
NEW SCARBOROUGH BOROUGH LOCAL PLAN

**OBJECTION TO THE INCLUSION OF SITE HA 21 (LAND OFF
CHURCH CLIFF DRIVE, FILEY) AS AN ALLOCATED SITE FOR NEW
HOUSING DELIVERY**

Prepared by:
Emily Agus
MEng (Hons), PhD, AIEMA

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SUMMARY OF OBJECTIONS

The new Scarborough Borough Local Plan has progressed to the draft stage (the draft Local Plan), and has recently been published for consultation. Views are currently being sought on the proposed planning policies and the proposed locations of housing and other forms of development across the Scarborough Borough up to 2030.

Under Policy HC 2, the draft Local Plan proposes to include Site HA 21 (Land Off Church Cliff Drive, Filey) as an allocated site for new housing delivery.

This Document presents a number of key issues, and associated objections, to the inclusion of Site HA 21 as an allocated site for new housing delivery.

In summary these are:

- Site HA 21 has previously been considered as a site for new housing delivery. However, both Scarborough Borough Council and the Planning Inspectorate have determined that the site is not appropriate for housing development. Furthermore, in the interim it is not considered that there have been any material changes to the site in terms of its environs and thus suitability for development, and that the reasons for refusal of an application for planning permission would also be applicable if an application were made today or, indeed, in the future.
- Site HA 21 has been the subject of a number of recent assessments on its suitability for development for new housing delivery. These assessments, and their subsequent interpretations, are inconsistent and inaccurate leading to an incorrect conclusion on the suitability of Site HA 21 for new housing delivery.
- The use of Site HA 21 for new housing delivery would be in direct conflict with a number of other relevant policies of the draft Local Plan.

Based on the above key issues it is not considered appropriate to include Site HA 21 as an allocated site under Policy HC 2 of the draft Local Plan.

1 BACKGROUND

1.1 New Scarborough Borough Local Plan

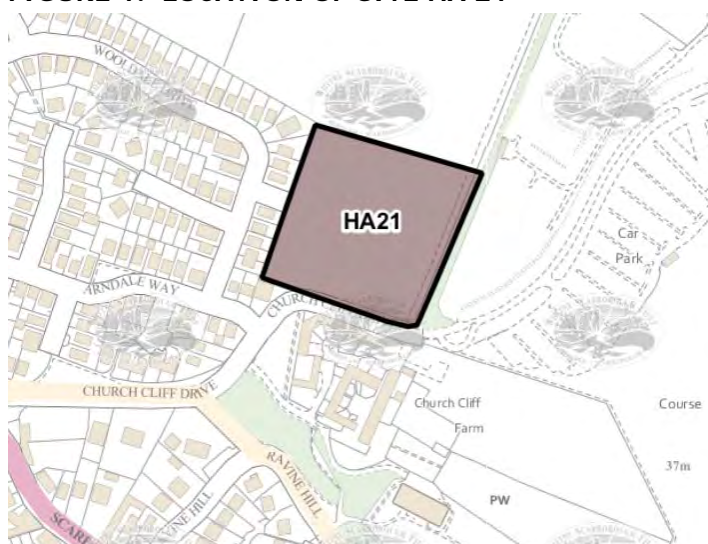
The new Scarborough Borough Local Plan¹ has progressed to the draft stage (the draft Local Plan), and has recently been published for consultation. Views are currently being sought on the proposed planning policies and the proposed locations of housing and other forms of development across the Scarborough Borough up to 2030.

In terms of the proposed location of housing, under Policy HC 2 (New Housing Delivery), it is noted that: *“housing will be delivered across the Borough Local Plan area through the use of allocated sites and the re-use of existing buildings within the development limits of the Borough’s towns and villages”*. In addition: *“Proposals for housing submitted on the allocations [...] will be permitted if the scheme is in accordance with other relevant policies set out in the Local Plan and satisfactorily addresses any issues set out in Appendix A: Housing Allocations Statements”*.

Under Policy HC 2, the draft Local Plan proposes to include Site HA 21 (Land Off Church Cliff Drive, Filey) as an allocated site for new housing delivery.

Figure 1 shows the location of Site HA 21.

FIGURE 1: LOCATION OF SITE HA 21



Appendix A (Housing Allocation Statements) of the draft Local Plan: *“sets out the main issues and constraints associated with the housing sites allocated”*. It further notes that: *“The lists included under each site are not exhaustive”*.

In terms of Site HA 21, Appendix A notes that: *“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 50 dwellings”*.

In terms of the main issues and constraints for Site HA 21, Appendix A notes the following:

1. In terms of existing flood risk conditions, any proposal should be accompanied by a Flood Risk Assessment containing a surface water drainage strategy. Investigations should also take place into whether this will development could contribute to or assist in facilitating the proposed flood alleviation measures for Filey.
2. In terms of amenity, 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.

¹ Available at: <http://scarborough.objective.co.uk/portal/planning/lp/dlp2014?pointId=2558417>

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3. Also in terms of amenity, a landscape buffer will be required between the eastern edge of the site and Filey Country Park.
 4. In terms of transportation considerations, the site will be accessed from the existing connection off Wooldale Drive.

1.2 Purpose of this Document

This Document presents a number of key issues relating to Site HA 21 alongside the associated objections to the inclusion of Site HA 21 as an allocated site for new housing delivery.

To present this information, this Document contains the following Sections:

- **Section 1:** This brief introduction.
- **Section 2:** A summary of the planning history of Site HA 21.
- **Section 3:** A summary of the previous assessments of Site HA 21.
- **Section 4:** A summary of the conflicts with other relevant policies of the draft Local Plan.

For ease of reference, supporting information is provided in the Appendices.

2 PLANNING HISTORY OF SITE HA 21

2.1 Overview

This Section sets out the previous planning history of Site HA 21. Relevant supporting information is provided in Appendix A.

2.2 Refusal of Outline Application for Residential Development on Site HA 21

An “outline application for residential development to the north of Church Cliff Drive (part O.S. 7640), Filey” was previously submitted by Messrs. Taylor Megginson Estates on 29 August 1990 to Scarborough Borough Council.

Having considered this outline application, under Decision Number 4/3/674/PA, Scarborough Borough Council refused permission for the proposed development. The associated reasons for the refusal were that:

- 1) The proposal would be located outside the development limits of Filey (i.e. “*is contrary to Policy E.1 of the draft Filey Local Plan*”);
- 2) The proposal would contribute to an over-provision of housing (i.e. “*is contrary to Policy H.1 in the draft Filey Local Plan*”); and,
- 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*” (i.e. “*is contrary to Policy L.10 in the draft Filey Local Plan*”).

Messrs. Taylor Megginson Estates submitted an appeal against this refusal to the Planning Inspectorate.

Having considered the appeal, under Reference Number T/APP/H2733/A/91/180817/P8, the Planning Inspectorate agreed with the decision of Scarborough Borough Council and the appeal was dismissed. In agreeing with the decision of Scarborough Borough Council, the Planning Inspectorate noted the following points:

- “*I am of the opinion that the main issue in this appeal is the effect of the proposed development upon the Filey Country Park*”;
- “*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*”;
- “*It is my opinion that if the appeal site were developed, and even if the buildings were restricted to a single storey [...] they would visually intrude into the Filey Country Park. I am sure this would diminish its rural character which is so attractive to visitors*”;
- “*I consider that your client’s 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*”; and,
- “*The interests of permanent residents and holidaymakers may not always coincide. This I can see an advantage to both parties in maintaining a physical separation between the Filey Country Park and the urban area*”.

2.3 Summary

It is clear from the above information that Site HA 21 has previously been considered as a site for new housing delivery. However, both Scarborough Borough Council and the Planning Inspectorate have determined that the site is not appropriate for housing development.

Furthermore, in the interim it is not considered that there have been any material changes to the site in terms of its environs (and thus suitability for development). Indeed, the Planning Inspectorate noted that:

“*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 site 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.

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".

Therefore, it is considered that the reasons for refusal of an application for planning permission would also be applicable if an application were made today or, indeed, in the future.

3 PREVIOUS ASSESSMENTS OF SITE HA 21

3.1 Introduction

This Section examines the previous assessments of Site HA 21, and also the associated interpretation of those assessments.

3.2 Description of the Assessment Methodology

The 'Housing Land Selection Methodology and Assessment Background Paper' (May 2014) notes that the: *"methodology is used to provide the foundation from which the assessment and comparing of sites will take place in preparation for identification of land that will be allocated for housing in the Local Plan. Each site will be assessed in detail in order to establish the constraints, delivery potential and how it accords with the settlement hierarchy"*.

Furthermore: *"the methodology proposes a 3 stage assessment of potential housing sites as follows:*

- *Stage A: Conformity with Settlement Strategy and determination of Major Constraints;*
- *Stage B: First Route Scoring: A preliminary test of the suitability of the site in achieving sustainable goals; and,*
- *Stage C: Detailed Site Implications: A test of the deliverability of a site including the identification of constraining factors that may prevent the feasibility or economic viability of development, and the capability of existing or required infrastructure to incorporate such development"*.

It is also noted that: *"where any constraint or issue may be deemed significant enough to render a site undevelopable, the site could be dismissed at any stage during the process"*.

Under the Section titled 'Explanation of Site Assessment Methodology', it is also noted that: *"the robust and responsive requirement for this assessment provides scope for ensuring each proposed site is tested in terms of its suitability for development, is deliverable and economically viable for developers and is economically, socially and environmentally sustainable"*.

3.3 Examination of the Previous Assessments of Site HA 21

The previous assessments of Site HA 21 are available in the following documents:

- 'Draft Housing Allocations DPD (Preferred Options): Supporting Information – Site Assessments'² (November 2009) (hereafter, Assessment A); and,
- 'The Housing Land Assessment – Appendix C'³ (May 2014) (hereafter, Assessment B).

The relevant extracts from these documents are provided in Appendix B. However, it should be noted that the above list of documents may not exhaustive and has been based on a high level internet search.

3.3.1 Assessment under Stage A: Conformity with Settlement Strategy and determination of Major Constraints

Question 3: Is the site within the prescribed distance of any national or international site of biodiversity of geological value (e.g. SAC, SPA, RAMSAR, SSSI, National Nature Reserve), and if Yes, would the development have a negative impact on the associated area of protection?

Assessment A noted "No". However, Assessment B noted "Yes" and that *"the site lies within 5 km of the Flamborough Head SAC and SPA, and the Flamborough and Filey Coast pSPA. However it is of such a scale and that it would only have a negligible impact on these protected habitat designations"*.

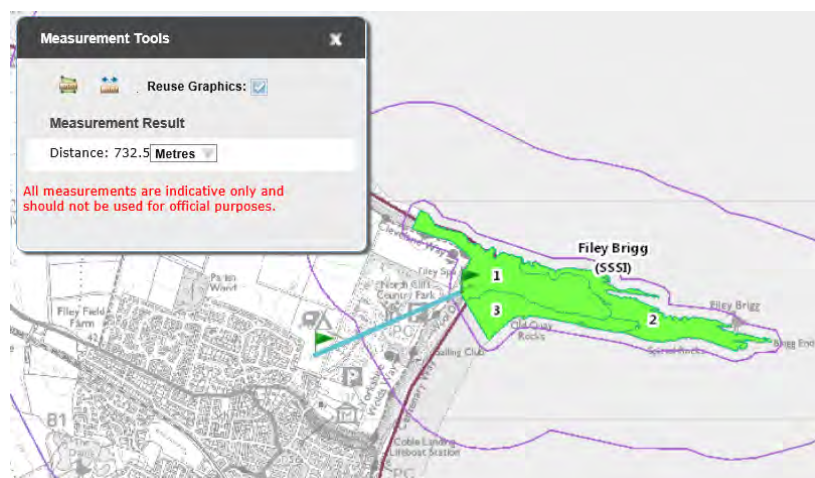
Therefore, this is an inconsistency between the two assessments of Site HA 21.

² Available at: <http://www.scarborough.gov.uk/pdf/draft-housing-allocations-DPD-site-assessments-web.pdf>

³ Available at: <http://scarborough.objective.co.uk/portal/planning/lp/dlp2014?tab=files>

Furthermore, information taken from www.magic.gov.uk notes that Site HA 21 is located less than 750 m from Filey Brigg SSSI. Figure 2 shows the location of Filey Brigg SSSI.

FIGURE 2: LOCATION OF FILEY BRIGG SSSI



Filey Brigg SSSI was designated in 1985⁴ for both ornithological and geological interest. Indeed, the information from Natural England notes that: *"this is a new site identified as of national importance in the Geological Conservation Review"*. However, despite its earlier designation and the requirements of Question 3, Filey Brigg SSSI has not been considered in either Assessment A or Assessment B.

This is an error in the assessment of Site HA 21.

In terms of potential impacts, the 'Housing Land Selection Methodology and Assessment Background Paper' (May 2014) notes (in terms of assessment of internationally designated sites) that these include: *"increased recreational pressure, particularly if the site is within 5 km of a protection designation area. This includes walking / trampling which causes soil compaction and erosion. Walkers with dogs contribute to pressure on sites through nutrient enrichment via dog fouling and also have potential to cause greater disturbance"*. This potential impact is also considered to be relevant to the assessment of nationally designated sites.

Therefore, without proper consideration of Filey Brigg SSSI, including establishing the value of the existing ornithological and geological features, it is deemed highly inappropriate that a conclusion can be drawn on the significance of any potential impact (or indeed the success of any associated mitigation measures).

Question 4: Does the site lie within an area considered to be unsuitable due to its position within a flood risk zone?

Both Assessment A and Assessment B state "No".

However, there is a considerable amount of existing information relating to flood risk both on Site HA 21 and in the surrounding area that needs further consideration. Indeed, the latest Strategic Flood Risk Assessment⁵ (SFRA) shows that Filey lies in an area at risk of groundwater and surface water flooding (Filey lies in Zone B: Burniston to Filey). This is shown in the Figures provided in Appendix C. Furthermore, based on this allocation, the latest SFRA also shows that Filey lies in a Critical Drainage Area. This is also shown on the Figures provided in Appendix C.

Critical Drainage Areas occur in a number of locations across the latest SFRA Study Area where: *"an increase in the volume or rate of run-off from a site may increase the degree of flood risk elsewhere in the catchment. Such areas will be sensitive to the drainage system implemented"*

⁴ The reasons for the designation are given in: http://www.sssi.naturalengland.org.uk/citation/citation_photo/1002497.pdf

⁵ Available at: <http://www.ryedaleplan.org.uk/other-documents/evidence-base/127-north-east-yorkshire-strategic-flood-risk-assessment-updat-2010>

within a particular development site, as the drainage system design will determine site run-of rates". It does not appear that the assessment has given any consideration to the location of Site HA 21 within a Critical Drainage Area.

Therefore, without proper consideration of the requirements of the Critical Drainage Area, it is deemed highly inappropriate that a conclusion can be drawn on the significance of any potential impact (or indeed the success of any associated mitigation measures).

Furthermore, evidence collected from the proposed location of Site HA 21 is also included in Appendix C. This evidence comprises photographs taken at the site over a number of years. It does not appear that the assessment has given any consideration to the existing situation, and the potential for the existing problems due to flood risk to be exacerbated by the use of Site HA 2 for new housing development.

Therefore, without proper consideration of the current situation, it is deemed highly inappropriate that a conclusion can be drawn on the significance of any potential impact (or indeed the success of any associated mitigation measures).

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? If Yes, the site is dismissed and if, as a result of amending the site boundaries, a site can no longer yield 10 dwellings or more, it will be dismissed.

Based on the above, it is clear that the assessment of Site HA 21 under Stage A is not correct and it is not possible to determine whether or not Site HA 21 can pass the necessary criteria to proceed to assessment under Stages B and C.

The remainder of the discussion in this Section is provided for completeness. However, it is considered extremely likely that, upon re-assessment, Site HA 21 would not pass the necessary criteria to proceed to assessment under Stages B and C.

3.3.2 Assessment under Stage B: First Round Screening

N / A

3.3.3 Assessment under Stage C: Detailed Site Implications

Question 11: Would the development of the proposed site affect a regional or local site of biodiversity or geological value or affect any protected species / habitats?

Both Assessment A and Assessment B provide a score of 1, which is noted to be *"no negative impact on existing features or where mitigation would allow appropriate development with no impact on biodiversity"*.

However, it would seem that this score is provided on an incorrect basis, as the assessment have not considered that Site HA 21 is located less than 750 m from Filey Brigg SSSI which was designated in 1985 for both ornithological and geological interest. Indeed, the information from Natural England notes that: *"this is a new site identified as of national importance in the Geological Conservation Review"*.

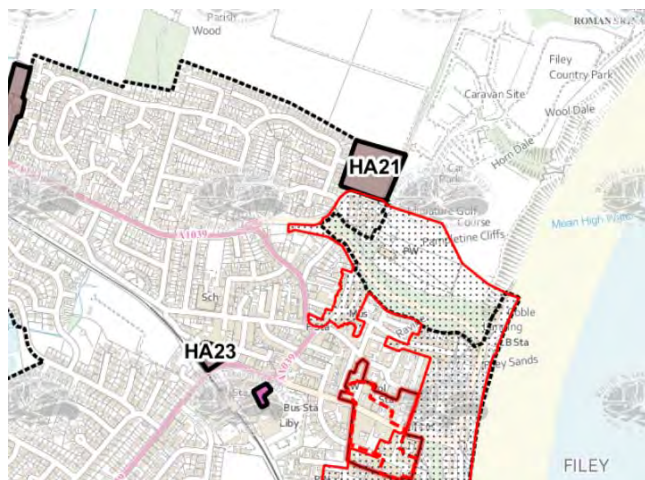
Therefore, without proper assessment of this site, including establishing the value of the existing ornithological and geological features, it is deemed highly inappropriate that a conclusion can be drawn on the significance of any potential impact (or indeed the success of any associated mitigation measures).

Question 13: Would the proposed development affect the historic environment including the setting of an historic asset?

Both Assessment A and Assessment B provide a score of 1, which is noted to be *"Development unlikely to impact on historic environment. There would be no impact or mitigation would allow*

features to be retained". However, Site HA 21 adjoins the boundary of Filey Conservation Area. Figure 3 shows the location of Filey Conservation Area⁶ (dotted area outlined in red).

FIGURE 3: LOCATION OF FILEY CONSERVATION AREA



Under the provisions of the Planning (Listed Building and Conservation Areas) Act 1990, the Council has a statutory duty to pay "special attention" to "the desirability of preserving or enhancing the character or appearance" of its Conservation Areas.

However, as noted in a response to the draft Local Plan by Ian Smith (English Heritage, Yorkshire and the Humber Region), "there appears to be no evidence of any assessment being undertaken of the potential impact which the development of this area might have upon the setting of the Conservation Area". Furthermore, "in order to demonstrate that the allocation of [Site HA 21] is not incompatible with the statutory duty placed upon the Council [...], as part of the Evidence Base underpinning the [draft Local] Plan there needs to be an assessment of what contribution this currently undeveloped area makes to those elements which contribute to the significance of the Conservation Area, and what effect the loss of this site and its subsequent development might have upon those significances".

Continuing, Ian Smith concludes that "before allocating Site HA 21 for development:

- 1) An assessment needs to be undertaken of the contribution which this site makes to the elements which contribute towards the significance of the Filey Conservation Area and what impact the loss of this site and its subsequent development might have upon those significances.
- 2) If it is considered that the development of this site would harm elements which contribute to the significance of the Conservation Area, then the [draft Local] Plan needs to set out how that harm might be removed or reduced. If necessary, this needs to be included as a Criterion in the Housing Allocation Statement.

⁶ Available at: http://maps.scarborough.gov.uk/rmx4-webapp/RMX/public-map.htm?X=504278.0&Y=488678.0&ZOOM=2&LAYERS=Amusement_Arcades,Cinder_Track,Committed_Employment_Site,Committed_Housing_Sites,ConAreasAll,Development_Limits,District_Centre_Boundary,Employment_Allocations,HC10_Former_Rugby_Club_Site,HC11_Site_of_Former_Gas_Showroom,Housing_Allocations,Open_Space_Allocations,Primary_Shopping_Area,Proposed_New_Road,Protected_Land_for_Employment_Use,Regeneration_Sites,SBC_Boundary,Sports_Facility_Allocations,Strategic_Growth_Area,Town_Centre_Boundary&LAYERS-VISIBLE=Amusement_Arcades,Cinder_Track,Committed_Employment_Site,Committed_Housing_Sites,Development_Limits,District_Centre_Boundary,Employment_Allocations,HC10_Former_Rugby_Club_Site,HC11_Site_of_Former_Gas_Showroom,Housing_Allocations,Open_Space_Allocations,Primary_Shopping_Area,Proposed_New_Road,Protected_Land_for_Employment_Use,Regeneration_Sites,Sports_Facility_Allocations,Strategic_Growth_Area,Town_Centre_Boundary&ERRORS=true&TOOLBAR=search&LEGEND=true&TABS=layers

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- 3) *If at the end of the process, it is concluded that the development would still be likely to harm elements which contribute to the significance of the Conservation Area yet it is still considered appropriate to allocate the site, then the plan needs to set out what public benefits the development would provide and how these outweigh that harm (as required by NPPF, paragraph 133 / 134)".*

Therefore, without proper assessment of the development within the context of the Filey Conservation Area, it is deemed highly inappropriate that a conclusion can be drawn on the significance of any potential impact (or indeed the success of any associated mitigation measures).

Question 15: What is the impact on the landscape and does the landscape of the site have the ability to satisfactorily accommodate development?

Both Assessment A and Assessment B provide a score of 1, which is noted to be *"Site can be developed without significantly impacting on the landscape"*. In addition, Assessment A notes that the *"site is raised up toward the rear although still of little real landscape value. Site [is] relatively hidden from main urban fabric of Filey and would do little to detract from its setting"*.

However, this does not appear to be backed up by any evidence / assessment of the existing baseline landscape character (i.e. the quality and value of the existing landscape) or any associated assessment on the sensitivity of this landscape character (i.e. the ability of the landscape to accommodate change).

In addition, as per the comments made on Question 13 above (i.e. the setting of an historic asset), there is no evidence of any assessment of the potential impact that the development of Site HA 21 would have on the setting of the Filey Conservation Area

Therefore, without proper assessment of the existing baseline landscape character and sensitivity (including consideration the context of the Filey Conservation Area) it is deemed highly inappropriate that a conclusion can be drawn on the significance of any potential impact (or indeed the success of any associated mitigation measures).

Question 16: Is the proposal within an area of flooding? [Noting that: "sites deemed at a high risk of flood are likely to have been dismissed at Stage 1 of the Assessment Process].

Both Assessment A and Assessment B provide a score of 3, which is noted to be *"low probability of flooding. Development is appropriate"*.

As noted previously, there is a considerable amount of existing information relating to flood risk both on Site HA 21 and in the surrounding area that needs further consideration.

Therefore, without proper consideration of the requirements of the Critical Drainage Area and of the current situation, it is deemed highly inappropriate that a conclusion can be drawn on the significance of any potential impact (or indeed the success of any associated mitigation measures).

Question 21: What is the capacity of existing utilities (Water, Sewage, etc) to cope with the development?

Both Assessment A and Assessment B provide a score of 2, which is noted to be *"sufficient capacity or constraints can be overcome through, for example, planned growth of housing with investment from utilities provider. Housing development may have to be delayed until the installation of relevant services"*. In addition, Assessment A notes that there are *"significant waste water treatment works capacity constraints associated with Filey. However, individually the number of dwellings associated with this development would not push the [Waste Water Treatment Works] over capacity. The cumulative impact and any restrictions on total development in Filey will have to be considered separately"*.

However, this is in direct conflict a response to the Housing Allocations Development Plan Document (DPD) – Preferred Options⁷ by Matthew Gibson (Yorkshire Water Services Limited (Land, Property and Planning)) who noted that whilst *"there is adequate capacity in the public foul sewer network to take foul water flows equal to the existing discharge rate from the proposal site, [...] the local public sewer network may not have capacity to accept any additional discharge of surface water from the proposed site"*.

Therefore, it is not clear that a conclusion can be drawn that the *"number of dwellings associated with this development would not push the [Waste Water Treatment Works] over capacity"*.

Question 23: Is the highway network (local) able to safely and efficiently cope with this development?

Both Assessment A and Assessment B provide a score of 2, which is noted to be *"sufficient capacity or constraints can be overcome through, for example, planned growth of housing in line with infrastructure improvements"*. In addition, both assessments note that *"access [is] available from both Wooldale Drive and Church Cliff Drive with no impact on [the] local network"*.

However, this statement does not seem to have been carried through for input in the draft Local Plan, which (as noted in Section 1) states that: *"the site will be accessed from the existing connection off Wooldale Drive"*.

Therefore, it is not clear why there is an inconsistency in the interpretation of Assessment A and Assessment B, and why a conclusion has been drawn that access should now be restricted to Wooldale Drive only.

Question 24: Would the development of the site be compatible with adjoining land uses (now or in the future) or are there any conflicts / amenity issues?

Both Assessment A and Assessment B provide a score of 2, which is noted to be *"with mitigation, development would be compatible"*. In addition, Assessment A notes that the *"development could be integrated with existing dwellings to the west [and] caravan park adjacent to the east. However, this is screened by vegetation and could be compatible"*.

This is in direct conflict with both the conclusions of Scarborough Borough Council and the Planning Inspectorate on a previous outline application for residential development on Site HA 21. These conclusions have been summarised in Section 2. In addition, as noted above, there has been no proper assessment of Site HA 21, in particular with respect to: Filey Brigg SSSI; the adjacent Conservation Area; the surrounding landscape character and sensitivity; and, the existing situation with regards to flooding and drainage.

Furthermore, as noted in a response to the Housing Allocations Development Plan Document (DPD) – Preferred Options⁸ by Matthew Gibson (Yorkshire Water Services Limited (Land, Property and Planning)) *"there is sewerage infrastructure crossing the site [and, therefore] stand off distances for each sewer will apply and so affect the layout of future development"*. Also, as noted in a response to the draft Local Plan by Stephanie Waldon (Yorkshire Water) *"there are two 350mm rising mains laid within the site boundary and their presence must be taken into account in any future site layout (it may not be possible to divert them). Failure to protect the mains or prevent YW from being able to properly repair and maintain them, could jeopardise the public sewer network"*.

Moreover, absolutely no consideration has been given to the existing residents of the surrounding area, in particular those on Wooldale drive which are adjacent to the western boundary of Site HA 21.

⁷ Available at:

http://scarborough.objective.co.uk/portal/planning/hadpd/housing_allocations?pointId=1251465064929#section-1251465064929

⁸ Available at:

http://scarborough.objective.co.uk/portal/planning/hadpd/housing_allocations?pointId=1251465064929#section-1251465064929

Therefore, without a full understanding of the current situation and the associated restrictions on the final site size and available area for development / layout restrictions, it is clearly highly inappropriate to draw a conclusion that the "*development would be compatible*", particularly when the opposite conclusion has been drawn in the past. Indeed, without any understanding of the current situation no conclusion can be drawn on the significance of any potential impact (or indeed the success of any associated mitigation measures).

3.4 Interpretation of Previous Assessments of Site HA 21

Interpretations of the previous assessments are available in the following documents:

- 'Housing Allocations Development Plan Document (DPD) – Preferred Options'⁹ (January, 2010) (hereafter, Interpretation A); and,
- 'The Strategic Housing and Employment Land Availability Assessment (SHELAA)',¹⁰ (March, 2014) (hereafter, Interpretation B).

The relevant extracts from these documents are provided in Appendix D. However, as before, it should be noted that this list of documents is not exhaustive and has been based on a high level internet search.

It is understood that Interpretation A (taken as a conclusion from Assessment A) and Interpretation B (taken as a conclusion from Assessment B) have been used as the basis for the proposed inclusion of Site HA 21 as an allocated site under Policy HC 2 of the draft Local Plan for new housing delivery.

However, these interpretations are not consistent.

The most obvious inconsistency is the conclusion regarding the estimated yield of houses which may be placed on Site HA 21. Whilst Interpretation A (the earlier interpretation) notes that the estimated yield is "*34 dwellings*", Interpretation B (the later interpretation) notes that the estimated yield is "*53 dwellings*".

This represents an increase of over 50% of the yield, all without any obvious or significant difference between Assessment A and Assessment B (indeed, the assessment is exactly the same, giving the same scores).

3.5 Summary

Based on the information contained within this Section on the previous assessments and associated interpretations of Site HA 21, it is obvious that re-assessment is required.

It is considered extremely likely that, upon re-assessment, Site HA 21 would not pass the necessary criteria to pass Stage A of the assessment, and therefore proceed to assessment under Stages B and C.

It is also clear from the information contained in this Section that there is a need for transparent and consistent assessment of Site HA 21 which is based on a full understanding of the current situation. Indeed, the above serves to demonstrate and highlight the somewhat careless approach to the previous assessment of Site HA 21.

It is considered that until this re-assessment has taken place it is not appropriate to include Site HA 21 as an allocated site under Policy HC 2 of the draft Local Plan as the re-assessment may deem it to be an inappropriate site for new housing development.

⁹ Available at:

http://scarborough.objective.co.uk/portal/planning/hadpd/housing_allocations?pointId=255829#document-255829

¹⁰ Available at: <http://www.scarborough.gov.uk/pdf/Final%20SHELAA%20Assessments%202013.pdf>

4 SUMMARY OF CONFLICTS WITH OTHER RELEVANT POLICIES OF THE DRAFT LOCAL PLAN

4.1 Introduction

This Section summaries the conflict of the use of Site HA 21 with other relevant policies of the draft Local Plan. The full text of the policies discussed is provided in Appendix E.

4.2 Policy DEC 2: The Efficient Use of Land and Buildings

Under proposed Policy DEC 2 it is stated that: *"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"*.

As noted previously in Section 2, both the Scarborough Borough Council and the Planning Inspectorate have deemed that the use of Site HA 21 for residential development would not be in keeping with the character of the local area. Indeed, the Planning Inspectorate has stated that: *"if the [...] site were developed, and even if the buildings were restricted to a single storey [...] they would visually intrude into the Filey County Park. I am sure this would diminish its rural character which is so attractive to visitors"*.

Furthermore, as noted previously in Section 3, there is a lack of consideration which has been given to the current situation and the associated restrictions on the final site size and available area for development / layout restrictions. Indeed, and as a result of this lack of consideration, there is no firm conclusion on the estimated yield of houses which could be placed on Site HA 21. It is considered that the proposed density of development, understood to be 30 houses per hectare, would not be in keeping with the current local context, yet this factor has not been taken into consideration.

Therefore, it is considered that use of Site HA 21 for residential development would be in conflict with this proposed policy.

4.3 Policy DEC 3: Protection of Amenity

Under proposed Policy DEC 3 it is stated that: *"all development 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:*

- *Overbearing impact;*
- *Overlooking and loss of privacy;*
- *Disturbance arising from such things as noise, light pollution and other activities;*
- *Emissions including smells and other pollutants;*
- *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".

As noted previously in Section 3, there is a lack of consideration which has been given to the current situation and, indeed, absolutely no consideration has been given to the existing residents of the surrounding area, in particular those on Wooldale Drive which are adjacent to the western boundary of Site HA 21.

Therefore, it is considered that use of Site HA 21 for residential development would be in conflict with this proposed policy.

4.4 Policy DEC 4: The Historic and Built Environment

Under proposed Policy DEC 4 it is stated that: *"proposals affecting a Conservation Area should preserve or enhance its character or appearance, especially those elements identified in any Conservation Area Appraisal"*.

As noted previously in Section 3, Site HA 21 adjoins the boundary of Filey Conservation Area. Under the provisions of the Planning (Listed Building and Conservation Areas) Act 1990, the Council has a statutory duty to pay "*special attention*" to "*the desirability of preserving or enhancing the character or appearance*" of its Conservation Areas.

However, as noted in a response to the draft Local Plan by Ian Smith (English Heritage, Yorkshire and the Humber Region), "*there appears to be no evidence of any assessment being undertaken of the potential impact which the development of this area might have upon the setting of the Conservation Area*".

Therefore, it is considered that use of Site HA 21 for residential development would be in conflict with this proposed policy.

4.5 Policy HC 1: Supporting Housing Development

Under proposed Policy HC 1, it is stated that new opportunities for housing development will be encouraged "*where proposals are compatible with other policies in the Local Plan*".

As per the information provided in this Document, it is considered that use of Site HA 21 for residential development would be in conflict other policies in the Local Plan. Therefore the use of Site HA 21 for residential development would also be in conflict with this proposed policy.

4.6 Policy ENV 2: Environmental Risk

Under proposed Policy ENV 2 it is stated that: "*proposals will be expected to respond to the implications of environmental risk and the effects of climate change*". This will be achieved by (amongst other actions): "*avoiding development in high flood risk areas by following a sequential approach in giving priority to lowest risk areas as identified by the North-East Yorkshire Strategic Flood Risk Assessment or any subsequent update or replacement*".

As noted previously in Section 3, there is a considerable amount of existing information relating to flood risk both on Site HA 21 and in the surrounding area that needs further consideration.

Therefore, it is considered that use of Site HA 21 for residential development may be in conflict with this proposed policy.

4.7 Policy ENV 4: The Natural Environment

Under proposed Policy ENV 4 it is stated that proposals should ensure that: "*development does not result in an unacceptable impact on any locally, nationally or internationally designated sites unless the impact can be outweighed by a greater benefit as commensurate to the designation*".

As noted previously in Section 3, Site HA 21 is located less than 750 m from Filey Brigg SSSI. This site was designated in 1985 for both ornithological and geological interest. Indeed, the information from Natural England notes that: "*this is a new site identified as of national importance in the Geological Conservation Review*". However, despite its earlier designation and the previous assessment of Site HA 21, the potential impacts on Filey Brigg SSSI have not been fully considered.

Therefore, it is considered that use of Site HA 21 for residential development may be in conflict with this proposed policy.

4.8 Policy ENV 5: Development Affecting the Countryside

Under proposed Policy ENV 5 it is stated that: "*the character of the open countryside will be protected, maintained and where possible enhanced. Outside the defined development limits, new developments will be limited to those for which a countryside location is essential*".

As noted previously in Section 2, both the Scarborough Borough Council and the Planning Inspectorate have deemed that the use of Site HA 21 for residential development would be outside the defined development limits. Indeed, this was one of the key reasons for the refusal of permission of the proposed development.

Furthermore, as shown in Appendix C, Interpretation B states, under other constraints, that the "*site is located outside Development Limits*". Figure 4, extracted from the existing Local Plan Proposals Map from 1999, shows the existing defined development limits (the orange dashed line,

shown to run to the south and west of Site HA 21). Figure 4 clearly indicates that Site HA 21 is not included within the existing defined development limits.

FIGURE 4: LOCATION OF EXISTING DEFINED DEVELOPMENT LIMITS

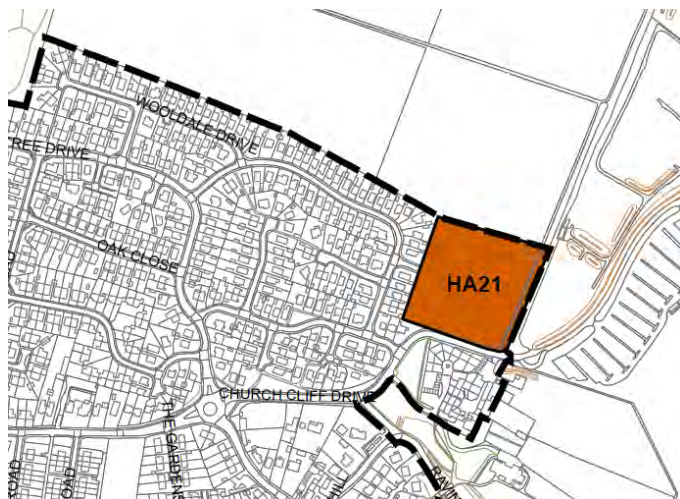


Defined development limits enable a different approach to be taken between the towns / villages and the countryside. Therefore, in planning terms, the defined development limits provide a clear distinction between those parts of the settlement where development is acceptable, in principle, and those parts of the settlement which should be treated as open countryside where development should be restricted. Through reducing the outward expansion into the countryside, development limits help to retain the character of the area and assist in more sustainable development.

In terms of the existing defined development limits, as noted in Section 2, it has been determined that Site HA 21: *"performs a valuable role in providing physical and visual separation of the Country Park from the urban area of Filey"*. Therefore, this is a key reason why the existing defined development limits do not include Site HA 21.

However, Figure 5, extracted from the draft Local Plan Proposals Map, shows re-defined development limits specifically to include Site HA 21.

FIGURE 5: PROPOSED LOCATION OF RE-DEFINED DEVELOPMENT LIMITS



This re-definition of the defined development limits is particularly alarming, especially when there is no reference to any assessment which has been undertaken to confirm whether the re-definition is appropriate. Indeed, this re-definition is in complete conflict to the previous position of both

Scarborough Borough Council and the Planning Inspectorate on Site HA 21 which reinforced its position outside the defined development limits.

Indeed, if this re-definition has been based on the previous assessment and associated interpretations of Site HA 21 it is previously been concluded that this is significantly flawed, and is full of inconsistencies and errors.

Therefore, it is considered that use of Site HA 21 for residential development would be in conflict with this proposed policy, and also the associated re-definition of the development limits needs further transparent and consistent assessment.

APPENDIX A

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

Scarborough Borough Council

Department of Legal and Valuation Services

Town Hall
St. Nicholas Street
Scarborough
YO11 2HG

Telephone: (0723) 372351 Fax: (0723) 354979

Director of Legal and
Valuation Services:
P.J. Barton, LL.B.
Solicitor



If calling, please ask for Mr. J.C. Ashwell
All correspondence to be addressed to the Director

Your Ref:
Our Ref:

JCA/IMS/16/11/292

24th April 1991

Dear Sir/Madam,

Planning Appeal Land North of Church Cliff Drive, Filey

Messrs. Taylor Megginson Estates have appealed to the Secretary of State for the Environment against the refusal, by the Borough Council, of their application for outline planning permission in respect of residential development on part of O.S. Field 7640 which is located to the north of Church Cliff Drive, Filey.

Enclosed is a copy of decision 4/3/674/PA specifying the reasons for which the application was refused.

A fuller statement of the Council's case is being prepared and will be available for inspection, shortly, in the Planning Section of the Technical Services Department, Town Hall, St. Nicholas Street, Scarborough, where a statement of the grounds on which the Company base their Appeal is already on deposit. If you wish to see it, please arrange an appointment by telephoning Scarborough 372351, extension 2486 or 2489 and quoting the reference 4/3/674/PA.

Both the Council and the Company have agreed that the appeal should be dealt with by the written procedure i.e. an exchange of written statements, in conjunction with a site visit by the Inspector. Consequently, there will be no local inquiry at which persons affected by the proposal may express their views. However, as an interested third party, you are hereby notified of the appeal and of your right to object or to comment in writing. **Any letter that you decide to send must be submitted, with two additional copies, so as to reach Mr. S. Slade, Room 1015, Department of the Environment, Tollgate House, Houlton Street, Bristol, BS2 9DJ, no later than the 17th May 1991 and must quote the reference APP/H2733/A/91/180817.** Letters can be taken into account only if they are made available to both sides in the Appeal. Copies will, therefore, be sent, by the Department of the Environment, to both the Company and the Council. You should not, incidentally, delay the submission of any letter of your own if it should turn out that the Council's statement is not available for inspection before the 17th May 1991.

Unless it was expressly confidential, any letter that you may have sent to the Council at the time of the original application for outline planning permission will be forwarded to the Department, copied to the Company and taken into account by the Inspector in deciding the appeal. Should you wish to withdraw or to modify any comment that you have previously made, please communicate direct with Mr. Slade at the address previously given before the 17th May 1991.

After considering the evidence presented to him, it will be open to the Inspector to grant outline planning permission if he sees fit. His decision will be sent only to those who specifically ask in their letters to be notified.

Please note that this will be your last opportunity to object or to comment on the appeal proposals. If you need any further guidance, please contact Mr. Ashwell of the Chief Executive's Department at the Town Hall, Scarborough, (Telephone 372351 - Extension 2145).

Yours faithfully,

Director of Legal and Valuation Services

To: All persons likely to have an interest in the outcome of the above Appeal



Planning Inspectorate

Department of the Environment

Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct Line 0272-218927

Switchboard 0272-218811

GTN 1374

T1146/GSE

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.

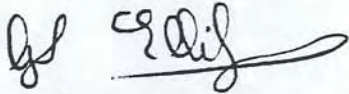


6. In the Grounds of Appeal you say that the backs of the properties fronting Wooldale Drive only serve to display a very distinct, stark urban appearance. Your clients contend that this impression could be offset by allowing development of the appeal site, which would enable the visual amenities of 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

A handwritten signature in dark ink, appearing to read 'G S Elliff', with a long, sweeping horizontal flourish extending to the right.

G S Elliff MSc CEng MICE MCIT MIHT
Inspector

APPENDIX B

Site Assessment 03/06

Site Ref:	03/06		
Area (ha):	1.76 ha		
Parish:	Filey		
Address:	Land at Church Cliff Drive, opposite Church Cliff Farm		
Map:	Site 03/06; Map 4 – Filey		
Score:	Stage A: Passed	Stage B: 7	Stage C: 25
Concluding Comments:	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.		
Estimated Yield:	34 dwellings.		

Prior to Stage A, all sites that cannot accommodate 10 or more dwellings will be dismissed from the formal allocation process in the Housing Allocations DPD but will be considered to determine if the development limits can be amended to allow small scale housing or be suitable for an exceptions site.

Stage A: Conformity with Settlement Strategy and Major Constraints

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

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

If Yes, proceed to Question 2.

If No, site is dismissed.

Question 2) Is the site of an appropriate scale/size that reflects the housing distribution as defined in settlement hierarchy within Core Strategy? 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 distribution strategy?
~~YES~~ / ~~NO~~ / N/A

If Yes, proceed to Question 3.

If No, site is dismissed.

A(ii) Major Constraints (Environmental and Historic)

Question 3) Would the development of the site have a negative effect (direct or indirect) on any national or international site of biodiversity or geological value; e.g. RAMSAR, SSSI ?
~~YES~~ / NO

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

If No to all questions 3 to 6, proceed to Question 8

If Yes, proceed to Question 7

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
POINTS	1

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

This question, along with Question 10, relate to accessibility. With the use of Accession 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
To Retail / Leisure Centres (Scarborough, Whitby, Filey, Neighbourhood Centres and Service Villages)	6	4	2	1	0
To major employment centres (town centres or Business Parks)	6	4	2	1	0
To Primary Schooling	6	4	2	1	0
To Secondary Schooling	6	4	2	1	0
To GP Surgery	6	4	2	1	0
TOTAL	30				

Question 10) 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 and service centres	6	4	2	3	2	1
Major employment centres	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
TOTAL	41					

Total Scores from Questions 9 and 10	0-10 pts	0		
	11-20	1		
	21-30	2		
	31-40	3		
	41-50	4		
	51-60	5		
	> 61	6	Score:	6

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?

Positive Impact	Features retained, improved or successfully integrated into the development.	3 pts		
Neutral Impact	No negative impact on existing features or where mitigation would allow appropriate development with no impact on biodiversity.	1		
Adverse Impact	Some negative impacts that cannot be entirely mitigated against.	-2		
Significant Adverse Impacts	Features will not be retained. No mitigation measures overcome impacts or are possible.	-3		
Assessment / Comments	No impact on designated site.	Score	1	

Question 12) Trees and Hedgerows

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

Positive Impact	Trees and hedgerows retained, improved or successfully integrated into the development.	2
Neutral Impact	There would be no impact or mitigation would allow appropriate development.	1
Adverse Impact	Some negative impacts that cannot be entirely mitigated against.	-1

Significant Adverse Impacts	Trees and hedgerows destroyed or damaged. No mitigation measures overcome impacts or are possible.	-2	
Assessment / Comments	No significant vegetation on site although hedgerows screen site from adjacent Caravan Park. It would be likely these would be retained with development.	Score	1

Question 13) Historic Environment

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

Positive Impact	Opportunity for enhancement of features.	3	
Neutral Impact	Development unlikely to impact on historic environment. There would be no impact or mitigation would allow features to be retained.	1	
Adverse Impact	Proposal likely to adversely affect the historic environment. Features may be lost in part, although mitigation may prevent significant impact.	-2	
Significant Adverse Impacts	Significant adverse effect on the historic environment, with features lost and no possible mitigation.	-3	
Assessment / Comments	Church Cliff Farm is a listed building located to the south over Church Cliff Drive. Design could assist in ensuring the impact upon the building is insignificant.	Score	1

Question 14) Character of Built Area

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

Positive Impact	Development would enhance area through redevelopment or by bringing vacant and derelict buildings back into use.	3	
Neutral Impact	No or very little impact.	1	
Adverse Impact	Proposal likely to have slight adverse affect the character of the town or village. Some features may be lost in part, although mitigation may prevent significant impact.	-1	
Significant Adverse Impacts	Significant adverse effect on the built character of the town or village, with features lost and no possible mitigation.	-3	
Assessment / Comments	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.	Score	1

Question 15) Impact on the Landscape

What is the impact on landscape and does the landscape of the site have the ability to satisfactorily accommodate development?

High Capacity	The development of the site would not impact significantly on the landscape. Features will be retained or the existing landscape is poor.	3	
Mid Capacity	Site can be developed without significantly impacting on the landscape.	1	
No impact	Not relevant as site lies within an urban environment.	0	
Low Capacity	Partial features may be lost and there may be a negative impact on the landscape. Mitigation may lessen any impact but will not overcome all constraints.	-1	
Major negative impact on landscape	Development will likely have a significant negative impact on the landscape, features may be lost and mitigation will not satisfactorily overcome concerns.	-3	
Assessment / Comments	Site raised up toward the rear although still of little real landscape value. Site relatively hidden from main urban fabric of Filey and would do little to detract from its setting.	Score	1

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.

Zone 1	Low probability of flooding. Development is appropriate.	3	
Zone 2	Medium probability of flooding. Development is appropriate subject to any required mitigation.	1	
Assessment / Comments	Flood zone 1.	Score	3

Question 17) Agricultural land

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

No loss		2	
Loss of 0.1ha – 5ha		-1	
Loss of 5.1ha – 10ha		-2	
Loss of 10.1ha – 20ha		-3	
More than 20ha		-4	
Assessment / Comments	Grade 3	Score	2

Question 18) Water Supply and Groundwater Source Protection Zones

Would the development adversely affect a water supply?

No impact from development on water supply.		3	
Any impact from development could successfully be mitigated against.		2	
Site located within Protection Zone with no mitigation possible and serious risks of contamination.		Site to be dismissed	
Assessment / Comments	No impact on water supply	Score	3

Question 19) Mineral Resources

Would the development of the land impact on mineral resources?

Site does not affect any mineral resource or any preferred area of search identified in relevant Minerals and Waste Plans or LDF Documents.		2	
Site may affect an area of mineral resources or a potential preferred area of search, however, extraction could happen before development. Development may not be suitable immediately.		1	
Site lies within an identified area for mineral resources and no mitigation possible (i.e. pre-extraction).		-2	
Assessment / Comments	No impact on mineral resources	Score	2

Infrastructure

Question 20) School Capacity

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

Sufficient capacity or constraints can be overcome through, for example, s106. Refer to the NYCC investment plan.		2	
Insufficient capacity and constraints cannot be overcome.		-2	
Assessment / Comments	Sufficient school capacity.	Score	2

Question 21) Capacity of Utility Providers

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

Sufficient capacity or constraints can be overcome through, for example, planned growth of housing with investment from utilities provider. Housing development may have to be delayed until the installation of relevant infrastructure.		2	
Insufficient capacity and constraints cannot be overcome; i.e. levels of development do not warrant investment from Infrastructure providers to bring current facilities up to spec.		-2	
Assessment / Comments	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.	Score	2

Question 22) Impact on Strategic Highway Network

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

Development does not negatively impact on the safe and efficient operation of the network or infrastructure improvements to accommodate development are feasible and have a suitable identified funding sources and delivery plan.		2	
--	--	---	--

Insufficient capacity and constraints cannot be overcome.		-2	
Assessment / Comments	No impact on strategic highway network.	Score	2

Question 23) Impact on Local Highways Network

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

Sufficient capacity or constraints can be overcome through, for example, planned growth of housing in line with infrastructure improvements.		2	
Insufficient capacity and constraints cannot be overcome.		-2	
Assessment / Comments	Access available from both Wooldale Drive and Church Cliff Drive with no impact upon local network.	Score	2

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?

Yes	Development compatible.	2	
Yes	With mitigation, development would be compatible.	2	
No	Incompatible with adjoining uses and mitigation unlikely to be available.	-3	
Assessment / Comments	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.	Score	2

Question 25) Other Issues and Constraints

Are there any other constraints that affect the site?

No	No known constraints
No	Some constraints but mitigation possible
Yes	Constraints exist and mitigation unlikely.
Assessment / Comments	The site is in an area identified in the SFRA as being a Drainage Sensitive Area.

Availability and Deliverability

Question 26) Ownership

Are there any ownership constraints?

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

Question 27) Timescale for Development

Is the site likely to be developed within 15 years of the adoption of the Housing DPD?

Within 5 years	Site can be developed within first 5 years and any constraints can be overcome.
Beyond 5 years	Constraints exist but likely to be overcome and delivered within short-medium term.
Mid-to-late period and prior end of Housing Allocations DPD (2026)	Although constraints could be mitigated against it would be deemed unlikely in the short-medium period although still anticipated within LDF period.
Not likely to be developed prior to 2026	Constraints exist and mitigation unlikely before 2026. Not allocated but re-considered at a future date.

Overall Assessment of Deliverability

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

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.

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.

Estimated Yield	34 dwellings.
-----------------	---------------

Site Assessment

Housing Allocations Reference:	HA 21		
Site Ref:	03/06		
Area (ha):	1.7 ha		
Parish:	Filey		
Address:	Land at Church Cliff Drive, opposite Church Cliff Farm		
Score:	Stage A: Pass	Stage B: 1-71-3	Stage C: 25
Concluding Comments:	<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>		
Indicative Yield:	50 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.... The site lies within 5km of the Flamborough Head SAC and SPA, and the Flamborough and Filey Coast pSPA, however, it is of such a scale that it would only have a negligible impact on these protected habitat designations

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

*If No to all questions 3 to 6, proceed to Question 8
If Yes, proceed to Question 7*

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
POINTS	1

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 centres, service centres and neighbourhood centres.	6	4	2	1	0
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
TOTAL	32				

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
TOTAL	39					

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
Total	3		

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?

Assessment / Comments	No impact on designated site.	Score	1
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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?

Assessment / Comments	No significant vegetation on site although hedgerows screen site from adjacent Caravan Park. It would be likely these would be retained with development.	Score	1
------------------------------	--	--------------	----------

Question 13) Historic Environment

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

Assessment / Comments	Church Cliff Farm is a listed building located to the south over Church Cliff Drive. Design could assist in ensuring the impact upon the building is insignificant.	Score	1
------------------------------	--	--------------	----------

Question 14) Character of Built Area

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

Assessment / Comments	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.	Score	1
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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?

Assessment / Comments	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.	Score	1
------------------------------	--	--------------	----------

	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.		
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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.

Assessment / Comments	Flood zone 1.	Score	3
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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?

Assessment / Comments	Grade 3	Score	2
------------------------------	----------------	--------------	----------

Question 18) Water Supply and Source Protection Zones

Would the development adversely affect a water supply?

Assessment / Comments	No impact on water supply	Score	3
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Question 19) Mineral Resources

Would the development of the land impact on mineral resources?

Assessment / Comments	No impact on mineral resources	Score	2
------------------------------	---------------------------------------	--------------	----------

Infrastructure

Question 20) School Capacity

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

Assessment / Comments	Sufficient school capacity.	Score	2
------------------------------	------------------------------------	--------------	----------

Question 21) Capacity of Utility Providers

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

Assessment / Comments	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	Score	2
------------------------------	--	--------------	----------

	cumulative impact and any restrictions on total development in Filey will have to be considered separately.		
--	--	--	--

Question 22) Impact on Strategic Highway Network

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

Assessment / Comments	No impact on strategic highway network.	Score	2
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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?

Assessment / Comments	Access available from both Wooldale Drive and Church Cliff Drive with no impact upon local network.	Score	2
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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?

Assessment / Comments	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.	Score	2
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Question 25) Other Issues and Constraints

Are there any other constraints that affect the site?

Assessment / Comments	The site is in an area identified in the SFRA as being a Drainage Sensitive Area.
------------------------------	--

Availability and Deliverability

Question 26) Ownership

Are there any ownership constraints?

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

Question 27) Timescale for Development

Is the site likely to be developed within the Local Plan period up to 2030?

Within 5 years	Site can be developed within first 5 years and any constraints can be overcome.
-----------------------	--

Overall Assessment of Deliverability

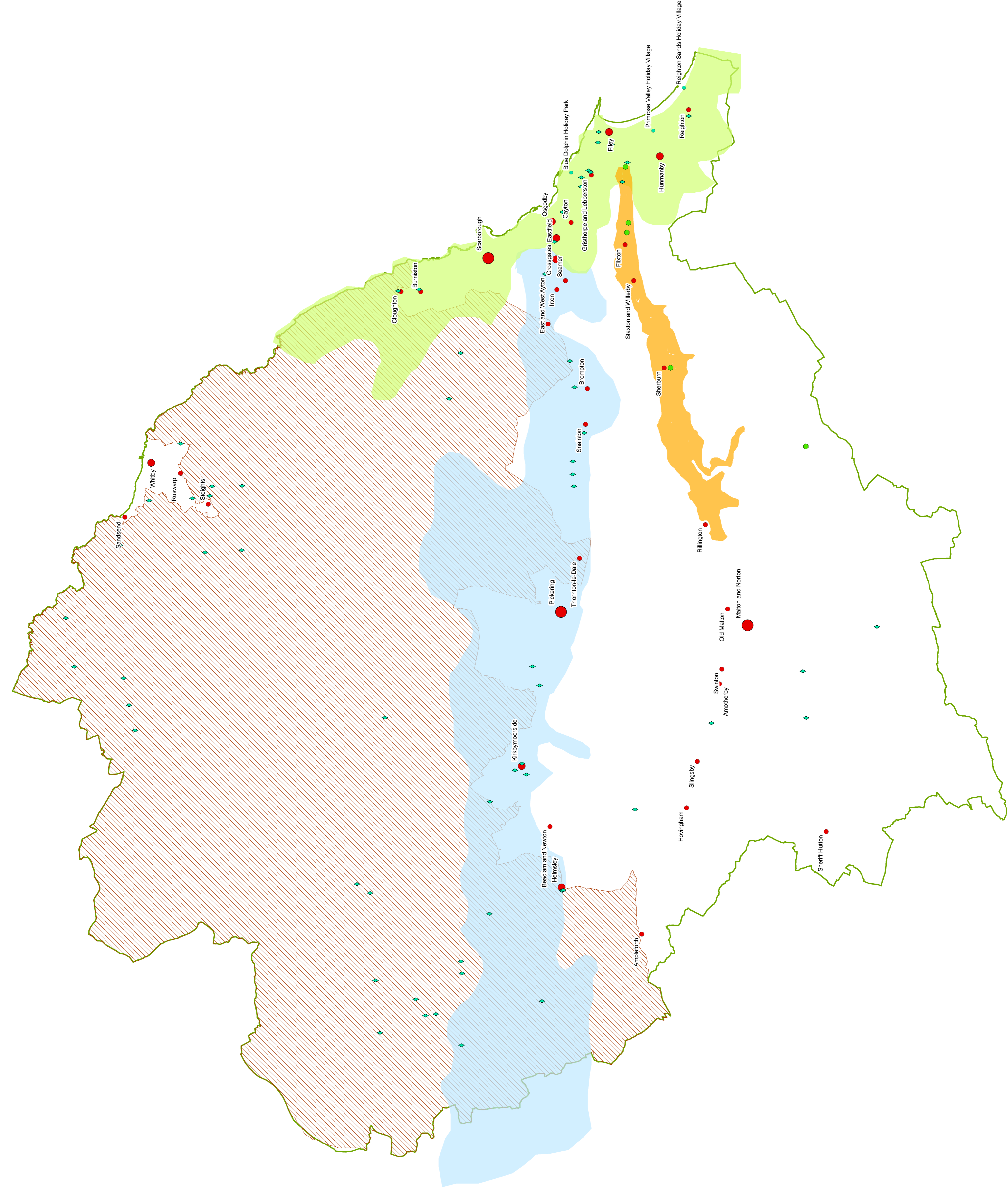
Any comments on estimated yield; overarching constraints, justification or mitigation; revised site boundary where necessary for instance.

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.

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.

Indicative Yield	50 dwellings.
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APPENDIX C



Legend

Reported Groundwater and Surface Water Flooding

Reported Surface Runoff Flooding

Large settlements

Medium settlements

Small settlements

Holiday Parks

Zone A: A64(T) - Rillington to Humby Corridor

Zone B: Coastal Belt - Burnstun to Flixton

Zone C: A170 - Hemslay to Seamer Corridor

Zone D: North York Moors National Park

Northeast Yorkshire Study Area

NOTES:

1) For indication only

2) The locations of reported flooding incidents are not intended to be used as evidence of flood risk and the accuracy of reported locations is variable. This figure should not be relied upon to identify flood risk. Location where a reported event has occurred.

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Scale: 1:125,000

For Issue

209466-00

6.3

F1

ARUP

ARUP
150, Broad Street
Birmingham B1 2JT
United Kingdom
Tel: +44 (0)121 634 5600
Fax: +44 (0)121 634 5601
Email: info@arup.com

Ryedale District Council,
Scarborough Council and
North York Moors National Park
Authority

Northeast Yorkshire Strategic
Flood Risk Assessment Update

Groundwater and Surface Water
Runoff Flood Risk Zones in
NorthEast Yorkshire

Scale: 1:125,000

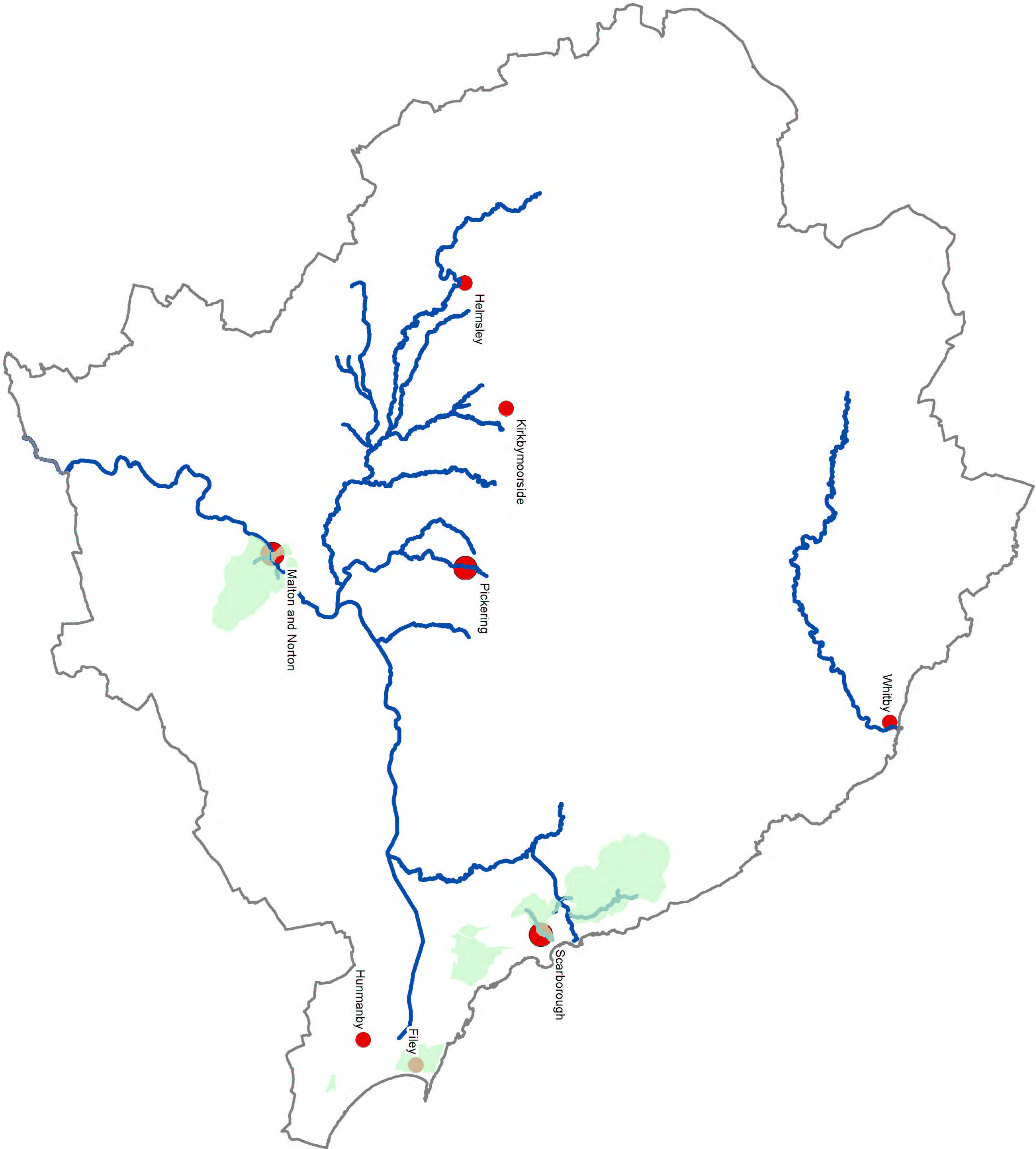
For Issue

209466-00

6.3

F1

02/04/2024 11:00:00



- Legend**
- Main River
 - Critical Drainage Areas
 - Large settlements

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F1	2010-01-13	FH	AM	GF
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Issue	Date	By	Chkd	Appd
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ARUP

Admiral House
Rose Wharf
78 East Street
Leeds
LS9 8EE

Client
**Ryedale District Council, Scarborough
Borough Council and North York Moors
National Park Authority**

Job Title
**Northeast Yorkshire
Strategic Flood Risk Assessment Update**

Drawing Title
**Critical Drainage Areas in
Northeast Yorkshire**

Scale at A3
1:250,000

Drawing Status
For Issue

Job No	Drawing No	Issue
209466-00	6.4	F1



SPECIFIC RECORDED
INTERNAL FLOOD INCIDENT

INTERNAL
FLOODING

EXTERNAL
FLOODING

HIGHWAY
FLOODING

FROM
GENERAL
PLAN OF
01/08/02
INCIDENT

FLOOD INCIDENTS WITH A
COMMON CAUSE

FLOOD INCIDENTS
EXACERBATED BY
OVERFLOWS FROM LONG
PLANTATION WATERCOURSE

A	UPW EMACERATED SEWER FLOODING IN WHARFEDALE	PRB	03/04	SJB	T
Rev	Description	By	Date	Crk'd	Auth
	Purpose of issue	Rev	Date	Authorised	

ATKINS ©

Thomson House
Birchwood Park
Warrington Road
Risley
Warrington WA3 5AT
Tel. (01925) 622000
Fax (01925) 622054



client

Project

FILEY TOWN
FLOODING INVESTIGATION

Ting

LOCATION INCIDENTS

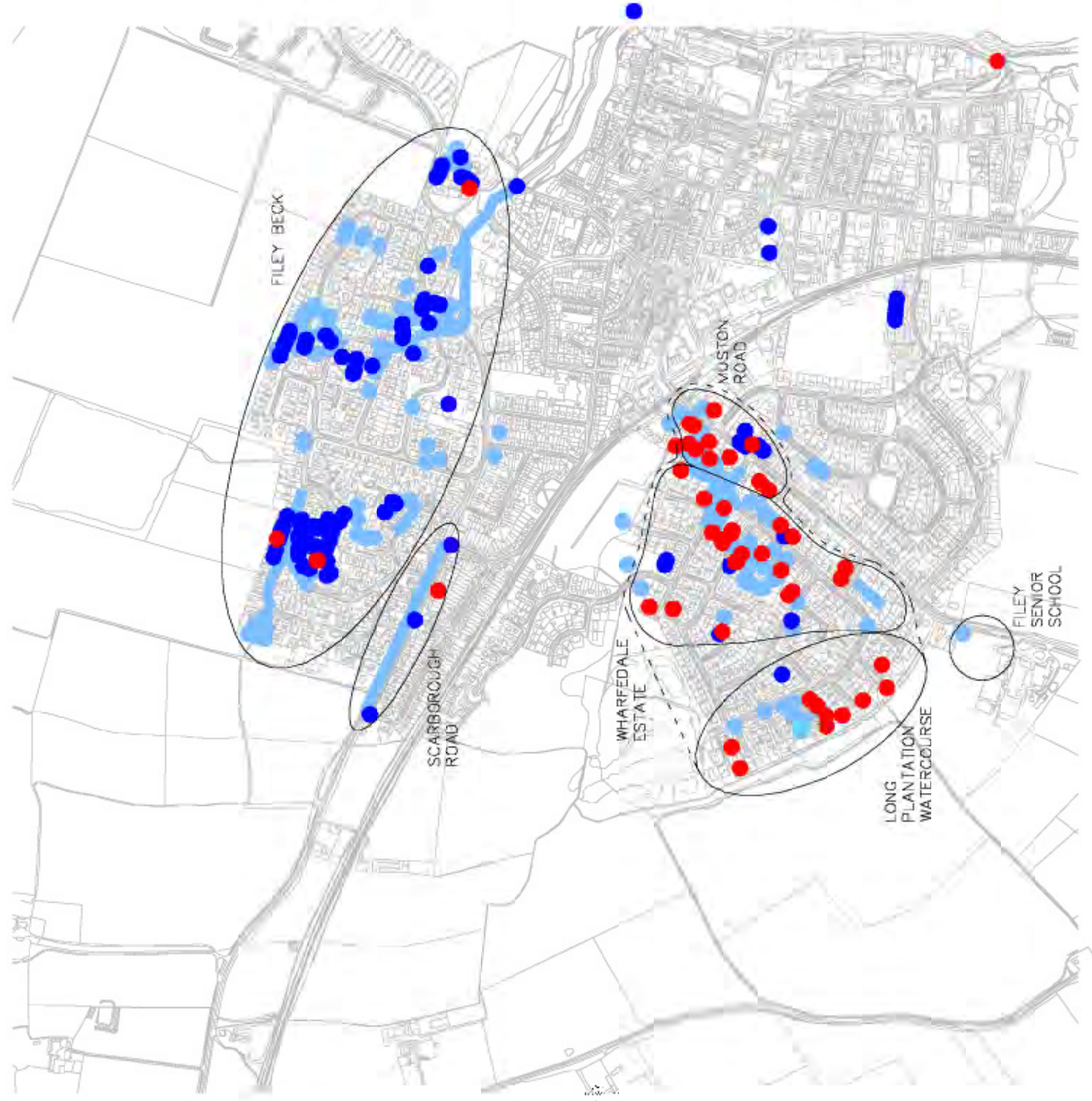
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1:10000	PRB	SJB	SCC
	Date 09/02/04	Date 08/02/04	Date 09/02/04

Drawing Number

5002531/WA/F017

Rev

A



PHOTOGRAPH OF FLOODING ALONG THE SOUTH OF SITE HA 21

Photograph taken on 14/03/2008. Church Cliff Drive and Church Cliff Farm can be seen on the left.



PHOTOGRAPH OF FLOODING ALONG THE SOUTH OF SITE HA 21

Photograph taken on 27/04/2012. Church Cliff Drive and Church Cliff Farm can be seen on the left.



PHOTOGRAPH OF FLOODING ALONG THE CHURCH CLFF DRIVE

Photograph taken on 25/11/2012. Church Cliff Farm can be seen on the left.

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Flood risk on site for 34 new homes

by **Steven Hugill**
steven.hugill@yrnlttd.co.uk

CONTROVERSIAL plans to build homes on land in Filey which is prone to flooding must be reconsidered, according to one worried resident.

Ian Fenby, of Arndale Way, said the decision by Scarborough Council to earmark Church Cliff Drive as a potential site for 34 new homes should be investigated further because the field has flooded in the past and caused damage to properties and brought misery to residents.

Mr Fenby, 72, who has lived at his property since 1977, said it appeared the council had made its decision to build on the land opposite Filey Fields Farm and added there seemed little scope for change.

He said: "I went to the meeting in the Evron Centre



to look at the plans and it seems to be already taken that this is one of the sites that is going to be used.

"It looks like the other sites have been more or less discounted, with Church Cliff Drive one of the favourites.

"The field carries a lot of water which runs off and I remember when we had the

flooding of properties in Church Cliff Drive and Arndale Way."

The plans also revealed two further sites for new homes, which have been identified as "preferred options" for development, including 40 new properties on Southdene tennis courts and 20 houses on Scarborough Road.

Mr Fenby said he was surprised the plot was now subject to development after it was previously declared it would not be built on. He added: "I know the houses have to be built somewhere and the council is dictated to by the government but I would have thought there were more suitable sites.

"When I bought my house I was told nothing would be built because it was arable land and 10 years ago when it was proposed that it would be sold, I was again told it was greenfield land and nothing would be built.

"Hopefully, there will be a public meeting to discuss the plans. I'm not a 'Not In My Back Yard' person by any stretch, but I am also really surprised about the proposal because adjacent to the field is Filey Brigg Caravan Park and that can get quite busy during the summer too."

APPENDIX D

EXTRACT FROM 'HOUSING ALLOCATIONS DEVELOPMENT PLAN DOCUMENT (DPD) – PREFERRED OPTIONS' (JANUARY, 2010) (INTERPRETATION A)

Option Ha 10

[View Comments \(3\)](#)[Add Comments](#)

Site Ref	Location	Allocation Status	Total Dwellings	Area (Hectares)	Phase
03/06	Land at Church Cliff Drive, opposite Church Cliff Farm, Filey	Preferred Site (Allocation)	34	1.77 ha	5-10 years

[View interactive map \(Broadband connection recommended\)](#)

4.35 Justification - The site offers opportunity for a modest development within Filey that is of a scale that would not cause capacity issues. The site is a field between the Country Park and residential development with access provided through the adjacent development. The site frontage should integrate or compliment Church Cliff Farm. There is sufficient capacity in the treatment works for a modest amount of development in Filey, however, owing to the flooding concerns across Filey it is suggested that any expansion outwards should be phased towards the mid plan period, i.e. 5 to 10 years.

4.36 Comments and responses to previous consultations - Filey Town Council responded that Filey's drainage and infrastructure cannot sustain any further high level housing proposals and this area already suffers flooding from run-off from adjacent fields. The land also is in the Coastal Zone and should be protected. For a response on flooding and infrastructure see comments regarding site 03/01a, above. The site does lie within the Coastal Zone, however, this does not preclude development and, in this instance, the site is separated from the more open nature of the coastal zone at the Country Park and the cliffs beyond.

EXTRACT FROM 'THE STRATEGIC HOUSING AND EMPLOYMENT LAND AVAILABILITY ASSESSMENT (SHELAA)' (MARCH, 2014) (HEREAFTER, INTERPRETATION B)

Address: Land at Church Cliff Drive, opposite Church Cliff Farm, Filey	Site Ref: 03/D (Local Plan Ref: 03/06)	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 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	

17

		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 firstly be timed in accordance with any future expansion of capacity in the WWTW, and secondly, ensure that detailed consideration of the potential impact of Filey in terms of flooding is carried out. If development is to occur in Filey it is likely that a full risk assessment for town as a whole and mitigation recommended prior to the agreement of any development. Development would have to take into account Conservation Area opposite the site in addition to Filey Country Park and amenity to east.			
Suitable type of development: Development here would be a continuation of Wooldale Drive which has an access point developed from a previous scheme. Development should not detract from adjacent Conservation Area and listed buildings. The site could assist in provision of affordable dwellings.			
Densities: 30 dph		Time Frame: The site is vacant and available for development. Subject to WWTW capacity issues being addressed and flooding and drainage issues, the site could come forward within 6-10 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 in the mid-term.			
Final suggested net yield for site		53 dwellings.	

APPENDIX E

POLICY DEC 2: THE EFFICIENT USE OF LAND AND BUILDINGS

"All development will be required to make efficient use of land and / or buildings.

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".

POLICY DEC 3: PROTECTION OF AMENITY

"All development 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:

- Overbearing impact;*
- Overlooking and loss of privacy;*
- Disturbance arising from such things as noise, light pollution and other activities;*
- Emissions including smells and other pollutants;*
- 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".

POLICY DEC 4: THE HISTORIC AND BUILT ENVIRONMENT

"The Borough's 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 Borough's 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;*
 - (c) Proposals affecting archaeological sites of less than national importance should conserve those elements which contribute to their significance in line with the importance of the remains. In those cases where development affecting such sites is acceptable in principle, mitigation of damage will be ensured through preservation of the remains in situ as a preferred solution. When in situ preservation is not justified, the developer will be required to make adequate provision for excavation and recording before or during development;*
 - (d) Proposals which would remove, harm or undermine the significance of a non-designated heritage asset, or its contribution to the character of a place will only be permitted where the public benefits of the development would outweigh the harm; and*
 - (e) Proposals which will help to secure a sustainable future for the Borough's heritage assets, especially those identified as being at greatest risk of loss or decay, will be supported".*
-

POLICY HC 1: SUPPORTING HOUSING DEVELOPMENT

"New opportunities for housing development will be encouraged across the Borough by:

- (a) Making provision for the delivery of around 9200 dwellings through allocations identified under Policy HC 2: New Housing Delivery and existing commitments; and*

Supporting the development of new housing within settlements where proposals are compatible with other policies in the Local Plan".

POLICY ENV 2: ENVIRONMENTAL RISK

"Proposals will be expected to respond to the implications of environmental risk and the effects of climate change. This will be achieved by:

- (a) Avoiding development in high flood risk areas by following a sequential approach in giving priority to lowest risk areas as identified by the North-East Yorkshire Strategic Flood Risk Assessment or any subsequent update or replacement. Where the sequential test cannot be passed, the exceptions test should be utilised in order to demonstrate how any flood risk can be fully mitigated;*
- (b) Using mitigation measures such as Sustainable Drainage Systems where possible in order to facilitate development in areas of sensitive drainage;*
- (c) Ensuring development has adequate provision for foul and surface water disposal in advance of occupation;*
- (d) Requiring the remediation of contaminated land through development;*
- (e) Monitoring and seeking to maintain good ambient air quality standards; and*

Ensuring development does not contribute to or exacerbate coastal erosion and ensuring development is not exposed to the risks of coastal erosion".

POLICY ENV 4: THE NATURAL ENVIRONMENT

"Proposals should respond positively and where possible seek opportunities for the enhancement of species, habitats or other assets by:

- (a) Ensuring that development does not result in an unacceptable impact on any locally, nationally or internationally designated sites unless the impact can be outweighed by a greater benefit as commensurate to the designation;*
- (b) Supporting the recovery of priority species and habitat creation as identified in the Scarborough Borough Biodiversity Action Plan or any subsequent update; and*
- (c) Maintaining trees and woodland, which make an important contribution to the setting and character of an area and ensuring new developments include appropriate tree planting whilst retaining and integrating healthy, mature trees and hedgerows".*

POLICY ENV 5: DEVELOPMENT AFFECTING THE COUNTRYSIDE

"The character of the open countryside will be protected, maintained and where possible enhanced. Outside the defined development limits, new developments will be limited to those for which a countryside location is essential, including:

- (a) Development that is demonstrated to be essential for farming, forestry or other essential land management activities, or, exceptions sites in accordance with Policy HC4;*
 - (b) Development that relates to the functional needs of, or consolidates or diversifies an established rural business;*
 - (c) Development that facilitates the re-use of an existing building that is worthy of retention given its contribution to the character of the area;*
 - (d) Development involving the replacement of existing non-agricultural buildings that have a negative impact on the character of the area with one of a higher quality;*
 - *Replacement of residential buildings must be on a one for one basis;*
-

-
- (e) *Development relating to an appropriate recreational or tourism related activity requiring a countryside location; or,*
 - (f) *Other forms of development requiring a countryside location that can be shown to be necessary in the proposed location for technical or operational reasons.*

Providing that the type of development accords with one or more of the above criteria, the scale of the proposal should be compatible with its surroundings and not have an unacceptable impact on the character and appearance of the open countryside or the wider landscape including the setting of the North York Moors National Park. Proposals should protect and where possible enhance the distinctiveness or special features that contribute to the landscape character of a particular area and take into account the sensitivity of the landscape to change in terms of:

- i) The sense of openness or enclosure;*
- ii) The pattern and complexity of the landscape;*
- iii) The experience derived from a particular landscape character;*
- iv) The relationship to existing settlement edges and the cultural pattern;*
- v) The visual sensitivities and intervisibility of the landscape.*

Proposals should have regard to the landscape between settlements and should prevent harmful development which results in the loss of the individual characteristics of settlements and / or the unacceptable coalescence of settlements".
