

	REPORT TO PLANNING & DEVELOPMENT COMMITTEE TO BE HELD ON THURSDAY, 3 October 2019	
APPLICATION REFERENCE NO: 19/01743/FLA	TARGET DATE: 7 November 2019	GRID REF: 503667-488824

REPORT OF THE PLANNING SERVICES MANAGER – PSM19/195

SUBJECT: Variation of condition 1 relating to 18/02818/FL dated 26.02.19 for the Erection of new 1 and 2 storey commercial buildings and recladding and extending an existing commercial building. Speculative development for A1, B1, B2, B8 and D2 uses at Old Print Works Melrose Street Scarborough NORTH YORKSHIRE YO12 7SL for Thompson Homes

1.0 THE PROPOSAL

1.1 The application proposes the redevelopment of this former employment site for a range of commercial buildings. The application follows the demolition of the majority of the former commercial buildings on the site last year, following the applicant's purchase, due to the buildings being in poor and unsafe condition. The remainder of the buildings on the site were cleared after the grant of planning permission in February 2019, for an alternative commercial redevelopment.

1.2 The proposal seeks to erect a number of commercial units in a similar configuration as the demolished buildings on the site, allowing the existing site access from Columbus Ravine, and the car parking and service yard within the site to be retained and reused. The overall footprint of the proposed buildings is less than the former buildings in order to provide more parking and manoeuvring space within the site. The former buildings provided a total floor area of 3609 sq.m (c. 38,850 sq.ft). Nine new units are proposed, providing a combined floor space of some 1672 sq.m (c. 18,000 sq.ft). Seven of the proposed units would be accessed from Columbus Ravine, with two units proposed to be accessed from Melrose Street. The main change proposed in relation to the February 2019 approved scheme is a reduction in the floor space proposed, and an associated reduction in height of the majority of the units, together with the complete redevelopment of the site, rather than the retention and recladding of one of the former units

1.3 As the applicant is undertaking the development without known end users at this stage, a range of uses were applied for and approved under the earlier planning permission, to allow flexibility in marketing the units for rent. The permitted use comprise Class A1 (retail), B1 (light industry), B2 (general industry), B8 (storage and distribution) and D2 (assembly and leisure).

1.4 The site is surrounded by existing development, comprising a mix of commercial and residential uses. To the north of the site is the Council's Dean Road Depot, to the east are houses fronting Melrose Street, to the south are a range of commercial premises, with the carriageway of Columbus Ravine to the west, with Dean Road Cemetery and housing on the opposite side.

2.0 SCREENING OPINION REQUIRED?

2.1 No.

3.0 PRE-APPLICATION COMMUNITY ENGAGEMENT

3.1 None.

4.0 CONSULTATIONS AND COMMENTS

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

4.1 Highway Authority - Comments awaited. Conditions were recommended for the previous planning permission.

4.2 Publicity - Consultation period expires on 3 October 2019. No comments have been received to date.

5.0 RELEVANT SITE HISTORY

5.1 2019 - Planning permission granted for the erection of new 1 and 2 storey commercial buildings and recladding and extending an existing commercial building for a mix of A1, B1, B2, B8 and D2 uses

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 require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise (in the case of advertisement applications the Advertisement Regulations 2007 are applicable). 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 2017

SD 1 - Presumption in Favour of Sustainable Development

DEC 1 - Principles of Good Design

DEC 4 - Protection of Amenity

EG 3 - Employment Land Delivery
ENV 3 - Environmental Risk
EG 5 - Safeguarding Employment Sites and Premises
TC 1 - Hierarchy of Centres

National Planning Policy Framework

NPPF2 - Achieving Sustainable Development
NPPF6 - Building a strong, competitive economy
NPPF14 - Meeting the challenge of climate change, flooding and coastal change

Scarborough Borough Supplementary Planning Documents

None relevant

Local Planning Policy and Guidance

None relevant

7.0 ASSESSMENT

7.1 There are a number of matters to be taken in account in relation to this proposal, which are considered below under the following subheadings:

- Principle of redevelopment
- Design
- Highways
- Surface water drainage
- Ground contamination
- Impact on residential amenity.

Principle of redevelopment

7.2 The principle of the redevelopment of the site was established through the grant of planning permission earlier this year, under reference 18/02818/FL. The earlier permission was granted as in principle the redevelopment of the site for employment uses was considered to be acceptable and in accordance with the relevant policies in the Local Plan. The site has historically been in a Class B2 (general industrial) use, being occupied by a former printing works. In the more recent past the site has been largely unused, due to its deteriorating condition and before that was partially occupied for a range of commercial uses and storage.

7.3 The reuse of the site for employment purposes, adjacent the Council's Depot and the other commercial premises on Melrose Street and the Columbus Ravine frontage would provide for modern commercial floor space that would be attractive in the market place, as the accommodation previously on the site was not of good quality, and was no doubt inefficient both in terms of running costs and from an operational point of view.

7.4 Whilst the application site has historically been in employment use, it has now been cleared due to the poor condition of the buildings previously sited on it. As a result

the redevelopment can be considered against Policy EG3 (Supporting Industry and Business). This policy states that new employment opportunities within industrial and business sectors will be encouraged, including new employment units within settlements where proposals are compatible with the scale and nature of surrounding uses. Additionally, the site's redevelopment is considered to accord with Policy EG5, which seeks to safeguard employment sites and premises from being lost unless it is clearly demonstrated that there is no reasonable prospect of the site being retained in an employment use.

7.5 As with the scheme permitted earlier this year, restrictions are proposed for the retail (Class A1) and entertainment/leisure (Class D2) uses, to protect against retail or entertainment/leisure uses of inappropriate scale for the site, which could be located within the town centre. In addition, it would also to ensure the majority of the floor space is retained in employment use. The redevelopment of the site for modern workshop, industrial and storage floor space is considered to be in accordance with the relevant policies of the Local Plan as set out above.

7.6 It is recommended that conditions be imposed on any planning permission which restrict retail floor space to a maximum of 120 sq.m (Unit 9) and Class D2 floorspace to a maximum of 187 sq.m (Unit 4), ensuring such uses remain a limited part of the commercial offer on the site. In addition, it is considered appropriate to restrict the Class D2 floor space to use as a gymnasium only to allow consideration to be given to any proposed alternative Class D2 uses which could result in a greater demand for parking in the interests of the amenity of nearby residents.

7.7 For completeness, it should be noted that the application site formed part of the land that was the subject of the 2009 Development Brief, drawn up in relation to the proposed redevelopment of land on Dean Road and Melrose Street. This document advised that future uses for the application site could include a mix of commercial and residential. However, none of the suggested proposals set out in the Development Brief were incorporated into the 2017 Local Plan.

7.8 Notwithstanding the above, it should also be noted that outline planning permission was secured for the redevelopment of adjacent commercial land and buildings for a mix of retail and residential use in June 2016 (under reference 14/02177/OL). Since the grant of the outline permission no approaches have been made to the LPA regarding detailed proposals and therefore it is not clear whether the redevelopment of the site will progress further. That said, your Officers do not consider that the current situation should prejudice the redevelopment of the application site. The outline permission includes a condition which requires certain double glazing types to be provided to certain windows of the proposed residential properties. Your Officers consider that the matter would need to be revisited in future should further proposals for residential development come forward as the application site was largely vacant at the time the noise survey was undertaken in 2014.

Design

7.9 In terms of design, the proposal needs to be considered against Local Plan Policy DEC1 (Principles of Good Design). The redevelopment of the site for clad employment units is considered to be appropriate for the locality, enabling the distinct mixed use character of the area to be maintained. The design responds to the local context and

the level differences between the north and east boundaries of the site, taking advantage of the different opportunities for access to the units - i.e. Units 2 and 3 being accessed from Melrose Street (as approved earlier this year).

7.10 The units proposed in this application are of a reduced footprint and height, due primarily to removing upper floors from the scheme. The nine units would range from 87 sq.m (931 sq.ft) to 359 sq.m (3864 sq.ft) in terms of floor areas. The units would range in height from 5.0m to 6.5m to eaves (reduced from 6.6m to 9.0m in the previous permission) and between 6.0m and 9.0m to ridge (reduced from 8.4m to 10.0m in the previous permission). The use of modern insulated cladding panels with a tramline pattern, in a colour finish which is to be agreed, is considered to be appropriate and should ensure the new buildings are an attractive addition to this mixed character locality.

7.11 Overall, the application is considered to meet the relevant criteria of Policy DEC1.

Highways

7.12 The comments of the Highway Authority are awaited, but in relation to the previous scheme it recommended a number of conditions be imposed on the grant of planning permission, including one regarding vehicle access to certain units on Melrose Street, as currently vehicles park on the opposite side of the road, adjacent to Banchory House / Lodge. The Highway Authority also noted that Melrose Street west of No.16 is not highway maintained at public expense and there is a gated entrance adjacent to the rear of GT Garages.

7.13 The Highway Authority did not raise objection to the proposals, and your Officers anticipate that no objection will be raised to this proposal which proposes a reduction in overall floor space in comparison with the previously approved scheme, which should reduce the amount of vehicular activity associated with the redeveloped site. Historically, the area appears to have functioned without major issues between the neighbouring commercial uses, and the adjacent residential properties. The individual units are relatively modest in floor area and it is not anticipated that individually or cumulatively they should result in such an intensification of use that would lead to an unacceptable increase in vehicle movements.

Surface water drainage

7.14 The majority, if not the full extent, of the site has historically been hard surfaced, either as parking and manoeuvring areas or by roofs of buildings, the majority of which have now been demolished. Being a brownfield site, the Council's Drainage Engineer has requested that for the new build units, a reduction in the surface water run-off rate from roofs should be secured through the design of the surface water drainage works, which should also include an additional 20% storage to take account of increasing rainfall intensity through climate change. This would have a positive impact on the capacity of the public sewer. The applicant has agreed to the imposition of a pre-commencement condition in respect of this matter. On this basis, your Officers consider that the development would be in compliance with Policy ENV3 of the Local Plan and the relevant guidance in the NPPF.

Ground contamination

7.15 In relation to the previous application, Environmental Health recommended that consideration be given to potential ground contamination issues due to present/historic activities on this site. As a result of this a condition was imposed on the planning permission and it is recommended that this condition be reimposed on this current proposal.

Impact on residential amenity

7.16 Officers consider that the reuse of the site for a range of commercial uses is unlikely to raise concern in terms of residential amenity generally, given the separation distances between the site and neighbouring residential properties on Columbus Ravine. The properties most likely to experience harm to their amenity are those on Melrose Street, should a Class B2 (General Industry) or Class D2 (Assembly and Leisure) use operate in close proximity to them, without appropriate sound proofing or without restrictions on their hours of operation.

7.17 In permitting the previous planning permission Units 1, 2 and 3, which lie closest to the adjacent residential properties in Melrose Street, although they would be detached from them, would have uses limited to Class B1 (light industry) or Class B8 (storage and distribution). In addition, Units 2 and 3 had their hours of operation restricted to between 8.00am and 6.00pm Mondays to Fridays and 9.00am and 1.00pm on Saturdays, with no working on Sundays or Bank Holidays. These conditions are considered to be appropriate safeguards for residents' amenities, and are recommended for the current proposal.

7.18 In terms of vehicle movements and activities associated with deliveries, as the individual units are relatively modest in floor area it is not anticipated that individually or cumulatively they should result in such a level of activity that would lead to an unacceptable increase in vehicle movements and activities external to the units on Melrose Street, that would result in material harm to the occupiers of nearby dwellings.

7.19 Given the above, and subject to controlling conditions, the redevelopment proposal is considered to be acceptable from an amenity point of view and therefore accords with Policy DEC4 of the Local Plan.

8.0 PRE-COMMENCEMENT CONDITIONS

8.1 A pre-commencement condition is proposed in relation to surface water drainage. The applicant has been consulted on the condition and has agreed to its imposition.

POSITIVE AND PROACTIVE STATEMENT

The proposals were subject of pre-application discussions between the applicant and the Local Planning Authority. By both parties acting positively and proactively, this reduced the need for revisions during the course of the application.

The proposed development as submitted is in principle acceptable, but there are certain aspects where additional details need to be agreed and implemented and/or specific safeguards need to be put into place. The Local Planning Authority acted proactively by attaching planning conditions which can adequately address such matters.

RECOMMENDATION

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

- 1 The development hereby approved shall be carried out in accordance with the following approved plans:

Proposed Site Plan - ref. 18017/01 Rev C
Proposed Ground and First Floor Plans - ref. 18017/02 Rev C
Proposed Elevations - ref. 18017/03 Rev C

unless any variation is first approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

- 2 Before the commencement of any works of construction hereby approved, a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme, including calculations, shall demonstrate the measures that will be incorporated into the development to provide for a 30% reduction in the peak flow discharge arising from the new buildings on the site, together with a 20% increase in the volume of surface water storage to take account of climate change. The surface water drainage works shall be completed in accordance with the approved details in advance of the first occupation of any of the new commercial units and thereafter so maintained.

Reason: To reduce the likelihood of surface water flooding on or off the site in accordance with Policy ENV3 of the Scarborough Borough Local Plan and Section 14 of the NPPF.

- 3 Prior to the commencement of any works of construction details of the ground investigations to be carried out on the site and the actions to be undertaken to address any contamination found shall be submitted to and approved in writing by the Local Planning Authority. The actions to address any contamination on site shall be carried out in accordance with the approved details prior to foundation works being undertaken within the affected areas of the site.

Reason: To ensure any contamination found on the site is appropriately remediated in accordance with Policy ENV3 of the Scarborough Borough Local Plan.

- 4 The Class A1 retail floor space within the development shall be restricted to Unit 9 as shown on Plan ref. 18017/02 Rev C, with the maximum floor area of the retail use restricted to 120 sq.m within the unit.

Reason: To avoid unrestricted retail floor space on the site in the interests of ensuring the vitality and viability of Scarborough town centre in accordance with

Policy TC1 and to ensure the majority of the floor space is maintained in employment uses in accordance with Policies EG3 and EG5 of the Scarborough Borough Local Plan.

- 5 The Class D2 floor space within the development shall be restricted to Unit 4 as shown on Plan ref. 18017/02 Rev C, with the maximum floor area of the Class D2 use restricted to 187 sq.m. The Class D2 floor space shall be used only as a gymnasium and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987, or in any Order or Statutory Instrument revoking and re-enacting that Order).

Reason: To avoid unrestricted Class D2 floor space on the site in the interests of ensuring the vitality and viability of Scarborough town centre in accordance with Policy TC1 and to ensure the majority of the floor space is maintained in employment uses in accordance with Policies EG3 and EG5 of the Scarborough Borough Local Plan.

- 6 Units 1, 2 and 3 as shown on plan ref. 18017/02 Rev C shall be used only for Class B1 (Light Industrial) or B8 (Storage and Distribution) uses only.

Reason: In the interests of the amenities of nearby residents in accordance with Policy DEC4 of the Scarborough Borough Local Plan.

- 7 Units 2 and 3 as shown on plan ref. 18017/02 Rev A shall only operate between the hours of 08:00 and 18:00 Mondays to Fridays and 09:00 and 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In the interests of the amenities of nearby residents in accordance with Policy DEC4 of the Scarborough Borough Local Plan.

- 8 Before any works of construction above foundation level the details of the external cladding materials and their colour finishes (i.e. window frames, doors and cladding panels to roof and walls) and the hard surfacing within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the appearance of the development and the visual amenity of the locality in accordance with Policy DEC1 of the Scarborough Borough Local Plan.

- 9 Prior to the first occupation of any new unit hereby granted details of covered cycle parking to serve the site and/or individual units shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be provided within one month of the Local Planning Authority's written approval of the details, unless a longer timeframe is first agreed in writing, and shall thereafter be maintained in accordance with the approved details.

Reason: In the interests of sustainable travel to the site by customers and employees.

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 M P WHITMORE ON 01723 232475 email Marcus.Whitmore@scarborough.gov.uk



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