1.0 THE PROPOSAL

1.1 This application concerns amendments to the proposals which were granted planning permission in April of last year. These amendments are described in detail in the application and comprise the following:

- The Water Resource Building
  An external spiral staircase is provided on the car park side of the building to provide a secondary means of escape from the first floor function room. The two balconies previously approved are linked together and extended on to the south elevation of the building to link up with the fire escape. In addition there have been a number of very minor variations incorporated into the plans to take into account structural and practical issues which have had to be resolved during the preparation of detailed construction drawings. These include the following:
  
  i) Alterations to the design of the internal staircase with consequential repositioning of the lift and the position of the entrance doors to the building.
  ii) Provision of an external outward opening door to the disabled public toilet.
  iii) Re-arrangement of internal layout of first floor to include a plant room and toilet facilities for the function room with consequential adjustments to window positions.
  iv) Inclusion of rain water downpipes
v) Substitution of lead sheeting for the glazed roof panels for the internal corner of the building

vi) An increase in the number of solar heating panels on the south facing roof and deletion of the grey water system

vii) The addition of external lighting and mechanical ventilation outlets

- **A Waste Disposal Building**
  This is an additional building immediately to the south of the Water Resource Building. The building measure approximately 4.5 metres x 6.8 metres and will be built of red bricks and clay pantiles to match the Water Resource Building. This building will provide storage for refuse from the café and business units as well as that brought ashore from the pontoons. This refuse will be stored in containers which meet European standard EN840. Chemical toilet waste from boat users will go into the public sewerage system and there will be a facility for waste engine oil to be stored in two purpose designed proprietary fully bunded containers (capacity 200 litres). The refuse bins and the building will be closely monitored and the bins emptied on a daily basis during the season to ensure that there are no odour problems. The building will be kept locked and access restricted to key holders.

- **An Electricity Substation**
  A brick built substation with a clay pantile roof is proposed adjacent to the main entrance to the car park. This building has dimensions 4.0 metres x 4.0 metres and has a roof ridge height of 6.0 metres above ground level. The height of the building is dictated by NEDL who require that their equipment is mounted at above the flood risk level i.e. the same floor level as the Water Resource Building. The substation is a replacement for the substation which will be removed when the existing marina facilities building is demolished.

- **Car park and landscaping**
  Following a detailed site survey and an assessment of the suitability of the trees and shrubs specified in the approved scheme some minor changes to the car park and landscape layout have been proposed. There has been no alterations to the general principles of the design which provides for a harbourside footpath with landscaping and seats and a redesigned and resurfaced car park. As compared to the approved scheme the amended plans provide for an increase in public car parking by two spaces to 102 and the loss of one of the marina users spaces to give a total of 89. There is an increase in the numbers of disabled parking spaces from 5 to 10. The timber decking pedestrian area on the harbourside of the Water Resource Building has been increased in width.

1.2 The applicants’ architect has submitted a Design and Access Statement which concludes as follows:-
“The amendments are proposed following development of the project to a detailed design and Building Regulation compliant scheme. The changes are also required in order to incorporate the structure of the building and to enable the proposed heating and ventilation strategies to be incorporated into the building”.

1.3 It should be noted that this application does not relate to the boat mooring pontoons which are to be installed in accordance with the previously approved plans.

1.4 Most of the site lies within the Whitby Conservation Area.

1.5 The project does not require an Environmental Statement under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

2.0 CONSULTATIONS AND COMMENTS

2.1 Whitby Town Council – “Recommend refusal – urgent clarification required as to whether this application is an amendment or new planning application (Councillors Peake, Havelock and Jennison were informed this item was a new application by the Planning Officer). Request that all Scarborough Borough Councillors on the Borough Planning Committee be asked to give a recorded vote and issued with Communities and Local Government Planning Policy statement 25 (PPS25) in its entirety in advance of the Planning Meeting.”

Officer note. The following response to these comments was sent to the Town Council on 5 March:-

“The application in question is a new application with its own reference number and accordingly all the necessary consultations and publicity requirements have been undertaken. The proposed development to which the application relates is “amendments to previously approved water resource building and site layout and erection of waste disposal building and a substation”. The accompanying documentation with the application explained in great detail the specific alterations to the design of the water resource building, the changes to the layout of the car park and the design and materials of the additional buildings, namely the electricity substation and the waste disposal building. There are no changes to the siting, footprint, materials, overall height and mass of the water resource building.

In the above circumstances when the application is considered by the Council’s Planning and Development Committee the issue they will be considering is the merits in planning terms of the proposed amendments i.e are the amendments such as to make the previously approved development in some way unacceptable. If Members conclude that in these terms the amendments are reasonable then planning permission will be granted.
Members will be advised regarding flood risk issues and will have available the views of the Environment Agency on the application. I do not consider, however, that it would be appropriate to circulate the Committee with copies of Government Planning Policy Statement 25 as requested by your Council. There is a need to avoid “information overload” and to provide Members with only so much information as they need to make sound decisions”.

2.2 North Yorkshire County Council – No observations

2.3 Highway Authority (NYCC) – Recommend that conditions be imposed on any permission regarding the detail specification of the car park access points from Langborne Road.

2.4 North Yorkshire Police Architectural Liaison Officer – Makes the following recommendations:-

“External fire escape

The height of the fencing and gate to the external fire escape should be increased to a minimum of 2.4 metres.

Car Park

This area requires security lighting and dependant on whether it is to be a short or long stay car park it should have the following maintained average illuminance (in lux) not less than 3D for a short stay and 15 for a long stay. In either case they should have an overall uniformity not less than 0.4.

Glazing

The development has a significant amount of glazing and is therefore vulnerable to damage. With this in mind it is suggested that all glazing be laminated to a minimum of 6.8mm.

Security Lighting

All elevations of the building should have security lighting.

Landscaping

Consideration needs to be given in relation to the maintenance of any trees and shrubs planted. Trees should not obstruct any lighting or views for CCTV cameras. They should be pruned so that no branches are lower than 2.5 metres and shrubs should be kept to a maximum height of 0.5 metres.

Secure by Design

Although the developer is not applying for ‘Secure by Design' accreditation, I would urge them to adopt the principles of ‘Secure by Design’.

2.5 North Yorkshire County Council Heritage and Environment Section – Recommend that a condition be imposed on any permission requiring archaeological monitoring of ground works.

2.6 Head of Environmental Health Services – No objections
2.7 English Heritage – “We have no further comments to add to the advice we offered on 22 March 2006. However, we note that two new buildings are now apparently proposed to be added to the development site. Whilst in terms of their individual design we have no comments to make we are concerned that there is apparently a piecemeal approach being taken to development along the waterfront in this particularly sensitive location. Small buildings of single garage size and style which are relatively free standing and without context could in our view detract from the historic interest of the river front and we advise that the location of these facilities would be better incorporated into the principal building already consented.”

2.8 Yorkshire Water Services – Recommend that conditions be imposed on any permission regarding the approval of drainage details and proposals for the disposal of any trade effluents.

2.9 Environment Agency – No objections but recommend that conditions be imposed on any permission including a requirement for an oil interceptor installation to avoid pollution from surface water run-off from parking areas and hardstandings and regarding the storage and removal of waste engine oil. As regards flood risk the Agency comment as follows:-

“The Agency does not object to the proposed development on flood risk grounds, subject to the conditions given below.

As requested in the response to DN6808 dated 16th November 2006, and DN7556 dated 15 March 2006, the River Esk is classed as ‘main river’. Under land drainage legislation any proposed works in, under, over or within 8m of the top of the bank of the river will require the Agency’s prior written consent.

It is agreed that 4.35m AOD is the predicated 200 year tide level with allowance for sea level rise and geological tilt over the next fifty years. Though this level makes no allowance for wave height or barometric pressure influence. Give the above, the Agency accepts the Water Resource Centre’s proposed finished floor levels of 5.07m AOD and solid construction of the floors. Due to the proximity of the building to the river, flood warning notices should be posted, as conditioned below.

Condition – Flood warning notices shall be displayed in numbers, positions and with wording to be agreed with the Local Planning Authority.

The proposed substation should be fully flood proofed.”

2.10 Whitby Civic Society –

1. “In the Revised Planning Application of February 2006, there was great emphasis on providing an additional outer pontoon attached in mid-river to the main pontoon. This proposal had proved contentious and much effort (and money) had been expended in establishing that such a pontoon would provide safe berthing, and leave adequate space for manoeuvring vessels. The original steering group was certainly advised that this part of the expansion and additional berths was essential to the financial viability of the whole scheme. It has now been dropped, without any explanation. Surely the complete disappearance of a feature of the previous plans should be the subject of an Amendment.

Officer Note. The additional pontoon is to be provided in accordance with the planning permission granted last year.
2. The absence of adequate waste disposal facilities from the earlier plans seems a quite extraordinary omission, compounded now by failure to complete the Hazardous Substances section 17 of the General Planning Application form. The wastes will certainly include those from chemical toilets, fuel and oil, and probably old batteries, in addition to the various wastes generated by the café and the business unit operations. It appears to us that the proposal to site the Waste Disposal Building in a prominent situation adjacent to the café terrace is highly inappropriate. An alternative location should be found.

3. The case for a new sub-station needs to be made in greater detail than provided in the documentation, in view of the general emphasis on the ‘green’ character of the development (solar panels, etc). We trust there is no element of anticipating demand for electricity by further developments (possibly commercial) southwards along the river bank. We would certainly oppose these. It is unfortunate that the sub-station is planned to be sited so prominently at the entrance to the car park. Could not a less prominent site be found for it?

4. The landscaping of the site as a whole has been quite significantly reduced compared with previous plans. This appears to us to be a retrograde step as that large area mainly devoted to car parking requires more landscaping rather than less and in fact the steering group was given specific assurances on the quality and quantity of such landscaping.

5. In our previous submissions in connection with this development we have laid great stress on the importance, both to residents of Whitby and to visitors, of an adequate and attractive walkway through the marina area along the harbour edge. The absence of dimensions from the plan drawings makes it difficult to assess the present situation. We would like assurance that such a walkway and associated landscaping remains intact and of the same dimensions.

6. The various changes to the site layout involve changes in the distribution of parking spaces, both for the marina users and for the general public. There is, however, no clear statement of the numerical gains/losses in this respect in the amended plans compared with the former plans, i.e. when the previous plans were presented we were advised there would be a small net gain.

   Officer Note. There is no overall reduction in car parking as compared to the previously approved scheme – see paragraph 1.1 above.

7. We have to accept that safety regulations regarding numbers of occupants require the provision of an external fire escape for the Function Room. However, it might be better sited less prominently on the opposite side of the building. On the subject of fire precautions, is the emergency exit provision for the first floor business units via the circulation area and the normal staircase adequate?

   Officer Note. The plans as submitted comply with all relevant fire escape regulations.

8. A rather large Plant Room has been introduced into the plans, without any explanation. Presumably this is to contain machinery connected with the air circulation and heating system, and might have been expected to be introduced at an earlier stage in the planning. Is the machinery liable to
cause any environmental nuisance, for instance noise, vibration or effects on ambient temperature?  If so, is its location suitable?

*Officer Note. The plant room contains heating equipment including gas fired boilers and thermal storage cylinders for the solar heating system. The applicants comment that “the plant room will not pose any undue problems with respect to heat, noise or vibration as the detailed design and installation of the equipment will be carried out appropriately and the building structure and fabric will take into account the plant room requirements.”*

9. It has been suggested to us that further attention needs to be given to the problems of adequate disabled access and to the location in male/female toilets of disabled/baby changing facilities.

10. The overall appearance of the building/site has certainly not been enhanced by the changes to the Water Resource Building and the two additional small buildings. It looks as if the various alterations have simply been bolted on to the main building, destroying its design integrity, and that the additional small buildings have just fallen into handy spaces. Elevation E of the Water Resource Building now looks a complete mess. In fact, the development is now showing the hallmarks of botched initial planning, which has somehow got to be patched up. The amount of internal amendment proposed rather confirms this.

At the start of this project in 2004, we accepted the invitation for Whitby Civic Society to be represented on the Whitby Harbour Improvement Group. Our representative Barry Atkinson attended the meetings of the Group, reported to our Executive Committee regularly, and sought our views. Because we had a representative there, we remained generally supportive of the proposals of the Group, albeit with occasional reservation. In particular, we were not over keen on the idea to incorporate an element of commercial development in the project by having business units, but we were prepared to accept that such a feature was necessary to lever in external funding from various sources, and that this might be the price which had to be paid for the badly needed Marina improvements. (We would like to be assured that this is still the official view on the incorporation of an element of commercial development).

I regret to have to say that our support is now at an end. We would not wish to see this Planning Application accepted in anything like its current form, and indeed what is really required is to start the planning process again, to issue ultimately in a completely new application, taking on board all the lessons that should be learnt from the present project. In our view, Scarborough Borough Council have been very unwise to take pre-emptive actions in entering into commitments with various contractors in advance of completing the planning process.

We want to say in conclusion that we are not satisfied with the way the Whitby Harbour Improvement Group has been sidelined during the past few months, and now reconstituted as the Whitby Upper Harbour Development Liaison Group. The exclusion of Whitby Civic Society from this, along with various other organisations having a close interest in the future of Whitby, is simply unacceptable. The proposed amendments to the previously approved plans for the Water Resource Building and other significant and material changes proposed might have benefited greatly from prior discussion involving a wider group.”
2.11 **Whitby and District Tourism Association** – “We have major concerns regarding the application some of our concerns are listed below.

1. This plan has over 40 amendments to it and two new buildings added should it not be a new planning application?

2. The large bin store to house waste fuels, oils, batteries and chemical waste, should it be sited near a café area? Can a large refuse wagon access the site? Will the building meet all health and safety issues?

3. The new Electric Sub Station, What is the reason for including a sub station for a small development? Does one building really need its own sub station?! Why is it so far away from buildings and out side of the footprint for original plans? The plans show the building to be raised quite high, why does it need to be so high? Is this a preventative measure against flooding? If this is the case then why are the other buildings not raised also?

4. Fire escape added to plan; the revised plans do not seem to show a fire escape for the occupants of the business units on the top floor of the resource centre?

5. Waters edge landscaping has been omitted from some areas to enable extra car parking – from the outset the feeling was that the car park would be enhanced with the landscaping to make it more appealing to the eye than rows of cars, more of a feature if you like. Have the planners lost sight of this? The disabled parking areas marked means the disabled drivers have a route around the entire building to obtain access to the main disabled entrance. Do you think this is right? We don’t!

6. Business units? Are they in the correct area? Staff will need parking; customers will need parking and deliveries of goods etc? This is already a congested area and we area well know for our major shortage of parking spaces in town?

The WDTA as a group feel that these plans have so many alterations to them that it should go back to public consultation. The original consultation for the marina when meetings were held on the Grand Turk was to improve facilities for marina users to include showers and toilets and to also landscape the area and provide river walks. These revised plans appear to be moving away from the original wishes of all parties involved that attend the meetings.”

2.12 **Whitby Boating Association** – “We are concerned about the following:

- There is no mention of a location for a holding tank pumping out facility on the new plans. We hope that this is just an oversight, as such a facility will be increasingly important in the future when all yachts will be expected to have holding tanks. We are not sure whether this needs planning permission, but if it does, we would like the plans amended to include such a facility.

- The arrangement of the door and corridors means that people changing in the open area of the women’s facility will be in full view of other marina users every time the door is opened. We think this could be overcome by inserting a second and outer door immediately beyond the entrance to the men’s facilities.
- We continue to have concerns about the extremely cramped accommodation for marina users in the Water resource centre and in particular the design of the basin units which fails to provide space for towels, toilet and shaving bags to be put down beside the basins. People who are waiting or have just used showers also need to put down their towels and bags. The present design is less appropriate than the earlier plans.

- We are concerned that space does not appear to have been allocated to allow people to sit in the main area to dry feet, put socks on etc. This may appear trivial but is in fact important in making the space user friendly.

- The laundry area needs to include a deep sink and work surface on to which load and unload laundry.

Officer Note. The applicants have agreed to address the issues raised relating to the layout of the women’s showers etc in the finalising of the internal fixtures and fittings of these facilities.

- There are only 89 car parking spaces, five of which are for the disabled which leaves only 84 spaces to be shared between the marina users and the staff of the eleven business units. If each unit is allocated only one space and the Marina manager one space this only leaves 72 spaces for boat owners and crew. As there will be an extra 40 boats this will mean that at peak times sailors will arrive and find nowhere to park. The plans also do not make enough provision for day sailors. At weekends in the summer there are often 20 or 30 day boats, all requiring space for a car and trailer to be parked near the slipway. There is insufficient space allocated to this on the revised plans.”

Officer Note. The marina users car park has been reduced by one space from 90 to 89 as compared to the previously approved plans.

2.13 Whitby Marina Action Group – “Our first and major point is that this is a new planning application and must go back to a full and thorough consultation. It is not merely revised amendments to the water resource building but a raft of 38+ changes of both major and minor import which indicate an appalling number of errors and miscalculations.

1. The construction and extension of the balconies constitutes a major visual addition to the building. Indeed the original building has so many flaws both structural and design wise, internally and externally, that we are shocked that it was ever originally accepted by the officers of SBC.

2. The aspects of invalid access, toilets etc are still, on the resubmission, totally ill thought out and in need of considerable modification.

3. It would appear that the question of internal fire escapes has not been adequately addressed.

4. The siting of the waste disposal block beggars belief. It is in close proximity to the café and courtyard seating area and will be in daily use for the deposit and storage of noxious smell and dangerous waste – oil, diesel, stale outboard fuel (petrol) bilge waste etc. There will be spillage, smell and damage close to the more “social” aspect of the building. Holding oil waste in a flood risk area would require secure bunding of the whole building and, given its content, it must be vandal proof. Serious
health and safety issues arise with this building. What is the advertising signage mentioned in minute print? This is a separate building and must be submitted to full planning application and regulations.

5. The sub station. This separate building must again attract full and complete planning application. It is not part of the original plan or structure. It is placed approximately 40 metres from the Water Resource Building (W.R.B). What is it for? What is its requirement in conjunction with the W.R.B? Why is it so far removed from the W.R.B? Is there not sufficient capacity in the existing sub stations located on Dock End? We firmly believe that it is more to do with future development plans for the marina flood plain. Give the reasons why this building is required including correspondence with NEDL. Its siting on a raised plinth of unspecified height indicates flood risk strategy for one building. Why does this not apply to all three buildings?

6. The reduction of the riverside walk and landscaping again reneges on previous promises regarding the waterside aspects of the plans. Creeping modifications that fly in the face of all that was originally promised by SBC officers.

7. The abandoning of the ‘grey water’ plans would seem to be a fair indicator to SBC’s attitude to recycling and the environment.

Officer Note. The applicants advise that the grey water system was deleted "because the payback period/cost ration was not considered to be good value. An additional complication was the fact that there is limited soft landscaping under which underground tanks could be sited in the vicinity of the building".

It has not been easy to make full and informed comment on some aspects of these new plans as yet again SBC has not been forthcoming in providing measurements which make assessing the true impact of these new buildings possible, one of the points raised in our report to the ombudsman in our complaints to him on the initial planning process.

Given the inaccuracies and ambiguities in both the initial plans and these new ones we have grave doubts about the quality of the land stability surveys undertaken. The nearby cargo shed is a victim of unstable foundations. The major structural changes to the W.R.B would indicate that this is an area where SBC, as agents, have had to look again via its new architects. How sure can we be that the original ground survey is adequate for the revised structures. Indeed have the two new sites been drilled and tested and have geotechnical reports for both sites been implemented?

Officer Note. A geotechnical and ground contamination report has been prepared by consultants in January of this year and will inform the detail design specification for the foundations of all the proposed buildings.

To sum up on the above points: we feel that the changes proposed are of such magnitude that the whole application must be re-presented after the flaws in this second application have been addressed and submitted as a complete new planning application."

2.14 Neil Carson, Deputy Chairman Whitby Beacon Town Forum – “We object to many aspects of the above proposal, but have been advised that at this stage in the planning process our objections may have to be restricted to the 3 major additions of:
a) The new fire escape,

b) The new hazardous waste storage/disposal building and

c) The new electrical substation

Before detailing our objections to these three ‘after-thoughts’ to this unsightly building, we wish to place on record our strongest possible objections to the way that the 33 other ‘Red Line Amendments’ (which actually include a total of 81 individual changes) are being forced through the planning process by SBC. These 81 ‘minor’ changes include such ‘minor’ items as the fundamental re-design of the whole steel framework of the building and the addition of extra steel bracing, resulting in different window positions and then the knock-on alterations of these on the door positions. How can SBC possibly claim that there are just ‘minor amendments’ to the original planning application?

We also object to the following so-called ‘minor’ changes:

The balcony on part of just one side of the building has been extended to three sides, changing the overall look of the building completely.

The new disabled parking bays are so far away that now any disabled occupants are forced to walk around 3 sides of the building to get to the front door.

The only lift to the 1st floor function room and 9 business units is described as a ‘platform lift’ i.e. suitable only for goods. How exactly does this comply with the Disability Discrimination Act?

The glazed roofing has been replaced with lead on the internal corner. This curved building has a complete disregard for the traditional Yorkshire building styles within this Whitby town centre Conservation Area.

Velux type roof windows have been added above the solar panels, suggesting possible extra room/s within the loft space, creating a 3-story building rather than the 2-stories originally applied for.

Soft landscaping has been increased in 2 areas, reduced in 2 areas and omitted completely in 4 areas – a significant reduction overall.

The grey water system has been completely omitted, reducing the building’s ‘green’ credentials even further.

In truth, this is a very different building from the original proposal and a whole new planning application should be started from the beginning, following an updated Flood Risk Assessment as is now required under the newly imposed (Dec 2006) Environment Agency Zone 3 flood plain directive, and also the new mandatory Planning rules PPS25 (Dec 2006).

All the above objections are in addition to:

a) New Fire Escape: How did this ever become a bolt-on after-thought? This essential safety feature should have been incorporated within the original application plans. Why was it omitted?

b) New Hazardous Waste Storage/Disposal building: This is for emptying boats’ chemical toilets and is entirely inappropriate on the edge of the
café patio where visitors will be eating and drinking. Waste diesel, oil petrol and batteries will also be brought to this building, with inevitable accidental spillages on and near the café patio, not to mention frequent visits by waste disposal vehicles. This hazardous waste storage and disposal building is not bunded to prevent accidental spillages into the River Esk. Nor is it secured in any way from rising sea levels, storm surges nor the river Esk in spate.

c) New Electrical Substation: Why does a café and public toilets require a new electrical substation? The only assumption possible is that it is being located in this isolated position in anticipation of yet more developments."

2.15 **Esk Terrace Residents Association** – “We stress that this is a new application and therefore should be subject to a complete and through consultation exercise. We comment further as follows:-

Water Resource Centre: The amendments are substantial and numerous (35+) including: relocation of a bin store to within the new waste disposal unit, the addition of one fire escape and enlarging the balcony to wrap around three elevations, a major addition to the visual aspect from many viewpoints. The fire escape descends from the balcony at the eastern end of the building which raises concerns for the safety of occupants in the offices at the western end. Many of the amendments are so elementary, including important structural changes, we are very surprised that the original plans were accepted by the SBC planning department. Why has the ‘grey water’ system been omitted? Government policy has increased environmental targets, however, this amendment shows that Scarborough Borough Council is not doing all it could to meet these targets. As an aside, the name of the building conjures up visions of a water processing or bottling plant. Therefore, it does not identify exactly what the function of the building is, either for the public or the boating fraternity.

Waste Disposal Building: It is stated that the Resource Centre building remains within the original footprint, however the waste disposal building is at ground level and not raised to a similar height as the main building. This creates considerable potential danger. In the event of flooding, what would stop water getting into the building and/or causing an overflow of oil and chemical waste into the river which would have a grave polluting effect on wildlife and natural habitats provided by the river? Is there not also danger of water getting into the meters? Furthermore, its location immediately to the south of the café area and open terrace is totally unsuitable. Unpleasant smells, dangerous leakage, fire and vandalism are a strong possibility plus its location will block views up river from the terrace.

Substation: Supporting documents state that this substation measuring 15.88sqm is required to provide electricity to the Water Resource Centre. If this is the case, why has it been located at such a distance from the main building and why is it necessary to have such a large substation for a comparatively small building? The substation has been raised to a higher level than other buildings covered by the application, particularly the waste unit. Why is this when it is further from the river?

Flood Risk: The Council and Spawforths appear to be using out of date information pertaining to flood risk for this site which is in a Zone 3 flood risk area. This is a new application and New Planning Policy Statement 25 (PPS25) published in December 2006 states that all new planning applications must have an up to date Flood Risk Assessment. This has not
been done for this new application therefore the information provided by the old assessment referring to 2003 Environment Agency maps and predications should not be used for this application. Furthermore, the PPS25 states that ‘less vulnerable’ development such as offices and cafes ‘should not be permitted on Zone 3 land’ – an electricity substation is particularly vulnerable. We are aware that the previous application was approved but this is a new one incorporating many changes and it should be assessed under the recommendations of PPS25. We understand that Professor Mike Elliott, Head of Estuarial and Coastal Studies at Hull University has stated that it would be an act of folly to commence disturbance of the current surface on this site for any building to be undertaken, as the cocktail of chemicals and other materials which have used as landfill could be lethal. The danger of a release of such a mixture could cause serious pollution in the River Esk and the immediate coastal waters of Whitby. There has been regular occurrence of ‘subsidence’ parallel to the fencing along the railway track – SBC have had to carry out major repairs twice within the last five years. The proposed positioning of an electric substation in such proximity to the river is sheer lunacy. Are NEDL aware of the materials which comprise the landfill in this area and the possible consequences of building/development on this site?

Land stability: Bearing in mind the observations of Professor Elliott, have surveys and samples been undertaken for the new buildings covered by this application? It is a known fact that the land is reclaimed/unstable and, given that the Centre has had many structural/strengthening changes, will this land support the amended and new buildings?

Officer Note. The applicants architect has spoken to Professor Elliott and he stated that he has no recollection of using the words attributed to him and he is not aware of any report by his Department specific to this site. He did mention that he was involved at an early stage of the consultation for this project and may have made generalised comments regarding estuary sites and excavation works to them having potential to result in pollution.

We have expressed our grave concerns about this application. This is still an inappropriate building in the wrong location. Scarborough Borough Council has committed £1.3m to the scheme. This is more than enough to pay for the facilities required by the boating fraternity so there is no necessity to add 11 ‘starter’ business units and a function room in an upper storey to acquire external funding, a large café is also superfluous. Many Whitby people are totally against this development (as shown by the 2,500 signature petition in 2006) and are deeply suspicious of SBC’s motives – the inclusion of a substation highlights these suspicions.

Finally, we find it hard to believe that SBC planning officers and councillors can be completely objective about this application, the truism ‘judge and jury’ comes to mind. The centre is a dangerous precedent and cynics among the locals speculate as to whether there is a hidden agenda behind this development. We hope common sense will prevail, this second application will be refused and a more suitable alternative which local businesses, organisations and residents can accept will be submitted as a new planning application."

2.16 Mr J R Marsden, Whitby Coblemens Association – “I support the proposals – the alterations appear to be minor and of little consequence.”

2.17 Publicity - The consultation period expired on 28 February. The following objections have been received:-
Mr and Mrs E Smith, 17 Esk Terrace, Whitby

Reiterate the objections of the Esk Terrace Residents Association (see paragraph 2.15 above) and express concern at the loss of public car parking and approval of the scheme creating a precedent for further riverside development.

Mrs E Lewis, 16 West Lane, Danby

Complains that the items now being added to the plans should have been incorporated in the original scheme in one “cohesive building”. As a berth holder Mrs Lewis has concerns about the layout of the marina users showers and toilets.

Officer Note. The applicants have agreed to address these issues in the finalising of the internal fixtures and fittings of these facilities.

Mrs Lewis is also concerned at the inadequate provision for car parking for marina users.

Mrs S Boyce, 17 Carr Hill Lane, Briggswath, Whitby

Considers the application to be incomplete for the following reasons:-

1. “The application is not accompanied by a site-specific Flood Risk Assessment for the two new buildings, namely the substation and waste disposal site. PPG 25 requires such an FRA for proposed developments on a Zone 3 flood plain, which this site now is.

2. While the application indicates that the sub-station will be raised above the 1:200 year flood level, to meet NEDL requirements, no such assurance is made for the waste disposal site.

3. The waste disposal site will handle chemical toilet effluent and used oil from marine engines. This site is designated as a Site of Local Importance for Nature Conservation. The Esk is the only salmon/trout river in Yorkshire – a species designated to be of International importance. The potential contamination risk to the River Esk in the event of flood, and the specification of appropriate preventative measures, should be documented before the application is considered for planning approval.

4. The Water Resource Building itself was accompanied by a Flood Risk Assessment when first approved. That FRA was based on the 2002 Whitby Coastal Strategy and 2003 Environment Agency Flood Plain map. However in the light of recent climate change findings, Defra issued revised recommended allowances for sea-level rise; increased river flows, wave heights, etc in October 2006. The precautionary principle would demand that the original FRA for this building should be revised to take account of the most recent forecasts, before the application is considered for planning approval.

5. The original FRA for the Water Resource Building commented that the site did not lie within any of the four flood cells (areas first to be subject to flooding) identified in Whitby town centre. The largest of those flood cells covers Station Square, New Quay Road and Endeavour Wharf. Thus, access to the Water Resource Building for emergency vehicles or evacuation would be blocked by flooding in the flood cell before the
Building itself was affected. PPG25 states that developers should produce an evacuation plan for the development as part of the FRA, after taking advice from the emergency services.

- Mr C D Forgan, Captain Cook Memorial Museum, Grape Lane, Whitby

  Requests that the Council satisfies itself that the proposed new buildings would not deflect flood waters towards Grape Lane.

- Miss A Bentley, 30A Meadowfields, Sandsend

  Considers the car parking facilities for marina users to be inadequate.

- Mr P Thorton, 3 Church Street, Whitby

  Considers that the large number of amendments proposed suggest that either the original brief to the architect was inadequate or the response to that brief was inadequate and queries the costs of the extra design and building works.

- Mrs M Hall, The Old Custom House, Sandgate, Whitby

  Considers that the changes are so extensive that it would be better to “start from scratch”.

- Mr W Baker, 4 Cherry Close, Whitby

  Objects on the grounds of the inappropriate siting of the waste disposal building next to the café terrace, fears that landscaping has been reduced and the harbourside footpath reduced in width, queries the need for a substation and considers that better access should be provided between the disabled car parking spaces and the disabled conveniences.

- Mr G.A.N Harty, 2 Campion Dock, Whitby

  Is concerned at the number of changes being proposed which suggests inadequate care and attention when the original plans were prepared. Queries the need for Velux windows, the need for the substation and the reasons for its location, the need for a steeply pitched roof to the Water Resources Building, the location of the Waste Disposal Building and the need to provide protection against pollution from this building. Also questions the adequacy of the fire escape proposals and provisions for disabled access and toilet facilities.

- Ellie Brand, 6 Mickleby Drive, Whitby

  Objects on the basis that “nobody wanted any of this”.

3.0 RELEVANT SITE HISTORY

3.1 2005 Planning permission refused for Water Resource Centre, car park and boat mooring pontoons (05/02194/FL)
3.2 2006 Planning permission granted for Waste Resource Centre, car park and boat mooring pontoons (06/00382/FL)

3.3 2006 Conservation Area Consent granted for demolition of toilet and marina users facility building (05/02197/CA)

4.0 PLANNING POLICY

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 54A 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 policies which are considered to be particularly relevant to the consideration of this application:-

**Scarborough Borough Local Plan**

Policy E13  Landscaping of New Development  
Policy E22  Development in Conservation Areas.  
Policy E27  The Protection of Significant Views  
Policy E28  Archaeology  
Policy L11  Whitby Upper Harbour  
Policy T7  Car Parking

5.0 ASSESSMENT

5.1 Whilst the application is a new application and has been subject to all the necessary publicity and consultation procedures the development applied for is amendments to plans which have previously been approved less than 12 months ago by the Council’s Development and Regulation Committee. In these circumstances the issue Members need to address is the impact of the amendments in planning terms on the approved scheme. If the amendments are felt to be improvements or in no way detrimental then planning permission should be granted; only if Members consider the amendments in themselves to be unacceptable could there be any justification for withholding permission.

5.2 A number of objectors have complained that there should have been no need for this application had the original planning application been properly prepared and researched to ensure that all necessary facilities were provided and all Building Regulations satisfied. Your officers have some sympathy with this view and at the time of the original application stressed the need to produce a scheme which provided for all the requirements of marina users. Unfortunately two important elements were overlooked, namely the need to provide an electricity substation to replace that installed within the existing marina toilets/services building which is to be demolished, and, secondly the need to provide a building for the storage/disposal of waste in the form of old engine oil and the contents of chemical toilets.
5.3 As regards the alterations to the Water Resource Building the only significant change is the provision of an external fire escape to provide a secondary means of escape to the first floor function room. This was not included on the original plans due to a misunderstanding on the interpretation of the Building Regulations. The other changes are of a minor nature and are of the type commonly required when projects progress to the detailed construction/design stage. The design of the balustrade to the balconies and emergency escape staircase has been amended to a more traditional appearance. The location of the staircase on the car park side of the building is felt to be preferable to a position on its harbourside frontage. The staircase will not improve the appearance of the previously approved building but, on balance, is considered to be acceptable given the functional requirement to provide an emergency escape route. The building now proposed meets all appropriate Building Regulations relating to fire safety and disabled access.

5.4 The building for the storage of waste is of a traditional style and materials that will match the Water Resource Building and, by partly enclosing the café terrace, will be seen as a part of this building complex. Concerns have been expressed regarding the suitability of this site for waste storage in close proximity to the café seating area and also as a potential pollution hazard. In response the applicants' agent has stated that “as part of the management strategy the Borough Council will ensure that bins are emptied on a daily basis in the high season and the area will be cleaned on a daily basis”. The waste oil will be stored in bunded tanks which are, in effect, a tank within a tank and would be monitored by Council staff and emptied by an approved contractor as necessary. Chemical toilet waste will be discharged into the public sewer and not stored on site. Both the oil storage and removal and chemical toilet disposal facilities are subject to licensing control by the Environment Agency and Yorkshire Water Services respectively. Access to this building will be restricted to keyholders.

5.5 The electricity substation is required by Northern Electric Distribution Ltd (NEDL) to replace the existing substation situated in the marina toilets/services building on the harbourside which is to be demolished. The new substation will be of an increased capacity to serve the proposed development but is not designed with excess capacity to serve any further development as has been suggested by some of the objectors. The size of the building is dictated by NEDL requirements and the Environment Agency’s stipulation that its floor level should be clear of the predicated 1 in 200 year flood level. In this respect the floor level will be the same as that previously approved for the Water Resource Centre. The building is of a design and materials compatible with the Water Resource Centre. The applicants' architect advises that the location for the substation adjacent to the main car park entrance was chosen “in order to minimise disruption to the car park arrangement previously approved. To position the building within the car park would have restricted visibility when manoeuvring through the car park to the detriment of the safety of pedestrians and motorists. The location for the substation has been chosen in order to locate it as close to the marina building as possible taking into account both feed and supply cable routes”. Because of its height the substation building will tend to be visually prominent.
wherever it is located on the site. There is no space for it immediately adjacent to the Water Resource Building and a waterfront position would look particularly incongruous. In these circumstances it is considered that the site proposed is acceptable.

5.6 The changes to the car parking and landscaping as compared to the approved scheme are of little significance in terms of the visual character of the development. Following discussions with the Councils Parks and Estates Department the species of trees and shrubs originally proposed have been amended and the number of “extra heavy standard” trees reduced to 25. The harbourside walkway separated from the car park by landscaping, and including seats and lighting, will be provided as in the approved scheme but with fewer trees than previously proposed.

5.7 In terms of compliance with the Scarborough Borough Local Plan the addition of two small buildings, the changes to the external appearance of the Water Resource Building and revisions to the layout of the car park/landscaping do not invalidate the conclusions in my report on the approved application that the scheme was in accordance with the relevant policies. Attached as an appendix to this report is a copy of the policy analysis presented as part of the committee report on the previous application.

5.8 The previously approved application for this development was accompanied by a Flood Risk Assessment (FRA) and this has been relied upon to support these amended proposals. The floorspace occupied by the additional ancillary buildings (the substation and waste disposal buildings) amounts to some 44sq. metres which equates to less than an extra 13% of the footprint of the approved Water Resources Building. The Environment Agency, who are the statutory body responsible for flood management and defence and for advising Local Planning Authorities on flooding issues, have no objections to these amended proposals. The Whitby Town Council and a number of other objectors have suggested that in the light of the Government publication PPS25 (Development and Flood Risk), issued in December 2006, a new FRA should be prepared. This is not the case, the previously prepared FRA is in line with the format recommended in PPS25 and in terms of the sequential testing recommended (whereby high flood vulnerability uses are directed towards sites with the lowest probability of flooding) the uses proposed for the Water Resource Centre are categorised as “less vulnerable” which are appropriate for sites classified within Flood Zone 3a.

6.0 CONCLUSION

6.1 There amendments to the previously approved scheme are acceptable in the context of the relevant planning policies contained in the Scarborough Borough Local Plan and in government guidance.

7.0 RECOMMENDATION
7.1 That PERMISSION BE GRANTED, subject to the following conditions:-

1. No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation submitted by the applicant and approved by the Local Planning Authority as informed by the findings of the desk-top study.

   **Reason:** The site is of archaeological interest

2. Samples of all external materials including the facing bricks and roof tiles to be used for the ‘Water Resource Centre, waste storage building and substation shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.

   Note. The facing bricks shall be Ibstock West Hoathly Sharpthorne Mixture or an alternative to be approved in writing by the Local Planning Authority.

   **Reason:** To ensure that the development presents an attractive appearance in accordance with Policy E22 of the Scarborough Borough Council Local Plan.

3. Samples of the materials to be used for all pedestrian and car park circulation areas shall be submitted to and approved by The Local Planning Authority prior to the commencement of the development.

   **Reason:** To ensure that the development presents an attractive appearance in accordance with Policy E22 of the Scarborough Borough Council Local Plan.

4. Large scale details of all windows, the glazed external doors and glazed walling system shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development

   **Reason:** To ensure that the development presents an attractive appearance in accordance with Policy E22 of the Scarborough Borough Council Local Plan.

5. Details of the design and siting of all railings, barriers lighting columns, CCTV cameras and seating shall be submitted to and approved by the Local Planning Authority prior to their installation.

   **Reason:** To ensure that the development presents an attractive appearance in accordance with Policy E22 of the Scarborough Borough Council Local Plan.

6. Prior to the commencement of any part of the development hereby permitted, the accesses to the site shall be laid out and constructed in accordance with the specification of the local Highway Authority.

   **Reason:** To ensure a satisfactory means of access to the site from the public highway, in the interests of vehicle and pedestrian safety and convenience.

7. Prior to the commencement of the development hereby permitted visibility splays providing clear visibility of 2.4 metres x 45 metres measured down the centre line of the access and the nearside channel line of the major road shall
be provided at the junction of the access with the county highway. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times thereafter.

**Reason:** In the interests of road safety to provide for drivers of vehicles using the access road to the site and the public highway with a standard of inter-visibility commensurate with the vehicular traffic flows and road conditions.

8. Prior to the commencement of any works on site, a settlement facility for the removal of suspended solids from surface water run-off during construction works shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained throughout the construction period.

**Reason:** To prevent pollution of the water environment.

9. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. Roof water shall not pass through the interceptor.

**Reason:** To prevent pollution of the water environment.

10. The site shall be developed with separate systems of drainage for foul and surface water on and off site and no piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.

**Reason:** To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system.

11. No development shall take place until details of the proposed means of disposal of foul water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

**Reason:** To ensure that no foul water discharges take place until proper provision has been made for its disposal.

12. No development shall take place until works have been carried out to provide adequate facilities to the disposal and treatment of any waste materials, including trade effluents, in accordance with details to be submitted to and approved by the Local Planning Authority.

**Reason:** To ensure that the development can be properly drained without damage to the local water environment.

13. Flood warning notices shall be erected in numbers, positions and with wording to be agreed with the Local Planning Authority. The notices shall be kept legible and clear of obstruction.
Reason: To ensure that owners and occupiers of premises are aware of the risk of flooding and sources of information.

14. The design and construction details of any tables and chairs and any other equipment to be positioned outside for use in conjunction with the café in the Water Resource Centre shall be as may be approved by the Local Planning authority and all these items shall be stored within the building at times when the café is not operating.

Reason: To ensure that the development presents an attractive appearance in accordance with Policy E22 of the Scarborough Borough Council Local Plan.

15. The permission hereby granted does not authorise any retail sales from within the Water Resource Building or the use of the cafe as a hot food take away.

Reason: For the avoidance of doubt

16. None of the business units in the Water Resource Building shall be amalgamated to form larger units without the prior written approval of the Local Planning Authority.

Reason: In order that the Local Planning Authority may exercise control over the creation of larger business units.

17. The scheme of landscaping and tree planting shown on Drawing Ref: SF PP01B and PP02B shall be carried out in its entirety within a period of six months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the development presents an attractive appearance in accordance with Policy E22 of the Scarborough Borough Council Local Plan.

18. Notwithstanding the details indicated on the submitted plans the height of the gate and railings to the external fire escape shall be increased in height to 2.4 metres.

Reason: In the interests of the security of the premises.
Head of Planning Services

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 David Green ON 01723 232585 e-mail david.green@scarborough.gov.uk

APM ......................... Date .........................

F:\Planning Services Admin\Committee Reports\_ ** ** 2006
Policy L11 – Whitby Upper Harbour

THE REDEVELOPMENT OF WHITBY’S UPPER HARBOUR AND PROPOSALS FOR THE USE OR RE-USE OF THE HARBOUR AND ENDEAVOUR WHARF WILL BE PERMITTED FOR USES THAT:

(A) BENEFIT FROM A WATERFRONT LOCATION
(B) RESPECT AND ENHANCE THE HISTORIC MARITIME CHARACTER OF THE AREA AND HAVE REGARD TO ITS ARCHITECTURAL QUALITIES
(C) DO NOT DETRACT FROM THE TOWN’S ROLE AS A TOURIST DESTINATION
(D) ARE COMPATIBLE WITH THE ON-GOING PORT ACTIVITIES IN THE AREA

The Water Resource Centre will be clearly visible from high level views such as the Abbey and the high level bridge, Esk Terrace and the Ropey, etc. However, looking down on the building the background will be the river itself and the island and featureless car park area therefore the introduction of the new building will not adversely affect or interrupt key views as seen from these high level viewpoints. In other words from these high level viewpoints the building will not mark or interrupt the view or line of sight of important architectural or townscape features, ie the building will be read from these high viewpoints, against the plain background of the river and car park. In this context the important element is the bulk of the building and the townscape. It is the view of the Planning Authority that the building is relatively small and is readily absorbed by the large extent of the river and car park, which will surround it. Also, there are no significant buildings within many hundred yards of the building, as viewed from high level positions and therefore will not have an adverse or negative impact on the ‘maritime character’ of the area or ‘its architectural qualities’ as set out in criteria (B) of Policy L11. From other lower level viewpoints, eg the swing bridge, the river’s edge, etc, it will be a different perspective and the building will be read against a background of the built environment of Whitby. From low level viewpoints to the north, the building will be read against a background of the new Whitby Lading development and the high level bridge. And therefore, the building will not have an adverse effect on this view and will not be read against, or seen in contrast with other historic townscape.

From the east side of the river the building will be seen to be located on the flat and featureless car park site and will be seen against the background the car park and railway land and existing Harbour Master’s office and the ‘sun shed’ of Endeavour Wharf. In general terms the building will be below the level of the Victorian buildings along Esk Terrace, which are located at a higher level.

From the car park, or west side, the building will be seen against a background of traditional Whitby townscape on the east side of the river. Therefore the bulk and materials, colour and design of the building are clearly of importance and, in this respect, the materials to be used are to be copied from the successfully designed Harbour Master’s building nearby. This recently constructed building does not appear to have attracted criticism from the public and it is hoped
that the new building, in identical materials will merge into the background of the historic development across the river. The bulk of the proposed building can adequately be accommodated in the large space within which it is set, particularly in view of the fact that the adjoining area contains a number of large buildings, as the Co-op supermarket, the Railway Station, the Tourist Information Centre/Sewage Pumping works and the Endeavour Wharf 'tin shed'.

In relation to criteria (A) of Policy LI1 the building benefits and requires a waterfront location.

In relation to criteria (C) of Policy LI1 the proposal enhances the town's role of a tourist destination with particular reference to yachting tourism.

In relation to criteria (D) of Policy LI1 uses are compatible with the ongoing port activities in the area and have been specifically designed to fit in with harbour requirements vis-à-vis access to Endeavour Wharf, dredging, channel width and other hydrological matters.

In relation to likely impact on the tourist economy it is important to note that the main aim of the overall development is the promotion of yacht and boat related tourism, the economic benefits of which are well known. There is evidence to show there is significant demand and interest for facilities of this type and that the existing facilities are inadequate and have an adverse impact on the image and reputation of Whitby as a yachting centre. In addition the public toilet facilities and the existing public and marina users car park leave much to be desired in terms of quality and appearance.

Therefore, as suggested that the provision of environmental improvements, improved parking facilities and improved toilet facilities for visiting tourists will be greatly enhanced and at such, criteria (C) of Policy LI1 is satisfied. Similarly, the inclusion of business units will enhance the local economy generally, given that much of the local economy is given to tourism it is highly likely that the occupiers of the business units will be tourist related, if not yachting related.

It is accepted that, as with any architectural development, the visiting tourists and residents will have a view on its bulk, style and architecture. However, the building is a free standing building surrounded by significant space and has been designed in the 'Whitby style' which is likely to attract more favourable comment or at least less adverse comment that a "modern" building style.

Policy E22 - Development of Conservation Area

**WITHIN CONSERVATION AREAS DEVELOPMENT WILL ONLY BE PERMITTED WHERE IT WILL PRESERVE OR ENHANCE THE CHARACTER OR APPEARANCE OF THE CONSERVATION AREAS. SUFFICIENT DETAILS WILL BE REQUIRED TO ENABLE SUCH AN ASSESSMENT TO BE MADE. THE DESIGN OF NEW DEVELOPMENT AND THE CHOICE AND USE OF MATERIALS SHOULD BE SYMPATHETIC TO AND IN HARMONY WITH THE SPECIAL ARCHITECTURE AND HISTORIC CHARACTER OF THE AREA.**

**SPECIAL REGARD WILL BE HAD TO THE SCALE HEIGHT AND MASSING OF THE DEVELOPMENT, RESPECT FOR THE TRADITIONAL PATTERN OF FRONTAGES AND THE PROPORTIONS OF THE ENCLOSURE AND DOORS.**

The proposed development is located on the edge of the conservation area, the boundary of which runs through the heart of the adjacent car park. Therefore, it is important to stress that this particular part of the conservation area has little architectural or townscape merit but the importance of the site in relation to views both long range and short range which are assessed under LI1 above.
Therefore, the text as to whether the development preserves or enhances or leaves the area unharmed, is less certain than if the development was in closer proximity to the prestigious townscape of Whitley and the area of Church Street, New Quay Road and the lower harbour area.

Notwithstanding this the materials and design of the building, copy, as far as is practical, the nearby Harbour Master’s Office. The material of the building will be natural and indigenous to the area. The building is of traditional design and of traditional proportions. The site has had a long history of development proposals on a much larger scale (the Evass development) rejected in previous years. Therefore, it is very difficult to judge whether the site, the conservation area and the town centre, as a whole would be preserved or enhanced by development of the site at all, or a large-scale development covering much of the site, or, as in this proposal, a small scale development. It is accepted that there is an argument for larger scale development, which would reflect the terraces and architecture rhythms and rooflines of the surrounding architecture. It is also accepted that there is an argument to leave the site undeveloped in view of its sensitivity. However, the proposal is deemed to be acceptable and in accordance with Policy E2 in view of its relatively small size its compatibility with adjoining the Harbour Office and other Harbourside development. It is accepted that elements of the building “functional”, given the proposed uses of public toilets, showers, etc. It is also accepted that the building designed for residential purposes would have a marginally more attractive appearance. Therefore, overall, it is felt that the proposal leaves this part of the conservation unharmed and therefore in compliance with Policy E2 and Government Planning Policy Statements relating to conservation Areas.

Policy E27 – the protection of significant views

SUBJECT TO COMPLIANCE WITH OTHER PLANNED POLICIES, DEVELOPMENT WILL BE PERMITTED PROVIDED THAT VIEWS OF AND FROM THE AREAS IMPORTANT LANDSCAPE AND TOWNSCAPE FEATURES WILL NOT BE ADVERSELY AFFECTED.

SPECIAL SCRUTINY WILL BE APPLIED TO PROPOSALS AFFECTING VIEWS OF AND FROM THE NORTH YORK MOORS FRINGE, THE WOLDS, THE COASTAL ZONE, OLIVER’S MOUNT AND THE DESIGNATED CONSERVATION AREA.

Analysis of views is contained under Policy E11 above. In addition it should be said that this proposal does not impact on view of or from the North York Moors Fringe, the Wolds, or Oliver’s Mount.

In relation to views of and from the Coastal Zone, the proposal is set down at low level in the river valley and has no impact on the Coastal Zone to the North and South of the River Esk. The analysis of the views in and around the designated conservation area is set out in Policy E11 above in relation to the impact on the Conservation vis-a-vis policy E22 above.

Policy E28 – Archaeology

(Excerpt) WHERE RESEARCH INDICATES THAT ARCHAEOLOGICAL REMAINS MAY EXIST WITHIN A SITE APPLICANTS WILL BE REQUIRED TO SUBMIT AN ARCHAEOLOGICAL FIELD EVALUATION TO ASSIST THE DETERMINATION OF A PLANNING APPLICATION.

The site in question is not shown on the local plan as an archaeological site under policy E28. There is no specific archaeological work which would indicate that archaeological remains may exist in the area. However, it is accepted that the County Council, that the area is an area of

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However, it should also be recognised that the area is subject to the water resource centre is filled land, containing several metres of fill on previous tidal mudflats. The new building is likely to need piled foundations in excess of 5-10 metres deep. The Planning authority accepts the need for an archaeological investigation and a condition will be attached accordingly, which will require an archaeological investigation to be carried out according to the County Council’s specification prior to the commencement of the development. As with conditions requiring a geotechnical assessment, the archaeological assessment may reveal remains that are worthy or protection and ultimately may render the development incapable of implementation in its current form.

The condition would also require a watching brief during construction.

Policy T7- car parking

(EXTRACT) WITHIN THE TOWN CENTRE AREAS OF SCARBOROUGH, WHITBY AND FILEY PUBLIC CAR PARKING FACILITIES WILL GENERALLY BE MAINTAINED AT THEIR PRESENT LEVEL ............... 

In general terms the proposals do not significantly increase or decrease the level of parking for the public or marina users compared with the existing situation. The proposals rationalise, landscape and manage the existing parking area and this will provide significant improvement over the current unsightly and unmanaged situation.

It is accepted that parking which may be generated by the business units is an additional requirement, but the small number of parking spaces required to support the business units is insignificant given that there are several hundred parking spaces within a few yards of the proposed building.

Gordon Somerville
Head of Planning Services

23 March 2006