



**REPORT TO PLANNING &  
DEVELOPMENT COMMITTEE**

**TO BE HELD ON THURSDAY,  
26 JULY 2007**

**APPLICATION REFERENCE NO:**

**07/00412/FL**

**TARGET DATE:**

**26 JULY 2007**

**GRID REFERENCE:**

**511388 - 480809**

**REPORT OF THE HEAD OF PLANNING SERVICES - HPIg/07/126**

**SUBJECT: ERECTION OF BUILDING COMPRISING RETAIL SPACE AT GROUND FLOOR LEVEL, WITH A TOTAL OF 10 NO. FLATS ACROSS FIRST AND SECOND FLOORS, PLUS CREATION OF PARKING AREAS ASSOCIATED WITH RETAIL SPACE AND FLATS, AT STATION GARAGE SITE, STATION AVENUE, FILEY, FOR LEDDEN THOMPSON DEVELOPMENTS**

**1.0 THE PROPOSAL**

- 1.1 The proposed development is located on the site of an existing single storey garage and car showroom of poor design. Opposite there is a car park surrounded by retail food outlets also of poor design. This includes a butcher and a small supermarket and is close to the town's railway and bus stations. There are other merchants in unattractive buildings to the rear of the site, a bungalow style dentist's surgery to the east, a two storey flat roofed residential home to the west with attractive Victorian residential housing behind the site to the north.
- 1.2 The development comprises approximately 530 square metres ground floor retail split into three units with ten flats above on two floors, all with two bedrooms. Each flat has a single car space off Granville Road to the rear. The retail car park to the west off Station Avenue has eleven cars in addition to the turning head with two spaces adjacent to the entrances designated for disabled drivers. The site lies outside Filey town centre as defined in the Scarborough Borough Local Plan where such retail use would not normally be permitted. Their retail use here is substantiated by a retail assessment submitted with the application.
- 1.3 The Architect's Design and Access Statement describes the design approach to this three storey development and explains that :-

Station Avenue leads into the town's centre and is typically lined with two and three-storey gabled Victorian properties. The immediate neighbouring buildings were not suitable as design references. The gabled properties further toward the centre, demonstrated a more visually acceptable scale and detail and have a consistent relationship with their neighbours. These buildings have therefore been used as cues in the design and to reduce the apparent height of the building and to create a visual separation between the flats and the retail, the ground storey has an ashlar stone appearance and string courses. The south, east and west elevations are now two-and-a-half stories to also reduce the height, creating dormer windows and lowering the gables.

The entrances to the flats are treated as principal elevational features to respect the residential importance of Granville Road. Glass canopies protect the entrance doors, which are flanked with inset light oak timber board panelling and a stainless steel feature panel for utilities. At the rear elevation, coursed render stucco continues the profiled masonry lines of the shop's frontage.

The shop façades will have dark grey anodised aluminium framed windows and doors to contrast with the cast stone surrounds. The façade is staggered and set out in such a way as to define each unit, without the need for excessive later embellishment.

Highways were keen to have a problem with the existing pavement addressed and so the developer has agreed to provide a dwarf wall and re-lay the public pavement with a fall to the highway. The dwarf wall can add amenity to the street, separating pedestrians and shoppers, facilitating level access and planting and acting as an impromptu seat for the public and securing cycles.

The car park serving the shops has an access to Station Avenue, that has been agreed with the Highway Authority, with good sight lines and a safe, well established position.

At the eastern end of the site there is an existing pedestrian way through from Granville Road to give access to the shops and there it links with the pedestrian crossing on Station Avenue. There is sufficient space at the rear of the building for all the flats within the site. The accessibility of the building allows for ease of servicing and refuse collection.

- 1.4 The submitted scheme is similar in scale to an earlier application in 2006 which was withdrawn following concerns over the design and an adverse retail report from the Council's Consultant Martin Tonks. The Design had substantially the same footprint as is currently proposed but was in a more contemporary style. This included large areas of glazing to flats, on balconies and to gables.

## 2.0 CONSULTATIONS AND COMMENTS

2.1 Filey Town Council - Members welcomed the reduction of glass frontage and the aesthetic improvements to the design, however there are serious concerns and objections to the following :-

- The retail element of the proposals are not right for this site on a busy congested corner, but would prefer two-storey development without retail element.
- Proposals are overbearing, too high and an over-development of site.
- Design is too modern and contemporary and any building needs sympathetic treatment to fit in with the surroundings.
- Parking for goods vehicles and retail users is in a very tight turning circle with exit onto a pedestrian flow and fast flow of traffic as the route is well used by local school children to access Filey School, Filey Infants School and Filey Junior School as well as access to and from Silver Birches and Somerfield car park.
- Existing petrol tanks would need removal prior to any development.
- Site of brickworks in early railway times and would request some archaeological work be undertaken on this site prior to any development taking place.
- Plans are unclear on the rear elevation to Granville Road showing no windows on the second floor which may cause the proposed flats to access insufficient light.

2.2 Traffic and Transportation Manager – Four conditions suggested over private access / verge crossing, details of turning spaces and works in the highway and completion of highway works prior to the development being brought into use.

2.3 Head of Environmental Health and Housing Services - Awaiting comments.

2.4 Head of Regeneration - I have no objections in principle against the re-development of this site. However, as you are aware, the main MOT Testing and Vehicle Servicing Station in Filey (Filey Auto Centre) is currently located on that site. It is therefore imperative that an alternative location is identified to allow that business to continue to prosper.

As you are aware, Unit 6 at Filey Workshops has been identified as the preferred site for the MOT Testing Station. As I understand it, this will require a change of use from the current B1 classification. Letting of the premises has already been agreed with Property Services.

In my view, both applications should be considered together.

2.5 Environment Agency - The Agency recommends that if planning permission is granted a planning condition be imposed over surface water drainage to be passed through trapped gullies. They also give informative advice over controlled waters at this site being of low environmental sensitivity, that the requirements of PPS23 Land Contamination be followed, that sewage disposal systems should have sufficient capacity and site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

2.6 Architectural Liaison Officer – has no objections to this application in principle, but asks that conditions be placed on any grant in respect of security lighting to elevations and car parks and boundary protection alongside the eastern side being of metal construction. Advice is also given over Glazing to Retail Units, Access to Flats and recommendation that there should be windows facing overlooking the residents' car parking with clear signage and a change in road surface material and/or colour to clearly demark it as being private.

2.7 Yorkshire Water

The layout details submitted are not acceptable to Yorkshire Water as part of the buildings are proposed to be built over the line of the public sewer, the proposed building should stand-off from this as requested in earlier letters and foul and surface water drainage proposals should be shown.

2.8 Publicity - The consultation period expired on 5<sup>th</sup> June 2007.

2.9 Mrs J Stevenson of 12 Victoria Avenue **objects** to this plan being passed because :-

1 The car parking facilities are already over-stretched on Victoria Avenue and Granville Road. Residents now have enough problems when people park that are going to the vets, dentist, shopping precinct and parents parking twice a day when dropping off and collecting their children.

2 During the season holiday makers who don't wish to pay for parking find our street a convenient free parking space.

3 Where will the parking for these flats not create problems if the residents have more than one car or they have visitors, where do they park?

4 If the three shops are creating jobs where do they park, where does the deliveries park and what happens when their car park is full?

5 If the building takes place is the deliveries of building materials going to be made along Victoria Avenue, are the builders also going to park on our street?

- 6 We have enough problems on bin collection days, we were asked to move our cars so the refuse wagon could get past. When we move our vehicles other people park their cars in the vacant parking spots so that move was pointless.
- 7 We have no problems with the garage or their parking at the moment because they use their own land for parking on.

### **3.0 RELEVANT SITE HISTORY**

- 3.1 2000 - Change of use granted for use of part of petrol station as Taxi Office (00/00978/FL)
- 3.2 2002 - Renewal of permission for use of part of petrol station as Taxi Office (02/00069/FL)
- 3.3 2006 - Preliminary enquiry for dual lane MOT Class 7 Testing Station determined as Permitted Development (06/00439/PE).
- 3.4 2006 - Application withdrawn for erection of building comprising retail space at ground floor level, with a total of 10 No. flats at first and second floor level (06/02313/FL).
- 3.5 2007 - Outline application received for two houses and twelve flats (07/01490/OL), Not yet determined.

### **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**

E5 - Road and Rail Approaches to Resort Towns.

E12 - Design of New Development.

E13 - Landscaping of New Development.

E28 - Archaeology.

I4 - Safeguarding Existing Employment Areas.

H3 - Small Scale/Infill Housing Development Within the Development Limits of Settlements.

S3 - Local Shopping Facilities.

T7 - Car Parking.

T11 - Facilities for Pedestrians.

C7 - Foul and Surface Water Disposal.

4.2 In addition, the following Planning Policy Statements and Guidance Notes are also relevant :-

PPS1 – Delivering Sustainable Development.

PPS6 - Planning for Town Centres and

Planning for Town Centres: Guidance on Design and Implementation Tools.

## **5.0 ASSESSMENT**

5.1 The principal issues for consideration are with regards to the loss of an existing employment site, impact on the vitality of the existing Filey Town Centre, the design and landscaping quality of the development, impact on residential amenity, traffic safety and on a public sewer under the site.

### **Loss of existing employment site**

5.2 Policy I4 seeks to safeguard existing employment sites however an exception is allowed if there are substantial environmental or amenity benefits. The buildings on the site are predominantly of poor design quality with corrugated sheet metal roofing and large horizontal fascia signs. Boundary treatments are poor and the presence of cars for sale intrude on the street scene. The site is located on a prominent bend on the approach to the town centre and presently presents a poor 'first impression' for visitors. Policy E5 seeks to enhance road and rail approaches to resort towns but does require special attention to be paid to its design and landscaping. The Head of Regenerations concerns are noted but no application has yet been made for a replacement MOT testing station. This application should not however be held up whilst waiting for this. Subject to an acceptable quality of design and landscaping re-development of the site is, therefore, considered acceptable in principle.

### **Impact on the Vitality of the Existing Filey Town Centre**

5.3 The town centre shopping strategy of the Local Plan aims to maintain the role of the town centre as the focus of activity through maintaining and improving

the vitality and viability of the town centres. The town centre of Filey is identified in the Scarborough Borough Local Plan as primarily a local shopping centre meeting the everyday needs of the resident population and visitors. The town contains a significant number of shops meeting visitor demands, some of which are closed outside the summer season. The grant of planning permission for a supermarket on the Station Avenue Car Park in 2000 was considered to strengthen the role of the town centre as a shopping centre on a site allocated for such development under Policy S16. Although not developed so far there is renewed interest in the site.

- 5.4 In addition to the policies of the Local Plan, advice is also contained within PPS6, Planning for Town Centres. The purpose of this guidance is to sustain and enhance the vitality and viability of town and other existing centres by focusing retail, leisure and other key town centre uses which attract a lot of people within those centres. PPS6 emphasises a plan-led approach to promoting development in town centres, both through plan policies and the identification of locations and sites for development. It also makes reference to a test of need and a sequential approach for site selection to be applied to proposals to develop at edge of centre or out of centre locations which are not in accordance with Local Plan policies.
- 5.5 For sites outside the town centre Policy S3 states that proposals for retail facilities to serve purely local facilities will be permitted provided that they would not adversely affect residential amenities and not be detrimental to highway safety. Development however will not be permitted where it is of a scale that would harm the vitality of existing shopping centres. A retail assessment has been submitted by Planning Prospects and this has been assessed by the Council's Retail Consultant, Martin Tonks who concluded that the development would harm the vitality and viability of Filey town centre.
- 5.6 Planning Prospects claim the proposal is in a local centre in compliance with Policy S3 of the Local plan whilst the Somerfield on the opposite side of the road is out-of-centre. (Both sites must be regarded as out-of-centre as they are 330 metres from the primary shopping area in Filey. They also consider the only site in town allocated under Policy S16 of the Local Plan to be unavailable.
- 5.7 It is however considered that the Retail Assessment has not demonstrated a quantitative need for the proposal due to the under-recording of existing floor space in the study area in their assessment. In addition, the qualitative need is not really demonstrated due to the understating of the current convenience offer in the study area and as the planned development on the car park site is likely to come forward in the near future.
- 5.8 In terms of the sequential approach and the reduced number of vacancies in Filey that could accommodate similar retailing, there has been renewed interest in the Station Avenue Car Park site. PPS6 does advise that Local Planning Authorities can include policies and proposals in Development Plans to ensure sequentially preferable sites are developed ahead of less central

locations. It is considered that the Station Avenue Car Park site should be developed ahead of this sequentially inferior proposal.

- 5.9 With regard to impact and the reduction in the size of the larger unit that it is anticipated will be occupied by a convenience store, this could have a far greater turnover than estimated if it were occupied by one of the three large supermarkets that now have convenience formats, namely, Tesco, Sainsbury or Asda and the first two already have such formats elsewhere in the Borough.
- 5.10 It should also be noted that the Inspector at the appeal concerning the re-development of the former pumping station site on Station Road for retail use concluded that this modest edge-of-centre proposal "*would materially harm the vitality and viability of Filey town centre .....*". This use was only for 164 square metres retail in comparison to the 530 square metres currently proposed here.
- 5.11 Combined with existing provision in the immediate area the proposal would result in a strong retail offer outside the town centre and in direct competition with it. The level of provision would also be far greater than typically found in a local parade that Policy S3 seeks to protect and enhance. The increased offer on the approach to the town centre could discourage shoppers from continuing into the centre on some occasions. This cannot be good for the vitality and viability of a small town centre like Filey where such day to day shopping needs (and services) might expect to be provided in the centre itself.

### **Design and Landscaping Quality**

- 5.12 Policy E12 states that planning permission will not be granted for development which would detract from the appearance of the area in which it is located. Apart from a plain clay roofed cottage the buildings on the site are already of poor design quality with corrugated sheet metal roofing and large horizontal fascia signs. Boundary treatments are poor and the presence of cars for sale intrude on the street scene. The site is located on a prominent bend on the approach to the town centre and presently presents a poor 'first impression' for visitors. Whilst Policy I4 seeks to safeguard existing employment sites, Policy E5 seeks to enhance road and rail approaches to resort towns. Subject to an acceptable quality of design and landscaping re-development of the site is, therefore, considered acceptable in principle.
- 5.13 The previous proposals in the withdrawn scheme adopted an overtly modern style. Some amendments have been negotiated to improve this particularly the use of gables to break down the scale of the roof and use of smaller windows. The Architect's Design and Access Statement indicates that design cues are now being taken from the three-storey gabled properties on main roads closer to the town centre. This approach is agreed with as the immediately adjoining buildings are in a somewhat disjointed mix of building styles and materials and of poor quality.

5.14 The Victorian and Edwardian properties closer to the town centre are also much more characteristic of much out of centre development within Filey. Particularly characteristic features include :-

- three-storey red and white brick construction with decorative brick or stone details to lintols, cills, pilasters, arches, eaves and verges;
- steep 60 degree pitched slate roofs with gables, gabled dormers often with elaborate barge boards, towers, turrets and chimney stacks to enliven ridges;
- building set back behind well designed brick and stone boundary walls, orientated parallel to the main road, curving around bends and often with additional architectural emphasis at corners;
- bay windows of a rich variety of designs and window styles. often combined with gabled projections these give a distinct vertical rhythm and proportion to elevations.

Even on secondary and back streets many of these elements can be found albeit on lower two-storey or two-and-a-half-storey development.

5.15 Policy E12 states that new development should complement this character. Given modern floor to ceiling heights and construction techniques one would not expect an accurate pastiche. Yet when looked at in detail many aspects of the design do not complement this character or run counter to this :-

- Plain brick detailing to one-and-a-half-storey buff brickwork on top of a tall cast stone masonry blockwork base. Total absence of ground floor window openings facing Granville Road results in an overdominant and out of proportion elevation.
- 45 degree hipped roofs with gables with plain barge boards but all under a single level ridge line. Squat simulated copper clad dormers are a particularly anachronistic feature.
- Building line set at an angle to the road with a series of stepped set backs and projections and with large wide shopfronts of horizontal proportions.
- No bay windows. Although some gable projections are included they sit centrally on sections of the elevations which have squatter and more horizontal proportions.

The resultant scale, form and layout of development is considered will create a building which would be visually intrusive. The materials proposed, colour of windows and brickwork, style and proportion of fenestration and architectural detailing is considered not to complement the character of development in Filey and is therefore contrary to Policy E12 of the Scarborough Borough Local Plan. Its orientation and stepped form is

considered contrary to design principles outlined in the Office of the Deputy Prime Ministers Guidance on Design and Implementation Tools which accompanied PPS6. It is inappropriate for its context and it fails to fully take the opportunity to improve the character and quality of the area and advised in PPS1 should not be accepted.

- 5.16 The site's location on the approach to Filey town centre gives it a "gateway" status, particularly when framed by the upright barriers to the level crossing on Muston Road. Further away, however, it is the south-west corner that will be seen first, the plain tile roof of a former cottage on the site being visible many hundreds of metres away. No architectural emphasis has been given to this corner. On approach from the other direction curved orientation with such a corner emphasis would make a positive contribution to the street scene here also. No 3D illustrations of the development have been submitted, however, it is considered that from the information which has been submitted that insufficient attention has been paid to the design and that is, therefore, contrary to Policy E5.
- 5.17 The proposals for a dwarf wall to the rear of the footpath is a positive contribution to the hard landscaping of the site. Reinstatement and repair of the fence adjacent to the Nursing Home is also welcomed, however, this appears to be all that is proposed in respect of landscaping and no trees are proposed. Whilst conditions could deal with hard and soft landscaping to the Station Avenue frontage the bleak effect of Granville Road frontage cannot be mitigated. Here the whole of the frontage is given over to ten resident's parking spaces with no space for boundary walls, gates or planting. The adverse visual effect of this can be gauged from parking to the rear of the Doctors/Dentists Surgery. This also is considered contrary to Policy E12.
- 5.18 Notwithstanding the objection in principle to the level of retail development, the applicants are proposing to submit an amended design in an effort to overcome the design based objections. It is anticipated that these plans would be submitted in time for the meeting.

### **Impact on Residential Amenity**

- 5.19 Policy H3, as well as design, vehicular, services, nature conservation and landscape criteria, also requires that the development should not harm the amenities of nearby residents as a result of overlooking or an overbearing effect on existing buildings, or disturbance from vehicular movement. The 15.5 metre distance between bedroom windows to the rear of the development and properties on Granville Road is comparable with nearby streets and considered will cause no problems of overlooking. These windows are to first floor flats only as the second floor is set back 4.5 metres. This can explain the Town Council's concern over missing second floor windows. These are hidden behind the roof to the first floor which is sloped in such a manner as to provide light wells to the second floor windows. The effect of this is to remove concerns over any overbearing effect on the buildings on Granville Road. Other than a design concern over the relationship of the three-storey Station Avenue frontage and its east elevation

to the adjoining bungalow style surgery, the proposals are considered acceptable.

### **Traffic Safety**

- 5.20 Whilst concerns raised by Filey Town Council and one resident are noted, North Yorkshire County Council Highway Authority consider the proposal acceptable. Retail parking is kept separate from residential parking and sufficient turning space exists for the size of service vehicles expected. In addition, the applicants have agreed with Highways to re-lay the pavement to drain towards the carriageway, improving drainage and removing risks of flooding. This would improve pedestrian safety and is considered to be a significant benefit from the application. As it falls outside of the red line as submitted it would need a grampian condition imposing if Committee was minded to approve the application.

### **Public Sewer**

- 5.21 The line of the public sewer crossing the site is approximately 5m away from the west elevation and turns into Granville Road at a manhole to the rear of the site. It therefore passes under the end part of retail unit. Yorkshire Water's objections to both this and the earlier application are significant and as such the proposals are contrary to Policy C7 which requires adequate provision for foul and surface water disposal. Technical solutions are known to exist as the existing sewer already passes under the existing building but they need Yorkshire Waters agreement. The architects advise that whilst verbal agreement has been reached with Yorkshire Water written agreement is still awaited.

### **Other Issues**

- 5.22 Other issues raised in respect of archaeology, contaminated land, drainage, security lighting and crime prevention could also be dealt with by conditions and are also not considered substantive enough to warrant additional reasons for refusal.

## **6.0 CONCLUSION**

- 6.1 Whilst a sympathetic re-development of this site is acceptable in principle its prominent location close to Filey town centre, at a 'gateway' to the town centre and on a major approach to the resort town, requires special attention to be paid to its design and landscaping, to having no adverse effect on residential amenities or highway safety nor harming the vitality of the existing shopping centre.
- 6.2 The proposals as submitted in respect of the retail element is considered will harm the vitality and viability of Filey town centre contrary to Policy S3 and PPS6. In combination with existing provision in the immediate area the proposal would result in a strong retail offer outside the town centre and be in direct competition with it. The present design and landscaping is also

considered not to comply with Policies E5, E12, or the design guidance in PPS1 and PPS6 although amended plans may be received which overcome this particular concern.

## 7.0 RECOMMENDATION

7.1 That **PERMISSION BE REFUSED** for the following reason(s) :-

- 1 Combined with existing retail provision in the immediate area the proposal would result in a strong retail offer outside the town centre and be in direct competition with it. The scale of provision would be far greater than typically found in a local parade which Policy S3 of the Scarborough Borough Local Plan seeks to protect and enhance. The increased offer on the approach to the town centre could discourage shoppers from continuing into the town centre. This would be detrimental to the vitality and viability of Filey town centre which is considered will be harmed by the proposal contrary to Policies S1 and S3 of the Scarborough Borough Local Plan and PPS6 which aim to promote and enhance existing town centres by focussing development in such centres and encouraging a wide range of services in a good environment accessible to all.
  
2. The design of the proposal is considered not to be in character with the more typical development in Filey, it is of a scale, form, horizontal emphasis and stepped layout which would be visually intrusive on an important approach to the resort town, on adjacent residential area and of inadequate landscaping or design quality contrary to Policies E5 and E12 of the Scarborough Borough Local Plan and guidance in PPS1 and PPS6. Policy E5 seeks to enhance road and rail approaches to resort towns and requires special attention to be paid to the design and landscaping of development. Policy E12 states that the design of new development should result in visually attractive buildings which complement the character and appearance of their surroundings and that planning permission will not be granted for development which would detract from the appearance of the area in which it is located, particularly in relation to scale, form, height, layout, materials, colouring, fenestration, architectural detailing and landscaping.



**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 MR DEREK GREEN ON 01723 232585 e-mail derek.green@scarborough.gov.uk

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

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05 July 2007