AGENDA

1. DECLARATIONS OF INTERESTS  (Pages 1 - 2)
Members are reminded of the need to consider whether they have a personal, prejudicial or pecuniary interest to declare in any of the items on this agenda. If so, the nature of the interest must be declared at the start or as soon as the interest becomes apparent, 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 3 - 12)
To approve as a correct record and sign the Minutes of the meeting held on 13 June 2013. (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 APPLICATION (13/00917/FL) - LAND TO THE SOUTH OF 2 ST ANDREW'S ROAD, WHITBY  (Pages 13 - 30)
To consider:
   i) a planning application for erection of one, two bed roomed single
      storey detached bungalow, for Ebby (15) Conquests Ltd; and
   ii) a report by the Planning Services Manager (Reference 13/240)
      attached.
      [View Plans and Documents]
5. **PLANNING APPLICATION (13/00956/COND) - LAND TO NORTH OF EASTFIELD, NORTHWOLD ROAD, EASTFIELD** (Pages 31 - 38)
   To consider:
   i) a planning application for discharge of conditions 4, 7, 8, 43, 45, 47, 51 and 53 relating to application reference 11/01914/OL for an outline application for up to 1,350 dwellings together with ancillary facilities including detailed design for a link road with bridge to provide a connection between A64 and A165, for K2 Regeneration LLP; and
   ii) a report by the Planning Services Manager (Reference 13/246) attached.
   View Plans and Documents

6. **PLANNING APPLICATION (13/00953/RM) - LAND TO NORTH OF EASTFIELD, NORTHWOLD ROAD, EASTFIELD** (Pages 39 - 48)
   To consider:
   i) a planning application for construction of new roads to serve the Middle Deepdale development, comprising a proposed boulevard and an access road between the boulevard and Overdale, for K2 Regeneration LLP; and
   ii) a report by the Planning Services Manager (Reference 13/244) attached.
   View Plans and Documents

7. **PLANNING APPLICATION (13/01086/FL) - EAST PIER, SCARBOROUGH** (Pages 49 - 56)
   To consider:
   i) a planning application for erection of a public art sculpture The Tunny, for Scarborough Borough Council (Mrs Hilary Jones); and
   ii) a report by the Planning Services Manager (Reference 13/242) attached.
   View Plans and Documents

8. **PLANNING APPLICATION (13/00667/FL) - READS HOTEL, 111-113 NORTH MARINE ROAD, SCARBOROUGH** (Pages 57 - 66)
   To consider:
   i) a planning application for conversion of disused hotel into ten, two bedroom apartments, for Mr & Mrs J Knowles; and
   ii) a report by the Planning Services Manager (Reference 13/243) attached.
   View Plans and Documents

9. **PLANNING APPLICATION (13/01195/HS) - 3 HAWKE GARTH, HUNMANBY, FILEY** (Pages 67 - 72)
   To consider:
   i) a planning application for a single storey side extension, for Mr D Unsworth; and
   ii) a report by the Planning Services Manager (Reference 13/226) attached.
   View Plans and Documents
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 (Pages 73 - 76)
To consider:
   i. a request to vary Section 106 planning obligation (07/00547/OL), for Coast And Country Housing Ltd; and
   ii. a report by the Planning Services Manager (reference 13/265) attached.
   View Plans and Documents

11. REVIEW OF LOCAL VALIDATION REQUIREMENTS FOR PLANNING APPLICATIONS (Pages 77 - 118)
To consider a report by the Planning Services Manager (Reference 13/239) attached.

12. CURRENT PLANNING APPEALS (Pages 119 - 122)
To consider a report by the Planning Services Manager (Reference 13/264) attached.

(N.B. If you have any questions, need further information about the meeting or require special facilities in order to attend, please contact Lynn Mellor, Scrutiny Officer/Committee Administrator, Town Hall, St. Nicholas Street, Scarborough – 01723 232310 Fax 0870 238 4159 or e-mail lynn.mellor@scarborough.gov.uk.)
MEMBERS’ DECLARATIONS OF INTERESTS

| Name:          |
|               |

| Meeting:      |
|               |

| Date:         |
|               |

<table>
<thead>
<tr>
<th>Agenda No &amp; Item</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Nature of Interest:</th>
</tr>
</thead>
</table>

If you are uncertain whether you have an interest, please seek officer advice before the meeting.

Is the interest:
- personal and non-prejudicial?
- personal and prejudicial?
- pecuniary interest?

(Please put an X against the appropriate interest and email to the Clerk for the meeting)
1. DECLARATIONS OF INTERESTS
Councillor Eric Broadbent declared a Personal interest in agenda item 4, Planning Application (13/00533/FL) - Chandlery, Pier Road, Whitby as he was a member of Whitby Harbour Scrutiny Task Group.
Councillor Mrs Dorothy Clegg declared a Personal and Prejudicial interest in agenda item 4, Planning Application (13/00533/FL) - Chandlery, Pier Road, Whitby as she was a Member of Whitby Harbour Board.
Councillor John Geoffrey Flinton declared a Personal and Prejudicial interest in agenda item 4, Planning Application (13/00533/FL) - Chandlery, Pier Road, Whitby as he was a Member of Whitby Harbour Board.
Councillor Herbert Tindall declared a Personal and Prejudicial interest in agenda item 4, Planning Application (13/00533/FL) - Chandlery, Pier Road, Whitby as he was a Member of Whitby Harbour Board.
Councillor Michael John Jay-Hanmer declared a Personal and Prejudicial interest in agenda item 7, Planning Application (13/00046/FL) - Blacksmiths Arms, 99 Main Street, Cayton as he was a licensee and knew the licensee at the other pub in the same village. He also may have had views on this case which may or could be taken as pre-determination.

2. MINUTES
RESOLVED that the Minutes of the meeting held on 16 May 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.

Councillor D L Billing in the Chair

4. PLANNING APPLICATION (13/00533/FL) - CHANDLERY, PIER ROAD, WHITBY
The Committee considered:
  i) a planning application for change of use and alterations into use class A5 hot food takeaway, for Whitby Fish Sales - T G Wood Ltd; and
  ii) a report by the Planning Services Manager (Reference 13/160).
No further comments had been received since the report was prepared and the agenda published.
In accordance with the Council's Public Speaking Scheme, Mr Mick Paxton, the Applicant's Agent spoke in support of the application before the committee commenced its debate.
A Member asked whether additional bins should be provided to accommodate rubbish and the Planning Officer agreed that an additional condition could be included. This was agreed by Members. Another Member asked about the queuing area and the proposed system was explained. A Member welcomed the application although he had had concerns about the opening hours which had been allayed by the restrictions conditioned. Another Member had grave concerns about sustainability and the impact on the heritage site and harbour. He also referred to the problem with customers queuing in the vicinity and conflict with highway users. A Member suggested the design would not enhance the area and could not support the application.

**Resolved** that, third party representations having been considered, permission be **GRANTED**, subject to the following conditions and the **additional condition agreed at the meeting**:-

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.
   
   **Note:** The bin store area as shown on the drawings received on 13 April 2013 will need to be reconfigured to ensure access can be achieved without encroaching onto the quayside beyond the extent of the bin store on the east elevation to ensure the safety of kitchen staff. Details will need to be submitted to and approved in writing before the bin stores are first brought into use and a barrier installed to prevent access by staff onto the quayside.
   
   **Reason:** For the avoidance of doubt.

2. Prior to the installation of the extraction equipment a report prepared by a qualified acoustic engineer/noise consultant shall be submitted to and approved in writing by the Local Planning Authority which demonstrates that the extraction system can operate without causing nuisance to nearby properties in respect of noise or smell emissions in accordance with the requirements of Defra’s ‘Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems’. The system shall be installed in accordance with the recommendations in this report and shall thereafter be so maintained.
   
   **Reason:** In the interests of the amenities of occupiers of neighbouring property and locality in general and to ensure compliance with Policy H.10 of the adopted Scarborough Borough Local Plan.

3. All sales shall be conducted within the building with no sales of goods direct to persons standing on the footway either via the window or a counter placed across the doorway opening.
   
   **Reason:** To avoid street congestion and the consequent hazards to pedestrian safety and to safeguard the amenities of the occupiers of neighbouring property.

4. There shall be no public access to the quayside from within the takeaway premises other than by staff accessing the bin store area for which the details and layout will need to be agreed as required by the note attached to Condition 1.
   
   **Reason:** For the avoidance of doubt and in the interests of safety for customers and staff of the takeaway premises hereby approved.

5. The double doors on the east elevation adjacent to the queuing areas shall remain closed other than in an emergency.
Reason: For the avoidance of doubt and in the interests of safety for customers and staff of the takeaway premises hereby approved.

6  All new window frames, glazing bars and doors shall be of timber construction unless an alternative material is first approved by the Local Planning Authority.
Reason: In the interests of visual amenity and to accord with Policies E14 and E23 of the adopted Scarborough Borough Local Plan.

7  Prior to the development hereby granted being brought into use, details of proposals for managing pedestrian queues in the highway shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.
Informative: As part of this management plan the areas shown as queuing areas within the building shall be retained for this purpose and shall not be used for any other purpose.
Reason: To ensure, in the interest of highway safety, that any queues do not cause obstruction to pedestrians using the highway.
Note: A separate Agreement will be required from the Local Highway Authority in order to carry out any works within the public highway. You should contact the Local Highway Authority to determine the requirements of this Agreement at an early stage.

8  Details of the proposed signage shall be submitted to and approved in writing by the Local Planning Authority prior to installation.
Reason: In the interests of visual amenity and to accord with Policies E14 of the adopted Scarborough Borough Local Plan.

9  The premises shall not open to the public before 9.00am and shall close no later than 9.00pm.
Reason: in the interests of the amenity of the occupiers of nearby residential properties to accord with Policy H10 of the adopted Scarborough Borough Local Plan

10 Provision shall be made for the re-siting of street furniture on the site frontage as necessary and details of the revised positions shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority
Reason: For the avoidance of doubt and in the interests of safety of users of the highway
Note: A separate Agreement will be required from the Local Highway Authority in order to carry out any works within the public highway. You should contact the Local Highway Authority to determine the requirements of this Agreement at an early stage.

11 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:
(i)  vehicular turning arrangements
(ii)  manoeuvring arrangements
(iii) loading and unloading arrangements.
Informative: The proposals shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication ‘Transport Issues and Development – A Guide’ available at www.northyorks.gov.uk

Reason: To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

Note: The Highway Authority is concerned about what effect the development, (particularly the bin stores to the rear), will have on the manoeuvring of vehicles which currently access the fish quay area and consequently whether this will have any effect on vehicles obstructing the publicly maintainable highway. I would request that written confirmation is gained from the users of the large vehicles that currently service the fish quay area that this application will not result in obstructing the turning and manoeuvring arrangements.

12 Prior to the commencement of the use as a takeaway, a litter management scheme shall be submitted, detailing how litter from the premises will be minimised within the immediate vicinity. The agreed scheme shall be implemented at all times when the premises are open for business and shall not be varied without the prior written approval of the Local Planning Authority.

Note: The management scheme should consider the requirement for additional litter bins near the premises

Reason: In the interests of the appearance of the locality and to accord with Policy H10 of the Scarborough Borough Local Plan

(In accordance with their declarations under Minute 1, Councillors Clegg, Flinton and Tindall left the meeting during the debate and determination of the above item)

Councillor D Clegg resumed the Chair

5. PLANNING APPLICATION (13/00137/FL) - STARR CARR FARM, MALTON ROAD, SEAMER

The Committee considered:

i) a planning application for re-development of Starr Carr Farm to include erection of workshop and store building, weighbridge, vehicle wash, erection of electronic security gates, extended hardstanding areas for staff, visitor and HGV parking, installation of fuel tank and associated drainage infrastructure, for James Stockdale Ltd; and

ii) a report by the Planning Services Manager (Reference 13/106).

Updating his report, Area Planning Manager (Rural), Mr Nick Read, informed Members that revised drainage details had been received on 11 June and, whilst no formal comments had been received from drainage consultees, the proposals had been developed in close liaison with the various agencies. The Wetland Project Officer (WPO) had requested additional landscaping to the east of the site and a new planting scheme had just been received which included thicker planting which would be gradual and include indigenous species suitable for the wetland setting. Consultation had not been carried out on the new landscaping scheme and Members were asked to give delegated authority to issue approval based on the revised plans subject to
formal consultation with the drainage board, Environment Agency, Internal Drainage Board, the Council’s Engineers and landscaping officer and the WPO and any further conditions recommended by the consultees. In accordance with the Council’s Public Speaking Scheme Mr T Caithness, the Applicant’s Agent, spoke in support of the application before the committee commenced its debate on this item. Members supported the application and agreed to the delegation requested. A Member asked whether the proposed interceptor would deal with hydrocarbons and was informed that they would trap pollutants and the WPO was satisfied with the proposals. Another Member mentioned the cycle way which crossed the entrance to the site and asked whether increased signage could be included to alert cyclists and drivers visiting the site. Mr Read advised that there would be no increase in vehicle movements to the site as it was already used as the vehicle depot and the existing site at Seamer was used only to service and maintain vehicles but a Note could be added warning drivers exiting the site to be aware of cyclists. This was agreed. The Member referred to the international reputation of the Starr Carr site and welcomed the application which could result in additional finds in unexplored land in the area.

**RESOLVED** that, subject to the consultation responses on the surface water drainage and landscaping proposals recently submitted, officers be given delegated authority to **GRANT** planning permission, subject to the following conditions, any additional conditions required and **the additional Note agreed at the meeting**:-

1. Development shall take place in accordance with the application plans as amended by the plans received on (awaited).  
   *Reason:* For the avoidance of doubt.

2. In the event that any building(s) approved by this consent are no longer required for its intended purpose, and have fallen out of use for more than 12 months, those building(s) shall be removed from site within three months of that date, and the land restored to its previous use.  
   *Reason:* In the interests of visual amenity, given the exception to Policy E1 of the Scarborough Borough Local Plan wherein a building of this nature, in this location, would not normally be acceptable.

3. Prior to the commencement of the development hereby granted, details of any additional illumination or lighting shall be submitted to, and approved in writing by the Local Planning Authority. The written approval of the Local Planning Authority should be sought for any changes to those details.  
   *Reason:* In the interests of the visual amenities of the locality.

4. Before any development is commenced, details of the materials of construction and colouring of the relocated building that forms part of this application shall be forwarded to, and approved in writing by the Local Planning Authority. Development shall then take place in accordance with the approved details.  
   *Reason:* In the interests of visual amenity.

5. The development hereby approved shall be carried out fully in accordance with Section 4.3 “Recommendations” of the Archaeological Evaluation Report carried out by Humber Field Archaeology dated April 2013, received by the Local Planning Authority on the 10th May 2013.
Reason: As the site is of historic interest.

6. There must be no raising of ground levels within flood zone 3, and all excess spoil must be removed from the flood plain.
Reason: To ensure that any possible future flood flows are not pushed onto others as a result of the development.

Plus such drainage and landscaping conditions as may be recommended and the additional Note regarding cyclists agreed at the meeting.

6. PLANNING APPLICATION (13/00738/FL) - SEAORD AVENUE, MOOR ROAD, FILEY
The Committee considered:

i) a planning application for development of 13 terraced holiday homes, for Essential Vivendi Ltd (Mr Wayne Low); and

ii) a report by the Planning Services Manager (Reference 13/203).

The majority of Members welcomed the application. A Member commented on the lack of detail and number of changes which had occurred in other areas on the site. The Area Planning Manager (Rural), Mr Nick Read advised that the properties would be small units including various combinations of house type. There would be variations in style and material including brick and render which would add interest to the street scene and high quality materials and brickwork had been used throughout the site. The Chair suggested that a plan of the whole site should be provided including the layout as a whole and the sport/leisure provision.

RESOLVED that permission be GRANTED, subject to the following conditions:

1. The development shall be carried out in accordance with the submitted application plans.
Reason: To avoid doubt.

2. The development hereby permitted shall be used for holiday accommodation only and none of the dwellings shall become any person’s sole or main residence.
Reason: The use of this site for permanent residential accommodation would conflict with Policy L13 of the Scarborough Borough Local Plan and the previous appeal decision of the Secretary of State on this site.
INFORMATIVE:- If any of the buildings to which this planning permission relates are occupied by any individual for more than 6 months in total in any 12 month period, the Local Planning Authority would regard it as amounting to that person’s main residence and a clear breach of this planning permission.

3. Notwithstanding the provisions of the Town and Country Planning (Development Management Procedure) Order 2010, (or any Order or Statutory Instrument amending, revoking and re-enacting that Order), there shall be no extensions or alterations to any of the holiday homes hereby permitted.
Reason: It would be inappropriate within the context of a holiday village and Policy L13 of the Scarborough Borough Local Plan for individual units of holiday accommodation to benefit from the Permitted Development rights afforded to permanent residential dwellings if the character of the development is to be protected.
4 Notwithstanding the provisions of the Town and Country Planning (Development Management Procedure) Order 2010, (or any Order or Statutory Instrument amending, revoking and re-enacting that Order), there shall be no provision of any buildings, enclosures or structures within the curtilage of any of the holiday homes hereby permitted. **Reason:** It would be inappropriate within the context of a holiday village and Policy L13 of the Scarborough borough Local Plan for individual units of holiday accommodation to benefit from the Permitted Development rights afforded to permanent residential dwellings if the character of the development is to be protected.

5 Notwithstanding the provisions of the Town and Country Planning (Development Management Procedure) Order 2010, (or any Order or Statutory Instrument amending, revoking and re-enacting that Order), no fences, gates, or walls shall be erected or constructed. **Reason:** It would be inappropriate within the context of a holiday village and Policy L13 of the Scarborough Borough Local Plan for individual units of holiday accommodation to benefit from the Permitted Development rights afforded to permanent residential dwellings if the character of the development is to be protected.

6 Landscaping shall be carried out in accordance with Drawing Number 13.231.1A received on the 8th May 2013. All trees, shrubs and planting shall be maintained for a minimum of 10 years in accordance with the details provided on that scheme. If within a period of 10 years from the date of its planting, any tree, plant or shrub, is removed, uprooted, destroyed or dies, another tree, plant or shrub of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written approval to any variation. **Reason:** In the interests of the visual amenity of the development, in accordance with Policy E12 of the Scarborough Borough Local Plan.

7 The external materials of construction shall accord with the Schedule set out in Appendix 2 to the Design and Access Statement, dated March 2013, which accompanied the planning application. **Reason:** In the interests of the appearance of the development and the character of the area, in accordance with Policy E12 of the Scarborough Borough Local Plan.

8 The development shall not be carried out except in complete accordance with the details shown on the drainage strategy "prepared by Billinghurst George & Partners - Report 10T709 dated 10/2011", unless otherwise agreed in writing with the Local Planning Authority. **Reason:** In the interest of satisfactory and sustainable drainage in accordance with Policy C7 of the Scarborough Borough Local Plan.

9 All street lighting shall match that design and specification of that previously used in The Bay Holiday Village development. **Reason:** To protect the visual amenity of the area in accordance with Policy E12 of the Scarborough Borough Local Plan.

7. **PLANNING APPLICATION (13/00046/FL) - BLACKSMITHS ARMS, 89 MAIN STREET, CAYTON**
The Committee considered:
i) a planning application for change of use from Public House into two residential dwellings, for Mike Brent; and
ii) a report by the Planning Services Manager (Reference 13/202).

Members were informed that reference to 98 Main Street in paragraph 1.1 should read 89 and the left hand unit would have four rather than three bedrooms.

In accordance with the Council’s Public Speaking Scheme, Mr M Brent, the Applicant spoke in support of the application and Mr L Hutchinson, spoke on behalf of St John the Baptist Pastoral Council, before the Committee commenced its debate on this item.

The Area Planning Manager (Rural) Mr Nick Read advised that the issue of maintaining access to the Church was not a planning matter but something for the landowner and pastoral council to consider. A Member asked whether the policy relating to uPVC windows had changed and Mr Read provided clarification on current policy. The Member regretted the loss of a community facility and reluctantly accepted the application for change of use. Another ward councillor had concerns about the church access and Mr Read suggested that a note could be added expressing the Committee’s hope that the access to the church could be retained in future. Members commented on the change in lifestyle including drinking at home which resulted in less socialising in villages and would result in more the regrettable closure of more public houses in future. A Member suggested that a policy on the closure/loss of public houses could be included in the Local Plan and the Planning Services Manager advised that this would be included.

RESOLVED that, third party representations having been considered, permission be GRANTED, subject to the Unilateral Undertaking confirming the affordable housing payment and the following conditions and the additional Note agreed at the meeting regarding access to St John the Baptist Church:

1. The development hereby granted shall be carried out in strict accordance with the amended plans received by the Local Planning Authority on the 21 May 2013 unless any amendment is first approved by the Local Planning Authority.
   Reason: For the avoidance of doubt.
2. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas:
   (i) Have been constructed in accordance with the submitted drawing (Reference (Planning Submission – Addendum Blacksmiths Arms, Cayton received on 21 May 2013)
   (ii) Are available for use unless otherwise approved in writing 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.
   Reason: In the interests of highway safety and the general amenity of the development.
3. The finish of the walls to be rendered on the wall element of the development hereby permitted 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.

Reason: In the interests of visual amenity and the preservation of the character of the Conservation Area in accordance with the requirements of policy E.14 of the Scarborough Borough Local Plan and the National Planning Policy Framework.

4 Notwithstanding the details submitted, details of the window frames to be utilised in the development hereby permitted, including samples shall be submitted to and 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 lintel 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 the preservation of the character of the Conservation Area in accordance with the requirements of policy E.14 of the Scarborough Borough Local Plan and the National Planning Policy Framework.

5 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: In the interests of visual amenity and the preservation of the character of the Conservation Area in accordance with the requirements of policy E.14 of the Scarborough Borough Local Plan and the National Planning Policy Framework.

6 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;

Reason: In the interests of the protection of visual and residential amenity in accordance with the requirements of policies E.14, H.10 and H.12 of the Scarborough Borough Local Plan and the National Planning Policy Framework.

Note: It should be noted that the approved scheme makes allowance for parking and access to St John the Baptist Church. In granting planning permission the Local Planning Authority would wish access and parking to continue to be provided at all times.

8. PLANNING APPLICATION (13/00602/HS) - 367 SCALBY ROAD, NEWBY

The Committee considered:
i) a planning application for extension to existing conservatory to form a sun room, for Mr M G Maltby; and
ii) a report by the Planning Services Manager (Reference 13/208).

RESOLVED that permission be GRANTED, subject to the following conditions:-

1. The development hereby permitted shall be carried out in accordance with the plans and specification received by the Local Planning Authority on 12th and 22nd March 2013.
   Reason: To avoid doubt as additional plans have been submitted.

2. The brick work of the development hereby permitted shall match that of the principal building on site.
   Reason: In the interests of visual amenity and to comply with Policy E14 of the Scarborough Borough Local Plan.

9. PLANNING APPEALS
The Committee considered a report by the Planning Services Manager (Reference 13/206) which provided information about the current planning appeals and gave Members an opportunity to ask questions.

RESOLVED, that the report be received.

10. STATEMENT OF COMMUNITY INVOLVEMENT
The Committee considered a report by the Planning Services Manager (Reference 13/13) which included a copy of the Statement of Community Involvement (SCI) to be used in the consultation process and provided an overview of the current planning system. The previous SCI was produced in 2007 and many changes had occurred in planning since then. The document included provision for use of electronic communication due to the increased popularity and reliance on these methods. Meaningful and appropriate community engagement is integral to the Government’s Localism agenda and should provide opportunities for people to influence and shape their local area.

RESOLVED that the Scarborough Borough Statement of Community Involvement (SCI) be published for public consultation.
Reason: Under the provisions of the Planning and Compulsory Purchase Act 2004 (as amended), local planning authorities must prepare a Statement of Community Involvement (SCI). A local planning authority’s SCI is a statement of their policy for involving interested parties in matters relating to development in their area. The statement will apply to the preparation and revision of Local Development Documents and to the exercise of the authority’s functions in relation to development management.
Consultation on the Scarborough Borough Local Plan Statement of Community Involvement (2013) is sought. The updated document reflects changes in national planning legislation and regulations as well as the wider use of electronic communication.

Chairman
REPORT OF THE PLANNING SERVICES MANAGER - 13/240

SUBJECT: REVISED PLANS FOR A DETACHED BUNGALOW, LAND TO SOUTH OF 2 ST ANDREWS ROAD, WHITBY FOR EBBY(15) CONQUESTS LTD

1.0 THE PROPOSAL

1.1 In April 2013 planning permission was refused for a dormer bungalow on this site due to the following concerns:

1. The proposal was considered to be unacceptable due to the form and layout of the development and its orientation on the site, which was considered to have a detrimental impact on the visual amenity and character of the area, conflicting with Policies E12 and H3 of the Local Plan. The proposal was considered to detract from the appearance of the area due to its scale, character and appearance not respecting the character and physical form of its surroundings (Policy H3 Criterion A) and due to the loss of an important private open space, which positively contributed to the character and appearance of the area (Policy H3 Criterion C).

2. The proposal was considered to have a serious effect on residential amenity by means of overlooking and loss of privacy, overbearing effect and impact on the appearance of the area. In particular it was considered that the development would have an overbearing effect on existing property (Nos 1 and 3 Rosemount Road), and result in a perceived loss of privacy for adjacent residents due to a dormer window (despite this being obscure glazed). In addition the development was considered to be contrary to Local Policy H10 due to the loss of an area of open space (albeit private open space) that forms part of the open aspect at the entrance to the St Andrews Road Estate.

3. The proposal would result in the loss of open space that forms part of the open aspect at the entrance to the St Andrews Road Estate and which is considered to contribute positively to the character and appearance of
This application concerns a proposal for a revised scheme that seeks to address the reasons for refusal as outlined above. The original proposal provided for a brick and pantile building with 2no pitched roofed gabled dormer windows to the frontage (facing St Andrews Road) to serve the two bedrooms in the roofspace and a single catslide dormer in the rear roofslope serving the bathroom. This dwelling had a footprint of 82sq.m with the eaves and ridge heights set at 2.55m and 6m respectively for the main part of the building with a lower ridge height of 5.25m for the attached store.

The current proposal provides for a single storey building with a footprint similar to that of the original scheme (81sq.m) with eaves heights estimated to vary between 2.2-2.5m (2.2m on the west side facing St Andrews Road and 2.5m on the east elevation with the variation due to the sloping nature of the site) with a ridge height of 4.8m to the dwelling and a lower ridge height of 3.8m to the store. The pitch of the roof has been reduced from 43 degrees to 30 degrees. In addition, the siting and orientation of the dwelling has been altered to provide garden space to the north and south of the building where previously most of the garden was positioned to the south, and with the property’s frontage facing Mayfield Road rather than St Andrews Road. A path to the side of the dwelling between the application property and No1 Rosemount Road of 1.8m (previously 1.0m) is proposed with a 1.0m set back from St Andrews Road.

The materials of construction are as per the original (i.e. clay pantile roof, walls faced in brickwork and uPVC fenestration) and the accommodation to be provided comprises an open plan kitchen/living area (22.71sq.m), two bedrooms (13.25sq.m and 8.97sq.m), a bathroom and an attached store. The proposal provides for a 2m high fence or wall to the eastern boundary with hedging to the rear garden and to the side of the dwelling. An open plan garden to the site frontage is indicated on the block plan submitted as part of the application, Provision is to be made for the parking of two vehicles on the driveway to the front of the store which is to be surfaced using permeable block pavers to allow natural surface water drainage and to reduce reliance on the mains system. In addition, the Design and Access Statement notes the intention to incorporate other sustainable features including solar photovoltaic and thermal roof panels with the heating and hot water systems using an efficient system linked to the solar panels.

In support of the proposal the applicants’ agent comments that:

“This site is on the edge of a large residential estate that includes a variety of housing types and designs. Immediately adjacent most of the houses are two storey detached or semi-detached, abutting the site to the east is a bungalow (1 Rosemount Road). The design has taken this into account and a bungalow is proposed to avoid a large mass. It is noticeably subservient to Nos 16 and 18 Mayfield Road and with a low eaves height and then a pitched roof will not present a large aspect to 1 Rosemount.
Road....Substantial design changes have been incorporated from the previous application – these are:
- The dormers to the roof have been removed to both the front and rear.
- The overall roof/structure height has been reduced by approximately 1m.
- The distance from the side boundary is now 1.8-2.0m
- The property now has its main face to the south with a canopied entrance facing Mayfield Road. Its address will be 14A Mayfield Road.
- Position on site has altered to give garden space to the north and south. Space to the north will enable room for drying clothes not visible from the main road.
- The space to the south will still contribute to the ‘open feel’ of the area without the current backdrop of an electrical sub-station.

1.6 The application site is in a residential area located about 1 km to the south-west of Whitby’s town centre. It is set back from the main road (Mayfield Road) behind a grass highway verge, which is approximately 20m wide on the stretch opposite the site, at the entrance to St Andrews Road.

2.0 PRE-APPLICATION COMMUNITY ENGAGEMENT

2.1 None.

3.0 CONSULTATIONS AND COMMENTS

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

3.2 Whitby Town Council – “Recommend Approval subject to adhering to the Highway Authority’s recommendations, and to the use of matching brick to the adjacent property.”

3.3 Highway Authority (NYCC) - Recommends that conditions be attached to any permission that may be given in respect of the following: discharge of surface water drainage; construction requirements for the crossing of the footway; the provision of appropriate visibility splays at the proposed drive access, the existing electricity sub-station and at the existing junction between St Andrews Road and the road leading from Rosemount Road; the provision of pedestrian visibility splays at the proposed drive access and existing sub-station access; and the relocation of the street name plate and utility apparatus marker posts.

3.4 Environmental Services (SBC) - “No objections to the granting of planning consent on housing grounds.”

3.5 Estates Manager (SBC) – Confirm that the land is not owned by the Borough Council. Have reviewed the ‘Viability Assessment’ document and consider that the figures are generally acceptable however, the land value figure is queried as it appears a little high.
3.6 **Engineering Services (SBC) - Awaiting comments.**

3.7 **Publicity** - The consultation period expired on 3 July 2013 and representations have been received from the following:

Letters of objection have been received from:

- Mrs A Wheeler, 37 Mayfield Road, Whitby
- Mr B Parkin, 4 St Andrews Road, Whitby
- Mr J Woodhead, 2 Ganton Close, Whitby
- Mrs P Hopkin, 2 Rosemount Road, Whitby
- Mr C Hopkin, 4 Rosemount Road, Whitby
- G J C Reid, 33 Mayfield Road, Whitby
- Mr D and Mrs J Hall, 1 Rosemount Road, Whitby
- Mr and Mrs D Lowis, 1 St Andrews Road, Whitby
- Mr D Knaggs, 16 Mayfield Road, Whitby
- Mrs J Barningham, 11 Rosemount Road, Whitby
- Mr J Carr, 3 Rosemount Road, Whitby

A petition has also been received with 166 signatures (further details noted in point 16 below)

1. This land is merely a grass verge maintained by Scarborough Borough Council or, it was until the ugly metal fence was put around it.
2. School children pass by daily to go to school. It is opposite a nursery and close to a busy junction with Mayfield Road. It slopes down towards the bungalow on Rosemount Rd. It is a small patch of land, which doesn’t look big enough to build a garage let alone a bungalow and garden. The Council should refuse this application on the grounds of the very close proximity of the 2 bungalows behind and the fact that it is close to the junction.
3. It can’t have been suitable when St Andrews Road and Rosemount Road were first built otherwise someone would be living in a house on the site now.
4. The proposal would mean the loss of open space and grassed area which we have enjoyed for many years. The loss of this land would detract from the outlook of the area.
5. Views from Nos 2 and 4 looking towards Mayfield Road and grassed areas would be blocked by this building.
6. When entering St. Andrews Rd. from Mayfield Rd, this building would not conform to the general character of St. Andrews Road
7. Have always been under the impression that this verge was transferred from "Cyril Payne" to the Highway Authority to be enjoyed as public open space on an Estate with very little green space. I am astounded that neither NYCC or SBC own the land despite it being maintained (grass cutting) by them and from the public purse since 1971/72, which perhaps gives the local authority some ownership rights as the public have enjoyed unhindered access for over 40 years! I wish to object to the building of any dwelling/s either now or in the future.
8. There will be a detrimental effect on neighbours at Nos 1 and 3 Rosemount Road particularly as the application site is at a higher level. The proximity of the bungalow to the boundary with these neighbours and the fact it will tower above both neighbours and to sink it lower will cause even more problems with flooding.

9. Has concerns regarding the impact on privacy and the character of the area noting that “everyone who has bought their homes in this area has done so on the understanding that it will remain unspoilt with the protected green spaces that the original builders had been instructed to incorporate into the design of the development and must be preserved at all costs.

10. Any type of building on such a small area would look totally out of place and would undoubtedly ruin the balance of the whole estate.”

11. The green spaces are an integral part of the design and should be retained for children to play away from the danger of heavy traffic cutting through the estate which is very congested at school times.

12. Washing and bins will still be in full view of the road which is not acceptable for residents living opposite the site.

13. There is ample land at other nearby sites for new housing.

14. Adjacent houses have large garden space. This site appears to be cramped and will be out of keeping with these adjacent properties.

15. Have concerns that there are inaccuracies in the submitted plans and note that the plans give the impression that the site is level. Suggest that when the slope of the site is taken into consideration there will be overlooking of their dwelling and garden from the rear windows of the bungalow even with a 2m wall. Also think that there are discrepancies in the measurements of the footprint of the building and distances to the site boundaries.

16. The development of this site will set a precedent for building on every open space and advise that planning permission for this estate was granted on condition that these spaces remained open (a petition has been submitted with a 166 signatures collected in 48 hours from 122 households, all residents of the estate, who concur with this view and who also oppose the granting of consent for building on the grounds that such a development would be completely out of keeping with the area, overbearing to Nos 1 and 3 Rosemount Road, will set a precedent to build on the remaining green patches and is detrimental to the cohesiveness of the community).

17. There is an electricity substation between 2 St Andrews Road and the application site and it is mandatory to have clear access to the front and side including sufficient space to access the double doors noting that this structure had to adhere to the building line as have other residents when they have sought to do building work and consider that this application should not been considered when it pays no mind to the building line – the house will be up to the pavement.

18. This green space gives clear site lines for all road traffic using the adjacent junctions, and pedestrians including large numbers of school children.

19. This proposal should again be refused as the conclusions drawn by the Planning Manager and the 3 points cited for refusal on that occasion still
hold true. The proposed building will look incongruous and have an overbearing effect on nearby dwellings due the difference in elevation between the sites.

20. The building if allowed will for most of the year take most of the light from the immediate neighbour.

21. I hope that the planning department can see how misleading the plans are and after further investigation come to the conclusion that this piece of land is just not suitable to build any dwelling on. The site at the moment is an eyesore. The grass has not been cut since the fence was erected and advertising hoardings have been attached. The fence is in a dangerous condition, this is especially relevant where young children live.

The following comments have been submitted in support of the proposal:

Mr M Teasdale, 58, St Andrews Road, Whitby
Mrs E Hopkinson, Caedmons Prospect, Chubb Hill Road, Whitby
Mr M Black, Pemberton House, Station Avenue, Whitby
Mrs S Barker, Barker-Trent Properties Inc, Fonteyn Court, Hollingside Lane, Durham

1. Anything will be an improvement to the current mess. The sooner something is built on it the better. What is the point of it staying like it is?

2. Would rather existing space be used for new housing than encroaching out of current development limits out of the town boundary area. I think you should use up existing spare space like this first to save open land in the countryside.”

3. The site has been fenced for a number of months now. I have always wondered why the land was not built on in the past and think a house there would use up the spare space well and be better that the scruffy appearance as you enter the estate, with the dilapidated electricity sub-station which needs some attention. I would suggest that the developers are asked to erect a new fence round the back of the site to tidy up

4. As a resident of St Andrew’s Road for many years. I originally made comment on the first application that development would mask the sight of the “municipal-style” electricity sub-station. I believe that the amended development still achieves this, and with the amended orientation of the plot and height of building, will mean this property would fit nicely into the street scene.

5. Another house on the estate would use up this area well. I used to live on St Andrews Road before moving to Chubb Hill to a flat with no garden, and am surprised that the land has not been used before now for a bungalow. It will be easily accessible for a disabled person who could enter the house from the pavement in wheelchair or mobility scooter. Few houses are built these days level with the pavement and have a bank or upward drive to negotiate for access to a house. This house would provide easy access for an elderly person on an estate where elderly people might want to live.
4.0 RELEVANT SITE HISTORY

4.1 2013 Planning permission refused for a dormer bungalow (13/00316/FL).

5.0 PLANNING POLICY

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) 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 (saved policies)

E6 Protection of Open Space
E12 Design of New Development
H3 Small Scale/Infill Housing Development within the Development Limits of Settlements
H10 Protection of Residential Amenity
C7 Foul and Surface Water Disposal

National Planning Policy Framework

NPPF6 - Delivering a Wide Choice of High Quality Homes
NPPF7 - Requiring Good Design

6.0 ASSESSMENT

6.1 The application site lies within the ‘development limits’ of Whitby as defined in the Local Plan and as such the development needs to be considered against Policies E12 and H3. Policy E12 is the overarching design policy, seeking to ensure development is visually attractive and complements the character of its surroundings by careful consideration of issues such as scale, form, height and materials. Policy H3 deals with housing development, which requires that new development should:

- be of a scale and character in keeping with its surroundings
- have an acceptable vehicular access
- not result in the loss of important public views or open spaces
- not harm the amenities of nearby residents
- be acceptable in terms of policies for the protection of nature conservation interests

Scale, Character and Appearance

6.2 The revised scheme provides for a single storey bungalow which is the established form of development on the short section of Mayfield Road that lies to the east of the entrance to St Andrews Road. The proposed bungalow
has been re-orientated on the site such that its principal elevation now faces south towards Mayfield Road. This north/south orientation provides for a more satisfactory arrangement in line with the existing street layout for the properties in this location although it is noted that the properties at the entrance to Rosemount Road (No1 Rosemount Road and No 14 Mayfield Road) are set at an angle with their principal frontages facing the curve of the junction of Rosemount Road with Mayfield Road. The north/south orientation is considered to be appropriate on this corner plot, which reflects the orientation of the dwelling at 16 Mayfield Road which is sited on the corner plot on the opposite side of the road. In addition the dwelling has been re-positioned further forward on the site to allow for a garden on the frontage facing the junction and a rear garden positioned adjacent to the electricity substation, which will allow for the drying of clothes and bin storage not visible from the main road. The dwelling has been reduced in scale and whilst it is appreciated that this is a relatively small site it is noted that there are plots of similar size in the locality (for example Nos 3 and 5 Rosemount Road and Nos 1 and 3 St Andrews Road). The dwelling has also been moved further from the boundary with the dwellings in Rosemount Road and is considered to sit more comfortably on the site – the proximity to St Andrews Road is noted however the garden area to the frontage is considered to be of sufficient depth to maintain the open character at the entrance to this estate when coupled with the significant grass verge to the site frontage, which is at its widest point in this location. Dwellings in the immediate locality are positioned at varying distances from the highway with no definitive building line – the properties behind are on a bend and the dwellings on the corner plots at Ganton Close (Nos 6 and 8 St Andrews Road) are set further forward of their immediate neighbours. In this context the proposed dwelling is not considered to have a significantly detrimental effect on the street scene.

6.3 The dwelling is to be constructed in brickwork under a pantile roof with a pattern of fenestration more in keeping with the style of buildings in the area and is of relatively modest proportions. There are a variety of dwelling types on this estate with individually designed properties in evidence, particularly on the north side of Mayfield Road. The proposed dwelling is considered to fit in with the street scene in this location with the building reflecting the scale/character of the dwellings to the east which front the highway verge.

Vehicular Access

6.4 The access/parking area is to the rear of the bungalow off St Andrews Road approximately 20m from the junction with the section of roadway set behind the grass verge and 50m from the principal junction onto Mayfield Road. The Highway Authority has no objections to the proposed access/parking arrangements subject to conditions as referred to in 3.2 above.

Loss of Public Views and Open Spaces

6.5 Documentary evidence of ownership has been supplied, which shows that the application site was privately sold in 1971. However, it is only recently that the land has been fenced in to restrict public access. The site is grassed and has
been maintained by the Local Authority as have the larger grass areas to the south, which appear to be maintained as highways verges. Policy E6 of the Local Plan, which refers to the protection of open space, is considered to be relevant and states the following: "The amenity value of all open spaces within settlements will be taken fully into account and development will not be permitted on public and private open spaces and landscaped areas, including private gardens, within the defined development limits of settlements if they contribute positively to the character, appearance or amenity of the area...".

6.6 Whilst it would be preferable if this area could be retained as an open space the land is in private ownership and, as such, the owners are entitled to fence it in which will affect the open character – a 1m high fence could be constructed as ‘permitted development’ on the western and southern boundaries and there is already a substantial timber fence to the east which encloses the gardens of properties in Rosemount Road with the electricity sub-station former a backdrop at the northern end of the site. The attractiveness of the open space would be diminished by the addition of fencing which will impact on the openness and as such is unlikely to continue to contribute positively to character, appearance or amenity.

6.7 However, in developing this site, the proposal provides for an unenclosed garden on the site frontage, which will retain an open aspect on this corner plot which respects the existing landscape setting. In these circumstances it would be difficult to justify withholding planning permission on grounds of Policy E6 – the open space, if enclosed, would have a more neutral effect on character and in fact, comments have been received which note the positive benefit to the development of this site insofar as the electricity sub-station would be screened from view at the entrance to the estate.

6.8 The question of precedence has been raised with concerns that if this green area is developed there will be pressures to allow development on other open spaces in the town. This is not the case as planning is based on the consideration of specific sites that are proposed for development which must be assessed on their individual merits and against the relevant local and national policies in force at the time.

Impact on Nearby Residents

6.9 Policy H10 seeks to protect residential amenity and states that planning permission will not be granted for development that would have a serious effect on residential amenity. In this instance the relevant amenity considerations are considered to be the extent of overlooking and loss of privacy, the proximity and relationship of new and existing buildings and whether there is an overbearing effect on existing property, the impact of the development on the appearance of the area and the loss of significant open space or landscaped areas.

6.10 The original proposal was considered to be in conflict with Criteria (b), (e) and (f). Criteria (e) and (f) have been considered above and it is concluded that the revised scheme addresses the earlier concerns in respect of this
development – the building has been reduced in scale and re-orientated so that the front garden faces Mayfield Road and has an open aspect which has improved the appearance of the development. The open space is not considered to be of such significance in the landscape setting or of great amenity value as to warrant refusal of the application on these grounds.

6.11 The impact on the occupiers of neighbouring dwellings also needs to be reassessed in relation to overlooking/privacy concerns and whether the proximity of the new dwelling will have an overbearing effect on existing property. The proposed building has been reduced in height, with a shallower roof pitch and no dormer windows and has also been inset from the boundary by 1.8m (previously 1m). The effect of the alterations is that the roof, which slopes away from the properties in Rosemount Road should be the only aspect of the building that is visible from ground level. Given its shallow pitch and the fact it slopes away from the immediate neighbours, it is not considered that the building will have an overbearing effect on the existing dwellings.

6.12 As regards impact on privacy the maintenance of a 2m high fence or wall on the boundary should ensure that overlooking is not an issue despite the downward slope of the land from west to east. There are three window openings on the east facing elevation of the proposed bungalow, serving a kitchen, bathroom and bedroom and the section drawing supplied by the applicant’s agent has shown that with an eye line of 1.65m above floor level it would be difficult to overlook the properties below. Any views across to No 3 Rosemount Road, which is a two storey property, would be at an oblique angle as this dwelling is to the north east of the proposed bungalow, and opposite the rear garden rather than the proposed dwelling itself, which also has a blank gable to the north elevation. As No 1 Rosemount Road is a single storey property, the roof to this dwelling which is opposite to the new build, is likely to be the only aspect that will be visible to the future occupiers of the bungalow should permission be granted for its erection.

6.13 This assessment of privacy is dependent upon the accuracy of the drawings submitted which has been disputed by neighbours. An independent survey has been commissioned by Mr Hall who resides at No 1 Rosemount Road and the section drawing provided will be shown to members at the meeting. The applicants’ agent has also checked the measurements and advises that the site plan details relating to dimensions are accurate but notes that the difference between the edge of the site to the west (pavement side) and the east (side boundary) varies between 460mm and 700mm (previously a level of 460mm had been noted on the section drawing). To compensate for the varying levels across the site a new elevation drawing has been received (Drwg D10237-05 Rev D) which sets the floor level of the new dwelling below the pavement level at St Andrews Road and the perimeter path will be stepped down towards the boundary fence facing Rosemount Road to ensure that the rear path immediately adjacent to the fence is below any overlooking height, and if required has indicated that the bungalow can be ‘dug into the site further as the topography can accommodate this. Your officers are
reviewing the drawings with the agent and may display further plans at the meeting.

Nature Conservation Interests

6.14 There are no nature conservation interests at this site.

National Policy Guidance

6.15 The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved. NPPF6 which refers specifically to housing confirms this approach advising that "housing applications should be considered in the context of the presumption in favour of sustainable development" (paragraph 48). NPPF 7 notes that that "the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places a better place for people." The revised proposal is considered to have overcome the design concerns of the previous scheme, which involved an unacceptable form of development that impacted on the setting of the estate and also on the amenity of residents to an unacceptable degree. The current design for a smaller dwelling with a north/south orientation as per the existing dwellings in Mayfield Road, including the retention of an open area on the site frontage to provide a continuation of the open aspect at the entrance to estate, has resulted in a building that can be more readily assimilated in the area.

7.0 PLANNING OBLIGATIONS

7.1 A Section 106 Agreement relating to ‘affordable housing’ is required for a proposal of this type and a draft ‘Undertaking’ has been submitted by the applicant. This proposes a contribution of £1500 on viability grounds (estimated sum in line with the SPD would be just under £6000). Given the Estate Manager’s comments, your Officers would request delegated powers to finalise negotiations on the commuted sum, with the Chair’s approval.

8.0 CONCLUSION

8.1 The revised scheme for a bungalow on this site has addressed the reasons for refusal of the original scheme relating to serious impact on neighbour amenities and to an extent reduced the impact on the open space by re-orientating the dwelling so as provide its front garden in view from Mayfield Road. On balance, whilst the amount of open space is reduced, it is felt that the reduced scale of the dwelling and its re-orientation is sufficient to enable officers to view the application positively and recommend that permission be granted subject to conditions to ensure that the form of development remains as approved including the removal of certain ‘permitted development’ rights, in the interest of visual and residential amenity and to ensure an appropriate vehicular access is available that complies with the requirements of the highway authority.
8.2 With these safeguards in place your officer consider that the proposed development is acceptable and in accordance with the established policies of the Council, and is in line with national policy guidance contained within the NPPF.

9.0 RECOMMENDATION

9.1 That PERMISSION BE GRANTED, subject to verification of the measurements/site levels and the signing of a 'Unilateral Undertaking' pursuant to Section 106 in respect of an agreed contribution to 'affordable housing', subject to the following condition(s) :-

1 The development hereby granted shall be carried out in strict accordance with the submitted plans as amended by the details contained within Drwg no’s D10237-05 Rev D (Sectional Elevation) and D10237-04 Rev B (Location and Block Plan).

Reason For the avoidance of doubt.

2 Before the commencement of the development above foundation level, a schedule of external materials of construction of the dwelling and surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. Samples shall be approved in writing by the Local Planning Authority, and the development shall be carried out in these unless otherwise agreed in writing by the Local Planning Authority.

Reason In the interests of visual amenity to accord with Policies E12 and H3 of the adopted Scarborough Borough Local Plan

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order or Statutory Instrument amending and/or revoking and re-enacting that Order), none of the following developments or alterations shall be carried 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 and the installation of roof windows
(iv) the erection of walls, fences or other means of enclosure between the front main wall of the dwelling facing onto Mayfield Road at the junction with St Andrews Road and the highway.
Reason To comply with Policies E12, H3 and H10 of the adopted Scarborough Borough Local Plan.

4 A 2m high fence or wall shall be provided along the length of the eastern boundary of the site prior to the first occupation of the dwelling and shall thereafter remain in situ unless any amendment is first agreed in writing by the Local Planning Authority.

Reason In the interests of the amenity of adjacent occupiers to accord with Policy H10 of the adopted Scarborough Borough Local Plan

5 Before the commencement of the development above foundation level, 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 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 the 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 good as and when necessary, unless the Local Planning Authority gives written consent to any variation.

Reason In the interests of visual amenity to accord with Policies E12 and H3 of the adopted Scarborough Borough Local Plan

6 There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.

Reason In the interests of highway safety.

7 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

(i) The crossing of the highway verge and/or footway shall be constructed in accordance with the Standard Detail number E6W.
(ii) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed 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 to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details and maintained thereafter to prevent such discharges.

(v) The final surfacing of any private access within one metre of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning 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.

Informative You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The ‘Specification for Housing and Industrial Estate Roads and Private Street Works’ published by North Yorkshire County Council, the Highway Authority, is available at the County Council’s offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

8 There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 25 metres measured along both channel lines of the major road St. Andrews Road from a point measured 2.4 metres down the centre line of the proposed drive. The eye height will be 1.05 metres and the object height shall be 1.05 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason In the interests of road safety to provide drivers of vehicles using the access and other users of the public highway with adequate inter-visibility commensurate with the traffic flows and road conditions.

9 There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear
visibility of 25 metres measured northwards along the channel line of the major road St. Andrews Road from a point measured 4.5 metres down the centre line of the road to the immediate south of the plot, (leading from Rosemount Road). The eye height will be 1.05 metres and the object height shall be 1.05 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason In the interests of road safety to provide drivers of vehicles using the access and other users of the public highway with adequate inter-visibility commensurate with the traffic flows and road conditions.

There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until visibility splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of St. Andrews Road have been provided. The eye height will be 1.05 metre and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason In the interests of road safety to provide drivers of vehicles using the access and other users of the public highway with adequate inter-visibility commensurate with the traffic flows and road conditions.

Planning Services Manager

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 Carol Bruce ON 01947 602075 e-mail carol.bruce@SCARBOROUGH.GOV.UK
### REPORT OF THE PLANNING SERVICES MANAGER - 13/246

**SUBJECT: DISCHARGE OF CONDITION 7 (SURFACE WATER DRAINAGE STRATEGY) OF OUTLINE PLANNING PERMISSION 11/01914/OL AT LAND NORTH OF EASTFIELD FOR K2 REGENERATION LLP.**

#### 1.0 THE PROPOSAL

1.1 At the time the outline permission was considered by Planning and Development Committee, officers confirmed that they intended to report the information submitted in order to seek the discharge (or approval) of a number of conditions. These were Condition 7 (Surface Water Drainage Strategy) and Condition 47 (Design Code). It is intended that the Design Code will be reported to the August meeting.

1.2 Condition 7 requires 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.

1.3 The document that has been submitted is simply entitled ‘Surface Water Strategy’ (SWS) and is based on the various pieces of work undertaken during the application’s processing, with scrutiny primarily from the Environment Agency, the Muston and Yedingham Internal Drainage Board, and the Council’s Drainage Engineers, with input also from Yorkshire Water. It effectively brings together the report writing and information gathered throughout the life of the outline application and puts 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) will be based.

1.4 Members will recall that at the outline stage various documents were produced and amended, following a series of meetings and discussions involving all the surface water drainage parties. The documents submitted out outline stage comprised:
• Flood Risk Assessment, dated October 2010
• Controlled Water Risk Assessment, dated October 2010
• Controlled Waters Risk Assessment Addendum, dated March 2012
• Flood Risk Assessment Addendum, dated April 2012
• Water Framework Assessment, dated May 2012

1.5 Whilst Yorkshire Water were involved in the process, their primary interest is with foul drainage, as they made it clear that their piped infrastructure could not deal with additional surface water from the development. The surface water drainage scheme has been designed with this in mind, with surface water draining to the existing watercourse in Deep Dale valley, through a system of storage and attenuation.

1.6 The SWS document is not overly-prescriptive, but seeks to provide a clear framework for design teams dealing with drainage for all phases of the development. It takes account of local conditions, in particular the need to protect the underlying aquifer, from which Scarborough’s drinking water supply is abstracted, the lack of capacity in the existing piped drainage system, and the fact that only one watercourse is available to receive flows from the site. The document also takes account of the Eastfield Flood Alleviation Scheme (EFAS) installed along the northern edge of Eastfield with funding from the Environment Agency in 2011, which protects existing dwellings from overland flows that had previously impacted on gardens and properties.

1.7 The SWS covers a variety of issues, including:

• An overview of the surface water strategy for the development
• A review of requirement for the central attenuation facility in Deep Dale valley and the allowable surface water discharges from Ha1 and Ha2
• Setting out the general surface water and flood risk management design requirements
• The application of ‘Sustainable Urban Drainage’ principles to the site and the requirements for infiltration based solutions
• Application of the strategy to Ha1 and Ha2 respectively
• The future operation and maintenance of the surface water and flood risk management infrastructure
• A number of other miscellaneous issues, including temporary arrangements and applications to deviate from the approved SWS.

1.8 The SWS includes a series of Appendices which include the modelling undertaken to arrive at the figures for use in prescribing the level of discharges from Ha1 and Ha2 into the central attenuation facility.

2.0 PRE-APPLICATION COMMUNITY ENGAGEMENT

2.1 None.
3.0 CONSULTATIONS AND COMMENTS

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

3.2 Drainage Engineers (SBC) – Comments awaited.

3.3 Environment Agency – We are satisfied that sufficient information has been provided within the Surface Water Strategy document for Condition 7. As such we are content to recommend that Condition 7 can be discharged.

3.4 Muston and Yedingham Internal Drainage Board – Comments awaited.

3.5 Yorkshire Water – With regard to Conditions 7 and 8, I understand that it is still the developer’s intention that surface water shall drain to a watercourse via attenuation/storage and that there is ongoing dialogue with the Environment Agency (EA) with regard to the discharge of the Condition. We therefore have no comment to make with regard to these conditions.

4.0 RELEVANT SITE HISTORY

4.1 2013 – Outline planning permission granted for up to 1,350 dwellings together with ancillary facilities including primary school, extra care and retail development, including detailed design for a link road and bridge to provide a connection between the A64 and the A165 under reference 11/01914/OL.

5.0 ASSESSMENT

5.1 The SWS document sets out a number of factors in terms of the design of the surface water system required in support of the development of the two sites (Ha1 and Ha2). Key elements of the Strategy to draw to members attention are as follows:

- The provision of a central attenuation facility (pond) within Deep Dale valley, with an outfall designed to restrict flows to agreed rates, as set out in Condition 7, for different storm events. This facility will be formed by the construction of an embankment.
- The central facility is required to ensure the current rate of discharge downstream remains as at present in different storm events, with some betterment factored in for climate change. It would do this by reducing current flows along the watercourse from upstream by half, and thereby providing capacity for additional surface water from the development of Ha1 and Ha2, which would otherwise not have entered the watercourse.
- Various models have previously been put forward for surface water flows into the watercourse, but the SWS makes clear that the agreed approach is for all water from the development to discharge into the central attenuation facility, i.e. upstream of the embankment, which will incorporate the necessary flow control mechanism.
• The attenuation is designed to provide up to 3,500m$^3$ of storage when filled to its design capacity (after a 1 in 100 storm event).
• Surface water would need to be attenuated separately within Ha1 and Ha2 by means of underground storage tanks and surface level landforms (swales/depressions), and the rates of their onward flows to the central facility will then be restricted by the size of the connecting pipework.
• The permitted rates of flow from Ha1 and Ha2 to the central attenuation facility would be in the ratio of 2:3 based on the relevant land areas being drained.
• That the EFAS scheme be retained until such time as agreed alternative measures are in place. These are likely to comprise surface water drainage infrastructure and defences along the northern boundary of Ha1 and Ha2 to protect new development from overland (pluvial) surface water flows.

Central Attenuation Facility

5.2 The document makes clear that the central attenuation pond and any associated surface depressions/ponds within Ha1 and Ha2 should be designed to provide other benefits including:

• Ecological benefits (as required by Conditions 11 and 45 of the outline permission)
• Water quality improvements (Condition 11 of the outline permission)
• Aesthetic opportunities (Conditions 11, 51-54 of the outline permission).

5.3 The rates of discharge for different storm events from the central attenuation facility to the watercourse were agreed at outline stage and for clarity were set out in Condition 7. The rates are as follows:

<table>
<thead>
<tr>
<th>Return period</th>
<th>Peak Flow (m$^3$/s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 in 2.33</td>
<td>0.40</td>
</tr>
<tr>
<td>1 in 30</td>
<td>0.77</td>
</tr>
<tr>
<td>1 in 100</td>
<td>1.02</td>
</tr>
</tbody>
</table>

5.4 The rates of discharge from Ha1 and Ha2 respectively to the central attenuation facility are as follows:

<table>
<thead>
<tr>
<th>Return period</th>
<th>Max permitted flow rate from Ha1 (l/s)</th>
<th>Max permitted flow rate from Ha2 (l/s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 in 30</td>
<td>200</td>
<td>300</td>
</tr>
<tr>
<td>1 in 100</td>
<td>230</td>
<td>345</td>
</tr>
<tr>
<td>1 in 100 plus CC</td>
<td>240</td>
<td>360</td>
</tr>
</tbody>
</table>

5.5 In terms of the central attenuation facility’s embankment, the document confirms that its future operation and maintenance could be either by a development management company or, preferably, by future adoption as a sustainable urban drainage system (SUDS). In the event that future adoption as a SUDS is to be pursued, the civil design requirements of the adopting
authority, which it is anticipated will be NYCC acting as Lead Flood Authority, should be incorporated.

Sustainable Urban Drainage

5.6 Condition 7 requires that the surface water strategy should be based on 'sustainable principles' and therefore, wherever possible, SUDS solutions should be considered. The document states that a SUDS approach is central to the overall Strategy. However, it also points out that the Environment Agency (EA) has been clear that any infiltration systems will need to demonstrate that there is no risk to the underlying Corallian Limestone Aquifer. The document makes clear this major constraint, and advises on the need to refer to the EA's policy GP3, which provides guidance on the use of infiltration techniques in Source Protection Zones (SPZ). As a good proportion of the overall site (Ha1 and Ha2) lies within SPZ 1, the document advises that any infiltration systems will have to take into account the following:

- Clean roof water can discharge directly to the ground in SPZ1, provided that the downpipes are sealed against pollutant entry, where ground conditions allow for such discharge
- Where infiltration is proposed in SPZ 1 for anything other than clean roof water a risk assessment will be required to demonstrate that pollution of groundwater will not occur
- Infiltration systems will not be permitted to serve certain developments, i.e. lorry, bus and coach parking and turning areas
- National guidance (draft) on SUDS which includes guidance on the necessary level of treatment for surface water for disposal by infiltration.

Application of Strategy to HA1 and Ha2

5.7 The document sets out the various issues to be considered in detailed design terms when schemes are drawn up for the drainage systems on the respective sites. This includes information on the likely nature of the design of the drainage systems flagging up the issues that need to be taken into account by design engineers. This includes advice on the necessary flood defence measures to be incorporated into the overall system along the northern boundary of the overall site, and the fact that the EFAS needs to be maintained, until other agreed measures are in place.

6.0 CONCLUSION

6.1 The submitted Surface Water Strategy produced by WYG Engineering, dated April 2013 is recommended for approval, in order to discharge Condition 7 of the Outline planning permission reference 11/01914/OL. This Strategy sets out a clear framework with regard to the approach to surface water drainage on the site with which subsequent surface water drainage schemes, for the various phases of development, will have to comply.
7.0 RECOMMENDATION

7.1 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.

Planning Services Manager

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 Marcus Whitmore ON 01723 232475 e-mail marcus.whitmore@scarborough.gov.uk
1.0 THE PROPOSAL

1.1 This is a reserved matters application relating to the scheme permitted in outline under reference 11/01914/OL, for up to 1350 dwellings and associated development on land north of Eastfield. The application relates to the main ‘estate’ road which is proposed to serve the majority of the phases of housing development on the land to the east of Deep Dale valley, allocated as Ha2 (Middle Deepdale Farm) in the Local Plan, together with a connecting road to Overdale, which will have restrictions on access. This road will only provide a through route for buses, whilst providing access to other vehicles, but not allowing drivers to travel through into the new development from Overdale.

1.2 This is the first reserved matters application to be reported to committee following the grant of outline planning permission. A number of other reserved matters applications are current and relate to initial phases of housing for Keepmoat Homes and Kebbell Homes. These will be reported to committee in August, along with the Design Code.

1.3 Due to tight timescales in terms of funding secured from the Homes and Communities Agency to facilitate early development, including affordable housing, the applicant needs to secure an early planning permission for the boulevard and associated connecting road to Overdale, to provide access to the initial phases of housing development and the Extra Care scheme. The Extra Care scheme is already under construction following the grant of detailed planning permission under reference 12/02023/FL.
1.4 The ‘boulevard’ provides a link between the two roundabouts on the link road within Ha2, and would run roughly east to west. The link road has already been granted detailed planning permission as part of the outline permission for the larger 1350 home scheme (ref. 11/01914/OL).

1.5 The boulevard and connecting road to Overdale are of different characters. The boulevard is the main ‘estate’ road within Ha2. Initially the design proposed a 6.0m wide carriageway with 2.5m wide grass verges to either side with tree planting, together with a number of lay-bys for residential parking, and 2m wide pedestrian footways on either side. However, through discussions with your officers and NYCC Highways officers, the applicant has amended the scheme to propose a wider verge (5m) to the northern side of the boulevard, with a 2m side verge on the southern side.

1.6 The connecting road to Overdale is proposed primarily to facilitate a through route for buses, enabling a bus to connect through from Eastfield, via Overdale into the new development. The road would be orientated roughly north to south. A bus stop is proposed adjacent the proposed primary school site and the Extra Care scheme with its associated shops, café and restaurant. The bus would pass through a ‘public square’ and all other traffic would be restricted from using this area. It is proposed that signage will be used to make clear the restrictions, with CCTV monitoring.

1.7 Entering from the north, from the boulevard, the road would provide access to the main car park serving the Extra Care scheme (28 spaces), which was granted permission as part of that development. It would also provide access to the proposed school site’s staff parking area.

1.8 At its southern end, the road would be sited centrally between Nos. 175 and 197 Overdale, utilising the current gap in the street frontage. The carriageway would be 6.0m in width with 2m wide footways on each side, with grass verges beyond and appropriate boundary treatments to the neighbouring dwellings. Whilst cars and other vehicles wouldn’t be able to pass through into the new development, they would be able to access a 16 space car park for the Extra Care and a 14 space car park for use by parents dropping children off at the proposed school site, and people visiting the shops etc in the Extra Care development. Tree planting is proposed to be incorporated into the road’s design.

1.9 Ideally the application would be reported to Members along with the Design Code, but funding timescales dictate that the scheme is brought to committee in advance of this.

2.0 PRE-APPLICATION COMMUNITY ENGAGEMENT

2.1 None.
3.0 CONSULTATIONS AND COMMENTS

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

3.2 Eastfield Parish Council – Have made the following comments:

a. Concerns that there be no through traffic from Overdale to the Boulevard.

b. The amount of traffic using the link from Overdale be kept to the amount stated previously at presentations to the Parish Council by the developers (1 or 2 per day).

c. All vehicles should have their wheel washed before going into the roads; any mud split on the road should be removed.

d. The ‘square’ to be protected by moveable bollards to prevent through traffic.

e. Residents be kept informed of work.

f. Concerns expressed over flooding, especially effect new road to Overdale will have on newly installed bunds and swales.

g. Concerns that bridleway will be affected – what plans are there for re-routing (if any).

3.3 Highway Authority (NYCC) – Comments awaited. (Officer note: A number of meetings have been held with the Highway Authority and their formal comments will be reported at the meeting).

3.4 Drainage Engineers (SBC) – Comfortable with proposal in principle but wish to see a drawing that shows the details of the road layout/levels together with details of drainage measures in the vicinity of the EFAS scheme, given that the road impacts on the existing bund. Therefore the scheme needs to demonstrate mitigation measures to guard against flooding.

3.5 Environment Agency – We have no objection to the proposed roads and have no further comments to make on this reserved matters application.

3.6 Archaeologist (NYCC) – The site location for this planning application will require a combination of archaeological techniques of archaeological excavation, strip, map and record and archaeological watching brief. The chosen archaeological contractor should identify those areas of the development that will require a more detailed mitigation strategy than a watching brief.

An overarching Written Scheme of Investigation has been produced for the site detailing the methodology to be followed. The WSI has been previously approved by this office. Therefore, I advise that the proposed development is undertaken in accordance with this document.

3.7 Public Rights of Way (NYCC) – If permission is granted for this application, an informative will be required, as follows:
Adjacent Public Rights of Way - No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development.

We are in the process of speaking to the developers regarding Public Rights of Way on this site.

3.8 **Yorkshire Water** – Please note that no surface water or highway drainage may discharge to the public sewer. You are aware that the area is sensitive with regard to the underlying Corallian aquifer being the principal source for public water supply in the Scarborough area. However, provided Condition 14, 17, 18, 19 and 29 attached to the outline permission (11/01914/OL) are properly discharged, groundwater will be adequately protected.

3.9 **Northern Power** – No objections.

3.10 **Publicity** – The consultation period expired on 13 June 2013 and representations have been received from the following:

David Laker, 173 Overdale, Eastfield - Objects for the following reasons:

1. Level with the rear of Overdale properties where the new road is planned to run is a bund and swale, which was built as a flood defence at a cost of some £77,000. The road would have to pass through this feature rendering it useless and a waste of money.
2. It will also put our houses at risk of flooding since an old stream runs under it.
3. The proposal will put excess traffic on an already very busy 20 mph road and will over burden it.

John Hudson, 2 Overdale Gardens, Eastfield – Objects for the following reasons:

1. Where are the jobs for the people who are going to live on this development?
2. I’d like a Council Tax rebate for all the noise and dust that is being generated by the machinery on site.

Mrs Denise Ward – 175 Overdale, Eastfield – Comments as follows:

1. We are grateful for the fencing that has been erected along the side of our property where the road through from Overdale is proposed. We are disappointed that it hasn’t been erected across the top of our property where the bridleway is positioned, and also further along the side of our property. The fence finishes where the current hoarding is sited and when that is removed to make way for the road it will look like a job half done. Once the road is in use our privacy will be greatly interrupted, hence the request or the fence. We have written to the developer about additional fencing along side our property.
Carole Gerada, 21 Overdale, Eastfield - Comments as follows:

1. Please provide information on various conditions for 11/01914/OL and 12/02023/FL (Extra Care).

4.0 **RELEVANT SITE HISTORY**

4.1 2013 – Outline planning permission granted for up to 1,350 dwellings together with ancillary facilities including primary school, extra care and retail development, including detailed design for a link road and bridge to provide a connection between the A64 and the A165 under reference 11/01914/OL.

5.0 **PLANNING POLICY**

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) 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 (saved policies)**

E12 Design of New Development  
H2 Housing Allocations

**National Planning Policy Framework**

NPPF1 Delivering Sustainable Development  
NPPF4 Promoting sustainable transport  
NPPF7 Requiring good design

6.0 **ASSESSMENT**

6.1 The alignment of the roads, contained within this application, closely follow the alignment shown in the indicative master plan for the overall scheme and the various Parameter Plans approved as part of the outline scheme.

**Boulevard**

6.2 The boulevard is designed to be the main ‘estate’ road, being the primary road within the housing development of Ha2. This aligns with Parameter Plan 216A Movement, which sets out the road hierarchy for the development (which demonstrates how roads become less substantial in nature as one passes from the link road through to small culs-de-sac/courts within the scheme).

6.3 The design approach has been amended since submission to provide for a wider grass verge to the northern side of the boulevard. This increased width
should allow for tree planting in line with the County Council’s advice on planting, which sets out minimum distances between tree stems and footway/carriageway edges. This amended proposal has been put forward in order to provide a more straightforward solution, allowing for tree planting to be agreed at this stage, whilst work is on-going to development the Design Code and an associated ‘street trees within highways guide’. It should be noted that this approach may be further amended subject to further discussions with NYCC Highways, but the desired outcome is to have an appropriate level of tree planting along this road.

6.4 Clearly, NYCC have concerns about street trees due to the maintenance issues that can arise in the longer term, but Highways Officers are using the scheme as a live project in order to seek to work up a document that might be used county-wide to provide guidance on the various approaches to trees within streets.

**Connecting Road to Overdale**

6.5 This road serves to provide the main access to the Extra Care and to provide access to staff parking and servicing of the proposed relocated Overdale Primary School site from the boulevard. From Overdale itself, limited access will be possible for car drivers, including parents from existing Eastfield properties wishing to drop their children off and collect them from the proposed school, people wishing to visit the Extra Care facilities and some parking for the Extra Care staff/residents. The idea behind the limited access is to enable people from Eastfield to be able to drive to the scheme, without having to go around to the new link road access off the A165 spur. As it is anticipated that the majority of the residents of the Extra Care scheme will currently be resident in Eastfield, facilitating this type of access was considered to be important and would help to facilitate community cohesion. The Extra Care will be services from Overdale, but it is anticipated that only one or two HGV/delivery van movement will occur each day, bringing supplies for the kitchens etc.

6.6 Given the limitation on through access it is envisaged that vehicle movements along Overdale should be kept to a reasonable level. At particular times (school opening and closing for instance) vehicle movements could be higher, although NYCC Education will wish to discourage parents from driving children to school. In terms of the new development, NYCC is seeking the incorporation of safe routes to school to encourage parents and children to walk to and from school. The number of vehicle movements will clearly be higher than very limited figures the Parish Council would prefer to see in their consultation response.

6.7 Details of the approach to managing through access need to be worked up. However, your Officers would prefer to avoid the use of barriers etc in the interests of visual amenity and community cohesion, and the idea of managing the situation via signage and CCTV has been discussed with the applicant and the Highway Authority. The details of such scheme, together
with a period of review, including the implementation of potential alternatives should problems arise could be controlled by condition.

Drainage Issues

6.8 Concerns have been raised about the impact of the road connecting to Overdale on the EFAS scheme, by a resident and the Parish Council. The concerns are appreciated and it remains important throughout the early stages of the development, before alternative measures to deal with surface water via on-site storage and attenuation, that the function of the EFAS scheme is maintained. The Council’s Drainage Engineers have asked for a composite drawing to be prepared, which demonstrates how the road’s impact on the EFAS bund, where it connects through to Overdale, will be managed and the alternative measures that will be put in place to protect against flooding of existing property. It is anticipated that these further details will be received in advance of the meeting and Members will be updated on the matter at the meeting.

7.0 PLANNING OBLIGATIONS

7.1 There are no planning obligations in respect of this Reserved Matters proposal, although a variety of obligations relate to the outline planning permission and are relevant to other aspects of the scheme.

8.0 CONCLUSION

8.1 The proposed development as submitted is in principle acceptable, but there are certain aspects where additional details need to be agreed and implemented and/or specific safeguards need to be put in place. Additional drawn information has been requested to ensure clarity over the measures to be put in place to mitigate the risk of flooding.

9.0 RECOMMENDATION

9.1 That 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):

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 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.


Planning Services Manager

**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 Marcus Whitmore ON 01723 232475 e-mail marcus.whitmore@scarborough.gov.uk**
REPORT TO PLANNING & DEVELOPMENT COMMITTEE

to be held on Thursday, 11 July, 2013

APPLICATION REFERENCE NO: 13/01086/FL

TARGET DATE: 17 July 2013

GRID REF: 505139 488801

REPORT OF THE PLANNING SERVICES MANAGER - 13/242

SUBJECT: ERECTION OF A PUBLIC ART SCULPTURE (THE TUNNY) AT EAST PIER, SCARBOROUGH FOR SCARBOROUGH BOROUGH COUNCIL

1.0 THE PROPOSAL

1.1 The application proposes the siting of a stainless steel (marine grade) fish sculpture, on the East Pier, Scarborough, close to the Marine Drive Toll House (South) and the neighbouring café/retail units. The sculpture would sit on the upper level of the East Pier, which can be reached via level access from Marine Drive or by stepped access from the lower section of East Pier.

1.2 The sculpture is of a Bluefin Tuna fish (Tunny) being caught by a line. The Tunny fish itself is just over 2m in length and weighs just less than a ton, and is attached to a line which fixes to a wave shaped form (rod) that has an overall height of 3.8m. The sculpture would sit on a concrete base measuring 2m by 600m, with a depth of 300mm. The supporting statement advises that in the 1930s Scarborough was the centre for Bluefin Tuna fishing, after the first Tunny caught by rod and line, weighing 560 lbs, was caught in August 1930, with an even larger fish being landed in Scarborough in 1931, weighing in at 851 lbs.

1.3 The sculpture has been commissioned by Mrs Maureen Robinson, a resident of Scarborough for the past 50 years, who wishes to help establish a sculpture trail in the town, to recall Scarborough’s rich heritage, for the enjoyment of both residents and visitors. The sculpture has been fabricated by Ray Lonsdale, who has designed and built other sculptures already displayed in the town - including ‘Freddie and the Belsen Stragglers’ on Royal Albert Drive and ‘The Smuggler and his Apprentice’ on Merchant’s Row - which were also commissioned by Mrs Robinson.

1.4 As mentioned above, it is proposed that the sculpture be fixed to a concrete plinth that would be formed on top of the modern imprinted concrete surface
of the East Pier, close to the railings on the landward side. The East Pier is a Grade 2 Listed Building, but as the sculpture sits on the pier and does not alter it in a way that affects its character or appearance as a building of special architectural or historic interest, Listed Building Consent is not required.

1.5 The application site lies within the Scarborough Conservation Area.

2.0 PRE-APPLICATION COMMUNITY ENGAGEMENT

2.1 None.

3.0 CONSULTATIONS AND COMMENTS

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

3.2 **Highway Authority (NYCC)** – On the clear understanding that this application is conditioned so that should any unforeseen road safety hazard caused by reflective glare occur, the applicant shall take remedial action to prevent this, there are no highway objections to this application.

3.3 **The Harbour Master (SBC)** – The proposed siting does not impact on harbour operations, therefore from that perspective I have no objections.

3.4 **Estates Manager (SBC)** – No objections to the siting of the sculpture in the proposed location.

3.5 **Scarborough and District Civic Society** – No comments received.

3.6 **English Heritage** – Do not wish to offer any comments on this proposal and recommend that the application be determined in accordance with policy guidance and local conservation officer advice.

3.7 **Publicity** – The consultation period expired on 21 June 2013.

4.0 RELEVANT SITE HISTORY

4.1 2001 – Listed Building consent granted for repair and rehabilitation of existing structure, including taking down and re-building parapet in new stone, all associated with wider coast defence scheme granted, under reference 01/00610/LB.

4.2 2003 - Variation of approved scheme for repair/rehabilitation works to the East Pier to allow the re-building of the parapet in a new stone other than Aislaby Stone granted consent, under reference 03/00019/RG3.
5.0 PLANNING POLICY

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) 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 (saved policies)**

- E12 Design of New Development
- L1 New Tourist Attractions
- L4 Reinforcement of Seaside Resort Characteristics

**National Planning Policy Framework**

- NPPF7 Requiring good design
- NPPF12 Conserving and enhancing the historic environment

6.0 ASSESSMENT

6.1 The sculpture, whilst sizeable, would not represent a significant element within the local context. Whilst the sculpture is tall at 3.8m, the upper half of the structure is relatively lightweight in appearance with the main visual elements being the Tunny fish and the base of the rod.

6.2 The site lies within the Scarborough Conservation Area, the character and appearance of which the local planning authority has a duty to preserve or enhance. The NPPF advises that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal, and should consider the impact of a proposal on a heritage asset, with a view to avoiding or minimising conflict between the heritage asset’s conservation and any aspect of the proposal. In this case, there are a number of heritage assets to consider, the Conservation Area, the East Pier as a Grade 2 listed building, and Scarborough Castle and the headland as a scheduled ancient monument.

6.3 In the immediate vicinity of the application site the conservation area has a hard engineered character, dominated by the horizontal structure of the East Pier itself, with the harbour (and Luna Park) immediately to the west, the Toll House and associated buildings to the north and the rock armour/accropode revetment to the East Pier/Marine Drive. The castle headland is also a dominant feature in views from and to the site – this also a visually hard and dominant feature.

6.4 The proposed sculpture will appear as a relatively modest structure in relation to the elements around it, in particular, the East Pier itself and the Castle Headland. Given that the main elements of the sculpture are only some 2.5m above ground level, the sculpture will not be dominant in views, and will be
relatively discreet until viewers are in relatively close proximity to it. In visual
terms of the sculpture is not considered to have any material impact on the
local heritage assets and does not cause any conflict with their conservation.
As the sculpture effectively rests upon, rather than being fixed to the East
Pier, which in itself is covered by a modern concrete surface, the proposal
does not directly impact on the listed structure. These issues were taken into
account when the proposed site for the sculpture, and a number of
alternatives, were discussed with the former Conservation Officer, Chris Hall.

6.5 The proposed subject matter of the sculpture and its siting is considered to
have a positive role to play locally, as the inspiration for the piece is linked to
the activity of fishing from the piers, which has taken place for many years.

6.6 In design terms, the proposed sculpture is considered to be complementary to
the character and appearance of its surroundings and would contribute to the
maintenance of the attractiveness of the area. The sculpture is considered to
be of an appropriate scale, form, height and materials for the locality and
accords with Policy E12 of the Local Plan. Guidance in the NPPF states that
good design is a key aspect of sustainable development and should
contribute positively to making places better for people, and this proposal is
considered to accord with this advice.

6.7 The proposal is considered to accord with Policy L1 and L4 of the Local Plan
which seek to encourage appropriate new tourist attractions and reinforce the
seaside resort characteristics of the seafront and harbourside of Scarborough.

7.0 PLANNING OBLIGATIONS

7.1 There are no planning obligations in respect of this proposal.

8.0 CONCLUSION

8.1 The proposed development as submitted is acceptable and the application
was therefore approved without the need for further proactive action from the
Local Planning Authority.

9.0 RECOMMENDATION

9.1 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.
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 MARCUS WHITMORE ON 01723 232475 e-mail: marcus.whitmore@scarborough.gov.uk
REPORT OF THE PLANNING SERVICES MANAGER - 13/243

SUBJECT: CONVERSION OF DISUSED HOTEL INTO 10 NO. 2 BEDROOM APARTMENTS AT 111-113 NORTH MARINE ROAD, SCARBOROUGH FOR MR AND MRS J KNOWLES

1.0 THE PROPOSAL

1.1 This application seeks planning permission to convert a 23 bedroom hotel into 10 no. two bedroom apartments. All the apartments are to be accommodated within the existing footprint of the building, with two apartments per floor. To achieve the maximum benefit for each apartment it is proposed to create a new central staircase with a lift serving all floors.

1.2 Externally, it is proposed to re-furbish traditional features and replace where necessary modern alterations with sympathetic replacements. At first floor level on the north east elevation it is proposed to remove the flat roof and replace it with a balcony with new railings. At lower ground and ground floor levels it is proposed to remove the modern picture windows, an emergency escape stair and a main external staircase that currently leads to the front door and re-model the fenestration with new sash type windows, bay windows and new external doors set within pillars and a simple portico. It is proposed to slightly raise the roof height of the dormer element on the building to allow for increased insulation. The head of a new lift shaft would also be visible within the roofscape of the building on the north east elevation.

1.3 The property is situated within the Conservation Area in a terrace of large buildings having a dual frontage, facing south-west onto North Marine Road and north-west onto Queen’s Parade. Members will recall the recent re-development of the former Cricketer’s site to erect new self-contained apartments for McCarthy Stone which is now complete and partially occupied, which sits a few doors away from this site.

1.4 Due to the former hotel being a Grade 2 listed building, a listed building consent application (Ref. 13/00668/LB) has also been submitted for
consideration by the Local Planning Authority and is to be determined as a delegated matter by your Officers.

1.5 The proposal is subject to a Unilateral Undertaking pursuant to Section 106 of the Town and Country Planning Act 1990. The applicant has completed a draft agreement in accordance with the Council’s Affordable Housing Policy.

2.0 PRE-APPLICATION COMMUNITY ENGAGEMENT

2.1 None.

3.0 CONSULTATIONS AND COMMENTS

3.1 Architectural Liaison Officer – No objections to the proposal in principle, suggesting a number of recommendations with regard to the development which have been passed onto the applicant for information.

3.2 Environmental Services – No objections.

3.3 NYCC Highways – No objections in principle, due to the lack of on-site parking as the surrounding public roads are controlled by a traffic regulation order and there are public parking facilities in the vicinity. A condition is recommended with regard to on-site parking, on-site storage and construction traffic during development.

3.4 Tourism Services – Comment that whilst it is unfortunate that the property cannot be sold as a going concern, as it is in a prime seafront location, the current level of tourism demand for serviced accommodation is being fulfilled and therefore it is assumed that the loss of bed spaces would not impact upon tourism numbers.

3.5 Publicity - The consultation period expired on the 23/05/2013.

3.6 The Scarborough and District Civic Society – Comment that this hotel has 23 bedrooms. It is assumed that it has more than 30 bed spaces. As such the proposal is contrary to Policy L5 of the Local Plan.

4.0 RELEVANT SITE HISTORY

4.1 None.

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 Planning Policy Guidance which is considered to be particularly relevant to the consideration of this application:-
Scarborough Borough Local Plan (saved policies)

E14 Extensions and Alterations to Existing Buildings
E23 Detailing in Conservation Areas
L5 Changes of Use of Hotels and Guest Houses
H10 Protection of Residential Amenity
H12 The Conversion and Sub-Division of Buildings for Residential Use

Supplementary Planning Guidance

Affordable Housing

6.0 ASSESSMENT

6.1 The key areas for consideration in assessing this proposal are:

• Change of Use of a Hotel with more than 30 bed spaces
• The alterations proposed to both principal elevations
• Potential impacts upon Residential Amenity
• Off-Site Affordable Housing Provision

Change of Use of a Hotel with more than 30 bed spaces

6.2 Policy L5 of the Scarborough Borough Local Plan states that the change of use of hotels with more than 30 bed spaces will not be permitted. For other hotels a change of use will be permitted where it can be demonstrated that overall demand for this type of accommodation during peak periods is being met or where other benefits would accrue. As this property has over 30 bed spaces, it needs to be considered whether its conversion can be treated as an exception to Policy L5.

6.3 It is not disputed that up until the late 1980’s that this style of accommodation remained in demand. However, a steady decline has followed with changes in tourism trends and the economic downturn. The response from Tourism Services recognises that it is unfortunate that this type of serviced accommodation cannot be sold as a going concern. However, on balance, it is not felt that this will be detrimental to the supply of bed spaces available in this locality.

6.4 It is documented in the Design and Access Statement, accompanying the application that from October 2009 onwards the property has been marketed with 4 different estate agents. At the outset the business was operating but attracted no serious interest, latterly it has stood empty having gone into receivership. During the past couple of years a number of approaches have been made to the Council regarding the conversion of the property, but there has been no commercial interest in this hotel business during the last three years.

6.5 Paragraph 5 of the justification attached to Policy L5 states that “there may be occasions where a significant environmental benefit arising from the change
of use of a hotel, for instance the restoration of a listed building" could provide the basis on which to justify permission being granted. In this case, the conversion scheme seeks to improve the external appearance of the listed building and the character of the area. In the circumstances it is felt that changing the use of the building will have environmental benefits to both the heritage asset and the locality. A detailed assessment of the internal works proposed to the listed building being considered separately, against the National Planning Policy Framework (Application No. 13/00668/LB).

6.6 Given the length of the marketing of the hotel, the lack of harm to the local tourist accommodation market and the benefits that would accrue from the submitted scheme, it is considered that the proposal can be considered as an exception to Policy L5.

6.7 The conversion works are considered to be in accordance with Policy H12 of the Scarborough Borough Local Plan.

The alterations proposed to both principal elevations

6.8 The proposed improvements to the property are considered to improve and enhance the visual appearance of both facades. It is considered that the works proposed, including the provision of traditional railings, new doors and where required new windows of a traditional design, would result in a visual enhancement of the existing building to both Queen’s Parade and North Marine Road. The alterations proposed to the roofscape are considered to be relatively discreet and at such a height on the building that there will be no significant detriment to the character of the area or the streetscene in accordance with Policy E14 of the Scarborough Borough Local Plan.

Potential impacts upon residential amenity

6.9 The property currently has off-street parking for up to ten vehicles within the existing car park accessed from Queen’s Parade and this is to be retained. NYCC Highways have raised no objections to the proposal and it is not considered that there will be any significant increase in the demand for on-street parking in the vicinity as a result of this proposal in accordance with Policy H10 of the Scarborough Borough Local Plan.

6.10 As this development is to take place within the existing building envelope with no extensions required it is not considered that the external improvements proposed will result in any loss of amenity to adjacent neighbours. In the interests of the appearance of the development, details of the refuse storage arrangements are required. A suitably worded condition is to be attached to the grant of any planning permission in respect to the design and siting of the bin storage.

7.0 PLANNING OBLIGATIONS

7.1 As the commercial use of the premises has been a hotel with owner’s accommodation included, this application proposes a net gain in residential
accommodation of 9 self-contained units. The proposal is therefore subject to a financial contribution of £50 per sq metre in lieu of affordable housing, for 9 of the 10 units. The applicant has agreed to make a contribution of £27,600.00 and a draft Unilateral Undertaking has been received by the Council's solicitor, in respect to this obligation.

8.0 CONCLUSION

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

8.2 In addition, the Local Planning Authority sought to ensure that where key infrastructure is needed to comply with relevant planning policies, and this could not be secured by condition, adequate provision shall be provided by means of a Section 106 planning obligation.

9.0 RECOMMENDATION

9.1 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.
Planning Manager

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 KAREN LAWTON ON 01723 384405 e-mail KAREN.LAWTON@SCARBOROUGH.GOV.UK
REPORT TO PLANNING & DEVELOPMENT COMMITTEE
TO BE HELD ON THURSDAY, 11 JULY 2013

APPLICATION REFERENCE NO: 13/01195/HS
TARGET DATE: 26th July 2013
GRID REF: 510217 – 477492

REPORT OF THE PLANNING MANAGER – 13/226

SUBJECT: APPLICATION 13/01195/HS PROPOSED SINGLE-STOREY SIDE EXTENSION, 3 HAWKE GARTH, HUNMANBY, FILEY, NORTH YORKSHIRE, YO14 ONH

1.0 THE PROPOSAL

1.1 The property is a modern bungalow, of brick built construction with a tiled pitched roof. It is located within a cul-de-sac of similar style properties and is sited on large irregular shaped corner plot which also contains a flat roofed single garage. It has an open aspect to the front and is enclosed to the side and rear by hedging and a timber fence.

1.2 The proposal seeks permission to erect a single-storey side extension. The extension would be approximately 3.5 metres wide by 6.5 metres deep. It would be set back from the front elevation of the property by approximately 3 metres and would be set in from the rear elevation of the property by 1.5 metres. The proposed eaves and ridge heights would match those of the existing bungalow and would be approximately 2.7 metres and 4.5 metres respectively. A window and door are proposed to the front elevation, one window is proposed to the rear elevation and there would be no windows to the side elevation.

1.3 The application is brought before Members as the applicant is an employee of the Borough Council.

2.0 PRE-APPLICATION COMMUNITY ENGAGEMENT

2.1 None undertaken.

3.0 CONSULTATIONS AND COMMENTS

3.1 Hunmanby Parish Council – Raise no objections but would like to see neighbours’ wishes taken into account.
3.2 Publicity - The consultation period expired on 2 July 2013.

3.3 Mr D. Fordy, 25 Manor Gardens, Hunmanby – Enquires whether it would be possible to lower the pitch of the roof to reduce the impact of the proposals and notes that improvements at ground level are better than the introduction of dormer windows.

3.4 R. and J. Bailey, 27 Manor Gardens, Hunmanby – Comment that a lower roof line to the extension would not be as overbearing and would not block as much daylight from their property.

3.5 Mr and Mrs J. T. Barker, 23 Manor Gardens, Hunmanby – Support the proposal.

4.0 RELEVANT SITE HISTORY

4.1 2013 – Single-storey side extension – Refused. The reason for refusal stated that, the proposed side extension due to its scale, mass and close proximity to 27 Manor Gardens would appear overbearing and would adversely affect the residential amenity of this occupier. As such the proposal did not comply with Policy H10 of the Scarborough Borough Local Plan.

5.0 PLANNING POLICY

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) 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.

Scarborough Borough Local Plan (saved policies)

H10 – Protection of Residential Amenity.
E14 - Extensions and Alterations to Existing Buildings.


National Planning Policy Framework (NPPF) 2012

NPPF 7 – Requiring Good Design.

6.0 ASSESSMENT

6.1 This application relates is a revised proposal following refusal of a scheme at Planning Committee in February 2013. The previous application was for a single storey extension with a much larger footprint which would have been sited just 1 metre from the boundary with the neighbouring occupier to the rear (number 27 Manor Gardens). The previous proposal was refused as the applicant did not wish to negotiate to revise the scheme to address this issue. Members subsequently refused the application agreeing that because of the proximity to this neighbour, the extension would have been overbearing and
contrary to the provisions of Policy H10 of the Scarborough Borough Local Plan.

6.2 The scheme has now been revised in line with Officer’ advice and has been substantially reduced in scale, thereby addressing the overbearing impact. A 3 metre separation distance would be provided from the extension to the boundary with the neighbouring occupier at number 27 Manor Gardens (the closest neighbour to the extension). It is noted that neighbours at 25 and 27 Manor Gardens have commented on the revised application stating that a lower roof line would not be as overbearing and in response to this, it is noted that the extension has been substantially reduced in scale and that it would be single storey with a hipped roof sloping away from these properties. Moreover, the extension would be sited at an oblique angle and because of this and the increased separation distance, it is not considered that it would be overbearing to these neighbours. It is noted that the extension would not be located close to other neighbours on Hawke Garth and would not affect them in terms of scale and massing. The proposal would comply with Policy H10 of the Scarborough Borough Local Plan in this respect.

6.3 Neighbours at number 27 Manor Gardens also comment that a lower roof line would not block out as much sunlight from their property. In assessing this, it is noted that due to the respective locations of the properties, with the proposed extension sited to the South and East of number 27. The sun would track from East to West and only a limited amount of daylight would be lost during periods in the year when the sun would be low in the sky. This is considered to be acceptable and the proposal would comply with Policy H10 in this respect.

6.4 All the windows proposed would be at ground level and they would not create opportunities for additional overlooking as they would either be behind the boundary fence or located some distance away from neighbouring properties. There would be no loss of privacy resulting from the proposal and it would comply with Policy H10 in this respect.

6.5 In visual terms, the proposed single-storey side extension would infill space between the existing property and single storey garage. It is much reduced in scale and would by virtue of its design appear subservient to the host dwelling and could be accommodated within this large corner plot without over dominating the existing dwelling. The pitched roof proposed to the garage would mirror the roof plane of the existing pitched roof bungalow and matching materials are proposed. It is considered that the extension would appear acceptable within the streetscene. Taking the above into account, the proposal would comply with design aspects of Policy E14 of the Scarborough Borough Local Plan and with Supplementary Planning Guidance, ‘Residential Extensions’ June 2001.

7.0 CONCLUSION

7.1 The scheme has been reduced in footprint and there would be a greater separation distance between the extension and the properties to the rear
compared with the previously unacceptable proposal. As such the extension is not considered to be overbearing, nor would it adversely affect privacy or result in an unacceptable loss of sunlight. The extension would appear subservient to the host property and would assimilate successfully within the streetscene. The proposed scheme would comply with the requirements of Policies H10 and E14 of the Scarborough Borough Local Plan and with Supplementary Planning Guidance, 'Residential Extensions' June 2001

7.2 The Local Planning Authority acted proactively as prior to submission, this proposal was subject to discussions between the applicant and Planning Officers.

8.0 RECOMMENDATION

8.1 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.

Planning Manager

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 CLARE DAVIES ON 01723 383536 e-mail clare.davies@scarborough.gov.uk Please note my normal working days are Mondays, Tuesdays and Wednesdays.
REPORT TO PLANNING & DEVELOPMENT COMMITTEE
TO BE HELD ON THURSDAY 11 July 2013

REFERENCE NO: 13/01227/POB
TARGET DATE: n/a
GRID REF: 510959 - 480298

REPORT OF THE PLANNING SERVICES MANAGER – 13/265

SUBJECT: 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

1.0 INTRODUCTION

1.1 This is 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 was allowed on appeal in 2007. Under the terms of Section 106A a planning obligation may be modified by agreement between the persons against which it is enforceable, or alternatively by means a formal Section 106A application, for which a right of appeal exists if it is refused. In this case the applicants have opted for the former option.

2.0 THE PROPOSAL

2.1 The development site consists of land to the east of Muston Road in Filey, located opposite Filey Secondary School. Outline and Reserved Matters planning approval has been granted for 300 dwellings and public open space and the development is under construction.

2.2 The existing S106 agreement contains obligations to secure provision of affordable housing and commuted payments, which would become liable in due course when development has reached specified stages. These figures are as follows:

i. £274,800 towards Filey Junior School
ii. £34,350 towards Filey Infant & Nursery School
iii. £15,520 towards a multi-use games area
iv. £50,000 towards Filey Surgery
2.3 As originally submitted the request sought to amend the payments as follows:

i. £13,596 towards Filey Junior School
ii. £13,596 towards Filey Infant & Nursery School
iii. £8,439 towards a multi-use games area
iv. £50,000 towards Filey Surgery (unchanged)

2.4 More recent correspondence has confirmed that the applicant is actually seeking to amend the figures to:

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)

2.5 Although it is not a material planning consideration, members may wish to note that the sale of the part of the site currently owned by the Borough Council to the applicants cannot proceed until the variation of the Section 106 agreement has been completed.

3.0 CONSULTATIONS AND COMMENTS

3.1 Filey Town Council – Comments awaited.

3.2 North Yorkshire County Council (Education) - Comments awaited

3.3 Publicity – Since this is not a formal planning application, there are no specific publicity requirements. Amended information has been received since the request was first received and the above two consultees have been asked to provide comments prior to 11 July 2013.

3.4 Cllr M. Cockerill - The sale of the SBC portion of the land was agreed and approved early in 2012 with the total purchase price being paid in 3 equal instalments on 31 March 2012, 2013 and 2014. To date no payment has been received by SBC, the applicants use the reason that this is directly linked to the Section 106 Agreement. If the variation to the S106 is approved, the timescale for the payment of the purchase price must not be extended. I would suggest that, if the variation is approved, that a condition is included stating that full payment of the SBC land purchase price must be made within a short period, possibly 3 months and that failure to make this full payment will revoke any agreed variation to the S106 Agreement.

4.0 RELEVANT SITE HISTORY

4.1 2006 – Outline application for residential development, open space and means of access - refused (06/01134/OL)

4.2 2007 – Outline application for residential development, open space and means of access – refused, but subsequently allowed at appeal subject to
4.3 2010/11 – Reserved Matters application for 300 dwellings, including children’s play areas and fitness trail - approved with conditions. (10/01893/RM)

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 Planning Policy Guidance which is considered to be particularly relevant to the consideration of this decision:-

Scarborough Borough Local Plan (saved policies)

Policy C7 – Developer Contributions

National Planning Policy Framework

Paragraphs 203-206 – Planning conditions and obligations

5.2 The Education Payments Supplementary Planning Document (SPD) is also relevant.

6.0 ASSESSMENT

6.1 In determining this application the Local Planning Authority can only consider the proposed modification of the S106 agreement as put forward by the applicant. It can therefore only agree or reject the proposal and not unilaterally alter the terms of the agreement. Whilst the transfer of Borough Council land awaits a decision on the Section 106, the Committee does not have powers to affect the conditions of sale.

6.2 At the time of considering the reserved matters application in 2010/2011 the reduction in education payments was mooted, but no formal request was received at that stage. It has resurfaced now in part due to the proposed land transfer from the Borough Council and also the first S106 payments would become liable on occupation of 100 dwellings on the site.

6.3 The most detailed planning guidance of relevance is contained within the Education Payments SPD. This sets out thresholds for minimum number of dwellings above which payments towards education infrastructure (e.g. classrooms) may be required, as well as formulae to calculate the sum. The Borough Council relies on the County Council Education Authority to assess the level of contribution. Paragraph 4.10 of the SPD states that contributions are only required where a local need is identified. This is consistent with the 3 (and in particular the first) of the legal tests which apply to all S106 obligations, namely they shall be:
• necessary to make the development acceptable in planning terms;
• directly related to the development; and
• fairly and reasonably related in scale and kind to the development.

6.4 The judgement that needs to be made is whether the payments are still necessary within the context of the capacity of local school infrastructure and if so whether the sums are fair and reasonable, taking account of the SPD. When the sums were calculated in 2007 this took into account of the schools’ capacity to accommodate the predicted additional number of pupils generated by the development. During the intervening period it is understood that school rolls have fallen, which is the basis for the £274,800 towards the Junior School being proposed for deletion from the s106 agreement and the proposed reduction towards the Infant/Nursery School from £34,350 to £27,192.

6.5 The formal comments of NYCC Education are awaited, although officers have seen correspondence dated May 2013 that informally accepted in principle the case for proposed reduction in payments. There will need to be a verbal update to Committee on this, as well as comments received from Filey Town Council. If the principle of the modification of the agreement is agreed by Committee, there are also a number of technical legal points which will need to be clarified before the Deed of Variation could be issued.

7.0 CONCLUSION

7.1 As originally submitted the proposed modifications to the Section 106 agreement did not correspond to the supporting documents. This has been clarified by subsequent correspondence. On the basis that NYCC Education are satisfied with the reduced payments it follows that the Local Planning Authority should agree to the modification of the s106 agreement. However, there will be a verbal update on this by officers at the Committee meeting.

8.0 RECOMMENDATION

8.1 That the proposed modification of the Section 106 Agreement be agreed, subject to the comments of North Yorkshire County Council (Education).
REPORT OF THE PLANNING SERVICES MANAGER - 13/239

WARDS AFFECTED: ALL

SUBJECT: REVIEW OF LOCAL VALIDATION REQUIREMENTS FOR PLANNING APPLICATIONS

RECOMMENDATION (S):

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.

REASON FOR RECOMMENDATION (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.

HIGHLIGHTED RISKS:

Failure to adopt reviewed validation requirements for planning applications before 31 July 2013 would render the 'local list' invalid. This would significantly reduce the ability of the Council to request key information required to assess planning applications, undermining its statutory role as Local Planning Authority.

1. INTRODUCTION

1.1 Since 2008 planning (and other related) applications have been made using the standard national ‘1APP’ form available via the Planning Portal. Other
information, which is required to validate applications, is either identified as part of an associated ‘national list’, or as part of a ‘local list’ determined by the Council.

1.2 The government recently issued new regulations which require that the ‘local list’ must be reviewed before 31 July 2013 if Local Planning Authorities intend to use it as a basis for deciding whether planning applications should be validated. In addition, applicants will have a right of appeal in the event a validation dispute is not resolved. It is vital that an up to date local validation list is maintained as it is the means of obtaining essential information to assist in the determination of planning applications.

2. BACKGROUND AND ISSUES

Statutory Background

2.1 In 2010 the government issued revised guidance on information requirements and validation for planning and related applications. It stated that where local authorities wish to maintain their own distinct ‘local list’ (in addition to the ‘national list’) of information, this should be reviewed, consulted on prior to adoption. To achieve this and a consistent approach, a revised local list was consulted upon and adopted across most North Yorkshire Planning Authorities. Following consultation this was adopted in 2011.

2.2 The purpose of the validation arrangements is to:

• provide a guide to the information that may be required at the outset;
• enable the Local Planning Authority to provide applicants with certainty as to the information required;
• enable the Local Planning Authority to have all the necessary information to determine the application and to draft the planning permission and all conditions;
• minimise the need for further submission of additional information in order to allow Local Planning Authorities a reasonable opportunity to determine applications within the National Indicator targets; and,
• ensure consistency in the approach taken by different Local Planning Authorities in registering and validating applications, whilst recognising the need for variation appropriate to local circumstances.

2.4 Failure to comply with either the National or any formally adopted Local List renders a planning application incapable of being registered, and therefore invalid. The time period in which to determine planning applications only commences upon successfully meeting the relevant criteria in both the National and Local Lists. It is important that wherever possible information needed to determine a planning application is received before it is validated. Whilst it can be requested later this can cause delays, having a negative impact on achieving government targets for the proportion of applications determined within 8 or 13 weeks. The ‘national list’ includes various mandatory requirements, such as the completed application form, accurate plans and drawings of the existing/proposed development, and in certain
circumstances a Design & Access Statement. The ‘local list’ primarily consists of information, which will not be required for all applications, but in specific cases will be essential if a thorough appraisal of an application is to take place. Examples include Transport Assessments, Ecological Surveys and Drainage Assessments. Full details can be found in the revised Guidance Notes in Appendix A.

2.5 Guidance issued by the government in 2010 (‘Guidance on Information Requirements and Validation’) is still relevant. It set out 5 key principles which helped to inform the preparation of the existing adopted ‘local list’. In summary, these principles are:

- Necessity
- Precision
- Proportionality
- Fitness for Purpose
- Assistance

2.5 In 2011, the government published ‘The Plan for Growth’ which announced a programme of measures to simplify and streamline the arrangements for making and determining planning applications. This has subsequently been formalised with the publication of a range of new guidance and regulations.

2.6 The National Planning Policy Framework (March 2012) states, “Local Planning Authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals and reviewed on a frequent basis. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.”

2.7 The Town and Country Planning (Development Management Procedure) Order was amended in December 2012. From 31st July 2013 where a planning application is made on or after that date, the only validation requirements which apply to a particular planning application are the national requirements and those on a ‘Local List’ which has been published within 2 years before the planning application. In light of this, the North Yorkshire Planning Officers’ Group (NYPOG) met and concluded the Committee cycles of the various authorities render the presentation of a common report between all authorities impracticable within the above timeframe. Each individual authority is therefore undertaking its own review, but a more comprehensive joint working approach may again be used in the future.

2.9 The Town and Country Planning (Development Management Procedure) Order 2012 was further amended in May 2013. In respect of validation disputes it states, “the particulars or evidence the authority require to be included in the application — (i) are reasonable having regard, in particular, to the nature and scale of the proposed development; and (ii) are about a matter which it is reasonable to think will be a material consideration in the determination of the application”
2.10 The same Amendment Order also introduces an appeal procedure for validation disputes on 'local list' items, where in certain circumstances an application remains invalid after a period of 8 weeks.

Revised Local Validation Requirements

2.11 The entire suite of existing documents which comprises the ‘Local List of Validation Requirements’ for planning applications submitted to the Borough Council are available to view on the Council’s website at the following web address: http://www.scarborough.gov.uk/default.aspx?page=13173

2.12 They include Guidance Notes to submissions and on the terminology used in the documentation, as well as a companion guide to Biodiversity and Geological Assessments. The former document as revised is contained in Appendix A. Separate checklist documents for each type of application, of which there are 17 in total, are listed in the document in Appendix A. Appendix B contains examples of the 2 most commonly used checklists relating to full/outline planning applications and applications for householder development. The full suite of revised documents can be found at: http://www.scarborough.gov.uk/default.aspx?page=17480.

2.13 The documents have been amended to take account of changes in legislation and planning policy. They were previously adapted, for example, when the National Planning Policy Framework (NPPF) replaced Planning Policy Statements. Two new checklists have also been introduced to reflect recent changes in planning legislation. One relates to those single storey rear household extensions, where the government has relaxed permitted development rights, so that planning permission is no longer required, but it is still necessary to notify the Council with certain baseline information. The other new checklist relates to a similar notification procedure, which has also been recently introduced in respect of certain temporary changes of use which no longer require full planning permission.

2.14 Officers have carefully examined the validation guidance and checklists to establish if there are aspects which could be simplified or streamlined. Indeed they have been edited in places, especially where not applicable to commonly occurring situations in the Borough, or where detailed guidance can be found elsewhere. However, there were other aspects where it was considered that the existing guidance did not adequately address certain types of information requirements. For example, as a result of the increased number of windfarm applications, Landscape and Visual Impact Assessments are now required on more applications, but these were not on the previous Local List. Changes in national and local policy in respect of affordable housing have also increased the number of applications where a viability assessment is submitted and the guidance has been amended to reflect greater experience of handling these.

2.15 In light of these changes, the overall length of the guidance has not altered significantly. However, both the guidance and the associated consultation emphasised how the Borough Council will take a proportionate approach to
validation. Thus, items from the local list will only be requested on a selective basis, where they are relevant to the proper assessment and determination of an application.

3. CONSULTATION

3.1 The consultation process concentrated on the key customers/ bodies with a direct input or experience of the validation process. A consultation letter was sent to 130 agents/architects who regularly submit planning applications to the Borough Council. Likewise an email was sent to all internal and external consultees who advise the Planning Service on technical matters (e.g. transport, drainage, environmental health etc). A direct link to the revised validation documents on the Council website was provided. The consultation period lasted 3 weeks and expired on 26 June 2013.

Responses from Consultees

3.2 The following consultation responses have been received:

3.2.1 Sport England - attach a copy of their own consultation guidance checklist, when frequently consulted by local planning authorities on their validation checklists. Reference is also made to a development control guidance note, which sets out basic requirements for validation checklists.

3.2.2 Civil Aviation Authority – provide guidance on the types of applications where they should be consulted.

3.2.3 Natural England – have no comments on the main guidance document, but have suggested amendments to the Appendix: Biodiversity and Geological Assessments. Some minor changes/additions to the text are suggested, including reference to Natural England’s Standing Advice on Protected Species and its pre-application advice service.

3.2.4 English Heritage – Overall, the document sets out the relevant information which will be required for the Council to assess adequately the likely implications of proposed developments on historic assets. The final version of the document should reflect that planning applications involving demolition of a building in a Conservation Area will no longer require Conservation Area consent [NB planning permission will instead be required].

3.2.5 SBC Environmental Health – no comments on the guidance on air quality, but some minor amendments are suggested to the section on contaminated land.

3.2.6 SBC Housing - agree with the requirements for affordable housing statements and viability assessments.

3.2.7 SBC Parks & Countryside (Trees) – additional wording has been provided to clarify the information required from applicants with respect to applications which may affect trees.
Responses from Agents and Architects

3.3 The following consultation responses have been received:

3.3.1 **Mr R. Green** – Some applications seem to fall well below basic requirements. A confused approach is what we currently have at the moment.

3.3.2 **Hayes Associates** - the process does not function as well as it did when there were very few validation requirements and the complexity is not backed up with resources, so the whole system is binding rather than running.

There is no mention of percolation tests, which have been given as a reason on a number of projects as a reason for non-validation. Percolation tests are seasonal which cannot be carried out when the ground is frozen and led to great difficulties on a recent application. They also can pass the test when the ground water is low, even though soakaways will no be effective when the water table is high. Where there are seasonal effects on validation requirements, bat surveys, percolation tests etc., these should be put forward for conditions and not stop validation. Otherwise the planning process is held up, when the many other aspects are not being considered. Having determined the flood risk, the planning authority should leave drainage to Building Control and Yorkshire Water.

3.3.2 **Mr C. Dent** - Concerns are raised regarding the validation system, which only serves to delay applications.

3.3.3 **Mr M. Paxton** - My main concern is the amount of information required at the time of application and which is then subsequently also conditioned in the approvals. This creates a large amount of expense for the client in putting forward this information prior to obtaining approval. As an example, I am presently preparing a planning application that you suggest require a large amount of information around drainage, contamination, bat survey etc. These then will be subsequently conditioned to show that they are still current for when project starts on site. A lot of this information can be just conditioned when the planning approval is obtained. This would give the client then the reassurance that although planning was obtained they still need to supply the requested information before starting on site. This would cut out a large risk in the cost for the client and also it would expedite the length of time of the planning process. I have a number of clients who are reluctant to proceed on some of the larger schemes because of the financial risk. Whereas it is probably easier for larger developers to accept this risk I have found, in my experience, that it is more difficult for the single client.

4. ASSESSMENT

4.1 Validation procedures play a vital role in the Local Planning Authority’s role in determining planning applications. They ensure that sufficient information is received for the Council to decide whether a planning application shall be
approved or refused on the basis of planning policy and other material considerations. In many instances, the information requested as a result of the Local List is detailed information relating to matters such as transport, ecology or drainage, which is required for technical consultees to make a clear recommendation.

4.2 Failure to review and adopt revised validation procedures before 31 July 2013 (or every 2 years thereafter) would severely hamper the efficient and effective operation of the Planning Service. It would reduce the power to request information prior to the application being considered on some fundamental issues – for example the Local List contains some key documentation such as Transport Assessments or Flood Risk Assessments. An application could still be refused due to insufficient information, but this is an unsatisfactory way to proceed, particularly where the submission of such information would demonstrate that a development would be acceptable. Requesting information after the 8 or 13 week target period has started would also be problematic. It would cause delays, significantly increasing the proportion of applications exceeding the target periods for key Performance Indicators used by the government assess the effectiveness of Local Planning Authorities, and in extreme circumstances, could lead to the Council losing powers to determine major applications.

4.3 The consultation responses have been carefully considered by officers. The responses from technical consultees largely relate to detailed guidance which can easily be incorporated. One area where there was a lack of guidance on the Council website is information needed to assess trees. Since it is of a relatively detailed nature it is the intention to include a section on this within the Appendix which currently relates to biodiversity and geological conservation.

4.4 The comments received from agents and architects largely relate to the amount of information now required to validate an application. To an extent this reflects the way in which remit of what is a ‘material planning consideration’ has broadened over the last 20 years. For example, the extent to which the Local Planning Authority can consider matters such as drainage, design, biodiversity or socio-economic matters has significantly increased and they are all issues which the government (through the NPPF) indicates must be taken into consideration. In order that they can be objectively assessed this often requires a professionally prepared report, the cost for which is borne by the developer.

4.5 It is emphasised that none of the items on the Local List is mandatory for all applications. The guidance notes seek to help applicants and their agents as to what information may be required for a specific application. However, ultimately it is judgment which has to be made by officers on a case by case basis, taking account of the particular circumstances relating to the site/proposal and 5 key principles relating to validation set out by the government (see paras. 2.5 and 2.9 above).
4.6 On a specific point raised by one agent, the Guidance has now been amended to indicate a percolation test may be required as part of the drainage information where a soakaway is proposed in a Drainage Sensitive Area. Concern is raised by agents is that information is required for validation, on matters such as drainage, or on protected species surveys, when it could be addressed by attaching a condition to a planning permission. A condition alone may be suitable in certain instances, but often it is important that information is received earlier since it is essential to enable the Council to make fully informed decision. Government guidance is clear that a condition should not be imposed if the restriction effectively nullifies the benefit of the permission. This, however, could be affect if a condition is imposed the result of which is that development cannot proceed due to an unacceptable impact on protected species which has only been found to exist after planning permission has been granted, or proposed mitigation against flood/drainage impact is insufficient to prevent a net worsening in an area with existing problems. For these reasons, it is often the case this information has to be requested before an application is validated.

4.7 Officers are aware that especially on some smaller schemes the amount of information required for validation may seem daunting. In the case of information on the national list, this is normally mandatory, but for items on the local list officers are happy to agree what information is genuinely required at the pre-application stage, which unlike guidance on the planning merits is not in itself subject to any charge. Such dialogue should help to explain to agents (and their clients) why information is required in a specific case, and would hopefully avoid dispute (now possibly leading to appeal) at a later stage.

4.8 The recommendation for this report not only seeks Committee approval to adopt the revised validation requirements. It also seeks to grant officers delegated authority to make further minor amendments in the period between this and the next significant review, which under current legislative requirements would take place in 2 years time. The government has recently issued numerous changes to legislation and guidance which have a bearing on validation. For example, forthcoming changes to for demolition of non-listed buildings in Conservation Area have received Royal Assent, but are awaiting a date for implementation. For the reasons set out in this report, it is vital that the criteria are kept up to date and relevant without reference back to committee on each occasion.

David Walker
Planning Services Manager

Author: Hugh Smith
Telephone No: 01723 383642 Fax No: 0870 191 3997
E-mail address: hugh.smith@scarborough.gov.uk
Background Papers:

Appendix 1: Application Validation Guidance Note
Appendix 2: Validation Checklists for Outline or Full Planning Permission and for Householder Development

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT HUGH SMITH ON 01723 383642, e-mail hugh.smith@scarborough.gov.uk
This document was originally prepared in partnership on behalf of a number of North Yorkshire Planning Authorities and has subsequently been reviewed by Scarborough Borough Council.

First Adopted April 2011- Revised Draft July 2013
# CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>5</td>
</tr>
<tr>
<td><strong>Protocol for Submission and Validation of Applications</strong></td>
<td>7</td>
</tr>
<tr>
<td>• Pre-Application Discussions</td>
<td>7</td>
</tr>
<tr>
<td>• Validation of Applications</td>
<td>8</td>
</tr>
<tr>
<td>• Processing of Applications</td>
<td>8</td>
</tr>
<tr>
<td>• Section 106 Planning Obligations</td>
<td>9</td>
</tr>
<tr>
<td>• Summary</td>
<td>9</td>
</tr>
<tr>
<td><strong>Information Requirements for Applications by Main Application Type</strong></td>
<td>11</td>
</tr>
<tr>
<td><strong>Explanatory Guidance of Terms</strong></td>
<td>13</td>
</tr>
<tr>
<td>• National List of Validation Requirements</td>
<td>13</td>
</tr>
<tr>
<td>• Standard Application Form</td>
<td>13</td>
</tr>
<tr>
<td>• Location Plan</td>
<td>13</td>
</tr>
<tr>
<td>• Site/Block Plan</td>
<td>13</td>
</tr>
<tr>
<td>• Existing and Proposed Elevations</td>
<td>14</td>
</tr>
<tr>
<td>• Existing and Proposed Floor Plans</td>
<td>14</td>
</tr>
<tr>
<td>• Existing and Proposed Site Sections, Finished Floor and Site Levels</td>
<td>14</td>
</tr>
<tr>
<td>• Roof Plan</td>
<td>15</td>
</tr>
<tr>
<td>• Ownership Certificate and Notice</td>
<td>15</td>
</tr>
<tr>
<td>• Agricultural Land Declaration</td>
<td>15</td>
</tr>
<tr>
<td>• Design and Access Statement</td>
<td>15</td>
</tr>
<tr>
<td>• Environmental Statement</td>
<td>19</td>
</tr>
</tbody>
</table>
- **Local List of Validation Requirements** 17
- Affordable Housing and/or Viability Statement 17
- Air Quality Assessment 18
- Biodiversity Survey and Report 18
- Daylight/Sunlight Assessment 19
- Flood Risk Assessment or Surface Water Drainage Details 19
- Foul Sewerage and Utilities Assessment 20
- Geotechnical Survey/Stability Report 21
- Heritage Statement 21
- Land Contamination Assessment 22
- Landscape and Visual Impact Assessment 23
- Landscape Plans 23
- Lighting Assessment 23
- Noise Assessment 24
- Open Space Assessment 24
- Parking Provision 24
- Photomontages, 3D Images and Photographs 24
- Planning Obligations – Draft Heads of Terms 25
- Planning Statement 25
- Socio-Economic Statement 25
- Statement of Community Involvement 25
- Structural Survey 26
- Summary of Planning Applications 26
- Telecommunications Development – Supplementary Information 26
• Town Centre Uses – Evidence to Accompany Applications 26
• Transport Statement/Assessment 26
• Travel Plan 27
• Tree Survey/Arboricultural Implications 27
• Ventilation/Extraction Statement 27
1. **Introduction**

1.1 In 2008 an amendment to the Town and Country Planning (General Development Procedure) Order 1995 introduced a mandatory standard national application form and associated information requirements for the validation of planning applications and other applications submitted under the Town and Country Planning Acts. The standard ‘1APP’ form is now available online via the [planning portal](#). Government Guidance states that where local authorities wish to maintain their own distinct ‘local list’ (in addition to the ‘national list’) of information, this should be reviewed, consulted on and adopted before 31 July 2013 and every 2 years thereafter. Therefore, this document takes account of these requirements, as well as other changes in national and local planning policy as applicable to Scarborough Borough Council.

1.2 The purpose of the validation arrangements is to

- provide a guide to the information that may be required at the outset;
- enable the Local Planning Authority to provide applicants with certainty as to the information required;
- enable the Local Planning Authority to have all the necessary information to determine the application and to draft the planning permission and all conditions;
- minimise the need for further submission of additional information in order to allow Local Planning Authorities a reasonable opportunity to determine applications within the National Indicator; and,
- ensure consistency in the approach taken by different Local Planning Authorities validating applications, whilst recognising the need for variation appropriate to local circumstances.

1.3 With this in mind, in 2011, a group of the North Yorkshire Planning Authorities sought to set down a consistent and proportionate approach to the information that is required for all different types of applications. This will be kept under review every two years to ensure that it is meeting the above objectives in practice. In setting out these requirements, we are seeking to minimise the number of applications which have to be returned as invalid due to insufficient information or being wrongly completed.

1.4 This revised document takes full account of the Department of Communities and Local Government document ‘[Guidance on Information Requirements and Validation](#)’. In line with its recommendations the local list of application requirements are presented in tabular form, using weblinks where appropriate. In drawing up these lists the key principles set out in the DCLG document have been carefully considered. In summary, these principles are:

- Necessity
- Precision
- Proportionality
- Fitness for Purpose
- Assistance
1.5 This document and the Borough Council’s approach to validation takes full account of the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) in May 2013, which states, “the particulars or evidence the authority require to be included in the application —

(i) are reasonable having regard, in particular, to the nature and scale of the proposed development; and
(ii) are about a matter which it is reasonable to think will be a material consideration in the determination of the application”

1.6 While the ‘local list’ for validation contains numerous potential items, its purpose is to provide comprehensive guidance on the type of information required to assess a wide range of planning applications. The Council will apply a proportionate approach, requiring submission of items from the ‘local list’ only where they are relevant to the consideration of a particular application. The information required on the national list, plus possibly a few items from the local list will suffice to make most applications valid. Some of the documents on the local list may also form part of another document such as a Planning or Design and Access Statement. The guidance seeks to indicate where this might be appropriate. If in any doubt, please contact Planning Services for further advice.

1.7 Section 2 of this document explains the approach to the submission and validation of applications. Section 3 provides a list of requirements for each of the main types of application made under the Town and Country Planning Acts. Where “combination” applications are made, then reference should be made to both of the individual requirements. Section 4 provides explanatory guidance to the terms used.

1.8 The checklist will provide the bulk of the information that you need in order to submit a valid application, but more detailed information of the terms used as well as a general overview of the application process is provided in the following pages of this document if required. There is also a separate Appendix providing detailed guidance on the specialist area of Biodiversity and Geological Assessments.

1.9 Although not specifically covered by these requirements, applications can also be made for extensions to the time limits for implementing permissions; non-material amendments to existing permissions; and minor material amendments to existing permissions. Detailed information about the specific requirements for making such applications can be found in the Government publication Greater Flexibility for Planning Permissions.
2. **Protocol for Submission and Validation of Applications**

**Pre-Application Discussions**

2.1 You are invited to have pre-application discussions with a Planning Officer prior to the formal submission of an application to:

(a) confirm the scope of the information in the application;

(b) address whether the proposal may need to be amended to comply with the Council’s policies in the Development Plan and other Officer advice; and,

(c) to seek a view on whether planning permission is likely to be granted.

This advice is given without prejudice to the final recommendation on the proposal, which will be made in the light of consultation responses and detailed consideration of the application (see link below). Please note that Scarborough Borough Council normally charges for pre-application advice. However, if the enquiry solely relates to the scope of information needed to make an application valid, and this does not involve a meeting, then this will not be subject of a charge. More information on the pre-application advice service can be found [here](#).

2.2 It may be necessary in relation to some supporting information to carry out pre-submission consultation with technical consultees, for example, the Environment Agency, Yorkshire Water, Natural England, North Yorkshire County Council or English Heritage as appropriate, prior to the formal registration of the application. It is expected that such consultation will automatically be part of the pre-application process for all major1 applications and that applicants for other application types will carry out such consultation where particular technical issues are identified at the pre-application stage.

2.3 For some particularly complex cases, the Council may set up a “Development Team” to involve some of the above Agencies. For larger scale schemes the applicant may decide to enter into a Planning Performance Agreement (PPA) with the Council. In such circumstances, the contents of this document remain valid although the precise form and content of applications may be subject to more bespoke requirements to be agreed as part of the PPA.

2.4 On larger schemes, particularly where design is critical, the applicant will also be encouraged to submit the proposals for consideration by a Design Review Panel at the pre-application stage. Depending on the importance of the scheme, this may occur at a national, regional or local level. Applicants are encouraged to discuss this at an early stage with the Council to establish the most appropriate arrangements.

2.5 All applicants, but particularly those bringing forward major development schemes, are encouraged to carry out pre-application public consultation with appropriate

---

1 “Major” developments comprise proposals for ten or more dwellings; an outline application for residential development on a site of more than 0.5 hectare; new building(s) of more than 1,000 sq. m. floorspace; or development on a site of more than 1 hectare.
sections of the public (e.g. neighbours directly affected, Parish/Town Council or specific interest groups) in accordance with the Council’s **Statement of Community Involvement**. When considering whether to engage in pre-application consultation, applicants should be aware that seemingly minor proposals can sometimes be significant, or even controversial, for local people. Therefore, it is often advisable to take a precautionary approach and to engage with those that may be affected whenever possible.

**Validation of Applications**

2.6 The Council will not validate an application if it is incomplete, i.e. if all information listed in the appropriate validation criteria is not provided in a complete form. We will, however, always seek to take a proportionate view on information requirements and only seek further details where this is genuinely necessary for the application to be properly considered.

2.7 Under the provisions of Regulation 4 of the Town and Country Planning (Applications) Regulations the Council also has power in the course of dealing with an application to require an applicant to:

(a) supply any further information, and accept outline applications, plans and drawings necessary to enable them to determine the application; or

(b) provide one of their officers with any evidence in respect of the application as is reasonable for them to call for to verify any particulars of information given to them.

2.8 If an application is subsequently found to be invalid following registration, the time period for determination may be suspended until such time as it becomes valid and the period for determination of the application reset. However, where information is found to be insufficient the Council is more likely to follow the course of action set out in paragraphs 2.10 - 2.13 below.

2.9 If you disagree with our reason(s) for not validating the application, you should first discuss it with the Planning Service. If the dispute cannot be resolved this way, the Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2013 sets out the relevant procedures, which in certain circumstances include the right to appeal.

**Processing the Application**

2.10 The opportunity to make significant changes to an application, after validation, is severely limited. Significant changes, i.e. revised plans which require re-consultation, may not be accepted, because the re-consultation may not be able to be carried out and a decision made inside the 8 or 13 week target. Applicants may, however, be able to make changes to plans to address issues raised by Officers and consultees, if time permits during the process of consideration. In every case, the submission of revised details must be accompanied by a schedule clearly setting out the proposed changes.
2.11 Fresh drawings or modifications that significantly alter the nature or description of the proposal will not normally be accepted after validation. If such a change is unavoidable, the Council will ask for a fresh application.

2.12 Where an application has been validated but needs significant alteration to make it acceptable, or where pre-application advice to overcome problems has not been followed, the Council will consider the application as submitted and this may result in a recommendation of refusal. The applicant may, however, withdraw the application and submit a new application for a revised scheme before a decision is made. There is normally no fee for the first such resubmission.

2.13 Prior to a recommendation of refusal being made on an application, the agent/applicant will be informed and given the opportunity to withdraw the application if it is clear that there would be no other acceptable outcome. These applications can normally be resubmitted in revised form, with no fee.

Section 106 Planning Obligations

2.14 These legal undertakings under Section 106 of the Town & Country Planning Act 1990 either take the form of a Planning Agreement between the applicant, the Council and possibly other parties, or alternatively, a Unilateral Undertaking made by the applicant alone. They are normally used to secure infrastructural improvements required in connection with the development, such as those relating to schools, highways, open space or affordable housing. Whenever possible, conditions will be used in preference to planning obligations, but there are circumstances (such as where commuted payments towards infrastructure are required) where they are unavoidable. In the area covered by Scarborough Borough Council, this normally applies to all planning applications involving the creation of new dwellings, and occasionally to other forms of development. Where possible, applicants are requested to use Unilateral Undertakings rather than entering into Section 106 Planning Agreements to meet planning obligations associated with development proposals.

2.15 Unilateral Undertakings and Planning Agreements should be substantially drafted prior to the submission of the application. Standard pro-formas for common undertakings and agreements are available to download from the Council’s website and Agreements can be provided on request.

2.16 Where Undertakings or Agreements are not completed in time to allow approval of a development within the target timescale of 8 or 13 weeks, and the delay lies with the applicant, planning permission may be refused on the grounds of failure to meet a necessary obligation.

Summary

2.17 The key elements of the Protocol for submission and validation of applications are:

- Compile a full application before formal submission.
• Consult the Local Planning Authority and key consultees before formal submission.

• “Front load” the application process by taking into account the views of other parties who will be involved in commenting on and considering the application.

• Significant alterations to applications cannot be made after registration/validation.

• The Council will make decisions in most cases within the relevant target of 8 or 13 weeks. Applicants/agents will be advised as soon as practicable if any application is to be recommended for refusal.

• Advance preparation of documents for Section 106 Planning Obligations will assist a prompt and favourable outcome.
3. Information Requirements for Applications by Main Application Type

3.1 The relevant validation requirements for each type of application are set out in tabular form as a series of individual checklists for each type of proposal. These reflect local requirements and cover the following types of application:

- **SBC1:** Householder Application for Planning Permission
- **SBC2:** Application for Outline or Full Planning Permission
- **SBC3:** Application for Approval of Reserved Matters
- **SBC4:** Application for Listed Building Consent
- **SBC5:** Application for Advertisement Consent
- **SBC6:** Application for Lawful Development Certificate
- **SBC7:** Application for Conservation Area Consent
- **SBC8:** Application for Prior Notification of Proposed Development by Telecommunications Code System Operators
- **SBC9:** Application for Prior Notification of Agricultural or Forestry Development (including proposed buildings, roads, excavation/deposit of waste material from the farm and fish tanks)
- **SBC10:** Application for Prior Notification of Proposed Demolition
- **SBC11:** Application for Tree Works: Works to Trees Subject of a Tree Preservation Order (TPO) or Notification of Proposed Works to Trees in a Conservation Area
- **SBC12:** Application for Approval of Details Reserved by Condition
- **SBC13:** Application for Removal or Variation of a Condition Following the Grant of Planning Permission (Section 73 of the Town and Country Planning Act 1990)
- **SBC14:** Application for Hedgerow Removal Notice
- **SBC16:** Application to Modify or Discharge a Section 106 Planning Obligation (Section 106A of the Town & Country Planning Act 1990)
- **SBC17:** Application of Prior Notification of Rear Home Extension
- **SBC18:** Application of Prior Notification for Temporary Change of Use
3.2 Please refer to Section 4 below for more detailed explanatory guidance of the terms used.
4. **Explanatory Guidance of Terms**

**National List of Validation Requirements**

4.1 The requirements on the National List are consistent across the whole of England. The requirements on the Local List are equally important where submission is deemed necessary, but these are much more likely to be determined on a case by case basis.

**Standard Application Form**

4.2 Since April 2008, all applications have had to be presented on the standard “**1APP**” application form, which is available electronically. We would encourage you to submit your application electronically wherever possible via the Planning Portal, as this provides opportunities for improved efficiency and reduced costs. However you still have the option of submitting a paper based application if you wish, in which case one original will suffice, but for ‘major applications’ (see footnote on page 7) three additional copies of the documents shall be submitted.

**Location Plan**

4.3 All applications must include copies of a location plan based on an up-to-date map. This should be at a scale of 1:1250 or 1:2500 and normally on A4 sized paper. In exceptional circumstances plans of other scales may also be required. Plans should wherever possible show at least two named roads and surrounding buildings. The properties shown should be numbered or named to ensure that the exact location of the application site is clear.

4.4 The application site should be edged clearly with a red line. It should include all land necessary to carry out the proposed development – for example, land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings. A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site.

**Site/Block Plan**

4.5 The site/block plan should be drawn at a scale of 1:100 or 1:200. On larger sites a masterplan may be submitted at a scale of 1:500 or similar. All such plans should accurately show:

a) The direction of North.

b) The proposed development in relation to the site boundaries and other existing buildings on the site, with written dimensions including those to the boundaries.

and the following, unless these would NOT influence or be affected by the proposed development:
c) All the buildings, roads and footpaths on land adjoining the site including access arrangements.

d) All Public Rights of Way crossing or adjoining the site.

e) The position of all trees on the site, and those on adjacent land that could influence or be affected by the development.

f) The extent and type of any hard surfacing.

g) Boundary treatment including the type and height of walls or fencing where this is proposed.

h) The position of any river, pond or other water/coastal feature on or adjacent to the site.

Existing and Proposed Elevations

4.6 These should be drawn to a scale of 1:50 or 1:100 and show clearly the proposed works in relation to what is already there. All sides of the proposal must be shown and these should indicate, where possible, the proposed building materials and the style, materials and finish of windows and doors. Blank elevations must also be included; if only to show that this is in fact the case.

4.7 Where a proposed elevation adjoins another building or is in close proximity, the drawings should clearly show the relationship between the buildings, and detail the positions of the openings on each property. It will not be necessary for an applicant to provide detailed information on elevations of existing buildings on the site if these will not be altered by the development proposal.

Existing and Proposed Floor Plans

4.8 These should be drawn to a scale of 1:50 or 1:100 and should explain the proposal in detail. Where existing buildings or walls are to be demolished these should be clearly shown. The drawings submitted should show details of the existing building(s) as well as those for the proposed development. New buildings should also be shown in context with adjacent buildings (including property numbers where applicable).

Existing and Proposed Site Sections, Finished Floor and Site Levels

4.9 These should be drawn at a scale of 1:50 or 1:100 and should show a cross section(s) through the proposed building(s). In all cases where a proposal involves a change in ground levels, drawings should be submitted to show both existing and finished levels to include details of foundations and eaves and how encroachment onto adjoining land is to be avoided.

4.10 Full information should also be submitted to demonstrate how proposed buildings relate to existing site levels and neighbouring development. Such plans should show existing site levels and finished floor levels (with levels related to a fixed datum
point off site) and also show the proposals in relation to adjoining buildings. This will be required for all applications involving new buildings.

4.11 In the case of extensions to existing buildings, the levels may be evident from floor plans and elevations, but particularly in the case of sloping sites it will be necessary to show how proposals relate to existing ground levels or where ground levels outside the extension would be modified. Levels should also be taken into account in the formulation of Design and Access Statements.

Roof Plan

4.12 This should be drawn at a scale of 1:50 or 1:100 and is used to show the roof design. Details such as the roofing material, vents and their location are typically specified on the roof plan.

Ownership Certificate and Notice

4.13 Under the Town & Country Planning (Development Management Procedure) Order 2010, (DMPO) the applicant shall submit the relevant Certificates concerning the ownership of the application site have been completed. All applications for planning permission except for approval of reserved matters must include the appropriate certificate of ownership. An ownership certificate A, B, C or D must be completed stating the ownership of the property. For this purpose an ‘owner’ is anyone with a freehold interest, or leasehold interest the unexpired term of which is not less than 7 years.

4.14 Where an applicant is not the (or sole) owner of the land, a notice to any other owner(s) of the application site must be completed and served in accordance with the DMPO.

Agricultural Land Declaration

4.15 This is a certificate which is required whether or not the site includes an agricultural holding. All agricultural tenants must be notified prior to the submission of the application. This certificate is not required if the applicant is making an application for reserved matters, extension to the time limit for implementing an existing planning permission, discharge or variation of conditions, works to protected trees, conservation area consent for demolition, Listed Building Consent, a lawful development certificate, prior notification of proposed agricultural or forestry development, a non-material amendment to an existing planning permission, or consent to display an advertisement.

Design and Access Statement

4.16 Planning applications shall be accompanied by a Design and Access Statement where they relate to the following:

- A major development (see footnote on page 7 for definition)
• the provision of one or more dwellinghouses or the provision of a building or buildings where the floor space created by the development is 100 square metres or more, where any part of the site is in a Conservation Area.

4.17 However, there are exceptions to the above, and Design and Access Statements are not required for the following:

• applications to develop land without compliance with conditions previously attached or subject to a new time limit (Section 73 applications);
• engineering or mining operations;
• a material change in use of the land or buildings;

4.18 The Design and Access Statement shall set out the following:

• explain the design principles and concepts that have been applied to the development;
• demonstrate the steps taken to appraise the context of the development and how the design of the development takes that context into account;
• explain the policy adopted as to access, and how policies relating to access in relevant local development documents have been taken into account;
• state what, if any, consultation has been undertaken on issues relating to access to the development and what account has been taken of the outcome of any such consultation; and
• explain how any specific issues which might affect access to the development have been addressed.

4.19 The Design and Access Statement should be a short report that should seek to explain and justify the proposal in a structured non-technical way, which can easily be understood by local communities. The level of detail required in a Design and Access Statement will depend on the scale and complexity of the application and be proportionate to the type of development proposed. When considering the design principles and concepts reference should be made to relevant planning policies including Conservation Area Appraisals where appropriate, which can be found on the Council website.

4.20 The Design and Access Statement may also need to consider security and crime prevention. Applicants are encouraged to show how measures to prevent crime and disorder have been incorporated. Further information can be found on the Police’s Secured by Design website.

4.21 Applications for Listed Building Consent will also be required to be accompanied by a Design and Access Statement. The required content varies to some extent from a Statement relating to development not requiring Listed Building Consent and such a statement should particularly address:

(i) the special architectural or historic interest of the building and how this is to be preserved or enhanced;

(ii) the particular physical features of the building that justify its designation as a Listed Building;
(iii) the building’s setting; and,
(iv) where appropriate, how the proposed approach to access has balanced the duties imposed by the Disability Discrimination Act and the particular historical/architectural significance of the building.

4.22 The legislative requirements are set out in regulation 3A of the Planning (Listed Buildings and Conservation Areas) Regulations 1990. There may be some overlap with the requirements of Heritage Statements (see page 21). Where this is the case a single document encompassing all relevant matters may be acceptable.

4.23 A more detailed explanation of what is required in a Design and Access Statement is set out in Article 4C of the (General Permitted Development) Order, as amended in 2013.

Environmental Statement

4.24 The Town and Country Planning (Environmental Impact Assessment) Regulations (1999), as amended, set out the circumstances in which an Environmental Impact Assessment (EIA) is required. Environmental Statements are lengthy documents, which are only required on developments with significant impact, but in effect they cover a range of assessments, thus obviating the need for some other separate documents on the Local List of Validation Requirements.

4.25 Where EIA is required, Schedule 4 to the Regulations sets out the information that should be included in an Environmental Statement. The information in the Environmental Statement has to be taken into consideration when the Local Planning Authority decides whether to grant planning consent. It may be helpful for a developer to request a ‘screening opinion’ (i.e. to determine whether EIA is required) from the Local Planning Authority before submitting a planning application. Where EIA is necessary, a ‘scoping letter’ shall also be sent to the Local Planning Authority in accordance with the 1999 Regulations in order to agree the methodology and broad content of the Environmental Statement. In cases where a full EIA is not required, the Local Planning Authority may still require environmental information to be provided.

Local List of Validation Requirements

4.26 Whilst the items on the National List will commonly be required on most or many applications, those on the Local List will only be deemed necessary based on the particular circumstances relating to an application.

Affordable Housing and/or Viability Statement

4.27 Where Local Plan policies or Supplementary Planning Document (SPD) guidance requires the provision of affordable housing the Local Planning Authority may require information concerning both the affordable housing and any market housing. This may include the number of residential units, the mix of units with numbers of habitable rooms and/or bedrooms, or the floor space of habitable areas of residential
units, plans showing the location of units and their number of habitable rooms and/or bedrooms, and/or the floor space of the units. If different levels or types of affordability or tenure are proposed for different units this should be clearly and fully explained. The affordable housing statement should also include details of any Registered Providers of affordable housing acting as partners in the development.

4.28 In the event that the applicant is seeking to make an exception to the established policies of the Local Plan/Local Development Framework or other SPD guidance on the provision of affordable housing, this will need to be fully justified. Where this is based on a financial case a Viability Assessment shall be carried out by a suitably qualified valuer. Establishing the appropriate level of affordable housing having regard to both financial viability constraints and the expectations of the Council’s policies can be a complex and time consuming process which cannot be accommodated within the normal timescale of a planning application. The applicant should therefore seek to agree the scope and methodology of the Viability Assessment with the Council and complete any discussions, as well as the finalised document prior to the submission of the planning application. The Homes & Community Agency provides a Development Appraisal Tool which we would encourage applicants to use. Further Government guidance can be found in the document, Section 106 Affordable Housing Requirements: Review and Appeal.

Air Quality Assessment

4.29 Where the development is proposed inside, or adjacent to an Air Quality Management Area (AQMA), or where the development could in itself result in the designation of an AQMA or where the grant of planning permission would conflict with, or render unworkable, elements of the Local Authority’s Air Quality Action Plan, applications should be supported by such information as is necessary to allow a full consideration of the impact of the proposal on the air quality of the area. Further advice is available in Development Control: Planning for Air Quality (2010 Update).

Biodiversity Survey and Report

4.30 Where a proposed development may have possible impacts on wildlife and biodiversity, information should be provided on existing biodiversity interests and possible impacts on them to allow full consideration of those impacts. Where proposals are being made for mitigation and/or compensation measures information to support those proposals will be needed. Where appropriate, accompanying plans should indicate any significant wildlife habitats or features and the location of habitats of any species protected under the Wildlife and Countryside Act 1981, the Conservation of Habitats and Species Regulations 2010 or the Protection of Badgers Act 1992.

4.31 Applications for development that will affect areas designated for their biodiversity interests are likely to need to include assessments of impacts and proposals for long term maintenance and management. This information might form part of an Environmental Statement, where one is necessary. Certain proposals which include work such as the demolition of older buildings or roof spaces, removal of mature trees, woodland, scrub, hedgerows or alterations to water courses and ponds may
affect protected species and will need to provide information on them, any potential impacts for them and any mitigation proposals for such impacts. This list is by no means conclusive and specialist guidance should be sought.


4.33 Surveys for bats, Great Crested Newts and other protected species can only take place during specific periods of the year. Applicants should application undertake such surveys in advance of submitting a planning application to avoid delays in decision-making and the implementation of development.

4.34 We have prepared a separate document as an Appendix to these Validation Requirements which provides detailed guidance on the specialist area of Biodiversity and Geological Assessments and how these should be undertaken.

Daylight/Sunlight Assessment

4.35 In circumstances where there is a potential adverse impact upon the current levels of sunlight/daylight enjoyed by adjoining properties or building(s), including associated gardens or amenity space then applications will need to be accompanied by a daylight/sunlight assessment. Further guidance is provided in, for example, BRE guidelines on daylight assessments. It should be noted that the grant of planning permission would not confer any immunity on those whose works infringe another’s property rights, and which might be subject to action under the Rights of Light Act 1959.

Flood Risk Assessment or Surface Water Drainage Details

4.36 A Flood Risk Assessment (FRA) will be required for development proposals of 1 hectare or greater in Flood Zone 1 and all proposals for new development located in Flood Zones 2 and 3 where required under Flood Risk Standing Advice as issued by the Environment Agency (see its website for further information). A FRA will also be required for any development other than minor development in a designated critical drainage area which has been notified to the Local Planning Authority by the Environment Agency. In areas vulnerable to non-fluvial flooding a Flood Risk Assessment may be required in some cases even if outside a designated Flood Zone.

4.37 The FRA should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed, taking climate change into account. The FRA should identify opportunities to reduce the probability and consequences of flooding. The FRA should include the design of surface water management systems including Sustainable Drainage Systems (SUDs) and address the requirements for safe access to and from the development in areas at risk of flooding.
4.38 The FRA should be prepared by an applicant in consultation with the Local Planning Authority with reference to their published local development documents and any Strategic Flood Risk Assessment. The FRA should form part of an Environmental Statement when one is required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as amended. The NPPF and associated Technical Guidance provides advice in relation to the undertaking of flood risk assessments.

4.39 Surface water drainage details may also be required on certain applications, which do not necessitate a full FRA. This particularly applies to sites within Critical Drainage Areas as defined by the North East Yorkshire Strategic Flood Risk Assessment. It will be necessary to demonstrate details of proposals to maintain surface water run-off at current levels. If this is by means of a soakaway, the results of a percolation test should be submitted.

**Foul Sewerage and Utilities Assessment**

4.40 All new buildings need separate connections to foul and storm water sewers. If an application proposes to connect a development to the existing drainage system then details of the existing system should be shown on the application drawing(s). It should be noted that in most circumstances surface water is not permitted to be connected to the public foul sewers.

4.41 Where the development involves the disposal of trade waste or the disposal of foul sewage effluent other than to the public sewer, then a fuller foul drainage assessment will be required including details of the method of storage, treatment and disposal. A foul drainage assessment should include a full assessment of the site, its location and suitability for storing, transporting and treating sewage. Where connection to the mains sewer is not practical, then the foul/non-mains drainage assessment will be required to demonstrate why the development cannot connect to the public mains sewer system and show that the alternative means of disposal are satisfactory. Guidance on what should be included in a non-mains drainage assessment is given in DETR Circular 03/99; Building Regulations Approved Document Part H; and in BS6297.

4.42 If the proposed development results in any changes/replacement to the existing system or the creation of a new system, scale plans of the new foul drainage arrangements will also need to be provided. This will include a location plan, cross sections/elevations and specification. Drainage details that will achieve Building Regulations Approval will be required. If connection to any of the above requires crossing land that is not in the applicant’s ownership, other than on a public highway, then notice may need to be served on the owners of that land.

4.43 An application should indicate how the development connects to existing utility infrastructure systems. Most new development requires connection to existing utility services, including electricity and gas supplies, telecommunications and water supply, and also needs connection to foul and surface water drainage and disposal. Two planning issues arise; firstly, whether the existing services and infrastructure have sufficient capacity to accommodate the supply/service demands which would
arise from the completed development, and secondly, whether the provision of services on site would give rise to any environmental impacts, for example, excavations in the vicinity of trees or archaeological remains.

4.44 The applicant should demonstrate:

(a) that, following consultation with the service provider, the availability of utility services has been examined and that the proposals would not result in undue stress on the delivery of those services to the wider community;

(b) that proposals incorporate any utility company requirements for substations, telecommunications equipment or similar structures;

(c) that service routes have been planned to avoid as far as possible the potential for damage to trees and archaeological remains; and,

(d) where the development impinges on existing infrastructure the provisions for relocating or protecting that infrastructure have been agreed with the service provider.

Geotechnical Survey/ Stability Report

4.45 This is likely to be the required where the development would affect or be affected by unstable land. This includes sites subject to effects of underground cavities, unstable slopes, ground compression, coastal erosion and the legacy of past mining activity. Where stability of land is likely to be a material consideration (especially if identified as an area liable to such risk in a local strategy) contact should be made with the council at the pre-application stage to agree the form and content of information required as part of a planning application. Information regarding Coal Mining Risk Assessments can be found on the website of the Coal Authority.

Heritage Statement (including Historical, Archaeological Features and Scheduled Ancient Monuments)

4.46 Applications which are likely to affect a designated heritage asset (e.g. a Listed Building, a Conservation Area, a Registered Historic Park and Garden or a Scheduled Monument) or which might impact upon the setting of one of these assets will, in appropriate circumstances, be required to submit a Heritage Statement. Where this is the case, a single document encompassing all relevant matters may be acceptable; (the submission of the same document twice with different same titles is not appropriate).

4.47 A Heritage Statement should contain:

- A description of those elements which contribute to the significance of any heritage assets likely to be affected by the proposals.

- An assessment of the contribution which the setting makes to that significance.
An assessment of the likely impact which the proposals will have upon those elements which contribute to the significance of those assets.

4.48 In certain circumstances, Heritage Statements may also be required for applications affecting other non-designated heritage assets such as non-scheduled archaeological sites and locally-important historic buildings. The scope and degree of detail necessary in a Heritage Statement will vary according to the particular circumstances of each application. Applicants are advised to discuss proposals with a Planning Officer and/or Conservation Officer before any application is made. The following is a guide to the sort of information that may be required for different types of application.

4.49 For applications for Listed Building Consent, a written statement that includes a schedule of works to the Listed Building(s), an analysis of the significance of archaeology, history and character of the building/structure, the principles of and justification for the proposed works and their impact on the special character of the Listed Building or structure, its setting and the setting of adjacent Listed Buildings may be required. A structural survey may be required in support of an application for Listed Building Consent.

4.50 For applications involving demolition of a building/structure in a Conservation Area, a written statement that includes a structural survey, an analysis of the character and appearance of the building/structure, the principles of and justification for the proposed demolition and its impact on the special character of the area may be required.

4.51 Where an application site either includes or is likely to include archaeological remains, the Heritage Statement will be expected to include an appropriate desk-based assessment of the impact which the proposals might have upon these remains. In certain circumstances, where desk-based assessment in insufficient to properly assess the likely impact, a field evaluation may be required instead. Certain parts of the Borough are defined as Areas of Archaeological Significance in local policies. Where an application is likely to affect any archaeological remains, applicants should first consult the Heritage Section of the County Council.

4.52 Further advice on can be found in the English Heritage document, PPS5 Planning for the Historic Environment: Practice Guide.

Land Contamination Assessment

4.53 Applications may need to be accompanied by a Land Contamination Assessment which should be carried out in accordance with established procedures (currently BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites. The minimum information that should be provided by an applicant is the report of a desk study and site reconnaissance. Further advice on undertaking a land contamination assessment can be found in the Yorkshire and Humber Pollution Advisory Council booklets, 'Development on Land Affected by Contamination', available on the Council website and 'Verification Requirements for Cover Systems to Remediate Contaminated Land'. The latter document is
not currently available electronically from YAHPAC but can be obtained from the Council’s Environmental Health section. Sufficient information should be provided in the submitted Assessment to determine the existence or otherwise of contamination, its nature and the risks that it may pose and whether these can be satisfactorily reduced to an acceptable level. Where contamination is known or suspected or the proposed use would be particularly vulnerable (e.g. housing with gardens, schools, nurseries or allotments), the applicant should provide such information with the application as is necessary to determine whether the proposed development can proceed.

Landscape and Visual Impact Assessment (LVIA)

4.54 This is likely to be required for development, which in the view of the Council is likely to result in significant effects on the landscape and visual amenity, particularly in sensitive areas, such as the coastal zone, close to the National Park or where there may be significant cumulative visual impacts (e.g. wind farms). The LVIA should demonstrate the likely effects and explore the effectiveness of mitigation measures to avoid or minimise harm to the landscape or visual amenity. An LVIA should include:

- Baseline description of site and landscape context;
- Evaluation of landscape sensitivity and capacity to accommodate development;
- Identification and assessment of effect on landscape character and quality with reference to the Scarborough Landscape Study;
- Identification and assessment of visual impact;
- Measures that would avoid or minimise adverse effects;
- Where significant adverse effects are unavoidable, consideration of alternatives and why rejected;
- Methodology of LVIA with reference to best practice guidance.


Landscape Plans

4.56 Landscape proposals, where required should form an integral part of the design concept in the Design and Access Statement. Indicative plans (and possibly) sections showing existing and proposed hard and soft landscape proposals should be submitted for most larger scale proposals, those having a significant visual impact or incorporating areas of public realm. Existing trees and other vegetation should, where practicable, be retained in new developments and protected during the construction of the development (see also Tree Survey later). Applications may also be accompanied by landscape details and include proposals for long terms maintenance and landscape management.

Lighting Assessment

4.57 Proposals involving the provision of publicly accessible developments, in the vicinity of residential property, a Listed Building or in a Conservation Area, or open
countryside, where external lighting would be provided or made necessary by the development, should be required to be accompanied by details of the proposed external lighting and the hours when the lighting would be switched on. These details should include a layout plan with beam orientation and a schedule of the equipment in the design. Submission of an ‘isolux’ or similar drawings showing the luminance at specified heights above ground level may also be requested for particularly sensitive proposals or sites, such as sports floodlighting in rural or residential areas. Further advice on this can be found in “Lighting in the Countryside Towards Good Practice” (1997), which is available at http://www.communities.gov.uk/index.asp?id=1144822 and in the Institution of Lighting Engineers (ILE) “Guidance Notes for the Reduction of Obtrusive Light”.

**Noise Assessment**

4.58 Application proposals that raise issues of disturbance by noise to the occupants of nearby existing buildings, and for developments that are considered to be noise sensitive and which are close to existing sources of noise should be supported by a noise impact assessment prepared by a suitably qualified acoustician. Further guidance is provided in *Explanatory Note to the Noise Policy Statement for England* (Department for the Environment, Food and Rural Affairs) 2010.

**Open Space Assessment**

4.59 For development within open spaces, application proposals should be accompanied by plans showing any areas of existing or proposed open space within or adjoining the application site. Planning permission is not normally given for development of existing open spaces which local communities need. An applicant may seek to demonstrate through an independent assessment that the land or buildings are surplus to local requirements. National planning policy is set out in Section 8 of the *NPPF*. Where Sport England is involved as a consultee on developments affecting existing sports facilities, they will need information which helps them to assess the effects of the proposal. The type and level of detail required can be found on the Sport England website.

**Parking Provision**

4.60 Applications may be required to provide details of existing and proposed parking provision. These details may be shown on a site layout plan. Where appropriate, provision should be made for parking spaces for the disabled and visitors. Where parking provision is above or below the standards recommended by the Local Highway Authority (or where there are no standards), the level of provision may need to be justified, taking account of the particularly circumstances relating to the proposed development and site.

**Photomontages, 3D Images and Photographs**

4.61 Photomontages or illustrative 3 dimensional drawings provide useful background information and can help to show how large developments can be satisfactorily integrated with their surroundings. Photographs should be provided if the proposal involves the demolition of an existing building or development affecting a
Conservation Area or a Listed Building. They may form part of the Design and Access Statement or the Heritage Statement.

Planning Obligations – Draft Heads of Terms

4.62 As explained in paragraphs 2.14-2.16 Section 106 Planning Obligations are legal undertakings intended to make acceptable development which would otherwise be unacceptable in planning terms, where planning conditions are not suitable. Whilst they form a vital part of the Development Management framework, they can cause delay to the approval of a planning application. They are normally required for all applications for residential development. Where they are required, a draft Section 106 Unilateral Undertaking or Agreement should be submitted with the planning application (templates and further guidance are available on the Council website).

Planning Statement

4.63 A Planning Statement identifies the context and need for a proposed development and includes an assessment of how the proposed development accords with relevant national and local planning policies. This is particularly important where a proposal does not accord with adopted policies.

4.64 Sustainability should be addressed within the statement, including sustainable design and construction of buildings together with provision for on-site renewable energy generation. It also needs to consider how the scheme can help to mitigate climate change and adapt to the climate that the development is likely to experience over the course of its expected lifetime. This information may alternatively be provided in the Design & Access Statement.

Socio-Economic Statement

4.65 Applications may need to be accompanied by a supporting statement of any regeneration benefits from the proposed development, including: details of any new jobs that might be created or supported; the relative floor space totals for each proposed use (where known); any community benefits; and reference to any regeneration strategies that might lie behind or be supported by the proposal. In many cases the Socio-Economic Statement may be incorporated within other submitted documents, such as the Planning Statement or Environmental Statement.

Statement of Community Involvement

4.66 Applications may need to be supported by a statement setting out how the applicant has complied with the requirements for pre-application consultation set out in the Council’s adopted Statement of Community Involvement and demonstrating that the views of the local community have been sought and taken into account in the formulation of development proposals. This information will be included as part of the Design & Access Statement, where one is required.
Structural Survey

4.67 A structural survey will be required in support of an application if the proposal involves substantial demolition or where it is important to maintain the structural integrity of a building, for example, barn conversion applications or development which may affect the stability of buildings/structures identified as Heritage Assets (e.g. Listed Buildings or historic buildings in Conservation Areas).

Summary of Planning Applications

4.68 These are only required where the supporting information for a major application exceeds 100 pages. Applicants should submit a summary of the whole scheme, which should be no more than 20 pages long and should provide an overview of the proposal and a clear description of its key impacts. Normally, they can be provided as part of the Design & Access Statement or Planning Statement. If a development proposal is already subject to Environmental Impact Assessment (EIA), the non-technical summary of the resulting Environmental Statement will normally suffice.

Telecommunications Development – Supplementary Information

4.69 Planning applications and applications for prior notification by telecommunications code operators for masts and antenna development should be accompanied by a range of supplementary information. This should include the area of search, details of any consultation undertaken, details of the proposed structure, and technical justification and information about the proposed development.

4.70 Applications shall also be accompanied by a signed declaration that the equipment and installation has been designed to be in full compliance with the requirements of the radio-frequency (RF) public exposure guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP). Further guidance on the information that may be required is set out in the Code of Best Practice on Mobile Phone Network Development (2002).

Town Centre Uses – Evidence to Accompany Applications

4.71 The NPPF sets out the government’s approach to the main town centre uses, which include retail, leisure, office, cultural and tourist uses. The NPPF indicates that applications for retail, leisure and office development outside town centres and exceeding 2,500sqm should be accompanied by an impact assessment. Where appropriate, information to show how a proposal would comply with the sequential test referred to in the NPPF would be of assistance. The level and type of evidence and analysis required to address the key considerations should be proportionate to the scale and nature of the proposal.

Transport Statement/Assessment

4.72 The NPPF advises that a Transport Statement (TS) or Transport Assessment (TA) should be submitted as part of any planning application where the proposed development generates significant amounts of vehicular movement. The coverage and detail of the TS/TA should reflect the scale of the development and the extent of
the transport implications of the proposal. For smaller schemes a TS should simply outline the transport aspects of the application, while for major proposals, a TA should illustrate accessibility to the site by all modes of transport, and the likely modal split of journeys to and from the site. It should also give details of proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal, and to mitigate transport impacts. Further guidance will be found in Guidance on Transport Assessment, (March 2007) published by the Department for Transport. Further guidance can be found in the Borough Council’s Transport Assessments Supplementary Planning Document (2007).

Travel Plan

4.73 A travel plan should be submitted alongside planning applications which are likely to have significant transport implications, as advised by the NPPF. Further advice is available in Good Practice Guidelines: Delivering Travel Plans Through the Planning Process (CLG and DfT, 2009), Making Residential Travel Plans Work (DfT, 2007) and the Borough Council’s Travel Plans Supplementary Planning Document (2007).

Tree Survey/Arboricultural Implications

4.74 Where there are trees within the application site, or on land adjacent to it that could influence or be affected by the development (including street trees), information will be required on which trees are to be retained and on the means of protecting these trees during construction works. This information should be prepared in advance of the application being submitted by a suitably qualified and experienced arboriculturist. It should take the form of pre-development report(s), arboricultural impact assessment(s), arboricultural method statement(s) and tree protection plan(s). More detailed guidance can be found in the Appendix, Biodiversity, Geological and Arboricultural Assessments. This document also provides guidance where trees may be roosts for bats or nesting sites for protected birds.

4.75 Full guidance on the survey information, protection plan and method statement that should be provided with an application is set out in BS5837 (2012) ‘Trees in Relation to Design, Demolition and Construction – Recommendations’ or any subsequent equivalent. Using the methodology set out in the BS should help to ensure that development is suitably integrated with trees and that potential conflicts are avoided.

Ventilation/Extraction Statement

4.76 Details of the position and design of ventilation and extraction equipment, including odour abatement techniques and acoustic noise characteristics, will be required to accompany all applications for the use of premises for restaurants, drinking establishments and hot food takeaways. This information will also be required for significant retail, business, industrial or leisure or other similar developments where substantial ventilation or extraction equipment is proposed. Advice on suitable ventilation and extraction equipment can be obtained from the Environmental Health team.
APPENDIX A – REPORT 13/239 - REVIEW OF LOCAL VALIDATION REQUIREMENTS FOR PLANNING APPLICATIONS

EXAMPLE OF CHECKLISTS

SCARBOROUGH BOROUGH COUNCIL PLANNING AUTHORITIES

VALIDATION REQUIREMENTS

SBC1 : HOUSEHOLDER APPLICATION FOR PLANNING PERMISSION

For any application to be registered as a valid application it must be accompanied by the relevant forms, plans and supporting documents which are necessary to provide sufficient information for the application to be properly considered and determined. These notes and the document “Validation Requirements for Planning and Other Applications Submitted under the Town and Country Planning Acts” which can be obtained from the Authority’s website, are intended to guide you in putting your application together. We can only accept your application as legally valid if all the necessary information is provided to an acceptable standard. However, the Council will adopt a proportionate approach, especially when requesting items Section 6 below – information will only be requested where it is relevant to the determination of the application.

Unless submitted electronically, one original copy of the application form, plans and supporting documents must be provided. Please return this form with your application with all relevant boxes ticked to illustrate the material submitted as part of the application.

<table>
<thead>
<tr>
<th>1. FORMS</th>
<th>√</th>
</tr>
</thead>
<tbody>
<tr>
<td>Completed application form (signed and dated)</td>
<td></td>
</tr>
</tbody>
</table>

| 2. PLANS                                      |
|-----------------------------------------------|---|
| Location Plan at a scale of 1:1250 or 1:2500 to show: |
| The direction of North                        |
| Application site edged red/other land owned by the applicant edged blue |
| Wherever possible, at least 2 named roads and surrounding buildings |

| Block Plan at a scale of 1:100 or 1:200 to show: |
| The direction of North                         |
| Any site boundaries                            |
| The position of any building or structure on the other side of such boundaries |
| The type and height of boundary treatment      |
| **Where relevant, details of surfacing and proposed materials for parking areas** |
| **The works in relation to what is already there** |
| **All sides of the proposal (blank elevations should also be included)** |
| **The proposed building materials and the style, materials and finish of the windows and doors** |
| **Where existing wall or buildings are to be demolished these should be clearly shown** |
| **Details of the existing building(s) as well as the proposed development** |
| **New buildings in context with adjacent buildings** |
| **Where a proposal involves a change in ground levels, illustrative drawings should be submitted to show both existing and finished floor levels to include details of foundations and eaves.** |
| **For applications involving new buildings, information to demonstrate how proposed buildings relate to existing site levels (with reference to a fixed datum point) and neighbouring development.** |
| **In the case of a sloping site, show how proposals relate to existing ground levels or where ground levels outside the extension would be modified** |
| **Where appropriate, at a scale of 1:50 or 1:100 to show details such as the roofing material and their location** |

### 3. CERTIFICATES

| **Ownership Certificate Completed** | Correct certificate – A, B, C or D as required |
| **Agricultural Holdings Certificate Completed** | Required whether or not the site includes an agricultural holding |

### 4. FEE

Appropriate fee. Information can be found on the Council’s web site or Planning Portal. For further guidance refer to Circular 04/2008: Planning Related Fees

### 5. DESIGN AND ACCESS STATEMENT

This will only rarely be required for a household planning application, where the proposed floor area of development in a Conservation Area exceeds 100 square metres.

### 6. OTHER POSSIBLE REQUIREMENTS (if in doubt, please contact Planning Services at the Borough Council)

| **Biodiversity/Geological Survey and Assessment Report** | The Planning Authority must consider the conservation of biodiversity when determining a planning application – this includes having regard to the safeguarding of species protected under the Wildlife and Countryside Act 1981; the Conservation of Habitats and Species Regulations 2010; or the Badgers Act 1992; as well as designated sites and priority habitats. Where a proposed development is likely to affect protected species, a designated site, priority habitat or geological feature, the application must be accompanied by a Biodiversity/Geological Survey and Report. The circumstances in which a protected species survey and assessment will be required are explained in more detail in the Appendix to the published list of local... |

---

Page 116
| **Community Involvement** | Applicants are encouraged to set out how neighbours have been consulted on the proposal, in accordance with the Council’s Statement of Community Involvement. Examples of information helpful to supply are:

- Records of discussions/correspondence giving the date, time and place of discussions with whom and what issues were raised, what responses given at the time and what amendments have been made to address those concerns.
- Whether amendments have been the subject of further discussion. |
| **Daylight /Sunlight Assessment** | Where a development may cause loss of amenity to nearby property through loss of daylight or sunlight to habitable windows or cause overshadowing of adjacent land then an assessment will often be required. If the scheme involves the construction of buildings higher than single storey and within 2 metres of the common boundary with any neighbouring residential property an assessment may be required.

The extent and complexity of the assessment will need to be proportionate to the potential impact. Consider the proposed height of the proposed building, its design and orientation of the existing and proposed buildings and changes in ground levels.

Any information will be in respect of the planning merits and not have a direct bearing on other legislation contained in the Rights of Light Act. |
| **Parking Details** | Where a scheme reduces the available parking space or turning space or changes access arrangements or significantly increases the size of a property and therefore has the potential to increase the demand for parking, applicants should provide details of how access will be provided and what arrangements are to be made to ensure that safe access and egress can be achieved and the reasonable parking demands are met within the application site. |
| **Tree Survey / Arboricultural Implications Report** | These are required where any external works are proposed within 10 metres of the crown spread of any tree covered, unless otherwise first agreed with the Local Planning Authority – see Guidance Notes and appendix for further advice. |
| **Other documents** | Please see document “Validation Requirements for Planning and Other Applications Submitted under the Town and Country Planning Acts” for further information or check with Planning Services. |
REPORT OF THE PLANNING SERVICES MANAGER – 13/264

SUBJECT: CURRENT PLANNING APPEALS

1.0 INTRODUCTION

1.1 This is a report for information which advises of the current planning appeals that have been lodged against decisions of the Borough Council. It also gives the Committee the opportunity to ask questions about these appeals.

2.0 LIST OF APPEALS

2.1 The following table lists the current appeals. Appeals will remain listed until the decision has been made and reported to the Committee. The appeal reference will take you to the appeal documentation, including the Inspector’s decision letter when issued. The planning application reference takes you to the associated planning application.

The appeal or planning case documents can be viewed by going to www.scarborough.gov.uk, and selecting view a planning application. Please note: when viewing appeal documents remember to select the appeal tick box

<table>
<thead>
<tr>
<th>Appeal reference</th>
<th>Proposal</th>
<th>Method of appeal</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>APL/00018/13</td>
<td>Replacement existing windows in upvc - 73 North Marine Road Scarborough North Yorkshire YO12 7HT - Mr Jack Tolson - 12/01928/FL</td>
<td>WITHDRAWN</td>
<td></td>
</tr>
<tr>
<td>APL/00010/13</td>
<td>Demolition of existing bungalow and erection of 1 No. house and 1 No. barn – Virginia Scalby Road Scalby Scarborough NORTH YORKSHIRE YO13 0NU - Mr &amp; Mrs Stuart &amp; Louisa Oakley - 12/02416/FL</td>
<td>TO BE DETERMINED LOGED</td>
<td></td>
</tr>
<tr>
<td>Appeal reference</td>
<td>Proposal</td>
<td>Method of appeal</td>
<td>Decision</td>
</tr>
<tr>
<td>------------------</td>
<td>----------</td>
<td>-----------------</td>
<td>----------</td>
</tr>
<tr>
<td>APL/00020/13</td>
<td>Erection of one 50kw wind turbine 24.6 metres to hub 34.2 metres to blade tip in height - Barf Farm, Bridlington Road, Hunmanby, Filey, North Yorkshire, YO14 9RR - J H &amp; D Emmerson (Mr James Emmerson) - 12/01928/FL</td>
<td>HEARING</td>
<td>IN PROGRESS</td>
</tr>
<tr>
<td>APL/00019/13</td>
<td>Proposed conversion of unused stone barn into a 1 bedroom stone cottage-Ploughmans Close Cross Lane Burniston Scarborough NORTH YORKSHIRE YO13 0HU - Mr David Sharp - 12/00713/FL</td>
<td>WRITTEN REPRESENTATIONS</td>
<td>IN PROGRESS</td>
</tr>
<tr>
<td>APL/00004/13</td>
<td>Development of 2 terraced holiday homes, one of each attached to end of 1-4 Oyster Way and 15-21 Woodspring Way - The Parade, Moor Road, Filey. - Mr Wayne Low - 12/01070/FL</td>
<td>WRITTEN REPRESENTATIONS</td>
<td>IN PROGRESS</td>
</tr>
<tr>
<td>APL/00011/13</td>
<td>Development of 14 terraced holiday homes with shared car parking for 24 cars - Turnberry Drive Off Moor Road Filey NORTH YORKSHIRE - Mr Wayne Low - 12/01447/FL</td>
<td>HEARING</td>
<td>IN PROGRESS</td>
</tr>
<tr>
<td>APL/00012/13</td>
<td>Change of use of office block (B1) to residential dwelling (C3) - Beacon Works Riggs Head Scarborough North Yorkshire YO12 5TG - Mr Shaun Pollard - 12/02344/FL</td>
<td>WRITTEN REPRESENTATIONS</td>
<td>IN PROGRESS</td>
</tr>
<tr>
<td>APLC/00005/13</td>
<td>Discharge of conditions relating to application reference 01/00243/FL for the erection of 4 No. detached dwellings and garages with associated vehicular and pedestrian access to highway - 1 Sycamore Park Scarborough NORTH YORKSHIRE YO12 6TP - Mr And Mrs Aggarwal - 12/01641/COND</td>
<td>PUBLIC INQUIRY</td>
<td>IN PROGRESS</td>
</tr>
<tr>
<td>Appeal reference</td>
<td>Proposal</td>
<td>Method of appeal</td>
<td>Decision</td>
</tr>
<tr>
<td>------------------</td>
<td>----------</td>
<td>-----------------</td>
<td>----------</td>
</tr>
<tr>
<td>APL/00008/13</td>
<td>Residential new build detached family house - 19 Crab Lane, Crossgates, Scarborough, North Yorkshire YO12 4JY - Mrs E Hart - 12/01440/FL</td>
<td>WRITTEN REPRESENTATIONS</td>
<td>IN PROGRESS</td>
</tr>
<tr>
<td>APL/00003/13</td>
<td>Use of land for siting of 34 static holiday caravans including the creation of bases and service road - Park Resorts Holiday Park, Cayton Bay Holiday Centre, Mill Lane, Cayton, Scarborough, North Yorkshire YO11 3NJ - Park Resorts - 11/02309/FL</td>
<td>HEARING</td>
<td>IN PROGRESS</td>
</tr>
<tr>
<td>APL/00018/12</td>
<td>Proposed function and events with amplified music outside the Clubhouse in relation to 06/01737/FL condition 42 - Scarborough Rugby Union Football Club, Silver Royd, 569 Scalby Road, Scalby, Scarborough North Yorkshire, YO13 0NL - Scarborough RUFC - 12/00058/COND</td>
<td>PUBLIC INQUIRY</td>
<td>IN PROGRESS</td>
</tr>
<tr>
<td>APL/00023/12</td>
<td>Re-submission of application Ref: 11/02337/FL for the construction of detached bungalow to the rear of 14 Tibby Butts - 14 Tibby Butts, Scalby, Scarborough, North Yorkshire, YO13 0RF - Mr Graham Ratcliffe - 12/01011/FL</td>
<td>WRITTEN REPRESENTATIONS</td>
<td>IN PROGRESS</td>
</tr>
<tr>
<td>APLC/00006/13</td>
<td>Discharge of conditions relating to trees - 2 Sycamore Park Scarborough NORTH YORKSHIRE YO12 6TP - Mrs McMahon - 12/01642/COND</td>
<td>WRITTEN REPRESENTATIONS</td>
<td>IN PROGRESS</td>
</tr>
<tr>
<td>APL/00015/13</td>
<td>Removal of condition 2 relating to 04/00487/FL - 26 Scarborough Road Filey North Yorkshire YO14 9EF - Mr And Mrs Colin And Wilma Burnett - 12/01525/FL</td>
<td>WRITTEN REPRESENTATIONS</td>
<td>IN PROGRESS</td>
</tr>
<tr>
<td>Appeal reference</td>
<td>Proposal</td>
<td>Method of appeal</td>
<td>Decision</td>
</tr>
<tr>
<td>------------------</td>
<td>--------------------------------------------------------------------------</td>
<td>--------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>APL/00016/13</td>
<td>Replacement of windows to side elevation - 43 The Crescent Filey NORTH YORKSHIRE YO14 9JU - Mr Brian Bunting - 13/00274/HS</td>
<td>WRITTEN REPRESENTATIONS</td>
<td>IN PROGRESS</td>
</tr>
<tr>
<td>APL/00007/13</td>
<td>Create driveway and access to road - 2 Chubb Hill Road, Whitby, YO21 1JP - Mr N Jarvis - 12/01931/HS</td>
<td>WRITTEN REPRESENTATIONS</td>
<td>DISMISSED</td>
</tr>
<tr>
<td>APHH/00009/13</td>
<td>Extension to the rear of the property and garage - 3 Barmoor Close Scalby Scarborough North Yorkshire YO13 0RZ - Mrs Jackie Morton - 12/02118/HS</td>
<td>WRITTEN REPRESENTATIONS</td>
<td>ALLOWED</td>
</tr>
</tbody>
</table>

### 3.0 RECOMMENDATION

3.1 It is recommended that the report be received, and that progress with current appeals and recent appeal decisions be noted.

[Signature]

Planning Services Manager

**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 PLANNING SERVICES ADMINISTRATION ON 01723 232323 e-mail planning.services@scarborough.gov.uk