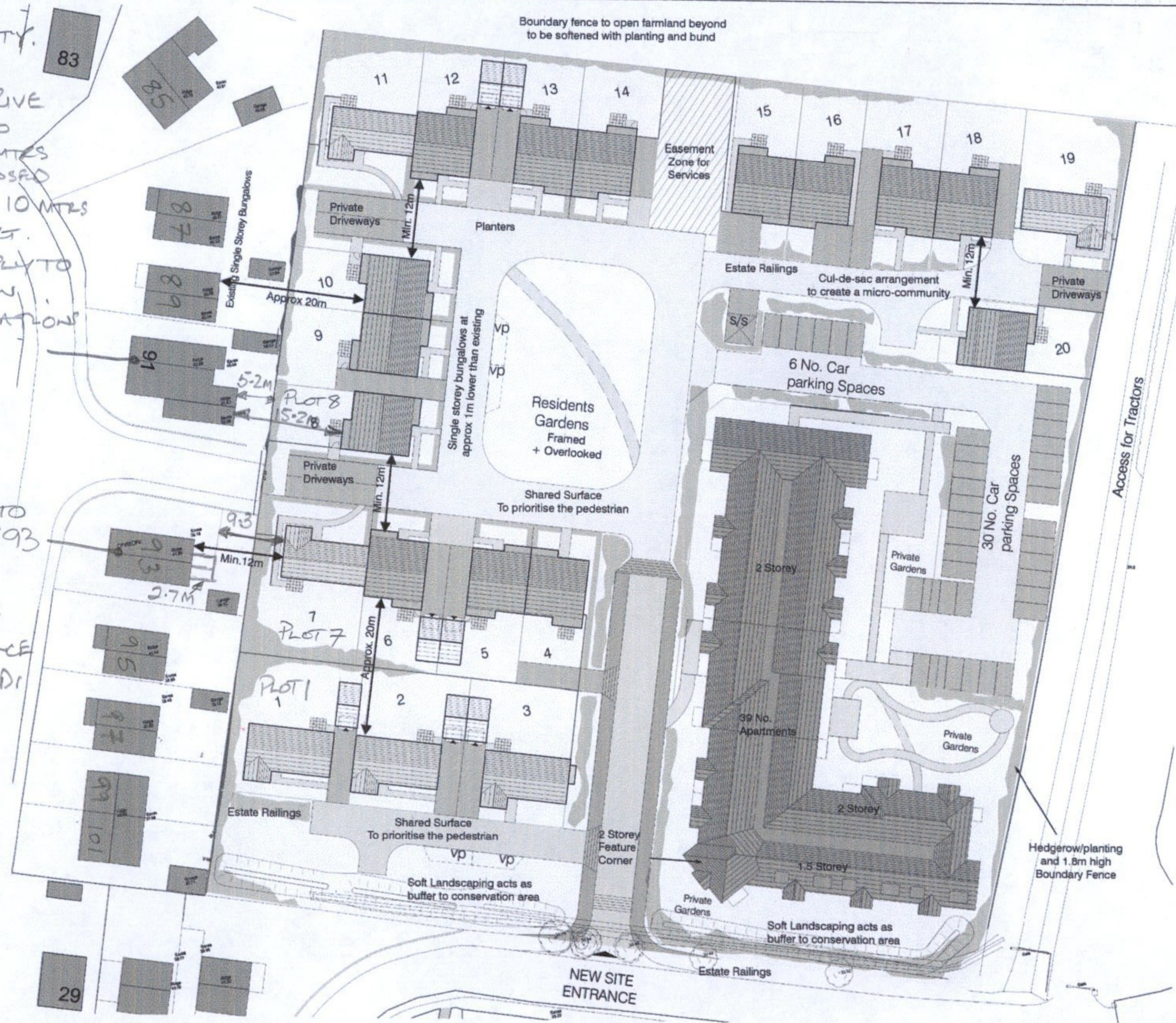
Low level retaining  
structure

EXTENSION TO  
REAR OF Nº 93  
MISSING

2.7m LONG  
ACTUAL DISTANCE  
93 WOOLDALE DI  
TO  
PLOT Nº 7

9.3 MTRS

BOTH DO NOT COMPLY TO SITE  
ANALYSIS, MINIMISE OVERLOOKING  
IN THIS ZONE, ON PAGE 17.





## Others

### Flooding

The adjacent network of residential streets have suffered extreme floods, most recently in July <sup>2007</sup> 2017 where over 80mm of rain fell in just one and half hours, with the water reported to be waist deep in places.

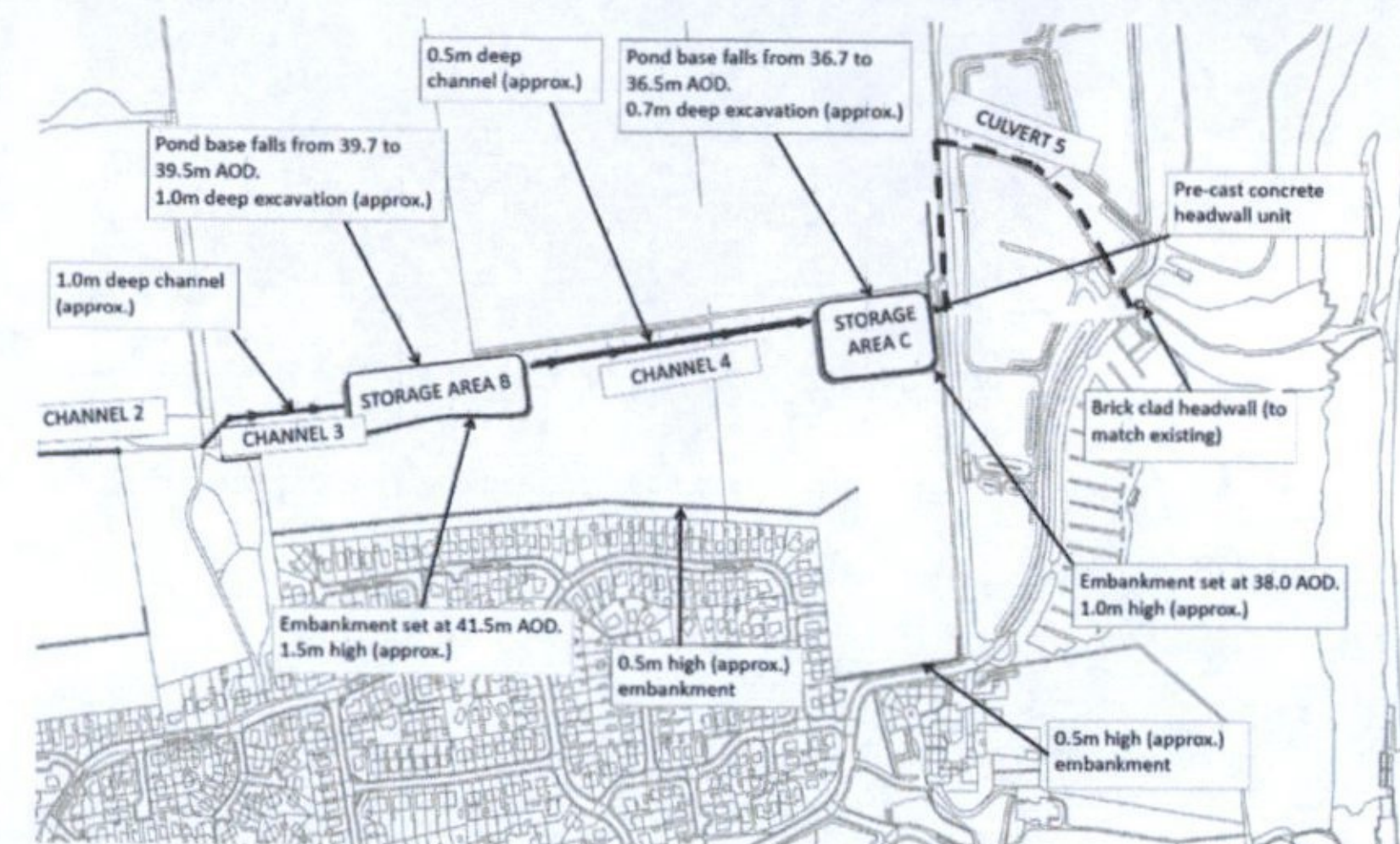
Scarborough Borough Council has implemented a flood alleviation scheme for Filey, under which our site falls within Area 1, Parish Fields, which has been designed to collect overland flows before they reach the edge of the housing in Parish Fields and slow them down, controlling the rate at which they are discharged into the top of Arndale. The rate of flow being discharged will be restricted to a rate at which the existing channel and culverts in the ravine can cope with it. This reduces the risk of water flooding down Arndale uncontrolled causing damage to the channel and access road.

On behalf of McCarthy and Stone, Topping Engineers have designed a flood alleviation scheme for our site that sits well within the wider area strategy and is discussed in more detail in their separate report.

### Ecology

To the East of the Site sits Filey Brigg Country Park, where it's biology and geology place it among Sites of Special Scientific Interest in North Yorkshire. There is also an area of ancient hedgerow in close proximity to the site which we will not disturb during or after construction works in any shape or form.

Ecological matters are also covered in separate reports, however the allocation requires a buffer zone between any development and the country park.







## APPENDIX 12 – Reference: Privacy and Amenity.

Number 91 Wooldale Drive will look from its living room directly across to the living room of Plot number 8 on the proposed plan. The properties will overlook each other French doors to French doors.

The proposed fence height is 1.8 metres high as in this scenario the white board representing the proposed fence height.

91 Wooldale Drives living room floor height is elevated. A height difference from the proposed sites ground level to 91 Wooldale Drives floor is 750mm. This results in a view over the fence directly into the adjacent property and vice versa. As demonstrated in these pictures.

Planning regulations for properties window onto window is 21 metres this scenario is set at this distance.

The current proposed plan has Plot Number 8 backing onto 91 Wooldale Drive with a distance of **15.2 metres** French doors to French doors.

Plot Number 8 does **not** comply with current Planning Regulations the current proposed plan needs to be changed to comply with distances relating to Privacy and Amenity Conditions and Regulations.

**Picture 1. TOP** - Scenario: looking from 91 Wooldale Drive to proposed plot number 8, the mannequin stands 21metres from 91's French doors. Looking over a 1.8 metre fence to the proposed position of Plot 8's French doors, this view will be the most intrusive of the three.

**Picture 2. MIDDLE** - Scenario: Daytime looking from proposed plot number 8 across to 91 Wooldale Drive French doors, the mannequin stands 21 metres from 91 Wooldale Drives French doors looking over a 1.8 metre fence. The opposite view will be as picture 1.

**Picture 3. BOTTOM** - Scenario: Night time looking from proposed plot number 8 across to 91Wooldale Drive French doors, looking over a 1.8 metre fence. Same distance as scenario 2. The opposite view will be as picture 1.



November 2017

# Statement of Community Involvement

Church Cliff Drive, Filey

### 3.8 Review of Comments

3.8.1 The following review includes all comments received up to Wednesday 22nd November 2017, including postal responses and postcards.

3.8.2 McCarthy & Stone's plans for Filey received 47 responses from a possible 993, which represents a 4.9% response rate. This is well above the average for this type of development.

Total no. of responses	Supporters	Non-Committal	Objectors
46	9 (20%)	6 (13%)	31 (67%)

3.8.3 Prior to the exhibition, 15 *feedback postcards* were received, with 30 completed *feedback forms* received either at or following the public exhibition. 1 Individual gave their feedback over the phone.

3.8.4 The following is a selection of comments made throughout the feedback process:

- *"nice to see no 'high-rise' development."*
- *"Filey cannot support many more elderly people - the surgery is already over-subscribed."*
- *"There seemed to be a suggestion that a 15% of affordable housing would be included. This must be used in Filey."*

3.9 Below is a summary of the responses from the exhibition feedback forms, of which 30 were received. These figures do not include the pre-exhibition postcards or the solitary telephone call.

- i. Do you welcome the provision of specialist housing for local older people in your area?

Yes	Non-Committal	No
15 (50%)	4 (13%)	11 (27%)

50% of respondents welcomed specialist housing for older people in the area. Below are some of the responses to this question:

Comment	Address
<i>"Yes, as long as all flooding issues are addressed by SBC as promised."</i>	Wooldale Drive
<i>No. there is lots of provision for older people in Filey. Let's have some provision for the young!</i>	Oak Close

- ii. **Do you consider that this is a good use of this site for specialist housing for local older people?**

Yes	Non-Committal	No
9 (30%)	4 (13%)	17 (57%)

In total 30% of respondents believed this was a good site for specialist housing for older people.

- iii. **Do you have any comments on the design and layout of the proposals?**

Below is a collation of the points raised more than once by respondents

Comment	Frequency
Opposition to buildings exceeding 1 storey	18 = 51%
No comment	10
Overall good layout	4
Bungalows look good	3

- iv. **Do you have any general comments about the proposals?**

Below is a selection of responses to this question.

Comment	Address
---------	---------

flood event any run off from the fields will carry a lot of silt which will potentially block the gullies making any flood situation worse.

McCarthy & Stone have worked with drainage engineers and Scarborough Borough Council to develop a drainage and flood mitigation strategy. This strategy was presented at the public exhibition and a drainage engineer was also present. The strategy is as follows:

Any surface water runoff from land to the North will be prevented from entering the site by forming earth bunds. These works will be designed to tie in with the flood alleviation scheme proposed by the council. The proposed impermeable areas (roof and hardstanding) will drain to Yorkshire Water's public sewer with the flows attenuated to greenfield run-off rates (2.9L/sec). The connection will be made further down Church Cliff Drive at the junction with Arndale Way. The public sewer downstream of this manhole has more fall and increased capacity than the sewer that runs along the frontage of the site. Draining the site in a controlled manner will benefit the drainage infrastructure and reduce the risk of surcharging and flooding. The flows can be controlled to 2.9L/sec in all storm events up to and including the 1 in 100-year storm with a 40% allowance for climate change.

The remaining soft landscaped areas will be grassed and planted with trees and shrubs resulting in much higher absorption levels throughout the seasons than the current arable land provides. Our proposals however incorporate additional below ground storage to cater for any potential run off from these landscaped areas entering the drainage network. As a further precaution, swales will be provided along the site frontage to intercept any run-off from landscaped areas not picked-up by the drainage system. These shallow swales can be planted to help absorb any stored water.

**4.3 Concern over multi-storey design of the building:** Throughout the consultation process and at the public exhibition, it became clear that many residents were opposed to the proposed multi-storey design of the Retirement Living complex. Respondents argued that the design did not fit with other local buildings and claimed that they had

been given assurances by Filey Town Council that no new developments would exceed one storey.

McCarthy & Stone have worked to produce designs which complement local infrastructure and have included <sup>20</sup>30 bungalows in their proposals. In addition to this, there exists no regulations which limit the height of new buildings in Filey. McCarthy & Stone are confident that their proposals fit with the aesthetic of the local area and are encouraged by the several respondents that have voiced their support for the designs.

**4.4.Concern over pressures on local infrastructure:** Throughout the consultation process and at the public exhibition, it became clear that many residents were concerned about the impact that an influx of elderly people could have on local infrastructure. The comment *"Filey cannot support many more elderly people - the surgery is already being already over-subscribed"* encapsulates this view point.

Studies have shown that retirement developments – including McCarthy & Stone developments – tend to reduce the pressure on local healthcare providers. This is because residents of Retirement Living developments enjoy better mental and physical health than their contemporaries in other types of accommodation.

**4.5 Concern over parking near to the site:** Of the 46 responses received, four raised the issue of parking on Church Cliff Drive, close to the site. The comment *"the road adjacent to the site is very narrow and excessive parking already causes issues"* encapsulates their viewpoint.

McCarthy & Stone have allocated around 80 parking spaces for the proposed development – much more than the average allocation for one of their sites. It seems unlikely that the development will contribute to ongoing parking issues in the area.

**4.6 Concerns over access to the site:** Of the 46 responses received, three raised the issue of access to the site. They noted that the proposed access point to the site is on the main route for vehicles and pedestrians entering and leaving Filey Country Park and Caravan site and suggested that adding extra vehicles to this route would be dangerous.