

## **PLANNING & DEVELOPMENT COMMITTEE**

At a meeting held on Thursday, 12 March 2015

Present:-

Councillor Mrs J E Mortimer (Chairman) in the Chair;  
Councillors Mrs D Clegg, D L Billing, J S Blackburn, E Broadbent, Mrs D V Cluer,  
S B Green, C Haddington, Mrs A Robinson, S Siddons, M Smith, M H Ward and  
J Zegstroo

### **1. DECLARATIONS OF INTERESTS**

Councillor Mrs Jane E Mortimer, declared a Personal and Prejudicial interest in agenda item 6, Planning Application (14/01570/FL) - High Mill Farm, Station Road, Scalby, since she was on the Board of Yorkshire Coast Homes who were successful bidders for the affordable homes.

### **2. MINUTES**

**RESOLVED** that this item be **DEFERRED** to the next meeting.

### **3. PUBLIC QUESTION TIME**

The Chairman reported that no public questions had been received.

### **4. PLANNING APPLICATION (14/02380/RG4) - LAND AT DANES DYKE, NEWBY**

The Committee considered:-

i. a planning application for 10 no. self contained units of accommodation and support services for women and children, for Home Group (Mr Christian Lang); and

ii. a report by the Planning Services Manager (reference 15/86).

Updating the report the Planning Officer reported the revisions to boundary treatments regarding the enclosure of the car park had changed from a wall to a hedge running adjacent to the footpath. A wall had been retained on the South Western boundary of the site which fronted on to the highway at the request of officers. The architects had designed this as a 'walled garden' effect. The written comments from the Highway Authority were awaited but had been advised that there were no objections in principle to the scheme, no objections to the access along Danes Dyke, junctions with Scalby Road or car parking. The only issue was an area of carriageway between the adopted road and the start of the site. Clarification was being sought on who was responsible for this area. The Highway Authority would prefer to extend the footpath across this area. Amended plans would be submitted by the applicant. Following the site visit members had requested plans showing the trees to be removed and areas of additional planting, which were shown at the meeting. The planning officer advised that a condition be added that an updated landscaping scheme be submitted prior to development commencing. Members had also been concerned about the fencing along the northern boundary, this would continue along to sit on top of the embankment. The Planning Officer's recommendation was to approve the scheme subject to the comments of the Highway Authority.

In accordance with the Council's Public Speaking Scheme, Mr C Lang (Applicant) spoke in favour of the scheme, Mrs Crabtree (Neighbour) spoke against the scheme and Councillors Bairstow, Jenkinson and Bastiman all spoke against the scheme.

The Solicitor to the meeting confirmed that loss of green space was a material consideration for the Committee but the other financial and legal matters raised by Councillor Bastiman were not issues the Committee needed to take into consideration for the purposes of this meeting.

Members raised concerns regarding the loss of trees and whether the recommendations in the ecology report would be carried out. The Planning Officer advised that a condition be added that the ecological recommendations are carried out.

Members also raised concerns regarding the security lighting and whether that would be on 24 hours. The Planning Officer recommended that a note be added to the effect that any lighting to meet the minimum requirements of Secure by Design and must not be 24 hour lighting and advice from the Police and Environmental Health Officers be sought.

Members were particularly concerned that no written comments had been received from the Highway Authority as it made it very difficult for the Committee to make decisions when there were no written report and requested that a letter be written to the Highways Authority from this Committee expressing their disappointment at the lack of written advice.

**RESOLVED** that, third party representations having been considered, permission be **GRANTED** subject to the written comments of the Highway Authority, a condition that the ecological recommendations be implemented and a note that the lighting be installed to the minimum requirements of Secure by Design in consultation with the Police and Environmental Health Officers.

## **5. PLANNING APPLICATION (14/01364/FL) - FORMER SCARBOROUGH RUGBY UNION FOOTBALL CLUB, SCALBY ROAD, SCALBY**

The Committee considered:-

- i. a planning application for outline application for 24 residential units with associated car parking and 3 storey G.P. surgery with associated car parking with all details for 60 bed extra care building with community library and associated car parking and new access road from Scalby Road, for Ashley House PLC (Ms Juliet Vowles); and
- ii. a report by the Planning Services Manager (reference 15/87).

Updating the report the officer reported that paragraph 7.16, the last word of the first paragraph should read "sooner" and not "later". A letter from the applicant had been received yesterday evening expressing their disappointment that agreement had not been reached on the Legal Agreement and their willingness to work towards a resolution. The Planning Officer's recommendation was to refuse the application because the proposed development would be an exception to the local plan policies and development brief for the site. As a Section 106 agreement was not in place to secure affordable housing and land for a G.P surgery, no justification for exception had been made.

In accordance with the Council's Public Speaking Scheme, Mr R Johnson, RJ Development Consultants (Agent) spoke in favour of the scheme.

The Solicitor reported that the draft S106 Agreement received by the Council did not reflect matters discussed. A revised draft S106 Agreement was sent to the developers on Monday but none of the amendments had been accepted by them, therefore the S106 Agreement had not been finalised. Members sought clarification on whether they were considering the site as a whole or on the separate elements of the development and whether the applicant could come back with something completely different at a later date. The Planning Officer advised that this was where the S106 legal agreement came in as it would bind the developer to release the land for a Doctors Surgery and to provide the affordable housing element.

**RESOLVED** that permission be **REFUSED** for the following reasons:

- In the absence of a legal agreement securing land for a G.P. surgery and provision of affordable housing units, there was no justification for making an exception to Local Plan policy.
- The wording of the reasons for refusal is to be approved by the Chair and Vice Chair:-
  - (Note: Following this resolution, the planning application was withdrawn).

*The Vice-Chairman, Councillor Mrs D Clegg, in the chair.*

## **6. PLANNING APPLICATION (14/01570/FL) - HIGH MILL FARM, STATION ROAD, SCALBY**

The Committee considered:-

- i. a planning application for erection of 119 dwellings on land previously approved for development of 118 dwellings as part of outline (09/00717/OL) and Reserved Matters Approval (11/02265/RM) for erection of 142 Dwellings and 6 live/work units, for Taylor Wimpey (North Yorkshire) Ltd; and
- ii. a report by the Planning Services Manager (reference 15/88).

Updating the report the Planning Officer reported that he had received verbal confirmation from Yorkshire Water that the drainage scheme was acceptable from both a technical and visual perspective. The officer recommended additional conditions relating to requirement for an archaeological watching brief and phasing details for the drainage scheme, In accordance with the Council's Public Speaking Scheme, Mr S Longstaff (Agent) spoke in favour of the scheme.

**RESOLVED** that, third party representations having been considered, permission be **GRANTED** subject to the conditions set out in the report and additional conditions relating to a requirement for an archaeological watching brief and phasing details for the drainage scheme.

*(In accordance with her declaration in Minute 1, Councillor Mrs J Mortimer withdrew from the meeting prior to the debate and determination of this item.)*

*Councillor Mrs J Mortimer resumed the Chair.*

## **7. PLANNING APPLICATION (15/00164/FL) - LAND AND BUILDINGS TO THE REAR OF 31 TO 35 THE GREEN, SCALBY, SCARBOROUGH**

The Committee considered:

- i. a planning application for detached bungalow with a detached garage, for Paul Blackham; and
- ii. a report by the Planning Services Manager (reference 15/81).

**RESOLVED** that permission be **GRANTED** subject to the conditions set out in the report.

**8. PLANNING APPLICATION (15/00157/FL) - KEPWICK HOUSE, PEASHOLM GAP, SCARBOROUGH**

The Committee considered:-

- i. a planning application for fifth storey penthouse providing 3 apartments with temporary siting of construction compound, for Benchmark Properties Ltd; and
- ii. a report by the Planning Services Manager (reference 15/85).

Updating the report the Planning Officer advised the title of the report should read 'Fifth floor penthouse ...' not 'Fifth storey penthouse ...'. Responding to the Civic Society's comments in the report, it was noted that conditions attached to previous permissions did not have any significant bearing on this application. Plans had been received showing two extra car parking spaces at the rear of the property and that conditions be added accordingly. There were no objections from Highways on the overall level of parking. The officer recommendation was to grant planning permission subject to the conditions set out in the report, plus the additional conditions relating to parking.

In accordance with the Council's Public Speaking Scheme, Mr J Stentiford (Agent) spoke in favour of the scheme and Mr M Smith (Neighbour) spoke against the scheme.

The main concern of members was the impact of building on top of other apartments and overlooking on to neighbouring balconies. The Legal Advisor advised that impact and privacy were material considerations. The fact that a similar situation existed on the adjacent property was relevant but neither did it bind the Committee in coming to its decision.

The recommendation to grant planning permission was moved by Councillor E Broadbent and seconded by Councillor M Smith. On being put to the vote the motion was lost.

**RESOLVED** that, notwithstanding the recommendation that permission be granted, permission be **REFUSED** for the reason of protection of residential amenity as set out in Scarborough Borough Local Plan Policy H10. The wording of the refusal to be agreed with the Chair and Vice Chair.

**9. PLANNING APPLICATION (14/02131/FL) - FALS GRAVE MOOR FARM, EDGEHILL ROAD, SCARBOROUGH**

The Committee considered:

- i. a planning application for alterations to layout of existing caravan park, change of use of land for the siting of static caravans and the construction of associated new roads within the site, for Mr Chris England;
- ii. a report by the Planning Services Manager (reference 15/42).

In accordance with the Council's Public Speaking Scheme Mr T Caithness (Agent) spoke in favour of the scheme.

**RESOLVED** that permission be **GRANTED** subject to the conditions as set out in the report.

**10. PLANNING APPEALS**

The Committee considered a report of the Planning Services Manager (Reference 15/74) regarding current Planning Appeals.

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

**11. AFFORDABLE HOUSING SUPPLEMENTARY PLANNING DOCUMENT - UPDATE**

The Committee considered a report of the Director of Service Delivery (Reference 15/67) regarding an update on the Affordable Housing Supplementary Planning Document.

The Planning Officer reported that revised Affordable Housing SPD would be published for targeted consultation setting out the changes to the document, following consideration by Cabinet on 17 March 2015.

**RESOLVED** that:-

- (i) the report be received;
- (ii) the revised Affordable Housing Supplementary Planning Document is published for a targeted consultation setting out the revised guidance on the thresholds for affordable provision, updated transfer values and updated tenure breakdown.

**Members' reasons:**

Since the Affordable Housing SPD was updated and adopted in 2012, Government policy on affordable housing has been revised through the Ministerial Statement issued in November 2014. Furthermore, the Borough Council has, through a greater involvement and understanding of development viability identified a growing difficulty in achieving the tenure mix referred to in the existing SPD. Amendments to the required tenure mix are considered necessary to overcome difficulties in relation to the transfer of affordable housing to Registered Providers and to meet identified housing need for rental properties. Transfer values are also revised.

**12. RESPONSE OF THE BOROUGH COUNCIL ON THE DCLG CONSULTATION 'BUILDING MORE HOMES ON BROWNFIELD LAND'**

The Committee considered a report of the Director of Service Delivery (Reference 15/58) regarding a response from the Borough Council on the DCLG Consultation ' Building More Homes on Brownfield Land'.

The Planning Officer outlined the proposals of the government to bring in a requirement to assess all brownfield sites and place an LDO on the site which would negate the need for planning applications. The effects on planning applications, the public's ability to comment on proposals and on this authority were significant. The intention was to write to the DCLG in response to the consultation to place on record this authority's objections with the wording to be agreed with the Chair and Vice-Chair of this Committee.

Members added that while they agreed with the use of brownfield land objections should be made to these proposals. These proposals would have an adverse impact on community engagement.

**RESOLVED** that:-

- (i) the report be received;

- (ii) the Council respond to the DCLG consultation 'Building More Homes on Brownfield Land' and object to the introduction of a compulsory brownfield audit of all sites within the Borough, the expectation that 90% will be covered with Local Development Orders by 2020 (50% by 2017) and the fact that not achieving this target could result in the Local Planning Authority being placed in 'special measures' and the adverse impact on community engagement; and
- (iii) the wording of the letter to be agreed with the Chair and Vice-Chair.

**Members reasons:**

The response proposed in relation to Local Development Orders and the identification of brownfield housing sites highlights the potential significant impact on local accountability and the cumulative impact on the resources of the Planning Service.

- Local communities and neighbours of development who may not readily engage in the more technical LDO process as opposed to the planning application consultation process will be aggrieved by subsequent development to which they will have no further formal involvement or right to comment on;
- The additional pressure this change will have on existing resources to continually prepare, administer and monitor a number of Local Development Orders within the Borough;
- The impact on resources of additional non-fee generating Development Management workload relating to the prior notification of schemes and the investigation of potential breaches of planning in respect of development carried out within the areas covered by LDOs;
- A loss of fee income generated by the Planning Section in respect of the reduction in planning applications in areas covered by LDOs.

**Chairman**