REPORT OF THE PLANNING SERVICES MANAGER – PSM/15/206

SUBJECT: Installation of 190 hardstanding bases with associated car parking, new internal access road, footpaths, landscaping and infrastructure for Haven Leisure Limited Haven Leisure Ltd Primrose Valley Holiday Village Primrose Avenue Primrose Valley Filey NORTH YORKSHIRE YO14 9RF

1.0 THE PROPOSAL

1.1 This application relates to a 7.9 hectare area of land approximately 3 miles to the south of Filey located between the Primrose Valley holiday caravan park (to the north) and The Bay holiday village (to the south). The proposal is to assimilate the area in to the Primrose Valley holiday caravan site and to develop it with 190 bases for static caravans along with associated infrastructure including vehicle and multiple pedestrian links to the main park, landscaping and a SUDs (sustainable urban drainage) system.

1.2 Members will recall that outline planning permission for the redevelopment of the former Butlins site to the south of Filey was granted in 2000. The whole of the Butlins site was de-contaminated as a conditional requirement of the reserved matters consent (2003), and most of the former Butlins site has now been redeveloped; part has been assimilated into the Primrose Valley holiday caravan park and the majority now forms The Bay holiday site. Originally, this particular area of land was earmarked to be part of The Bay development.

1.3 The land is allocated for tourist development in the Scarborough Borough Local Plan 1999 (under policy L13). With respect to development constraints, the site is located within the Coastal Zone and is designated a site of Local Importance to Nature Conservation.

1.4 With respect to the site's existing character, the western side of the site (on which the proposed caravan bases would be situated) is currently a rough grass field. Until recently this field was mowed or graded periodically. The eastern side of the application site (on which there are no proposals for development) consists of irregular cliffs descending to the foreshore. This area contains low level, coastal vegetation and is the area of the application site which is of greatest ecological value.
1.5 In addition to the submitted drawings, the applicants have submitted the following supporting information which is available to view on the Council's website:

- Planning Statement;
- Transport Statement and Travel Plan;
- Ecological Appraisal;
- Flood Risk Assessment, Drainage Strategy and Coastal Stability Report;
- Design and Access Statement; and
- Landscape Management Plan.

1.6 The following further information has been submitted since the application was originally validated:

- Further Ecological Assessment received 24 June 2015 (the 'in-season' ecological assessment as required by the Natural England consultation response);
- Great Crested Newt Mitigation Strategy received 15 June 2015;
- Revised site plans which removed land identified in error as belonging to the applicant;
- Revised plan showing relocation of Yorkshire Water infrastructure and maintenance access within the proposed layout.

2.0 SCREENING OPINION REQUIRED?

2.1 Screening opinion issued under reference 15/00806/SCR. The view of the Council is that Environmental Impact Assessment is not required.

3.0 PRE-APPLICATION COMMUNITY ENGAGEMENT

3.1 None undertaken.

4.0 CONSULTATIONS AND COMMENTS

The following is a summary of the key and relevant comments received from consultees and interested parties. Their comments and any accompanying documentation are available to view in full on the Council's website.

4.1 Filey Town Council: No objections

4.2 Highway Authority: No objections, the existing access on to the A165 can safely cater for the extended site.

4.3 The Environment Agency: This proposal falls outside the scope of issues the Environment Agency wish to be consulted on.

4.4 Natural England:

- The application site is in close proximity to the Flamborough Head site of Special Scientific Interest (SSSI) and is within the area being considered for extension to the SSSI;
There is no statutory protection for sites which are under consideration to become SSSI's, but this is indicative of the site's biodiversity interest;
- No objection, but we advise that a temporary consent is granted (based on the cliff recession rates in the area) to ensure that materials do not end up within the possible SSSI (due to cliff erosion);
- It is likely that this site will host Great Crested Newts and other significant biodiversity (in accordance with the applicant's own survey work);
- An 'in season' ecological survey together with an appropriate ecological mitigation plan (depending on the outcome of the ecological survey) should be required;
- We would expect the Local Planning Authority to assess other potential impacts;
- Please refer to our Standing Advice for species-specific advice;
- Consider biodiversity enhancements;
- Consider coastal access.

4.5 Yorkshire Water: No objection subject to the layout being in accordance with drawing 1092/32/12 (Revision B) dated 02 July 2015.

4.6 Drainage _ Coastal Engineers (SBC): A written method statement is required to be submitted for approval which considers cliff recession and how this issue would be managed.

4.7 Ecologist (SBC): The survey reports and mitigation measures (relating to protected species) are acceptable and I recommend the proposed mitigation be implemented in full as part of any planning consent.

4.8 Environmental Health (SBC) Health: Construction can give rise to nuisance so hours of work should be restricted. A dust management plan should be put in place.

4.9 County Archaeologist: No objection.

4.10 Publicity - consultation period expired on 04 June 2015

4.11 Ten letters of objection have been received from residents of Flat Cliffs (5 of the 10 letters) and owners of the holiday homes on The Bay site (the remaining 5). These make the following points:

- The submitted drawings include land in my ownership;
- The development will result in traffic congestion and safety issues within the Primrose Valley site and at the junction with the main road;
- There are already issues with the drainage system in the locality and this will make the situation worse;
- The increase in traffic along the main spine road through Primrose Valley (the route to the site) will increase noise, disturbance and nuisance in the area of Flat Cliffs;
- Regimented rows of caravans are exactly what the Planning Committee wanted to avoid on this site;
- This will undermine the exclusivity of The Bay and will harm the investments of those who have bought properties;
- The submitted drawings do not show The Bay development as constructed;
- The development may put the Flat Cliffs area at risk of coastal erosion.

4.12 Two letters of support have been received from residents living close to the application site. These make the following points:
- There has been significant investment in the Primrose Valley site;
- The increase in traffic will not be significant;
- It will be good to see the last part of the former Butlins site developed.

4.13 Filey Bird Observatory and Group: We are confident the ecological measures will be implemented.

4.14 The Flat Cliffs Association:

- We are concerned about the increase in traffic along Primrose Valley Road;
- There is a risk of accidents at the junction between Primrose Valley Road and the A165;
- The existing boating lake floods Primrose Valley Road whenever there is heavy rainfall making it very difficult to cross for cars;
- Any development which improves access to the beach (without having to use our private road) is to be welcomed;
- We have the right to comment on planning application and request more time to do so.

5.0 RELEVANT SITE HISTORY

5.1 2000: Outline application for The Bay holiday village including 600 holiday homes - approved;

5.1 2003: Reserved matters application for 689 holiday homes at The Bay (including the land which is the subject of this application) - approved;

5.2 2003: Outline application for 1839 static caravan pitches and 50 touring caravans at Primrose Valley - approved;

5.3 2011: Application for 104 static caravans, 52 holiday lodges together with a 9 hole golf course, feature lake, landscaping and habitat creation to the east of the site which is known as 'The Lakes' - approved

6.0 PLANNING POLICY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of The Town and Country Planning Act 1990 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. Attention is drawn to the following Development Plan and other planning policies and guidance which are considered to be particularly relevant to the consideration of this application:-

**Scarborough Borough Local Plan (Saved Policies)**

E27 - The Protection of Significant Views
E2 - The Coastal Zone
E7 - Local Nature Conservation Sites
E12 - Design of New Development
E18 - Development Close to Coastal and other Cliff Edges
L1 - New Tourist Attractions  
L13 - Amtree Park, Filey  
C7 - Foul and Surface Water Disposal

National Planning Policy Framework

NPPF1 - Building a strong, competitive economy  
NPPF7 - Requiring good design  
NPPF10 - Meeting the challenge of climate change, flooding and coastal change  
NPPF11 - Conserving and enhancing the natural environment

Scarborough Borough Supplementary Planning Documents

None relevant

Local Planning Policy Guidance

None relevant

7.0 ASSESSMENT

7.1 Taking into account the relevant planning policy, consultation responses and all other material planning considerations, your Officers suggest the key issues for consideration in the determination of this application are:

- Principle of the proposed development  
- Impact on visual amenity  
- Highways and parking  
- Drainage  
- Coastal stability  
- Ecology  
- Coastal access  
- Residential amenity

Principle of the proposed development

7.2 In general terms, policy L13 of the Local Plan allocates the land in question for tourist development. As a proposal for an expansion to a holiday caravan park, subject to the consideration of the planning issues as set out in the following sections of this report, your Officers consider the proposal to be acceptable in principle.

7.3 Members will note that policy L13 precludes development which would extend beyond the boundaries marked on the proposals map. For design and landscaping reasons, the design put forward here does not adhere strictly to the boundary of the allocation; the development 'weaves' either side of the allocation boundary. The net area of the development site exceeds the L13 allocation by 0.03 hectares. Given the very modest net gain in developable area, and taking into account the visual advantages of the proposed arrangement, Officers do not consider that 'contoured' development line puts the proposal in conflict with the objectives of policy L13.
Impact on visual amenity

7.4 In line with the Council's policy on development within the Coastal Zone, together with the other policies identified in section 6, there is a requirement for development here to respect the special remote and expansive character of the Coastal Zone.

7.5 The design put forward here involves 190 caravan bases (167 x 4 by 12.2 metre and 23 x 5 by 12.2 metre) arranged in clusters around lakes and landscape features. These clusters are proposed to be surrounded and intersected by a significant amount of native landscaping.

7.6 In the view of your Officers, this design approach is distinct from the old fashioned approach to caravan park development, which involved high density, uniform and regimented rows with low quality landscaping (which was often an alien feature in its own right). Instead, the layout put forward here is low density, and the landscaping involves significant and diverse native planting of ecological value and integrates a sustainable urban drainage scheme (SUDs). The pallet of hard surfacing materials is broad, and the primary emphasis' of the layout is 'permeability' for pedestrians.

7.7 ‘The Lakes' part of the Primrose Valley site has been developed in a similar vein (approved under the 2011 planning permission), and Officers consider that this is a reasonable measure of how the development proposed here will appear (at least from within the site). Officers consider that this part of the Primrose Valley site has been visually successful; The Lakes area has an open, expansive character appropriate to the Coastal Zone. Crucially, whilst it is still fundamentally a caravan park development, as The Lakes development matures it is the view of Officers the character of this part of Primrose Valley is more dominated by the landscaping and less so by the caravans. Furthermore, the landscaping and ponds (with the broad range of native planting) have high biodiversity value.

7.8 With respect to distant views, the development will be visible from the coastal path (both from the north and south) and from the beach. Importantly, this site is allocated for tourist development, and there is no escaping the fact that any development here would be prominently visible in important views. However, this is a low density form of development incorporating significant landscaping, it responds to existing site topography and will be seen in the context of other caravan and holiday home development; of the potential options for tourist development on this site, your Officers consider this style of caravan development to be the 'least impact' option.

7.9 Your Officers consider the issue of greatest importance in terms of visual amenity is the appearance of the development from the coastal path and area immediately to the front (east) of the development site. Hard edged development, where caravans and traditional constructed holiday homes are 'lined up' and dominate the site frontage has harmed the open, expansive character of the Coastal Zone elsewhere in the Borough. However, in this case the applicants are proposing to separate the caravan development from the cliff top area with a 'ha-ha' (instead of fencing, for instance) and an approximately 16 metre deep (coastal specific) wildflower meadow belt. Your officers consider that in time, as the landscaping matures, the caravans on the sea facing side of the development will sit amongst the landscaping, there will be no harmful 'hard edge', and the remote character of the Coastal Zone will be protected.
7.10 To avoid doubt, the caravans themselves do not require planning permission, and in general terms the Council does not have significant control over the appearance of the caravans themselves.

Highways and parking

7.11 Vehicular access to the site will be via the main Primrose Valley entrance on to the A165, then via Primrose Valley Road and southwards through the 'Rose Bank' area of the Primrose Valley park. Some minor re-organisation of the caravans on the Rose Bank area is required to achieve access to the development site. The applicants have submitted predicted trip rate data with the application.

7.12 Importantly, whilst the development would inevitably lead to some increase in use of the local network, the Local Highway Authority has assessed the application from a safety perspective and has not objected to the scheme. With this in mind, Officers do not consider that a refusal of planning permission based on highways grounds could be sustained at appeal.

Drainage

7.13 Comprehensive drainage proposals have been submitted with the application. Foul water will be handled by public sewer and surface water will be dealt with by way of a sustainable urban drainage system (SUDs) within the site. In brief terms, surface water from the hard surfaces on the development will be held and distributed between balancing ponds before reaching a 'positive outfall'. Crucially, the SUDs system will not allow surface water to run over the cliff edge (potentially increasing erosion rates). Officers have discussed the scheme with your Coastal and Drainage Engineer, and whilst he has not yet provided formal comment on the application he has confirmed he is happy with the proposed drainage scheme.

7.14 Yorkshire Water initially raised some concerns with the proposal citing two potential problems: 1) conflict with a rising main (their primary concern); and 2) conflict with a foul drain. The applicant has now in fact demonstrated (by way of amended drawings) that the proposed development is well clear of the rising main (i.e. it would be unaffected by the proposed development), and the applicant is now proposing to divert the affected foul drain to land outside the developed area (a private arrangement between the applicant and Yorkshire Water). As such, Yorkshire Water has now confirmed that they have 'no objection' to the proposals.

Coastal stability

7.15 Coastal stability is a sensitive issue in the Borough, and Officers note the concerns of Flat Cliffs residents.

7.16 The Council's Shoreline Management Plan provides predicted cliff recession rates for up to 100 years. In this case, (as shown on the submitted cliff cross section drawings) the closest caravan base to the cliff edge is in excess of 150 metres inland of the predicted 100 year line, i.e. it is likely to be well over 100 years before the development is threatened by cliff erosion.
7.17 Natural England's role as statutory consultee on this application is to provide technical advice on the impact of the proposal on the nearby Flamborough Head Site of Special Scientific Interest (which is proposed to be extended northwards to include the part of the application site closest to the sea).

7.18 Natural England has raised 'no objections' to the proposals, but has qualified this with a requirement that any consent be temporary. The purpose of the temporary consent would be to ensure the caravan bases and allied infrastructure are removed from the land prior to it being consumed by the sea in order to prevent pollution of the SSSI.

7.19 Given the development is very unlikely to be affected by cliff recession for over 100 years it is not considered that such a condition would be reasonable or necessary. There is a substantial amount of existing development that would be at risk well before the proposed caravan bases. In making this recommendation it is possible that Natural England has failed to consider the applicant's work on cliff recession (the cliff stability report and the cross section drawings). Officers have sought clarification from Natural England on this point and will update the Committee at the meeting.

7.20 In addition to the issue of the SSSI, as Local Planning Authority the Council is responsible for making an assessment as to whether a European Protected Species License (EPS License) will be necessary and ought to be granted.

7.21 The applicant's surveys confirm that the application site is habitat for Great Crested Newts (a European Protected Species) and as such an EPS License from Natural England will be required to carry out the development.

7.22 With this in mind, in order to discharge the statutory duty under Conservation Regulations (1994) to have regard to the requirements of the Habitats Directive, the Council must apply the same three tests as Natural England when deciding whether to grant planning permission where species protected by European Law will be affected.

7.23 The three tests are:

- That there should be no satisfactory alternative to the plan or project as a whole or in the way it is implemented.

- That the plan or project must be "in the interests of preserving public health or public safety, or for other imperative reasons of overriding public interest (IROPI), including those of a social or economic nature and beneficial consequences of importance for the environment".

- That the favourable conservation status of the species affected must be maintained.

7.24 With respect to the first test, in the view of Officers there is no satisfactory alternative to the proposal in a spatial sense. The proposal makes use of 'brownfield land' (the former Butlins site) and locating the development elsewhere would result in the harmful loss of 'greenfield' land in the open countryside.
7.25 Considering the second test, this is a proposal for the sustainable development of an arm of the local tourist industry which is fundamentally important to the local economy.

7.26 In terms of the final test, the applicant has submitted a mitigation strategy for Great Crested Newts (ref: 2330_R03c_PM_Hm). In brief terms, this includes proposals for relocation of the newts (where found) during the construction phase and habitat enhancements within the application site area (comprising both the development area and the cliff slopes). The mitigation strategy asserts that the mitigation measures will in fact result in significant habitat enhancements for Great Crested Newts (and there will be broader biodiversity benefits). The Council's Ecology Officer has assessed the proposals and is in agreement with the findings of the Ecological Assessment and Mitigation Strategy.

Coastal Access

7.27 In line with the Marine and Coastal Access Act 2009, the 'English Coast Path' is being developed to allow access by foot around the whole of the English Coastline.

7.28 One of the main obstacles preventing cliff top access on foot between Scarborough and Filey is the barrier between the application site and Primrose Valley. Part of this proposal involves the removal of this barrier and connecting the cliff top paths running to the south of Scarborough and north of Filey. Officers consider this to be a material benefit of the proposals, both to local walkers and those visiting the area.

Residential amenity

7.29 Some of the public representations raise concerns regarding the impact of the caravan development on The Bay site. Whilst pedestrians will be able to walk between the two sites via the coastal path, the two sites will remain separate; there will be a planting belt varying between 5 and 10 metres 'deep' along the southern boundary of the application site which will serve to separate the two offerings. Given the separation between the caravan bases and the nearest properties on The Bay (the closest relationship is in excess of 10 metres), and also taking into account the planted buffer, Officers do not consider the development will have an unacceptable impact on properties within The Bay site.

7.30 Officers note the concerns of residents of Flat Cliffs with regards the potential nuisance arising from an increased amount of traffic on the Primrose Valley site. Traffic allied to the proposed development is unlikely to venture near to Flat Cliffs, and Officers do not consider that it would be reasonable to withhold consent based on there being an increase in traffic on the main spine road in to the Primrose Valley holiday park; the Highway Authority has not objected to the proposals on the basis of increased traffic.

Additional considerations

7.31 Whilst officers note the comments of the Environmental Health Officer, it is important to note that for developments of this nature the planning system is concerned with the impact of the resultant development as opposed to nuisance and disturbance
caused during the construction phase. The Government's planning policy and guidance makes it clear that planning restrictions/conditions should not duplicate pre-existing legislation, and third parties have recourse through Environmental Health legislation.

POSITIVE AND PROACTIVE STATEMENT

The proposed development as submitted was not entirely acceptable, so the Local Planning Authority acted positively and proactively by securing the submission of revised plans and/or additional information, which addressed the original concerns.

RECOMMENDATION

PERMISSION BE GRANTED, subject to the following condition(s)

1. The development shall be carried out in accordance with the following plans and drawings:
   - Location Plan, ref: 1092/32/8 Rev A
   - Development zone, ref: 1092/32/9 Rev A
   - Proposed layout for 190 caravans landscaping and sections, ref: W1890 MP02 Rev B
   - Landscape masterplan, ref: W1890 MP01 Rev A
   - Detailed Landscape Plan, ref: W1890 1001
   - Concrete base cross section, ref: W1092/32/10
   - Drainage plan (Appendix D of drainage report), ref: 1092/32/6 Rev A
   - Proposed diversion of existing foul sewer, ref: 1092/32/12 Rev B
   - Proposed section EE and FF, ref: 1092/32/11 A

   Reason: To avoid doubt.

2. Prior to the commencement of development a phasing plan for the implementation of the approved landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be implemented in accordance with the phasing plan unless otherwise agreed in writing by the Local Planning Authority and shall be maintained in accordance with the submitted '5 year management plan'.

   Reason: To ensure the development is properly landscaped to protect the character of the Coastal Zone in accordance with policies E2 and L13 of the Local Plan.

3. The occupation of the static caravans on this site shall be limited to the period 1 March in each year to 4 January in the following year.

   Reason: To prevent the use of the use of this site as a residential caravan site, in accordance with Policies E1, E2 and L7 of the Scarborough Borough Local Plan.

4. The development shall be implemented in accordance with the Great Crested Newt Survey and Mitigation Strategy 2015 report (ref: 2330_RO3c_PM_HM), and the mitigation measures set out in section 6 of this report shall be implemented in accordance with a phasing plan which shall be submitted to and approved in writing by
the Local Planning Authority prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate protection is afforded to species protected by law.

David Walker

Background Papers:

Those documents referred to in this report.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT MR DANIEL METCALFE ON 01723 383538 email daniel.metcalfe@scarborough.gov.uk