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.

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) - SEA福德 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 lintol detailing, and means of opening. The window frames shall be installed in accordance with the approved details and thereafter so maintained.**

**Reason:** In the interests of visual amenity and 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