SCARBOROUGH BOROUGH COUNCIL

PLANNING & DEVELOPMENT COMMITTEE

At a meeting to be held at 1.00 pm on Thursday, 29 March 2007
at the Town Hall, Scarborough

AGENDA

1. DECLARATIONS OF INTERESTS (Page 1)
Members are reminded of the need to consider whether they have a personal
or prejudicial interest to declare in any of the items on this agenda. If so, the
nature of the interest must be declared at the start of the meeting. In
addition, the attached form must be completed and passed to the Committee
Administrator. The Officers will be pleased to advise, if necessary, and any
request for assistance should be made, in the first instance, to the
Committee Administrator whose name appears at the end of this agenda.
Ideally, such advice should be sought before the day of the meeting so that
time is available to consider any uncertainty that might arise.

2. MINUTES (Pages 2 - 16)
To approve as a correct record and sign the Minutes of the meeting held on 1
March 2007. (Minutes attached).

3. PUBLIC QUESTION TIME
Public questions of which due notice has been given and which are relevant
to the business of the Committee.

4. PLANNING APPEALS RECEIVED, ENFORCEMENT NOTICES ISSUED
AND PLANNING APPEAL DECISIONS ISSUED (Pages 17 - 19)
To consider a report by the Head of Planning Services (Reference
HPlg/07/79 attached). (This report contains information on new planning
appeals and new enforcement proceedings).

5. PLANNING DECISIONS UNDER THE SCHEME OF DELEGATION
BETWEEN 16 FEBRUARY AND 15 MARCH 2007 (Pages 20 - 45)
To consider a report by the Head of Planning Services (Reference
HPlg/07/80 attached). (This report gives details of decisions made by the
Head of Planning Services under the Scheme of Delegation).
6. **PLANNING APPLICATION - (06/02639/FL) - SCALBY MANOR HOTEL, BURNISTON ROAD, NEWBY** (Pages 46 - 58)
   To consider:
   (i) a planning application for proposed erection of 37-bedroom hotel extension on site of dilapidated buildings, for Whitbread Group PLC; and
   (ii) a report by the Head of Planning Services (Reference HPlg/07/62 attached).

7. **PLANNING APPLICATION - (06/02665/FL) - 18 EAST PARK ROAD, SCALBY** (Pages 59 - 95)
   To consider:
   (i) a planning application for erection of 14 No two/three-bedroom flats in blocks of two/three-storey buildings, for KFB Scarborough Limited; and
   (ii) a report by the Head of Planning Services (Reference HPlg/07/46 attached).

8. **PLANNING APPLICATION - (06/02656/RG3) - EVRON CENTRE, JOHN STREET, FILEY** (Pages 96 - 102)
   To consider:
   (i) a planning application for formation of link corridor to give better access to wc’s, for Architects Section, Scarborough Borough Council;
   (ii) a report by the Head of Planning Services (Reference HPlg/07/67 attached).

9. **PLANNING APPLICATION - (06/01432/FL) - 56 SEAMER ROAD AND LAND TO THE REAR, SCARBOROUGH** (Pages 103 - 117)
   To consider:
   (i) a planning application for demolition of three-storey house, erection of 3 No three-bedroomed houses, 1 No two-bedroomed house and 1 No two bedroomed bungalow, for Hartley Developments; and
   (ii) a report by the Head of Planning Services (Reference HPlg/07/74 attached).

10. **PLANNING APPLICATION - (07/00163/FL) - LAND ADJOINING 1-4 BLENHEIM STREET, SCARBOROUGH** (Pages 118 - 133)
    To consider:
    (i) a planning application for creation of 10 No flats for Urban Conversions Limited; and
    (ii) a report by the Head of Planning Services (Reference HPlg/07/47 attached).
11. **PLANNING APPLICATION - (07/00212/FL) - WHITBY MARINA, LANGBORNE ROAD, WHITBY** (Pages 134 - 166)
   To consider:
   (i) a planning application for amendments to previously approved water resource centre building and site layout and erection of waste disposal building and a sub-station, for Scarborough Borough Council, Renaissance Section: and
   (ii) a report by the Head of Planning Services (Reference HPlg/07/48 attached).

12. **PLANNING APPLICATION - (06/00400/FL) - WHITBY SPA PAVILION, NORTH TERRACE, WHITBY** (Pages 167 - 174)
   To consider:
   (i) a planning application for replacement entrance porch and window and door alterations to form internal booking office and disabled wc’s, for Scarborough Borough Council; and
   (ii) a report by the Head of Planning Services (Reference HPlg/07/65 attached).

13. **APPLICATION - (0700386/FL) - 1 POLICE HOUSES, LARPPOOL LANE, WHITBY** (Pages 175 - 180)
   To consider:
   (i) an application to modify a Section 106 Agreement to allow a bungalow restricted to occupation by relatives to be occupied as holiday accommodation, for Mr and Mrs S Little; and
   (ii) a report by the Head of Planning Services (Reference HPlg/07/66 attached).

14. **SCARBOROUGH BOROUGH LOCAL DEVELOPMENT FRAMEWORK AFFORDABLE HOUSING SUPPLEMENTARY PLANNING DOCUMENT - REVIEW** (Pages 181 - 208)
   To consider a report by the Head of Planning Services (Reference HPlg/07/73 attached).

15. **SUPPLEMENTARY PLANNING DOCUMENTS - TRANSPORT ASSESSMENTS AND TRAVEL PLANS** (Pages 209 - 236)
   To consider a report by the Head of Planning Services (Reference HPlg/07/49 attached).

16. **APPLICATIONS FOR HISTORIC BUILDINGS AND AREAS GRANTS**
   (Pages 237 - 239)
   To consider a list of Grant applications, the recommendations thereon and a budget summary (Reference HPlg/07/55 attached).
17. STREET NAMING - CROSGATES (Pages 240 - 241)
To consider a report by the Head of Planning Services (Reference HPlg/07/68 attached).

(N.B. If you have any questions, need further information about the meeting or require special facilities in order to attend, please contact St John Harris, Overview and Scrutiny Manager, Town Hall, St. Nicholas Street, Scarborough – 01723 383556 Fax 0870 238 4159 or e-mail Stjohn.harris@scarborough.gov.uk.)
MEMBERS’ DECLARATIONS OF INTERESTS

Name: _________________________________

Meeting: ______________________________

Date: ________________________________

Agenda No & Item

Nature of Interest: _________________________________

If you are uncertain whether you have a personal interest or whether the interest is also prejudicial, please seek officer advice before the meeting.

Is the interest:

- personal and non-prejudicial? [ ]
- personal and prejudicial? [ ]

(please √)
PLANNING AND DEVELOPMENT COMMITTEE

At a meeting held on Thursday 1 March 2007
Present: Councillor Mrs L Haycock (Chairman in the Chair)
Councillors D L Billing, J S Blackburn, E Broadbent (as substitute for J Warburton),
R G Cartwright, Mrs D Clegg, C Haddington, M Kelly, Miss S Kettlewell,
B S Pearson, J M Preston, Mrs M J A Preston, E M Smith,
Mrs E M Vickers and B F Watson

(For information)

1. DECLARATIONS OF INTERESTS
Councillors D L Billing, J S Blackburn, E Broadbent and E M Smith all
declared a personal, non-prejudicial interest in Agenda item 10 relating to land
adjacent to A64, Seamer Road, Scarborough as they are all members of the
North Yorkshire County Council, which submitted the application for
comments.

2. MINUTES
RESOLVED that, the Minutes of the meeting held on 8 February 2007 be
approved as a correct record and signed by the Chairman.

3. PUBLIC QUESTION TIME
The Chairman reported that no public questions had been received.

4. PLANNING APPEALS RECEIVED, ENFORCEMENT NOTICES ISSUED
AND PLANNING APPEAL DECISIONS ISSUED
The Committee considered a report by the Head of Planning Services
(Reference HPlg/07/60), which contained information on new planning
appeals and new enforcement proceedings.
RESOLVED that the report be received.

5. PLANNING DECISIONS ISSUED BY NORTH YORKSHIRE COUNTY
COUNCIL 26/01/07 – 16/02/07
The Committee considered a report by the Head of Planning Services
(Reference HPlg/07/61), which gave details of planning decisions issued by
the North Yorkshire County Council.
RESOLVED that the report be received.

6. PLANNING DECISIONS UNDER THE SCHEME OF DELEGATION 26/01/07
TO 15/02/07
The Committee considered a report by the Head of Planning Services
(Reference HPlg/07/59), which gave details of decisions made by the Head of
Planning Services under the Scheme of Delegation.
RESOLVED that the report be received.
7. **PLANNING APPLICATION – (06/02570/FL)**

**58 SCARBOROUGH ROAD, FILEY**

The Committee considered:

(i) a planning application for demolition of existing buildings and construction of residential apartment block comprising 12 flats for Wilson Construction Limited;

(ii) a report by the Head of Planning Services (Reference HPlg/07/27).

Members were advised that amended plans had been received which corrected a drafting error and showed an additional bedroom instead of a kitchen in two of the flats and that paragraph 6.10 of the report should refer to 66 not 56 Scarborough Road. In accordance with the Council’s Public Speaking Scheme, Mr Clark, the Applicant, attended the meeting and spoke in support of the application before the Committee commenced its debate of this item. Members expressed concerns at the proximity of the proposed building to 56 Scarborough Road and enquired whether the footprint of the building could be moved to the west within the plot. The Planning Officer advised that the current scheme had been achieved following several meetings with the applicant and his architect and took account of impact on the levels of light at the neighbouring property. Members were also advised that the new driveway was already narrow in places and that the landscaping to the western boundary was intended to protect the neighbours at 66 Scarborough Road from vehicle noise associated with the site.

**RESOLVED** that, third party objections having been considered, permission be **GRANTED**, subject to the following conditions:

1. Before the commencement of the development hereby granted, full details of the existing and proposed site levels and proposed floor levels of the buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority.

2. Before the development is commenced, details of the brick(s) to be used to the external walls of the development hereby permitted, including samples if so required, shall be submitted to and approved in writing by the Local Planning Authority, and all the brick(s) used in the development shall conform to the details/samples so approved.

3. A one metre square freestanding panel of brickwork showing the type of brick to be used in the construction of the development hereby permitted shall be constructed on site and approved by the Local Planning Authority before the development commences. All new brickwork shall match that of the approved panel in terms of the type of bricks used, the method of bonding, mortar colour and pointing style, unless otherwise agreed in writing by the Local Planning Authority. The brickwork panel so constructed shall be retained on the site until the development hereby approved has been completed.

4. Before the development is commenced, details of the roof tiles, including samples if so required, to be used for the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority, and all tiles used in the development shall conform to the details/samples so approved.

5. Samples of the window framing to be used in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and all of
the window framing used in the development shall conform to the sample so approved.

6. Before the commencement of the development hereby granted, a schedule of external materials of construction of hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. Samples shall be provided as may be required by the Local Planning Authority of the materials in the schedule and the use of such samples shall be approved in writing by the Local Planning Authority.

7. Before the commencement of development hereby granted, and notwithstanding the details included in the application, details of the proposed boundary treatment, including a schedule of materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use unless otherwise agreed in writing by the Local Planning Authority.

8. The trees on this site which are covered by the TPO 1/2006 Tree Preservation Order, and all other trees within the site other than the Sycamore to the immediate east of the existing access, proposed for removal on Drawing No. ‘13/G2143/5’, received by the Local Planning Authority on 6 December 2006, shall be retained and protected at all times during construction and building operations as follows:–

(a) Chestnut pale or similar fencing 1.5 metres in height shall be provided around the trees to be retained before development is commenced at a minimum distance from the trunks equal to the spread of the crowns of the trees. No materials, equipment, site huts, fuels or other items shall be placed or stored within the areas enclosed by the fencing so erected and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority. Soil levels around the protected trees should not be altered and no vehicular compaction should be allowed. Protection and construction measures should be in accordance with B.S. 5837:2005.

(b) No burning of materials or other items shall take place within 3 metres of the crown spread of any of the trees to be retained.

(c) No services shall be routed under the spread of the crowns of the trees to be retained without the prior written consent of the Local Planning Authority.

(d) No retained tree shall be cut down, up-rooted, destroyed, topped or lopped without the prior written consent of the Local Planning Authority and if any tree which is to be retained dies within five years beginning with the date on which the development is commenced it shall be replaced with a tree of such size and species as may be specified in writing by the Local Planning Authority.

9. Prior to the commencement of development, full constructional details for the drive adjacent to the 2 No. Sycamore trees adjacent to the western site boundary, and the subject of TPO 1/2006, shall be submitted to and be approved in writing by the Local Planning Authority.
Authority. Hand-excavations only shall be allowed around the root zones of all protected trees within the site.

10. Before any development is commenced, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority shall be carried out in its entirety within a period of six months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.

11. Notwithstanding the details included in the application, precise details of the means of storage and disposal of refuse shall be submitted to and be approved in writing by the Local Planning Authority prior to the commencement of development. Thereafter, the bin storage areas so approved shall be provided before the occupation of any dwelling unit and shall thereafter be so maintained. Refuse shall not be stored at the front of the property. Before any of the dwelling units to which this planning permission relates are first occupied, a scheme for the management and collection of domestic refuse from all of the flats shall be submitted to the Local Planning Authority for approval. Such collection scheme as is approved by the Council shall be fully implemented and continue in operation whilst the building is in use for residential apartments.

12. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, (or any Order or Statutory Instrument revoking and re-enacting that Order), no walls, fences or other means of enclosure shall be erected on the site without the prior written consent of the Local Planning Authority.

13. The site shall be developed with separate systems of drainage for foul and surface water on and off the site.

14. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority.

15. Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

16. Prior to the commencement of any other part of the development hereby permitted, the access to the site shall be laid out and constructed in accordance with the following requirements:

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(i) The existing access road extending 12 metres into the site shall be constructed in accordance with the Specification of the Local Highway Authority.

(ii) Any gates, barriers or other means of enclosure shall be erected a minimum distance of 12 metres back from the carriageway of the existing highway and shall open into the site.

NOTE:
It is an offence under Section 153 of the Highways Act 1980 to permit any door, gate or bar to open outwards across a highway.

(iii) That part of the access extending 12 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 10.

(iv) Provision shall be made to prevent surface water from the site discharging onto the existing highway in accordance with the Specification of the Local Highway Authority.

17. Prior to the commencement of the development hereby permitted, visibility splays providing clear visibility of 2.4 metres x 70 metres measured down the centre line of the access and the nearside channel line of the major road shall be provided at the junction of the access with the county highway. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times thereafter.

18. Prior to the first use of the development, the vehicular access, parking and turning facilities shall be formed in accordance with the submitted Drawing No. ‘13/G2143/5’, received by the Local Planning Authority on 6 December 2006. Once created, these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

19. No development shall take place until a Wildlife Protection Plan for Construction has been submitted to and approved in writing by the local planning authority. The plan shall include:

(a) an appropriate scale plan showing "Wildlife Protection Zones" where any construction activities are restricted and where protective measures will be installed or implemented;

(b) details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;

(c) a timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed;

(d) persons responsible for:

(i) compliance with legal consents relating to nature conservation;

(ii) compliance with planning conditions relating to nature conservation;

(iii) installation of physical protection measures during construction;

(iv) implementation of sensitive working practices during construction;

(v) regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
(vi) provision of training and information about the importance of "Wildlife Protection Zones" to all construction personnel on site.

All construction activities shall be implemented in accordance with the approved details and timing of the plan unless otherwise approved in writing by the Local Planning Authority.

20. A habitat management plan shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development. The plan shall include:
   (i) description and evaluation of the features to be managed;
   (ii) ecological trends and constraints on site that may influence management;
   (iii) aims and objectives of management;
   (iv) appropriate management options for achieving aims and objectives;
   (v) prescriptions for management actions;
   (vi) preparation of a work schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
   (vii) personnel responsible for implementation of the plan;
   (viii) monitoring and remedial/contingencies measures triggered by monitoring.

The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority.

21. No removal of hedgerows, scrub or trees shall be carried out on site between the 1st of March and 31st August inclusive any year, unless otherwise approved in writing by the Local Planning Authority.

22. No demolition works or work in the existing building's roof space and soffits shall be carried out on site between the 1st of March and 31st August inclusive any year, unless otherwise approved in writing by the Local Planning Authority.

NOTE:
Appropriate licences will be required from DEFRA if any confirmed roost sites are to be destroyed or affected.

23. No development shall take place until full details of measures for bat mitigation and conservation have been submitted to and approved by the Local Planning Authority. These measures should include:
   (a) inspection of existing buildings on site within one month prior to their demolition to determine presence or absence of roosting or hibernating bats;
   (b) no building containing bats shall be demolished until the bats have been safely excluded using such measures as have been previously submitted to and approved by the Council;
   (c) provision, 12 months prior to demolition of existing buildings and the commencement of development, of a new bat roost/hibernacula constructed to a design and in a location previously approved by the Council;
   (d) provision of an area of buffer habitat around the new bat roost/hibernacula;
(e) retention of hedgerows identified as being important for foraging bats within the development site;
(f) provisions for the management in perpetuity of the buffer habitat, hedgerows used for foraging, and the new bat roost/hibernacula.

The works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority.

NOTE:
If no bats are found to be present then steps (c), (d), (e) and (f) of this condition are not required. Appropriate licences will be required from DEFRA if any confirmed roost sites are to be destroyed or affected.

8. PLANNING APPLICATION – (06/02611/FL)
BLUE DOLPHIN HOLIDAY PARK, GRISTHORPE

The Committee considered:
(i) a planning application for re-organisation of western park area comprising a new 66 static caravan community, 250 touring pitches, 50 tenting pitches, re-furbished touring area/washroom, significant landscaping areas and off-site drainage works, for Bourne Leisure Limited;
(ii) a report by the Head of Planning Services (Reference HPlg/07/26).

Members were informed that in paragraph 6.3, line 5 the word “ignore” should be replaced by “improve” and that email comments had been received on 19 February from the County Archaeologist who had no objections but suggested a condition be included regarding the programming of a scheme of archaeological investigation. An email had been received on 20 February from Yorkshire Water Authority who had no objections but suggested conditions with regard to details for disposal of foul and surface waters. A verbal response of no objections had been received on 28 February from the Head of Environment Health Services and a verbal response in support of the application received on 1 March from Head of Tourism and Leisure Services.

Members raised concerns with regard to problems with drainage in this area and stressed the need to ensure that the proposed re-organisation does not have any adverse impact. Officers advised that the issue of drainage had been carefully considered by the Applicant in consultation with the Environment Agency and Yorkshire Water Authority and appropriate conditions would be imposed. Members also suggested that enforcement action should be taken if the site was occupied on a permanent basis and officers responded that action would be taken if breaches of conditions were brought to their attention. Members welcomed the investment and felt the improvements would enhance tourism within the area.

RESOLVED that, third party representations having been considered, permission be GRANTED, subject to the following conditions:-

1. The scheme of landscaping and tree planting detailed on Drawing reference ‘W951 2’ and the submitted ‘Landscape Statement referenced ‘ADP Job No. W951,’ (both received by the Local Planning Authority on 12 December 2006) shall be carried out in its entirety in accordance with a timetable to be submitted to and approved in writing by the Local Planning Authority before the development commences.
All trees, shrubs, hedgerows and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years, beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.

2. None of the existing trees on the site shall be cut down, up-rooted, destroyed, topped, lopped or pruned without the prior written consent of the Local Planning Authority.

3. The existing hedges along the boundaries of the site shall be retained and maintained in accordance with the details included in the submitted ‘Landscape Statement’ referenced ‘ADP Job No. W951,’ (received by the Local Planning Authority on 12 December 2006). In the event of the existing hedgerow being removed or dying, it shall be replaced to a specification that shall first have been approved in writing by the Local Planning Authority. The new hedgerow plants shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.

4. The site shall be used for the purposes of accommodating not more than 66 static caravans, 250 touring caravans and 50 tents, which shall be sited with strict adherence to the layout and specific areas allocated to each form of accommodation shown on Drawing Reference ‘W951 2’ (received by the Local Planning Authority on 12 December 2006).

5. The occupation of the 66 static caravans on this site shall be limited to the period 1 March in each year to 4 January in the following year. The caravans shall be occupied for holiday purposes only and shall not be used as a sole or main residence by any person.

6. The 250 touring caravan pitches and 50 tent pitches hereby approved shall operate only between 1 March and 31 October in any calendar year and outside that period no caravans or tents shall be sited within those areas.

7. No caravan or motor caravan shall occupy a touring caravan pitch for a continuous period in excess of twenty-eight days and shall not return within fourteen days of vacating a pitch.

8. No tent shall be sited within the tenting area for a continuous period in excess of twenty-eight days and shall not return within fourteen days of vacating a pitch.

9. The roofs of the static caravan units stationed on this site shall be coloured only in accordance with a range of colours to be submitted to and approved in writing by the Local Planning Authority before the development commences.

10. The details and position of any external lighting to be installed within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and, thereafter, shall be installed in accordance with the details so approved.
11. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

12. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the Local Planning Authority prior to the commencement of development.

13. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage works shall be implemented in full before the construction of impermeable surfaces draining to this system unless otherwise agreed in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, no units or pitches shall be occupied or brought into use prior to completion of the approved foul drainage works.

14. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.

15. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

16. No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

9. **PLANNING APPLICATION – (07/00032/FL)**

**2 BETTON RISE, EAST AYTON**

The Committee considered:

(i) a planning application for erection of a single-storey extension for Mr W Baldwin;

(ii) a report by the Head of Planning Services (Reference HPlg/07/28).

Members were informed that amended plans had been received which increased the length of the extension by one foot and these were displayed at the meeting.
RESOLVED that permission be GRANTED, subject to the following condition(s):
1. The extension hereby permitted shall be erected in brickwork and tiles which match those of the existing principal building on the site.
2. The development hereby permitted shall be carried out in accordance with the plans received on 23 January 2007.

10. PLANNING APPLICATION – (07/00054/CC) 
LAND ADJACENT A64, SEAMER ROAD, SCARBOROUGH
The Committee considered:
(i) a planning application for erection of A64 Park and Ride site, for North Yorkshire County Council;
(ii) a report by the Head of Planning Services (Reference HP1g/07/56).

The Planning Officer raised concerns with regard to the lack of detail in the application, the need for more extensive and high quality landscaping, the location of the facilities within the site and the design and materials of the proposed buildings and advised that no details had been provided of the lighting scheme. The Head of Tourism and Leisure Services’ comments with regard to the importance of the park and ride scheme and a suggestion that information panels should be included within the site were reported to Members. Officers advised that there was no provision for information panels within the current scheme and suggested that his concerns together with the comments of Members and the Head of Tourism and Leisure Services should be passed on to the applicant and that the Head of Planning Services should attend the County Council Planning meeting when the application was to be considered to convey Members’ objections under the Public Speaking Scheme. Members criticised the regimented appearance of the rows of parking spaces, the meagre landscaping and the removal of trees and hedgerows, which had taken place within the site. Members referred to the Urban Renaissance Group’s suggestion of a green corridor approach to the town and compared the proposal with other park and ride schemes within North Yorkshire and expressed their disappointment at the proposals. Members agreed that waiting facilities were essential for bus passengers and suggested that additional pick up points should be located within the site. Members agreed that a good quality and customer friendly facility was required in order to attract customers. Members enquired how many parking spaces had been allocated for use by the disabled and suggested that more should be provided. Members were reminded that the land between the application site and Dean’s Garden Centre had already been identified in the Local Plan for park and ride and advised that this could be used in future to provide additional spaces. Members suggested that, once the County Council had considered the comments reported back to them from this meeting, this was such an important application that a special meeting of the committee should be arranged and that a revised scheme should be produced and presented for consideration by the Committee. A County Councillor who was present advised that he would be attending a meeting next week and suggested that he would request that a joint site visit should be arranged.

RESOLVED that North Yorkshire County Council be advised that, whilst the Council welcomes the provision of a park and ride facility in this location as
part of the Scarborough Integrated Transport Strategy, it has grave concerns
about the landscaping, layout, design, and lighting, as set out in Paragraphs
6.1 to 6.7 of this report.
11. **PLANNING APPLICATION – (06/02191/FL)**  
**3 NORTH LEAS SHOPS, NORTH LEAS AVENUE, SCARBOROUGH**  
The Committee considered:  
(i) a planning application for change of use from vacant shop to bookmakers (betting office), for Mr C A Lisles;  
(ii) a report by the Head of Planning Services (Reference HPlg/07/36).  
In accordance with the Council’s Public Speaking Scheme, Mr Creasey, the Applicant’s Agent, attended the meeting and spoke in support of the application before the Committee commenced its debate of this item. Members expressed their concern at the closure of the post office in this locality but appreciated that efforts had been made to market the business.  
**RESOLVED** that, third party representations having been considered, permission be **GRANTED**, subject to the following condition:-  
1. Before the development is first brought into use, the ground floor of the host property shall be adapted so as to provide sound insulation against internally generated noise, in accordance with a scheme that shall be submitted to and approved in writing by the Local Planning Authority.  
2. Before the development commences a window display shall be provided to the principle window of the shop front. This display shall change on a regular basis every 6 months unless otherwise agreed in writing by the Local Planning Authority.

12. **PLANNING APPLICATION – (06/02537/FL)**  
**BEACH CAFÉ, BLAND’S CLIFF SLIPWAY, FORESHORE ROAD, SCARBOROUGH**  
The Committee considered:  
(i) an application to remove Condition 2 of Planning Permission 05/00665/FL (which requires the kiosk to be removed from the site during the winter months) and to permit opening at weekends between 1 November and 1 March each year, for Mrs V M Watson;  
(ii) a report by the Head of Planning Services (Reference HPlg/07/52).  
Members referred to the recently formulated Beach Policy and the need to implement and enforce the Policy.  
**RESOLVED** that permission be **REFUSED** for the following reason(s):-  
1. The Local Planning Authority consider that the siting of the catering kiosk on the South Bay beach is only acceptable on a seasonal basis so as to enable the appreciation of the clean sweep of the beach and the South Bay by residents and visitors alike throughout the quieter months of the year when activities on the beach are more limited. The retention of the kiosk throughout the year would not allow the beach to be appreciated in its unobstructed state, and would also hinder annual inspection of the sea defence wall adjacent the kiosk. The retention of the kiosk throughout the year would conflict with Policies L2 and L4 of the Scarborough Borough Local Plan, which seek to ensure that the scenic attraction and physical beauty of the South Bay and its role as a visitor focus are maintained and enhanced.  
2. The Local Planning Authority consider that there is no need for the kiosk to remain sited and in operation throughout the year, as during the months of November to February inclusive, when use of the beach
is more limited, catering for both residents and visitors is provided for by the many catering outlets within the buildings lining Foreshore Road, Scarborough which are within very easy reach of the South Bay beach.

13. OUTLINE PLANNING APPLICATION – (07/00024/OL)
MOUNT FARM CLOSE, WHITBY
The Committee considered:
(i) an outline planning application for a dwellinghouse for Scarborough Borough Council;
(ii) a report by the Head of Planning Services (Reference HPlg/07/31).
RESOLVED that, third party representations having been considered, permission be GRANTED, subject to the following condition(s) :-
1. No development shall take place without the prior written approval of the Local Planning Authority of all details of the following matters :-
   (i) the layout of the development
   (ii) the scale and appearance of the development including a schedule of external materials to be used;
   (iii) the means of access to the site;
   (iv) the landscaping of the site, including details of the means of enclosure;
   (v) the means of sewage and surface water disposal;
   (vi) the existing and proposed site levels and floor levels of the buildings and hard surfaced areas.
2. The development hereby permitted shall comprise a single storey dwellinghouse.
3. The development shall not be commenced until full details of the proposed vehicular access, parking and turning arrangements have been submitted to and been approved in writing by the Local Planning Authority. Those arrangements shall be constructed in accordance with the specification so approved before the development is first brought into use unless otherwise approved by the Local Planning Authority. Once created, these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
NOTE:
The applicant should be advised that prior to any works commencing, permission is required from North Yorkshire County Council as the Local Highway Authority for all works within the public highway. The applicant should contact Highways North Yorkshire, Area 3 – Whitby Office, The Garth, White Leys Estate, Whitby, N. Yorks, YO21 3PD. Tel: 0845 3669 503, which will provide the detailed constructional specification, list of approved contractors, forms etc, referred to in the Condition on their Planning Approval.

14. REVIEW OF SCARBOROUGH BOROUGH LOCAL DEVELOPMENT FRAMEWORK LOCAL DEVELOPMENT SCHEME
The Committee considered a report by the Head of Planning Services (Reference HPlg/07/45), which assessed progress with the current Local Development Scheme and identified areas where change was necessary.
RESOLVED that:-
(i) the report be received,
(ii) Subject to any changes agreed by Members, it is recommended that:
   the Scarborough Borough Local Development Framework Local Development Scheme 2007-2010 be agreed for submission to Government:
   (a) setting out revisions to the scope and timing of local development plan documents; and
   (b) committing to the production of the following development plan documents:
       • Core Strategy
       • Housing Allocations
       • Development Policies, (incorporating designations and non-residential allocations).

A 15. ADOPTION OF THE SCARBOROUGH BOROUGH COUNCIL STATEMENT OF COMMUNITY INVOLVEMENT FOR PLANNING
The Committee considered a report by the Head of Planning Services (Reference HPlg/07/55), which summarised the main issues raised by the Planning Inspector from the examination of the Statement of Community Involvement and outlined minor alterations required by the Inspector and the next steps in the process.
RESOLVED that:-
(i) the report be received;
(ii) the recommended alterations and additions contained in the report of the Planning Inspector appointed to examine the submission SCI be approved, and
(iii) the Statement of Community Involvement as amended by the Planning Inspector be recommended to Council for adoption.

A 16. SCARBOROUGH BOROUGH LOCAL PLAN – POLICIES PROPOSED TO BE SAVED UNDER THE PLANNING & COMPULSORY PURCHASE ACT 2004
The Committee considered a report by the Head of Planning Services (Reference HPlg/07/44), which explained the need to save policies contained within the Local Plan following the replacement of the Local Plan system with the Local Development Frameworks, outlined the work carried out to date and further work which is still required. The report set out the criteria for assessing proposals and included a schedule of policies to be saved and those to be deleted. Members raised queries regarding the possibility of “gaps” in policy being created and of neighbouring authorities having different policies and the officers responded.
RESOLVED that:-
(i) the report be received and
(ii) The Secretary of State be recommended to save the following policies of the Scarborough Borough Local Plan beyond 27 September 2007: E1-E3, E5-E7, E11, E12, E14, E18, E23, E27, E34-E36, E39, I2, I4-I6,
17. LISTED BUILDINGS AT RISK IN SCARBOROUGH CONSERVATION AREA
The Committee considered a report by the Head of Planning Services (Reference HPlg/07/23), which informed Members of the current situation with regard to Listed Buildings At Risk within the Scarborough Conservation Area. Members were provided with a presentation showing examples of works carried out and where work was still required.
RESOLVED that the report be received.

18. PLANNING PERFORMANCE STATISTICS – INTERIM REPORT
The Committee considered a report by the Head of Planning Services (Reference HPlg/07/51), which provided performance figures relating to key elements of the Planning Service and advised that the authority is currently in the top quarter in the country. Members suggested that comparators would be helpful in future reports and congratulated the planning department on their achievement.
RESOLVED that:
(i) the report be received and
(ii) the statistics relating to planning performance be noted.
REPORT OF THE HEAD OF PLANNING SERVICES - HP1g/07/79

SUBJECT: Planning Appeals Received, Enforcement Notices Issued and Planning Appeal Decisions Issued

1.0 PLANNING APPEALS RECEIVED

1.1 A planning appeal received from Mr James Wharton against refusal of planning permission for an extension to the side of the dwelling at Ponderosa, Main Street, Flixton.

1.2 A planning appeal received from Mr and Mrs Grayson against refusal of outline planning permission for erection of a dwelling at Land to south of The Carrs and to the east of 22 The Carrs, Briggswath.

1.3 An enforcement appeal received from Essential Vivendi Ltd against the issue of an Enforcement Notice against the construction of an altered beach access at Moor Road, Hunmanby Gap, Filey (Amtree Park).

2.0 PLANNING APPEALS DECIDED

2.1 An appeal against grant of planning permission subject to conditions which required that the use as a tearoom be discontinued after 3 July 2007 to allow for a trial period, at Cottage by the Sea, Mulgrave Place, Scarborough

Appeal Reference APP/H2733/A/06/2021833/NWF
Planning Reference 06/01026/FL
For decision letter see Appendix A attached – Appeal is Allowed

2.2 An appeal against refusal of planning permission for and extension scheme and conservatory addition at 4 Fairway, Newby

Appeal Reference APP/H2733/A/06/2024972/WF
Planning Reference 06/00746/FL
For decision letter see Appendix B attached – Appeal is Dismissed
2.3 An appeal against refusal of planning permission for the erection of 2 bungalows with garage and utility below at Land to Rear of Waterstead Cottages, Bogg Hall, Whitby.

Appeal Reference APP/H2733/A/06/2029001/WF
Planning Reference 06/01455/FL
For decision letter see Appendix C attached – Appeal is Allowed

2.4 An appeal against refusal of planning permission for the erection of a conservatory at 64 High Street, Snainton

Appeal Reference APP/H2733/A/06/2028226/WF
Planning Reference 06/01455/FL
For decision letter see Appendix D attached – Appeal is Dismissed

2.5 An appeal against refusal of planning permission for the erection of a sun room to rear at Whisperwood Cottage, Low Street, Scalby.

Appeal Reference APP/H2733/A/06/2029689/WF
Planning Reference 06/01205/FL
For decision letter see Appendix E attached – Appeal is Allowed

2.6 An appeal against refusal of outline planning permission for alterations and extensions to existing industrial units and the erection of a boundary wall at Windmill Farm, Malton Road, Hunmanby

Appeal Reference APP/H2733/A/06/2026925
Planning Reference 06/00221/OL
For decision letter see Appendix F attached – Appeal is Dismissed

2.7 An appeal against refusal of planning permission for change of use of a stable building to form two holiday cottages at 38 Limestone Road, Burniston

Appeal Reference APP/H2733/A/06/2023893
Planning Reference 06/01212/FL
For decision letter see Appendix G attached – Appeal is Dismissed
2.8 An appeal against refusal of planning permission for the erection of a uPVC conservatory at 45 Knipe Point Drive, Scarborough

Appeal Reference APP/H2733/A/06/2029762

Planning Reference 06/01798/FL

For decision letter see Appendix H attached – **Appeal is Allowed**
Application No 07/00051/FL Parish Reighton/Speeton
Proposal Amendments to archway to utilise roof void approved under application number 05/01204/FL
Address Reighton House Farm, Church Hill, Reighton, Filey, North Yorkshire, YO14 9RX,
Applicant Mr & Mrs M Marshall
Decision Application Permitted (with conditions)

1. Before the commencement of the development hereby granted, a schedule of materials for all hard surfaced areas within the site shall be submitted to and approved in writing by the Local Planning Authority. Samples shall be provided as maybe required by the Local Planning Authority of materials in the schedule and the use of such samples shall be approved in writing by the Local Planning Authority.

2. Before the development is commenced, details of the bricks to be used to the external walls of the development hereby permitted, including samples if required, shall be submitted to and approved in writing by the Local Planning Authority and all the bricks used in the development shall conform to the details/samples so approved.

3. A one metre square freestanding panel of brickwork showing the type of brick to be used in the construction of the development hereby permitted shall be constructed on site and approved by the Local Planning Authority before the development commences. All new brickwork shall match that of the approved panel in terms of the type of bricks used, the method of bonding, mortar colour and pointing style, unless otherwise agreed in writing by the Local Planning Authority. The brickwork panel so constructed shall be retained on the site until the development hereby approved has been completed.

4. The roof of the development/alteration/extension hereby approved shall be clad in handmade natural clay pantiles, a sample of which should be submitted to and be approved by the Local Planning Authority before work commences.

Note: the following handmade natural clay pantiles are available:-
William Blyth ‘Barco’
William Blyth ‘Lincoln’
Goxhill/Sandtoft ‘Greenwood’
Goxhill/Sandtoft ‘Provincial’

5. All new window frames, glazing bars and external door frames shall be of timber construction, white painted and thereafter so maintained.
6. The external face of the frame to all new windows shall be set in a reveal of a minimum of 80mm from the front face of the adjacent walling and thereafter so maintained.

7. All rooflights utilised in the development hereby approved shall be of a conservation design, the precise details of which shall first be submitted to and be approved in writing by the Local Planning Authority, and shall thereafter be maintained.

8. The rainwater goods utilised in the development hereby approved shall be coloured black and guttering shall be fixed to the external walls by means of gutter spikes and no fascia boarding shall be used unless otherwise agreed in writing by the Local Planning Authority.

Application No 06/02657/OL Parish Hunmanby
Proposal Outline application for proposed erection of new attached dwelling to provide accommodation for family business partner
Address Barf Farm, Bridlington Road, Hunmanby, Filey, North Yorkshire, YO14 9RR
Applicant JH & D Emmerson
Decision Application Permitted (with conditions)

1. No development shall take place without the prior written approval of the Local Planning Authority of all details of the following matters:-
   i) the design and external appearance of the building, including a schedule of external materials to be used
   ii) the means of access
   iii) the means of sewage and surface water disposal.
   iv) the boundary treatment

2. The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture or forestry as defined in Section 336 of the Town and Country Planning Act 1990 or a widow or widower of such a person, and to any resident dependents.

3. The development hereby permitted shall be carried out in accordance with the plan(s)/letter received by the Local Planning Authority on 19 February 2007

Application No 07/00100/FL Parish Hunmanby
Proposal Proposed dwelling following demolition of existing store/garage
Address Land Adj 86 Bridlington Street, Hunmanby, Filey, North Yorkshire, YO14 0JR
Applicant Mr & Mrs Boyes
Decision Application Permitted (with conditions)

1. Before the commencement of the development hereby granted, a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. Samples shall be provided as may be required by the Local Planning Authority of the materials in the schedule and the use of such samples shall be approved in writing by the Local Planning Authority.

2. A one metre square freestanding panel of brickwork showing the type of brick to be used in the construction of the development hereby permitted shall be constructed on site and
approved by the Local Planning Authority before the development commences. All new brickwork shall match that of the approved panel in terms of the type of bricks used, the method of bonding, mortar colour and pointing style, unless otherwise agreed in writing by the Local Planning Authority. The brickwork panel so constructed shall be retained on the site until the development hereby approved has been completed.

3 Before the commencement of development hereby granted, details of the proposed boundary treatment, including a schedule of materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use unless otherwise agreed in writing by the Local Planning Authority.

4 Prior to the commencement of any other part of the development hereby permitted, the access to the site shall be laid out and constructed in accordance with the following requirements.

(v) provision shall be made to prevent surface water from the site discharging onto the existing or proposed highway in accordance with the Specification of the Local Highway Authority.

(vi) Any access gates shall be made to open inwards only. Note: It is an offence under Section 153 of the Highways Act 1980 to permit any door, gate or bar to open outwards across a highway.

5 Prior to the commencement of the development hereby permitted, visibility splays providing clear visibility of 2 metres x 2 metres measured down the centre line of the access road and the back of the footway of the major road shall be provided. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times thereafter.

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any subsequent Order, the garage shall not be converted into a habitable room(s) without the express written consent of the Local Planning Authority.

7 No dwelling shall be occupied until the related parking and/or garaging facilities have been constructed in accordance with the approved drawing referenced ‘2/G2216/2’, received by the Local Planning Authority on 17 January 2007, and adopted standards. Once created, these parking and garaging areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

8 Notwithstanding the details included in the application, the proposed first-floor windows to the northern and southern side elevations of the development hereby permitted, serving bathrooms and a shower room/WC, shall be obscure glazed and thereafter so maintained.

9 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, (or any Order or Statutory Instrument revoking and re-enacting that Order), none of the following developments or alterations shall be carried out without the prior written approval of the Local Planning Authority:

(i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas or raised decks;
(ii) the erection of house extensions including dormer windows, conservatories, garages, car ports, porches or pergolas;
(iii) alterations including the installation of additional windows or doors on the northern or southern side elevations of the building.

10 Before the development is commenced, full details of the proposed soakaway system for the disposal of surface water from the development hereby permitted, including percolation test results, shall be submitted to and approved in writing by the Local Planning Authority. Should the percolation test results be considered unacceptable by the Local Planning Authority
details of an alternative means of providing for surface water drainage shall be submitted for consideration. The approved means of surface water drainage shall be implemented in full before the development hereby permitted is first brought into use.

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<tr>
<th>Application No</th>
<th>Proposal</th>
<th>Address</th>
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<th>Decision</th>
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<tr>
<td>06/02233/FL</td>
<td>Replacement pitched roof to annexe</td>
<td>10 Cliff Top, Filey, North Yorkshire, YO14 9HG</td>
<td>Mr &amp; Mrs K N Wilkinson</td>
<td>Application Permitted (with conditions)</td>
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<tr>
<td>07/00055/FL</td>
<td>Replacement of existing shopfront lobby &amp; manual doors with two sets of auto doors, replacement roof mounted plant</td>
<td>Mills Metro, 3 Murray Street, Filey, North Yorkshire, YO14 9DA</td>
<td>Mills Group</td>
<td>Application Permitted (with conditions)</td>
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<tr>
<td>06/02614/RM</td>
<td>Proposed new dwelling</td>
<td>Land Adjacent Chestnut House, Filey Road, Flixton, Scarborough, North Yorkshire, YO11 3UF</td>
<td>Mr D Scott</td>
<td>Application Refused</td>
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<tr>
<td>07/00010/FL</td>
<td>Dropped curb for vehicular access/parking</td>
<td>30 Main Street, Flixton, Scarborough, North Yorkshire, YO11 3UB</td>
<td>Gary Phillip Cannon</td>
<td>Application Permitted (with conditions)</td>
</tr>
</tbody>
</table>
1 Prior to the commencement of any other part of the development hereby permitted, the access to the site shall be laid out and constructed in accordance with the following requirements:

(ic) The crossing of the highway verge and/or footpath shall be constructed in accordance with the approved details and/or Standard Detail number EW6 and the Specification of the Local Highway Authority.

(v) Provision shall be made to prevent surface water from the site/plot discharging onto the existing or proposed highway in accordance with the approved details and/or Standard Detail number and the Specification of the Local Highway Authority.

(vi) Any access gates shall be made to open inwards only. Note it is an offence under Section 153 if the Highways act 1980 to permit any door gate, or bar to open outwards across a highway.

NOTE:
You are advised that a separate licence will be required from the Local Highway Authority in order to allow any works in the adopted highway to be carried out. The local office of the Local Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

Application No 07/0091/FL Parish Flixton/Folkton
Proposal Erection of dwelling house and garage
Address Hunters Lodge, Main Street, Folkton, Scarborough, North Yorkshire, YO11 3UH
Applicant Mrs S Van Poeteren
Decision Application Permitted (with conditions)

1 The finish of the walls to be rendered shall match the render of the principal existing building on the site in terms of colour and texture and shall thereafter be so maintained, unless otherwise agreed in writing by the Local Planning Authority. Such rendering and colouring shall be completed within one month of the development hereby permitted being first brought into use, unless otherwise agreed in writing by the Local Planning Authority.

2 The roof of the development hereby permitted shall be clad with traditional, non-interlocking, non-pre-coloured natural red clay pantiles and thereafter be so maintained.

3 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, (or any Order or Statutory Instrument revoking and re-enacting that Order), none of the following developments or alterations shall be carried out without the prior written approval of the Local Planning Authority:

(i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas or raised decks;
(ii) the erection of house extensions including dormer windows, conservatories, garages, car ports, porches or pergolas;
(iii) alterations including the installation of replacement or additional windows or doors and the installation of roof windows;
(iv) the installation of satellite dishes.

4 None of the existing trees on the site shall be cut down, up-rooted, destroyed, topped, lopped or pruned without the prior written consent of the Local Planning Authority.

5 Before the commencement of development hereby granted, details of the proposed boundary treatment, including a schedule of materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and
the details so approved shall be implemented in full before the development is first brought into use unless otherwise agreed in writing by the Local Planning Authority.

6 Prior to the commencement of development the access to the site shall be laid out and constructed in accordance with the following requirements:-

(i) the crossing of the highway verge shall be constructed in accordance with the approved details and/or Standard detail number E9A and the Specification of the local Highway Authority

(ii) any gates, barriers or other means of enclosure shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway

(iii) that part of the access extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 10

(iv) provision shall be made to prevent surface water from the site discharging onto the existing highway in accordance with the specification of the local Highway Authority

NOTE:- Be advised that prior to any works commencing, permission is required from North Yorkshire County Council as the local Highway Authority for all works within the public highway. Please contact highways North Yorkshire, Area 3 - Whitby Office, The Garth, White Leys Estate, Whitby (tel 0845 3669 503) which will provide the detailed constructional Specification referred to above, list of approved contractors forms etc

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

8 Prior to the first use of the development the vehicular access, parking and turning facilities shall be formed in accordance with the submitted drawing [Reference 230/R3]. Once created, these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

9 The development hereby permitted shall be carried out in accordance with the plan(s)/letter received by the Local Planning Authority on 23 February 07 (no. 290/R/1.A)

Application No 06/02675/FL Parish Muston
Proposal Proposed kitchen extension
Address Fieldway House, West End, Muston, Filey, North Yorkshire, YO14 0ES
Applicant Mr B Marriott
Decision Application Permitted (with conditions)

1 The brickwork and roofing tiles of the development hereby permitted shall match those of the principal existing building on the site.
Application No 07/00043/FL Parish Cayton
Proposal Formation of 3 No new openings in outer wall, installation of new aluminium window frames to match existing, new sectional overhead door to replace existing roller shutter door
Address Unit 5, Olympian Trading Estate, Cayton Low Road, Eastfield, Scarborough, North Yorkshire,
Applicant Mr Yau Wai Kong - Colin Ellis Property Services
Decision Application Permitted

Application No 07/00108/FL Parish Cayton
Proposal Proposed extension to managers dwelling
Address Beach View Caravan Park, Filey Road, Cayton, Scarborough, North Yorkshire, YO11 3NH
Applicant Mr S King
Decision Application Permitted (with conditions)

1. The brickwork and roofing tiles of the development hereby permitted shall match those of the principal building on the site.

2. Before the commencement of the development hereby granted, full details of the proposed means of foul and surface water disposal to separate systems shall be submitted to and approved in writing by the Local Planning Authority and the details so approved shall be implemented in full before there are any flows into the receiving systems.

Application No 07/00037/FL Parish Seamer
Proposal Erection of conservatory to rear of private dwelling
Address 3 Falcon Avenue, Crossgates, Scarborough, North Yorkshire, YO12 4UG,
Applicant Mr & Mrs D Taylor
Decision Application Permitted (with conditions)

1. The development hereby permitted shall be in accordance with the received plan reference 804/255/34 received by the local planning authority on 23rd January 2007.

Application No 07/00038/FL Parish Seamer
Proposal Replacement of sun room annexe with new conservatory
Address 25 Beacon Road, Seamer, Scarborough, North Yorkshire, YO12 4HT
Applicant Mr & Mrs J Sowden
Decision Application Permitted (with conditions)

1. All new and replacement brickwork utilised in carrying out the development hereby permitted shall match that of the principal existing building.

2. The conservatory windows facing the eastern boundary of the site shall be provided in obscure glazing and shall thereafter be so maintained. The pattern/texture shall be of a density to ensure that not objects or persons positioned on either side of the glazing are readily distinguishable.
It should be noted that certain so-called “privacy” glasses offered by manufacturers do not provide sufficient levels of obscuration to conform to this condition.

Application No 07/00039/FL  Parish Seamer
Proposal Proposed conservatory extension and replacement garage
Address 24 Napier Crescent, Seamer, Scarborough, North Yorkshire, YO12 4HY
Applicant Mr & Mrs D T Horton
Decision Application Permitted (with conditions)

1 All new and replacement brickwork utilised in carrying out the conservatory hereby permitted shall match that of the principal existing building on the site in terms of the type of brick(s), mortar mix and method of bonding.

Application No 07/00133/FL  Parish Seamer
Proposal Erection of two storey extension to side elevation
Address 2 Plover Gardens, Crossgates, Scarborough, North Yorkshire, YO12 4TS
Applicant Mr & Mrs P Stonehouse
Decision Application Permitted (with conditions)

1 The brickwork and roofing tiles of the development hereby permitted shall match those of the principal existing building on the site.

2 None of the existing trees on the site shall be cut down, up-rooted, destroyed, topped, lopped or pruned without the prior written consent of the Local Planning Authority.

3 The accommodation hereby permitted shall be and shall remain incidental to the use of the dwelling and shall not be sold or let off separately, and shall be only used by members of the family of the occupier of that dwelling.

Application No 06/02261/FL  Parish Scarborough
Proposal Conversion of house into 3 No self contained flats, erection of conservatory
Address 1 Avenue Road, Falsgrave, Scarborough, North Yorkshire, YO12 5JU
Applicant Mrs S Nicholson
Decision Application Permitted (with conditions)

1 Details of the means of storage and disposal of refuse shall be submitted to and be approved by the Local Planning Authority and the development hereby permitted shall not commence in advance of that approval. The approved scheme shall be fully implemented prior to occupation of the building and shall thereafter be retained.

2 Details of a bicycle store shall be submitted to and be approved by the Local Planning Authority prior to occupation of any of the flat units. The approved scheme shall be fully implemented prior to the occupation of any of the flat units hereby permitted.

3 The development hereby permitted shall be carried out in accordance with the plan and letter received by the Local Planning Authority on the 10 January 2007.
Application No 06/02329/FL Parish Scarborough
Proposal Installation of replacement window frames
Address 38 St Marys Walk, Scarborough, North Yorkshire, YO11 1RN,
Applicant Zandra Doubtfire
Decision Application Permitted (with conditions)

The development, hereby permitted, shall be carried out in accordance with the letter received on the 23rd February 2007.

Application No 06/02366/FL Parish Scarborough
Proposal Installation of replacement window frames in uPVC
Address 7A Victoria Park, Northstead, Scarborough, North Yorkshire, YO12 7TS
Applicant Mr A Parkin-Coates
Decision Application Permitted

Application No 06/02501/FL Parish Scarborough
Proposal Erection of extension to provide dayroom/play facilities for the children's unit
Address Land Adj Children's Unit, Scarborough General Hospital, Woodlands Drive, Woodlands, Scarborough, North Yorkshire, YO12 6QN
Applicant Scarborough NHS Trust
Decision Application Permitted

Application No 06/02607/AA Parish Scarborough
Proposal New bank signage - illuminated
Address Lloyds TSB, 69 Falsgrave Road, Falsgrave, Scarborough, North Yorkshire, YO12 5EA,
Applicant Lloyds TSB - Property Management
Decision Application Permitted

Application No 06/02610/FL Parish Scarborough
Proposal Installation of replacement window frames in uPVC
Address White Rails Hotel, 128 Columbus Ravine, Northstead, Scarborough, North Yorkshire, YO12 7QZ,
Applicant Mr & Mrs Sessions
Decision Application Permitted (with conditions)

The lead glazing bars shown on windows numbered 11, 13 to 20 and 22, hereby approved, are of a square pattern configuration.
Application No 06/02635/FL Parish Scarborough
Proposal Erection of kitchen extension to rear elevation
Address 1 Castle Terrace, Scarborough, North Yorkshire, YO11 1QX,
Applicant Mr & Mrs Wheatley
Decision Application Permitted (with conditions)

1 The roof tiles and brick work to be utilised in carrying out the development hereby permitted shall match those of the principal existing building on site.

Application No 06/02640/FL Parish Scarborough
Proposal Conversion of warehouse into 3 bedroomed dwelling and 2 domestic garages
Address Rear Of 1 And 3 Park Street, Falsgrave, Scarborough, North Yorkshire, YO12 4AQ
Applicant Mr R Parker
Decision Application Permitted (with conditions)

1 The development hereby permitted shall be carried out in strict accordance with drawings received by the Local Planning Authority on the 5 February 2007.

2 Notwithstanding the provisions of the Town _ Country Planning (General Permitted Development) Order 1995, (or any Order or Statutory Instrument revoking and re-enacting that Order), none of the following developments or alterations shall be carried out without the prior written approval of the Local Planning Authority.

   (i) the erection of freestanding curtilage buildings or structures including car ports, sheds, greenhouses, pergolas or raised decks;
   (ii) alterations including the installation or additional windows and doors and the installation of roof windows.

3 The brickwork and roofing tiles of the development hereby permitted shall match those of the principal existing building on the site.

4 The two private garages shall be used only for domestic purposes ancillary to the occupation of the dwelling house and for no other purpose.

5 Details of any new boundary treatments, including the means of enclosure to the new dwelling, of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development.

Application No 06/02645/FL Parish Scarborough
Proposal Conversion of ground floor and basement flat into 2 no one bedroomed flats
Address 55 Trafalgar Square, Northstead, Scarborough, North Yorkshire, YO12 7PZ
Applicant 131 Victoria Road Ltd
Decision Application Permitted (with conditions)

1 The development hereby permitted shall be carried out in accordance with the plans received by the Local Planning Authority on the 16th February 2006.
<table>
<thead>
<tr>
<th>Application No</th>
<th>Parish</th>
<th>Proposal</th>
<th>Address</th>
<th>Applicant</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>06/02652/FL</td>
<td>Scarborough</td>
<td>Proposed formation of 2 No flats at ground floor and lower ground floor</td>
<td>14 South Street, Weaponness, Scarborough, North Yorkshire, YO11 2BP</td>
<td>R Rixon</td>
<td>Application Permitted (with conditions)</td>
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<td>1 All new window frames and external door frames shall be of timber construction, white painted and thereafter so maintained.</td>
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<td>2 Details of the design of the railings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to implementation of the scheme. The railings shall be installed in accordance with the approved details and thereafter so maintained.</td>
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<td>3 Details of the means of refuse storage shall be submitted to and be approved in writing by the Local Planning Authority prior to commencement of the scheme and shall thereafter be so retained.</td>
</tr>
<tr>
<td>06/02653/FL</td>
<td>Scarborough</td>
<td>Installation of replacement window frames in uPVC</td>
<td>1 Cecil Court, Ryndleside, Northstead, Scarborough, North Yorkshire, YO12 6AE</td>
<td>Mrs Rodgers</td>
<td>Application Permitted (with conditions)</td>
</tr>
<tr>
<td>06/02666/FL</td>
<td>Scarborough</td>
<td>Removal of Condition 1 on application number 00/00446/FL which prevents the use of the property as anything other than holiday accommodation</td>
<td>129 Castle Road, Scarborough, North Yorkshire, YO11 1HX,</td>
<td>Joanne Gilmoor</td>
<td>Application Permitted (with conditions)</td>
</tr>
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<td>1 Details of the means of storage and disposal of refuse shall be submitted to and be approved by the Local Planning Authority and the flats shall not be permanently occupied in advance of that approval. The approved scheme shall be fully implemented before any of the flats are permanently occupied and shall thereafter be retained.</td>
</tr>
<tr>
<td>06/02676/AA</td>
<td>Scarborough</td>
<td>Freestanding internally illuminated sign above entrance</td>
<td>72-80 Victoria Road, Scarborough, North Yorkshire, YO11 1SF,</td>
<td>Michael Porter</td>
<td>Application Refused</td>
</tr>
<tr>
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<td>1 The advertisement proposal is considered to be contrary to Scarborough Borough Local Plan Policies E29A and E30 which state that advertisements within the built up area should be sited and designed to be in scale and harmony with the proportions, frontage width and</td>
</tr>
</tbody>
</table>
fenestration of the host building and the character of the surrounding area. This proposal due to its siting and internally illuminated box design is considered to conflict with these policies creating an incongruous feature on the frontage of the property, adversely affecting the appearance of the area.

Application No 06/02687/FL  Parish Scarborough
Proposal Formation of 2 No dormer bedrooms and bathroom in roof void of flat
Address 4 Queen Margarets Manor, Queen Margarets Road, Weaponness, Scarborough, North Yorkshire, YO11 2RT
Applicant Mr R Dale
Decision Application Permitted (with conditions)

1 The roof tiles utilised in carrying out the development hereby permitted shall match those of the principal existing building on the site.

Application No 07/00016/FL  Parish Scarborough
Proposal New top floor flat and new windows to rear elevation.
Address 3 Cambridge Terrace, Weaponness, Scarborough, North Yorkshire, YO11 2LQ
Applicant Mr P Smith
Decision Application Permitted

Application No 07/00062/LB  Parish Scarborough
Proposal Replace existing signs
Address Lloyds TSB Bank, 69 Falsgrave Road, Falsgrave, Scarborough, North Yorkshire, YO12 5EA,
Applicant Lloyds TSB Bank
Decision Application Permitted

Application No 07/00066/FL  Parish Scarborough
Proposal Proposed alterations and extensions
Address 2 Sea View Grove, Weaponness, Scarborough, North Yorkshire, YO11 3JA
Applicant Mr & Mrs K Makepeace
Decision Application Permitted (with conditions)

1 The roof tiles and brickwork utilised in carrying out the development hereby permitted shall match those of the principle existing building on the site.

Application No 07/00074/AA  Parish Scarborough
Proposal Retrospective application for display of directional arrow signage
Address 69 Trafalgar Street West, Scarborough, North Yorkshire, YO12 7AX,
Applicant Brian Jackson
Decision Application Refused
Policy E.29A of the Scarborough Borough Local Plan states that, inter alia, advertisement control will be exercised with the aim of protecting the landscape, and townscape of the Local Plan area. Consent will only be granted where individually or cumulatively with other advertisements, proposals will not detract from the appearance of the landscape of any host buildings or harm visual amenity. It is considered that a commercial sign located in a prominent position on a domestic dwelling in a primarily residential area is of significant detriment to the appearance of the host property and the visual amenity and character of the surrounding area. Therefore the proposal would be contrary to policy E.29A of the adopted Scarborough Borough Local Plan.

Policy E.30 of the adopted Scarborough Borough Local Plan states that, inter alia, subject to policy E.29A proposal for advertisements within the built up area should be sited and designed to be in harmony with the proportions, frontage, width and fenestration of any host building and the character of the surrounding area and avoid the use of corporate advertising styles where these would disrupt the character of the surrounding area. The commercial signage located on a domestic property would by its design and location be harmful to the character of the host property. The use of corporate signage is in conflict with the residential character of the area. Therefore it is considered that the proposal is contrary to policy E.30 of the adopted Scarborough Borough Local Plan.

Application No 07/00151/FL Parish Scarborough
Proposal Installation of replacement front and rear doors in uPVC
Address 14 Marlborough Street, Scarborough, North Yorkshire, YO12 7HG,
Applicant Mrs PM Walker
Decision Application Permitted

Application No 06/02585/OL Parish Brompton By Sawdon
Proposal Conversion of redundant farm buildings into ancillary/holiday accommodation
Address Wellspring Farm, Sawdon, Scarborough
Applicant Christopher Edleston
Decision Application Permitted (with conditions)

The accommodation hereby permitted shall not be used for purposes other than holiday letting purposes. For the purpose of this condition 'holiday letting' means letting to the same person, groups of persons or family for period(s) not exceeding a total of 28 days in any one financial year. The accommodation shall not be used as the main residence of any occupant.

No development shall take place without the prior written approval of the Local Planning Authority of all details of the following matters: -

(i) the design and external appearance of buildings, including a schedule of external materials to be used;

(ii) the means of access to the site;

(iii) the landscaping of the site;

(iv) the means of sewage and surface water disposal;

(v) the existing and proposed site levels and floor levels of the buildings and hard surfaced areas.
3 No development shall take place on site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall first have been submitted to and approved in writing by the Local Planning Authority.

NOTE:-
You are advised to commission a professional archaeological contractor to carry out this work. North Yorkshire County Council’s Heritage and Environment Section are able to provide or agree a written scheme of investigation for the work and provide a list of archaeological contractors upon written request.

4 INFORMATIVE:-
You are advised of the need to apply for Scheduled Monument Consent in association with this development

Application No 06/02674/FL Parish Brompton By Sawdon
Proposal Proposed erection of grain storage building
Address Mount Pleasant Farm, Sawdon Lane, Brompton By Sawdon, Scarborough, North Yorkshire, YO13 9DT
Applicant JA, LM & DJ Nichols
Decision Application Permitted (with conditions)

1 Prior to the first use of the development hereby permitted, the sheeting of the walls and roof shall be coloured dark grey to BS 18B25 and shall thereafter be so maintained.

Application No 06/02617/CA Parish Snainton
Proposal Demolition of existing outbuildings - relating to planning approval 06/00377/OL
Address Land Adjoining Derwent House Farm, 13 High Street, Snainton, Scarborough, North Yorkshire, YO13 9AE
Applicant Jonathan Gledhill
Decision Application Permitted (with conditions)

1 The demolition hereby permitted shall not be undertaken before a contract has been made for the carrying out of the works of re-development of the site in accordance with the details approved under Decision Reference 06/02479/RM dated 2 February 2007.

2 INFORMATIVE :- Your attention is drawn for the need to comply with the provisions of The Party Wall Act 1996 where the rear walls of these buildings adjoin the boundary with neighbouring properties.

Application No 06/02650/FL Parish Newby/Scalby
Proposal Erection of ground floor extensions to form extended kitchen, garden room and study
Address 3 Greenstead Road, Newby, Scarborough, North Yorkshire, YO12 6HN
Applicant Mr R Boddington
Decision Application Permitted (with conditions)

1 The brickwork and roofing tiles of the development hereby permitted shall match those of the principal existing building on the site.
2. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, (or any Order or Statutory Instrument revoking and re-enacting that Order), no windows shall be formed in the north or north-western walls of the side extension hereby permitted without the prior written consent of the Local Planning Authority.

Application No 06/02663/FL Parish Newby/Scalby
Proposal Proposed single storey rear extension
Address 274 Scalby Road, Newby, Scarborough, North Yorkshire, YO12 6EA
Applicant Mr & Mrs MJ Nolan
Decision Application Permitted (with conditions)

1. The brickwork and roofing tiles of the development hereby permitted shall match those of the principal existing building on the site.

2. The fixed light window facing south shall be provided in obscure glazing, and shall thereafter be so maintained. The pattern/texture shall be of a density to ensure that no objects or persons positioned on either side of the glazing are readily distinguishable.

Note

It it should be noted that certain so called ‘privacy’ glasses offered by manufacturers do not provide sufficient levels of obscuration to conform with this condition.

Application No 07/00014/FL Parish Newby/Scalby
Proposal Erection of part second storey and single storey side extensions
Address 5 Foulsyke Cottages, Barmoor Lane, Scalby, Scarborough, North Yorkshire, YO13 0PD,
Applicant Mr & Mrs J Gray
Decision Application Permitted (with conditions)

1. All new and replacement brickwork utilised in carrying out the development hereby permitted shall match that of the principal existing building on the site in terms of the type of brick(s), mortar mix and method of bonding.

2. The finish of the walls to be rendered shall match the render of the principal existing building on the site in terms of colour and texture and shall thereafter be so maintained, unless otherwise agreed in writing by the Local Planning Authority. Such rendering and colouring shall be completed within one month of the development hereby permitted being first brought into use, unless otherwise agreed in writing by the Local Planning Authority.

3. The roof of the development hereby permitted shall be clad with traditional, non-interlocking, non-pre-coloured natural red clay pantiles and thereafter be so maintained.

Application No 07/00053/FL Parish Newby/Scalby
Proposal Proposed erection of conservatory to side elevation
Address 12 Cleveland Avenue, Newby, Scarborough, North Yorkshire, YO12 6DB
Applicant Mr & Mrs Kenny
Decision Application Permitted (with conditions)
1. The brickwork and roofing tiles of the development hereby permitted shall match those of the principal existing building on the site.

2. Not withstanding the details in the application the existing boundary hedge to the east of the proposal should be maintained at a height of 1.5 meters.

**Application No 07/00068/FL Parish Newby/Scalby**
Proposal: Kitchen extension to side gable
Address: 1 Roman Way, Scalby, Scarborough, North Yorkshire, YO12 5RF
Applicant: Mrs A Webb
Decision: Application Permitted (with conditions)

1. The brickwork and roofing tiles of the development hereby permitted shall match those of the principal existing building on the site.

**Application No 07/00085/FL Parish Newby/Scalby**
Proposal: Erection of 2 storey side extension with ground floor workshop, utility, office and en-suite bathroom over
Address: 37 Newlands Park Grove, Newby, Scarborough, North Yorkshire, YO12 6PT
Applicant: Mr & Mrs C Hoggarth
Decision: Application Permitted (with conditions)

1. The brickwork and roofing tiles of the development hereby permitted shall match those of the principal existing building on the site.

2. The finish of the walls to be rendered shall match the render of the principal existing building on the site in terms of colour and texture and shall thereafter be so maintained, unless otherwise agreed in writing by the Local Planning Authority. Such rendering and colouring shall be completed within one month of the development hereby permitted being first brought into use, unless otherwise agreed in writing by the Local Planning Authority.

**Application No 07/00113/FL Parish Newby/Scalby**
Proposal: Proposed revisions to scheme for conversion of redundant barn to form residential unit (unit 5) and construction of new barn type house (unit 4) previously approved under decision 04/00552/FL plus garaging
Address: Ivy Bank House, 525 Scalby Road, Scalby, Scarborough, North Yorkshire, YO13 0NW
Applicant: Mr & Mrs Austin
Decision: Application Permitted (with conditions)

1. Before the commencement of the development hereby granted, a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. Samples shall be provided as may be required by the Local Planning Authority of the materials in the schedule and the use of such samples shall be approved in writing by the Local Planning Authority.

2. A one metre square freestanding panel of stonework showing the type of stone and stonework to be used in the construction of the development hereby permitted shall be constructed on site and approved in writing by the Local Planning Authority before the development is commenced. All new stonework shall match that of the approved panel in
terms of the stone used and the coursing, jointing and mortar mix and finish, unless otherwise agreed in writing by the Local Planning Authority. The stone panel so constructed shall be retained on the site until the development hereby approved has been completed.

3 All new stonework utilised in carrying out the extension to the barn building hereby permitted shall match that of the existing barn on the site, including the colour and texture of the stone and the method of coursing and pointing.

4 The roof of the development hereby permitted shall be clad with traditional, non-interlocking, non-pre-coloured natural red clay pantiles and shall thereafter be so maintained. Before the development is commenced, details and a sample of the roof tiles to be used for the new dwelling and the extension to the existing barn shall be submitted to and be approved in writing by the Local Planning Authority and thereafter no development shall take place except in strict accordance with those details.

5 All rainwater goods shall be of cast iron construction and coloured black and thereafter so maintained. The guttering shall be fixed to the external walls by means of gutter spikes and no boarding shall be used unless otherwise agreed in writing by the Local Planning Authority.

6 Details of all windows shall be submitted to and be approved in writing by the Local Planning Authority before the development is commenced. Such details shall indicate, at a scale of not less than 1:20, the longitudinal and cross-sectional detailing, cill and lintol detailing, means of opening and reveal of all windows and doors. All windows shall be installed in accordance with the details approved and thereafter so maintained.

7 Details of the design of all external doors to be utilised in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and all external doors used in the development shall conform to the details so approved.

8 All window frames, glazing bars and door frames shall be of timber construction and painted or stained a dark colour to be submitted to and be approved in writing by the Local Planning Authority prior to the occupation of any dwelling unit and shall thereafter be so maintained.

9 The external face of the frame to all new windows and doors shall be set in a reveal of a minimum of 100mm from the front face of the adjacent walling, unless otherwise agreed in writing by the Local Planning Authority, and shall thereafter be so maintained.

10 Before the commencement of development hereby granted, details of the proposed boundary treatment, including a schedule of materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use unless otherwise agreed in writing by the Local Planning Authority.

11 None of the existing trees on the site shall be cut down, up-rooted, destroyed, topped, lopped or pruned without the prior written consent of the Local Planning Authority.

12 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, (or any Order or Statutory Instrument revoking and re-enacting that Order), none of the following developments or alterations shall be carried out without the prior written approval of the Local Planning Authority:

(i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas or raised decks;
(ii) the erection of house extensions including dormer windows, conservatories, garages, car ports, porches or pergolas;
(iii) alterations including the installation of replacement or additional windows or doors and the installation of roof windows;
(iv) the installation of satellite dishes (on the converted barn only).
Application No 07/00139/FL Parish Newby/Scalby
Proposal Change of garage roof profile to allow for upper storage area
Address 555 Scalby Road, Scalby, Scarborough, North Yorkshire, 
Applicant Mr & Mrs R Haslam
Decision Application Permitted (with conditions)

1 The brickwork and roofing tiles of the development hereby permitted shall match those of the existing building on the site.

2 The garage shall only be used for private domestic purposes incidental to the enjoyment of the dwelling only and not for any form of business or commercial use.

Application No 07/00229/FL Parish Newby/Scalby
Proposal Proposed single storey rear extension
Address 11 Willow Garth, Scalby, Scarborough, North Yorkshire, YO12 5HZ
Applicant Mr Simon Haddock
Decision Application Permitted (with conditions)

1 The brickwork and roofing tiles of the development hereby permitted shall match those of the principal existing building on the site.

Application No 06/02683/OL Parish Eskdaleside Cum Ugglebarnby
Proposal A dwellinghouse
Address Stonegarth, 141 Coach Road, Sleights, Whitby, North Yorkshire, YO22 5EH
Applicant Mr And Mrs B G Davies
Decision Application Permitted (with conditions)

1 No development shall take place without the prior written approval of the Local Planning Authority of all details of the following matters :-

   (i) the layout of the development;

   (ii) the scale and appearance of the development including a schedule of external materials to be used;

   (iii) the landscaping of the site;

   (iv) the means of sewage and surface water disposal;

   (v) the materials and specification for surfacing the access drive to the site.

2 The detailed plans required by condition no 1 above shall make provision for a development of traditional character and shall incorporate the following:
   i) The external materials shall comprise stone coursed and jointed in the local tradition and red clay pantiles.
   ii) The dwelling house and any garage shall be positioned a minimum of 2 metres from the northern boundary to the site to avoid encroachment onto the footpath between Yew Tree Close and Coach Road.
iii) The landscaping scheme shall make provision for the retention of trees T1, T4, T5 and T6 as shown in Appendix 5 of the Pre-Development Arboricultural Survey and for the retention of the hedges on the western and eastern boundaries of the site on the Coach Road frontage and between the site and the Coach House respectively.

iv) The access drive shall be to a specialised construction (no-dig driveway), with a minimum clearance of at least 0.5m between the raised access drive and the tree bases (T5 & T6) and shall be surfaced in gravel or a material to be approved by the Local Planning Authority.

3 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

4 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority.

5 Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water prior to the completion of the approved surface water drainage works and no buildings shall be occupied prior to completion of approved foul drainage works.

6 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies to a design and specification that shall first have been approved in writing by the Local Planning Authority.

7 Notwithstanding the provisions of the Town and Country Planning (General Development Procedure) Order 1995, (or any order revoking or re-enacting that Order) no tank for the storage of oils, fuels or chemicals shall be erected within the curtilage of the dwelling house hereby approved.

8 Prior to the first use of the development the vehicular access, parking and turning facilities shall be formed in accordance with the submitted drawing. Once created, these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times. Any gates, barriers or other means of enclosure shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall open into the site. Any access gates shall be made to open inwards only. Note: It is an offence under Section 153 of the Highways Act 1980 to permit any door, gate or bar to open outwards across a highway.

9 The trees T1, T4, T5 and T6 (as shown in Appendix 5 of the Pre-Development Arboricultural Survey), which are to be retained shall be protected during construction works as follows:

(a) Chestnut pale or similar fencing 1.5 metres in height shall be provided around the trees to be retained before development is commenced at a minimum distance from the trunks equal to the spread of the crowns of the trees. No materials, equipment, site huts, fuels or other items shall be placed or stored within the areas enclosed by the fencing so erected and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

(b) No burning of materials or other items shall take place within 3 metres of the crown spread of any of the trees to be retained.

(c) No services shall be routed under the spread of the crowns of the trees to be retained without the prior written consent of the Local Planning Authority.

(d) No retained tree shall be cut down, up-rooted, destroyed, topped or lopped without the prior written consent of the Local Planning Authority and if any tree which is to be retained dies it shall be replaced with a tree of such size and species as may be specified in writing by the Local Planning Authority.

10 Prior to the commencement of the development works of tree maintenance to the protected trees T1, T4, T5 and T6 shall be carried out in accordance with the following schedule:
T1, T4 and T5 - removal of basal growth and deadwood. T6 - removal of deadwood and crown clean. All works shall be carried out by a qualified tree surgeon/arboriculturist in accordance with the requirements of BS:3998:1989.

The existing hedge(s) along the western and eastern boundaries of the site shall be retained and maintained and details of any proposed maintenance measures shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby granted. In the event of the existing hedgerow being removed or dying, it shall be replaced to a specification that shall first have been approved in writing by the Local Planning Authority. The new hedgerow plants shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.

Application No 06/02684/FL Parish Eskdaleside Cum Ugglebarnby
Proposal Two storey rear extension
Address 6 Lowdale Lane, Sleights, Whitby, North Yorkshire, YO22 5BU
Applicant Mr G Clarke
Decision Application Permitted (with conditions)

1 The walls to the extension hereby granted shall have a smooth finish and be painted white or a colour to be agreed with the Local Planning Authority within one month of the completion of building works.

Application No 07/00042/AA Parish Whitby
Proposal Application for replacement illuminated signage
Address Lloyds TSB, 46 Flowergate, Whitby, North Yorkshire, YO21 3BB
Applicant Lloyds TSB
Decision Application Permitted (with conditions)

1 The luminance of each externally illuminated sign shall not exceed the maximum recommended by the Institution of Lighting Engineers in their Technical Report No 5 "The Brightness of illuminated Advertisements" and the siting and positioning of the means of illumination shall be such that no distraction is caused by glare to users of the highway.

2 The signs hereby approved shall be halo illuminated only.

Application No 06/02672/FL Parish Whitby
Proposal Application for a 3 bedroom bungalow
Address 2 Fairmead Way, Whitby, North Yorkshire, YO22 4JL
Applicant Mr A Dixon
Decision Application Permitted (with conditions)

1 Before the development is commenced samples of the facing bricks and roof tiles to be used for the dwellinghouse hereby approved shall be submitted to and approved in writing by the Local Planning Authority and all the bricks and roof tiles used for the development shall conform to the details so approved.

2 The floor level of the dwellinghouse shall be such that its roof ridge height is no higher than 1 metre above the roof ridge level of no 4 Fairmead Way.
3 The first floor bedroom window in the rear gable of the dwellinghouse hereby approved shall be obscure glazed to the satisfaction of the Local Planning Authority and be so maintained.

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order or Statutory Instrument revoking and re-enacting that Order), none of the following developments or alterations shall be carried out without the prior written approval of the Local Planning Authority:-

   (i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas or raised decks;

   (ii) the erection of house extensions including dormer windows, conservatories, garages, car ports, porches or pergolas;

5 Prior to the commencement of the development hereby approved a parking area of dimensions to be approved by the Local Planning Authority shall be provided to accommodate two cars in the front garden of no 2 Fairmead Way to the satisfaction of the Local Planning Authority.

6 Prior to the occupation of the dwellinghouse hereby permitted, the access to the site shall be laid out and constructed in accordance with the following requirements:-

   i) The crossing of the footpath shall be constructed in accordance with the Standard Detail Number E6R and the Specification of the Local Highway Authority.

   ii) Any access gates shall be made to open inwards only. Note: It is offence under Section 153 of the Highways Act 1980 to permit any door, gate or bar to open outwards across a highway.

Note:
The applicant should be advised that prior to any works commencing, permission is required from North Yorkshire County Council as the Local Highway Authority for all works within the public highway. The applicant should contact Highways North Yorkshire, Area 3 - Whitby Office, The Garth, White Leys Estate, Whitby, N. Yorks, YO21 3PD. Tel: 0845 3669 503, which will provide the detailed constructional specification, list of approved contractors, forms etc, referred to in the Condition on their Planning Approval.

7 The dwelling shall not be occupied until two parking spaces each of a size not less than 4.8 metres x 2.4 metres have been provided within the curtilage of the dwelling, in accordance with standards set out in the North Yorkshire County Council Parking Design Guide. Once created, these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Application No 06/02689/FL Parish Whitby
Proposal Change of use of first floor living accommodation to restaurant dining area
Address Greens, 13 Bridge Street, Whitby, North Yorkshire, YO22 4BG
Applicant Greens Restaurant
Decision Application Permitted (with conditions)

1 The alterations to the ground and first floors of the building shall be carried out in strict accordance with Drwg Nos 06-29-17A and 06-29-18A received by Scarborough Borough Council on 17th February 2007.
Application No 06/02690/LB Parish Whitby
Proposal Listed building consent for conversion of upper floor to restaurant dining area, including new staircase from ground floor, and improvements to manager’s living accommodation
Address Greens, 13 Bridge Street, Whitby, North Yorkshire, YO22 4BG
Applicant Greens Restaurant
Decision Application Permitted

Application No 07/00020/FL Parish Whitby
Proposal Rear conservatory
Address 11 Captain Cook Crescent, Whitby, North Yorkshire, YO22 4HL
Applicant Owner/Occupier
Decision Application Permitted (with conditions)
1. The brickwork of the development hereby permitted shall match as closely as possible those of the principal existing building on the site.

Application No 07/00067/FL Parish Whitby
Proposal New shop frontage
Address Scoresby House, 13 Flowergate, Whitby, North Yorkshire, YO21 3BA,
Applicant Sizecheck
Decision Application Permitted (with conditions)
1. The development hereby granted shall be carried out in accordance with the details submitted in Drawing No D8607-05 Rev B received by Scarborough Borough Council on 5th March 2007.
2. Details of the external colour scheme of the shop front shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby granted.
3. Details of any security lighting, general site illumination or illumination of signs shall be submitted to and be approved by the Local Planning Authority in consultation with the Local Highway Authority before these elements are first brought into use.
4. All doors and windows on elevations of the building adjacent to the existing highway shall be constructed and installed such that they do not open over the public highway. Any future replacement doors and windows shall also comply with this requirement.
5. No part of the proposed ramped access shall not be within the highway boundary.

Application No 07/00061/AA Parish Whitby
Proposal Application for illuminated and non illuminated signs
Address Lidl Foodstore, Stakesby Road, Whitby, North Yorkshire, YO21 1HH
Applicant Lidl UK
Decision Application Permitted (with conditions)
1 The luminance of each externally illuminated sign shall not exceed the maximum recommended by the Institution of Lighting Engineers in their Technical Report No 5 "The Brightness of illuminated Advertisements" and the siting and positioning of the means of illumination shall be such that no distraction is caused by glare to users of the highway.

Application No 07/00080/AA Parish Whitby
Proposal Application for advance sign (1.83m x 2.43m) to be positioned on trailer
Address Field At Junction Of A171/A169, Guisborough Road, Whitby, ,
Applicant Victoria Farm Garden Centre Ltd
Decision Application Refused

1 The display of this advance sign which would be situated in open countryside adjacent to the North York Moors National Park in a designated Area of Special Control for Advertisements would be seriously harmful to the visual character of the area and set an undesirable precedent in conflict with Policy E32 of the Scarborough Borough Local Plan which states inter alia that
"Outside the development limits of towns and settlements, consent to display advertisements will be given for advertisements which are attached to the building to which they relate or are located within the curtilage of that building provided the scale, design, and materials do not detract from the rural setting.
The requirement for advance signs should be met by the official white on brown directional signs for tourist attractions.
Other advertisements outside the development limits of settlements will not be permitted."

Application No 07/00097/FL Parish Whitby
Proposal Revised plans for bungalow to form an annex
Address 38 Queens Drive, Whitby, North Yorkshire, YO22 4HW
Applicant Mr And Mrs D Hansell
Decision Application Refused

1 Approval of this application would result in an incongruously cramped development detrimental to the character and appearance of the area.

2 The annex bungalow proposed for this site would detract from the reasonable privacy standards of neighbouring dwellinghouses and would have an overbearing impact due to its close proximity to existing residential property.

3 Approval of this application would create a precedent whereby it would be difficult to resist similar applications to build residential accommodation in the gardens of dwellinghouses in this locality to the detriment of the character of this estate.

4 Approval of this application would give precedent to others and become increasingly harder to resist, thus leading to a proliferation of private streets contrary to the provisions on the Highways Act 1980 and the Policy of the County Council.

5 For the above reasons approval of this application would be in conflict with Policies E12 and H10 of the Scarborough Borough Local Plan which state, inter-alia, that new development should:-
   * Respect the scale, character, appearance and physical form of its surroundings
   * Not harm the amenities of nearby residents
Application No 07/00153/FL
Parish Whitby
Proposal Rear extension and replacement brick garage
Address 12 Abbeville Avenue, Whitby, North Yorkshire, YO21 1JD
Applicant Mr J Shipton And Miss V Ryan
Decision Application Permitted (with conditions)

1 The brickwork, render and roofing tiles of the development hereby permitted shall match as closely as possible those of the principal existing building on the site.

2 The development hereby permitted shall be carried out in accordance with the plan received by the Local Planning Authority on 12th February reference D8762-01 revision B.

3 The sectional concrete garage to be replaced by the garage hereby approved shall be removed from site and safely disposed prior to completion of the new garage.

Application No 07/00235/FL
Parish Whitby
Proposal First floor bathroom extension above existing kitchen to rear
Address 12 Grove Street, Whitby, North Yorkshire, YO21 1PP
Applicant Mr D Claughton
Decision Application Permitted (with conditions)

1 The brickwork and roofing slates of the development hereby permitted shall match as closely as possible those of the principal existing building on the site.

Application No 07/00281/FL
Parish Whitby
Proposal Clear glazing to south side window rather than obscure glazing (being removal of condition number 2 on Planning Approval 06/01211/FL for garage conversion to living accommodation)
Address Wascana, Caedmon Avenue, Whitby, North Yorkshire, YO21 3JT
Applicant Mr And Mrs D Stamp
Decision Application Permitted

Application No 07/00109/FL
Parish Lythe
Proposal Application for new vehicular access and driveway
Address Summerfield, Lythe Bank, Sandsend, Whitby, North Yorkshire, YO21 3TG,
Applicant Dr B Williams
Decision Application Permitted (with conditions)

1 Prior to the commencement of any other part of the development hereby permitted, the access to the site shall be laid out and constructed in accordance with the following requirements:-
(i) The crossing of the highway verge and/or footpath shall be constructed in accordance with the approved details and/or Standard Detail Number E6W and the Specification of the Local Highway Authority.
(ii) That part of the access extending 4.8 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 10
(iii) That part of the access extending into the site from the carriageway of the existing highway shall be made up and surfaced in accordance with the approved details and the Specification of the Local Highway Authority.
Note:
The applicant should be advised that prior to any works commencing, permission is required from North Yorkshire County Council as the Local Highway Authority for all works within the public highway. The applicant should contact Highways North Yorkshire, Area 3 - Whitby Office, The Garth, White Leys Estate, Whitby, N. Yorks, YO21 3PD. Tel: 0845 3669 503, which will provide the detailed constructional specification, list of approved contractors, forms etc, referred to in the Condition on their Planning Approval with reference to both paving works and safety crash barrier.

2 The proposed Safety Crash Barrier and Retaining wall structures shall not obstruct the visibility splay of the proposed access or the existing neighbouring access.

3 Prior to the first use of the development the vehicular access, parking and turning facilities shall be formed in accordance with the submitted drawing [Reference 4A]. Once created, these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

4 Before the commencement of the development hereby granted samples of the facing bricks to be used for the retaining wall and the block paving for the surfacing of the driveway shall be submitted to and approved in writing by the Local Planning Authority.

5 Before any development is commenced, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.

<table>
<thead>
<tr>
<th>Application No</th>
<th>06/02658/FL</th>
<th>Parish</th>
<th>Osgodby</th>
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<tr>
<td>Proposal</td>
<td>Proposed erection of parasol at front of pub with timber fence enclosing area</td>
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<tr>
<td>Address</td>
<td>Poachers Pocket, Osgodby Lane, Osgodby, Scarborough, North Yorkshire, YO11 3QH</td>
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<tr>
<td>Applicant</td>
<td>Wolverhampton &amp; Dudley Breweries PLC</td>
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<tr>
<td>Decision</td>
<td>Application Refused</td>
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1 The proposed 'al fresco' area due to its obtrusive siting and inappropriate design when considered against the back-drop of the principal elevation of the host building is considered to be contrary to Policy E14 of the Scarborough Borough Local Plan which states that alterations to existing buildings will not be permitted where the proposal detracts from the character, appearance and historic significance of the building.

2 The design of the parasol, decking and balustrade in terms of design and materials of construction is considered to be unsympathetic to the appearance of the streetscene. The proposal is therefore considered to be contrary to Policies E14 and H10 of the Scarborough Borough Local Plan which seeks to protect the appearance of the locality.

3 The development due to its close proximity and relationship with the main entrance to the public house is considered to have an overbearing effect, resulting in increased levels of disturbance due to potential noise and smell from use of the 'al fresco' area. This is considered to have an adverse effect upon the local amenity for customers to the public house and nearby residents. The proposal is therefore considered to be contrary to Policy
H10 of the Scarborough Borough Local Plan which states that development should not be of an overbearing nature or impact adversely upon local amenity.

Application No 06/02660/LB Parish Osgodby
Proposal Proposed erection of parasol to front of pub with timber fence enclosing the area
Address Poachers Pocket, Osgodby Lane, Osgodby, Scarborough, North Yorkshire, YO11 3QH
Applicant Wolverhampton & Dudley Breweries PLC
Decision Application Refused

1 It is considered that the proposed ‘al fresco’ area is contrary to Policy E25 of the Scarborough Borough Local Plan due to its siting resulting in an adverse impact upon the setting of the listed building. This proposal is considered to be insensitive development due to its prominent siting directly east of the principal elevation of the historic building.

2 It is considered that the proposed development comprising of a contemporary designed canopy finished in fabric, the wooden decking and balustrading has an adverse impact upon the special interest of the historic building and the setting of the public house. The proposal is considered to be contrary to Policy E25 of the Scarborough Borough Local Plan which states that development should make use of authentic materials and traditional methods of construction.

Application No 07/00072/FL Parish Eastfield
Proposal LPG tank for central heating
Address 8 Shire Croft, Harvest Way, Eastfield, Scarborough, North Yorkshire, YO11 3NQ,
Applicant A Thornley
Decision Application Permitted (with conditions)

1 The existing hedging to the south and east boundary’s and the wall to the front garden of the site shall be retained and maintain until such a time when the LPG tank, hereby approved, is no longer used and has been fully removed from the site. In the event of the existing hedgerow being removed or dying, it shall be replaced to a specification that shall first have been approved in writing by the Local Planning Authority.

2 Before the commencement of the development hereby permitted, full details of the means of fully screening the LPG tank and all associated accoutrements, shall be submitted to and approved in writing by the Local Planning Authority, and details so approved shall be so maintained until a time when the LPG tank is no longer used and has been fully removed from the site.

Head of Planning Services

List of Background Papers

Those documents referred to in this report.
REPORT OF THE HEAD OF PLANNING SERVICES - HPlg/07/62

SUBJECT: Application to erect 37 bedroom hotel extension on site of dilapidated outbuildings at Scalby Manor Hotel, Burniston Road, Scarborough

1.0 THE PROPOSAL

1.1 The proposal involves the erection of a three storey annex at the rear of the existing hotel, measuring approximately 30 metres x 14 metres to provide a 37 bedroom Travel Inn. The building is of brick and tile construction in the Dutch style, with a mansard roof and is to be erected on the site to the rear of the existing Restaurant building that is currently occupied by disused and dilapidated outbuildings which are well screened from the Coastal Road by mature trees and mounding and back onto the caravan site. The site is equally well screened from the caravan site by existing trees.

2.0 CONSULTATIONS AND COMMENTS

2.1 Parish Council– No objections subject to the access for traffic being improved as the current site splays are not adequate for increased traffic, especially as the entrance is on a hill where traffic accelerates to the 40mph speed limit. It is suggested that slip roads are constructed both sides of the entrance and a right turning lane formed for traffic approaching from the north.

2.2 Traffic and Transportation Manager - No Objections

2.3 Head of Environmental Health and Housing Services- No Objections

2.4 Head of Tourism and Leisure - The Premier Travel Inn brand represents ‘lodge’ style accommodation of which there is minimal provision in Scarborough even taking other applications into account. The Lodge style of
accommodation is sufficiently distinct not to compete directly with other types of accommodation and will provide additional choice for visitors as well as increased capacity. Investment in extra accommodation stock should be welcomed and will help to realise the Borough’s tourism Strategy goals of increasing visitor expenditure and improving the quality of the overall product.

2.5 **Parks and Countryside Services** - The Council Ecologist has studied the ecological report, considers it to be very comprehensive and agrees with the mitigation measures proposed. Conditions are recommended to cover the following:

* limiting the timing of works so as to reduce the disturbance to any hibernating bats,
* ensure the provision of enhancement measures for bat roosting sites
* alternative provision of bird nesting sites
* checking the site boundary to a distance of 30m beyond for signs of fresh badger digging prior to development commencing

Despite the presence of pyramidal orchids in the courtyard as these are not particularly rare and the sward appears to be of low value translocation of the sward should not be insisted upon in this instance although the developer may wish to do so.

2.6 **Yorkshire Tourist Board** - The proposal to develop additional hotel bed spaces, which will help to increase visitor bed nights and related spending in the area, is directly in line with the general aims of Scarborough Borough Council’s Tourism Strategy. Furthermore, this development will help to drive up the quality of budget accommodation provision in Scarborough which is to be encouraged. Hence are delighted to support this proposal.

2.7 **Scalby Village Trust** - Supports the proposal, considering that it will help Tourism in Scalby but comment that the doors on the room for handicapped people should be wider than shown in order to protect the architrave.

2.8 **Scarborough & District Civic Society** - Object to the demolition of the outbuildings because of their architectural and historical interest. The original owner of this property, Edwin Brough was a celebrated breeder of Bloodhounds which were kept in these kennels. However regardless of this unusual history consider the whole ensemble worthy of retention as it is an uncommon local survival of a modest 19th Century gentlemen’s estate. If the coach house and kennels are demolished the architectural unity of the complex will be damaged. They feel that Listing is more appropriate than demolition. As to the proposed extension they find the design heavy and unattractive being overpowering in size and mass and would dominate the main house. They refer to Policy E14 of the Local Plan which states that extensions to existing buildings will be permitted providing the scale, design and materials will not adversely alter the appearance of a building, its relationship to adjoining development or the character of an area. They
consider the proposed extension would adversely alter the appearance of the original house, as it is an inferior building in terms of design, yet because of its size would dominate it instead of being subservient like the existing outbuildings.

2.9 Publicity - The consultation period expired on 14 February 2007

The following comments have been received:-

Mrs Elin Richards of Pond Farm Vines Cross Heathfield Sussex on behalf of The Bloodhound Club - Objects to the loss of the kennel yard. The property has great importance for this Club, since it was the home of Edwin Brough, the foremost breeder of bloodhounds of his time. It is a good example of a gentleman’s house of the late nineteenth Century especially due to the survival of the outbuildings which include the kennels where the dogs were kept.

David Crease RIBA of Deer Park Scampston Malton on behalf of The Association of Bloodhound Breeders - Objects that the proposed demolition of the outbuildings unbalances the architectural composition. The proposed new building is unduly dominant and distracts attention from the main entrance front. The outbuildings are important historically as well as architecturally as the property was built by Edwin Brough, the foremost bloodhound breeder of his time and prominent local figure. Such a complete survival of domestic livestock buildings is rare and these are an interesting set of what were model buildings for the time. No others survive as far as is known. He suggests an alternative siting for the new facility parallel to the site’s western boundary, which would allow retention of the outbuildings.

3.0 RELEVANT SITE HISTORY

3.1 1994 - Change of use from hotel to Public House/Restaurant, manager’s accommodation and car park - Approved

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 require 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

E1 - Protection of Open Countryside
5.0 **ASSESSMENT**

5.1 Visual impact, design of the extension and ecological impact are the key issues in this case. Loss of the existing buildings is also of local concern.

5.2 Local Plan Policy L1 allows new Tourist facilities which will not detract from the surrounding area, where the use and level of activity are compatible with the area and will not harm its amenities. Policy E1 requires that development which is acceptable in the open countryside should have regard to nature conservation interests and also to its setting in the landscape. The scale, form design, materials and colours will be required to be in keeping with the character of its surroundings. Policy E14 allows extensions where the scale, design and materials will not adversely alter the appearance of a building, its relationship to adjoining development or the character of an area. The proposed extension will be set well back from the Coastal Road and will follow the building line to the existing outbuildings. It will also be set into the ground slightly and although slightly taller than the existing building the extension will not be unduly prominent in the landscape. The side elevation will be screened from the adjacent caravan park by a belt of existing trees, and again will not be unduly prominent despite its size and height.

5.3 This proposed new hotel is a significant Tourist facility which is to be welcomed in principle. It will replace a complex of outbuildings which, though dilapidated, have some character and match the principal existing building on the site with which they are contemporary. Information on their history is provided by several respondents but whilst they are undoubtedly of some local historic interest it is understood that this has not been sufficient for them to be Listed. The buildings are not of sufficient merit for the Council to support the objectors’ argument for their retention. Also under the proposed scheme a small section of the existing buildings which has similar architectural detailing to the main building will be retained.

5.4 The design of this extension has been developed in consultation with Officers, following the withdrawal of a previous scheme last year which Officers were unable to support as the design was considered too utilitarian for a building of undoubted architectural character. Officers recognised the difficulty of trying to match the existing building which is in a very ornate Dutch style. However they consider the submitted mansard roofed building to be an appropriate form of extension in this context particularly when suitably embellished with matching detailing, such as windows, and executed in matching materials. Although admittedly a large extension it is considered to compliment rather
than dominate the existing building and does not therefore adversely alter its appearance, or the character of the area and hence accords with Policy E14.

5.5 Local Plan Policy E10 only allows development likely to affect a protected species where potential harm can be avoided by the use of planning conditions or legal agreements which will mitigate the loss of habitat and minimise disturbance during construction. An ecological report has been submitted in support of the application which has found no evidence of bat roosts or Badger setts on site. It does, however, confirm the ecological value of the site in terms of the swallow nests and the presence of Pyramidal Orchids and proposes the provision of replacement nesting sites and transplantation of the Orchids if required. This mitigation strategy can be covered by condition.

5.6 With regard to the highway concerns raised by the Parish Council it should be noted that after careful consideration of the scheme Traffic Officers concluded that given the existence of the large car park, served by an adequate access with acceptable visibility, and no recorded traffic problems or accident record for this stretch of highway there were no highway grounds for objection.

6.0 CONCLUSION

6.1 The extension is acceptable in principle as it accords with the Borough’s Tourism Strategy, and also in terms of design as it accords with Policies E1, E14 and L1 of the adopted Scarborough Borough Local Plan. Also as an ecological report has been submitted in support which identifies possible mitigation measures it accords with Policy E10.

7.0 RECOMMENDATION

7.1 That PERMISSION BE GRANTED, subject to the following condition(s) :-

1  Before the development commences, details of the brick and roof tile to be used, including samples, shall be submitted to and approved in writing by, the Local Planning Authority, and all of the bricks and roof tiles used on the development shall conform to the samples so approved

   Reason - In the interests of visual amenity and to accord with Policy E14 of the adopted Scarborough Borough Local Plan.

2  A one metre square freestanding panel of brickwork showing the type of brick to be used in the construction of the development shall be constructed on site and approved by the Local Planning Authority before the development commences. All new brickwork shall match that of the approved panel in terms of the type of bricks used, the method of bonding, mortar colour and pointing style unless otherwise agreed in writing by the Local Planning Authority. The brickwork panel
so constructed shall be retained on site until the development hereby approved has been completed.

**Reason** - In the interests of visual amenity and to accord with Policy E14 of the adopted Scarborough Borough Local Plan.

3. Details of the window frames to be utilised in the development hereby permitted, including samples if so required, shall be submitted to and approved in writing by the local Planning Authority before the development commences. Such details shall indicate, at a scale of not less than 1:20, the longitudinal and cross sectional detailing, cill and lintol detailing, and means of opening. The window frames shall be installed in accordance with the approved details and thereafter so maintained.

**Reason** - In the interests of visual amenity and to accord with Policy E14 of the adopted Scarborough Borough Local Plan.

4. A complete record, including measured survey and photographs, of the existing outbuildings on the site shall be carried out. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to demolition.

**Reason** - In the interests of preserving a full record of these buildings which are of local historic interest.

5. The development shall be carried out in accordance with the recommendations contained in the Ecological Inspection & Assessment document issued by The Tyrer Partnership on 26 July 2006 submitted in support of the application.

**Reason** - In the interests of nature conservation and to accord with Policies E1 and E10 of the adopted Scarborough Borough Local Plan.

6. No demolition shall be carried out on site between the 1st October and 31st March inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.

**Reason** - To minimise any disturbance to hibernating bats in the interests of nature conservation to accord with Policy E10 of the adopted Scarborough Borough Local Plan.

7. Prior to development commencing details of the locations for siting four bat boxes and four bat access structures (bat tiles or bricks) shall be submitted to and approved in writing by the Local Planning Authority.

**Reason** - To provide enhancement and compensation for bat roosting habitat in the interests of nature conservation to accord with Policy E10 of the adopted Scarborough Borough Local Plan.
8 Details of the locations for siting six swallow nesting platforms or artificial nest structures and six normal bird boxes shall be submitted to and approved in writing by the Local Planning Authority and installed at the development site prior to demolition commencing.

**Reason** - To provide enhancement and compensation for bird nesting habitat in the interests of nature conservation to accord with Policy E10 of the adopted Scarborough Borough Local Plan.

9 No development, site preparation or clearance works shall commence until an inspection of the development site boundary extending to a distance of 30 metres beyond has been carried out by a suitably qualified ecological consultant and a report thereon has been submitted to and approved in writing by the Local Planning Authority.

**NOTE:** In addition measures are also to be taken to prevent badgers gaining access to site excavation works as outlined in the Ecological Inspection & Assessment referred to in condition 5 above.

**Reason** - In interests of nature conservation and to accord with Policies E1 and E10.

10 Before development commences the written approval of the Local Planning authority is required to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all trees, together with details of post planting maintenance. Such scheme as is approved by the Local Planning authority shall be carried out in its entirety within a period of six months beginning with the date on which development is commenced, or within such longer period as maybe agreed in writing with the Local Planning authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme.

**Reason** - In the interests of visual amenity to comply with Policy E13 of the adopted Scarborough Borough Local Plan.

11 Where trees are shown on Drawing ref 4420-P-01B to be retained on site they shall be protected during construction work as follows:

(a) Chestnut paling or similar fencing 1.5 metres in height shall be provided around the trees to be retained before development is commenced at a minimum distance from the trunks equal to the spread of the crowns of the trees. No materials, equipment, site huts, fuels or other items shall be placed or stored within the areas enclosed by the fencing so erected and the ground levels within those areas shall not be altered, nor shall any excavation
be made, without the prior written consent of the Local Planning Authority.

(b) No burning of materials or other items shall take place within 3 metres of the crown spread of any of the trees to be retained.

(c) No services shall be routed under the spread of the crowns of the trees to be retained without the prior written consent of the Local Planning Authority.

(d) No retained tree shall be cut down, up-rooted, destroyed, topped or lopped without the prior written consent of the Local Planning Authority. and if any tree which is to be retained dies within five years beginning with the date on which the development is commenced it shall be replaced with a tree of such size and species as maybe specified in writing by the Local Planning Authority.

Reason - In the interests of visual amenity to comply with Policy E13 of the adopted Scarborough Borough Local Plan.

12 Before development commences full details of the existing and proposed site levels and proposed floor levels of the buildings shall and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that development takes place in an acceptable manner.

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 MICK BRITTON ON 01723 383536 e-mail mick.britton@scarborough.gov.uk

APM .......................... Date ..........................
REPORT TO PLANNING & DEVELOPMENT COMMITTEE
TO BE HELD ON THURSDAY, 29 MARCH 2007

APPLICATION REFERENCE NO: 06/02665/FL
TARGET DATE: 18 APRIL 2007
GRID REFERENCE: 50144 / 49078

REPORT OF THE HEAD OF PLANNING SERVICES - HPlg/07/46

SUBJECT: ERECTION OF 14 NO. 2/3 BEDROOM FLATS IN BLOCKS OF 2/3 STOREY BUILDINGS AT 18 EAST PARK ROAD, SCALBY, YO13 0PZ, FOR ‘KFB SCARBOROUGH LTD.’

1.0 INTRODUCTION

1.1 This is a major planning application as it proposes the creation of a development of more than 10 dwelling units. In order to meet Government performance targets, Local Planning Authorities are required to determine 60% of major planning applications with 13 weeks. The 13-week period for the determination of this application expires on 18 April 2007.

2.0 THE PROPOSAL

2.1 The site is located to the north-eastern end of East Park Road, extending to 0.27 hectares in area, with a frontage width of 56 metres and a maximum depth of 47 metres. The site currently comprises a single large detached Edwardian dwelling positioned relatively centrally within the site, together with a former stable building between this and the northern site boundary. The site is bounded by Queen Elizabeth Drive to the north, by the gardens of dwellings on Field Close Road to the east and by the curtilage of No.14 East Park Road to the south. The site includes numerous trees of varying heights and maturity and also includes tall mature hedgerows to its southern, eastern and western boundaries.

2.2 The proposal involves the demolition of all existing buildings within the site and the erection of a group of two buildings, which, in total, would accommodate 14 flats, comprising 8 No. 2-bedroomed and 6 No. 3-bedroomed units. Two double garages would be created to the rear of the proposed buildings and a further 14 uncovered parking spaces would also be
created within the site. Provision is made for three bin stores behind the hedgerow forming the western (front) boundary to the site. Vehicular access into the site would be via the existing point of entry on East Park Road.

2.3 The larger of the two blocks of buildings, positioned in the northern half of the site, would have a footprint measuring 29 metres across its frontage and a depth of between 15.5 to 17 metres. This building would be positioned 15 metres from the eastern (rear) boundary of the site with the dwellings on Field Close Road beyond, 3 metres from Elizabeth Drive to the north, and 14.5 metres back from East Park Road itself to the west. The applicant’s Design and Access Statement, submitted with the application, states that the inspiration for the design of this building is derived from the Arts and Craft movement, with a varied roof form, strong chimney stacks, oversailing eaves and variation in the overall height and scale of the building. This building would have brick walls beneath a rosemary tiled roof.

2.4 The southern half of this building would include accommodation across three floors, with eaves and ridge heights of 5.8 metres and 9.4 metres respectively. The western (front) elevation of this part of the building would include window openings at ground and first-floor level, as well as a window between the eaves of a gable, a rooflight and a hipped dormer at second-floor level. The eastern (rear) elevation of this part of the building would include window openings at ground and first-floor levels, with four rooflights within the roof slope. Following discussions with the applicant, these rooflights have been raised further up the slope of the roof, in order to reduce any potential for overlooking of neighbouring properties. The southern (side) elevation of this part of the building, which would face the internal driveway dividing this and the smaller proposed building, would include windows at ground and first-floor levels, as well as three hipped dormer windows in the roof slope. The northern (side) elevation of this part of the building would include three rooflights.

2.5 The northern half of this larger building would include accommodation across two floors, with eaves and ridge heights of 3.3 metres and 7 metres respectively. The western (front) elevation of this part of the building would include window openings at ground-floor level, with two hipped dormer windows and a central rooflight within the roof slope. The eastern (rear) elevation of this part of the building would include window openings at ground-floor level and four rooflights within the roof slope. The northern (side) elevation of this part of the building would include window openings at ground-floor level and two hipped dormers and a central rooflight within the roof slope.

2.6 The smaller of the two blocks of buildings, positioned in the southern half of the site, would have a footprint measuring 14.5 metres across its frontage and a depth of between 14.5 and 15.5 metres. This building would be positioned 20 metres from the eastern (rear) boundary of the site with the dwellings of Field Close Road beyond, 5.5 metres from the south (side) boundary of the site with No.14 East Park Road beyond, 11 metres back from East Park Road itself to the west, and 5.3 metres from the proposed larger building to the...
north, with the internal access drive running between. The applicant’s Design and Access Statement states that the elevational treatment of this building is typical of the Garden City movement of the early 20th Century, with the front elevation being designed to be read as a pair of semi-detached dwellings. This building would have brick and rendered walls beneath a rosemary tiled roof.

2.7 This building would include accommodation across two floors, with eaves heights of 5.2 metres to the front elevation and between 4 metres and 4.2 metres to the side and rear elevations. The building would have an overall ridge height of 7.8 metres. All elevations of this building would include windows at ground-floor level. The western (front) elevation would also include windows at first-floor level. The eastern (rear) elevation would include two dormer windows set between the eaves level and the northern (side) elevation would also include two such windows, as well as a further first-floor window on its gable end. The southern (side) elevation would include a window on its gable end, as well as four rooflights within the roof slope, set just above the eaves.

2.8 Both buildings would include a flat roofed element to their central sections, although these would be completely surrounded by the rising and falling pitches of the proposed dual-pitched roofs to the buildings and, as such, would not be visible at all from the highway, nor from any surrounding properties. The use of hidden flat roofed elements was considered necessary in order to reduce the overall ridge heights and to prevent the need for awkward valley junctions.

2.9 The design of the two proposed detached garages has been amended following discussions with the applicant, in order to reduce their height and potential impact on the neighbouring properties in Field Close Road. The two proposed detached double garages would each be identical, with footprints measuring 6.6 metres wide and 6.275 metres deep. The amended details show the garages having gabled roofs sloping away from the site boundaries and with eaves and ridge heights of 1.962 metres and 3.532 metres respectively.

3.0 CONSULTATIONS AND COMMENTS

3.1 Parish Council – Object to the proposal.

- Overdevelopment of the site, contrary to Policies E.12, H.3 and H.10 of the Scarborough Borough Local Plan.

- Will lead to traffic congestion and possible lack of access to emergency and service vehicles, contrary to Policy H.3(B) of the Scarborough Borough Local Plan.

- Needs an independent bat survey to ensure non-contravention of Policy E.10 of the Scarborough Borough Local Plan (Species
Protection). The current survey was carried out by the developer and is not impartial. In addition, the timing of the bat survey is critical as to the possible findings.

- Will create a dangerous precedent, which could lead to the local area changing from large residential properties in single occupation to multiple occupation properties, contrary to Policies E.12 and H.3 of the Scarborough Borough Local Plan.

- This type of development, if allowed, would be totally out of character with this area, contrary to Policy E.12 of the Scarborough Borough Local Plan.

- If approved, such a development will spoil the uniqueness of Newby and Scalby, which has a number of large properties, which would lend themselves to conversion or demolition and the erection of flats. Such uniqueness should not be eroded and should be preserved. If this development were to be approved, it would set a dangerous precedent, with the possibility that the supply of larger detached dwellings in an appropriate setting would be diminished, with the possibility of large areas becoming flatted dwellings, to the detriment of the current housing balance.

3.2 Traffic and Transportation Manager – There are no highway engineering or surface water objections to this application. Conditions are requested to control pedestrian and vehicular access into the site and for the provision of appropriate secure cycle storage.

3.3 Head of Environmental Health and Housing Services – No objections.

3.4 Parks and Countryside Services Manager (Trees) – Taking into account the condition/appearance of the 78 existing trees within the site, only 9 are appropriate for retention and protection. These include 4 No. Hollies, 1 No. Willow, 2 No. Pines and 2 No. Sycamores. The mixed group to the southern boundary of the site can be retained and protected as a screen to No.14 East Park Road but are not of individual quality to insist upon retention.

3.5 Parks and Countryside Services Manager (Landscaping) – The landscape assessment and tree survey are good and the proposed tree removals, retentions and protective fencing are all acceptable. However, these recommendations do not seem to have been fully transposed onto the proposed site layout plan, i.e. existing trees not correctly shown. I would like to see confirmation that the tree survey’s recommendations will be fully implemented. I welcome the indication that planting will aim to enhance biodiversity and look forward to receiving more detailed landscaping proposals.

3.6 Parks and Countryside Services Manager (Ecology) – Commenting on the preliminarily bat survey undertaken by Wold Ecology and received on 16 January 2007.
I disagree with conclusions made in this report, as I observed a number of potential entry points to the roof space on the former stable building and believe that the roof of this building has high potential for bat occupation.

Additionally, the moth’s wings seen by the surveyor and myself were observed directly under a small hole which accessed the area between the roof tiles and the internal plasterboard and is a very strong indication of the use of the building by bats. The references to the abundance of light does not apply to this potential bat roost as it is entirely enclosed and receives no natural light. A comment in the report accepts that the roof apex of the outbuilding may be a bat roost.

The surveyor accepts that there were important constraints to her carrying out a thorough survey. These include the time of the year and the inaccessible nature of the potential bat roost space. While there is little that can be done regarding the inaccessible roof space, I believe it is reasonable to request a resurvey at the appropriate time of the year. This would enable the surveyor to observe any emerging bats on site and especially from the outbuilding roof. I would suggest this be carried out in May. This would also enable any roosts in nearby trees to be detected, though I am led to believe that the boundary trees are to be retained.

I am inclined to agree with the surveyor’s findings regarding the roof space of the main house as I found no evidence of bats there.

The mitigation measures outlined in the surveyor’s report should not be accepted until we have more information from a new survey. If, as I expect, bats are found to be present, then a programme of mitigation will be required.

However, I would be happy for permission to be granted subject to a condition requiring a further survey to be carried out prior to commencement of the work and implementation of any mitigation highlighted as a result.

3.7 Parks and Countryside Services Manager (Ecology) – Commenting on the bat survey undertaken by Wold Ecology and received on 31 January 2007.

This is a lot more comprehensive than the preliminary report I previously commented upon and goes some length in explaining their previous conclusions. My revised comments are as follows:-

The report gives a date of 31 April for the commencement of demolition work to be undertaken, thus negating the necessity of a bat activity survey in May. I have reservations about this but would suggest the following as a reasonable way forward.

If demolition of the outbuildings does not commence prior to 31 March, then it will not be able to commence until after a comprehensive bat activity survey is conducted in May; and assuming, of course, that said survey reveals no bats present.
I also note their mitigation recommendations and am in broad general agreement with them and we should require all of the measures to be fully implemented.

3.8 Police Architectural Liaison Officer – No objections to the principle of the development.

3.9 Yorkshire Water Services – No objections, subject to conditions requiring details of the means of disposal of foul and surface water to be approved.


3.11 101 letters of objection have been submitted in respect of the proposed development from a total of 91 different households, including addresses in East Park Road, Field Close Road, West Park Road, Station Avenue, Queen Elizabeth Drive, The Park, Ridge Green, Glyndale Drive, Lancaster Close, Lancaster way, South Avenue, East Avenue, West Avenue, Campion Close and Hackness Road. Letters were also received from a planning consultant acting on behalf of a number of residents in East Park Road and Field Close Road, and Scalby Village Trust and the Scarborough and District Civic Society. A letter has also been received from English Heritage to advise that they are currently undertaking an assessment of the building, following a request from a member of the public to make it a Listed Building.

3.12 Many of the letters submitted contained similar content. The objections raised in these letters are summarised below:-

- The character of the area is primarily of detached houses in spacious grounds and there are currently no multiple occupancy blocks of flats like those proposed. The design, density and appearance of the proposed development would not be in-keeping with the character and physical form of the surrounding area and would represent an overdevelopment of the site. The solidity of the appearance of the development to its front and back make it visually intrusive.

- This part of Scarborough remains much the same as when it was first built and to allow the demolition of any of the older properties to be replaced by new ones will completely change and destroy the character, appearance and heritage of the area.

- The house is worthy of preservation, not least due to the Laughton family connection. It is also a good example of one of the Edwardian gentleman’s residences, which were developed along the road to the railway, giving Scalby its special character

- The site is surrounded by detached houses on all sides and there will therefore be a substantial adverse impact upon these properties by the increased extent of overlooking, loss of privacy, loss of light and disturbance from vehicular traffic.
• The infrastructure is inadequate for such a large increase in population. There are currently 16 houses on East Park Road and the proposed development would increase this by a further 14.

• The vehicular traffic associated with the development would increase the risk to pedestrians and would also add to levels of congestion and disturbance. East Park Road, West Park Road and The Park are all narrow roads and any increase in the amount of street parking will lead to more cars being parked illegally on footpaths, to the detriment of pedestrian safety and the appearance of the street scene. The number of parking spaces proposed within the development is insufficient.

• There is a lack of visibility at the junction of East Park Road and The Park and the junction of East Park Road with Station Road is already a road safety hazard.

• The bus service for this area is inadequate.

• The proposed development would not provide any units of affordable accommodation.

• The proposed development would result in greater surface water run-off than at present and increase the loading on existing sewers.

• The proposed development would result in a loss of wildlife habitats.

• The proposal would result in an unwelcome precedent being set for further similar undesirable development.

• The proposed development would attract the wrong sort of people into the area.

4.0 RELEVANT SITE HISTORY

4.1 1981 – Conversion of existing stables/garage outbuilding into a private cottage residence. Granted with Conditions.

5.0 PLANNING POLICY

5.1 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

E6 Protection of Open Space
E10 Species Protection
E12 Design of New Development
E13 Landscaping of New Development
E39 Development Affecting Hedgerows and Trees
H3 Small Scale/Infill Housing Development Within the Development Limits of Settlements
H10 Protection of Residential Amenity
H16 Residential Density
T7 Car Parking
T.10 Facilities for Cyclists
C7 Foul and Surface Water Disposal

6.0 ASSESSMENT

6.1 The main issues for consideration in respect of this proposal are:-

- Whether the development would be so out of character with the overall pattern and scale of existing development in the vicinity that visual incongruity would be created?

- Whether the development would overlook or overshadow adjoining properties, so as to seriously harm their amenity, or itself be overlooked or overshadowed such as to harm the amenity of future occupants?

- Whether the development would be adequately serviced by road without the creation of conditions that would seriously harm the amenities of neighbours or create highway hazards?

- Whether parking adequate to meet the needs of the development would prove sufficient for the needs of occupants present and future?

- Whether any trees or landscape features at present on site, which contribute to the amenity of the area as a whole, would be lost?

The Principle of the Proposed Development

6.2 The existing buildings on the site comprise a dwelling and a detached former stable building. The principal dwelling dates from the Edwardian period and is itself a large detached property, situated in generous grounds. However, whilst a relatively attractive building, albeit in need of general repair and maintenance, it is not a Listed Building and is not located within a Conservation Area. There is therefore no objection to the actual demolition of the existing buildings and the redevelopment of the site in terms of visual amenity, providing that the scheme of redevelopment would result in a built form that would respect the character and physical form of its surroundings.
6.3 The existing building is located in a suburban area and represents a previously developed (Brownfield) site, where Planning Policy Statement 3 – Housing (PPS3) indicates that Local Planning Authorities should aim to make the most efficient and economic use of land. This national planning guidance encourages housing development on such sites which make the most efficient use of land, with a minimum recommended density of 30 dwellings per hectare. It is worth noting that the now cancelled PPG3 recommended densities of between 30-50 dwellings per hectare on such sites, and that the new PPS3 no longer quotes a fixed upper density limit. Policy H.16 of the Scarborough Borough Local Plan states that new residential development will be expected to be built at a density of not less than 25 dwellings per hectare, although the aforementioned PPS3 postdates this and provides the most recent advice. The development in this application would constitute a density of 51.8 dwellings per hectare, which is considered to satisfy the requirements of PPS3 in respect of the efficient and economic use of previously developed sites. Paragraph 50 of PPS3 states that the density of existing development should not dictate that of new housing by stifling change or requiring replication of the existing style or form. The site is within walking distance of bus stops on Station Road and Scalby Road and is also within walking distance of the shops located on Scalby High Street, and could therefore be considered to be situated in a sustainable location.

6.4 The proposal involves the development of less than 15 new dwelling units and therefore falls short of the thresholds for the provision of affordable housing and public open space provision.

The Scale, Character and Appearance of the Proposed Development

6.5 Policy H.3 of the Scarborough Borough Local Plan states that new housing development will be permitted within the Development Limits of settlements where its scale, character and appearance would respect the character and physical form of its surroundings. Policy E.12 of the Scarborough Borough Local Plan states that planning permission shall not be granted for development which by virtue of its design would detract from the character or appearance of the area in which it is located and that the design of new development should result in visually attractive buildings, which are not visually intrusive, which complement the character and appearance of their surroundings and which contribute to the maintenance or creation of attractive places.

6.6 The proposed development would undeniably have a larger footprint than the existing buildings within the site. However, the site is considerably larger than other properties within the surrounding area and the proposed buildings would cumulatively occupy only 25% of the total site area. Whilst the existing building is set back a considerable distance from the highway edge, the new buildings would be positioned closer towards the highway, generally following the building line of neighbouring properties on this eastern side of East Park Road. This would ensure that the new buildings would be positioned centrally within the site on a north-south axis, retaining a characteristic extent of spacing between the highway and the front elevation of the buildings and a
generous distance of 15 to 20 metres between the rear elevations and the eastern boundary with the Field Close Road properties. Although the proposal would result in built development coming to within closer proximity of the southern (side) site boundary, the resulting relationship with the existing No.14 East Park Road would not appear incongruous within the street scene. The properties in East Park Road are characterised more by the generous spacing between front and rear site boundaries than they are by the spacing between adjacent buildings and side site boundaries. These measures would combine to ensure that, subject to building heights, the footprint of the proposed development would not appear out of character with the surrounding area.

6.7 The existing dwelling has a maximum ridge height of 9 metres above ground level and the tallest part of the proposed buildings would have a height of 9.36 metres, which would be positioned towards the central part of the site. The section of the largest building closest to the northern site boundary adjacent to Queen Elizabeth Drive, would have a ridge height of 7 metres, compared to that of the existing stable in this position having a height of 6.8 metres. The proposed building to the southern part of the site would have a maximum ridge height of 8 metres, which would respect the height of the adjacent building to the south, No.14 East Park Road. It is therefore considered the heights and footprints of the proposed buildings are compatible with the size of the site and respect the scale and heights of the buildings within the surrounding area.

6.8 The two main buildings would both be visually distinct from each other, though both would be of a bespoke traditional design, which would respect the character of other buildings in East Park Road and would which would compliment the appearance of the street scene. The two buildings would both include a significant amount of architectural detailing and variation in their wall planes and roof treatment. The elevational treatment of the smaller building to the south of the site draws its design inspiration from the typical suburban dwellings of the Garden City Movement in the early 20th Century, with a pair of projecting central gables with timber boarding to their upper sections and tripartite frames with small-paned transom lights. The proportions and fenestration of this building would be overtly domestic in character and the building would have a rendered first-floor above a brick plinth to add architectural and visual interest. The larger building has been designed to appear as a more grand and organic dwelling, with its influence being the Arts and Crafts movement, with a varied roof form, strong chimney stacks and oversailing eaves, as well as variation in the overall height and scale of the building.

6.9 The proposed garage buildings, which have been amended in order to reduce their height, would include dual-pitched gabled roofs, which would be in-keeping with the character of the proposed buildings, which would themselves include a variety of forms of roof, including gables and hips. Whilst the garage buildings would incorporate a lower roof pitch than the main proposed buildings, they would remain characteristic of the wider form of development proposed.
The Impact of the Proposed Development on Residential Amenity

6.10 Policy H.3 of the Scarborough Borough Local Plan states that new residential development should not harm the amenities of nearby residents as a result of overlooking or an overbearing effect on existing property caused by the relationship of new and existing buildings, or disturbance from vehicular movement. Similarly, Policy H.10 of the Scarborough Borough Local Plan states that planning permission shall not be granted for development that would have a serious effect upon residential amenities.

6.11 The existing building is positioned a minimum of 8 metres from the eastern (rear) site boundary and 22 metres from the western (front) site boundary. As stated above, the proposed new buildings would be positioned more centrally within the site.

6.12 The proposed siting is such that a distance of 15 metres would be retained between the larger proposed building and the eastern (rear) site boundary and a distance of between 24 metres and 25 metres between the rear elevation of this proposed building and the rear elevations of Nos. 15 and 17 Field Close Road respectively. Although the central part of this proposed building would have a ridge height of 9.36 metres, compared to that of 9 metres on the existing building, the additional spacing created between the new building and the existing properties to the east would ensure that it would not appear overbearing or result in any significant loss of light to these neighbouring dwellings. The spacing between the proposed building and the neighbouring properties would also ensure that there would be no significant overlooking of these adjacent dwellings. The existing building within the site already has first-floor windows facing these dwellings, and is situated in closer proximity than the proposed building. Although the proposed building would include two rooflights in its rear roof slope, these would be positioned sufficiently high up the roof slope to ensure they would not provide significant opportunities for the overlooking of the neighbouring dwellings, especially given the aforementioned spacing between the proposed and neighbouring properties.

6.13 The smaller proposed building would be positioned 20 metres from the eastern (rear) boundary and 25 metres from the rear walls of the neighbouring No.13 Field Close Road. This distance, in conjunction with the height of the proposed building, would ensure that it would not appear overbearing or result in a significant loss of light to this neighbouring property. The rear elevation of this proposed building would include only two first-floor windows, which, given their height between eaves level, and the aforementioned spacing between the proposed and neighbouring properties, would ensure that they would suffer no significant loss of privacy.

6.14 The proposed buildings would be positioned 30 metres from the flank wall of the dwelling opposite the site, No.17 East Park Road, which is considered sufficient to ensure that they would neither appear overbearing or result in any
significant loss of light, nor provide any significant opportunities for the overlooking of this adjacent dwelling.

6.15 The northern half of the larger proposed building, with its lower ridge line, would be positioned 3 metres from Queen Elizabeth Drive to the northern site boundary, 700mm closer than the existing stable building and standing 200mm taller at 7 metres in height. However, the roof of this building would slope away from this boundary and a distance of 18 metres would be retained between the northern elevation of this building and the neighbouring No.11 Queen Elizabeth Drive, thereby ensuring that the building would not appear overbearing or result in any significant loss of light. Furthermore, this spacing between the proposed and neighbouring buildings would ensure that the dormer windows and rooflight serving the new first-floor accommodation would not significantly overlook this neighbouring dwelling.

6.16 The smaller proposed building, to the southern end of the site, would be positioned 5.5 metres in from the southern site boundary with No.14 East Park Road. The existing tall mature coniferous hedging to this boundary would be retained and would serve to act as a soft buffer between the existing and proposed buildings. The eaves height of the proposed building would be lower adjacent to this boundary than it would on its front elevation, with the roof sloping away from the neighbouring dwelling. As such, it is not considered that the proposed building would have an adverse overbearing impact upon No.14 East Park Road. Furthermore, the fact that the adjacent dwelling’s end elevation is bereft of any fenestration and is, in any case, screened from the site by the aforementioned tall coniferous hedging, would ensure that there is no undue overlooking of this neighbouring property.

6.17 The scale and design of the two proposed detached garage buildings has been amended to reduce their overall height and any potential impact on the adjacent properties in Field Close Road. The garages originally proposed had hipped roofs, with eaves and ridge heights of 2.187 metres and 4.986 metres respectively. The amended design shows garages with gabled roofs, which would slope away from the boundaries of the site, with eaves and ridge heights of 1.962 metres and 3.532 metres respectively. These garages would be set in 2 metres from the site boundaries with the properties on Field Close Road, with these boundaries already being demarcated by tall mature hedgerows, which would be retained as part of the development and which would effectively screen the proposed garages from view from these neighbouring properties.

6.18 The majority of the open car parking spaces serving the development would be located behind the tall hedging demarcating the western boundary of the site, the closest of which would be positioned 15 metres from the boundary with the neighbouring No.14 East Park Road. A total of four uncovered and four garaged spaces, the latter of which would be incorporated within two separate garage buildings, would be positioned adjacent to the eastern and southern site boundaries. These boundaries are currently demarcated by tall hedging and trees, which are to be retained, and the parking spaces and garaging would be set back 2 metres from the corresponding site boundaries,
thereby retaining a buffer between parked cars and the neighbouring gardens. The proposed development does not propose a through-route within the site and it would therefore only be necessary for the 8 cars allocated to these spaces to the rear of the building to utilise these areas. As such, it is considered that the existing natural screening offered by the site, in addition to the buffers created between neighbouring gardens, would be sufficient to ensure that there would no serious disturbance to neighbouring dwellings by virtue of vehicular movements or activities.

**Impact of the Development on Highway Safety and Parking Provision**

6.19 Policy H.3 of the Scarborough Borough Local Plan states that new residential development must have a vehicular access which has the capacity to serve the proposed level of development. Policy T.7 of the Scarborough Borough Local Plan states that the provision of operational car parking and servicing space will be required to meet the needs of all new development. Concern has been raised in the numerous consultation responses received to date that the roads and road junctions in the vicinity of the site do not have the capacity to accommodate the number of cars that would be associated with the development without serious detriment to highway safety and existing residential amenities by virtue of disturbance. It is also claimed that the proposed development includes insufficient off-street parking provision and would result in further dangerous or illegal on-street parking.

6.20 No objections are raised to the proposed development by the Traffic and Transportation Manager, who considers that the surrounding roads and road junctions have sufficient capacity to deal with the envisaged increase in vehicular movements generated by the proposal. Although there is no public footpath along the frontage of the site on either side of East Park Road, the Traffic and Transportation Manager has stated that it would be acceptable for pedestrians accessing the site from a southerly direction to utilise an existing access point to the south-western corner of the site, which would tie into the existing public footway on the eastern side of East Park Road. Any pedestrians accessing the site from Queen Elizabeth Drive to the north could utilise the proposed vehicular access, which the Traffic and Transportation Manager has stated would also need widening to create a width of 4.5 metres, with the provision of a further 1.8 metre wide footway to its northern side, thereby providing safe pedestrian access into the site from a northerly direction. The subsequent increased width of this access would result in a slight loss of less than 2 metres of the hedging along the western site boundary, though given the overall length of this hedgerow of almost 40 metres, it is not considered that this would adversely affect the character or appearance of the area. The proposed development would include a total of 18 parking spaces, two of which would be garaged spaces, for use by the 8 No. 2-bedroomed and 6 No. 3-bedroomed flats. Such level of provision, equating to 1.28 spaces per flat, is considered acceptable by the Traffic and Transportation Manager and is also within the guidelines set in national planning guidance on this matter. The Traffic and Transport Manager also requests that secure cycle parking for one cycle per unit is provided within the site.
6.21 Policy H.3 of the Scarborough Borough Local Plan states that new housing development should not result in the loss of important public or private open space, or landscaped areas which positively contribute to the character and appearance of the area. Policy E.13 of the Scarborough Borough Local Plan states that landscaping schemes are expected to be an integral part of the design of new development and that new development should protect existing attractive landscape features such as hedgerows and trees. Policy E.39 of the Scarborough Borough Local Plan states that development likely to affect hedgerows and trees which make an important contribution to landscape character will be required to keep any loss or damage to an absolute minimum.

6.22 At present, the site comprises a large garden containing numerous trees and shrubs. The existing trees are positioned mainly around the boundary of the site, with substantial hedges to the southern, eastern and western boundaries. The garden also includes a number of shrubs, although these are not visible from outside the site and do not have any particular beneficial visual merit.

6.23 The application proposes the retention of the existing hedgerows to the western (front) and eastern (rear) site boundaries, as these are considered to have a significant amenity value and help to provide an effective buffer between the highway, neighbouring properties and the proposed buildings. It is also proposed to retain the tall coniferous hedging to the southern boundary as, although this does not have the same visual amenity value as the aforementioned hedges to the front and rear boundaries, it would successfully act as a soft buffer between the proposed and neighbouring building and would also effectively prevent any significant overlooking of the adjacent property. The applicant’s Landscape Assessment identifies 22 of the 78 individual trees within the site as offering amenity value to the local environment and therefore recommends the retention of these as part of the proposal. This Landscape Assessment further states that the retention of these hedges and the identified trees, which are visible from the wider area, in addition to some new planting in strategic areas, would allow the development to take place without undue disruption to the character or appearance of the neighbourhood and that the existing and new landscaping should enable the proposed buildings to be absorbed quickly into the local environment.

6.24 The Council’s Parks and Countryside Manager, having inspected the proposals on site, considers the proposed tree removals, retentions and protective measures to be acceptable and finds the applicant’s landscape assessment and tree survey to be good. The Parks and Countryside Services Manager considers that of the 78 trees on site, only 9 are appropriate for retention and protection. Of these 9 trees, the application proposes the felling of one, a Holly to the centre of the site, though proposes the retention of an additional Hawthorn to the western (front) boundary, as well as the tall coniferous trees to the southern boundary. It is therefore considered that the
important landscaping features of the site, including the tall hedgerows and the significant mature trees would be retained in order to assimilate the proposed development into its surroundings, providing satisfactory screening of the new buildings and the parking areas, as well as serving to protect the amenities of the existing neighbouring properties.

6.25 Policy H.3 states that proposals for new residential development must be acceptable in terms of policies for the protection of nature conservation interests. Policy E.10 of the Scarborough Borough Local Plan states that development likely to affect a specially protected wildlife species will only be permitted where any potential harm can be avoided.

6.26 A bat survey was submitted with the application, which the Parks and Countryside Manager found inconclusive in respect of assessing the potential use of the former stable building by bats, although he agreed that the principal existing dwelling itself would not be occupied by bats. However, a further bat survey was undertaken on behalf of the applicant, which the Parks and Countryside Manager found a lot more comprehensive. The Parks and Countryside Manager has subsequently stated that, should demolition of the former stable building not commence prior to 31 March 2007, then it should not commence until after a comprehensive bat activity survey is conducted in May, with appropriate measures of mitigation undertaken if bats are found to be present in such a survey. At present, however, no signs of bat activity have been found in the former stable building and it is therefore considered that there would be no harm to this protected species should this building be demolished prior to 31 March 2007. Furthermore, should demolition of this building commence after this date, and bat activity is observed following a further survey, it is considered that suitable measures can be undertaken within the site in order to mitigate against the loss of this building as a bat roost.

**Impact of the Development upon Foul and Surface Water Drainage**

6.27 Policy H.3 of the Scarborough Borough Local Plan states that the services associated with new residential development must have the capacity to serve the proposed level of development. Policy C.7 of the Scarborough Borough Local Plan states that development will only be permitted where adequate provision for foul and surface water disposal exists or can be provided in advance of occupation.

6.28 The application states that surface water from the development would be disposed of via soakaways and that foul water disposal would be via a new connection to the mains sewer. No objections are raised to these proposals from either Yorkshire Water or the Traffic and Transportation Manager. Yorkshire Water are satisfied that the existing public foul sewer has the capacity to accommodate the increased demand associated with the proposal and are also satisfied with the principle of the use of new soakaways for the disposal of surface water, though have also stated that this could be dealt with via an existing public surface water sewer in Queen Elizabeth Drive, subject to the restriction in rate of discharge.
7.0 CONCLUSION

7.1 The proposal would achieve the efficient and economic redevelopment of a Brownfield site in a suburban location. The scale, design and character of the proposed building are considered acceptable in this location and would not adversely affect the character or appearance of the street scene, thereby satisfying the criteria of Policies H.3 and E.12 of the Scarborough Borough Local Plan. The proposed development is not considered to have a serious adverse effect upon nearby residential amenity, through the creation of a significant overbearing impact and loss of light, significant overlooking and the loss of privacy or noise disturbance, thereby satisfying the criteria of Policies H.3 and H.10 of the Scarborough Borough Local Plan. The vehicular access, local highway network and junctions, and utility services, are considered to have the capacity to serve the proposed level of development, thereby satisfying the criteria of Policies H.3, T.7 and C.7 of the Scarborough Borough Local Plan. The proposed development would retain the significant existing trees and hedgerows within the site and would not have an adverse affect on any protected species, thereby satisfying the criteria of Policies H.3, E.10 and E.39 of the Scarborough Borough Local Plan.

8.0 RECOMMENDATION

8.1 That PERMISSION BE GRANTED, subject to the following condition(s) :-

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

- Site Plan and Elevation Survey - 01006/01C (received by the Local Planning Authority on 17 January 2007);
- Site Plan as Proposed - 01006/Site Layout A (received by the Local Planning Authority on 2 February 2007);
- Ground Floor Plan - 01006/03B (received by the Local Planning Authority on 17 January 2007);
- Proposed Floor Plans - 01006/02D (received by the Local Planning Authority on 14 March 2007);
- Elevation Blocks 1 and 2 - 01006/06C (received by the Local Planning Authority on 14 March 2007);
- Elevations Blocks 1 and 2 - 01006/04D (received by the Local Planning Authority on 17 January 2007); and,
- Elevations Block 3 as Proposed - 01006/05C (received by the Local Planning Authority on 17 January 2007)
The proposed garages shall be built strictly in accordance with the plans referenced:

- Garage Elevations and Plans as Proposed - 01006/07B (received by the Local Planning Authority on 14 March 2007).

**Reason** - For the avoidance of doubt and to ensure a satisfactory form of development in the interests of visual amenity and to ensure the satisfactory protection of residential amenity, in accordance with Policies H.3, E.12 and H.10 of the Scarborough Borough Local Plan.

2 Before the commencement of the development hereby granted, full details of the existing and proposed site levels and proposed floor levels of the buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority.

**Reason** - To ensure a satisfactory form of development in the interests of visual amenity and the protection of residential amenity, and to satisfy the criteria of Policies H.3, E.12 and H.10 of the Scarborough Borough Local Plan.

3 Before the development is commenced, details of the brick(s) to be used to the external walls of the development hereby permitted, including samples if so required, shall be submitted to and approved in writing by the Local Planning Authority, and all the brick(s) used in the development shall conform to the details/samples so approved.

**Reason** - In the interests of visual amenity and to satisfy the criteria of Policies H.3 and E.12 of the Scarborough Borough Local Plan.

4 A one metre square freestanding panel of brickwork showing the type of brick to be used in the construction of the development hereby permitted shall be constructed on site and approved by the Local Planning Authority before the development commences. All new brickwork shall match that of the approved panel in terms of the type of bricks used, the method of bonding, mortar colour and pointing style, unless otherwise agreed in writing by the Local Planning Authority. The brickwork panel so constructed shall be retained on the site until the development hereby approved has been completed.

**Reason** - In the interests of visual amenity and to satisfy the criteria of Policies H.3 and E.12 of the Scarborough Borough Local Plan.

5 The walls to be rendered shall be smooth rendered and painted a final colour which shall be approved in writing by the Local Planning Authority before the development is commenced, and thereafter so maintained, unless otherwise agreed in writing by the Local Planning Authority. Such rendering and approved final colouring shall be completed within one month of the development hereby permitted being first brought into use.

**Reason** - In the interests of visual amenity and to satisfy the criteria of Policies H.3 and E.12 of the Scarborough Borough Local Plan.
6 Before the development is commenced, details of the roof tiles, including samples if so required, to be used for the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority, and all tiles used in the development shall conform to the details/samples so approved.

Reason - In the interests of visual amenity and to satisfy the criteria of Policies H.3 and E.12 of the Scarborough Borough Local Plan.

5 Samples of the window framing to be used in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and all of the window framing used in the development shall conform to the sample so approved.

Reason - In the interests of visual amenity and to satisfy the criteria of Policies H.3 and E.12 of the Scarborough Borough Local Plan.

6 The external face of the frame to all new windows shall be set in a reveal of a minimum of 80mm from the front face of the adjacent walling and thereafter so maintained.

Reason - In the interests of visual amenity and to satisfy the criteria of Policies H.3 and E.12 of the Scarborough Borough Local Plan.

7 Before the commencement of the development hereby granted, a schedule of external materials of construction of hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. Samples shall be provided as may be required by the Local Planning Authority of the materials in the schedule and the use of such samples shall be approved in writing by the Local Planning Authority.

Reason - In the interests of visual amenity and to satisfy the criteria of Policies H.3 and E.12 of the Scarborough Borough Local Plan.

8 Precise details of any proposed external lighting within the site shall be submitted to and be approved in writing by the Local Planning Authority prior to the commencement of development and thereafter no development shall take place except in strict accordance with those details.

Reason - To allow the Local Planning Authority the ability to exercise control over the matters referred to which, if unrestricted, may detract from the overall setting and appearance of the development hereby permitted and to ensure the protection of residential amenity, and to satisfy the criteria of Policies E.12, H.3 and H.10 of the Scarborough Borough Local Plan.

8 Before the commencement of development hereby granted, and notwithstanding the details included in the application, details of the proposed boundary treatment and any entrance feature, including a schedule of materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use unless otherwise agreed in writing by the Local Planning Authority.
Reason - In the interests of visual amenity and to ensure that the boundary treatment does not prejudice highway safety or the protection of existing trees and landscape features, and to satisfy the criteria of Policies H.3, E.12, E.13 and E.39 of the Scarborough Borough Local Plan.

9 The existing trees shown on the drawings referenced ‘Tree Survey and Assessment - D.E.R. 74/1’ (received by the Local Planning Authority on 17 January 2007) and ‘Tree Survey and Assessment - D.E.R. 74/1’ (received by the Local Planning Authority on 16 March 2007) to be retained on site shall not be cut down, up-rooted, destroyed, topped, lopped or pruned without the prior written consent of the Local Planning Authority. These trees shall be protected during construction work as follows :-

(a) Chestnut pale or similar fencing 1.5 metres in height shall be provided around the trees to be retained before development is commenced at a minimum distance from the trunks equal to the spread of the crowns of the trees. No materials, equipment, site huts, fuels or other items shall be placed or stored within the areas enclosed by the fencing so erected and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

(b) No burning of materials or other items shall take place within 3 metres of the crown spread of any of the trees to be retained.

(c) No services shall be routed under the spread of the crowns of the trees to be retained without the prior written consent of the Local Planning Authority.

(d) No retained tree shall be cut down, up-rooted, destroyed, topped or lopped without the prior written consent of the Local Planning Authority and if any tree which is to be retained dies within five years beginning with the date on which the development is commenced it shall be replaced with a tree of such size and species as may be specified in writing by the Local Planning Authority.

Reason - These trees are considered to contribute significantly to the amenity of the area and the screening and setting of the development and their protection during construction works and retention thereafter is therefore considered necessary, in accordance with Policies H.3, E.13 and E.39 of the Scarborough Borough Local Plan.

10 The existing hedges along the western, southern and eastern boundaries of the site shall be retained and maintained and details of any proposed maintenance measures shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby granted. In the event of the
existing hedgerow being removed or dying, it shall be replaced to a specification that shall first have been approved in writing by the Local Planning Authority. The new hedgerow plants shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.

**Reason** - These hedgerows are considered to contribute significantly to the amenity of the area and the screening and setting of the development and their protection during construction works and retention thereafter is therefore considered necessary, in accordance with Policies H.3, E.13 and E.39 of the Scarborough Borough Local Plan.

11 Before any development is commenced, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority shall be carried out in its entirety within a period of six months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.

**Reason** - To ensure the provision of a satisfactory scheme of landscaping in the interests of visual amenity, and to satisfy the criteria of Policies H.3 and E.13 of the Scarborough Borough Local Plan.

12 Notwithstanding the details included in the application, precise details of the means of storage and disposal of refuse shall be submitted to and be approved in writing by the Local Planning Authority prior to the commencement of development. Thereafter, the bin storage areas so approved shall be provided before the occupation of any dwelling unit and shall thereafter be so maintained. Refuse shall not be stored at the front of the property. Before any of the dwelling units to which this planning permission relates are first occupied, a scheme for the management and collection of domestic refuse from all of the flats shall be submitted to the Local Planning Authority for approval. Such collection scheme as is approved by the Council shall be fully implemented and continue in operation whilst the building is in use for residential apartments.
Reason - To ensure the satisfactory provision of facilities for the disposal and collection of refuse, in the interests of visual amenity and the protection of residential amenity, and to satisfy the criteria of Policies H.3, H.10 and E.12 of the Scarborough Borough Local Plan.

13 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, (or any Order or Statutory Instrument revoking and re-enacting that Order), no walls, fences or other means of enclosure shall be erected on the site without the prior written consent of the Local Planning Authority.

Reason - To allow the Local Planning Authority the ability to exercise control over the matters referred to which, if unrestricted, may detract from the overall setting and appearance of the development hereby permitted and to ensure the protection of residential amenity, and to satisfy the criteria of Policies E.12, H.3 and H.10 of the Scarborough Borough Local Plan.

14 The site shall be developed with separate systems of drainage for foul and surface water drainage on and off site.

Reason - In the interests of satisfactory and sustainable drainage, in accordance with Policies H.3 and C.7 of the Scarborough Borough Local Plan.

15 No development shall take place until the details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works have been submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that the development can be properly drained, in accordance with Policies H.3 and C.7 of the Scarborough Borough Local Plan.

16 Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason - To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal, in accordance with Policies H.3 and C.7 of the Scarborough Borough Local Plan.

17 If demolition of the former stable outbuilding commences prior to 30 April 2007, the works of demolition must be undertaken in accordance with the measures of mitigation included in Paragraphs 5.5 to 5.3.7 of the Winter Bat Survey undertaken by Wold Ecology (received by the Local Planning Authority on 31 January 20007). If the demolition of this building does not occur before this date, it shall not be demolished.
until a further bat survey has been undertaken in May and submitted to and approved in writing by the Local Planning Authority. Such survey should include provision of suitable measures of mitigation should bats be found within the building and any works of demolition associated with this building shall thereafter only be undertaken with strict accordance to such mitigation measures.

Reason - To ensure the satisfactory preservation of this protected species, in accordance with Policies H.3 and E.10 of the Scarborough Borough Local Plan.

18 Prior to the commencement of development, precise details of a revised pedestrian access to the south-western corner of the site, allowing easy access to the existing public footway on the eastern side of East Park Road, shall be submitted to and be approved in writing by the Local Planning Authority. The access so approved shall be provided in accordance with the approved details prior to the first occupation of any flat within the development and shall thereafter be so maintained clear of any obstruction for its intended purpose.

Reason - In the interests of pedestrian safety, in accordance with Policy H.3 of the Scarborough Borough Local Plan.

19 Prior to the commencement of development, precise details of a scheme to increase the width of the vehicular access to 4.5 metres, with the same width available for a distance of 5 metres into the site, and to provide a footway of a minimum width of 1.8 metres around the northern radius of the vehicular access to tie into the existing footway link to Queen Elizabeth Drive, also extending 5 metres back into the site, shall be submitted to and approved in writing by the Local Planning Authority. The access and footway so approved shall be provided in accordance with the approved details prior to the first occupation of any flat within the development and shall thereafter be so maintained clear of any obstruction for their intended purpose.

Reason - In the interests of highway and pedestrian safety, in accordance with Policy H.3 of the Scarborough Borough Local Plan.

20 Prior to the commencement of development, precise details of the design and siting of secure, accessible cycle parking, providing a level of one space per flat, shall be submitted to and be approved in writing by the Local Planning Authority. The cycle parking so approved shall be provided in accordance with the approved details prior to the first occupation of any flat within the development and shall thereafter be so maintained for its intended purpose.

Reason - To secure the provision of suitable facilities for cyclists, in accordance with Policy T.10 of the Scarborough Borough Local Plan.
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 C STOTT ON 01723 232468 e-mail carl.stott@scarborough.gov.uk

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**GARAGE SIDE ELEVATION**

**GARAGE FRONT ELEVATION**

**GARAGE PLAN**

**GARAGE ROOF PLAN**

*Copyright 1993*
REPORT TO PLANNING & DEVELOPMENT COMMITTEE
TO BE HELD ON THURSDAY, 29 MARCH 2007

APPLICATION REFERENCE NO: 06/02656/RG3
TARGET DATE: 29 March 2007
GRID REFERENCE: 51179/48057

REPORT OF THE HEAD OF PLANNING SERVICES - HPlg/07/67

SUBJECT: Application for erection of link corridor to access WCs at the Evron Centre, Filey

1.0 THE PROPOSAL

1.1 The proposal involves the erection of an ‘L’ shaped, single storey extension around the rear elevation of the Concert Hall, in order to provide an external access to the toilet accommodation situated on the internal (courtyard) side of the building. It will be constructed of rendered brickwork to match the existing with matching stained timber windows and rainwater goods. The extension will have a flat roof.

2.0 CONSULTATIONS AND COMMENTS

2.1 Filey Town Council - No Objection
2.2 Area Traffic Manager - Awaiting Comments
2.3 Publicity - The consultation period expired on 5 March 2007

3.0 RELEVANT SITE HISTORY

3.1 2000 - Erection of external lift shaft and lean to roof of adjoining building - Approved
3.2 2000 - Conversion of Council offices/Community Centre to provide Business Centre, Education Training Advisory Centre and Council Offices and Construction of new visitor Centre and Tourist Information Centre - Approved
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 policy/ies which is/are considered to be particularly relevant to the consideration of this application:-

Scarborough Borough Local Plan

E14 - Extensions and Alterations to Existing Buildings

E22 - Development in Conservation Areas

5.0 ASSESSMENT

5.1 Visual impact upon the character and appearance of the existing buildings and of the Conservation Area in which it is situated are the key issues in this case.

5.2 Local Plan Policy E14 requires that the scale and design of extensions should be in keeping with the property and its environs. Policy E22 only allows development which will preserve or enhance the character and appearance of Conservation Areas. This requires that the design of new development and the choice and use of materials should be sympathetic to and in harmony with the special architectural and historic character of the area.

5.3 This is a small scale extension which has been designed to match the existing building in terms of its design and materials and is therefore considered to be in keeping with the character of the existing and also with the character and appearance of the Conservation Area. As the bulk of the extension is contained within the rear courtyard it is mostly out of sight. However a view of the end of the corridor, where it exits the Concert Hall will be obtained from the street, but as it will be set back from the street frontage and only present a small, narrow profile it will not be unduly prominent.

5.4 Whilst the extension has a flat roof given its small scale, that the existing toilet extension also has a flat roof and that any other roof form would be impractical as it would cut across the existing triple arched gable window, this is considered to be the only realistic solution.

6.0 CONCLUSION
6.1 The proposed extension is in keeping with the property and its environs which are within a Conservation Area and hence accords with Policies E14 and E22 of the adopted Scarborough Borough Local Plan.

7.0 RECOMMENDATION

7.1 That PERMISSION BE GRANTED, subject to the following condition(s) :-

1. All new and replacement brickwork utilised in carrying out the development hereby permitted shall match that of the principal existing building on the site in terms of the type of brick, mortar mix and method of bonding.

Reason - In the interests of visual amenity to accord with Policies E14 and E22 of the adopted Scarborough Borough Local Plan.

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 Mick Britton ON 01723 383536 e-mail mick.britton@scarborough.gov.uk

APM .............................. Date ..............................
AGENDA ITEM NO

REPORT TO PLANNING & DEVELOPMENT COMMITTEE

TO BE HELD ON THURSDAY 29th MARCH, 2007

APPLICATION REFERENCE NO: 06/01432/FL
TARGET DATE: 4 SEPTEMBER 2006
GRID REFERENCE: 50328/48739

REPORT OF THE HEAD OF PLANNING SERVICES - HPlg/06/74

SUBJECT: DEMOLITION OF 3 STOREY HOUSE, ERECTION OF 3 NO.3 BED HOUSES, 1 NO.2 BED HOUSE AND 1 NO.2 BED BUNGALOW AT 56 SEAMER ROAD, INCLUDING LAND AT THE REAR, SCARBOROUGH, FOR HARTLEY DEVELOPMENTS

1.0 THE PROPOSAL

1.1 This application seeks planning approval for a residential development of No.5 new dwellings on a brown-field site. Formerly a commercial site upon which there is a number of single-storey buildings to the rear with a two-storey detached dwelling fronting Seamer Road, a principal transport corridor into the town. It is proposed to demolish the dwelling and all the buildings on the site to accommodate the new housing. The buildings to the rear, are of a breeze block and corrugated metal construction, having been used primarily for purposes associated with the breaking of motor vehicles, with the yard area having been used for similar purposes. The existing access into the site is to be retained with no proposed alterations. Fronting Seamer Road to the south is a small chapel which is currently in weekly use. To the rear of the church is a piece of land which has been used for informal parking purposes via an access on the application site and access into this area will be retained for pedestrian traffic only. To the north of the site beyond a pedestrian passage are a number of modest retail shop units.

1.2 It is proposed to demolish the existing detached dwelling and erect a pair of semi-detached dwellings, each having 3 bedrooms. The footprint of the building as proposed is 12 metres x 8.5 metres, to a ridge height of 7.2 metres. Each of the dwellings having a forecourt area and level access from the pavement. All of the dwellings are proposed with a rear garden and an off-street car parking space. To the rear of the site, towards the eastern boundary it is intended to erect a terrace of No.3 dwellings, a pair of two-storey dwellings with an attached bungalow. One of the two-storey dwellings is to
have 3 bedrooms with 2 bedrooms provided in the remaining house and bungalow. The external appearance of the two-storey dwellings to the rear is similar to that of those proposed on the frontage, having a total footprint of 8.5 metres by 10.2 metres. The height to the ridge being 7.2 metres. The bungalow is 17 metres in length to a width of 5.5 metres. This property will form part of the boundary to the passage that services Seamer Street. The ridge height is proposed at 4 metres with high level windows facing the passage on the northern boundary. The architectural detailing of the properties is of a traditional style with dummy chimney stacks. A minor amendment to the roof design of the bungalow has been submitted following discussions with the applicant's agent to improve the visual appearance, when viewed from the front elevation.

1.3 In January 2006, outline planning permission was granted for the erection of dwellings on this site. At that time the site area shown was 0.13 of a hectare. The current application shows a reduced site area of 0.992 hectares and a development scheme for No.5 dwellings. The areas adjacent to the site are predominantly terraced properties with a number of small shop units fronting the main transport corridor. Directly to the north of the application site is a small terraced street of two-storey dwellings with a rear passage-way abutting the site boundary. Directly to the east of the site is the Scarborough railway line.

2.0 CONSULTATIONS AND COMMENTS

2.1 Traffic and Transportation Manager – Does not object to the scheme and makes the following comments:-

2.2 The walls either side of the entrance should be no higher than 750mm for at least 2 metres from the access, to ensure adequate intervisibility between vehicles leaving the site and pedestrians on the footway on Seamer Road.

2.3 The applicant has proposed a layout with limited parking, which is appropriate for this location, given the proximity to public transport services. Please ensure that within the building layout that secure cycle storage is provided to encourage sustainable transport.

2.4 Director of Environmental Health and Housing Services - No objections.

2.5 Ecologist and Wetland Restoration Officer - Concerned that there may be roosting bats and nesting birds on the site at certain times throughout the year but does not feel that in this instance that a Bat Survey is required.

2.6 Environment Agency - Suggest that the following condition be attached to the granting of any planning permission:-

2.7 A regulation system for the discharge of surface water from the site shall be agreed with the Local Planning Authority prior to the commencement of development and implemented prior to the development being brought into first use. In order to secure satisfactory drainage of the site.

2.8 With regard to land contamination, Planning Policy Statement 23 states that it is the developers responsibility to ensure that the site is safe and suitable for
its intended purpose, having regard to previous contamination. The framework to achieve this is to carry out investigations in accordance with CLR11, Model Procedures for the Management of Contamination.

2.9 Architectural Liaison Officer - No objections to the scheme.

2.10 Network Rail - No objections to the scheme. However, due to the proximity of the development to Network Rails land an informative is to be attached to the granting of any planning permission requiring that the developer seeks the necessary approvals from the Territory Outside Parties Engineer prior to works commencing on site.

2.11 Yorkshire Water - Recommends the following planning conditions:-

2.12 The site shall be developed with separate systems of drainage for foul and surface water on and off site. (In the interest of satisfactory and sustainable drainage.)

2.13 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority. (To ensure that the development can be properly drained.)

2.14 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works. (To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.)

2.15 Publicity - Consultation period expired on 25 August 2006.

2.16 J Corder and K MacNee, 8 Seamer Street, Scarborough - Object to the proposal on the grounds that they will lose their view and privacy. There is already poor light into the ground floor of their property. The area is already built up enough. The area is in need of development of some form, preferably landscaped and maintained rather than re-developed.

2.17 Duncan Cowen, 32 St Nicholas Street, Scarborough (Owner of No.6 Seamer Road) - Supports the proposal.

2.18 Mr M Ingleton, 11 Seamer Street, Scarborough - Objects to the proposal due to the access being close to the main road. Concerned that light to his property will be reduced by the development.

2.19 Weddingtails, 54 Seamer Road, Scarborough - Objects to the proposal.

2.20 Miss A Casson, 9 Seamer Street, Scarborough - Comments on the proposal as follows. Miss Casson acknowledges that the land will benefit from some improvement. Considers that the latest application for No.5 dwellings is an improvement. However, there are concerns regarding the lack of detail shown for the bungalow and houses to the rear. The position of the dwellings is an improvement on the original application. Concerned that land levels are uneven and how is this to be addressed. The northern boundary wall is in poor condition and is unsightly. What is to happen to the wall?
3.0 RELEVANT SITE HISTORY

3.1 05/00215/OL - Outline application for erection of 9 terraced houses. Refused 22/3/05.

3.2 05/02263/OL - Outline application for erection of 9 terraced houses. Conditionally approved 23/1/06.

4.0 PLANNING POLICY

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 54A of The Town and Country Planning Act 1990 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. Attention is drawn to the following Development Plan policies which are considered to be particularly relevant to the consideration of this application:

Scarborough Borough Local Plan

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

Policy H10 Protection of Residential Amenity

5.0 ASSESSMENT

5.1 The key issues in assessing this application are related to the design and layout of the dwellings, together with the impact that the development may have upon the neighbouring residents along Seamer Road and Seamer Street. The principle of permitting the site to be used for residential development has previously been determined by the approval of outline planning consent on the 23 January 2006. However, as noted in the description, the site is now smaller in area than at the time of the outline approval.

5.2 The proposed re-development of the existing dwelling facing west onto Seamer Road is considered against Policy H3 and E5 of the Scarborough Borough Local Plan. The visual appearance of Seamer Road in this locality provides a mixture of property uses, including shops and domestic dwellings. In this locality it is considered that the replacement of an existing dwelling with a pair of semi-detached properties is appropriate and in accordance with Policy H3, which seeks to provide flexibility in the choice of housing available on small-scale development sites. The proposed design of the semi-detached dwellings is one of a traditional construction of brick and pantile. The addition of dummy chimney stacks is considered appropriate in this case, adding a traditional feature to the dwellings along a road where chimney detailing is
evident on many of the domestic dwellings. Policy H3 is concerned that the scale, character and appearance should respect the character and physical form of the surroundings. Policy E5 states that development adjacent to a main road into the town should not be detrimental to the appearance, amenity and environmental characteristics of the corridor. In this instance, the element of the development facing Seamer Road is considered to be in-accordance with the aims of Policies H3 and E5 of the Scarborough Borough Local Plan.

5.3 Access to the site for occupiers/visitors vehicles is through an existing driveway entrance. This access which has limited visibility is of concern to the Traffic and Transportation Manager, however, it is considered that through the use of a condition preventing the erection of any high fencing towards the main road that intervisibility can be adequately maintained. The outline planning approval proposed that there should be an enlarged access road into the site to provide 9 No. dwellings. This alteration to the access was significant and viewed to be unsatisfactory due to the proximity of the entrance to the existing 'Puffin' pedestrian crossing on Seamer Road. In addition, the new access created an inappropriate crossroads with Beaconsfield Street on the primary transport route. In view of this situation outline planning permission was subsequently granted for 3 No. dwellings to ensure minimum impact upon the transport corridor. The current application with the existing access unaltered is considered to be less problematic, in terms of conflict with existing transport issues along Seamer Road. The 5 No. parking spaces proposed along the northern boundary wall within a turning area and this is considered to be appropriate to the scale of the development and the locality of the site to public services in accordance with Policy H3 of the Scarborough Borough Local Plan, provided that a secure cycle storage facility is provided within the site. A condition is to be attached to the granting of planning approval requiring that a cycle storage facility is provided within the communal area of the site.

5.4 In respect, of the 3 No. dwellings proposed to the rear or eastern area of the site. The design is proposed as a terrace, arranged as two terrace houses with a bungalow attached to the gable end of the left-hand dwelling. The design of the roof between the two-storey dwelling and the bungalow was original considered to be inappropriate, showing a monopitch design with a gable to the front and rear elevations. In order to overcome this issue, the design of the bungalow roof has been amended to that of a traditional pitched roof. When viewed from the rear of the properties situated along Seamer Street, the bungalow element is significantly subservient to the adjoining two-storey dwellings, and due to its position onto the boundary wall of the site is considered to successfully minimise issues of overlooking and overshadowing of the rear yards along Seamer Street. The height of the eaves is proposed to be 2.4 metres with a ridge height of approximately 4 metres. The proposed wall of the bungalow replaces an existing 3.10 to 3.40 metre high wall constructed of brick with a poorly rendered finish, having an overbearing impact when viewed from the service passage. The land level of the development site naturally falls towards the railway land to the east and it is not proposed to significantly alter the existing land levels, on that basis it is considered that the erection of the bungalow, which will incorporate 16.5
metres of the north facing boundary into the building improves the appearance of the site from the rear of Seamer Street in accordance with Policy H3 of the Scarborough Borough Local Plan.

5.5 The proposal, particularly in respect of the 3 No. dwellings to the rear of the site has raised concerns from a number of residents along Seamer Street in respect of loss of light, loss of privacy and over-development of the area. Policy H10 of the Scarborough Borough Local Plan seeks to ensure that proposed development does not adversely affect the amenity of nearby residents due to the development being overbearing in scale or proximity to neighbouring properties. It is considered that the developer has taken account of the proximity of the dwellings to the south facing yards of Seamer Street by designing the scheme with an east/west orientation and placing the bungalow, which is closest to the neighbours, adjacent to the rear service passageway. The bungalow has three high level windows shown on the north elevation. It is to be a condition of the planning approval that these windows are obscurely glazed. The distance between the gable-end wall of the two storey dwelling is 5.5 metres to the boundary wall, with an additional service passage of 1.5 metres. All the properties along Seamer Street having modestly sized traditional walled yards to the rear. The parking for the properties is also proposed adjacent to the northern boundary wall which is considered to have minimum impact upon the adjacent residential properties.

5.6 Policy I4 of the Scarborough Borough Local Plan seeks to ensure that existing employment areas are retained, where appropriate. It is felt that in this case the proposed use of the land for residential development significantly improves the amenity for the neighbouring properties along Seamer Street. The former use of the yard where vehicles were dismantled and other activities associated with car maintenance and repair took place throughout the day and during the evenings had ceased in recent years. Use of the land for this purpose was of a historical nature and inappropriate to a residential area in terms of potential noise, fumes and smells. It is therefore considered that the current proposal moves the area forward to improve substantially the environmental and residential quality of the locality for nearby residents in accordance with Policy I4.

6.0 CONCLUSION

6.1 The use of the site for residential housing purposes is considered to be an appropriate use of the former vehicle breaker's yard. It is considered that the re-development of the site minimises the potential of future disturbance to the nearby residents of Seamer Street and improves the general amenity of the area in accordance with local planning policies. It is not considered that there are any other material considerations to suggest a determination otherwise.
7.0 RECOMMENDATION

7.1 That PERMISSION BE GRANTED, subject to the following condition(s) :-

1 The development hereby permitted shall be carried out in accordance with Drg. No. H82C 1104/10 received on the 25 August 2006 and Drg. No. H82C 1104/9B received on the 8 November 2006 by the Local Planning Authority.

**Reason** - For the avoidance of doubt and in the interests of the appearance of the development and existing residential amenity in accordance with Policies H3 and H10 of the Scarborough Borough Local Plan.

2 Details of the precautions to be taken to prevent the deposit of mud on public highways by vehicles travelling from the site shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities. These precautions shall be made available before the development commences on the site and be kept available and in full working order until such time as the Local Planning Authority agrees in writing to their withdrawal.

**Reason** - To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety in accordance with Policy H10 of the Scarborough Borough Local Plan.

3 No boundary treatment either side of the existing entrance into the development site shall be no higher than 750mm for at least 2 metres back from the access, to ensure adequate intervisibility between vehicles leaving the site and pedestrians on the footway on Seamer Road.

**Reason** - In the interests of both highway and pedestrian safety in accordance with Policy H10 of the Scarborough Borough Local Plan.

4 Prior to commencement of the development hereby granted full details of the proposed means of foul and surface water disposal to separate systems shall be submitted and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before there are any flows into the receiving systems.

**Reason** - In the interests of the development in accordance with Policies H3 and H10 of the Scarborough Borough Local Plan.

5 Before the development hereby permitted commences on site, a soil survey of the site shall be undertaken and the results provided to the Local Planning Authority. The survey shall be taken at such points and to such a depth as the Local Planning Authority may stipulate. A scheme for de-contamination of the site, together with a Method Statement outlining methods and equipment to be used as well as hours of operation during the remediation process shall be submitted to and approved by the Local Planning Authority in writing. The scheme as approved shall be fully implemented and completed before any residential unit hereby permitted is first occupied.
Planning Policy Statement 23 states that it is the developers' responsibility to ensure that the site is safe and suitable for its intended purpose, having regard to previous contamination. The framework to achieve this is to carry out investigations in accordance with CLR11, Model Procedures for the Management of Contamination.

**Reason** - In the interests of the future occupants of the dwellings on the site in accordance with Policy H10 of the Scarborough Borough Local Plan.

**Note**

Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works. (To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.)

**Note**

The development site is within 3.0 metres of a sewer positioned below the rear passage of Seamer Street adjacent to the northern boundary. For development purposes it is important to be aware that sufficient access for maintenance and repair work to the sewer is required at all times.

**Reason** - In order to protect the amenity of adjacent residents in accordance with Policy H10 of the Scarborough Borough Local Plan.

**Reason** - In the interests of the appearance of the area in accordance with Policies H3 and H10 of the Scarborough Borough Local Plan.

**Reason** - In the interests of the appearance of the area in accordance with Policies H3 and H10 of the Scarborough Borough Local Plan.

**Reason** - In the interests of the appearance of the locality in accordance with Policies H3 and H10 of the Scarborough Borough Local Plan.
10 All high-level windows to the northern elevation of the bungalow hereby permitted shall be obscure glazed. The pattern/texture shall be of a density to ensure that no objects or persons positioned on either side of the glazing are readily distinguishable.

Note

It should be noted that certain so called 'privacy' glasses offered by manufacturers do not provide sufficient levels of obscuration to conform with this condition.

Reason - In the interests of the residential amenity of the occupiers of properties situated along Seamer Street in accordance with Policy H10 of the Scarborough Borough Local Plan.

11 Prior to occupation of any of the dwellings hereby permitted details of the vehicle parking area, shall be laid out, hard surfaced, drained, marked out and made available for use. Once created the parking area shall be maintained clear of any obstruction and retained for parking purposes at all times.

Reason - To ensure that adequate and satisfactory off-street parking accommodation for vehicles generated by occupiers of the dwellings and visitors to them, in the interests of safety and the general amenity of the development in accordance with Policy H10 of the Scarborough Borough Local Plan.

12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order or Statutory Instrument revoking and re-enacting that Order), none of the following developments or alterations shall be carried out without the prior written approval of the Local Planning Authority:

(i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas or raised decks;

(ii) the erection of house extensions including dormer windows, conservatories, garages, car ports, porches or pergolas;

(iii) alterations including the installation of replacement or additional windows or doors and the installation of roof windows.

Reason - In order to protect the appearance of the development, together with the residential amenity of occupiers of the development and the existing residents along Seamer Street in accordance with Policy H3 and H10 of the Scarborough Borough Local Plan.

13 Details of the front boundary wall to be erected adjacent to Seamer Road are to be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development.

Reason - In order to protect the appearance of the development along the main transport corridor in accordance with Policies H3, H10 and E5 of the Scarborough Borough Local Plan.
14 No machinery or construction vehicles shall operate on the site prior to 7:30 am and after 18:00 pm on any day, or prior to 8:00 am and after 12:30 pm on Saturdays. No machinery or construction vehicles shall operate on the site on Sundays or Bank Holidays.

**Reason** - In the interests of the residential amenity of nearby residents to the site in accordance with Policy H10 of the Scarborough Borough Local Plan.

15 Prior to commencement of the development hereby permitted written details of a secure bicycle/motorcycle storage facility, including details of the design and siting, shall be submitted to and approved by the Local Planning Authority and thereafter so maintained.

**Reason** - In the interests of the appearance of the development and to provide secure storage for cycles/motorcycles in accordance with Policy H3 and H10 of the Scarborough Borough Local Plan.

**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 MRS KAREN LAWTON ON 01723 384405 e-mail Karen.Lawton@scarborough.gov.uk

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

F:\Planning Services Admin\Committee Reports\_Hplg0774_06_01432_FL 56 Seamer Road and land at the rear, Scarborough
16 March 2007
REPORT OF THE HEAD OF PLANNING SERVICES - HPlg/07/47

SUBJECT: ERECTION OF 10 NO. FLATS ON LAND ADJACENT TO 1-4 BLENHEIM STREET, SCARBOROUGH FOR URBAN CONVERSION LIMITED.

1.0 THE PROPOSAL

1.1 The application proposes the erection of a new building containing 10 flats on a corner site, which is bounded by Castle Road and Blenheim Street. The site has been used as a car park serving 1-4 Blenheim Street, which is currently being refurbished by the applicant. The application follows the withdrawal of a previous scheme and pre-application discussions with your Officers.

1.2 The proposed building is three-storeys in height, with flats in the roof space. Three flats are proposed at both ground and first floor, with two flats on each of the second and third floors.

1.3 The building is proposed to have white render to its elevations and natural slate to the roof. The building is designed to reflect the character of its historic neighbours but is detailed in a modern manner with a mix of dark grey coloured aluminium and timber windows and a fully glazed stair tower to its rear elevation.

1.4 The site currently abuts the carriageway of Castle Road, which runs along its south boundary. The boundary is defined by a high brick wall. This requires pedestrians to either cross the road or to walk on the carriageway to pass the site. The application proposes that a public footway be provided along the southern edge of the site to improve pedestrian access.

1.5 The application proposes a vehicular access to serve a number of parking spaces within the rear part of the site. The Traffic and Transportation Manager has recommended a number of revisions to the scheme and it is
hoped amended drawings will be available for Members’ consideration at the meeting. The application drawings are appended to the rear of this report.

2.0 CONSULTATIONS AND COMMENTS

2.1 Traffic and Transportation Manager – No objection in principle but amendments required to parking layout/turning and access width and visibility splays if is to be acceptable from a highway engineering point of view. Also amendment to footway to increase width to 1.5m would be welcomed. (Officer Note: The Traffic and Transportation Manager’s comments on the amended proposals will be reported at the meeting).

2.2 Head of Environmental Health and Housing Services - Concern is raised with regard to the size of a number of the units proposed. In particular Flats 3 and 6 are basically self-contained bed-sits with no separate bedroom or hallway. It is considered that these units are unacceptable.

2.3 Conservation Officer – Having commented on the previous application I do not wish to make any further comments as the applicant appears to have addressed the concerns raised earlier.

2.4 English Heritage – This is both a prominent site en-route to the Castle and a relatively rare development opportunity in the core of the conservation area. We consider that the scale and massing of the proposal have been sensitively handled and that the scheme will sit comfortably on the corner of Blenheim Street and Castle Road. We advise however that any consent should be conditioned to control all materials so as to ensure the development is in sympathy with neighbouring materials and does not harm the conservation area.

2.5 Police Architectural Liaison Officer – No objections to this application in principle, but the following comments are raised. There is a window to the rear elevation, which is vulnerable as it is positioned within a recess. The front door should include an appropriately designed entry system comprising of an electronic door release mechanism with videophone. (Officer Note: A number of other issues have been raised and these have been forwarded to the scheme architect for consideration).

2.6 NYCC Archaeologist – The applicant has already commissioned a number of trial trenches on the site, which have provided evidence of a medieval ditch running parallel to Castle Road, along with other features of interest. It is recommended, should planning permission be granted, that a condition be imposed requiring further archaeological investigation prior to building works commencing.

2.7 Scarborough and District Civic Society – Raise objection to the scheme for a number of reasons, including:

1. The area is already heavily parked and it is ironic that the site is currently a disused car park.
2. The proposal has a large footprint and this leads to the proposed building being overbearing and the site over-developed.
3. Concern is raised regarding the close proximity of the new building to the Wilson’s Mariners’ Homes, which are listed buildings.
4 Whilst the elevation to Blenheim Street is much better than the previous proposal, the lack of a front door is a little puzzling.
5 The proposed elevation to Castle Road is particularly irregular and the perspective drawing makes the building seen overbearing and reminiscent of an office building.
6 Concern is raised about access to the flats as no lift is proposed, whilst diminutive size of flats is also worrying.
7 The proposed car parking spaces on the site are welcomed but there appears to be insufficient space for turning movements.
8 We are pleased that the proposals include a new footpath along Castle Road, which will benefit pedestrians.

2.8 **Publicity** - The consultation period expired on 5 March 2007.

A letter of objection has been received from:

Mr D Trigg – 26 Blenheim Terrace, Scarborough

1 Objection is raised to the proposal as it involves the loss of an off-street parking facility, which is likely to exacerbate the parking problems of the immediate area.
2 The waste land referred to in the planning application has for many years been a car park serving 1-4 Blenheim Street.
3 There does not appear to be any provision for vehicle parking in either the new build development for 10 flats or the conversion of 1-4 Blenheim Street which accommodates 9 flats, in an area where car parking is at times at saturation levels.
4 This development will along with others already granted in the locality result in an increase in parked vehicles exacerbating the parking difficulties for residents and visitors alike.
5 It seems short sighted to allow the development of land that has in the past provided adequate parking for 1-4 Blenheim Street.

3.0 **RELEVANT SITE HISTORY**

3.1 Planning permission was granted for the conversion of the neighbour building (1-4 Blenheim Street) to nine self-contained flats in 1989. The building and flats within it are currently being refurbished by the applicant.

3.2 An application for the erection of 10 flats on the site was withdrawn in November 2006.

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 policy/ies which is/are considered to be particularly relevant to the consideration of this application:

**Scarborough Borough Local Plan**
- E6 Protection of Open Space
- E12 Design of New Development
- E22 Development in Conservation Areas
- E23 Detailing in Conservation Areas
- E28 Archaeology
- E40 The Reuse of Vacant Land within Development Limits
- H3 Small scale/Infill Housing Development within the Development Limits of Settlements
- H10 Protection of Residential Amenity

### 5.0 ASSESSMENT

#### 5.1 There are a number of planning considerations to take in account in relation to this proposal, as follows:

- The principle of residential development on the site
- The design of the proposal
- The effect of the development on the conservation area and neighbouring listed buildings
- The impact of the development of residential amenity
- Car parking

#### The Principle of Residential Development on the Site

5.2 It is considered that the site is suitable for development in principle. The site has been used as a surface car park for many years, in association with the neighbouring property, 1-4 Blenheim Street. However, the site has the appearance of an undeveloped plot and forms an uncharacteristic feature within this part of the town, which is a designated Conservation Area. The site is not considered to represent an important open space, indeed, it is considered that it would positively benefit from development. The proposal is in principle considered to accord with Policies H3(C) and E40(A) and (B) of the Local Plan.

5.3 The County Archaeologist has confirmed that the site is of archaeological interest and has recommended that a condition be imposed requiring further archaeological investigation works on the site prior to commencement of building works. This follows pre-application evaluation work already commissioned by the applicant.
The Design of the Proposal

5.4 The proposal has been designed following extensive discussions with your Officers, and has evolved from a previous proposal that was withdrawn following earlier discussions. It is considered that the scheme’s architect has produced a contemporary building that will sit comfortably next to its historic neighbours on this prominent corner site, and which makes a successful transition between the more dominant buildings of the locality and the more modest Wilson’s Mariners’ Homes which sit to the west of the site.

5.5 The building is designed to reflect the traditional proportions and materials of the existing properties of Blenheim Street, which are typical of the area, being three-storey in height with an additional floor within the roof, with rendered elevations and slate covered roof.

5.6 The scheme has the benefit of proposing a footway along the northern side of Castle Road, which will be provided by dedicating the land to the Highway Authority. Currently the site bounds the carriageway with a tall brick wall and pedestrians are forced to cross the road or walk on the vehicular carriageway at this point.

5.7 The proposed building is considered to be acceptable in design, massing and height terms, both for the site and in relation to the character of surrounding buildings. The building is designed to appear as two blocks, with the block closest to the Castle Road boundary stepping down in scale. The proposal is considered to accord with Policies E12 and H3(A) of the Local Plan.

Conservation Area and Listed Building Issues

5.8 The proposed development is considered to be sensitively designed so as to fit comfortably within the existing locality. The proposal is considered to enhance the character and appearance of the Conservation Area by providing for the development of this vacant site by a building of appropriate scale for both the site and in relation to neighbours.

5.9 The building is considered to be of appropriate scale in relation to neighbouring listed buildings, including St Peter’s RC Church which lies across Castle Road from the site, and the more modest Wilson’s Mariners’ Homes which lie to the west of the site. It is considered that the scale of the proposal needs to reflect the scale of the more dominant neighbours in Blenheim Street, Blenheim Terrace and Castle Road, and that whilst the proposed building is much taller than the Wilson’s Mariners’ Homes, the distance maintained between the buildings and the quality of the design of the proposed new build should ensure that the proposal does not harm the setting of the neighbouring listed buildings. The proposal is considered to accord with Policy E22 and of the Local Plan and central government advice in PPG15: Planning and the Historic Environment. English Heritage has confirmed that in its view the scheme represents a sensitive proposal for the site.
Residential Amenity

5.10 The proposed building measures some 9.5m to eaves and is positioned some 16m from the existing properties on the opposite side of Blenheim Street. Being positioned to the west of existing Blenheim Street properties any new building on the site, designed to an appropriate scale for the site and Conservation Area will have some impact on the sunlighting and daylighting to neighbouring flats, especially those at semi-basement level. However, the impact is not considered to be so great as to warrant the refusal of planning permission, especially when a balanced judgement is necessary given the need to construct a building of appropriate scale for the locality. The relationship between the proposed building and existing neighbours would be no different to the relationships between buildings within the various streets in the vicinity of the application site. The proposal is not considered to result in any materially harmful overlooking of neighbouring properties, including the more modest Wilson’s Mariners’ Homes. Bearing this in mind, it is considered that the proposal would not be contrary to Policy H10(A), (B) and (E).

Car Parking

5.11 The proposal as submitted does include the provision of six car parking spaces on the site. However, this number is likely to be reduced as the Traffic and Transportation Manager has raised concern over the fact that insufficient space exists on site for a vehicle turning facility. The Traffic and Transportation Manager requires a turning facility to avoid vehicles reversing out of the proposed site entrance onto Castle Road. Amended details are awaited from the architect and it is envisaged these will be reported at the meeting, along with the Traffic and Transportation Manager’s comments.

5.12 Whilst less than 100% car parking provision is proposed on the site, this is not untypical of the area, where generally substantial properties occupy small plots, normally without any provision for off-street parking. Whilst the site has been used as a car park in the past, its loss from that use is considered appropriate in order to allow for the development of this longstanding brownfield site.

5.13 Whilst concern has been raised by a neighbour and the Civic Society over the potential additional on-street parking demand that the proposed flats might generate, which could exacerbate parking problems locally, your Officers consider that as the site is centrally located within the town, it is ideally placed to enable future residents to use alternative means of transport to the private car. It is hoped that the modest provision of on-site parking, coupled with competition for on-street spaces locally will ensure that future residents seriously consider whether ownership of a car is necessary. The Traffic and Transportation Manager has not raised objection to the proposals in principle.

6.0 CONCLUSION

6.1 The development is considered to be of appropriate design, scale and massing for this prominent corner site, which is located within the
Scarborough Conservation Area. The application site is a longstanding undeveloped brownfield plot, which is of visually poor appearance. It is considered that this sensitively designed scheme will enhance the character and appearance of that part of the Conservation Area in which it is sited and should sit comfortably adjacent neighbouring properties, which include a number of listed buildings. The proposals are not considered to have any materially harmful effect on residential amenity, especially when the requirement for buildings of appropriate scale for the locality is taken into consideration. The development is considered to accord with the relevant policies of the Scarborough Borough Local Plan.

7.0 RECOMMENDATION

7.1 That subject to consideration of the Traffic and Transportation Manager’s comments in respect of amended plans, PERMISSION BE GRANTED, subject to the following condition(s):

1. No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

   **Reason:** To safeguard the Local Planning Authority’s rights of control in respect of this matter as the site is of archaeological importance and to comply with Policy E28 of the Scarborough Borough Local Plan.

2. Details of the precautions to be taken to prevent the deposit of mud on public highways by vehicles travelling from the site shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before the development commences on the site and be kept available and in full working order until such time as the Local Planning Authority agrees in writing to their withdrawal.

   **Reason:** To safeguard the Local Planning Authority’s rights of control in respect of these matters to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

3. Details of existing and proposed site levels and floor levels of all buildings and hard surfaced areas shall be submitted to and be approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted.

   **Reason:** To safeguard the Local Planning Authority’s rights of control in respect of these details in the interests of the appearance of the development and the character and appearance of the Conservation Area.
Area in accordance with Policies E12 and E22 of the Scarborough Borough Local Plan.

4 The development shall not commence until full technical, details of the layout, construction and geometry (including visibility splays) of the access to the car park have been submitted to and have been approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is first brought into use unless otherwise approved in writing by the Local Planning Authority.

**Reason:** To safeguard the Local Planning Authority’s rights of control in respect of the matters of detail referred to ensure that the access is appropriately designed in the interests of highway safety and the convenience of vehicles visiting the site.

5 Notwithstanding the submitted details, before the commencement of any works of construction above foundation level in respect to the development hereby permitted, a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and be approved in writing by the Local Planning Authority. Samples shall be provided as may be required by the Local Planning Authority of the materials in the schedule and the use of such samples shall be approved in writing by the Local Planning Authority.

**Reason:** To safeguard the Local Planning Authority’s rights of control in respect of the matters of detail referred to in the interests of the appearance of the development and the preservation of the character and appearance of the Conservation Area in accordance with Policies E12 and E22 of the Scarborough Borough Local Plan.

6 Notwithstanding the submitted details, a schedule of the window frames to be utilised in the development hereby permitted, indicating the design and location of each window, and including samples if so required, shall be submitted to and be approved in writing by the Local Planning Authority before the commencement of any works of construction above foundation level. Such details shall indicate, at a scale of not less than 1:20, the longitudinal and cross-sectional detailing, cill and lintol detailing, and means of opening. The window frames shall be installed in accordance with the approved details and thereafter so maintained.

**Reason:** To safeguard the Local Planning Authority’s rights of control in respect of the matters of detail referred to in the interests of the appearance of the development and the preservation of the character and appearance of the Conservation Area in accordance with Policies E12 and E22 of the Scarborough Borough Local Plan.

7 The external face of the frame to all new windows shall be set in a reveal of a minimum of 70mm from the front face of the adjacent
walling unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of the appearance of the development and the preservation of the character and appearance of the Conservation Area in which it is set in accordance with Policies E12 and E22 of the Scarborough Borough Local Plan.

8 Details of the design of all external doors to be utilised in the development hereby permitted shall be submitted to and be approved in writing by the Local Planning Authority before the commencement of any works of construction above foundation level and all external doors used in the development shall conform to the details so approved.

**Reason:** To safeguard the Local Planning Authority’s rights of control in respect of the matters of detail referred to in the interests of the appearance of the development and the preservation of the character and appearance of the Conservation Area in which it is set in accordance with Policies E12 and E22 of the Scarborough Borough Local Plan.

9 The walls to be rendered shall be smooth rendered and painted a final colour which shall be submitted to and be approved in writing by the Local Planning Authority before the commencement of any works of construction above foundation level. Such rendering and approved final colouring shall be completed prior to the development hereby permitted being first brought into use.

**NOTE:**
The Council would advise that consideration be given to the use of a through-coloured render in order to avoid the need for regular maintenance of the rendered walls.

**Reason:** To safeguard the Local Planning Authority’s rights of control in respect of the matters of detail referred to in the interests of the appearance of the development and the preservation of the character and appearance of the Conservation Area in which it is set in accordance with Policies E12 and E22 of the Scarborough Borough Local Plan.

10 Before the commencement of any works of construction above foundation level in respect of the development hereby permitted, the type, design and final colour of the rainwater goods hereby permitted shall be submitted to and be approved in writing by the Local Planning Authority. The rainwater goods installed shall conform to the details so approved and the colour so approved shall be applied within one month of the development being first brought into use and thereafter so maintained unless otherwise agreed in writing by the Local Planning Authority.
Reason: To safeguard the Local Planning Authority’s rights of control in respect of the matters of detail referred to in the interests of the appearance of the development and the preservation of the character and appearance of the Conservation Area in accordance with Policies E12 and E22 of the Scarborough Borough Local Plan.

11 Details of the external colour scheme shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any works above foundation level in respect of the development hereby granted and the approved scheme shall be implemented in full before the development is first brought into use.

Reason: To safeguard the Local Planning Authority’s rights of control in respect of the matters of detail referred to in the interests of the appearance of the development and the preservation of the character and appearance of the Conservation Area in accordance with Policies E12 and E22 of the Scarborough Borough Local Plan.

12 Before the commencement of any works of construction above foundation level in respect of the development hereby permitted, details of the boundary treatments of the site, including those to be retained and a schedule of materials for new boundary treatments, shall be submitted to and be approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use unless otherwise agreed in writing by the Local Planning Authority and thereafter retained.

Reason: To safeguard the rights of control of the Local Planning Authority over the details referred to in order to ensure a satisfactory external appearance to the development and in the interests of the character and appearance of the Conservation Area in accordance with Policies E12 and E22 of the Scarborough Borough Local Plan.

13 Details of the means of storage and disposal of refuse to serve the development hereby permitted shall be submitted to and be approved by the Local Planning Authority and the development shall not commence in advance of that approval. The approved scheme shall be fully implemented before any of the flats are first brought into use and shall thereafter be retained.

Reason: To safeguard the Local Planning Authority’s rights of control in respect of the matters of detail referred to in the interests of hygiene and the character and appearance of the Conservation Area in which it is set in accordance with Policy E22 of the Scarborough Borough Local Plan.

14 Prior to the first use of the development the vehicular access, parking and turning facilities shall be formed in accordance with the submitted drawing (Reference ……..). Once created these areas shall be
maintained clear of any obstruction and retained for their intended purpose at all times.

**Reason:** To provide for appropriate on-site vehicle parking facilities with associated access and manoeuvring areas, in the interests of highway safety and the general amenity of the development and to ensure that vehicle parking is kept available to serve the development at all times, in accordance with Policy T7 of the Scarborough Borough Local Plan.

15 Details of the siting and design of secure, covered cycle storage facilities within the site shall be submitted to and be approved by the Local Planning Authority and no works of construction above foundation level shall commence in advance of that approval. The approved scheme shall be fully implemented before the first flat is brought into use and shall thereafter be retained.

**Reason:** To ensure that the Local Planning Authority retains control over these details in the interests of the appearance of the development and to encourage cycling by residents, which is a sustainable form of transport as an alternative to the use of private cars.

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*Head of Planning Services*

*Background Papers:*

Those documents referred to in this report.

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**IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT MARCUS WHITMORE ON 01723 232479 e-mail MARCUS.WHITMORE@SCARBOROUGH.GOV.UK**

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

F:\Planning Services Admin\Committee Reports\_HPig0747_0700163FL Land adjacent 1-4 Blenheim Street Scarborough
19 March 2007
ELEVATION TO CASTLE ROAD

DETAILS OF MATERIALS

- Roof: Natural Blue Slate
- Walls: General Grey Cement/Mortar, white or grey
- Windows: High Performance Jambs
- Doors: Exterior Raised Molding

Note: Existing section to west}

PERPECTIVE FROM CASTLE RD
REPORT TO PLANNING & DEVELOPMENT COMMITTEE
TO BE HELD ON THURSDAY 29 MARCH 2007

APPLICATION REFERENCE NO: 07/00212/FL
TARGET DATE: 30 March 2007
GRID REFERENCE: 489999 - 510654

REPORT OF THE HEAD OF PLANNING SERVICES - HP1g/07/48

SUBJECT: Planning application for amendments to previously approved water resource centre building and site layout and erection of waste disposal building and a substation, Whitby Marina, Langborne Road, Whitby for Scarborough Borough Council

1.0 THE PROPOSAL

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

- The Water Resource Building
  An external spiral staircase is provided on the car park side of the building to provide a secondary means of escape from the first floor function room. The two balconies previously approved are linked together and extended on to the south elevation of the building to link up with the fire escape. In addition there have been a number of very minor variations incorporated into the plans to take into account structural and practical issues which have had to be resolved during the preparation of detailed construction drawings. These include the following:

  i) Alterations to the design of the internal staircase with consequential repositioning of the lift and the position of the entrance doors to the building.
  ii) Provision of an external outward opening door to the disabled public toilet.
  iii) Re-arrangement of internal layout of first floor to include a plant room and toilet facilities for the function room with consequential adjustments to window positions.
  iv) Inclusion of rain water downpipes
v) Substitution of lead sheeting for the glazed roof panels for the internal corner of the building
vi) An increase in the number of solar heating panels on the south facing roof and deletion of the grey water system
vii) The addition of external lighting and mechanical ventilation outlets

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

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

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

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

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

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

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

2.0 CONSULTATIONS AND COMMENTS

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

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

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

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

2.2 North Yorkshire County Council – No observations

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

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

“External fire escape

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

Car Park

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

Glazing

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

Security Lighting

All elevations of the building should have security lighting.

Landscaping

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

Secure by Design

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

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

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

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

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

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

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

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

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

The proposed substation should be fully flood proofed.”

2.10 Whitby Civic Society –

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2.14 Neil Carson, Deputy Chairman Whitby Beacon Town Forum – “We object to many aspects of the above proposal, but have been advised that at this stage in the planning process our objections may have to be restricted to the 3 major additions of:
Before detailing our objections to these three ‘after-thoughts’ to this unsightly building, we wish to place on record our strongest possible objections to the way that the 33 other ‘Red Line Amendments’ (which actually include a total of 81 individual changes) are being forced through the planning process by SBC. These 81 ‘minor’ changes include such ‘minor’ items as the fundamental re-design of the whole steel framework of the building and the addition of extra steel bracing, resulting in different window positions and then the knock-on alterations of these on the door positions. How can SBC possibly claim that there are just ‘minor amendments’ to the original planning application?

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

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

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

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

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

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

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

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

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

All the above objections are in addition to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mrs E Lewis, 16 West Lane, Danby

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

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

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

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

Considers the application to be incomplete for the following reasons:

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

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

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

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

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

- **Mr C D Forgan, Captain Cook Memorial Museum, Grape Lane, Whitby**
  Requests that the Council satisfies itself that the proposed new buildings would not deflect flood waters towards Grape Lane.

- **Miss A Bentley, 30A Meadowfields, Sandsend**
  Considers the car parking facilities for marina users to be inadequate.

- **Mr P Thorton, 3 Church Street, Whitby**
  Considers that the large number of amendments proposed suggest that either the original brief to the architect was inadequate or the response to that brief was inadequate and queries the costs of the extra design and building works.

- **Mrs M Hall, The Old Custom House, Sandgate, Whitby**
  Considers that the changes are so extensive that it would be better to “start from scratch”.

- **Mr W Baker, 4 Cherry Close, Whitby**
  Objects on the grounds of the inappropriate siting of the waste disposal building next to the café terrace, fears that landscaping has been reduced and the harbourside footpath reduced in width, queries the need for a substation and considers that better access should be provided between the disabled car parking spaces and the disabled conveniences.

- **Mr G.A.N Harty, 2 Campion Dock, Whitby**
  Is concerned at the number of changes being proposed which suggests inadequate care and attention when the original plans were prepared. Queries the need for Velux windows, the need for the substation and the reasons for its location, the need for a steeply pitched roof to the Water Resources Building, the location of the Waste Disposal Building and the need to provide protection against pollution from this building. Also questions the adequacy of the fire escape proposals and provisions for disabled access and toilet facilities.

- **Ellie Brand, 6 Mickleby Drive, Whitby**
  Objects on the basis that “nobody wanted any of this”.

### 3.0 RELEVANT SITE HISTORY

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

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

4.0  PLANNING POLICY

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 54A of The Town and Country Planning Act 1990 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. Attention is drawn to the following Development Plan policies which are considered to be particularly relevant to the consideration of this application:-

**Scarborough Borough Local Plan**

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

5.0  ASSESSMENT

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

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

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

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

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

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

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

6.0 CONCLUSION

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

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

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

   Reason: The site is of archaeological interest

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: For the avoidance of doubt

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

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

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

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

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

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

Background Papers:

Those documents referred to in this report.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT David Green ON 01723 232585 e-mail david.green@scarborough.gov.uk

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

F:\Planning Services Admin\Committee Reports\_ ** ** 2006
1 no. Fraxinus angustifolia 'Raywood'

3 no. Fraxinus angustifolia 'Raywood'

19 no. Griselinia littoralis - waveform hedge

125 no. Griselinia littoralis - waveform hedge

2 no. Crataegus monogyna 'Spaeth'

2 no. Crataegus x prunifolia 'Splendens'

29 no. GI

29 no. Griselinia littoralis - waveform hedge

46 no. RBI

30 no. RBI

70 no. Ms

17 no. Ms

24 no. Gh

49 no. Gh

27 no. RBI

80 no. Ms

11 no. GI

67 no. Gh

26 no. Ms

5 no. Gh

25 no. Ms

22 no. GI

22 no. RBI

24 no. RBI

23 no. GI

31 no. GI

30 no. RBI

27 no. Gh

46 no. Gh

30 no. RBI

10 no. Ms

7 no. GI

10 no. Ms

35 no. Gh

23 no. RBI

no. Gh

no. Rh

no. Ms

no. Ms
Policy L11 – Whitby Upper Harbour

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

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

The Water Resource Centre will be clearly visible from high level views such as the Abbey and the high level bridge, Esk Terrace and the Ropery, etc. However, looking down on the building the background will be the river itself and the bland and featureless car park area therefore the introduction of the new building will not adversely affect or interrupt key views as seen from these high-level viewpoints. In other words from these high-level viewpoints the building will not mask or interrupt the view or line of sight of important architectural or townscape features, ie the building will be read from these high viewpoints, against the plain background of the river and car park. In this context the important element is the bulk of the building and the roofscape. It is the view of the Planning Authority that the building is relatively small and is readily absorbed by the large extent of the river and car park, which will surround it. Also, there are no significant buildings within many hundred yards of the building, as viewed from high-level positions and therefore will not have an adverse or negative impact on the ‘maritime character’ of the area or ‘its architectural qualities’ as set out in criteria (B) of Policy 11. From other lower levels viewpoints, eg the swing bridge, the river’s edge, etc, it will be a different perspective and the building will be read against a background of the built environment of Whitby. From low-level viewpoints to the north, the building will be read against a background of the new Whitehall Landing development and the high level bridge. And therefore, the building will not have an adverse effect on this view and will not be read against, or seen in context with other historic townscape.

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

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

In relation to criteria (A) of Policy L11 the building benefits and requires a waterfront location.

In relation to criteria (C) of Policy L11 the proposal enhances the town's role of a tourist destination with particular reference to yachting tourism.

In relation to criteria (D) of Policy L11 uses are compatible with the ongoing port activities in the area and have been specifically designed to fit in with harbour requirements vis-à-vis access to Endeavour Wharfed, dredging, channel widening, and other hydrological matters.

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

Therefore, it is suggested that the provision of environmental improvements, improved parking facilities and improved toilet facilities for visiting tourists will be greatly enhanced and as such, criteria (C) of Policy L11 is satisfied. Similarly, the inclusion of business units will enhance the local economy generally, given that much of the local economy is given to tourism it is highly likely that the occupiers of the business units will be tourist related, if not yachting related.

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

Policy E22 – Development of Conservation Area

*Within Conservation Areas development will only be permitted where it will preserve or enhance the character or appearance of the Conservation Areas. Sufficient details will be required to enable such an assessment to be made. The design of new development and the choice and use of materials should be sympathetic to and in harmony with the special architecture and historic character of the area.*

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

The proposed development is located on the edge of the conservation area, the boundary of which runs through the heart of the adjacent car park. Therefore, it is important to stress that this particular part of the conservation area has little architectural or townscape merit but the importance of the area is in relation to views both long range and short range which are assessed under L11 above.
Therefore, the test as to whether the development preserves or enhances or leaves the area unharmed, is less onerous than if the development was in closer proximity to the prestigious townscape of Whitby and the area of Church Street, New Quay Road and the lower harbour area.

Notwithstanding this the materials and design of the building, copy, as far as is practical, the nearby Harbour Master’s Office. The material of the building will be natural and indigenous to the area. The building is of traditional design and of traditional proportions. The site has had a long history of development proposals on a much larger scale (the Evans development) rejected in previous years. Therefore, it is very difficult to judge whether the site, the conservation area and the town centre, as a whole would be preserved or enhanced by development of the site at all, or a large-scale development covering much of the site, or, as in this proposal, a small scale development. It is accepted that there is an argument for larger scale development, which would reflect the terraces and architecture rhythms and rooflines of the surrounding architecture. It is also accepted that there is an argument to leave the site undeveloped in view of its sensitivity. However, the proposal is deemed to be acceptable and in accordance with Policy E22 in view of its relatively small size its compatibility with adjoining the Harbour Office and other Harbourside development. It is accepted that elements of the building “functional”, given the proposed uses of public toilets, showers, etc. It is also accepted that the building designed for residential purposes would have a marginally more attractive appearance. Therefore, overall, it is felt that the proposal leaves this part of the conservation unharmed and therefore in compliance with Policy E22 and Government Planning Policy Statements relating to conservation Areas.

Policy E27 – the protection of significant views

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

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

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

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

Policy E28 – Archaeology

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

The site in question is not shown on the local plan as archaeological site under policy E28. There is no specific archaeological work which would indicate that archaeological remains may exist in the area. However, it is accepted that the County Council, that the area is an area of
archaeological interest and that sites in the vicinity have demonstrated that there is potential for the survival of remains relating to ship building and port activities.

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

The condition would also require a watching brief during construction.

Policy T7- car parking

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

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

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

Gordon Somerville
Head of Planning Services

23 March 2006
AGENDA ITEM NO

REPORT TO PLANNING & DEVELOPMENT COMMITTEE

TO BE HELD ON THURSDAY 29 March 2007

APPLICATION REFERENCE NO: 07/00400/FL

TARGET DATE: 20 April 2007

GRID REFERENCE: 48945 - 51148

REPORT OF THE HEAD OF PLANNING SERVICES - HPlg/07/65

SUBJECT: Replacement entrance porch and window and door alterations to form internal booking office and disabled wc's to Whitby Spa Pavilion for Scarborough Borough Council

1.0 THE PROPOSAL

1.1 The proposal is for a 2.8m by 3.1m fully glazed timber entrance porch to the east end of the original Whitby Spa Pavilion. This is the entrance to the Pavilion Theatre & is half way down the cliff by the east end car parking. The porch replaces a similar sized unsightly porch, includes removal of signs and notice boards, making good of doors and windows following removal and improvements to facilities for the disabled.

1.2 The layout has been designed as such to allow maximum accessibility for both the disabled & young families to access the building as well as providing an aesthetically designed new entrance to replace the existing one which is now beyond repair.

1.3 The proposal is presented to Committee as the application has been submitted by the Council.

2.0 CONSULTATIONS AND COMMENTS

2.1 Whitby Town Council – “Recommend approval – subject to the entrance being made slightly wider for a draught lobby and ensure it is keeping symmetrical with the floors above. Any comments received on the amended plan will be reported verbally to committee.”

2.2 North Yorkshire County Council (Policy & Development) – No comments received
2.3 **Publicity** - The consultation period will expire on 19 March. No comments to date

3.0 **RELEVANT SITE HISTORY**

3.1 1988 Planning permission for refurbishment of Spa Theatre, demolition and redevelopment of Spa Pavilion (4/35/1314/PA)

4.0 **PLANNING POLICY**

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 54A of The Town and Country Planning Act 1990 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. Attention is drawn to the following Development Plan policies which are considered to be particularly relevant to the consideration of this application:-

**Scarborough Borough Local Plan**

Policy E14 Extensions and Alterations to Existing Buildings
Policy E41 Access for the Disabled

5.0 **ASSESSMENT**

5.1 Visual impact and access for the disabled are the two issues to be considered.

5.2 Although not a listed building or in a conservation area the Whitby Spa Pavilion is an attractive building and visually prominent. The proposal although small is highly visible when approached from the car park and from above the cliff top and access paths.

5.3 Local Plan Policy E14 allows extensions to existing buildings where the scale, design and materials will not adversely alter the appearance of a building, its relationship to existing development or the character of an area. Whilst the main building is in brick and stone, white painted glazed timber porches on a stone plinth are often seen.

5.4 As originally submitted the scale of the windows appeared somewhat low with little space for replacement signage. Monopitched lead effect sheet roofing would also look unbalanced from side views, from above and rainwater pipes would be prominent on the front elevation. Amended drawings have been submitted with a symmetrical pedimented roof, deeper fascia for signage and taller more elegant windows.
5.5 Policy E14 also allows alterations which do not detract from character, appearance or historic significance. The removal of the existing porch, signage & notice boards & making good to brickwork & stone work will in fact significantly enhance the building. A small attractive arched recess is also to be retained. Both the extension and alterations are therefore considered to be in accordance with Policy E14.

5.6 Policy E41 requires applicants to demonstrate suitable access for people with disabilities. The applicant explains the existing problem in his Design and Access Statement, as users have for some time complained that when the disabled or people with prams need access, they have trouble with the many door & the various changes in level.

5.7 The proposed design will utilise modern technologies of automatic doors together with a full re-appraisal of the levels to make it a single level throughout. There will also be a provision for a new disabled toilet complete with baby changing. This will provide easier access than use of the current WC, which is 20-30 metres down the corridor. This will also allow for a much better disabled accessibility to the ticket office for booking purposes. The works are therefore considered to be in accordance with Policy E41.

5.8 Whitby Town Councils concerns have been accommodated within amended drawings making the porch slightly wider & retaining symmetry. Only one outside door is included rather than two and lobby doors are controlled by movement sensors which will significantly reduce draughts and heat loss.

6.0 CONCLUSION

6.1 The porch extension is modest and constructed in traditional materials with minimal visual effect. The buildings appearance and disabled facilities are enhanced. The proposal is therefore considered to be acceptable and in accordance with Policies E14 & E41 of the Scarborough Borough Local Plan.

7.0 RECOMMENDATION

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

1. The development hereby approved shall be carried out in strict accordance with the following plans unless otherwise agreed in writing by the Local Planning Authority:

   Existing and proposed scheme Feb 07, Revision D, 13,03,07
   Scheme details, Revision C,13,03,07

   Reason: In order to ensure the development is carried out in the form hereby approved.
2. All new window frames, glazing bars and external door frames shall be of timber construction, white painted and thereafter so maintained.

   **Reason:** To comply with Policy E14/E23 of the adopted Scarborough Borough Local Plan.

3. The external face of the frame to all new windows shall be set in reveals to match those of existing windows of the principal building on the site.

   **Reason:** To comply with Policy E14 of the adopted Scarborough Borough Local Plan.

4. Before the development is commenced, details of the roof sheeting and samples to be used for the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority, and all sheeting used in the development shall conform to the details/samples so approved.

   **Reason:** To comply with Policy E14 of the adopted Scarborough Borough Local Plan.

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**Head of Planning Services**

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**Background Papers:**

Those documents referred to in this report.

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IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT Derek Green ON 01723 232585 e-mail derek.green@scarborough.gov.uk

APM ........................ Date ........................
New Theatre Entrance

Theatre Foyer

New RWP

Sliding 1200 & Lg. leaf doors PIR activated

tarmac laid to falls for disabled access/egress

Gents Toilets

New Dis. Tlt.

Door with electronic push open lock. comp with baby change.

new desk for booking with disabled counter.

Lobby

barrier matting

Form new opening 1000mm clear

New RWP

remove porch & fit new window

New glazed wall lobby with columns with shallow mono-pitch Sarnafil roof behind matching parapet

Proposed Plan

Change door to emergency escape with only key access for staff

REV A 280207 Levels shown to entrance

REV B 050307 scheme revised

REV C 060307 Pediment added

REV D 130307 Porch width increased to take in arch

CHECKED BY

DRAWN BY P. Markham

SCALE 1:60

DATE DRAWN Feb 07

Do Not Scale From Drawing

WHITBY PAVILION THEATRE
EXISTING & PROPOSED SCHEME LAYOUT

SCARBOROUGH BOROUGH COUNCIL
ARCHITECTURAL SERVICES

TOWN HALL
ST. NICHOLAS STREET
SCARBOROUGH
YO11 2HG
TEL 01723 232323
FAX 01723 232433
Pavilion Theatre

White gloss painted SW columns
SW timber windows with glazing bars to match existing. Glazing to be 4 / 20 / 4 double glazed.
Stone plinth to base with timber moulding as detail.
Area outside entrance to be levelled to falls
1.0 THE PROPOSAL

1.1 In May 1992 planning permission was granted for a bungalow to form a “granny annex” in the garden of a semi-detached dwellinghouse (1 Police Houses, Larpool Lane, Whitby) situated at the junction of Larpool Lane and Eskdale Road. The bungalow has one bedroom and a footprint of 7 metres x 10 metres and a frontage to Eskdale Road of 16 metres. There is an existing off street parking space adjacent to the bungalow.

1.2 The planning permission for this bungalow was granted only after the applicants had entered into an agreement under Section 106 of the Town and Country Planning Act 1990 whereby they agreed not to allow the bungalow to be occupied other than as living accommodation by “a relative or relatives of the occupiers of no 1 Police Houses”. The agreement also precluded the sale of the property other than with no 1 Police Houses.

1.3 Due to changed personal circumstances the applicants now wish to modify the requirements of the Agreement to allow the bungalow also to be used as holiday accommodation. In support of this application the applicants’ agent has submitted the following statement:-

“This annex has been well established and occupied since 1992 and has served its purpose well for Mrs Littles Mother and Father, Mr Rex Greenwood, who sadly died a few years ago and Mrs Gwendolyne Greenwood. However, Mrs Greenwoods health has been a recent source of concern for Mr & Mrs Little and they now feel that the time has come where
she can no longer stay in the annex on her own and for her to move in with them in the main house, where they will be able to care for her on a one to one basis and not to be left alone within a separate residence, especially at night. This would obviously leave the annex unoccupied and would serve (as it is ideally suited), to being a ‘Disabled Friendly’ holiday accommodation, still under the control of the main house, No 1 Police Houses, Larpool Lane. Advice would be sought from Whitby Disablement Action Group to bring the annex up to acceptable levels for the purpose of achieving the ‘Disabled Friendly Status’, including landscaping, and access. Separate off-street parking and access to the annex via Eskdale Road was already established at the same time the annex was built 15 years ago. The site is very well screened by high hedges, shrubs and trees therefore very little physical change, apart from any recommendations from Whitby ‘DAG’ or yourselves, would need to be done to the annex.”

2.0 CONSULTATIONS AND COMMENTS

2.1 Whitby Town Council – “Recommend approval – property should be available for both able and disabled people and should not be sold off”

2.2 Publicity - The consultation period will expire on 16 March. To date one letter of support has been received from D and J Evans of 40 Larpool Lane, Whitby

3.0 RELEVANT SITE HISTORY

3.1 Planning permission granted for a bungalow to form a “granny annex” and a replacement garage (4/35/821C/PA)

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 policy which is considered to be particularly relevant to the consideration of this application:-

Scarborough Borough Local Plan

Policy H10 Protection of Residential Amenity

5.0 ASSESSMENT

5.1 The bungalow to which this application relates is situated in the rear garden of no 1 Police Houses and shares the garden/amenity space of the existing
dwellinghouse. For this reason the property is not suitable for independent permanent occupation but it does have the advantage of a road frontage, an off-street parking space and mature landscaping so whilst the amenities available to the occupants of the bungalow are limited the use of the bungalow has very little impact on the amenities of neighbouring dwellinghouses, other than the applicants’ own property.

5.2 The proposed occupation of the bungalow as a holiday let for the disabled would allow the premises to continue to have a beneficial use without any detriment to the amenities of the area. It is not considered that approval of this application for holiday use would undermine the Council’s policies which discourage the provisions of permanently occupied dwellinghouses on sites which are not of an adequate size to provide a good standard of private open space and safeguards against overlooking (policy H10).

6.0 CONCLUSION

6.1 Approval of this application would not be in conflict with relevant planning policies concerned with the protection of residential amenities.

7.0 RECOMMENDATION

7.1 That PERMISSION BE GRANTED, subject to the bungalow being adapted for occupation by the disabled to the satisfaction of the Local Planning Authority prior to it being occupied as holiday letting accommodation and subject to the bungalow not being occupied by the same person, groups of persons or family for a period exceeding a total of 28 days in any one financial year.

Head of Planning Services

Background Papers:

Those documents referred to in this report.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT David Green ON 01723 232584 e-mail david.green@scarborough.gov.uk

APM ................................. Date .................................
REPORT TO PLANNING AND DEVELOPMENT COMMITTEE - 29 MARCH 2007 AND CABINET - 17 APRIL 2007

Key Decision YES
Forward Plan Ref No E&T8
Corporate Priority: Priorities 1-4
Cabinet Portfolio Holder Cllr G W Allanson

REPORT OF THE HEAD OF PLANNING SERVICES – HPlg/07/73

WARDS AFFECTED: ALL

SUBJECT: REVIEW OF SCARBOROUGH BOROUGH LOCAL DEVELOPMENT FRAMEWORK AFFORDABLE HOUSING SUPPLEMENTARY PLANNING DOCUMENT

RECOMMENDATION:

Subject to any changes agreed by Members, it is recommended that:

i. The Scarborough Borough Local Development Framework Draft Affordable Housing Supplementary Planning Document (2007) be published for consultation setting out proposals to increase the number of housing developments that will be expected to incorporate elements of affordable housing and increase the proportion of affordable housing to be negotiated on those sites.

ii. The draft Supplementary Planning Document forms the basis for negotiations on residential schemes where a decision will be made after the proposed adoption of the document in September 2007.

iii. The option for implementing a ‘local occupancy’ housing policy approach within the Local Development Framework be re-consulted upon alongside the draft Supplementary Planning Document.

HPlg/07/73
REASON FOR RECOMMENDATION:

Monitoring of housing trends and consultation over the past two years on the Local Development Framework Core Strategy and the Community Strategy has confirmed the need to increase significantly the supply of affordable housing. The planning system is one of the principal means of increasing that supply, through S106 agreements related to planning applications for housing.

Ultimately, the LDF Core Strategy will include new policy on the negotiation of affordable housing, but this a lengthy process and it will be some time before it is formally adopted.

In the meantime, every opportunity has been taken to increase the requirements for affordable housing when changes in national or regional guidance have allowed. Circumstances have changed again with the publication of PPS3 ‘Housing’, the Regional Spatial Strategy Panel’s report on the Examination in Public (RSS EIP) and the completion of the Borough wide Housing Market Assessment. In consequence, the Affordable Housing SPD has again been updated as a basis for public consultation.

To maximise the amount of affordable housing negotiated using the new SPD, its provisions should be brought into effect as soon after adoption as possible.

Within the rural areas of the Borough, there is concern that new housing should be targeted at local residents’ needs. Further consultation on such ‘local occupancy’ housing will help inform the Core Strategy.

HIGHLIGHTED RISKS:

In preparing the supplementary planning document there is a requirement to undertake thorough consultation with relevant parties. There will inevitably be some strong concerns in respect of the implications of the approach set out within the draft SPD, which will need to be fully considered prior to any decision to move to adopt the document. SPD’s are not ‘examined’ by an independent Planning Inspector (as will be the case with, for example, the Core Strategy). There is however scope for legal challenge through the courts.

1. INTRODUCTION

1.1 Members will be aware from previous reports of the Government’s new system of development plan preparation, which will see Local Plans being replaced over time by a portfolio of planning policy documents known collectively as the Local Development Framework (LDF). The LDF Core Strategy will include new policy on the negotiation of affordable housing in new housing development. This will be supported by more detailed guidance in a Supplementary Planning Document.
1.2 New policy in the Core Strategy is unlikely to be adopted until mid 2009. Consequently, the approach taken by the Council has been to update existing SPD whenever the opportunity arose on the basis of new national or regional policy.

1.3 Existing SPD, which supports the current Local Plan policy, was originally adopted in May 2000 and updated in February 2005 and February 2006 as new national and regional policy emerged.

1.4 Circumstances have changed yet again with the publication of PPS 3 ‘Housing’ in November 2006, publication of the RSS EIP Panel’s report and the provision of new information on local needs with completion of the Scarborough Borough Housing Market Assessment.

1.5 The opportunity has therefore been taken again to update the SPD. Broadly the thrust of the draft SPD remains the same as that which was adopted by the Council in February 2006, with the focus on the on-site provision of any affordable housing requirements. The significant change now being proposed is the introduction of amended site thresholds and percentages in light of the results emerging from the Borough wide Housing Market Assessment. A full copy of the revised SPD is attached at Appendix 1.

2. CORPORATE OBJECTIVES AND THE COMMUNITY PLAN

2.1 The Affordable Housing SPD will have significant impact upon the delivery of Community Plan Objective 3c – More Accessible and affordable housing.

3. BACKGROUND AND ISSUES

3.1 The issues for Members’ consideration are:

- The emerging evidence of the scale of housing need in the Borough.
- The ability of the planning system to contribute towards meeting this need.
- The proposed revisions to the SPD.
- The implications of the SPD on housing delivery.
- ‘Local occupancy’ housing.
- Next steps.

4. CONSULTATION

4.1 In resolving to amend the Local Development Scheme, Members agreed to the preparation of a draft Affordable Housing SPD to be published for consultation in May 2007. The scope and timings of the LDS have been
discussed with the Government Office for Yorkshire and The Humber and informal response to date is favourable. The draft SPD has been prepared jointly with Environmental Health Services.

5. ASSESSMENT

5.1 The Emerging Evidence of the Scale of Housing Need in the Borough

5.1.1 In August 2006 the Borough Council commissioned a ‘Housing Market Assessment’ (HMA). The overall objectives of the study were to:

- Understand the strategic context for housing in the area;
- Provide an assessment of the sub-regional housing market; and
- Assess variation in demand at the Borough and sub-Borough level.

5.1.2 The HMA has been received as a draft final report, and will be made available in the Members Room once finalised. The HMA will provide an invaluable body of evidence to inform the housing elements of the Local Development Framework.

5.1.3 The HMA has been informed by a range of sources, consisting of:

- The results of a sample survey of households in the urban areas of Scarborough Town, Filey/Hunmanby and Whitby/Sleights; and a 100% survey of households in rural areas;
- Interviews with key stakeholders including local housing and planning authority representatives, registered social landlords (RSLs), Estate Agents, Developers etc.
- A review of relevant secondary data including the 2001 Census, house price trends etc.

5.1.4 A key output from the HMA is that it provides evidence in respect of housing need in the Borough (defined as the quantity of housing required for households who are unable to access suitable housing without financial assistance).

5.1.5 This report focuses primarily on the affordable housing needs identified from the HMA. These have been obtained primarily from the household survey results, together with data on existing housing stock available to meet these needs.

5.1.6 The overall level of need is identified in the HMA through aggregating information in respect of a range of types of need:

- current occupiers of affordable housing in need;
- households from other tenures in need,
- households without self contained accommodation;
estimates of newly arising need
this is then discounted by deducting the future supply of affordable units by way of social re-lets.

5.1.7 Overall, the emerging HMA results suggest an annual affordable dwelling requirement for the Borough as a whole of 620 units (of which 80 are within that part of the Borough administered by the National Park Authority). The table below illustrates the pattern of need around the Borough.

<table>
<thead>
<tr>
<th>Market Area</th>
<th>General</th>
<th>Older</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1/2 Bed</td>
<td>3+ Bed</td>
<td>1 Bed</td>
</tr>
<tr>
<td>Scarborough Area</td>
<td>250</td>
<td>47</td>
<td>18</td>
</tr>
<tr>
<td>Whitby / Sleights</td>
<td>33</td>
<td>54</td>
<td></td>
</tr>
<tr>
<td>Filey/Hunmanby</td>
<td>40</td>
<td>39</td>
<td>7</td>
</tr>
<tr>
<td>Western Parishes</td>
<td>10</td>
<td>8</td>
<td>2</td>
</tr>
<tr>
<td>Southern Parishes</td>
<td>15</td>
<td>13</td>
<td>1</td>
</tr>
<tr>
<td>NYMNP</td>
<td>30</td>
<td>45</td>
<td>5</td>
</tr>
<tr>
<td>TOTAL</td>
<td>378</td>
<td>206</td>
<td>33</td>
</tr>
<tr>
<td>Scarborough Borough LPA</td>
<td>348</td>
<td>161</td>
<td>28</td>
</tr>
<tr>
<td>North York Moors LPA</td>
<td>30</td>
<td>45</td>
<td>5</td>
</tr>
</tbody>
</table>

5.1.8 The above results clearly demonstrate a substantial shortfall on the stock of housing available for those in housing need. By way of context, draft Regional Spatial Strategy provides an annual housing target for the Borough outside the National Park of 430 units, so even if the Council were to secure a substantial proportion (or even all of this) as affordable, the total level of need would not be met, and in doing so other elements of the housing market (and the areas wider aspirations in terms of economic growth) could begin to suffer. This is a factor common around the sub-region.

5.1.9 The HMA gives information in respect of the type of affordable properties needed by market area. This information will prove useful in respect of negotiating the type of units to be provided on sites, and should enable a closer link between specific needs in a given locality and the supply of units to be made available. It suggests that in Scarborough demand tends towards smaller properties, whilst elsewhere there is a more evenly split need for smaller and larger properties.
5.1.10 Tenure preferences are also addressed within the HMA, with the bulk of demand for social rented properties. Around 30% of household in need expressed a preference for intermediate housing, which consists of properties at prices and rents above those of social rent, but below market price. These can include shared equity products, other low cost homes for sale, and intermediate rent. Again, this is invaluable information in informing the range of tenure that should be negotiated to best meet local needs.

<table>
<thead>
<tr>
<th>Market Area</th>
<th>Tenure Preference</th>
<th>Total Annual Requirement</th>
<th>Tenure Distribution</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Social Rented</td>
<td>Intermediat</td>
<td>Social Rented</td>
</tr>
<tr>
<td>Scarborough Area</td>
<td>69.8</td>
<td>30.2</td>
<td>100.0</td>
</tr>
<tr>
<td>Whitby / Sleights</td>
<td>76.4</td>
<td>23.6</td>
<td>100.0</td>
</tr>
<tr>
<td>Filey/Hunmanby</td>
<td>71.0</td>
<td>29.0</td>
<td>100.0</td>
</tr>
<tr>
<td>Western Parishes</td>
<td>77.8</td>
<td>22.2</td>
<td>100.0</td>
</tr>
<tr>
<td>Southern Parishes</td>
<td>66.2</td>
<td>33.8</td>
<td>100.0</td>
</tr>
<tr>
<td>NYMNP</td>
<td>67.3</td>
<td>32.7</td>
<td>100.0</td>
</tr>
<tr>
<td>TOTAL</td>
<td>70.4</td>
<td>29.6</td>
<td>100.0</td>
</tr>
<tr>
<td>Scarborough LPA</td>
<td>71.1</td>
<td>28.9</td>
<td>100.0</td>
</tr>
<tr>
<td>North York Moors LPA</td>
<td>67.3</td>
<td>32.7</td>
<td>100.0</td>
</tr>
</tbody>
</table>

5.2 The Ability of the Planning System to Contribute Towards Meeting Housing Need

5.2.1 Planning Policy Statement (PPS) 3 (Housing) was published in November 2007. The Statement puts forward the Government’s key policy goal that is to ensure that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live. One of the policy objectives set out in PPS3 is for the planning system to deliver a mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas, both urban and rural.

5.2.2 PPS3 sets out the measures that Local Planning Authorities should take within Local Development Documents (which encompasses SPDs) in order to provide affordable housing. These measures include the need to: ‘Set out the range of circumstances in which affordable housing will be required.’

5.2.3 PPS 3 identifies the national indicative minimum site threshold as 15 dwellings (the threshold currently set in the Council’s adopted Affordable Housing Supplementary Planning Document). However, the statement goes on to record that:

‘...Local Planning Authorities can set lower thresholds, where viable and practicable, including in rural areas. This could include setting different proportions of affordable housing to be sought for a series of site-size thresholds over the plan area.’
5.2.4 The above extract from PPS3 therefore provides Local Planning Authorities with the ability to seek the provision of affordable housing on sites below the national indicative minimum site size threshold. It is considered that the emerging results of the Housing Market Assessment provide the evidence to support and justify the use of lower site-size thresholds.

5.2.5 In addition to national policy, the emerging Regional Spatial Strategy provides further encouragement. Draft RSS has been the subject of an examination in public, and the Panel’s Report is expected to be published on 26 March 2007. It is anticipated that the report will offer support for RSS Policy H3 that states the need for the Region to increase its provision of affordable housing. It reinforces the use of the national site-size threshold, and suggests that in areas identified as being of high need (which includes the Borough) authorities should seek over 40% of the homes on such sites as affordable. The Policy goes on to require that where opportunities for the provision of new housing are generally limited to sites below the national threshold a lower threshold should be set and/or off-site contributions should be sought.

5.2.6 From the above, there is demonstrable scope to reappraise the approach towards the delivery of affordable housing. Previous consultation in respect of the LDF and Community Strategy, and other initiatives such as Parish Plans have all identified that increasing the provision of affordable housing is a significant issue for the Borough.

5.3 The Proposed Revisions to the SPD

(a) Thresholds and percentages:

5.3.1 The Affordable Housing SPD adopted in February 2006 introduced a requirement that sites delivering 15 dwellings or more would be expected to incorporate 20% of affordable units on-site.

5.3.1 The revised SPD now proposes the following thresholds and percentages as a basis for negotiation:

<table>
<thead>
<tr>
<th>No. Dwellings</th>
<th>Scarborough</th>
<th>Whitby/Filey</th>
<th>Other villages</th>
</tr>
</thead>
<tbody>
<tr>
<td>15+</td>
<td>40%</td>
<td>40%</td>
<td>50%</td>
</tr>
<tr>
<td>10-14</td>
<td>40%</td>
<td>40%</td>
<td>50%</td>
</tr>
<tr>
<td>5-9</td>
<td>25%</td>
<td>40%</td>
<td>50%</td>
</tr>
<tr>
<td>2-4</td>
<td>-</td>
<td>-</td>
<td>50%</td>
</tr>
</tbody>
</table>

Note – The Scarborough market area is for this purpose is defined as the wards of Central, Castle, Northstead, North Bay, Newby, Woodlands, Stepney, Falsgrave, Ramshill and Weaponness with the Parishes of and Eastfield and Osgodby.
5.3.2 These requirements are considered justified for the following reasons:

- The national indicative threshold does not reflect the sites typically coming forward in the Borough, the bulk of which are smaller.
- The revised approach will ensure that a much greater proportion of sites submitted for planning consent in the Borough fall into categories for which affordable housing can be sought.

5.3.3 Assessment of the affordable needs identified within the HMA for particular parts of the Borough justify higher percentages of affordable housing on sites in Whitby, Filey and the villages, where needs significantly outstrip the likely levels of supply. In Scarborough a slightly different approach is considered necessary particularly in respect of smaller sites, as house prices in town still lag behind those in the rest of the Borough and too onerous a requirement may affect site viability and ultimately the strategy of seeking to focus the larger majority of development in Scarborough for a range of sustainability and regeneration reasons.

(b) Affordable Housing in Villages:

5.3.4 In respect of development in villages, the overall levels of development and size of individual sites are such as to mean that relatively little can be levered in through the approach set out in the SPD, even with the relatively low thresholds and high percentages suggested. The emerging RSS seeks to limit future levels of development in rural villages, and in such locations the development of ‘exceptions’ sites (sites on the edge of villages that would not be given planning consent for open market housing) solely for affordable housing is likely to be the principle means of meeting local needs in those areas.

(c) Calculation of dwelling requirement:

5.3.5 There will be cases where the percentage of affordable housing sought on a particular site does not give rise to an exact number. The options available are:

(a) To round down to the nearest whole number;
(b) To round up to the nearest whole number (essentially regarding the percentage targets as ‘minimum’ figures);
(c) To round down to give the unit ‘on-site’ figure, and seek financial contributions to make up the remaining shortfall.

5.3.6 The levels of need around the Borough are such as to justify (and require) strong measures to make any sort of impact on need. It is therefore recommended that option (c) be suggested in the consultation SPD. The Council will seek to identify alternative specific proposals on which such sums will be spent.
(d) Other amendments:

5.3.7 The opportunity has been taken to simplify the terminology used within the SPD and produce a more focussed and transparent document. The SPD has also been updated to reflect the current position of the Housing Corporation in relation to the use of Social Housing Grant to support the delivery of affordable housing through the planning system.

5.3.8 The ‘companion’ documents that provide more guidance in respect of the viability test and the negotiation procedures will be updated in light of the changes to the SPD to complete the package of information available to developers.

5.4 The Implications of the SPD for Future Housing Delivery

5.4.1 An assessment of the past 6 years worth of housing permissions suggests that the approach now proposed in the revised SPD would have netted a notional figure for affordable housing of 1026 units, at an average of 171 units per annum. This would have represented around 35% of all completions in this period. Whilst this is some way below the annual affordable figure identified in the HMA, it would represent a substantial contribution to the needs identified, in terms of both addressing current and emerging needs.

5.4.2 It must be stressed that this is a theoretical output, and in likelihood the overall percentage achieved will be below this, reflecting the different characteristics of sites coming forward for development that mean that the negotiated outcomes in terms of affordable housing will on occasions be lower than the negotiation starting point. The impact of this approach on the viability of sites will be a key consideration and is likely to be the focus of attention of the house building industry in responding to the consultation. By way of context the planning authorities in York and Harrogate, who have introduced revised thresholds and percentages in recent years, are delivering around 12-16% of their annual housing provision in the form of affordable units.

5.4.3 The challenge the Council faces is to identify the means by which the housing market can reasonably respond to meeting needs without undermining other elements of the regeneration and growth strategy. Put simply, if too much is demanded from sites, there is a risk that developments would become unviable and the supply of all housing would dry up. The risk of this happening can be mitigated to a degree by the use of Housing Corporation subsidy, which can provide grant to meet a genuine viability shortfall.

5.5 Local Occupancy Housing

5.5.1 Members will recall that the Core Strategy (Preferred Options) consultation document sought opinion on the possibility of introducing a ‘national park’ style approach towards new housing in rural areas, whereby occupants of new dwellings would be required to comply with a set of criteria attached to the dwelling by means of planning condition and/or legal agreement requiring:
• A demonstration of long-standing links to the community through either ongoing or previous periods of residency (of a set period ranging from 3 – 10 years), and a need for new accommodation (e.g. through household change).

• An essential need arising from age or infirmity to move to a locality to be near relatives who have been permanently resident in the area for a given period of time.

• People who have an essential need to live close to their work in the locality.

5.5.2 There was little meaningful consultation response to this issue in the Core Strategy. It is therefore recommended that the opportunity be taken to reconsult on this alongside the draft SPD. Whilst the ‘local occupancy’ approach does not produce significant affordability benefits, it does offer a means of targeting limited development in villages towards locally derived need, rather than external demand.

5.5.3 This additional consultation will seek views on the appropriateness of this concept to the Borough, the potential criteria that could be applied, and the settlements in which it could be operated. The decision as to whether to utilise the approach would be taken at a later date, in either a future version of the Core Strategy or other appropriate Local Development Document.

5.6 Next Steps

5.6.1 Following consideration of the report by this Committee, Cabinet and Full Council, the SPD will be published for consultation for a period of six weeks. In light of the wide reaching implications of this document the consultation will be advertised in the local press and all consultees on the LDF database (nearly 900 groups and individuals) will be notified. All comments received will be analysed and reported back to Members over the summer months hopefully enabling adoption in September. The SPD could then be used to inform the development control process immediately thereafter.

5.6.2 In order to ensure that all parties who may be affected by the revised SPD are aware of its implications ahead of adoption, it is recommended that it form the basis of negotiations on relevant proposals that may be determined post September from the date of publication of the draft SPD for consultation.

5.6.3 Members may wish to note that the SPD will be published using the Forward Planning team’s new consultation software package which will enable higher quality document design and presentation, and facilitate easier on-line representations, in line with Government guidance.
6. **IMPLICATIONS**

(a) **Policy**

6.1 The issues in this report provide a mechanism for updating the Council’s planning policies in respect of the delivery of affordable housing.

(b) **Financial**

6.2 The Forward Planning budget takes into account the commitments and resource implications of producing the SPD.

(c) **Legal**

6.3 The Town & Country Planning Act places a duty on local planning authorities to produce and adopt an LDF as replacement to the current Borough Local Plan.

(d) **Staffing**

6.5 The revised SPD will result in more sites being the subject of negotiations and/or viability assessment, which has implications in respect of staff capacity.

(e) **Environment**

6.6 Sustainability Appraisal of the SPD has been prepared and is available in the Members Room. The Appraisal is required to be made available as part of the consultation package.

(f) **Others**

The report has no direct implications on the following.

Crime and Disorder Act 1998  
Health and Safety Issues  
Co-operation with Health Authorities  
Equality Implications

7. **ACTION PLAN**

7.1 The following actions are identified:

<table>
<thead>
<tr>
<th>Objective</th>
<th>Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. P &amp; D considers draft SPD.</td>
<td>March 2007</td>
</tr>
<tr>
<td>2. Cabinet considers draft SPD.</td>
<td>April 2007</td>
</tr>
<tr>
<td>3. Full Council considers draft SPD.</td>
<td>April 2007</td>
</tr>
<tr>
<td>4. Draft SPD published for consultation</td>
<td>May/June 2007</td>
</tr>
</tbody>
</table>
5. P&D considers consultation responses, necessity for any changes to SPD and whether to move to adoption.

6. Cabinet considers consultation responses, necessity for any changes to SPD and whether to move to adoption.

7. Full Council considers consultation responses, necessity for any changes to SPD and whether to move to adoption.

8. Affordable SPD adopted and published, and used to inform development control process.

<table>
<thead>
<tr>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 2007</td>
</tr>
<tr>
<td>September 2007</td>
</tr>
<tr>
<td>September 2007</td>
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**Gordon Somerville**  
**Head of Planning Services**

**Author:** David Walker, Forward Planning Section  
**Telephone No:** 01723 383504  
**Fax No:** 01723 503826  
**E-mail address:** david.walker@scarborough.gov.uk

**Background Papers:**
A copy of the finalised Housing Market Assessment and Sustainability Appraisal of the draft SPD will be made available in the Members Room.

---

19 March 2007
## RISK ANALYSIS

<table>
<thead>
<tr>
<th>Issue/Risk</th>
<th>Consequences if allowed to happen</th>
<th>Likelihood</th>
<th>Impact</th>
<th>Mitigation</th>
<th>Mitigated Likelihood</th>
<th>Mitigated Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revised Affordable Housing SPD not pursued</td>
<td>Reduced ability to meet local affordable housing needs and related targets.</td>
<td>Very Likely</td>
<td>High</td>
<td>Proceed with preparation of SPD</td>
<td>Likely</td>
<td>Medium</td>
</tr>
<tr>
<td>Affordable Housing SPD not progressed due to challenge during consultation process and/or on adoption.</td>
<td>Restricts ability of Council to increase the provision of affordable housing in the Borough until such time as the Core Strategy is progressed.</td>
<td>Very Likely</td>
<td>High</td>
<td>Follow statutory procedures to reduce risk of successful challenge.</td>
<td>Likely</td>
<td>Medium</td>
</tr>
</tbody>
</table>
## CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Foreword</td>
<td>2</td>
</tr>
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FOREWORD

A shortage of affordable housing is one of the most pressing issues the Borough faces. Recent research suggests that need has nearly tripled in the past 5 years. In response to this the Council has assessed the means by which provision can be increased, pending the completion of the Borough’s Core Strategy – the central plank of the emerging Local Development Framework that will eventually replace the Local Plan.

The preparation of this revised Supplementary Planning Document is the most efficient way that the planning system can react to this issue.

The Council’s current Affordable Housing Supplementary Planning Document was adopted in February 2006. This in turn replaced guidance from February 2005, and introduced an approach whereby sites of 0.5ha and above, or producing 15 or more dwellings would be expected to ensure that 20% of the resulting dwellings were affordable.

Following the publication of PPS3 in November 2005, the progression of the Regional Spatial Strategy through public examination in autumn 2005, and the emerging results of a Borough Wide Housing Market Assessment, the Council has decided to revise this guidance and look to provide more affordable housing by increasing the number of sites on which affordable housing will be expected and increasing the percentage of affordable housing on those sites.

Obtaining the views of as wide a range of interests as possible is imperative in assessing the effectiveness of the changes proposed within this document. You are urged to read this document and let us know your opinions.

In line with the procedural requirements a sustainability appraisal has informed the process of SPD preparation.

The Supplementary Planning Document should be read in conjunction with two companion documents produced by the Council:

- Affordable Housing Negotiation Protocol
- Viability Assessment Procedure

It should be noted that this Supplementary Planning Document relates to that part of the Borough outside the North York Moors National Park. The National Park Authority undertakes the planning function in its administrative area.
1.0 What is the justification for requiring Affordable Housing?

(a) Introduction

1.1 The Council believes that meeting the basic human need of a decent home at an affordable price is one of the foremost objectives of the planning system. Government support for this view is expressed in its guidance to local planning authorities that makes the need for affordable housing a material consideration which should be taken into account both in preparing plans and in considering planning applications.

(b) Planning Policy

1.2 Planning Policy Statement (PPS) 3 (Housing) published in November 2007, puts forward the Government’s key policy goal which is ‘to ensure that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live’. One of the policy objectives set out in PPS3 is for the planning system to deliver a mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas, both urban and rural.

1.3 PPS3 sets out the measures that Local Planning Authorities should take within Local Development Documents (which encompasses SPDs) in order to provide affordable housing. These measures include the need to:

‘Set out the range of circumstances in which affordable housing will be required,’

1.4 PPS 3 identifies the national indicative minimum site threshold as 15 dwellings (the threshold currently set in the Council’s adopted Affordable Housing Supplementary Planning Document). However, the statement goes on to say that:

‘...Local Planning Authorities can set lower thresholds, where viable and practicable, including in rural areas. This could include setting different proportions of affordable housing to be sought for a series of site-size thresholds over the plan area.’

1.5 In January 2006 the Regional Spatial Strategy for Yorkshire and the Humber was published in draft for consultation. Draft RSS has been the subject of an examination in public, and the Panel’s Report was received on XX March
1.6 One of the aims of the RSS in terms housing, is to:
- Increase the provision of affordable housing across the region particularly in areas of high need.

1.7 RSS Policy H3 reinforces the use of the national site-size threshold, and suggests that in areas identified as being of high need (which includes the Borough) authorities should seek over 40% of the homes on such sites as affordable. The Policy goes on to require that where opportunities for the provision of new housing are generally limited to sites below the national threshold a lower threshold should be set and/or off-site contributions should be sought.

1.8 It is considered that the emerging results of the Housing Market Assessment provide the evidence to support and justify the use of lower site-size thresholds.

(c) Local Needs

1.9 The principle source of local housing needs information is the Council’s 2007 Housing Market Assessment. This Assessment shows the current and predicted number of households in the Borough who live in unsuitable housing and who need to move to solve their housing problems but are unable to buy or rent even at the lowest market prices.

1.10 The Housing Market Assessment shows there is a need for affordable housing across all areas of the Borough. It identifies an annual shortfall of 620 affordable homes across the Borough over the next five years (3,100 over the period April 2007 to March 2012). Of these 540 are required in that part of the Borough outside the National Park. The Assessment shows that 70% of those households in housing need can only afford social housing provided by a Registered Social Landlord (RSL). The remaining 30% require intermediate affordable housing. The needs information identified within the Housing Market Assessment is mirrored by other local indicators of housing need, such as the Council’s own Housing Waiting List which shows that demand for social rented accommodation has more than doubled in the last 5 years.

1.11 The Housing Market Assessment shows that the greatest need across the Borough is for two and three bedroom housing, primarily to meet the need of families and newly forming households.

1.12 Copies of the Housing Market Assessment are available from the Borough Council’s website.
2.0 Why is it necessary to change the approach towards negotiating Affordable Housing?

2.1 Much of the Borough’s housing supply is from smaller sites that fall below the site threshold of 15 dwellings in existing SPD. It is clear that waiting until the Core Strategy is adopted in 2009 will frustrate the aim of building more affordable housing and that the threshold in SPD should be lowered in line with emerging national and regional guidance. Policies to increase further the provision of affordable housing such as lowering the threshold further are being addressed in the Core Strategy. Once the Core Strategy has been adopted then the Affordable Housing SPD will be revised accordingly.

2.2 In the meantime this Supplementary Planning Document has been prepared to amplify saved Local Plan policies describing how additional opportunities will be taken to secure affordable housing within the context of Government advice.

2.3 The proposed changes to site sizes and percentages are set out in paragraph 4.1. These requirements are considered justified for the following reasons:

- The national indicative threshold’ does not reflect the sites typically coming forward in the Borough, the bulk of which are smaller.
- The revised approach will ensure that a much greater proportion of sites submitted for planning consent in the Borough fall into categories for which affordable housing can be sought.

2.4 An assessment of the past 6 years worth of housing permissions suggests that the approach now proposed in the revised SPD would have netted a notional figure for affordable housing of 1026 units, at an average of 171 units per annum. This would have represented around 35% of all completions in this period. Whilst this is some way below the annual affordable figure identified in the HMA, it would represent a substantial contribution to the needs identified, in terms of both addressing current and emerging needs. Under current and previous policies, the proportion of total dwellings that have been affordable has been around 10% per annum.

3.0 What is Affordable Housing?

(a) Types of Affordable Housing

3.1 The Council uses the Government’s own definitions of affordable housing as stated in PPS3.

3.2 Affordable housing is defined in PPS3 as including:

*Social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market.*

3.3 Affordable housing should;
• Meet the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices.

• Include provision for the home to remain at an affordable price for future eligible households or, if these restrictions are lifted, for the subsidy to be recycled for alternative affordable housing provision.

3.4 PPS3 refers to two forms of affordable housing, these are “Social Rented Housing” and “Intermediate Affordable Housing”.

3.5 Social Rented Housing is:

• “Rented housing owned and managed by local authorities and RSLs, for which guideline target rents are determined through the national rent regime. (Proposals set out in the three year Review of Rent Restructuring (July 2004) were implemented as policy in April 2006). It may also include rented housing owned or managed by other persons and provided under equivalent arrangements to the above, as agreed with the Local Authority or with the Housing Corporation as a condition of grant.”

3.6 Intermediate Affordable Housing is:

• “Housing at prices and rents above those of social rents, but below market price or rents, and which meet the criteria set out above. These can include shared equity products (e.g. HomeBuy), other low cost homes for sale and intermediate rent.”

• Intermediate Rented homes are provided at rent levels above those of social rented but below private rent levels. The Councils preferred method of providing Intermediate Rented homes is through an RSL.

• Discounted sale homes have a simple discount for the purchaser on its market price, so the purchaser buys the home at a reduced rate. The level of discount on open market value remains in trust for future occupiers. The level of discount offered on the properties open market value should be affordable in line with average gross household incomes.

• Shared Ownership products, such as HomeBuy, are a form of shared equity under which the purchaser buys an initial share in a home from a housing provider, who retains the remainder and may charge a rent. The purchaser may buy initial shares (‘staircasing’), and this payment should be recycled for more affordable housing. In most cases, a purchaser may buy the final share and own the whole home, though this is restricted in some rural parts of the Borough.

3.7 In the case of all forms of Intermediate Affordable Housing, the Council will place certain restrictions on who is eligible to purchase or rent the homes. Eligibility will be based on income levels, housing need and local connection.
3.8 Marketing of all Intermediate Affordable Housing will be undertaken by the RSL through advertising/marketing through local estate agents and through the erection of sign boards on site where permitted by the developer. Priority for the homes will be given to applicants. Where Intermediate Affordable Housing is resold the vendor is required, through an obligation within the S106 agreement, to inform the RSL of their intention to sell the home.

(b) Affordability

3.9 In the case of Social Rented Accommodation, affordable rents are set by the Housing Corporation in line with national rent restructuring guidelines.

3.10 In the case of Intermediate Affordable Housing, the Council uses the Government’s own measure of affordability based on gross household income. An owner-occupied or intermediate tenure property is unaffordable if it costs more than 3.5X a single or 2.9X a joint gross household income. In practice this means that developers are required to make substantial discounts on the sale price of homes to ensure that they are affordable. The Council continuously monitors local house prices and household income levels within the Borough.

4.0 On which sites will affordable housing be expected?

(a) Thresholds

4.1 It is proposed that the following thresholds and percentages as used as a basis for negotiation:

<table>
<thead>
<tr>
<th>No. Dwellings</th>
<th>Scarborough</th>
<th>Whitby/Filey</th>
<th>Other villages</th>
</tr>
</thead>
<tbody>
<tr>
<td>15+</td>
<td>40%</td>
<td>40%</td>
<td>50%</td>
</tr>
<tr>
<td>10-14</td>
<td>40%</td>
<td>40%</td>
<td>50%</td>
</tr>
<tr>
<td>5-9</td>
<td>25%</td>
<td>40%</td>
<td>50%</td>
</tr>
<tr>
<td>2-4</td>
<td>-</td>
<td>-</td>
<td>50%</td>
</tr>
</tbody>
</table>

4.2 There will be cases where the percentage of affordable housing sought on a particular site does not give rise to an exact number of dwellings (e.g. 11 units @ 40% would give a requirement of 4.4 units). In such cases the approach will be to round down the number to give the unit ‘on-site’ figure (in the above example 4 units), and seek financial contributions to make up the remaining shortfall (equivalent to 0.4 units in the example). These contributions will be based upon the proportionate cost of providing the unit on site.
4.3 The Council’s targets will only be reduced where it is demonstrated through an open book viability assessment that the required affordable housing target makes the development unviable and where any shortfall of funding to make the scheme viable cannot be met through the use of Housing Corporation Social Housing Grant.

4.4 PPS3 requires that best use is made of the sites suitable for housing development. If a scheme is considered to be not making best use of a site or not delivering the range of dwelling types required to balance the local housing market/meet local housing needs without good reason, then it will be refused. Schemes which ‘artificially’ reduce the number of dwellings below these thresholds to avoid providing affordable housing will not be accepted.

4.5 A planning application for development which forms part of a more substantial proposed development, on the same or adjoining land, will be treated as an application for the whole development, regardless of site ownership.

(b) Exceptions

4.6 Institutional care homes and nursing homes are not subject to an affordable housing requirement. However, proposals for all other forms of care and retirement accommodation (e.g. sheltered housing or extra care) which are self contained will be treated as applications for dwellings and affordable housing will be sought.

5.0 What factors will be considered in negotiations?

(a) On-site provision

5.1 The Council’s preferred means of securing affordable housing is by on site provision. It is anticipated that a site suitable for housing development will also be suitable to provide affordable housing on site. The presumption will be, therefore that provision of affordable housing should be made on the development site itself. It would only be in very exceptional circumstances that an alternative to on-site provision would be considered acceptable by the Council. In those instances all options to provide affordable housing on-site would need to have been considered first.

(b) Off-site Provision

5.2 Occasionally developers may opt to build or purchase affordable homes elsewhere than on the development site, perhaps because of site specific constraints or because of the existing mix of housing in the locality. This may also offer benefits such as achieving the development of problematic sites, or securing a higher level of affordable housing provision, or developing a scheme aimed at a particular section of the community such as a sheltered housing scheme for the elderly.
5.3 The Council will only consider off-site provision where there is certainty that the affordable homes being built or purchased are to a standard acceptable to an RSL. The homes being provided off-site should be in a suitable location, preferably in the same Ward or Parish as the new development. In addition, the Council would need to be assured that the ‘off-site’ affordable homes are provided within the same timescale as the new homes being developed and that any potential barriers that would prevent them being provided, such as land or property acquisition, planning consent or an agreement for sale with an RSL are in place and agreed before a planning application is submitted.

(c) Commuted Payments

5.4 Experience with using commuted payments is that it is not the most efficient way to deliver affordable housing. The value of the payment reduces over time and in a competitive housing market it is difficult to identify and acquire sites for affordable housing. Commuted sums would only be considered in exceptional circumstances where all the other options regarding on-site or off-site provision had been fully exhausted.

5.5 Such exceptional circumstances might arise, for instance where proposals for on-site provision are made in an area where a number of proposals for on-site provision are already in the pipeline.

5.6 The cost to a developer of providing affordable housing off site via a commuted sum should not be less than the cost of providing affordable housing on the development site. Therefore commuted sums are calculated on the basis of the actual cost to an RSL to develop the equivalent number of affordable units off-site. This cost will include both normal build costs and the costs of land or property acquisition. Where commuted sums are accepted, the amount payable per dwelling will be a sum equal to the difference between the appropriate RSL purchase price and the market valuation of an equivalent dwelling in the locality.

5.7 The Council would not consider the payment of a commuted sum in lieu of on-site provision where it was argued that the provision of affordable on-site housing makes a development unviable. In these circumstances the Council would seek Housing Corporation Social Housing Grant to meet any viability shortfall.

5.8 In all cases where a commuted sum payment is accepted the Council will seek to identify specific alternative proposals on which the sum would be spent and will undertake to return any unspent sums after 5 years.

(d) Design Standards

5.9 As with all forms of residential accommodation, the Council expects affordable housing to be built to a high standard of design and amenity. Affordable housing units provided within new residential development should be of a similar size and quality to open market housing and should be visually indistinguishable.
5.10 The Council requires that the type of affordable homes provided are a pro-rata mix of the size and type and of homes being built on the overall development.

5.11 Where Housing Corporation Grant is used to bring added value to a development then homes should be designed to meet any current Housing Corporation development standards.

5.12 On-site provision should be “pepper-potted” in small clusters throughout the development especially if houses are being proposed. The Council will not support the principle of grouping affordable units together as this can reinforce feelings of social exclusion and can have a negative impact on the establishment of sustainable communities. It is accepted that in certain circumstances it may not be practical to pepper-pot individual affordable housing units throughout the development. In such cases; smaller clusters of affordable units located throughout the development may be considered.

(e) Tenure Mix

5.13 The Council recognises the importance of achieving a mix and range of tenures in order to promote social inclusion and sustainable communities. In line with Government policy, the Council does not accept that mixing different tenures creates bad, unattractive or difficult to manage neighbourhoods.

5.14 The Housing Market Assessment shows that 70% of the Borough’s affordable housing needs are for social rented housing. This priority will be reflected in negotiations for all sites. On all larger sites a proportionate number of intermediate affordable homes will also be required to ensure the creation of balanced, mixed tenure communities.

(e) Economics of Provision

5.15 In accordance with the Council’s procedure for negotiating affordable housing provision, developers must obtain an agreement with an RSL partner regarding the sale of affordable homes prior to the submission of a full planning application. Ideally developers should seek to build the agreed number of dwellings to the RSLs specification, selling them to the RSL at a previously agreed discount of their open market value.

5.16 The amount that RSLs are able to pay developers to acquire affordable homes is constrained by their borrowing capacity. RSLs use projected rental income to fund loans to purchase affordable homes. The maximum rents charged by RSLs must be affordable and in line with Housing Corporation rent caps and this therefore puts a ceiling on the amount they are able to borrow. An illustrative table of current prices that RSLs are able to pay developers for a range of standard house types is provided in Table 1.
Table 1 of Transfer Prices by Property Type (2005 figures*)

<table>
<thead>
<tr>
<th>Type</th>
<th>Rent per week</th>
<th>Transfer price per unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Bed Flat</td>
<td>£54</td>
<td>£31000</td>
</tr>
<tr>
<td>2 Bed Flat</td>
<td>£57-61</td>
<td>£38000-40000</td>
</tr>
<tr>
<td>2 Bed House</td>
<td>£64</td>
<td>£42000</td>
</tr>
<tr>
<td>3 Bed House (small)</td>
<td>£66-68</td>
<td>£48000</td>
</tr>
<tr>
<td>4 Bed House</td>
<td>£73-74</td>
<td>£54000</td>
</tr>
</tbody>
</table>

* Prices will be regularly updated.

5.17 In the case of other Intermediate Affordable Housing products, such as HomeBuy or discounted sale, homes need to be sold to an RSL at a price that will enable the RSL to sell these homes on at an affordable level (see 4.2). Sale prices to RSLs also need to take into account the reasonable on-costs of the RSL.

(f) Housing Corporation Grant

5.18 The Housing Corporation will only agree to use Social Housing Grant where the use of that grant can bring additional value to the development over and above normal planning requirements. Thus grant can be used in order to provide additional affordable units or to improve the quality and design of the homes being provided.

5.19 The Council would encourage developers and RSLs to explore the use of Social Housing Grant with the Housing Corporation on all new residential developments that have an affordable housing requirement. Housing Corporation grant can be used to improve the energy efficiency of affordable homes and enable the homes to be more adaptable, accessible as well as improving spatial standards.

5.20 The Council recognises that in some circumstances the economics of provision will mean that the provision of affordable housing makes a potential development unviable. In such circumstances the Council will seek to meet any identified viability shortfall through the use of Housing Corporation grant. Only if Social Housing Grant is not available will the Council seek to negotiate a reduction in the number of affordable homes to be provided.

(g) Viability

5.21 Where there is a proven need for affordable housing, but a developer is unwilling to provide it or is not able to provide the scale of contribution expected, the onus will be on the developer to demonstrate why a site should not include provision in line with the Councils’ targets.

5.22 Where there is dispute concerning the effect of providing affordable housing on the viability of a project, applicants will be required to provide full financial
details for independent appraisal in line with the Councils' open book Viability Assessment Procedure (available on request, or from www.scarborough.gov.uk).

5.23 It is not sufficient for developers to argue that they did not take into account the need to provide affordable housing in the amount they have paid for land as it is reasonable to expect that land values will reflect the requirements of the Local Plan. The Council also considers that any normal development costs, such as site demolition, preparation, retaining walls, piling, infrastructure provision and flood mitigation should be established at the outset and reflected in the amount paid for land.

5.24 All assessments of development viability will only consider the viability of the particular development site in question. Assessments will not take into account the specific financial circumstances of any given developer. Equally, assessments will not take into account the specific needs of land owners to maximise the amount they are paid for land by developers in order to ensure the viability of, for example, the relocation of a property, facility or service to an alternative location.

5.25 Where it is proven through an open book appraisal that the developer is unable to provide the level of affordable housing required with the Council's targets, the Council will seek to meet any identified viability shortfall through the use of Housing Corporation grant. Only if Social Housing Grant is not available will the Council seek to negotiate a reduction in the number of affordable homes to be provided on-site.

6.0 What will be the process for negotiation?

(a) Affordable Housing Plans

6.1 In the interests of speeding up the application process, a planning application for development that generates a requirement for affordable housing must be accompanied by an Affordable Housing Plan. Guidance on preparing an Affordable Housing Plan is available from the Council.

6.2 The Affordable Housing Plan requires developers to provide details of the affordable housing that they propose to deliver. This information includes the number of affordable homes to be provided, the type, the tenure, their location within the development and confirmation that an agreement has been reached with an RSL partner. Once agreed these details can be set out in a Section 106 Agreement. Planning Applications submitted without a completed agreed Affordable Housing Plan shall be recommended for refusal.

6.3 In the case of outline applications, the delivery of affordable housing must be agreed in principle. The Council will still require details of the number, type and tenure of the affordable homes to be provided at the outline application stage. Full details in relation to the location of homes and an agreement with an RSL partner will need to be confirmed within an agreed Affordable Housing Plan before full planning permission is awarded.
(b) Involving a Registered Social Landlord

6.4 The Council’s preferred method for the provision of all forms of affordable housing is through the involvement of a Registered Social Landlord (RSL). The involvement of a RSL is the best way of ensuring that provision is designed and managed so that it meets local needs and will remain affordable for successive occupiers.

6.5 The Council will encourage and facilitate early discussions with RSLs to ensure that a partnership approach is adopted early in the process. The Council will provide developers with a list of RSL partners who have a local management presence in the Borough and who are able to access Housing Corporation grant. In line with the Housing Corporation’s own policies regarding value for money, stock rationalisation and the development of sustainable communities, the Council would prefer developers to choose an RSL partner with an existing concentration of units in the Borough.

6.6 Should a developer wish to work with an RSL who is not on the Council’s own preferred list, the Council will require early dialogue between the developer and the potential RSL provider at the pre-application stage. The Council would require detailed information on the RSLs standards in order to be satisfied that effective measures are in place to ensure the “quality local management” of the homes. The Council will also need to be assured that the allocation of the homes will be undertaken fairly and properly to meet local needs. The Council reserves the right to refuse planning permission if it is not fully satisfied that effective housing management arrangements are in place.

6.7 On all developments of social rented housing, the Council reserves the right to nominate tenants for the new homes. This will be on the basis of 100% initial lets and 75% of relets. Allocations will be undertaken in accordance with the Council’s allocations scheme.

(c) The Means of Securing Provision

6.8 Planning conditions and/or legal agreements (Section 106 Agreements) will be used to secure the following matters.

6.9 In the case of on or off site provision:

- The agreed amount and form of affordable housing is built and transferred to a Registered Social Landlord at an agreed cost), prior to occupation of an agreed amount of open market housing (normally half the market element).
- Adequate measures are in place to ensure that properties will remain affordable to successive occupiers

6.10 In the case of the provision of development land:
The site is made available free of charge prior to the occupation of an agreed amount of open market housing.

The site is of a size capable of accommodating the required number of affordable housing units, it is fully serviced and is free of any abnormal development costs, or constraints.

The site will remain available for development by any RSL to their specification (subject to planning permission) for a period of 5 years or until the completion of the private market housing, whichever is the later.

6.11 In the case of commuted sums offered by developers:

- The payment by the developer to the Council of an agreed sum prior to the completion of an agreed amount of open market housing.
- The ‘ring fencing’ of any payments to ensure that they are spent on specified levels and forms of affordable housing provision within a mutually agreed time period which will provide sufficient time to identify, assemble and commit suitable sites (e.g. 10 years).

6.12 In the case of commuted sums requested by the Council:

- The payment by the developer to the Council of an agreed sum (to be equivalent to the costs to the developer of making on site provision) prior to the completion of an agreed amount of open market housing.
- The identification by the Council, of specific proposals, or range of proposals, on which the sums will be spent within a period of 5 years.
REPORT OF THE HEAD OF PLANNING SERVICES - HPlg/07/49

WARDS AFFECTED: ALL

SUBJECT: SUPPLEMENTARY PLANNING DOCUMENTS - “TRAVEL PLANS” AND “TRANSPORT ASSESSMENTS”

RECOMMENDATIONS:

It is recommended that:

1. The proposed amendments to the draft Supplementary Planning Documents on Travel Plans and Transport Assessments arising from public consultation be agreed, covering:
   
   (a) The length of time for implementation of Section 106 contributions;
   (b) The requirements for a transport statement;
   (c) Thresholds for the submission of transport assessments; and
   (d) Minor clarifications within the text.

2. The Travel Plan and Transport Assessment Supplementary Planning Documents as amended be recommended to Council for formal adoption.
REASON FOR RECOMMENDATIONS:

Public consultation has improved and clarified the content of these documents. Adoption of the Supplementary Planning Documents will assist the Council in its aim of promoting more sustainable forms of travel, enhancing accessibility and minimising the environmental impact of car travel by reducing congestion and improving air quality.

HIGHLIGHTED RISKS:

Failure to adopt the SPD would result in the Council being unable to meet the timetable of the Local Development Scheme, opening up the Council to criticism from the Government Office, and potentially reducing the opportunity for planning delivery grant.

Without the adopted Supplementary Planning Guidance, the consideration of planning applications, in terms of sustainability issues and impacts on the environment and existing highways, may not be fully undertaken.

1. INTRODUCTION

1.1 Members will be aware that report HPlg/06/257 considered at the September 2006 meeting of Planning and Development and the October 2006 meeting of Cabinet proposed that consultation be carried out on the draft Transport Assessment and Travel Plan Supplementary Planning Documents (SPD).

1.2 This report considers the results of the consultation on the draft SPDs (summarised in Appendices 1 and 2) and proposes formal adoption of the amended SPDs. The amended SPDs are placed within the Member’s Room.

2. CORPORATE OBJECTIVES AND THE COMMUNITY PLAN

2.1 The formulation of the draft SPDs will, in particular, help to deliver the following Corporate Objectives:

- Corporate Objective 4 “to sustain and develop the local economy”.
- Corporate Objective 6 “to improve, protect and sustain the environment”.
- Corporate Objective 7 “to help deliver an integrated transport system”.
- Corporate Objective 9 “to provide leadership and vision to the local community”.

They will also assist in delivering the aim of both the Community Strategy and Corporate Plan “Creating Quality Environments”.
3. BACKGROUND AND ISSUES

3.1 The Council is committed to promoting more sustainable forms of travel and a greater choice in mode of transport. One method of bringing such issues to the fore is to encourage the production of travel plans. These are travel policy statements to promote a variety of travel options for staff, visitors and customers of an organisation or company. The Council is itself currently formulating a travel plan to cover its own operations.

3.2 The draft Travel Plans SPD provided guidance as to when Scarborough Borough Council would expect the submission of a travel plan as part of a planning application (based on North Yorkshire County standards) and what it should include. The SPD also provides advice and examples of measures used elsewhere and the experiences of organisations that have already implemented travel plans.

3.3 Transport assessments are a means of ensuring that the traffic effects of proposed development are fully considered and mitigated as well as being a way of promoting more sustainable forms of travel and a greater choice in mode of transport. Transport assessments are impartial and objective and should describe the effects of a new development on the local highway network and consider its accessibility in terms of all modes of transport.

3.4 The draft Transport Assessment SPD provided guidance as to when Scarborough Borough Council will expect the submission of a transport assessment as part of a planning application (based on North Yorkshire County and Highways Agency standards) and what it should include.

3.5 Now that consultation on the draft Supplementary Planning Documents has been completed, the issues for Member’s consideration are:

- The Results of the Consultation Exercise;
- The Scope of the changes to the SPDs;
- The Adoption Process.

4. CONSULTATION

4.1 The consultation exercise was carried out in November-December 2006 for a period of 6 weeks. The draft Transport Assessment and Travel Plan SPDs were sent to a wide range of consultees, copies were left in council offices and local libraries and made available on the Council’s website. 19 organisations/individuals responded. A second, more informal, consultation was undertaken with the various Highways Authorities, to ensure that they were satisfied with the contents of the documents.
5. ASSESSMENT

5.1 Results of the Consultation Exercise

5.1.1 In general, the response to both documents was positive. Many of the comments made were for clarification of issues. These have been considered and the documents amended accordingly. Summaries of the representations received, together with an analysis and recommendations as to the changes to the SPDs considered necessary, forms Appendices 1 and 2 of this report. There are a number of relatively minor changes proposed to both documents, which are not referred to within this report but are underlined within the text of the SPDs which accompany this report.

5.2 The Scope of the Changes to the SPDs

Travel Plans Supplementary Planning Document

5.2.1 Only relatively minor changes are proposed.

Transport Assessments Supplementary Planning Document

5.2.2 Concern has been expressed at the following:

(a) 15 years for implementation of Section 106 contributions excessive

5.2.3 This has been discussed with the Head of Traffic and Transportation who has agreed that 10 years would be an acceptable length of term in which to seek to spend the money accrued through Section 106 Agreements. This term length has been recently used on the Sands Development.

(b) More explicit reference to requirements for a transport statement

5.2.4 In response to comments from the Highways Agency more explicit reference has been made to the circumstances where a transport statement may also be required. A Transport Statement is a less detailed assessment of the likely traffic impact of development and is suitable for developments which although they may have accessibility implications, are not of such a large scale as to require a full assessment.

(c) Use of thresholds that do not correspond to those of the Highways Agency

5.2.5 This is a key issue within the document. The thresholds used in the draft document were taken from a County Council publication ‘Transport Issues and Development - A Guide’, published in 2003. In comparison with those of the Highways Agency, the thresholds within the draft SPD were considered to be too high. In light of this, it is considered that the use of the lowest value from both NYCC and Highways Agency figures would ensure that the
requirement for an assessment was triggered over a wider range and scale of development.

5.3 **The Adoption Process**

5.3.1 Subject to any comments by both the Planning and Development Committee and Cabinet, the document will be referred to Full Council for adoption.

5.3.2 Before formal adoption can occur, a statement of consultation will be prepared which will be based upon the appendices attached. This outlines how the consultation was undertaken, the responses made and the consideration and reaction to the responses. An Adoption statement will also be prepared and sent out to all consultees who requested confirmation of adoption. These two statements are a statutory requirement and will form part of the SPD, and will be published on the website.

5.3.3 There will be a 3-month window in which from the time the SPD is adopted an aggrieved party can make an application to the High Court for judicial review of the SPD.

6. **IMPLICATIONS**

(a) **Policy**

6.1 The SPD assists the implementation of current Borough Local Plan transport policy and falls within the programme of documents to be produced within the Local Development Framework.

(b) **Environmental and Sustainable Development**

6.2 The Borough Local Plan and Local Development Framework are the Council’s principal instruments for achieving sustainable development. The production of travel plans will encourage the use of alternative means of transport to the car, which, in turn, will improve air quality, reduce congestion and improve the visual appearance of the Borough. Sustainable development is at the heart of the new planning system and preparation of a sustainability appraisal is a statutory requirement. An appraisal has been prepared and is appended to each SPD.


6.3 There are no significant implications.

7. **ACTION PLAN**

7.1 Arising from consideration of the issues, the following Action Plan is proposed:

Consideration by Planning and Development Committee March 2007
Consideration by Cabinet April 2007
Adoption by Council April 2007

G Somerville
Head of Planning Services

Forward Planning Manager: David Williams ..............................................

Author: Rachael Richardson, Forward Planning
Telephone No: 01723 384406
Fax No: 01723 503826
E-mail address: rachael.richardson@scarborough.gov.uk

Background Papers:
None.

20 March 2007
## Risk Matrix

<table>
<thead>
<tr>
<th>Issue/Risk</th>
<th>Consequences if allowed to happen</th>
<th>Likelihood</th>
<th>Impact</th>
<th>Mitigation</th>
<th>Mitigated likelihood</th>
<th>Mitigated impact</th>
</tr>
</thead>
</table>
| Travel Plan and Transport Assessment SPDs not progressed | Potential benefits to the environment and quality of life for the residents of the Borough would not be realised because of:  
- Increased traffic congestion  
- More emissions  
- More accidents  
- Less healthy staff | Likely | Medium | Adopt SPD to allow improved negotiations with developers | Not Likely | Low |
| Slippage in production of documents in relation to Local Development Scheme | The timetable for preparation of LDF is not met bringing censure and possible financial penalty from Government/ Audit Commission | Very Likely | Medium | Proceed with adoption of SPD to timetable set out in the LDS | Not Likely | Minor |
# Appendix 1

## Comments received on draft Supplementary Planning Document “Travel Plans”

<table>
<thead>
<tr>
<th>Consultee</th>
<th>ID No.</th>
<th>Comments</th>
<th>Councils Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Network Rail</td>
<td>TSPD001</td>
<td>No comments to make.</td>
<td>Noted.</td>
</tr>
<tr>
<td>Whitby Hospitality Association</td>
<td>TSPD002</td>
<td>No comments to make.</td>
<td>Noted.</td>
</tr>
<tr>
<td>Home Office</td>
<td>TSPD003</td>
<td>No comments to make.</td>
<td>Noted.</td>
</tr>
<tr>
<td>Joseph Rowntree Foundation</td>
<td>TSPD004</td>
<td>No comments to make.</td>
<td>Noted.</td>
</tr>
<tr>
<td>Julie Asher (RHBay Tourism Association)</td>
<td>TSPD005 1</td>
<td>Great importance was placed on the reliability of the bus service, particularly at the weekends. Inevitably, a number of people cited incidents of late/early buses but the problem also exists of buses too full in the early stages of their journey and refusing to pick up passengers further up the route.</td>
<td>Noted. discussion of the specifics of this issue is not within the remit of this document. Paragraph 5.3 states that a Traffic Assessment should describe the level and frequency of public transport services at different times of the day in terms of access to the development site. Discussions with existing bus operators are encouraged to establish whether a sustainable service can be provided with or without subsidy. These comments have been referred onto the North Yorkshire County Council.</td>
</tr>
<tr>
<td></td>
<td>TSPD005 2</td>
<td>Conversely, a mini-bus service between Whitby, RHBay and Scarborough was suggested at off-peak times when full-size buses often cross the moors with fewer than 3 people aboard.</td>
<td></td>
</tr>
<tr>
<td>M McGuinn (Clerk to Newby and Scalby Parish Council)</td>
<td>TSPD006</td>
<td>Parish Council content with policies.</td>
<td>Noted.</td>
</tr>
<tr>
<td>Yorkshire and Humber Assembly</td>
<td>TSPD007 1</td>
<td>This is a very comprehensive document, which again is largely based on PPG13 and quotes draft RSS Policy T1. The reference to T1 in draft RSS focuses on a model shift, but it would be helpful to mention that T1 specifically mentions Travel Plans as a positive measure</td>
<td>Noted.</td>
</tr>
</tbody>
</table>

Page 216
<table>
<thead>
<tr>
<th>Consultee</th>
<th>ID No.</th>
<th>Comments</th>
<th>Councils Response</th>
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</thead>
<tbody>
<tr>
<td>Highway Agency</td>
<td>TSPD008</td>
<td>1 Section 2.0 <em>General</em>: Specific reference should be made to the Travel Plan Guidance/Smarter Choices Guidance produced by DfT.</td>
<td>Noted. These two documents are specifically referenced within the appendix of the SPD. The document already references regional and national guidance on Travel plans.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 Section 4.0: In addition to the local highway authority, the Highways Agency would expect that Travel Plans be produced in consultation with the Highways Agency (where the development could have an impact upon the A64(T)). As such the Agency would request that reference is made to the Highways Agency within this section of the SPD.</td>
<td>Agreed. Insert reference to Highway Authority consultation in relation to any development which could have an impact on the A64 in Paragraph 4.2.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3 In addition to the reference made to national and local strategies, reference should be made to regional policy (particularly that contained in</td>
<td>Agreed. To be undertaken in accordance with the suggestions of the Yorkshire and Humber Assembly. Para. 4.2.</td>
</tr>
</tbody>
</table>

One of the prime objectives of this Travel Plan Document is to minimise the need to travel and to minimise the negative impact of transport systems on the local and global environment. The Assembly welcomes these objectives as it clearly reflects the overarching spatial vision of the RSS.

It is perhaps worth mentioning that there is no specific detailed information on Travel Plans in the draft RSS as these are a local issue and national guidance is provided on these plans.

As mentioned earlier Appendix 1 usefully explains the new planning system, however could be further improved through the inclusion of a reference to draft RSS and how this provides the strategic, upper, tier of planning guidance.

Noted. Agreed. Reference in paragraph 2.2.

Agreed. Reference in section 1 of Appendix 1.
<table>
<thead>
<tr>
<th>Consultee</th>
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<th>Councils Response</th>
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<td></td>
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<td>the Regional Spatial Strategy (and regional Transport Strategy)). The Agency requests that the Strategic Highway Network be mentioned in addition to the Local Highway Network.</td>
<td>Agreed. The Borough has one trunk road, and any development which has the potential to impact on this road would be subject to consultation with the Highway Agency. Include reference in paragraph 5.3</td>
</tr>
<tr>
<td>The Theatres Trust</td>
<td>TSPD009</td>
<td>As this SPD is not directly relevant to the Trust's work, we have no comment to make but look forward to being consulted on further LDF documents especially the Core Strategy Submission stage and any associated relevant SPDs, Site Allocations, Development Control policies and Area Action Plans.</td>
<td>Noted.</td>
</tr>
<tr>
<td>Dunlop Haywards obo Persimmon Homes (Yorkshire)</td>
<td>TSPD010</td>
<td>No comments to make.</td>
<td>Noted.</td>
</tr>
<tr>
<td>Cloughton Parish Council</td>
<td>TSPD011</td>
<td>1 Document well designed and interesting. But: 1) uncertain how balance can be struck between welcoming new local business opportunities and problems of travel planning, and where the Council might stand. It would be easy to discourage new business if another hurdle was introduced at outset.</td>
<td>Development of the economy of the Borough is a key issue. However, development must be undertaken in a sustainable manner. The use of travel plans can aid in considering the implications of the proposal. The formulation of travel plan can be beneficial to organisations and the level of detail and complexity will depend on the scale and nature of the development. As stated in paras. 4.2, 4.3 and 4.4, travel plan should be submitted at the time the planning application is submitted, and should have been undertaken in consultation with the highway authority in the pre-application stage. The presence/absence of a travel plan is a material planning consideration. The amount of weight that can be attached to the plan depends on the extent to which it affects the acceptability of the proposal</td>
</tr>
<tr>
<td></td>
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<td>2 unclear whether a travel plan should be submitted simultaneously with the overall proposal, and the sequence of submission, and what weight this would have in the submission if the business plan seemed suitable.</td>
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<td>Consultee</td>
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<tr>
<td>English Heritage</td>
<td>TSPD012</td>
<td>At this stage we have no comments to make on the content of the draft Supplementary Planning Documents, and would generally concur with the conclusions reached in the respective Sustainability Appraisals regarding the likely significant effects, which the SPDs might have upon the historic environment.</td>
<td>Noted.</td>
</tr>
<tr>
<td>Nathaniel Litchfield and Partners obo Bourne Leisure</td>
<td>TSPD013  1</td>
<td>…Paragraph 1.1 of the draft SPD for Travel Plans states that “although this SPD specifically relates to the submission of travel plans in relation to new developments, organisations are encouraged to prepare their own travel plan for their use to reduce the impact of cars at their existing sites”. The reference to Companies etc. producing travel plans outside of any planning application process should be deleted, as it is irrelevant to the SPD.</td>
<td>Disagree. A travel plan may cover a number of buildings which may/may not be in the ownership of the applicant; they may not be contained within the red-outline of the planning application. Organisations should be made aware of the potential financial/productivity/efficiency benefits that can be achieved.</td>
</tr>
<tr>
<td>2</td>
<td>Bourne Leisure supports SPD policy for, and travel plan promotion of, public transport use, walking and cycling, in many cases there is no feasible option available other than the private car to reach tourism uses that are, due to their nature and purpose often in more remote coastal areas. However, in the case of tourism/leisure trips, these are relatively unusual (compared with regular trips to work etc) and the car may be the only realistic means of transport. Moreover from research, it would seem that leisure trips often result in high occupancy ‘a family day out’ which would seem an appropriate use of the private car. The draft SPD for Travel Plans should therefore promote non-car modes of transport,</td>
<td>Disagree. This document makes clear reference to a reduction in the use of the car, but appreciates that the use of a car will be necessary in some instances. A Travel Assessment and Plan may find that for certain elements of tourist activities, the use of public transport, walking an cycling can be enhanced, not just for the visitors, but also nearby residents, and those to be employed in the development or the wider organisation.</td>
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<td>but accept the reality of car-based access for certain uses, particularly those that are tourism related.</td>
<td>The monitoring and reviewing of travel plans will be a requirement of their adoption, through the use of conditions and section 106 agreements. As shown in Fig 1 paragraph 5.1 within the section entitled ‘monitoring’, states that a travel plan advocates a continuous cycle of action-monitoring-review in order to monitor change and make amendments where elements are found to be unsuccessful. If further states, that if a target becomes unrealistic it can be replaced with one that is more achievable, although this should not be used to make the travel plan less effective.</td>
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<td>3</td>
<td></td>
<td>…Paragraph 4.2 of the draft SPD states “Where possible a travel plan will be made binding through conditions attached to a planning permission or through a planning obligation”. Bourne Leisure considers that it will be important to ensure there is scope for existing travel plans to be regularly reviewed and revised to reflect changing business requirements and environmental considerations.</td>
<td></td>
</tr>
<tr>
<td>Seamer Parish Council</td>
<td>TPSD014</td>
<td>…The new ‘Caddick’ developments proposed alongside the Seamer Carr Tip access road is likely to lead to an increase in traffic and personnel employed in that area both during construction and when the development is completed. It is felt that a shuttle bus service from the railway station around several business developments at Eastfield/Dunsslow Road/Seamer Carr Tip might reduce road traffic and be of benefit to those working in the area.</td>
<td>Specific issues like this not appropriate to consider within an SPD, which deals with general policy. Comments referred to the North Yorkshire County Council and the Head Traffic and Transportation/Engineering at SBC.</td>
</tr>
<tr>
<td>Les Parker NYCC</td>
<td>TPSD015</td>
<td>From the cursory look through I've been able to give them they appear to give a good basis for Travel Plans and TA's. I presume these are to be applied throughout the SBC Area not just in the Agency area and that this guidance will therefore supersede NYCC guidance. Has this been discussed with Elwyn Williams at County Hall?</td>
<td>SBC Planning Service covers, and once adopted will be a material consideration in the determination of a planning application, just as recommendations from the Highway Authority already are. The document generally runs parallel with NYCC guidance. The document has been produced with a lot of input from the NYCC guide: Transport Issues and Development -a Guide (2003). Also, depending on the location of the scheme, the relevant transport authority(s) will be consulted for their technical perspective on the</td>
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<td>Consultee</td>
<td>ID No.</td>
<td>Comments</td>
<td>Councils Response</td>
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<td>However, from the overview I have had, I have no comments and no objections. All we need now is to get applicants to use them!</td>
<td>impact of the development, and we advise pre-application enquires with the relevant highway authority so that the appropriate information is provided at the time of submission. The main difference is the thresholds, which are a combination of NYCC and Highways Agency figures, and the lowest figure being used, so that any development that NYCC would have required TA/TS or travel Plan for, will have to produce one. Elwyn Williams was consulted on the draft documents in November-December, but we have had no comments back from him yet.</td>
</tr>
<tr>
<td>Further comments received</td>
<td></td>
<td></td>
<td>Noted.</td>
</tr>
<tr>
<td>Mr Geoff Gardiner NYCC</td>
<td>TPSD016</td>
<td>I was trying to find a way of reconciling your SPD with the NYCC Transport and Development Guide produced by the County in around 2002. This has proved elusive, but should still be an aim for future versions. My immediate comments are that there is too much general good stuff and not enough clear direction. I know and you will know that the quality of plans submitted so far in N Yorkshire is so far below ideal that we cannot expect them to jump straight to an example based on a London Bank. I would prefer to highlight a couple of very basic points where we can keep a check on them. I have tried to keep any additions as short as possible as I appreciate you are nearer the end than the beginning. But I do think it important to stress the first of these points, and whether we like it or not a financial guide is a very clear way of demonstrating intent. Hence</td>
<td>Noted. This document has been read, and it is considered that with the addition of some further examples, there is no significant difference between these documents. Noted. Noted. Noted.</td>
</tr>
</tbody>
</table>
Green Travel Plans

*Add after 3.1*

A TRAVEL PLAN IS ALSO A COMMITMENT TO ACTION. A document that promises only “to investigate” or “to consider” will not be acceptable.

**New section 5**

5.0 What should a Travel Plan include?

5.2 As travel plans are prepared and tailored to the individual organisation, no standard format exists. They must cover a range of approaches to reducing car use, and one of the best ways of doing this is to ensure you include three sections in the plan detailing:

5.3 How we will reduce the need for car journeys. For example by following Workwise principles (see [www.workwiseuk.org](http://www.workwiseuk.org)). How we will manage car parking to deter non-essential users.

5.4 How we will encourage (not just cater for) non-car modes. For example by having a straight line route for cyclists across the site to a bike shed near the main entrance). Details of discussions with bus operators and/or the County Council Passenger Transport.
<table>
<thead>
<tr>
<th>Consultee</th>
<th>ID No.</th>
<th>Comments</th>
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<tbody>
<tr>
<td>Group.</td>
<td></td>
<td><strong>5.5</strong> How we will create a positive attitude towards non-car modes. For example by providing personalised information about their journey.</td>
</tr>
</tbody>
</table>

*Either following on from 5.0 or as new section:*

**Exactly what do you want?**

The main thing that a travel plan has to do is demonstrate commitment. A short paper with genuine aims is better than a glossy brochure containing vague promises. Although targets and objectives can be met in a variety of ways it is normally the case that the best way of demonstrating commitment it by allocating financial and time resources.

Government guidance (see Appendix 2) suggests that companies should anticipate spending £40 per person on a travel plan. This is derived from experience in large cities, however, and the borough Council understands the local conditions in Scarborough.

You should note, therefore, that unless you can demonstrate other ways in which a genuine difference will be made, we would expect to see a costed list of actions in which the total amount proposed is equivalent to £10 per parking space per year for three years minimum. An allowance of one hour per parking space per year of a travel plan coordinator should also be allocated.

<table>
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<tr>
<th>Councils Response</th>
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<tbody>
<tr>
<td>Noted. Agree, consider that paragraph 6.1, section ‘Targets’ covers this with the use of SMART: specific, measurable, achievable, realistic and time bound.</td>
</tr>
<tr>
<td>In Appendix 3, the document makes reference to a average figure of £50 pp from government guidance. We have added a note that this figure would be lower in North Yorkshire. The Council does not want to unreasonably impose specific monetary criteria on companies required to make a travel plan.</td>
</tr>
<tr>
<td>Consultee</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>Mr J Hannah of Traffic and Transportation SBC</td>
</tr>
<tr>
<td>Mr Bruce Bedford Manager of Traffic and Transportation</td>
</tr>
</tbody>
</table>

The County Council have a Travel Awareness team who can give advice on Green Travel Plans. Contact 01609 532371 or email travelwise@northyorks.gov.uk for more details and to arrange a free consultation.
### Appendix 2

**Comments received on draft Supplementary Planning Documents “Transport Assessments”**

<table>
<thead>
<tr>
<th>Consultee</th>
<th>ID No.</th>
<th>Comments</th>
<th>Councils Response</th>
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</thead>
</table>
| Network Rail                     | TSPD001| In respect of the TA SPD, paragraph 5.4 should be amended to include specific reference to s.106 contributions towards public transport facilities. This may include passenger and/or railway station facilities.  
   The justification for this is that developments can often lead to considerable increases in passenger numbers; the impact of such an increase often needs to be off-set with the provision of additional waiting facilities, new customer information screens, increased security (CCTV etc), better parking provision and access improvements. This is especially important if the developer is reliant on the proximity to a station in any Travel Plan, or a development has minimum car parking provision to encourage use of public transport. | Agreed. Referenced in paragraph 6.6.                                                                                           |
| Whitby Hospitality Association   | TSPD002| 1 Para 3.1 ....... “undertaken by an appropriately qualified” – Specify the qualifications or criteria or trade association, etc.  
   2 .........” experienced professional employed by the developer” – Not a good idea, as if the consultant wants paying, and another contract, then he is not going to produce an impartial appraisal.  
   Therefore:  
   3 ......... ‘and experienced professional chosen from a LPA Panel of acceptable consultants’ - in this way (similar to Banks), the LPA can pre determine the quality, skill level and desirability of the consultants.  
   4 Para 4.5: Is there a mechanism built in that ensures that developments that fall outside the Scarborough Highways Agency area, have Transport Assessments called for by | Disagree. It is not for the LPA to impose requirements such as specific qualification requirements.  
   The LPA is not able to have a panel of ‘acceptable’ consultants for reasons of impartiality. In any case, developers/applicants come from far and wide and so a comprehensive list cannot be created/maintained without considerable resource input. It is the responsibility of the developer/applicant to provide an Assessment from an appropriately qualified individual/company and then the relevant Highway Authority will assess the Assessment and any measures proposed, to ensure that there is impartiality.  
   Currently, on all planning applications where a traffic impact may occur, either the Borough Council’s Traffic and Transport Section, or The County Council’s... |
<table>
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<tbody>
<tr>
<td><strong>5</strong></td>
<td></td>
<td>other appropriate Highways Agency’s? Apart from those points, the document appears fine to our amateur eyes.</td>
<td>‘Highways North Yorkshire’ Section, are consulted depending on the location of the application. If the development affects the A64, the Highways Agency is consulted.</td>
</tr>
<tr>
<td>Home Office</td>
<td>TSPD003</td>
<td>No comments to make.</td>
<td>Noted.</td>
</tr>
<tr>
<td>Joseph Rowntree Foundation</td>
<td>TSPD004</td>
<td>No comments to make.</td>
<td>Noted.</td>
</tr>
<tr>
<td>Julie Asher (RHBay Tourism Association)</td>
<td>TSPD005</td>
<td>1 Great importance was placed on the reliability of the bus service, particularly at the weekends. Inevitably, a number of people cited incidents of late/early buses but the problem also exists of buses too full in the early stages of their journey and refusing to pick up passengers further up the route. 2 Conversely, a mini-bus service between Whitby, RHBay and Scarborough was suggested at off-peak times when full-size buses often cross the moors with fewer than 3 people aboard.</td>
<td>Noted, discussion of the specifics of this issue is not within the remit of this document. Paragraph 5.3 states that an Traffic Assessment should describe the level and frequency of public transport services at different times of the day in terms of access to the development site. Discussions with existing bus operators are encouraged to establish whether a sustainable service can be provided with or without subsidy. Comments referred to North Yorkshire County Council</td>
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<td>M McGuinn (Clerk to Newby and Scalby Parish Council)</td>
<td>TSPD006</td>
<td>Parish Council content with policies.</td>
<td>Noted.</td>
</tr>
<tr>
<td>Yorkshire and Humber Assembly</td>
<td>TSPD007</td>
<td>1 The document is largely based on PPG13 and quotes from draft RSS, which together provides the appropriate guidance. The references made to the RSS throughout the document are welcomed. 2 One of the prime objectives of this Transport Assessments Document is to minimise the need to travel and to minimise the negative impact of transport systems on the local and global environment. The Assembly welcomes these objectives as it clearly reflects the overarching spatial vision of the RSS.</td>
<td>Noted.</td>
</tr>
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<td>Consultee</td>
<td>ID No.</td>
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<td>3</td>
<td>However, although Policy T1 in draft RSS states the need to have a Transport Assessment, the policy also states that where public transport services to a site are being considered, accessibility should be assessed using the accessibility standards which are included in the draft RSS.</td>
<td>Agreed. This will be inserted as an appendix to the report in tablature form as per the draft RSS p. 277-278.</td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>The Assembly is encouraged by Appendix 1 as this usefully explains the new planning system, however it is suggested that this could be further improved through the inclusion of a reference to the draft RSS which states how it provides the strategic, upper, tier of planning guidance.</td>
<td>Agreed. Reference to the role of the RSS will be included in Paragraph 2.2.</td>
</tr>
<tr>
<td>Highways Agency</td>
<td>TSPD008</td>
<td>Section 2.0 <em>General:</em> Specific reference should be made to the Guidance on Transport Assessments (GTA), a draft of which has recently been out for consultation and which is likely to be issued in its final form soon.</td>
<td>Agreed. Referenced as a source of information within the appendix 4.</td>
</tr>
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<td>2</td>
<td><em>PPG13:</em> The Agency would expect specific consideration to be given to the SHN. Suggested wording: “<em>With respect to any development which could impact upon the A64(T), the Highway Agency (in accordance with the requirements of Circular 04/2001) would require to be consulted upon any application for development that would cause a material increase in trunk road traffic.</em>”</td>
<td>Agreed. Will include in paragraph 5.1.</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>Section 3.0: the Agency would point the applicant towards the GTA in determining the requirement for a Transport Assessment. If a full Transport Assessment is not required, a “Transport Statement” would provide a more succinct overview of the transport based issues.</td>
<td>Agreed. Refer to in paragraph 4.4 and 6.2</td>
</tr>
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<td></td>
<td>4</td>
<td>Section 4.0: In determining the need for a Transport Assessment, upon its formal issue, the Agency would refer to the GTA, which provides the following thresholds at which assessment would be required (which generally relate to development which would generate 30 two-way peak hour vehicle trips). To provide an overview of these</td>
<td>Agreed in part. The figures used within this draft document are taken from the County Council’s document: Transport Issues and Development - a Guide (2003). In response to these comments it has been decided to combine both these sources, using the lowest amount to ensure maximum capture. However, in any</td>
</tr>
</tbody>
</table>
thresholds, the Agency provides the following table (see below) to compare with those in the SPD.

<table>
<thead>
<tr>
<th>Type of development</th>
<th>Transport Statement</th>
<th>Transport Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Food retail</td>
<td>250sqm</td>
<td>800sqm</td>
</tr>
<tr>
<td>Non-food retail</td>
<td>800sqm</td>
<td>1500sqm</td>
</tr>
<tr>
<td>Office B1</td>
<td>1500sqm</td>
<td>2500sqm</td>
</tr>
<tr>
<td>Industry B2/B8</td>
<td>3000sqm</td>
<td>5000sqm</td>
</tr>
<tr>
<td>Residential</td>
<td>50units</td>
<td>80units</td>
</tr>
<tr>
<td>Other</td>
<td>30+ two way movements</td>
<td></td>
</tr>
</tbody>
</table>

It can be seen that the thresholds for assessment in the GTA differ from those in the SPD and this disparity could lead to confusion for developers (e.g. a food retail development of 900sqm would require assessment according to the GTA but not according to the SPD). Consideration should therefore be given to the GTA thresholds in order to ensure that a common approach is adopted.

In addition to the local highway authority, the Highways Agency would expect to be consulted upon any transport assessment which is required to consider the A64(T). As such the Agency would request that reference is made to the Highways Agency within this section of the SPD.

Section 5.0 Introduction: The Agency requests that the Strategic Highway Network be mentioned in addition to the local highway network.

Policy Framework: The Agency considers that Regional Policy Guidelines should also be considered, particularly the Regional Transport Strategy and Regional Spatial Strategy, given the weight they are given in the new planning system.

Trip Generation: For any proposal which could impact
<table>
<thead>
<tr>
<th>Consultee</th>
<th>ID No.</th>
<th>Comments</th>
<th>Councils Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Further comments made on 06.03.2007</td>
<td></td>
<td>upon the SHN, the Agency would expect 85\textsuperscript{th} percentile trip rates to be utilised within assessments. In addition to this, the guidance may be best to advise of the specific requirements in relation to trip generation levels to be considered in the local highway network assessments (e.g. average trip rates).</td>
<td>‘Trip Generation’.</td>
</tr>
<tr>
<td></td>
<td>9</td>
<td><em>Future Traffic Conditions</em>: The methodology for calculating traffic growth and the future years to be assessed should be included in this section. For the SHN, consideration should be given to National Road Traffic Forecast (NRTF) Central growth factors and assessment years should be in line with Circular 04/2001 or subsequent guidance.</td>
<td>Agreed. The document guides the developer to seek advice from the Highways Agency should the proposed development potentially affect the site, and then the Highways Agency can specify its requirements.</td>
</tr>
<tr>
<td></td>
<td>10</td>
<td><em>Vehicular Impact</em>: Consideration should be given to the percentage impacts on the SHN and if required the detailed assessment of the SHN using industry standard software. Where required, mitigation measures will need to be designed in accordance with the Agency standards detailed in DMRB. The GTA refers to the need to assess development impacts in accordance with the New Approach to Appraisal (NATA) objectives (environment, safety, economy, accessibility and integration) and this should be specifically reflected in the SPD.</td>
<td>Agreed. Make reference to % impact on SHN In paragraph 6.3 section ‘Vehicular Impact’.</td>
</tr>
<tr>
<td></td>
<td>11</td>
<td><em>Section 106 Agreements</em>: In concern of the SHN, the Agency is not in a position to enter S106 Agreements. The mechanism for providing highway improvements on the SHN is via a S278 Agreement, which is detailed in Circular 04/2001. This should be referenced within this section of the SPD.</td>
<td>Acknowledged, make reference to these objectives in paragraph 6.4.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The Agency would consider that within these documents much greater emphasis should be placed on the new Transport Assessment (TA) guidance that was published by the DfT on the 7\textsuperscript{th} March 2007 which moves away from the traditional ‘predict and provide’ approach to managing</td>
<td>Agreed. Make paragraph below the Sect 106 section, paragraph 6.7.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The document makes reference to the new Guidance on Transport Assessments (GTA) in various parts of the report. Para. 3.2 is a new paragraph which makes clear that one of the general aims of a Transport Assessments is both to reduce the need for travel by car and therefore</td>
<td></td>
</tr>
</tbody>
</table>
travel demand. This guidance is a national document and applies to developments that will affect the transport system, including not only the strategic and local road network but also public transport and footpaths.

Transport Assessments produced under this new guidance will need to address travel issues arising from developments in the following order:

- Reduce the need to travel, especially by car
- Tackling the environmental impact of travel
- The accessibility of the location
- Influencing Travel Behaviour
- Managing the network
- Deal with residual trips
- Propose mitigation measures

As this guidance has now been released reference to this in LDF documents should be included to advise developers of what is now required of them when developing TA’s to support development proposals.

<table>
<thead>
<tr>
<th>Consultee</th>
<th>ID No.</th>
<th>Comments</th>
<th>Councils Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Theatres Trust</td>
<td>TSPD009</td>
<td>As this SPD is not directly relevant to the Trust's work, we have no comment to make but look forward to being consulted on further LDF documents especially the Core Strategy Submission stage and any associated relevant SPDs, Site Allocations, Development Control policies and Area Action Plans.</td>
<td>Noted.</td>
</tr>
</tbody>
</table>
| Dunlop Haywards obo Persimmon Homes (Yorkshire) | TSPD010 | Generally supportive, however please note the following issues:

1. It is not considered appropriate to set a criteria under which a transport assessment would be required [4.4] only to proceed to state that the LPA reserves the right to request a TA in other instances. This paragraph should be deleted from the document and all instances where a TA will be required be clearly set out in the document.

2. Following on from the above the reference to ‘other’ instances.

Disagree. This should remain in place, the LPA must be able to justify why a Transport Assessment is required when the standard thresholds may not be exceeded. The instances where a TA is automatically required are set out in Section 4. Disagree. The Thresholds give a clear indication as to
<table>
<thead>
<tr>
<th>Consultee</th>
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<th>Comments</th>
<th>Councils Response</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td><strong>reasons’ in figure 1 needs amending to clearly set out the circumstances in which a TA will be required.</strong></td>
<td>when such an assessment will automatically be required, but that certain, smaller developments may need a Transport Assessment due to special circumstances. The SPD clearly outlines that pre-application advice should be sought at an early stage from the relevant highway authority for any development, as they would be able to advise on the nature and degree of information required for a transport assessment.</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Para 5.2 makes reference to ‘larger developments’. This statement is considered ambiguous. What constitutes a ‘larger development’ in this instance should be clearly established in the document.</strong></td>
<td>Para. 5.2 of the draft document actually made reference to smaller developments at or around the trigger levels in Para. 4.1, and states that a more simplified TA would usually be acceptable or a transport statement. As stated above, paras. 5.1 and 5.2 state that developers should carry out pre-application enquiries regarding the need for Transport Assessments. Disagree. Developer Contributions are an important element of the delivery of schemes. The reference is general, and is there to ensure there is cross-cutting of policy.</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>The LDS states that a Developer Contributions SPD will be prepared as part of the LDF. The reference contained in para 5.4 to developer contributions is therefore not appropriate in this document and should be deleted.</strong></td>
<td></td>
</tr>
<tr>
<td>Cloughton Parish Council</td>
<td>TSPD011</td>
<td><strong>Document well designed and interesting. But: uncertain how balance can be struck between welcoming new local business opportunities and problems of travel planning, and where the Council might stand. It would be easy to discourage new business if another hurdle was introduced at outset.</strong></td>
<td>Development of the Borough’s economy is a key issue. However, development must be undertaken in a sustainable manner. The use of transport assessments is there to aid in considering the implications of the proposal. The level of detail and complexity will depend on the scale and nature of the development.</td>
</tr>
<tr>
<td>English Heritage</td>
<td>TSPD012</td>
<td><strong>At this stage we have no comments to make on the content of the draft Supplementary Planning Documents, and would generally concur with the conclusions reached in the respective Sustainability Appraisals regarding the likely significant effects, which the SPDs might have upon the historic environment.</strong></td>
<td>Noted.</td>
</tr>
<tr>
<td>Consultee</td>
<td>ID No.</td>
<td>Comments</td>
<td>Councils Response</td>
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</tr>
<tr>
<td>Nathaniel Lichfield Partners obo Bourne Leisure</td>
<td>TSPD013</td>
<td>Bourne Leisure notes that the main aim of the draft SPD for transport assessments, as set out at Para. 1.1, is to provide further guidance as to the nature and content of transport assessments and when a transport assessment will be required with the submission of a planning application. Para. 2.2 of the draft SPD states that the draft RSS (Dec. 2005) emphasises a reduction in travel demand and shift towards modes of transport with lower environmental impacts. However, recognition should be given in draft SPD that in relation to planning applications for tourism-related developments, the fact is that due to the often rural and coastal nature of tourist attractions and facilities there is a reliance on the car for many tourism journeys. Bourne Leisure notes that paragraph 4.1 of the draft SPD incorporates a table setting out when a Transport Assessment is required. For &quot;other uses&quot; (which would include tourism uses), an assessment is required where 60+ vehicle movements are expected within an hour. Clarification should be added as to whether this is a peak flow or averaged over a 24-hour period. Moreover, further guidance should be given as to the requirements for a transport Assessment where proposals involve the expansion or extension of an existing use.</td>
<td>Noted. Disagree. The document makes reference to the fact that in certain instances the car may be the only form of transport. However, it is not considered appropriate to give allowances to the tourism sector when there will be opportunities for the use of more sustainable forms of travel in certain development situations. Agree. Clarification has been provided on whether 60+ vehicle movements is a peak or an average. The figure refers to any hour, this therefore it is a maximum peak flow. So if at any time in the day or night over 60 vehicle movements recorded in an hour, this would exceed the threshold. This is to ensure that the maximum impact can be assessed. Clarification of this has been provided in paragraph 4.2. Disagree. Paragraph 4.6 advises that if the developers/agents are uncertain of their requirements, to contact the planning department. Nevertheless, proposals for extension or expansion will have to consider the impacts cumulatively in relation to the existing activities. Noted. It is considered that the document provides sufficiently clear advice as to what aspects will be required in a traffic assessment, and that for public transport it will be for services that serve the site, even if they may not physically link to the site, such as rail services and bus services.</td>
</tr>
<tr>
<td>Consultee</td>
<td>ID No.</td>
<td>Comments</td>
<td>Councils Response</td>
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<td>in direct relation to the scale of the proposed development. Bourne Leisure is also concerned that paragraph 5.4 of the draft SPD states that developer contributions will be time-limited to a period of 15 years, as this is considered to be too long a time period, except perhaps only in the case of the most major developments and that each case should be considered on its own merits.</td>
<td>Noted. Impact of a development on the surrounding infrastructure can have sometimes-long term, unforeseen impacts. Each case will be determined on its own merits, and may well be a shorter term. If the money is not spent it is returned, with interest. In discussion with the Council’s Traffic and Transportation Manager it is considered that 10 years is a more appropriate figure.</td>
</tr>
<tr>
<td>Seamer Parish Council</td>
<td>TSPD014</td>
<td>…The new ‘Caddick’ developments proposed for alongside the Seamer Carr Tip access road and to draw your attention in particular to the likely increase in traffic and personnel employed in that area both during construction and when the development is completed. It is felt that a shuttle bus service from the railway station around several business developments at Eastfield/Dunslow Road/Seamer Carr Tip might reduce road traffic and be of benefit to those working in the area.</td>
<td>Specific issues like this are not appropriate to consider within an SPD, which deals with general policy. This comment has been passed to the North Yorkshire County Council and the SBC Head of Traffic and Transportation/engineering.</td>
</tr>
<tr>
<td>Les Parker NYCC</td>
<td>TSPD015</td>
<td>From the cursory look through I've been able to give them they appear to give a good basis for Travel Plans and TA's. I presume these are to be applied throughout the SBC Area not just in the Agency area and that this guidance will therefore supersede NYCC guidance. Has this been discussed with Elwyn Williams at County Hall?</td>
<td>The SPDs are to cover the area of the Borough that the SBC Planning Service covers, and once adopted will be a material consideration in the determination of a planning application, just as recommendations from the Highway Authority already are. The document generally runs parallel with NYCC guidance. The document has been produced with a lot of input from the NYCC guide: Transport Issues and Development -a Guide (2003). Also, depending on the location of the scheme, the relevant transport authority(s) will be consulted for their technical perspective on the impact of the development, and we advise pre-application enquires with the relevant highway authority so that the appropriate information is provided at the time of submission. The main difference is the thresholds, which are a combination of NYCC and Highways Agency figures, and the lowest figure being used, so that any development that NYCC would have required TA/TS or travel Plan for, will have to produce</td>
</tr>
<tr>
<td>Consultee</td>
<td>ID No.</td>
<td>Comments</td>
<td>Councils Response</td>
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</tr>
<tr>
<td>Further response received 13.03.2007</td>
<td></td>
<td>From the overview I have had, I have no comments and no objections. All we need now is to get applicants to use them!</td>
<td>Noted.</td>
</tr>
<tr>
<td>Mr Geoff Gardner NYCC Travel Awareness Coordinator</td>
<td>TSPD016</td>
<td>Should make clear how the TA works alongside the Green Travel Plan and the Design &amp; Access Statement.</td>
<td>Noted. Added.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Para 6.2 after the work “encourage” could include a footnote saying “note the requirement to actively encourage, not just cater for existing demand, or to make safer”.</td>
<td>Noted. Added.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Para 6.3 should add “Walkers and Cyclists share a common need, looking for networks that are: Connected (ie not ending in a cul-de-sac), Convenient (not requiring long detours), Comfortable (not on broken paths), Convivial (pleasant and welcoming) and Conspicuous (clearly signposted but also logical).”</td>
<td>Noted. Added.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The TA should include isochrone maps for walking and cycling. They should also clearly indicate on a map where potential demand will come in demonstrate how desire lines match with the routes provided.</td>
<td>Noted. Added.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Para 6.3 Reference to contacting bus operators should change “encouraged” to “essential”.</td>
<td>Noted. Added.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Appendix 2 will need some mention of how many metres is a 5 minute walk</td>
<td>Noted. Added.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>I would like to see added: The crowfly distance from key areas of demand to the development should be calculated. The actual distance travelled by path or cycle route must then be calculated and the ratio established. In a traditional development the ratio of actual to crowfly will be approximately 1.2. A ratio</td>
<td>Noted. Added.</td>
</tr>
<tr>
<td>Consultee</td>
<td>ID No.</td>
<td>Comments</td>
<td>Councils Response</td>
</tr>
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</tr>
<tr>
<td>Mr J Hannah Traffic and Transportation Section SBC</td>
<td>TPSD017</td>
<td>of up to 1.5 might be acceptable but larger deviations than this, for example because of excessive fencing, will discourage walking, will not be sustainable and will not normally be acceptable.</td>
<td></td>
</tr>
<tr>
<td>Mr Bruce Bedford Traffic and Transportation Manager</td>
<td>TSPD 018</td>
<td>I can confirm that both documents are acceptable. They enhance and expand upon the contents of the current NYCC doc. &quot;Transport Issues &amp; Development: A Guide 2003&quot; which we currently use for development control in the Agency area. I note that some of the trigger thresholds for a TA have dropped (in GFA) which is a positive move for our urban area.</td>
<td>Noted.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>I would add that you should require trip generations, that are used in Transport Assessments, to be based on nationally-recognised data (ie TRICS)…</td>
<td>Acknowledged. The SPD refers to trip generation generally, make reference for the need for nationally-recognised data. Trip generation section of para. 6.3.</td>
</tr>
</tbody>
</table>
REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

TO BE HELD ON THURSDAY, 29 MARCH 2007

REPORT OF THE HEAD OF PLANNING SERVICES - HPlg/07/55

WARDS AFFECTED: ALL

SUBJECT: Applications for Grant Aid for restoration of historic buildings or areas

1.0 The following applications have been received against the various 2006-2007 Grant Schemes. The recommended Grant is given and the budget summary set out at paragraph 2.0 :-

<table>
<thead>
<tr>
<th>Applicant(s)</th>
<th>Address of Property to be Grant Aided</th>
<th>Eligible Works</th>
<th>Total Cost of Works</th>
<th>Grant Recommended</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1</td>
<td>Scarborough Squares Scheme</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.2</td>
<td>Scarborough Heritage Grants</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr P Cross</td>
<td>1 St Helen’s Square, Scarborough</td>
<td>Re-instatement of 6 sliding sash windows</td>
<td>£6,500.00</td>
<td>£3,250.00**</td>
</tr>
<tr>
<td>Mr C A Hall</td>
<td>50 &amp; 52 Eastborough, Scarborough</td>
<td>Re-roofing in natural slate, re-instatement of sliding sash windows, new gutters, downpipes and pointing</td>
<td>£30,587.18</td>
<td>£10,000.00**</td>
</tr>
<tr>
<td>1.3</td>
<td>Whitby Heritage Grants</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.4</td>
<td>Listed Buildings Grants</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Note
Applications marked ✳ are funded from Whitby Heritage funds as previously agreed by Committee

2.0 BUDGET SUMMARY OF CURRENT FUNDS 2006-2007

<table>
<thead>
<tr>
<th>SCHEME</th>
<th>TOTAL FUNDING</th>
<th>REMAINING</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0 Scarborough Squares</td>
<td>£78,000.00</td>
<td>£9,211.00</td>
</tr>
<tr>
<td>2.0 Whitby Heritage Grants</td>
<td>£18,920.00</td>
<td>£2,348.00</td>
</tr>
</tbody>
</table>

3.0 Other Schemes

3.1 Listed Building Grants and Scarborough Heritage Grants | £10,500.00 | Nil |

3.0 RECOMMENDATION

2.1 It is recommended that:-

(i) This report be received.

(ii) The various Grant offers recommended under Paragraph 1.0 be approved.

Head of Service: G Somerville, Head of Planning Services

Author: C W Hall, Conservation Officer
Telephone No: 01723 232481
Fax No: 01723 506210
E-mail address: chris.hall@scarborough.gov.uk

Background Papers:
None

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 C W HALL ON 01723 232481 e-mail chris.hall@scarborough.gov.uk

CO ................................. Date .................................

F:\Planning Services Admin\Committee Reports\_HPlg0755_Grant Applications 8 March 07
# REPORT TO PLANNING & DEVELOPMENT COMMITTEE

**To be held on**

29 March 2007

<table>
<thead>
<tr>
<th>Key Decision</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forward Plan Ref No</td>
<td>N/A</td>
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</tbody>
</table>

**Corporate Priority**

<table>
<thead>
<tr>
<th>Aim 4</th>
<th>Quality environments</th>
</tr>
</thead>
</table>

**Cabinet Portfolio Holder**

| G Allanson |

---

**REPORT OF:** Head of Planning Services  HPLG 68

**WARDS AFFECTED:** Seamer

**SUBJECT:** STREET NAMING CROSSGATES

**RECOMMENDATION:**

That the Committee considers the two names that have been suggested and selects a name for the new street.

**REASON FOR RECOMMENDATION:**

To facilitate the logical and convenient addressing of properties on a new development.

**HIGHLIGHTED RISKS:**

Failure to name the street could lead to misdirected mail and difficulties for the emergency services.

## 1. INTRODUCTION

1.1 A new street is being formed to serve five new dwellings on land at Crab Lane, Crossgates. This street requires naming and members are asked to consider two suggestions and select a name from these.
2. CORPORATE OBJECTIVES AND THE COMMUNITY PLAN

2.1 All new streets require naming to assist deliveries, visitors and the emergency services.

3. BACKGROUND AND ISSUES

3.1 Two different names have been suggested, ‘Wold View Park’ proposed by the developer and ‘Crab Lane Close’ proposed by Seamer Parish Council. The Parish Council were not prepared to accept the developer’s suggestion and the developer insists that he prefers ‘Wold View Park’.

4. CONSULTATION

4.1 Staff at the Royal Mail Address Development Centre have been consulted. The comments received are that they have no objections to the name ‘Wold View Park’ but that the name ‘Crab Lane Close’ would not be their preferred name because of the existence of Crab Lane in the YO12 4 sector.

5. ASSESSMENT

5.1 Crab Lane Close is clearly not the preferred choice of the Royal Mail who believe that it would be more likely to lead to delivery problems than would Wold View Park. Their objection has not, however, been made strongly and they are prepared to accept the suggestion of the parish Council if the Committee selects this name.

6. IMPLICATIONS

6.1 There are no policy, financial, planing crime and disorder, environmental or legal implications.

Signature

Head of Service: Mr G Somerville Head of Planning Services
Author: Mr R Young Building Standards Consultancy
Telephone No:01723 232438
Fax No: 01723 506210
E-mail address: Richard.young@scarborough.gov.uk

Background Papers:
Consultation with Royal Mail
Letter from Seamer Parish Council received 6 February 2007
Proposal from Thompson Homes dated 6 October 2007

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT Joanne Ryall ON 01723 232439 e-mail Joanne.ryall@scarborough.gov.uk