

Comments for Planning Application 17/02734/FL

Application Summary

Application Number: 17/02734/FL

Address: Site At Church Cliff Drive Filey YO14 9ES

Proposal: Development of Retirement Living Apartments and Lifestyle Living Bungalows

Case Officer: Mr N Read

Customer Details

Name: Mr Robert Agus

Address: 81 WOOLDALE DRIVE FILEY

Comment Details

Commenter Type: Objector

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affected Neighbour
- Other

Comment: STATEMENT OF OBJECTION TO THE PROPOSED DEVELOPMENT OF LAND AT CHURCH CLIFF DRIVE FILEY

Reference revised proposals

Preamble

Although a revised layout and house types has been submitted the new scheme fails to address the majority of issues raised in my earlier objections and those of a significant number of Local Residents and Filey Town Council.

These comments are included below in an amended form to reflect some minor matters. The fundamental flaws, very evident with the current proposals for development of this site remain. You will be aware that Scarborough borough council have adopted a new local plan that includes land at Church Cliff Drive for residential development. This site is known as HA24.

This was despite significant objection from local residents. Over 80 residents took the time to register their disapproval. This included well documented and researched written submissions to councils and the inspector.

However, the residents were over-ruled and much to our disappointment this cherished part of the countryside is now on the cusp of being developed.

We have a situation where more Filey residents objected to development of the site than those locals, town planners etc, who wish to see the site developed.

In respect of the development on HA24, the Town Council wished the site to be developed after completion of the Filey Flood Alleviation Scheme and that the development should be single storey.

Local residents feel that despite assurances to the contrary by a Local Councillor, the Filey Flood Alleviation Scheme and the development of HA24 are intertwined. It cannot be coincidental that

the FAS have not moved forward because deals with the Land Owners have not been finalised. Perhaps the Land owner is awaiting a successful Planning application for the site before agreeing terms thus holding SBC to ransom?

McCarthy & Stone have acquired an interest in the site and held meetings with a selected number of local residents and local councillors prior to the public exhibition.

Flooding is a major issue on the site and full flood risk assessments will be required together with calculations for approval by YWA and the Environment Agency. These will require close scrutiny by residents as the ability for SBC to assess flood risk proposals are far from robust. Contrary to National Planning Policy Framework a site earmarked as a flood storage area has been allocated for residential development.

It is disappointing that McCarthy & Stone used the recent public display as a marketing tool and actively directed potential customers to this development. Also start dates for the scheme were indicated. Thus assuming that Planning Consent will be granted.

On the assumption that the Developers have had pre-application discussions with Planning Officers and/or Councillors they should have been aware of the SBC Local Plan Policies. Any assessment of the scheme must be measured against these policies. Clearly there are major flaws in the present scheme that make it entirely unacceptable. If Planners intend to disregard or distort the interpretation of the policies this will again bring into question the whole process and raise very disturbing questions regarding the professionalism and integrity of Officers and Councillors.

As stated above, Filey Town Council in their response to the Local Plan Proposals indicated that any development on this site should be single storey. This was also the view of SBC Conservation Officer.

Therefore it is questionable why a multi-storey block of flats is proposed.

Turning to the relevant Planning Policies, the aims of the Local Plan include:

To achieve the vision in a sustainable manner, support will be given to achieve the following aims:

To safeguard and reinforce the distinctive character of the various settlements. Clearly the proposal for a large multi storey block of flats is contrary to this.

To promote good design that reflects and, where appropriate, reinforces the distinct local character of the coastal towns, rural villages and rural hinterland. Clearly the introduction of a large multi storey block of flats is contrary to this.

POLICIES DEC 1, DEC 2, DEC 3, DEC 4, SGA 1 are relevant in this instance

Policy DEC 1 Principles of Good Design. Good design will be expected in order to create attractive and desirable places where people want to live, work and invest, and to reduce carbon emissions from development. All development will be required to meet the following principles of good design by demonstrating

a. that an analysis of the constraints and opportunities of the site and the function of development has informed the principles of design, including

i. that the proposal reflects the local environment and creates an individual sense of place with distinctive character; On the basis of the scheme as currently proposed it does not in any way reflect the single storey and courtyard layout of the properties on Church Cliff Drive

ii. that the detailed design responds positively to the local context, in terms of its scale, form, height, layout, materials, colouring, fenestration and architectural detailing; On the basis of the

scheme as currently proposed it does not in any way reflect scale of the single storey and courtyard layout of the properties on Church Cliff Drive or the bungalows on the Wooldale estate

iii. that the proposal has taken account of the need to safeguard or enhance important views and vistas. The site is adjacent to the Country Park and will be very prominent when approaching the park entrance. A dominating multi storey block in this location will be very detrimental to the street scene in this sensitive location.

b. that the layout, orientation and design of buildings (where these factors are not otherwise constrained) helps to reduce the need for energy consumption, and, how buildings have been made energy efficient thereby reducing carbon emissions from development, The Local Plan projection is for 30 dwellings on the site. Almost double this number will make greater demands on energy.

c. that the proposal provides suitable and safe vehicular access and suitable servicing and parking arrangements; d. that any elements of public realm have been designed to reinforce or complement the distinctive character of the local area and to ensure that they are attractive, safe, accessible and well connected to their surroundings, including through the provision of walking and cycling routes to and within the development to encourage their use; e. that any associated landscaping scheme has been developed to enhance both the natural and built environment, retaining existing features of interest where possible.

The proposed access to the site is on the main route for vehicles and pedestrians entering and leaving the Country Park and Caravan site. These will be mostly holiday makers or visitors to the town many of which will families with small children. This must be acknowledged and considered by SBC as there is potential for conflict between the proposed elderly drivers and other road users.

The car parking provision for the flats does not appear to provide the minimum of 39 parking spaces for residents or any for visitors. This will encourage on street parking thus increasing the potential danger to pedestrians and other road users.

Policy DEC 3 The Efficient Use of Land and Buildings Proposals will be required to make efficient use of land and/or buildings and the re-use of land (brownfield) will be supported where this accords with other plan policies. The density of development (including any associated elements of green infrastructure) should be in keeping with the character of the local area. Higher densities will be more appropriate in the central areas of Scarborough, Whitby and Filey. Lower densities may be considered acceptable in instances where there are site-specific constraints, a need to provide additional levels of infrastructure or where the current character or appearance of the area necessitates a development of a lower density.

The current proposals are over development with no justification.

Settlement Hierarchy Statement 3 Filey

Filey will be enhanced as a place that provides services in the southern part of the Borough, where development should meet local needs and maintain the distinctive character of the town. In seeking to deliver the plan's spatial objectives at a local level, development should a. recognise and reinforce the town's joint role with Hunmanby in providing services in the southern part of the Borough and the wider area; b. maintain the town's distinctive 'seaside resort' character; c. retain and improve local services and facilities, and promote accessibility by means other than the

private car; and d. secure an appropriate mix of new housing, an element of which will help to meet locally generated housing needs.

The proposals do not recognise and reinforce the distinctive sea side resort character. On the contrary the out of scale flats are entirely out of character in this location.

4.14 Over the years Filey has retained its "seaside resort" character and is an important tourism asset. It is essential that its Victorian seaside character and natural setting are protected, whilst also delivering a level of housing to meet local needs and a more diverse and higher quality tourism offer.

The natural setting of the Country Park and the rural character of the properties on Church Cliff Drive is threatened by the proposed inappropriate development.

5.2 The built environment is diverse; varying between the historic coastal towns of Scarborough, Whitby and Filey, the more modern sub-urban residential areas, the rural villages and buildings within the wider countryside and the open coastline. Given that development across these locations may require distinctly different design solutions, detailed design proposals should be based around an understanding of the opportunities and constraints presented by the site and the area in which the development is taking place.

5.3 Developers will be required to carry out contextual site surveys, which should be used to inform the design concept. Applicants should be able to demonstrate how the principles of good design have been applied in terms of influencing the function, scale, detailing and character of development in addition to the materials used in construction and the quality of the public realm. Innovative design solutions will be encouraged where appropriate within the context of the above policy provisions.

It is apparent that no contextual site survey has been undertaken to inform the design concept.

5.5 Natural and physical features such as the topography of an area, the pattern of streets and public spaces, the street scene, the density of development, the scale and form of buildings and the materials used in construction all help to define local character and identity. The proposals do not meet this aim.

5.6 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.

5.7 The design of new development should reflect and reinforce locally distinctive features, thereby contributing to the character of the surrounding area in a positive manner. The proposals do not meet this aim.

Policy DEC 4

Protection of Amenity Proposals should ensure that existing and future occupants of land and buildings are provided with a good standard of amenity. Proposals for development should not give rise to unacceptable impacts by means of a. overbearing impact; b. overlooking and loss of privacy; c. disturbance arising from such things as noise, light pollution and other activities; d. emissions including smells and other pollutants; or e. overshadowing or loss of natural light. The criteria listed above are not exhaustive and development that causes significant harm to amenity by means of these or other impacts will not be permitted.

The amenity of properties on Church Cliff drive will suffer significant harm in terms of outlook and overlooking arising from the block of flats.

The amenity of the residents of the proposed development will be harmed by the noise levels arising from the caravan park. This is particularly noticeable well into late evenings in the summer months

In addition the proposed development will adversely affect the levels of amenity currently enjoyed by visitors to the caravan park.

Policy DEC 5 The Historic and Built Environment Historic rural, urban and coastal environments will be conserved and, where appropriate, enhanced and their potential to contribute towards the economic regeneration, tourism offer and education of the area exploited, particularly those elements which contribute to the areas distinctive character and sense of place. In order to ensure this:

a. Proposals affecting a designated heritage asset (or an archaeological site of national importance) should conserve those elements which contribute to its significance. Harm to such elements will be permitted only where this is outweighed by the public benefits of the proposal. Substantial harm or total loss to the significance of a designated heritage asset (or an archaeological site of national importance) will be permitted only in exceptional circumstances;

b. Proposals affecting a Conservation Area should preserve or enhance its character or appearance especially those elements identified in any Conservation Area Appraisal;

The site is adjacent the Conservation area and as such the harm caused by the proposed development, and in particular the multi storey block of flats is unacceptable as it does not preserve or enhance its character or appearance. On the contrary it will have a seriously detrimental effect upon the conservation area

IN LIGHT OF THE ABOVE IT IS APPARENT THAT THE PROPOSALS ARE CONTRARY TO PLANNING POLICY AND REQUIRE MAJOR RE-DESIGN TO MEET THE STANDARDS REQUIRED.

However the earlier actions of SBC give the Local Residents no confidence that appropriate checks and balances will be applied. Thus fuelling the rumour of malpractice in relation to HA24. The Local Residents will continue to oppose development of this site, particularly in its present format.

It should also be noted that your list of 'benefits' arising from your development as set out on the mail shot are spurious.

There is no evidence that specialised retirement living is much needed. It should also be noted that the costs of residing in a McCarthy & Stone development are well beyond the financial means of many elderly local residents.

The local services, particularly Doctors and Dentists are currently over-stretched. The influx of around 90 elderly residents cannot be accommodated.

The design does not contribute positively to the local area. In fact it is totally inappropriate.

Will local residents have access to the garden areas? This is unlikely leading to the assumption that the development will be gated. Thus making the scheme inward looking, alien to passers-by and causing potential highway congestion at the entrance.

It is not clear how it has been assumed that there will be low levels of car ownership or that the

development of almost 60 dwellings will generate low traffic levels.

I strongly object to these proposals

Robert N. Agus M.C.I.A.T., A .C.I O B. 81 Wooldale Drive, Filey

Additional remarks 19th July 2018

The application site was incorrectly identified on the initially submitted drawings and did not include land required for the development on land to the north. This land and associated works are required for the development to take place. To validate the application is contrary to Local and National Validation Requirements.

I am informed by Mr Read that the bunding and associated works are to be excluded from the application. This is not reflected on the submitted drawings, drainage strategy or flood risk assessment proposals and calculations. The amended proposals and associated reports must be made available to the public for scrutiny.

I, along with Local Residents, also share the views of Mr John Mook as set out in his letter copied below

Planning Services

Scarborough Borough Council

Town Hall

St Nicholas Street

Scarborough

YO14 2HG

16.07.2018

Revised Representations

Reference: Amended Planning Application 17/02734/FL.

Made by McCarthy and Stone Retirement Lifestyles Limited for development of Retirement Living Apartments and Lifestyle Living Bungalows site at 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 comments.

Many unresolved issues are still current in this planning application 17/02374/FL submitted on 22nd December 2017 as stated in the representations/comments previously submitted.

There are no revised or updated documents on SBC Planning website from consultants stating that these issues have been resolved or amended, the issues are as follows.

Yorkshire Water: Flood Risk Assessment and Mitigation plans and report by Toppings the

developer's drainage engineers are still deemed unacceptable.

North Yorkshire County Council - Heritage Services, Archaeology: finds from the sites assessment trench digs have identified the area as a site of archaeological significance and requires a Written Statement of Investigation (WSI). The WSI has not been completed.

Financial Contributions:

Contributions to be paid by the developer in reference to misinterpreted Green Space.

Plus there is NO affordable housing in the proposed Bungalows or a contribution of £588,000 paid by the developer to SBC in lieu of affordable housing.

The Housing Strategy and Development Report: The Officer states "we are concerned that the report contains flaws and inaccuracies, especially in terms of evidence base" and "there is an over provision of rented housing for the elderly in the Borough."Is a retirement complex warranted?

Planning Application 18/01504/FL - Construction of Drainage Bund - Site: Land north of Church Cliff Drive, Filey, YO14 9ET. The proposed bund showing on this amended application site map 17/02374/FL is subject to a separate planning application. However it is deemed to part of the drainage strategy for the proposed development on site HA24 reference 17/02374/FL.

The proposed drainage bund on the top edge of this plan is outside of the redline boundary and Filey Town development limits, this is in breach of planning policies and regulations which states "The application site should be edged clearly with a redline on the location map, it should include all land necessary to carry out the proposed development."

(Please note this proposed bund is not included in the already planned, passed and funded Filey Flood Alleviation Scheme Plans they are completely separate from this application.)

Amended Application 17/02734/FL: The revisions to layout and house types do not replicate surrounding development on Wooldale Drive and Arndale Way.

The bungalows have been squeezed into a very small area to comply to stand off regulations in reference to the Yorkshire Water pressurized main drains that run up the western side of the site.

The developer and planners are pushing beyond the boundaries of acceptable development for this proposed amended plan the consequence is the proposed plan has been over developed to make it viable.

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.

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.

This document is an assessment document to be used by the developer/architects and planning services to meet site specific constraints and is a legal requirement in planning application methodology and process.

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
Not a fourth new alternative as in this application.

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 dwellings/residences and 20 bungalows squeezed into the site do not in any way replicate the existing development nearby. The HLSMA states" The indicative yield is 30 dwellings/residences"

Reference overdevelopment

This proposed plan has 59 dwellings/residences, 20 Bungalows and 39 Apartments in a 2 storey

block.

29 extra dwellings/residences equates to almost 100% 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 dwellings/residences meet these criteria.

In the Heritage Assessment within the allocation documents by Mr David Beardmore of Beardmore Urban states several times "The overall effect would therefore **LIKELY TO BE NEUTRAL.**"

And also states "The only reasonable conclusion to be reached is that the impact of the proposal, providing it is **SUITABLY DESIGNED**, will be **NEUTRAL** in relation to the Heritage significance of the Conservation area."

Oxford English Dictionary - **NEUTRAL** "Not supporting either side in a dispute."

This does not in any way meet the criteria Set down by the conservation officer in the HLSMA Assessment specifically for site HA24, reference NPPF Para126

"In making a positive contribution to local character and distinctiveness".

Oxford English Dictionary - **POSITIVE** "Expressing agreement, Confirmation or Permission."

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"

This assessment has been completed by Beardmore Urban and the result is Likely to be Neutral not Positive.

There is conflict between the SBC Conservation Officer's appraisal within the Housing Land Selection Methodology Assessment (HLSMA) and the Beardmore Urban Report 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."

Refer to the heritage assessment note by Beardmore Urban above.

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 Town Councillors and 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 and Amended Planning Application.

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 PBII54/9005.

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 Aktins, Filey Town Flood Investigation Map.

Location Incidents- Drawing number 5002531/WA/F017-Dated 2004

In addition Yorkshire Water's response to this Planning Application deem the Flood Risk Assessment by the developers engineers Toppings NOT acceptable.

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.

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 the Legal 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 dwellings/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.

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

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

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 planning policies, site specific appraisals, conditions/requirements and regulations.

The current proposed plans need to be changed to legally 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.

To avoid repartition comments are supported or taken from documents /reports listed on the planning application 17/02734/FL public access website documents section.

Also see documents to support above comments on submitted objection No 681794 Mrs Perry-Mook in the appendices list.

REF: 17_02734_FL-COMMENTS_OBJ_-_PERRY-MOOK_J-681794.pdf

Listed in the public comments

(Minus the privacy and amenity section in this appendix now not relevant to this amended plan.

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

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.