Planning Services

Scarborough Borough Council

Town Hall

St Nicholas Street

Scarborough

YO14 2HG

14.08.2018 **Comments/Representations**

**Reference: Planning Application of Planning Permission 18/01504/FL.**

**Proposal: Construction of Drainage Bund**

**Applicant: McCarthy and Stone Retirement Lifestyles Limited (c/o Agent)**

**Site Address: Site at Church Cliff Drive, Filey, North Yorkshire.**

**(North of Housing Allocation HA24 within the SBC Adopted Local Plan)**

**All comments are in reference to this Planning Application 18/01504/FL**

**Plus the previously submitted comments/representations to Planning Application 17/02734/FL that this application supports for development.**

Dear Sir/Madam,

The proposed drainage bund is already included in planning application 17/02734/FL amended application which is situated to the north and outside of the redline boundary of Site HA24, off Church Cliff Drive, Filey. So fails the statutory planning requirements.

This application 18/01504/FL may be subject to planning conditions that include a Grampian Condition and a Section 106 Obligations or Community Infrastructure Levy (CIL).

**Reference the use of Planning Conditions**

**National Planning Policy Framework Policies**

Paragraph 206 of the National Planning Policy Framework (NPPF) March 2012 and the Revised NPPF July 2018, within the planning conditions and obligations section policy 55. States

*“Planning conditions should only be imposed where they are:*

1. *Necessary*
2. *Relevant to planning and:*
3. *To the development permitted*
4. *Enforceable*
5. *Precise and:*
6. *Reasonable in all Respects.”*

Above is referred to in the policy requirements in the guidance as the 6 tests.

The proposed Drainage Bund is outside of the redline boundary for proposed development on site HA24 Reference application 17/02734/FL.

This proposed Drainage Bund is also outside Filey Town Development Limits and does not meet the policy requirements of the 6 tests laid out in Paragraph 206 of the National Planning Policy Framework (NPPF) March 2012 and the Revised NPPF July 2018, within the planning conditions and obligations section policy 55.

This application infringes the Local Plan development limits as planning decisions should be made in accordance with the Development Plan /Local Plans. I refer you to Circular 11/95 – Use of Conditions in Planning Permissions, Section 6 – Other Constraints – Policy and Other Constraints states *“Conditions should normally be consistent with National Planning Policies as expressed in Government Circulars, Planning Policy Guidance notes… They should also normally accord with provisions of development plan and other policies of the local planning authorities. Where a certain kind of condition is specifically endorsed by a development plan policy.”*

This application is also in conflict with National Planning Policy and Planning Policy Guidance as set down in the Governments circular 11/95 “use of conditions in planning permissions” and the Scarborough Borough Council – Development Plan. Local Plan Policies Map – July 2017 - Map 15: Filey

Under normal planning application circumstances this additional drainage bund would be within the redline boundary for site HA24. Clearly the reason this application 18/01504/FL has been brought forward is to stop the development area of HA24 being further limited.

This limitation would reduce the number of properties/dwellings making the development none viable.

NPPF Policy 57 States *“All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in National Planning Guidance, including standardised inputs, and should be made* ***publicly available****.”*

There are already serious questions of this site being over developed to make it viable in the submitted responses to planning application 17/02734/FL.

This planning application 18/01504/FL is indirectly supporting application 17/02734/FL.

No viability documents have been posted on the SBC Public access website in reference to application 17/02734/FL. Officers have not complied with NPPF Policy 57 which states: *“All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in National Planning Guidance, including standardised inputs, and should be made* ***publicly available****.”*

The use of planning conditions states conditions can place sanctions on land that is classed as Open Space, this application is within the area highlighted as OS10 on Local Plan map 15 Filey. However in this case this highlighted section of Open Space OS10 has not been formally designated and would be subject to a planning application on land use change,

This land is not Open Space. Therefore the argument to support a planning condition on this land as open space is irrelevant and not valid in this case.

Any planning condition imposed on this area will contravene the use of planning conditions policies.

**Consultee Responses That Need to Be Considered:**

**Yorkshire Waters response to application 18/01504/FL**

***(Ref: supporting documents on 18/01504/FL in the public access website.)***

Site at Church Cliff Drive, Filey – Construction of Drainage Bund.

Stephanie Walden States, “*Land drainage has no right of connection to the public sewer network under any circumstance; exceedance flows should not enter the public sewer network.”*

**North Yorkshire County Council Business and Environment Services, Lead Local Flood Authority – Considerations and Recommendations.**

**Response to application 18/01504/FL. *(Ref: supporting documents on18/01504/FL in the public access website.)***

NYCC have concerns over exceedance routes and requests the applicant to confirm exceedance routes.

The applicant has not integrated plus 40% for climate change in their calculations.

The applicant has not confirmed a maintenance strategy for the lifetime of the development and identified who will be responsible for its maintenance and operation.

If this proposed drainage bund and proposed development on site HA24 is granted, where will the exceedance routes be situated? And how will they be managed?

Who will be responsible for maintenance and operation of these routes?

As the Topping Engineers Technical Drawings/ Plan Number NE-2429-04-DE-020 and NE-2429-04-DE-021 show no exceedance routes or strategy for this scenario.

In the “following documents are noted” section of the NYCC response, the drainage calculations submitted by McCarthy and Stone’s drainage engineers plan number NE-2429-03-DE-Calcs Dated March 2018 for the proposed plan, are now out of date and not valid as this plan is not relevant to the application as a new amended plan has been submitted with a completely different layout and house types.

The applicant needs to submit new calculations for this application to comply with planning policies/regulations.

**Filey Town Council – Consultees**

**Comment Reasons - Interested Organisation**

***(Ref: supporting documents on 18/01504/FL in the public access website.)***

Filey Town Council object and express concerns over the technical requirements of the proposed bund and state *“ A 1 in 200 year drainage system would be preferred as Filey has already had 3 x 1 in 100 year storms in 15 years and system needs to be more robust to alleviate potential flooding. Who will be responsible for future on-going maintenance of the drainage bund? Where would water behind go as will not drain away due to the clay soil. Concern that the height of proposed bund would not be sufficient.”*

**Supporting Information: Public access website in the supporting documents for 18/01504/FL. Services Report – 20 June 2018.**

Documents on this application for construction of an earth drainage bund?

McCarthy and Stone (Developments) Ltd. Commissioned Wardell-Armstrong on the 6th July 2017 to research the position of the recorded off-site services serving the site at Church Cliff Drive, Filey. This report completed over one year ago identifies the Electric, Gas, Water Mains and Sewers, BT cables, Etc. is for planning application 17/02734/FL and not 18/01504/FL.

Has this report been filed in the wrong planning application? This report does not appear in the supporting documents on planning application 17/02734/FL. Or do you now consider planning application 17/02734/FL and 18/01504/FL as one application?

If so this would contravene planning policy/regulations.

**NPPF – NPPG – SFRA and HLSMA:**

These applications raise serious questions on validation/ legal compliance and breaches policies in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG).

NPPF Policy 157, states “*All plans should apply a sequential, risk based approach to the location of development – taking into account the current and future impacts of climate change so as to avoid, where possible, flood risk to people and property, they should do this and manage the residual risk, By:…*

*(b) Safeguarding land from development that is required or likely to be required, for current or future flood management.”*

This site is within the formally recognised Filey Flood Alleviation Scheme (FFAS), a scheme that has been granted planning permission; it has received central government and regional flood funding bodies grant money, and should have been implemented in March 2017.

FFAS is considered a local priority and need.

*(Ref: Plan SBC 15/02657/RG3 and Drawing number PB1154/9005)*

This planning application 18/01504/FL and planning application 17/02734/FL are in conflict with the criteria as set down in NPPF policy 157 and these areas should be safeguarded from development as flood management plans are already approved and in place they are considered a local priority and need.

This application is in direct conflict with the above NPPF policy 157 and the Strategic Flood Risk Assessment (SFRA) for Filey under NPPF Policy 156. The SFRA Report on Filey states: “*no further new developments take place until flood alleviation measures have taken place.”*

As the FFAS is considered a local priority and need.

**Further Supplementary Planning Documents (SPDs)**

The SPDs policy states: *“Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues…..Supplementary planning documents are capable of being a material consideration in planning decisions.”*

SPDs are attached to this Planning application 18/01504/FL and there are many attached to the site this application supports for proposed development 17/02734/FL.

Especially the following SPDs: The Strategic Flood Risk Assessment (SFRA) and the Housing Land Selection Methodology Assessment (HLSMA).

Government Planning Guidance notes state in section 12.

What approach must be taken where development plan policies conflict with one another?

“Conflicts between development plan policies adopted, approved or published at the same time must be considered in the light of all material considerations, including local priorities and needs, as guided by NPPF. (Para 012 Ref ID 21b-012-20140306)

Strategic Policy Making Authorities; Scarborough Borough Council – Local Planning Authority

Have a legal obligation to adhere to the Development Plan and Local Plan Policies within the Planning assessment methodology and process. Local planning authorities must give due consideration to SPDs such as the HLSMA,SFRA, Site Assessments, Site Constraints within these assessments, specifically on and around Site HA24 Land off Church Cliff Drive, Filey.

The Applicant is pushing beyond the boundaries of acceptable development, in this case literally beyond the boundaries.

**Conclusion:**

- Town and Country Planning Applications have not been adhered to the application for residential development should be revised to include all works required for development to be within a redline boundary to define the application site.

- Alternatively, the proposals must be revised to include all works required within the HA24 allocation.

- Under no circumstances should application 18/01504/FL be granted when the proposed construction is outside Filey Town Development Limits.

- At the Local Plan Examination in Public the Independent Government Inspector Mr W Fieldhouse Stated “*Filey Town Development Limits to remain running along the boundary of properties on the northern side of Wooldale Drive and straight across to country park, the purpose to eliminate the potential of urban creep.”*

-This application infringes the policy on Local Plan development limits.

-The section of land this application is located in is not Open Space.

-The Applicant is not the land owner.

- Scarborough Borough Council – Local Planning Authority should seek amended plans to include all works necessary for residential development to be within the redline boundary.

Or seek an amended scheme from the applicant for all works to be within the HA24 site allocation.

-Elements of this planning application do not meet the criteria within and set down in the 6 Tests.

I object to this planning application in its current form. The evidence to support these comments is substantial and remarkable.

It is of paramount importance that Members and Officers do not abrogate on any of the aforementioned planning policies, site specific appraisals, conditions, requirements and regulations.

The current proposed plans need to be changed to legally comply with planning policies, and site specific appraisals, especially when the environs around this site are sensitive environmental issues.

It is imperative to follow maintain Integrity in the planning methodology and process.

The information above provides robust argument on why this planning application should not be granted.

Given the significance of the points raised concerning this planning application 18/01504/FL I would urge you that the proposed plan is rejected on this basis.

Yours Sincerely Address

All following comments are in reference to the planning application 17/02734/FL that planning application 18/01504/FL supports

The proposed plan shows 20 bungalows and a large L shaped apartment block with accommodation on 2 levels containing 39 apartments with some accommodation in roof space described as one and a half levels to the frontage onto Church Cliff Drive.

Plus a proposed drainage bund outside of the development site on the northern edge.

Plus outside of Filey Town Development Limits- Map 15, Filey – Local Plan policies map.

I object to these proposals. I list the reasons why with supporting comments and reference to supporting documents.

Many unresolved issues are still current in this planning application 17/02374/FL submitted on 22nd December 2017 as stated in the comments/representations previously submitted.

There are no revised or updated documents on SBC Planning website from consultees

Stating that these issues have been resolved or amended, the issues are as follows.

**NYCC- Local Highways Authority Considerations and Recommendations.**

Application No SBC17/02734/FL – Revised Details dated 16th July 2018.

This response states “The *vehicle parking for dwellings 16-21 appear to be short and immediately infront of the front door to the bungalows. A parking space on a drive should be 6 metres to allow the vehicle to be parked and the resident to be able to open the door, without the vehicle overhanging the carriageway. As this development is specifically targeted at older retirement living these residents may have or develop restricted mobility and therefore adequately sized parking spaces should be provided.”*

The proposed amended plan needs to change to conform to these requirements.

The Local Highways Authority then recommends a list of conditions.

**Yorkshire Water:** Flood Risk Assessment and Mitigation/ Drainage Strategy plans and report by Toppings the developer’s drainage engineers are still deemed unacceptable.

Plus Yorkshire Waters - Response U000553 - 18th July 2018.

States there are points that should be addressed in regard to drainage.

**North Yorkshire County Council – Heritage Services, Archaeology:** finds from the sites assessment trench digs have identified the area as a site of archaeological significance and requires a Written Statement of Investigation (WSI). The WSI has not been completed.

**Financial Contributions:**

Contributions to be paid by the developer in reference to misinterpreted Green Space will this contribution be paid?

Plus there is NO affordable housing in the proposed plans will affordable housing be included? Or will the calculated contribution of £588,000 paid by the developer to SBC in lieu of affordable housing be accepted?

**The Housing Strategy and Development Report:** The Officer states that no affordable housing in the proposed plan is in direct contradiction with the councils Supplementary Planning Document (SPD) for affordable housing “*we are concerned that the report contains flaws and inaccuracies, especially in terms of evidence base, which has a bearing on the conclusions of the report and some care should be taken on its findings*” and *“there is an over provision of rented housing for the elderly in the Borough.”*Is a new retirement complex warranted?

**Privacy and Amenity Policies**: Although this amended plan has addressed some Privacy and Amenity issues it has not addressed all issues. Reference overlooking and building regulation distances. Bungalow plots 6 and 7 appear not to comply with the recommended distance of 21 metres to 95 Wooldale Drive on the amended plan.

The plan does not show an extension to 95 wooldale drive.

This does not comply to minimise overlooking in this zone

See submission by Millward 716241 pdf

Plus the frontage zone in relationship to the conservation area has diminished on this amended plan reducing the buffer area from the conservation area.

Ref- Page17 Darnton B3’s Design, Access and Sustainability Statement dated November 2017.

**Planning Application 18/01504/FL – Construction of Drainage Bund – Site: Land north of Church Cliff Drive, Filey, YO14 9ET.** The proposed bund showing on this amended application site map 17/02374/FL is subject to a separate planning application. However it is deemed to part of the Flood Risk Assessment and Mitigation/Drainage Strategy for the proposed development on site HA24 reference 17/02374/FL.

The proposed drainage bund on the top edge of this plan is outside of the redline boundary and Filey Town development limits, this is in breach of planning policies and regulations which states “*The application site should be edged clearly with a redline on the location map, it should include all land necessary to carry out the proposed development*.”

(Please note this proposed bund is not included in the already planned, passed and funded Filey Flood Alleviation Scheme Plans they are completely separate from this application.)

**Amended Application 17/02734/FL:** The revisions to layout and house types do not replicate surrounding development on Wooldale Drive and Arndale Way.

The bungalows have been squeezed into a very small area to comply to stand off regulations in reference to the Yorkshire Water pressurized main drains that run up the western side of the site.

**The developer and planners are pushing beyond the boundaries of acceptable development for this proposed amended plan the consequence is the proposed plan has been overdeveloped to make it viable.**

**Planning History: Site HA24- Previous Planning Applications on this site.**

Reference documents: Planning application 29/8/1990 and Appeal decision 20/8/1991

Planning application and appeal dismissed.

It is clear from the planning history documents that this site has previously been considered as a site for new housing delivery, however both Scarborough Borough Council and The Planning Inspectorate have determined the site is **not** appropriate for development.

The Planning Inspectorate States. “*A scheme would result in the Country Park being contiguous with the urban area, and this would be detrimental to the enjoyment of Country Park by visitors*”.

(The proposal is in conflict with the Local Plan policy “Protection of a tourism asset within the borough”. Country Park boarders site HA24).

*“A detrimental effect on Country Park and Filey Brigg would diminish its rural character, which is so attractive to visitors”.*

(The proposal is in conflict with Local Plan policy “Protection of a tourism asset within the borough” The area is a green belt buffer zone).

“*This site performs a valuable role in providing physical and visual separation of Country Park and urban area of Filey*”.

(The area is a green belt buffer zone).

“*The interests of permanent residents and holiday makers may not always coincide. Thus I can see an advantage to both parties in maintaining a physical separation between Filey Country Park and the urban area*”.

(The proposal is in Conflict with the Local Plan policy “Protection of a tourism asset within the borough”. Country Park caravan site borders site HA24).

Furthermore in the interim it is not considered that there have been any material changes to the site in terms of its suitability for development and that the reasons for the refusal of planning permission 20/08/1991 should also be applicable on application 17/02734/FL.

**This previous planning application and its decision notice should still be valid and considered in this current application.**

**Housing Land Selection Methodology and Assessment (HLSMA) HA23 May 2016-Local Plan**

Scarborough Borough Councils Conservation Officer gives three alternatives for development on this site in the Housing Land Selection Methodology and Assessment (HLSMA) report dated May 2016. The site at this time was identified as HA23 land off Church Cliff Drive, Filey.

This document is an assessment document to be used by the developer/architects and planning services to meet site specific constraints and is a legal requirement in planning application methodology and process.

I refer you to. Question 13 - Historic Environments.

The HLSMA states: “*Design considerations should be placed upon proximity to listed Church Cliff Farm”.*

HLSMA also states: “*For development here* ***not*** *to have adverse effect on the heritage assets* ***it needs to be one of three alternatives****”*. Please note the emphasis in bold type

Not a fourth new alternative as in this application.

**HLSMA Assessment Comments; By SBC Conservation Officer** States.

Church Cliff Farm is a listed building located to the south over Church Cliff Drive. The Borough Council’s Conservation Officer has considered the impact upon the heritage assets and concluded as follows;

“Alternative 1. *A predominantly open green area with small existing trees retained, new tree planting, no private drives or car parking and* ***single storey development*** *well set back, served off a private drive or a road further to the north. Main frontages should face Church Cliff Drive to avoid later conservatory or other ad hoc extensions intruding into view*.

Alternative 2. *An enclosed courtyard or terrace* ***of single storey development*** *with tall brick walls to small private yards to reflect the 1989/90 development south. Car parking again and vehicular access again to be sited to the north of the development*”.

Alternative 3. *An open U or L shaped courtyard with a communal green area with trees facing south. Car parking again and vehicular access again to be sited to the north of the development. There may be potential for this to be sheltered or other managed residential accommodation.*

*Subject to the above requirements, which are considered would satisfy Para 126 of the NPPF, in making a positive contribution to Local Character and distinctiveness the site is considered suitable for development.”*

The Conservation Officer gives three separate alternatives of requirements for development on this site but in this proposed plan there is a combination of two alternatives? (Bungalows and a large L shaped 2 storey apartment block).Despite the SBC conservation officers setting out of three distinct and separate alternatives for development on this site, this amended latest proposal advances a new fourth alternative. This does **not** conform to the acceptable development requirements set down in the HLSMA.

The conservation officer states **single story development** is required on site HA23 now HA24. A large L shaped two storey building is not sympathetic to the surrounding area and will look totally out of character in this setting, especially with the topography of the land sloping upwards away from Church Cliff Farm.

The HLSMA also states in the overall assessment and deliverability section *“The Indicative yield is at a relatively low density to replicate the existing development nearby which would be considered representative of a similar scheme appropriate here”.*

The inclusion of a large two storey apartment block which contains 39 dwellings/residences and 20 bungalows squeezed into the site do **not** in any way replicate the existing development nearby.

The HLSMA states” *The indicative yield is 30 dwellings/residences”*

Reference overdevelopment

This proposed plan has 59 dwellings/residences, 20 Bungalows and 39 Apartments in a 2 storey block.

29 extra dwellings/residences equates to almost 100% over the maximum permitted allowance as stated in the HLSMA for this site. This proposed plan is significantly overdeveloped. This proposed plan is pushing beyond the boundaries of acceptable development for this site and needs to be changed to comply.

The planners claim the proposal is sympathetic to Church Cliff Farm and Parish Field House on the corner of Church Cliff Drive. Parish Field House is the only property on two levels in the Church Cliff Farm properties running adjacent to this site. Parish Field House sits considerably lower than Church Cliff Drive so does not appear as imposing as a very large L shaped apartment block would do which will rise up away from the Church Cliff Farm conservation area.

The properties along Church Cliff Drive are single storey with some roof lights purely to let more light into the property, they do not have roof space accommodation in them, they are not classed as one and a half level (two storey) properties as the proposed plan shows on the front of the L shaped block, the rest of the large L shaped block in the plan shows as a full two storey building.

The proposed plan is in conflict with National Planning Policy Framework (NPPF) Section 12, Conserving and Enhancing the Historic Environment specified in Paragraph 126 and stated in the Conservation Officer’s appraisal, plus Paragraph 129 of the NPPF:

The Conservation Officer states in the HLSMA after giving the three acceptable alternatives. Subject to the above requirements, which are considered and would satisfy Para126 of The NPPF, “*in making a positive contribution to local character and distinctiveness*” the site is suitable for development.

After reading the three alternatives given by the conservation officer as suitable development for this site. Under **no** circumstances would a large L shaped 2 storey block with 39 dwellings/residences meet these criteria.

In the Heritage Assessment within the allocation documents by Mr David Beardmore of Beardmore Urban states several times “*The overall effect would therefore LIKELY TO BE NEUTRAL.”*

And also states “*The only reasonable conclusion to be reached is that the impact of the proposal, providing it is SUITABLY DESIGNED, will be NEUTRAL in relation to the Heritage significance of the Conservation area*.”

*Oxford English Dictionary – NEUTRAL “Not supporting either side in a dispute.”*

This does not in any way meet the criteria Set down by the conservation officer in the HLSMA Assessment specifically for site HA24, reference NPPF Para126

“*In making a positive contribution to local character and distinctiveness*”.

*Oxford English Dictionary – POSITIVE “Expressing agreement, Confirmation or Permission.”*

NPPF-Para129. *“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal”*

This assessment has been completed by Beardmore Urban and the result is **Likely to be Neutral** not Positive.

**There is conflict between the SBC Conservation Officer’s appraisal within the Housing Land Selection Methodology Assessment (HLSMA) and the Beardmore Urban Report specific to this Site and McCarthy and Stone’s proposed plans for this site. The amended proposed plans need to be changed to conform to the HLSMA requirements set down specifically for this site.**

**Aims of the Local Plan:**

There is also conflict between the proposed plan and the Aims of the Local Plan.

To achieve the vision in a sustainable manner support will be given to achieve the following Local Plan Aims:

The Local Plan. Section HA24- Issues and Requirements, States: “A *scheme comprising bungalows may be the most appropriate option for this location”.*

Local Plan Aims – Local Character 5.6 and Detailed Design 5.13: *“Local character and key features within the built environment, such as listed buildings and other heritage assets play a significant role in promoting economic and social prosperity by providing attractive living and working conditions. It is therefore essential that local character is safeguarded.”*

Policy DEC1- Principles of good design. States. *“ii. That the detailed design responds positively to the local context****, in terms of its scale, form, height, layout………”***

Policy DEC5 - The Historic. “b. *Proposals affecting a conservation area should preserve or enhance its character or appearance especially those elements* ***identified in a******conservation appraisal.”***

Refer to the heritage assessment note by Beardmore Urban above.

**All development on this site should be a single storey development.**

**This proposed plan contravenes the HLSMA, Conservation Officers Appraisal, Aims of the Local Plan, and policies to protect such areas.**

**This is one of the reasons why so many Filey Town Councillors and residents are against this planning proposal in its current form.**

**The amended proposed plan needs to be changed to conform to the above requirements and policies**

**The connection with Filey Flood Alleviation Scheme**

The Filey Flood Alleviation Scheme money has already been granted by central government and regional flood funding bodies and planning has been passed and approved for works to commence. (Works to commence early 2017, **now on hold).**

The residents of Filey around the Site of HA24 see no extra benefit in development of this area as everything is already in place for flood defences to protect Church Cliff Farm properties without a residential development.

Residents want the original Filey Flood Alleviation Plan, SBC Plan 15/02657/RG3, Drawing Number PB1154/9005 to be built in this area, as this already planned, approved and funded flood alleviation scheme will be above ground.

The benefit of this design is easy maintenance and if any flaw in design was to appear it will be easier and more cost effective to rectify, unlike an underground system.

The only benefits residents can see with residential development on this site are:

The benefit of profit for a developer.

The benefit of profit for the landowners.

The benefit for Scarborough Borough Council to offload the responsibility and a section of the construction cost of the Filey Flood Alleviation Scheme.

(Please note this will also include site HA23 from Parish Wood to Scarborough Road when it comes forward, both sites make a considerable Filey Flood Alleviation Scheme area).

SBC have already received 5.5 million for the Filey Flood Alleviation Scheme project, central government and the regional flood funding bodies and other stakeholders have granted the monies for this to commence. Offloading the responsibility of the Flood Alleviation construction costs to a developer results in SBC gaining the difference in the surplus grant funding.

The funding was allocated for the benefit of the residents of Filey NOT for SBC to use elsewhere. Will this surplus be ring fenced for later application to its intended purposes or for projects directly benefitting the community of Filey?

It now becomes clear to residents why SBC have pursued this controversial site through the Local Plan Process for Housing Allocation and now a Full and Amended Planning Application.

**Residents around the proposed site of HA24 are in favour and prefer the already planned, approved, and funded Filey Flood Alleviation Scheme to protect their properties.**

**And want this plan implementing. Ref: SBC planning reference 15/02657/RG3 – HA24 area shown on Drawing number PBII54/9005.**

**The Strategic Flood Risk Assessment (SFRA) for North East Yorkshire, 2010.**

**Section 11.5 to 11.5.8 Filey.**

Section 11.5.7: Existing Recommendations Regarding New Development.

States *“It is recommended within the Filey Town Flooding Investigation Report that NO further new developments take place in areas identified as being at risk of flooding, or that have been subject to previous flooding, until alleviatory measures have taken place”.*

The HA24 area is identified and formally recognised as a flood management zone. The Church Cliff Farm complex has had previous internal and external flooding of properties identified in the Aktins, Filey Town Flood Investigation Map.

Location Incidents- Drawing number 5002531/WA/F017-Dated 2004

In addition Yorkshire Water’s response to this Planning Application deem the Flood Risk Assessment by the developers engineers Toppings NOT acceptable.

**This is why residents in and around the Church Cliff Farm area object to this planning application, preferring the original SBC planned, approved and all ready funded Filey Flood Alleviation Plans and want them to be constructed.**

**McCarthy and Stone - Objected to this site at the Draft Local Plan Stage.**

At the Consultation stage of Scarborough Borough Councils - Draft Local Plan Stage, the representatives for McCarthy and Stone (Planning Prospects Limited) objected to the inclusion of site HA24, representor number ID 371848.

They stated: **NO** to the legal compliance and soundness. The reasons they gave: **NOT** justified or consistent with National Policy.

This objection highlights the issues, constraints and the conflicts connected to this site.

And the consequence is the proposed plan has been overdeveloped to make it viable.

**Why has McCarthy and Stone changed their viewpoint from the Draft Local Plan Stage when there have been no material changes to the site?**

**The amended proposed plan for this site is overdeveloped and needs to be changed to conform to the Legal Requirements set down in the HLSMA**

**This section refers to the contents of The Design, Assessment and sustainability Statement – Darnton B3 Architecture - Client McCarthy and Stone.**

Ref: Page3: Clients Brief states *“ In addition to the functional requirements the proposal must also respond to the specific site conditions including, its physical context, historic context, the surrounding character, constraints and opportunities and neighbours privacy and amenity are equally respected”.*

On Page11: Site photographs. States*” many owners have added conservatories, dormers and extensions to their properties”,* this statement is misleading referring to dormers. In fact only one property has extended into the roof space and it is not a dormer roof style extension, this is number 70 Wooldale Drive, it is not on the boundary of site HA24.

On Page 15: Policies and Guidance Context. Reference Development Constraints for this site. NO mention of the HLSMA, Conservation Officers Appraisal, single storey development, development on this site needs to be one of three alternatives or the maximum allowed number of dwellings/residences on this site to be a maximum of 30.

On Page16/17: Figure and Ground Building Heights and Site Analysis.

Building heights are marked as light blue single storey and dark blue two storeys.

These two pages contain conflicting information.

On Page 16: Building Heights. Three of the properties on the Church Cliff Farm complex are **incorrectly** marked as two storeys. (They are single storey).

On Page 17: Site Analysis. Eight of the properties are incorrectly marked as two storeys (They are single storey). These are numbers 93,95,97,99 and 101 Wooldale Drive, numbers 24, 40 and 42 Arndale Way. **A total of eight properties incorrectly marked on this page.**

A combined total of eleven properties marked incorrectly over the two pages 16 and 17.

Six properties are one and a half storey numbers 32,34,36,38,44,46 Arndale Way.

The inaccuracies in this section could be misleading to a planning assessor as it could be interpreted that there are more two storey buildings around the site of HA24 than there actually is.

When in fact only four two storey buildings are on the boundary of HA24, They are numbers 29,31,33 Arndale Way and Parish Fields House set lower down on the corner of the Church Cliff Farm Complex.

The Figure and Ground Building Heights map show a total of 72 properties in this area,

**78%** of the properties shown on this map are single storey.

The lack of two storey buildings in this area supports the Conservation officer’s appraisal and the HLSMA document in which it states **development needs to be single storey and to replicate development nearby.**

On page 18, Scarborough Borough Council – The Filey Flood Alleviation Scheme states this area falls within Area 1 of the Flood Management Zone but fails to mention that the area is also identified as a Critical Ground water/ Surface water runoff zone, Critical Drainage Area, Reported Sewer Flooding Area and Sensitive to Climate Change.

These additional critical identifications should be considered in the planning assessment process Ref: NPPF, NPPG and The SFRA Report for this area.

The NPPG recommends inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk to less vulnerable areas.

**This section highlights the conflict as mentioned at the top of this section**

**Ref: Page 3. Clients Brief States…, specific site conditions, physical context, historical context, surrounding character, constraints, neighbours privacy and amenity.**

**The amended proposed plan needs to be changed to comply with these conditions and regulations.**

**Community Statement of Involvement – CSI. Supporting Document in the SBC Planning Application. 17/02734/FL - Community Statement of Involvement / McCarthy and Stone.**

McCarthy and Stone, Pre Planning Exhibition at The Evron Centre, Filey - November 2017.

McCarthy and Stone used a public consultation at pre-planning application stage as a sales preview for future customers.

Was that ethical when they had not purchased the land or submitted the proposed plans into the planning application process?

Residents perceive this practice to be contentious and manipulating.

However the results of the pre planning application exhibition and consultation show:

Overall **67%** of the pre application consultation responses objected to the development proposals for this site.

Ref: 3.8.2. Statement of community involvement

Pre application question “*Do you consider that this is a good use of this site for specialist housing for local older people”.* **57%** of respondents objected with the answer of **NO.**

Ref: 3.9ii Statement of community Involvement

Pre Application consultation points raised more than once by respondents to the question:

“Do you have any comments on the design and layout of the proposal?”

**51%** of respondents objected to the buildings exceeding one storey.

Ref: 3.9iii Statement of community Involvement

Ref: 4.3

Firstly the design has 20 Bungalows included in the plan NOT 30 as stated in this section.

Secondly this section states “*there exists no regulations which will limit the height of new buildings in Filey”* However there are site specific regulations contained within the Housing Land Selection Methodology Assessment (HLSMA) May2016 and Scarborough Borough Councils. Conservation Officers Appraisal which does limit height of buildings on this site HA24.

Ref: 4.3 Statement of Community Involvement

Residents continue to seriously question the controversial manner in which this site has been assessed and allocated.

**CONCLUSION:**

I object to this Planning Application in its current form.

The evidence to support these comments is substantial and remarkable.

It is of paramount importance that Members and Officers do not abrogate on any of the aforementioned planning policies, site specific appraisals, conditions/requirements and regulations.

The current proposed plans need to be changed to legally comply with Planning Policies, Regulations, Site Constraints and Conditions that affect site HA24.

Planners have a legal obligation to follow Planning regulations, Policies, and Site Specific appraisals especially when the Environs around this site are sensitive environmental areas.

It is imperative to follow and maintain Integrity in the planning methodology and process.

Given the significance of the points raised concerning this planning application 17/02734/FL.

I would urge you that the proposed plan is rejected on this basis.

To avoid repartition comments are supported or taken from documents /reports listed on the planning application 17/02734/FL public access website documents section.

Also see documents to support above comments on submitted objection No 681794 Mrs Perry-Mook in the appendices list.

REF: 17\_02734\_FL-COMMENTS\_OBJ\_-\_PERRY-MOOK\_J-681794.pdf

Listed in the public comments

(Minus the privacy and amenity section reference 91 and 93 Wooldale Drive in this appendix number 12 now not relevant to this amended plan. Note: Only in reference to this response)

*I look forward to hearing from you about any further developments regarding this* proposed planning application.

Yours Sincerely Address: