PLANNING & DEVELOPMENT COMMITTEE

At a meeting held on Thursday, 11 July 2013
Present:-
Councillor Mrs J E Mortimer (Chairman) in the Chair;
Councillors Mrs D Clegg, D L Billing, J S Blackburn, E Broadbent, Mrs D V Cluer,
J G Flinton, S B Green, M J Jay-Hanmer, Mrs A Robinson, M Smith, W H Tindall,
M Ward, B F Watson and J Zegstroo

1. DECLARATIONS OF INTERESTS
Councillor Johan Zegstroo declared a Personal and Prejudicial interest in agenda item 5, Planning Application (13/00956/COND) - Land to North of Eastfield, Northwold Road, Eastfield since his property bordered the land detailed in the application.
Councillor Martin Smith declared a Personal and Prejudicial interest in agenda item 8, Planning Application (13/00667/FL) - Reads Hotel, 111-113 North Marine Road, Scarborough since he had a business interest in close proximity to the land detailed in the application.

2. MINUTES
RESOLVED that the Minutes of the meeting held on 13 June 2013 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 APPLICATION (13/00917/FL) - LAND TO THE SOUTH OF 2 ST ANDREW’S ROAD, WHITBY
The Committee considered:
(i) a planning application for a revised scheme for a detached bungalow, at land to south of 2 St Andrews Road, Whitby for Ebby(15) Conquests Ltd; and
(ii) a report by the Planning Services Manager (Reference 13/240).
Planning Officer, Mr Marcus Whitmore updated the committee report and reminded Members that the previous application had been refused in April 2013 under delegated powers for the reasons set out in the report. The Chairman had agreed that the revised application should come before Members for determination. Mr Whitmore advised Members to set to one side the e-mail received from the Applicant’s Agent earlier in the week, which included information that was not directly related to the case, and deal with the application on its own merits. The Chairman asked Members to confirm that they were able to deal with the application with an open mind to which Members confirmed.
Mr Whitmore referred to neighbours’ objections regarding the loss of open space; the out of character nature of the development and sloping nature of the application site. All neighbour comments including the petition received were detailed in the report. Mr Whitmore referred to the distance to the footway and commented that the differences regarding the levels had now largely been resolved. He also referred to the discrepancy in the width of the
site and confirmed that this had now been checked by Mrs Carol Bruce, Planning Officer and himself. Officers found their measures to be within 50mm of the applicants, which represented a minor discrepancy which was less than 0.5% over the distances involved, and to be expected. Slides and photographs of the application site were displayed at the meeting together with a copy of a neighbour’s survey drawing and the Planning Officer clarified the difference between the various drawings that had been produced. Mr Whitmore advised that the site had been visited on a number of occasions and observations made from neighbours’ gardens, including a Committee site visit.

Mr Whitmore summed up by advising Members that the previous application had been refused under delegated powers. The revised application was for a more modest dwelling with an unenclosed front garden. Officers acknowledged that the property would impact on the nature of the site but believed that the original concerns had been addressed and on balance planning permission was recommended for approval subject to a number of additional planning conditions.

In accordance with the Council’s Public Speaking Scheme, Mr N Duffield (Applicant’s Agent) spoke in favour of the application and Mrs J M Barningham (Neighbour) spoke against the application.

Ward Councillor Miss J M Kenyon also addressed the Committee prior to the debate having first advised Members that she spoke on behalf of her fellow Ward Member, Councillor Chance who was unable to be present. Councillor Miss Kenyon commented that the land in question was a “grass verge” with a gradient and expressed concern that a precedent would be set should planning permission be granted. Councillor Miss Kenyon expressed her thanks to Officers for their professional consideration of the application and recommended that permission be refused.

**Members’ debate**

Mr Whitmore responded to questions regarding the existing utility structures on the application site and land ownership. Members debated the issues raised. Some Members considered that the application site was too small to build on; would adversely impact on neighbours’ way of life and that the open space should be protected. Other Members considered that the application was suitable and there was sufficient open space available elsewhere on the estate. A Member sought clarification from Mr Whitmore regarding policy E6 which concerned open space. Mr Whitmore advised that this policy was at the heart of Officers deliberations and on balance Officers considered the application was acceptable. In response to further questions, Mr Whitmore confirmed that the proposed property had room sizes above the Council’s preferred minimum standards, and clarified that the 2m high wall/fence would be built along the eastern boundary of the site to protect neighbour amenity and not enclose the site when viewed from the road frontage.

Upon being put to the vote, Members resolved by a majority vote to refuse the application, considering that the proposal was contrary to Policies E6 and H10 of the Local Plan as it would result in the loss of an open space which positively contributes to the character and appearance of the Estate and as a consequence the proposed development would have a detrimental impact on the appearance of the area. Mr Whitmore advised that Officers would seek
the Chairman’s consent with regard to the wording of the reason for refusal based on the main points Members had cited.  

**RESOLVED** that permission be **REFUSED** for the following reason(s):-

1. That the proposal is contrary to Policies E6 and H10 of the Local Plan as it would result in the loss of an open space which positively contributes to the character and appearance of the Estate and as a consequence the proposed development would have a detrimental impact on the appearance of the area.

5. **PLANNING APPLICATION (13/00956/COND) - LAND TO NORTH OF EASTFIELD, NORTHWOLD ROAD, EASTFIELD**

The Committee considered:

i) discharge of condition 7 (surface water drainage strategy) of outline planning permission 11/01914/OL at land north of Eastfield for K2 Regeneration LLP; and

ii) a report by the Planning Services Manager (Reference 13/246).

Mr Marcus Whitmore, Planning Officer advised Members that Condition 7 required the submission of a Surface Water Drainage Strategy (SWDS), based on sustainable drainage principles, and states that no approval of reserved matters will be granted until the SWDS had been approved by the Local Planning Authority. Mr Whitmore further advised that the document submitted was entitled ‘Surface Water Strategy’ (SWS) and was based on the various pieces of work undertaken during the application’s processing. It effectively brought together the report writing and information gathered throughout the life of the outline application and put it into a concise form, in order to provide a definitive document on which the design of the future drainage proposals for each of the two allocated sites (Ha1 and Ha2) would be based. The SWS document was not overly-prescriptive, but sought to provide a clear framework for design teams dealing with drainage for all phases of the development and took into account local conditions and issues as detailed in sections 1.6 and 1.7 of the report. The document also took into account the Eastfield Flood Alleviation Scheme (EFAS).

Slides and photographs of the application site were displayed at the meeting. Mr Whitmore highlighted the key elements of the SWS as detailed in section 5.1 of the report and reported that the technical consultees and Scarborough Borough Council’s Drainage Engineers had recommended approval.

Comments had not yet been received from the Muston and Yedingham Internal Drainage Board.

The SWS was recommended for approval as the Surface Water Drainage Strategy for the site, the scheme for which would take 10 – 15 years to complete. Mr Whitmore suggested that should any proposals be put forward to amend the Strategy in the future then a report would be prepared to Members for information.

**Members’ debate**

A Member expressed concern that children could be put at risk by any collection of water. Mr Whitmore commented that whilst he appreciated the Member’s concerns, increasingly housing schemes were featuring ditch systems and more of such schemes would be seen in future and the relevant safety regulations would need to be complied with.
A Member asked if the Eastfield Parish Council had commented on the application? The Chairman responded that the Parish Council had been involved with this development for a long time. Mr Whitmore added that Eastfield Parish Council continued to have concerns regarding flooding generally however the EFAS was in place to address issues.

Who would be responsible for clearing out ponds – these could be detrimental to health? Mr Whitmore commented that the aim was to create a system that should have wildlife habitat benefits and the development was being driven forward in an environmentally friendly way – pollution was also easier to see if it was above ground. The areas where surface water might pond were in the areas of public open space and should therefore be managed as part of this. Members commented that they would have preferred to see the comments of the Muston and Yedingham Drainage Board (MYDB) and asked that a response from the MYDB be sought. Mr Whitmore confirmed he would ask them for a response and give them an opportunity to respond before confirming the discharge of the condition.

RESOLVED that the provisions of Condition 7 of Outline Planning Permission 11/01914/OL be discharged.

Reason: The criteria outlined in Condition 7 have been met by the submission of the Surface Water Strategy document prepared by WYG Engineering dated April 2013.

(In accordance with his declaration under minute 1 above, Councillor Johan Zegstroo left the meeting during the debate and determination of the above item.)

6. PLANNING APPLICATION (13/00953/RM) - LAND TO NORTH OF EASTFIELD, NORTHWOLD ROAD, EASTFIELD

The Committee considered:

(i) a reserved matters planning application for the construction of new roads to serve proposed development comprising a proposed boulevard and an access road between the boulevard and Overdale at land north of Eastfield for K2 Regeneration LLP; and

(ii) a report by the Planning Services Manager (Reference 13/244).

Site plans and photographs were displayed at the meeting.

Updating his report, Planning Officer, Mr Marcus Whitmore advised that Mr Crossley, the Council's Drainage Engineer was comfortable with the proposals in principle but that he required further information regarding how surface water would be dealt with given the scheme’s impact on the EFAS to be submitted on drawings before he could confirm his approval of the proposals. Mr Whitmore asked that delegated powers be granted to Officers to agree the proposals with the Chair and Vice-Chair subject to Mr Crossley's satisfaction – an overview of the proposals would also be given to Eastfield’s Ward Members. Comments from the Highway Authority (NYCC) were also reported at the meeting.

Extra conditions would still need to be agreed including conditions to connect the boulevard to the A64 and avoid nuisance to neighbours. Some of the proposed conditions required review as they duplicated conditions imposed on the outline planning permission.
Members’ debate

Ward Councillor Johan Zegstroo asked that Ward Councillors be involved in the delegated decision to which the Chairman agreed.

In response to a concern that the verge at the entrance to the school required cutting back so as not to endanger children attending the school as this was a very busy junction, Mr Whitmore responded that this matter had previously been raised with the NYCC Highway Authority but he would raise the matter again in order to Highways and Education colleagues at County Hall could consider the matter.

Another Member expressed concern that children should not be mixing with vehicles on the extra care site – children could be moving about when vehicles were using the car park. Mr Whitmore advised that he had spoken to the NYCC Highway Authority who had expressed few concerns as a Safe Routes to School Scheme was to be agreed in mitigation. In addition Sanctuary Housing, providers of the extra care facility had previously advised that they would seek to minimise traffic movements to/from their site at peak school arrival and leaving times. Whilst there was no guarantee, Mr Whitmore assured Members that Sanctuary Housing, as a registered provider were committed to working in the interests of the local community. Members asked that traffic concerns be further raised with Sanctuary, which Mr Whitmore undertook to do.

Members raised concerns regarding flooding problems previously experienced at Overdale – this matter needed careful attention. The report advised that an update would be provided – was further information available? Mr Whitmore responded that as the outline scheme was built out, “bunding” would be constructed towards the northern edge of the development, effectively protecting the new development from overland flows. Discussions would take place with Mr Crossley to ensure that he was satisfied with the proposals.

Would safe walking and cycle routes be accessible from all directions of the development? Mr Whitmore confirmed that this would be so.

Had Officers discussed the Public Right of Way on the site with the developers? Mr Whitmore advised that he had spoken to the developers and temporary closures of the existing Right of Way and diversions were in place at present, but that the developers were discussing footpath matters directly with the NYCC Public Rights of Way team.

Fencing had been erected along the side of 175 Overdale – additional fencing needed erecting along the top of this property. Mr Whitmore responded that how the side of the road connecting to Overdale was treated required additional consideration and an additional condition would be required to ensure neighbour amenity was protected.

RESOLVED that third party representations having been considered, permission be GRANTED, subject to the consideration of outstanding consultations and the receipt of further information in respect of surface water drainage and the following condition(s) and that Officers be delegated authority to agree amended wording and additional conditions as discussed at the meeting in consultation with the Chair, Vice Chair and Ward Members:-

1 The development hereby granted shall be carried out in strict accordance with the submitted plans unless any amendment is first approved by the Local Planning Authority.
2. Unless otherwise agreed, 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. The scheme shall include a programme for its implementation showing how the landscaping and tree planting will be implemented in relation to the built development to which it relates. The approved scheme shall then be implemented in accordance with that programme. 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: In the interests of the appearance of the area and to comply with Policy E12 of the adopted Scarborough Borough Local Plan.

3. Unless otherwise agreed in writing by the Local Planning Authority, before the connecting road to Overdale is linked to the boulevard hereby permitted, details of measures to restrict through traffic, other than buses/coaches, shall be submitted to and approved in writing by the Local Planning Authority, together with any measures necessary in the interim before buses/coaches first use the route. Such details as are approved shall be implemented in full in accordance with a programme that shall first be agreed with the Local Planning Authority and which shall include a period of assessment and review in order to enable any amendments to the approved scheme to be implemented as necessary to deal with any unauthorised through traffic that might arise.

Reason: In order to restrict traffic movements along the road connecting to Overdale in the interests of the residential amenity of Overdale residents in accordance with Policy H10 of the Scarborough Borough Local Plan.

Informative: Your attention is drawn to the need to implement any necessary archaeological investigations in accordance with the approved Archaeological WSI dated April 2013 (Condition 6 of the outline permission 11/01914/OL) and to seek discharge of Condition 37 of the Outline permission 11/01914/OL which requires the full details of the roads and footways to be submitted for approval.

7. PLANNING APPLICATION (13/01086/FL) - EAST PIER, SCARBOROUGH
The Committee considered:
   i) a planning application for the erection of a public art sculpture (the Tunny) at East Pier, Scarborough for Scarborough Borough Council; and
   ii) a report by the Planning Services Manager (Reference 13/242). Mr Marcus Whitmore, Planning Officer advised that the report covered the issues in relation to this application to site a stainless steel (marine grade)
sculpture of a Bluefin Tuna fish (Tunny) being caught by a hook and line. Mr Whitmore explained the proposed location of the sculpture on the upper level of the East Pier and displayed a photomontage at the meeting. The sculpture would have an overall height of some 3.8M, or slightly higher given the depth of the base, with the main elements being around 2.5M above ground level. Mr Whitmore commented that the proposed location was considered to be well suited and as a relatively modest structure in relation to the elements surrounding it, it would not have a major visual impact on the area. This sculpture was the third gift to the town and fourth in the Borough commissioned by Mrs Maureen Robinson and approval was recommended. In response to a question concerning the need to remove graffiti, Mr Whitmore responded that any such matter would be dealt with by the Environmental Services. A Member considered that this was the correct location for the sculpture – perhaps some information regarding the history behind it could be provided at the location.

The report indicated that a condition was required by the NYCC Highway Authority – this was not in the report. Mr Whitmore commented that an informative note could be added to the conditions. Members welcomed the application and thanked Mrs Robinson for the gift of this and previous sculptures given to the Borough.

**RESOLVED** that permission be **GRANTED**, subject to the following condition(s):-

1. The development hereby granted shall be carried out in strict accordance with the submitted plans unless any amendment is first approved by the Local Planning Authority.
   **Reason:** For the avoidance of doubt.

   Note: The applicant is advised to be aware that should any unforeseen road safety hazard arise through reflective glare from the sculpture, North Yorkshire County Council, as Local Highway Authority, will require remedial action to be taken to prevent this hazard from continuing.

8. **PLANNING APPLICATION (13/00667/FL) - READS HOTEL, 111-113 NORTH MARINE ROAD, SCARBOROUGH**

The Committee considered:

i) a planning application for the conversion of disused hotel into 10 no. two bedroom apartments at 111-113 North Marine Road, Scarborough for Mr and Mrs J Knowles; and

ii) a report by the Planning Services Manager (Reference 13/243). Mrs Karen Lawton, Planning Officer gave the background to the application to convert the disused hotel into 10 no. two bedoomed apartments as detailed in the report. Plans and slides of the proposed development were displayed on screen. Mrs Lawton advised that there was ample car parking space available and there were no Highway objections. Policy L5 of the Scarborough Borough Local Plan required that the change of use of hotels with more than 30 bed spaces would not be permitted unless material considerations dictated otherwise. The hotel had been marketed without success since October 2009 with 4 different estate agents and there
had been no serious commercial interest. Tourism Services had commented that whilst the loss of the hotel was unfortunate, they did not consider the loss of bed space would be detrimental to the local tourism market. The proposal was subject to a contribution in lieu of affordable housing as detailed in section 7.1 of the report.

Whilst regretting the loss of the hotel, Members agreed that the proposal was acceptable as an exception to Policy L5.

**RESOLVED** that permission be **GRANTED**, subject to the following condition(s):-

1. The development hereby granted shall be carried out in strict accordance with the submitted plans unless any amendment is first approved by the Local Planning Authority.
   **Reason:** For the avoidance of doubt.

2. Prior to the commencement of the development hereby permitted details of the external finish to the head of the lift shaft shall be submitted to and be approved in writing by the Local Planning Authority. Once approved the details shall be implemented in full unless otherwise approved in writing by the Local Planning Authority.
   **Reason:** In the interests of the appearance of the building and the streetscene in accordance with Policy E14 of the Scarborough Borough Local Plan.

3. Prior to the commencement of the development hereby permitted details of the window framing to be used shall be submitted to and approved in writing by the Local Planning Authority and all the replacement window framing used in the development shall conform to the sample so approved.
   **Reason:** In the interests of the appearance of the building and the streetscene in accordance with Policies E14 and E23 of the Scarborough Borough Local Plan.

4. Prior to the commencement of the development hereby permitted details of the new external doors (including materials and final colour), including the decorative surround shall be submitted to and be approved in writing by the Local Planning Authority. Once approved the details shall be implemented in full and thereafter so maintained unless otherwise agreed in writing by the Local Planning Authority.
   **Reason:** In the interests of the character and appearance of the development and the streetscene in accordance with Policies E14 and E23 of the Scarborough Borough Local Plan.

5. Details of the design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes shall be submitted to and be approved in writing by the Local Planning Authority before the development is commenced and there shall be no variation from the details so approved without the prior written consent of the Local Planning Authority.
   **Reason:** In the interests of the character and appearance of the development and the streetscene in accordance with Policies E14 and E23 of the Scarborough Borough Local Plan.
6 Large scale constructional drawings of the railings to be utilised in
the development shall be submitted to and be approved in writing
by the Local Planning Authority and no work shall commence in
advance of that approval. Once approved the details of the
railings shall be implemented in full prior to the first occupation of
any of the residential units and thereafter so maintained.
Reason: In the interests of the character and appearance of the
development and the streetscene in accordance with Policies E14
and E23 of the Scarborough Borough Local Plan.

7 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 shall not commence in advance of that approval.
The approved scheme shall be fully implemented prior to the first
occupation of the residential units and thereafter so maintained.
Reason: For the avoidance of doubt and in the interests of the
character and appearance of the streetscene in accordance with
Policies E14 and E23 of the Scarborough Borough Local Plan.

8 Prior to the commencement of the development details of on-site
cycle storage provision shall be submitted to and be approved in
writing by the Local Planning Authority. The cycle storage once
approved shall be fully implemented prior to the first occupation of
the residential units and thereafter so maintained.
Reason: To promote sustainable means of transport within the
town and to ensure that there is no significant increase in the
levels of traffic due to the conversion scheme in accordance with
Policy H10 of the Scarborough Borough Local Plan.

9 Unless approved otherwise in writing by the Local Planning
Authority there shall be no establishment of a site compound, site
clearance, demolition, excavation or depositing of material in
connection with the construction on the site until proposals have
been submitted to and approved in writing by the Local Planning
Authority for the provision of:
(i) on-site parking capable of accommodating all staff and sub-
contractors vehicles clear of the public highway
(ii) on-site materials storage area capable of accommodating all
materials required for the operation of the site.
The approved areas shall be kept available for their intended use
at all times that construction works are in operation. No vehicles
associated with on-site construction works shall be parked on the
public highway or outside the application site unless otherwise
agreed in writing by the Local Planning Authority in consultation
with NYCC Highways.
Reason: To provide for appropriate on-site vehicle parking and
storage facilities, in the interests of highway safety and the
general amenity of the area.

10 Prior to the commencement of the development details of crime
prevention measures in accordance with the principles of “Crime
Prevention Through Environmental Design” shall be submitted to
and approved by the Local Planning Authority.
Reason: In the interests of public safety and to comply with Policy H10 of the Scarborough Borough Local Plan to protect the amenity of residents by seeking to minimise the likelihood of crime and disorder.

Note: The crime prevention measures should include the safety of the access points into the flats, security lighting, access control and location of utility metres.

(In accordance with his declaration under minute 1 above, Councillor Martin Smith left the meeting during the debate and determination of the above item.)

9. **PLANNING APPLICATION (13/01195/HS) - 3 HAWKE GARTH, HUNMANBY, FILEY**
The Committee considered:

i) a planning application 13/01195/HS for a proposed single-storey side extension at 3 Hawke Garth, Hunmanby, Filey, North Yorkshire, YO14 ONH; and

ii) a report by the Planning Services Manager (Reference 13/226).

Planning Officer, Mr Nick Read in updating his report advised that this application had been brought before Members as the applicant was an employee of the Borough Council. The application was for a revised scheme following refusal of an earlier scheme in February 2013 for a much larger dwelling and approval was now recommended.

**RESOLVED** that permission be **GRANTED**, subject to the following condition(s): -

1. The development hereby permitted shall be carried out in accordance with the plans received by the Local Planning Authority on 31st May 2013.
   
   Reason: To avoid doubt.

2. The brickwork and roof tiles of the development hereby permitted shall match those of the principal existing building on the site.
   
   Reason: In the interests of visual amenity and in accordance with the requirements of adopted policy E14 of the Scarborough Borough Local Plan.

10. **MODIFICATION OF SECTION 106 IN RESPECT TO APPLICATION 07/00547/OL (13/01227/POB) FOR THE RESIDENTIAL DEVELOPMENT AND OPEN SPACE AT LAND OFF MUSTON ROAD, FILEY**
The Committee considered:

i) Modification Of Section 106 Agreement in respect to Application 07/00547/OL for the Residential development and open space at land off Muston Road, Filey, for Coast and Country Housing Limited; and

ii) a report by the Planning Services Manager (Reference 13/265).

Planning Officer, Hugh Smith advised Members that the application was a request under the Section 106A of the Town & Country Planning Act 1990 to vary the Section 106 agreement which relates to the outline planning permission which allowed on appeal in 2007.
The development site consisted of land to the east of Muston Road in Filey, located opposite Filey Secondary School. Outline and Reserved Matters planning approval had been granted for 300 dwellings and public open space and the development was under construction.

The existing S106 agreement contained obligations to secure provision of affordable housing and commuted payments, which would become liable in due course when development has reached specified stages as detailed in section 2.2 of the report.

In particular, the modification of the S106 agreement was an application to amend the originally proposed figures as follows:-

i. The sum towards Filey Junior School (£274,800) to be deleted in its entirety
ii. £27,192 towards Filey Infant & Nursery School (reduction of £7,158)
iii. £15,520 towards a multi-use games area – figure now unchanged
iv. £50,000 towards Filey Surgery (unchanged)

Mr Smith advised that as the sums towards the schools had been calculated by the NYCC in accordance with an agreed formula. Payment depended upon the capacity of the schools being exceeded. Mr Smith reported that the NYCC Education department had accepted the proposed reduction in sums as school rolls had fallen – this was the basis of the deletion of the sum of £274,800 to Filey Junior School. It was understood that when the development was complete in 2018, school capacity would not be exceeded. The NYCC had therefore agreed the reduction in payments. Filey Town Council had commented that whilst they were disappointed that there would be no funds for Filey Junior School, they acknowledged the Education department’s comments.

Mr Smith further advised that a small reduction in the payment to Filey Infant and Nursery School was proposed and Officers recommended the variation be approved.

**Members’ debate**

Members commented on the proposed changes in sums payable to the schools and in particular the deletion of the payment of £274,800 to Filey Junior School. Some Members questioned this commenting that the figures had been previously agreed and should not be changed whilst other Members acknowledged that whilst this was disappointing, the sums were based on predictions and were naturally subject to change. Mr Smith commented that the reduction was largely due to a reduction in the number of children attending the school and the original sum could no longer be justified – the advice of the NYCC Education Department should be followed as they provided expert advice on this issue.

A Member suggested that training on S106 agreements be provided for Members in future.

**RESOLVED** that the proposed modification of the Section 106 Agreement be **AGREED**.

11. **REVIEW OF LOCAL VALIDATION REQUIREMENTS FOR PLANNING APPLICATIONS**

The Committee considered a report by the Planning Services Manager (Reference 13/239) which sought approval to adopt the revised local requirements for validation of planning applications, and grant officers
delegated authority to amend these requirements until the next formal review takes place.

Mr Hugh Smith, Planning Officer explained that it was necessary to ensure that the Council had up to date validation procedures for planning applications - there were 2 categories:

(i) mandatory items on the national list
(ii) and the local list – issues e.g. drainage, transport etc which did not apply to all applications.

Mr Smith advised that Members were being asked to consider the local list today – failure to adopt reviewed validation requirements for planning applications prior to 31 July 2013 would render the local list invalid. Members were aware that some information would be essential for particular decisions and failure to adopt reviewed validation requirements would make it much harder for the Council to request key information.

Members were advised that the local list had been updated and reviewed in line with legislation. Technical consultees, agents and architects used on a regular basis had been consulted. Whilst few replies had been received, comments from technical consultees had been incorporated into the document – comments had often said that the amount of information required was excessive. Mr Smith advised that Officers took a proportionate approach and not all information was required for every application. The document attached (as Appendix A) to the report had been amended and made as up to date and user friendly as possible. Officers proposed that a rolling process of amendments be agreed under delegated powers to take account of further legislation. A further report and formal review would be presented to Members in 2 years’ time.

In response to a question expressing concern regarding the quality of some submitted plans – was it possible to require a basic standard which provided sufficient information? Mr Smith responded that such issues usually fell within the national list remit. Whilst appreciating the Members’ concern, Officers would always try to work with the applicant, however it was accepted that whilst most applicants used professional architects some applicants had limited funds available to them and it was necessary to take a balanced view. Other local authorities were facing similar issues.

Did the list cover supermarkets? Mr Smith responded that although this was mentioned and it would be covered by a retail impact assessment.

RESOLVED that the revised local requirements for validation of planning applications be adopted, and officers be granted delegated authority to amend these requirements until the next formal review takes place.

Reason(s): To ensure that the Council has up to date validation procedures for planning applications, enabling it to make fully informed decisions on this key statutory duty.

12. CURRENT PLANNING APPEALS

The Committee considered a report by the Planning Services Manager (Reference 13/264) which provided information on current planning appeals lodged against decisions of the Council and provided the opportunity for Members to ask questions.
In updating his report, Mr David Walker, Planning Services Manager advised members of an error on page 120 of the agenda in that 1 Sycamore Park, Scarborough was not subject to a public hearing but to written representations. Mr Walker undertook to provide details to a Member of the written representations concerning the change of use of office block to residential dwellings at Beacon Works Riggs Head.

**RESOLVED** that the report be received, and that progress with current appeals and recent appeal decisions be noted.

Chairman