

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

APPLICATION REF17/02734/FL | Development of Retirement Living Apartments and Lifestyle Living Bungalows | Site At Church Cliff Drive Filey YO14 9ES

Background

1. McCarthy & Stone have submitted an application for a development comprising 20 bungalows and a block of 39, 2 storey flats giving a total of 59 dwellings. The scheme includes car parking, landscaping and drainage works.

2. Scarborough Borough Council has adopted a new local plan that includes land at Church Cliff Drive for residential development. This is now known as HA24, formerly HA23 and HA21.

During the Local Plan process in respect of the development on HA24, Filey Town Council recommended the site to be developed after completion of the Filey Flood Alleviation Scheme and that the development should be single storey.

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

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

The relevant section of the Adopted Local Plan is shown below:-

Site HA 24

Land off Church Cliff Drive, Filey

The site lies at the north-eastern edge of Filey along the approach to the Country Park and

adjacent to residential development at Wooldale Drive and has been allocated for residential

development with an indicative yield of 30 dwellings, based on the location of the site and

the likely form of development.

Issues and Requirements:

1. The main or sole access to the site will be taken from Church Cliff Drive. If an access

is taken from Wooldale Drive this should serve only a small number of properties in the form of a cul-de-sac due to the restricted width of the existing access road;

2. Any proposal should be accompanied by a flood risk assessment containing a surface

water drainage strategy. Consultation should also take place with the relevant body or bodies into whether this development could contribute to or assist in facilitating

the proposed flood alleviation measures for Filey. The development of this site should

not prevent or stymie the flood alleviation measures proposed and as a minimum, any proposal will be required to perform to the same specification as the flood alleviation measures as proposed by the Filey Flood Alleviation Scheme for this part of the wider scheme;

3. Although shown outside Development Limits, Open Space Allocation OS10, land to the north of the area allocated for residential development should be provided as an area of natural and semi-natural green space that links to Parish Wood (and beyond) to the west and the Country Park to the east.

4. The development should be designed to respect the entrance to Filey Country Park

and the listed buildings opposite at Church Cliff Farm with the inclusion of appropriate

boundary treatment along Church Cliff Drive. A scheme comprising bungalows may be the most appropriate option for this location;

5. A landscape buffer will be required between the eastern edge of the site and Filey Country Park.

3. An appeal was dismissed around 25 years ago in relation to a proposal for outline planning permission on site HA24, the Inspector at the time concluding that the proposal would visually intrude into the adjoining country park thereby diminishing its rural character and attractiveness to visitors.

In reality, the circumstances have not changed and the validity of the Inspector's views have not diminished. Indeed, the need to protect landscaped areas has increased to an extent where unnecessary development should be discouraged.

4. In the Scarborough Local Plan Inspector's Report 9 February 2017, he concluded that the allocations of site HA24 for residential development, and the indicative yield of 30 dwellings, is justified.

5. In the Scarborough Local Plan Inspector's Report dated 9th February 2017, he stated that the Council's drainage engineer confirmed at the hearing that development of site HA24 would be compatible with the FAS, but also that such development is not dependent upon the FAS provided that appropriate site specific drainage arrangements were implemented. The Council confirmed that this would be ensured through normal procedures for dealing with any forthcoming planning applications and that **permission would be refused if a scheme was not in place that met the drainage requirements of the County Council, the Environment Agency and Yorkshire Water.**

Comments on Application

6. The submitted site plan appears to show a red line application boundary that match, as far as possible, the area allocated for HA24.

However the drainage strategy and Topping Engineers' Drawing Ref 17351 - Drawing Number NE/2429/04-DE-002 Revision C shows engineering works and flood water storage capacity to the north of the site beyond the red line boundary. This work, associated with the drainage strategy also falls outside the town development limits.

The area of works, that are entirely necessary for the development to be constructed in its current form must be within the red line application boundary.

Your attention is draw to Scarborough Borough Council's own document.

VALIDATION REQUIREMENTS FOR PLANNING AND OTHER RELATED APPLICATIONS

In particular Section 4-National List of validation Requirements.

Location Plan

*4.5 All applications must include copies of a location plan based on an up-to-date map. The scale should typically be 1:1250 or 1:2500, but wherever possible the plan should be scaled to fit onto A4 or A3 size paper. A location plan should identify two named roads and buildings on land adjoining the application site to ensure that the exact location of the application site is clear. **The application site should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development** (e.g. land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings). A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site.*

Therefore, as the present application FAILS to meet the Scarborough Borough Council and National Validation requirements, the application should not be validated.

The fact that Scarborough Borough Council Planning Officers have accepted the application brings into question the competence and 'fitness for purpose' of Scarborough Borough Council's Planning Services and Mr Walker, Planning Services Manager.

7. The Design & Access Statement includes spurious comments relating to the improvement of the street scene and benefits of the development to the local community. Clearly, the scale and location of the development will significantly harm the street scene.

8. The scheme will be of no benefit whatsoever to the residents of Filey or visitors to the country park. This attempt to put a contrived "spin" on the acceptability should be recognised for what it is.

9. The assessment of storey heights of the surrounding properties in the submitted documentation is incorrect by a significant margin. The applicant shows properties along Wooldale Drive as being two storey. This is incorrect. Again, it would appear that misleading information is included within the submitted documents and the whole assessment cannot be relied upon to be correct.

Flood Risk & Drainage

10. It is well known that land around HA24 is susceptible to surface water flooding.

Flooding is a major issue and the drainage proposals include engineering works to form a raised 'bund' to the north of the site. Although the bund is not shown on the general site plan it is clearly shown on the drainage proposals plan and described in the supporting drainage strategy.

11. A drainage strategy prepared by Topping Engineers has been submitted as part of the planning application. The percolation tests confirm that the underlying sandy clays have very low infiltration rates. It is reasonable to assume that during prolonged periods of wet weather the ground will become saturated resulting in no percolation whatsoever.

12. With reference to drawing NE-2429-03-DE-002, and the drainage strategy, there appears to be fundamental miscalculations and omissions. These may be summarised as follows:-

a) The areas indicated as impervious must include all of the site area in light of the percolation results. Therefore, the catchment tanks are undersized.

b) The assumption that any surplus surface water from the landscaped areas could be taken up by planting lacks credibility as the garden areas etc are not likely to be forested entirely.

c) Works to restrict surface water run-off from the open land to the north of the site lies beyond the site boundary. It is inconceivable that Planning Officers would allow this as all works necessary for the development should be included within the site. If this requirement is to be met and not "swept under the carpet" fresh calculations and assessment of storage capacity must be made. Also a new site layout will be necessary

d) At the time of writing this statement North Yorkshire County Council Business and Environmental Services have reported to the Planning Officer that the drainage proposals are not acceptable in their current form.

e) At the time of writing this statement Yorkshire Water Services Limited find the drainage strategy unacceptable.

f) It is assumed that the Environment Agency will, at some point, be consulted.

13. It is apparent that insufficient consideration to the flood risk associated with this site has been given. This will, no doubt, set the alarm bells ringing with local residents. This will particularly relate to residents of Church Cliff Farm, who were fully expecting a flood alleviation scheme to be implemented that would eliminate their fear of future flooding.

14. It is well known that the existing surface water drainage system in the area fails to accommodate high flow rates during prolonged periods of rainfall or heavy storms.

Flooding has occurred along Church Cliff Drive and the sewer capacity in Church Ravine is inadequate. This results in the water pressure lifting manhole covers during 'normal' storm conditions. The effect on the system in a 100year event would be devastating.

The drainage strategy proposed does not include an assessment of the impact of the development on the sewerage infrastructure downstream of the proposed connection point.

The ability of the current infrastructure to accept the increased flow must be assessed.

15. During the Local Plan Process Yorkshire Water provided conflicting comments on the ability of the sewage works to deal with any increase in volume. Finally it was concluded that a development of 30 additional properties would not cause an immediate problem.

However the proposal for 59 properties plus other developments in the town and surrounding areas may well require an increase in the capacity of the sewage works. There does not appear to be any reference to this in the submitted documents.

Design

16. Filey Town Council recommended single storey development during the Local Plan consultation period.

17. Scarborough Borough Council Conservation Officer recommended single storey development during the Local Plan process.

18. The site lies on the edge of the Conservation Area and, as such, it is vital that a bespoke design should be required. The design as submitted appears to comprise standard house types from an urban development that have been arrayed around the site perimeter and a two storey block of flats situated on the edge of the country park.

19. The Church Cliff Farm complex opposite the site is an important feature and reference point so any site assessment of the surroundings should pay particular attention to the architectural style, massing and layout.

20. Notwithstanding the fact that the development on this site is undesirable in any form, there is an opportunity here to provide a quality scheme of up to 30 dwellings in single storey form to preserve the quality of the Conservation Area.

21. Paragraph 60 and 61 of the National Planning Policy Framework indicate that "it is proper to seek to promote or reinforce local distinctiveness" and planning decisions should address "the integration of new development into the natural, built and historic environment". This is reinforced in paragraph 137 which requires local planning authorities to "look for opportunities for new development within Conservation Areas...and within the setting of heritage assets to enhance or better reveal their significance".

The design and layout of the proposed dwellings could better reflect the agricultural character of the site and the wider conservation area. Bearing in mind the above policies and the statutory duties of section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Planning Officers and Scarborough Borough Council should seek amendments to the proposals in order to ensure they respond as much as possible to the historic character of the site and the conservation area.

22. Bearing in mind the severe detrimental impact development of this site will have upon the residential amenity of residents on Wooldale Drive the separation distances proposed are inadequate.

It is nationally recognised that a suitable separation distance between habitable room windows should be 21 metres. Separation distances between habitable windows and blank walls should be 12 metres. This application fails to meet these minimum standards. We would expect Planning Officers to insist that as the site is not relatively restricted that the amenity of local residents would be protected as far as possible.

23. The submitted plans do not appear to show storage provision for refuse and recycling bins. Neither does the plan show bin collection points or turning provision for refuse vehicles.
24. The submitted plans do not show adequate access or turning facilities for a fire appliance or how the requirements of Part B of the Building Regulations will be met in relation to access for fire appliances.
25. Parking provision does not appear to include sufficient space for the parking of vehicles, particularly disabled persons, and visitors.
26. Parking to the flats is in close proximity to the country park and caravan site. This is likely to cause disturbance to visitors who will, no doubt, want to visit Filey for a quiet relaxing holiday.

Planning Policies

27. The policies contained within the Local Plan aim to achieve the vision in a sustainable manner, support will be given to achieve the following aims:

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

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

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

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

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

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

ii. that the detailed design responds positively to the local context, in terms of its scale, form, height, layout, materials, colouring, fenestration and architectural detailing; On the basis of the scheme as currently proposed it does not in any way reflect scale of the single storey and courtyard layout of the properties on Church Cliff Drive or the bungalows on the Wooldale estate

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

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

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

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

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

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

The current proposals are over development with no justification.

Settlement Hierarchy Statement 3 Filey

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

appropriate mix of new housing, an element of which will help to meet locally generated housing needs.

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

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

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

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

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

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

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

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

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

Policy DEC 4

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

The amenity of properties on Wooldale Drive and Church Cliff Farm will suffer significant harm in terms of outlook and loss of amenity arising from the block of flats.

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

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

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

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

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

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

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

Other Matters

28. Prior to submission of the application McCarthy and Stone carried out a public consultation exercise. The overwhelming response was AGAINST the development. However this has been 'air brushed' out of the Statement of Community involvement.

Also it should be noted that in an attempt to placate local residents the list of 'benefits' arising from their development included on the information leaflet were spurious.

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

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

30. At the Local Plan Submission Stage and at the Hearings residents raised the issue of viability. The Inspector and Forward Planning Officers insisted that this would be a matter for the landowners and any future developer to determine.

Factors affecting the financial viability will include:

- land costs
- changes to the existing drainage infrastructure (large diameter pipes cross the site)
- works required arising from the flood risk
- provision of affordable housing
- other Local Authority levies including contribution towards cost of improving local services, Doctors, Dentist, etc.

Clearly McCarthy and Stone are seeking approval for inappropriate and over development in a blatant attempt to make the site viable from their point of view.

This must not be allowed to happen.

31 Regarding financial contributions from Developers, Planning Officers must note that the monies due to be paid by the Developer of the Mill Meadows site has not been paid and the Developer has gone into liquidation There is a lesson to be learnt here to ensure that any development on HA24 attracts sufficient revenue and is paid in a timely manner.

32. The proposed access to the site is on the main route for vehicles and pedestrians entering and leaving the Country Park and Caravan site. These will be mostly holiday makers or visitors to the town many of which will be families with small children.

This must be acknowledged and considered by SBC as there is potential for conflict between the proposed elderly drivers, pedestrians and other road users. This risk will increase unless turning provision for large vehicles, Fire Appliance, Refuse Collection, etc so that they can enter and leave the site in a forward gear.

33 Local residents fear that, despite assurances to the contrary by a Local Councillor, the Filey Flood Alleviation Scheme and the development of HA24 are intertwined. It may not be coincidental that the FAS have not moved forward because deals with the Land Owners have not been finalised. Perhaps the Land owner of H24 is awaiting a successful Planning application for the site before agreeing terms for sale/compensation.

If this is the case it must not prevent or affect a fair and transparent Planning process.

34. On the assumption that the Developers have had pre-application discussions with Planning Officers and/or Councillors they should have been aware of the SBC Local Plan Policies. Any assessment of the scheme must be measured against these policies. Clearly there are major flaws in the present scheme that make it entirely unacceptable.

35. If Planners intend to disregard or distort the interpretation of the policies this will again bring into question the whole process and raise very disturbing questions regarding the professionalism and integrity of Officers and Councillors.

Conclusion

There are many and significant matters indicating the unacceptability of the proposed development. These may be summarised as follows:

1. The application documents do not meet SBC and National Planning Requirements with regard to the validity of the application. The red line boundary to identify the development site should include all works necessary to carry out the development, Currently this is not the case and Planning Officer have not addressed this vital issue.
2. The Applicant has submitted incorrect and misleading information regarding the scale of surrounding properties. This must be corrected if Officers can make an informed assessment
3. The drainage proposals, as submitted do not meet the required standard. Further the assessment of surface water runoff and size of attenuation tanks required is incorrect
4. The design is not of 'high quality' as required by the National Planning Policy Framework.
5. The design does not respect the adjacent Conservation Area
6. The provision for service vehicles appears inadequate
7. There does not appear to be any provision for bin storage or refuse collection
8. There does not appear to be provision for access for a Fire Appliance
9. The proposals will diminish the attractiveness of the Country Park for tourists and visitors.
10. The proposal seeks approval for 59 residential units. The anticipated yield of 30 dwellings was included in the Local Plan. The proposal represents an almost 100% over development.
11. The town's present infrastructure and services are not sufficient for the current population. Further residential development cannot be accommodated and will cause further pressure on an already overstretched system.
12. If the process of Community Involvement is to be meaningful then Officers and Council Members must take into account the views of Local Residents. There is

weighty opposition to development of any kind on this site, other than the approved FAS

13. The proposals for development on this site as submitted by McCarthy and Stone are opposed by residents of Filey and fall well short of meeting Local and National Planning Policies and should be REJECTED

Robert Agus M.C.I .A.T., A.C.I.O.B.

81 Wooldale Drive, Filey