REPORT TO PLANNING & DEVELOPMENT COMMITTEE
TO BE HELD ON THURSDAY, 12 March 2015

APPLICATION REFERENCE NO: 14/01364/FL
TARGET DATE: 24 October 2014
GRID REF: 501494-489941

REPORT OF THE PLANNING SERVICES MANAGER – PSM/15/87

SUBJECT: 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) Former Scarborough Rugby Union Football Club Scalby Road Scalby Scarborough NORTH YORKSHIRE

1.0 THE PROPOSAL

1.1 This application seeks outline planning permission for the following on the 1.49 hectare site of the former Rugby Club, Scalby:

- 24 dwellinghouses (use class C3);
- A GPs (doctors’) surgery with an internal floor area of approximately 1635 square metres.
- A three storey mixed use building comprising 59 extra care housing apartment units (use class C2), and a public library on the ground floor (use class D2) - herein called the 'extra care building';
- The creation of a new access on to Scalby Road.

1.2 Extra care housing is an 'intermediate' type of housing for older people (normally over 55s) which sits between independent living and a care home. Whilst residents live in self-contained units, there is a level of on-site care provided (a mandatory 'ground rent covers the cost of this) and there are a range of communal facilities provided within the building (lounges, restaurant and similar).

1.3 For the 24 dwellings and GPs surgery all matters are reserved except for access, of which full details are provided; a reserved matters application will be required for the appearance, landscaping, layout and scale of 24 dwellings and the GPs surgery.

1.4 The situation for the extra care building is different. Whilst the application for this element of the proposal is legally an outline application, the applicant has chosen to provide full details (as if the application was a full planning application). As such, should Members be minded to grant consent, this part of the proposal could be implemented without the applicant first having to submit a reserved matters application.
1.5 At present the site exists as an area of waste land and is devoid of any buildings, although part of the former Rugby Club car park hard standing remains. With respect to its context, two storey residential development borders the application site to the north, west and south, and the two storey County Council office and Scalby Road frontage are on the eastern side of the site. There are mature hedges on the northern, western and southern boundaries and a number of sizable trees (notably 2 on the northern boundary, and two on the western). These appear to be in the control and ownership of the dwellings which border the site.

1.6 The planning policy context in this case is relatively complex, and it is necessary to set this out at the start.

1.7 This site is allocated for Business Development by Policy I2 of the Scarborough Borough Local Plan. This allocation is restricted to uses falling within Class B1 of the Use Classes Order, that is business uses which can be carried out in a residential area without detriment to the amenity of the area, such as light industry, offices, and laboratories. The justification to the Policy requires that any re-development of this site should, amongst other things, include a high standard of building design, especially along the prominent Scalby Road frontage, be laid out in a low density incorporating substantial landscaping, generally not exceed two-storeys in height, and have special regard to protecting the amenities of nearby residents.

1.8 In May 2005, the then Development and Regulation Committee, adopted a Planning Brief to inform the re-development of the site. The Brief explains that whilst re-development should remain predominantly employment related, there is an opportunity to expand the range of community facilities and services within the Newby/Scalby district centre, in accordance with the objectives of the then PPS1, which seeks to achieve mixed use development as an aid to promoting sustainability.

1.9 In addition to the allocated B1 uses, the Brief also advocated health or community uses falling within Classes C2 and D1 of the Use Classes Order. An element of leisure and recreational use such as a gym or sports facility was also identified as being acceptable. A comprehensive residential use was not acceptable, although a small proportion of residential development as a minor ancillary element of a mixed use scheme, exceeding no more than 10% of the site area, may be acceptable. Retail uses, except a small specialist corner shop, were ruled out, as were storage and distribution uses including bulky goods, DIY and garden centre retailing.

1.10 The Brief repeated the requirements of Policy I2 in terms of the form and character of the development.

1.11 The draft Scarborough Borough Local Plan is also important in this case. As Members will be aware, the site in question is proposed to be allocated for a GPs surgery to meet the needs of the community. Although the Local Plan is in Draft and has not been the subject of Public Examination, and this necessarily limits the weight that can be given to it, the proposed allocation in the Draft Local Plan is still an important material consideration.

1.12 With respect to the application itself, Members will note a significant number of drawings and supporting material has been submitted. To avoid doubt, whilst the drawings of the extra care building are 'final' (the consent for all details of this aspect
have been applied for), the plans of the GPs surgery and 24 dwellings are indicative only. They provide an illustration of how 24 dwellings and a GP surgery with a 1635 square metre internal floor area might be accommodated on this site alongside the extra care building.

1.13 In addition to the plans, the application is accompanied by several supporting documents (available to view on the Council's website) including:

- Design and Access Statement;
- Transport Assessment and Travel Plans;
- Flood Risk Assessment and Drainage Strategy;
- Tree Survey;
- Affordable Housing Statement;
- Archaeological Assessment;
- GP Surgery Justification Statement;
- Ecological Assessment and Habitat Survey;
- Statement of Community Involvement.

1.14 Members will note that amended plans have been submitted during the course of this application. In brief, the amended plans differ from the originally submitted drawings in the following ways:

- The north west corner of the extra care building has been reduced from three storey to single and two storey, and the fenestration has been re-arranged;
- The ‘width’ of the extra care building has been reduced such that it now sits further away from the County Council office building;
- The GPs surgery is shown in a two and three storey design, as opposed to being wholly three storey.

1.15 A full 21 day re-consultation was carried out on the basis of the amended details, beginning on 22 December 2014.

1.16 A confidential Viability Assessment has been submitted with the application. This states that the provision of any contribution towards public open space would render the scheme unviable.

1.17 With respect to developer contributions (to be discussed in later sections of this report), the applicants have submitted a draft Section 106 Agreement. In brief, this seeks to secure 33 of the units within the extra care buildings as affordable and also the retention of the land set aside as a GPs surgery for that purpose for a period of 5 years.

2.0 SCREENING OPINION REQUIRED

2.1 This application has been screened against the Environmental Impact Assessment (EIA) Regulations. It has been determined that an EIA is not required.

3.0 PRE-APPLICATION COMMUNITY ENGAGEMENT

3.1 The applicants have submitted a Statement of Community Involvement, which sets out the community consultation undertaken. In summary, it is stated by the
applicants that a consultation event was held at the existing library on Scalby Road on 18 June 2014 to 25 June 2014 where the proposed design for the new development was displayed.

4.0 CONSULTATIONS AND COMMENTS

4.1 As noted there have been two rounds of public consultation in respect of this application. The first began on 12 August 2014 and related to the plans and details initially submitted. The second began on 22 December 2014 and related to the amended plans and details. Both sets of plans and details are available for inspection on the Council's website.

4.2 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.

First round of consultation

4.3 Scalby and Newby Parish Council:
- The Parish Council supports the overall need to develop this site;
- The Council is concerned that there may be insufficient parking;
- The design of the extra care building is not acceptable, and three storeys is too high;
- The assessment of likely travel behaviour is not realistic;
- There is nothing to indicate that the GP surgery proposal is acceptable to the surgeries likely to use it.

4.4 Highway Authority:
- It is accepted the proposed development is likely to result in slightly lower trip generation than the previously approved scheme;
- The internal road layout is considered to be acceptable;
- Parking provision for the for the residential properties is in line with requirements;
- The level of parking for the surgery may be limited;
- There are no Highway Authority objections, subject to conditions requiring the provision and retention of visibility splays, details of works in the highway, methods to prevent the spreading of mud on the highway, details of construction phase storage and the provision of a Travel Plan.

4.5 NHS Scarborough and Ryedale Clinical Commissioning Group:
- Awaited.

4.6 NYCC Library Services Policy and Development:
- Awaited.

4.7 NYCC Education Services Policy and Development:
- We require a contribution of £81,576 towards education provision.
4.8 Environment Agency:

- No objections;
- As surface water is being discharged into the public sewer all surface water drainage details must be agreed with Yorkshire Water

4.9 Yorkshire Water:

- No objections, subject to the development being carried out in accordance with the approved drawings.

4.10 SBC Parks and Countryside Services:

- Awaited.

4.11 County Archaeologist:

- Awaited.

4.12 SBC Environmental Health:

- Construction can give rise to nuisance, so hours of work should be restricted to 0700 to 1800 Monday to Friday and 0800 to 1300 on Saturday;
- A noise impact assessment and a dust management plan will need to be submitted.

4.13 SBC Coastal and Drainage Engineers:

- No objection to the proposal or drainage plan;
- There is an available water course to the south west which would give a suitable discharge point;
- I would encourage the development to look at utilising sustainable urban drainage methods.

4.14 SBC Housing Strategy and Development Manager:

- This application will help meet the needs of the locality;
- The application should be supported.

4.15 North Yorkshire Police Architectural Liaison Officer:

I recommend that:

1) The scheme should attain secure by design level 2 as opposed to just according to its principles;
2) All ground floor windows in the care home have opening restrictors;
3) Gates on the walkways to the extra care building are not shown on the plan;
4) I would recommend that all parking spaces are clearly allocated to reduce the risk of anti-social behaviour;
5) All car parking areas should be lit;
6) There should be access control to the extra care building, and CCTV should be installed;
7) The staff office should have rollable roller shutters;
8) I would recommend that the canopy giving cover outside the GPs surgery as this may cause crime and anti-social behaviour;
9) The GP building should be alarmed;
10) Cycle racks should be provided.

4.16 Scalby Village Trust

- Although broadly supportive of the fundamental ideas of this development, has some fundamental concerns;
- The three storey extra care block is out of character with the surrounding development;
- The building will dominate the skyline;
- The design of the building shows little imagination, and the materials will not age well;
- There are questions regarding the proposed library facility;
- The library is too small to be a replacement for the existing facility;
- The Police Architectural Liaison Officer heavily criticises the developers, and his recommendations should be enforced in their entirety;
- There is no lift in the proposed GPs surgery;
- The developer states that they have not consulted local surgeries;
- The Trust is concerned that this proposed is a lever to be used for the closure of the existing library;
- The Trust objects to this application.

4.18 Publicity - first consultation period expired on 2 September 2014.

Letters of objection were received from: P and L. Hough of 20 The Close, Newby; Mr and Mrs J. Dudley of 27 Hackness Road, Scarborough; Dr D Morgan of 33 Hackness Road, Scarborough; D and S.W. Newton of 25 Hackness Road, Newby; C. Pickering of 14 The Close, Scarborough; Mr D. Broklehurst of 29 Hackness Road, Scarborough; Mrs J. Gooch of 20 Lawrence Grove, Newby.

These make the following points:

- I have concerns about site security during and after the construction phase;
- There is a badger set in the corner of the site and we trust this will not be disturbed;
- We are very concerned about the height of the care home, as it will result in our home and garden being overlooked;
- There are many windows at the back of the extra care building which will overlook our property;
- The south-west wing of the extra care building, due to its 3 storey scale, will have unacceptable overbearing and overlooking impacts;
- The affordable housing and increased access from Scalby Road will raise crime and social issues making good perimeter fencing and security important;
- The proposed cream coloured brick work for the extra care building may not be the best choice in terms of harmonising the new building into its environment;
- The former rugby club site is in an elevation position versus our property, and as such will be unacceptably overlooked;
- Three storey development is out of keeping, and due to its height the extra care building will appear excessively large;
- Please ensure there is adequate fencing for crime prevention;
- The land is reserved for business use in the existing and forthcoming local plan;
- Three storey development here should be prohibited;
- Is there proposed to be a pedestrian link to Newby village green?
- An action group will be set up to demand a pedestrian link, which would be helpful to the community.

Second round of consultation

4.19 Scalby and Newby Parish Council:

- Previous comments remain.

4.20 Highway Authority:

- Awaited.

4.21 NHS Scarborough and Ryedale Clinical Commissioning Group:

- Awaited.

4.22 NYCC Library Services Policy and Development:

- Awaited.

4.23 NYCC Education Services Policy and Development:

- Awaited.

4.24 NYCC Health and Adult Services:

- The original commitment for a 100% affordable mixed tenure extra care block has been revised;
- We do not object to the inclusion of market rent or outright sales units within the scheme but we would expect the percentage of affordable units to be in excess of the minimum 40% normally required in the area;
- It is our view that the percentage of affordable units, the tenure mix and the Nominations Agreement be clarified and agreed through the Section 106 Process prior to any final decision on the planning application.

4.25 Environment Agency:

- Previous comments (no objection) remain.

4.26 Yorkshire Water:

- Awaited.

4.27 SBC Parks and Countryside Services:

- Awaited.

4.28 County Archaeologist:
- Awaited.

4.29 SBC Environmental Health:
- No objections on food safety grounds.

4.30 SBC Coastal and Drainage Engineers:
- Awaited.

4.31 SBC Housing Strategy and Development Manager:
- We have no objections in principle;
- The provision of extra care meets one of the key objectives of the Council's Housing Strategy (2013-2016);
- It is noted that the revised affordable housing statement now makes reference to the Extra Care being an affordable mixed tenure scheme rather than an 100% affordable housing scheme as per the original affordable housing statement published in June 2014;
- Should the Extra Care not be a 100% affordable scheme, then we would expect the overall housing provision for the scheme (including the general needs housing) to comply with the Council's affordable housing supplementary planning document, which, for this area, is 40%.
We also support the development for the following reasons:
- The Extra Care scheme will incorporate other community facilities including relocation of the library, restaurant and hairdressers. This will help to make the scheme feel part of the wider community and encourage greater community engagement;
- The inclusion of the Doctors Surgery on the development will ensure that residents have good access to local health services, which is paramount for this age group;
- The proximity of a range of other services including shops, post office, bus services etc. is very welcomed and will also help to ensure that residents of the Extra Care scheme are part of the local community and do not feel isolated.

4.32 North Yorkshire Police Architectural Liaison Officer:
- I would not support a link from the development to the public open space (Newby Park) as it would generate crime and disorder issues which would have severely harmed the amenity of residents within the immediate vicinity;
- The developer has now confirmed that all aspects of the development will be 'Secured by Design'.

4.33 Scalby Village Trust
- The Trust's previous objections on the bulk and height of the extra care building are still valid, and residents along Hackness Road will still suffer unacceptable harm to amenity;
- We would also like the case officer and Committee Members to make sure the recommendations made by the Architectural Liaison officer are fully implemented;
- The Village Trust objects to this application.

4.34 Publicity - second consultation period expired on 13 January 2015
Letters of objection have been received from: Mr J. Martin of 19 Lawrence Grove, Scarborough; Mr J. Dudley of 27 Hackness Road, Scarborough; Mr D. Newton of 25 Hackness Road, Scarborough;

- The occupants of units 19 to 24 will be able to look into my home including bedrooms, which will significantly harm the residential amenity of my property;
- I request that substantial natural screening is put in place to the height of the second floor on the boundary 19 Lawrence Grove;
- The three storey construction is out of character, especially as this is an elevated site;
- The large tree on the drawings is no longer there and the building will completely dominate the skyline;
- Despite the changes, the extra care building will still result in unacceptable overlooking of our property.

5.0 PLANNING HISTORY

2007: Outline application for mixed use health village including private hospital, medical day care centre, residential care home and 14 sheltered apartments - permission approved.

2009: Reserved matters application or mixed use health village including private hospital, medical day care centre, residential care home and 14 sheltered apartments - permission approved.

2011: Application for extension of extant planning permission for mixed use health village including private hospital, medical day care and residential care home for the elderly and 14 sheltered appartments - permission granted.

6.0 PLANNING POLICY

6.1 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 and other planning policies and guidance which are considered to be particularly relevant to the consideration of this application:-

Scarborough Borough Local Plan (Saved Policies)

I2 - Allocated Employment Sites
H3 - Small Scale/Infill Housing Development within the Development Limits of Settlements
H10 - Protection of Residential Amenity
C7 - Foul and Surface Water Disposal
E12 - Design of New Development

National Planning Policy Framework

NPPF1 - Building a strong, competitive economy
NPPF6 - Delivering a wide choice of high quality homes
7. ASSESSMENT

7.1 Taking into account the relevant planning policy, consultation responses, the representations made by interested parties and all other material considerations, Officers consider the key issues for consideration by Members in this case to be:

- Principle of the development
- Design
- Impact on amenity
- Highways and parking
- Open space provision
- Drainage
- Ecology and protected species
- The provision of the Library

Principle of the development

7.2 Paragraphs 1.6 to 1.11 set out the policy background for this site. For the sake of brevity this is not repeated here, but in a nutshell:

- The site is allocated for business development by policy I2 of the current Local Plan, and the allocation restricts uses to B1 (business uses which can be carried out in a residential area without detriment to amenity);
- In 2005, the then Development and Regulation Committee adopted a development brief which advocates health or community uses within classes C2 and D1 of the use class order (as well as B1);
- The 2005 brief precludes a comprehensive residential development, although it allows for a small ancillary component of around 10% of the site area;
- The draft Scarborough Borough Local Plan allocates part of the land for use as a GPs surgery.

To recap, this application proposes:

- A 59 bed extra care building with library (use class C2);
- 24 dwellinghouses (use class C3); and
- The use of an area of the site for a 1635 square metre GPs surgery building.
With this in mind, whilst the age of both the Local Plan and the Development Brief limits the weight that can be assigned to them (especially in the light of the guidance contained in the NPPF), and notwithstanding that early work on the new Local Plan demonstrated that there is sufficient business land in the Borough with planning consent, as a matter of fact the proposal is an exception to the Council's adopted policies and the Development Brief, which reserves the site for business use and limits the proportion of the site to be used for residential use to 10% (over a third is to be set aside for C3 dwellings in this case).

As Members will be aware, planning law obliges the Council to determine planning applications in accordance with the development plan (the current Local Plan) unless material considerations indicate otherwise.

It is for the Committee to decide whether or not there are material considerations which warrant an exception to policy being made in this case.

In this regard, your Officers would suggest that there are two factors which weigh significantly in favour of the proposal.

Firstly, there is a proven identified need for further GPs surgery capacity in the Newby/Scalby area. Financial contributions towards providing the necessary capacity have been made by the developers of housing schemes in the locality (including High Mill Farm).

Within the draft Scarborough Borough Local Plan the site in question is proposed to be allocated for a GPs surgery to meet the needs of the community. Although the Local Plan is in Draft and has not been the subject of Public Examination, and this necessarily limits the weight that can be given to it, the proposed allocation in the Draft Local Plan is still an important material consideration.

This proposal brings forward the delivery of land to be used for a GPs surgery in advance of adoption of the new Local Plan.

Importantly, whilst they have not provided formal representation, the Clinical Commissioning Group and the GPs surgeries serving the Newby and Scalby area have stated to Officers that they are content that a surgery building of 1635 square metres internal area would meet the needs of the community now and into the future. The Local Highway Authority has not raised objections to the area of the site set aside for parking. As such, Officers consider that the submitted illustrative drawings demonstrate that the area of the site proposed to be set aside for the development of a surgery is sufficient to meet the identified needs.

Secondly, there is a significant identified need for extra care accommodation within the Borough, especially affordable extra care. Extra care 'housing' of the nature proposed here (with a mandatory element of care covered in the 'ground rent') falls within the C2 use class. Neither national planning policy, Local Plan policies nor the Affordable Housing SPD enable the Council to seek any of the proposed 59 extra care units (use class C2) as formal affordable housing (as defined in the SPD).

There are 24 'standard' dwellinghouses proposed in this case. In accordance, with the Council's Affordable Housing SPD 40% of these should be affordable houses (10 of the 24 units). No other affordable housing is required. In this case, given the
identified need for affordable extra care units, the developer is offering 33 of the 59 extra care units as affordable. This is equivalent to 40% of all of the 83 'residential units' on the whole site (24 C3 dwellinghouses and 59 C2 extra care units). In terms of the Council's policies, this is 'overprovision' of affordable units by 23 units. Moreover, it is provision of affordable extra care units (as opposed to 'normal' housing stock). Your Housing Officers advise there is overriding need for these units.

7.13 As such, taking into account the early safeguarding of land for the provision of a GPs surgery, the delivery of affordable extra care units (which the Council cannot insist upon) and the 'over-delivery' of affordable housing on the site as a whole in terms of numbers, in your Officers' view there is sufficient justification to warrant an exception to adopted policy being made.

7.14 Whilst this is the case, and notwithstanding the favourable assessment of the 'practical planning issues' as set out in the following sections, the Section 106 agreement must deliver the two areas of 'planning gain' (the surgery land and the affordable extra care units) if an exception to policy is to be warranted. Otherwise, as the scheme is fundamentally contrary to policy, the advice of Officers is that it should be refused.

7.15 In order to deliver the two areas of necessary planning gain, in your Officers' view the Section 106 agreement should deliver the following objectives as a minimum:

7.16 With respect to the GPs surgery:
- Secure the land for use by an eligible party (NHS GPs as will need to be defined in the agreement) for a period of 5 years from the commencement of development or until the adoption of the new Local Plan, whichever is the later;
- Compel the developer to transfer the land if an offer to buy it at a value which reflects its use for a GPs surgery (the mechanism for determining this will need to be defined in the agreement) is made by an eligible party;
- Give the eligible party free and unobstructed rights to use the access.

7.17 With respect to the affordable units:
- Secure the 33 affordable extra care units as affordable as defined in the Council's affordable housing SPD, as opposed to a looser definition of affordable as suggested by the applicant;
- Not allow for the development of the 24 open market C3 dwellinghouses until the extra care building is complete, as reasonable security that this element of the scheme will be delivered.

7.18 The requirement for the Section 106 agreement to meet these objectives has been set out to the applicant and their agents in both written advice and at meetings; Officers have set out the requirements for the agreement and assurances have been given that these will be met. The applicant’s agents have also been pointed towards the Council's model agreement, which (although modifications would be required) can serve as a useful template.

7.19 Despite this, your Legal Officers have advised that at this point the latest version of the submitted agreement (as published on the Council's website) could not be relied up to deliver these objectives. For instance, the applicant proposes a clause allowing
the lease of the GP surgery land for a relatively short period, which may render it unattractive to a developer wanting to construct a GPs surgery.

7.20 Without a legal agreement which the Council can be confident delivers the 'planning gain' which would warrant an exception to adopted policy being made, your Officers are not in a position to recommend that the application be approved at this point.

7.21 As set out, your Officers advise that the proposal can be acceptable in planning terms and could deliver much needed facilities, and as such it is hoped that the applicant will address the issues with the legal agreement in advance of the meeting.

7.22 In simple terms, if the Section 106 issues are addressed, your Officers will advise that the application should be approved, but if they are not the recommendation will be one of refusal.

Design

7.23 Policy E12 of the Local Plan requires that new development respects the form, scale and character of the surrounding built environment. Furthermore, policy I2 of the Local Plan requires a high standard of design on this site, especially on the Scalby Road frontage, and it states that development should not exceed two storeys in height. These requirements are echoed in the 2005 Design Brief for the site.

7.24 Starting with the GPs surgery, this will be located in a prominent position on the Scalby Road frontage, and by reason of its (necessary) size it will become a landmark building. As such, high quality design for this component of the scheme is essential.

7.25 However, it is important to note that as this is an outline proposal the drawings submitted in respect of this element are indicative only. Nevertheless, they do demonstrate that the spatial needs of the surgery (in terms of the internal area and car parking) can be accommodated on the land area to be set aside within a two and three storey building.

7.26 Your Officers consider this to be acceptable. Members may recall that the previously consented scheme (approved in 2011) allowed for a 2/3 storey building in this location.

7.27 Turning to the design of the 24 dwellinghouses, with the exception of access all other matters are reserved for this part of the application; design issues will be dealt with by way of reserved matters applications which will be determined by the Planning and Development Committee at a later date.

7.28 Whist this is the case, it is necessary to set the design parameters for this part of the development at this (the outline) stage if Members are minded to grant consent. Given the constraints set out in policy I2, and as this part of the development will be set close to and viewed in the context of two storey residential development to the west and south (more so than the extra care building), Officers would advise that the development be restricted to a maximum of two-and-half storeys by condition. It is correct to apply conditions relating to materials and landscaping at the outline stage also.
7.29 Full details of the extra care building have been submitted (this part of the proposal is to all intents and purposes a ‘full application’). This building will have a footprint of approximately 2300 square metres, be predominantly three storey and will have maximum eaves and ridge heights of approximately 9.8 and 14.7 metres respectively.

7.30 Members will see from the submitted drawings that the building is arranged in a 'y' shape, with a span of around 17 metres and with the reduced height single and two storey 'tips' of the northern wings sitting close to the boundaries with residential properties on Hackness Road. At its southern end the building features a single storey protruding glass extension, which will in part house the proposed library. This will be prominently visible in views into the site from Scalby Road.

7.31 Landscaped gardens are proposed in the northern courtyard between the two wings and also to the south close to the public access on to the new principal thoroughfare into the site. A smaller area of landscaping is also proposed to the west of the building.

7.32 Car parking is proposed to the east of the building in the area between the extra care building and the County Council offices, and also to the south of the County Council offices.

7.33 In terms of materials, the external walls are proposed to be covered with cream coloured facing brick and off white render under a dark grey composite tile roof.

7.34 With respect to the detailing, there will be recessed bands of brick work on the ground floor, areas of render across the building, and the fenestration will be grey powder coated aluminium. Overhanging eaves will be present on all elevations. Of particular note are 'angled' window apertures in the westernmost elevation, and also the single storey glass and projecting first and second storey elements in the south-east wing. These will serve to give the building a somewhat contemporary character. Many of the windows and doors across the building feature Juliet balconies.

7.35 Even though it is set well within the application site, due to the height of the building and also topography of the site versus surrounding land, there is no doubt that the extra care building will be seen from both the public realm and third party property; the building will be seen from Scalby Road, Hackness Road and The Close. However, it is important to note that previous permissions have allowed for a three storey hospital building in this location of approximately the same height. With this in mind, Officers suggest that it would be unreasonable to withhold consent solely on the grounds of height.

7.36 Furthermore, Officers consider the design to be appropriate. The elevations are balanced, and there is sufficient variation and visual interest in the elevations such that they do not read as being monotonous. Subject to conditions requiring careful, crisp detailing Officers consider that the building will assimilate well into its context. The building is also 'set down' to two and single storey height at the points (the tips of the north-west wings) closest to neighbouring two storey residential development (in excess of 30 metres away). As such, it is not considered that the building will appear conspicuous when viewed in the context of two storey residential development.
7.37 Officers note the concerns raised in the consultations and representations regarding the choice of materials, particularly in terms of render. In this case, there are no hard wood panels around the proposed render, and the fenestration is to be powder coated aluminium, so it is unlikely that the render will be streaked with the sorts of stains objectors refer to. Light coloured bricks are also consider by some objectors to be inappropriate. However, officers consider that a darker brick could give the building a more imposing, monolithic character, which would be regrettable.

Impact on neighbour amenity

7.38 The impact of the development on the amenity of residential property, particularly in terms of the impact of the extra care building on houses on Hackness Road, is one of the key issues raised in the public representations.

7.39 However, those parts of the extra care building sat closest to third party property (the single and two storey tips) are located at least 35 metres from the closest points on these dwellings (on Hackness Road). Therefore, Officers consider that the extra care building is sufficiently distant from third party property not to result in undue overbearing or overshadowing impacts.

7.40 Concerns have also been raised with regards to overlooking. There are no windows serving habitable rooms in those parts of the extra care building (the single and two storey 'tips') closest to properties on Hackness Road; the closest window serving a habitable room is over 35 metres from the closet dwelling. Generally, a distance between new windows and existing properties of 21 metres or greater is considered acceptable.

7.41 In order to prevent direct overlooking into neighbouring curtilages, those principal windows in the west facing elevation of the western wing of the extra care building are orientated within 'louvres' so they face due south. As such, they will only offer distant, oblique views of the neighbouring gardens.

7.42 To summarise on the point of overlooking, it is accepted by Officers that the extra care building will allow for some views of neighbouring property. However, given the separation distances involved, and the orientation of the building itself, Officers do not consider that overlooking from the extra care building will result in an undue loss of residential amenity.

7.43 Turning to the proposal for the 24 dwellinghouses, as previously noted the plans for this aspect of the proposal are indicative only. However, in the view of your Officers, the submitted plans do serve to demonstrate that 24 dwellings could be accommodated on this site without unacceptable harm to neighbouring property. The plans show that back-to-back distances of at least 21 metres (between new and existing dwellings), and back-to-side distances of at least 15 metres (between existing and new dwellings) can be achieved. In the view of Officers, provided the height of the development is restricted to a maximum of two-and-a-half storeys this is sufficient to ensure neighbouring properties do not suffer undue overbearing, overlooking or overshadowing impacts.

7.44 Officers had strong concerns with the originally submitted indicative drawings for the GP surgery building. They showed a three storey building in very close proximity to 430 Scalby Road, which in the view of Officers would have had an unacceptable impact.
The applicant has since submitted revised drawings. These demonstrate that the required floor area and parking spaces can be accommodated in a building which is a mixture of three and two storeys, with the lower two storey element (which is more of a residential scale) sat closest to the neighbouring dwelling. In the view of Officers, the revised drawings show that the proposed GPs surgery could be accommodated on the proposed area without undue harm to neighbouring property.

7.45 Another important issue is the potential impact of the extra care building on the amenity of the NYCC offices immediately to the west, and vice versa. There are first and second floor windows in the east facing elevation of the extra care building serving primary habitable rooms. These windows face first floor office windows. The originally submitted scheme specified a separation between these windows of less than 18 metres, which in the view of Officers would have resulted in harmful mutual overlooking. This distance is increased to approximately 20.4 metres in the amended scheme, and Officers consider this to be sufficient separation to ensure a reasonable level of amenity for the both the extra care and office building.

Highways and parking

7.46 Given the problems with parking at the existing local GPs surgeries, and the parking issues in the vicinity of this site (often attributed to the NYCC offices), parking provision is a fundamentally important issue in this case. The issue has been raised in representations.

7.47 The proposals provide for 36 parking spaces for the extra care building, and 27 for the proposed GPs surgery. Parking levels for the 24 dwellings are simply specified to be in accordance with Highway Authority requirements, and the indicative drawings show sufficient space for this within the layout.

7.48 Officers shared the concerns made in the public representations on the issue of parking with the Highway Authority. Fundamentally, whilst they have expressed some reservations regarding parking levels, they have responded to the application with 'no objections'.

7.49 Full details of the access arrangement have been provided (this matter is not reserved for consideration at a later date). The Highway Authority has raised no objections to the proposed arrangements, subject to conditions.

Landscaping and public open space

7.50 Both the Design Brief and policy I2 of the Local Plan require this site to be properly landscaped. The extra care building benefits from three landscaped areas (precise details of which should be required by condition), and the 24 dwellings are low density (equating to around 18 dwellings per hectare) which means this area of the site will have a spacious feel for room for landscaping (which is a reserved matter).

7.51 The Council's Public Open Space Supplementary Planning Document (SPD) requires a contribution of approximately £75,000 from this development as a contribution towards off-site sports, play and public open space provision. The SPD makes it clear that such contributions will not be sought if it would make the scheme
unviable. In this case the applicants have submitted a (confidential) development viability appraisal, which the Council's Forward Planning Officers have assessed in detail.

7.52 The Forward Planning Officer considers that the appraisal demonstrates that providing the open space contribution in this case would render the scheme unviable, or alternatively there would need to be a reduction in affordable housing provision.

Drainage

7.53 Yorkshire Water, the Council's own drainage engineers and the Environment Agency have assessed the scheme from a drainage perspective and have not objected to the proposals (subject to the imposition of conditions).

With this in mind, Officers consider the development highly unlikely to flood or to materially increase the risk of flooding elsewhere.

Ecology and Protected Species

7.54 The applicants have submitted an ecology report, and also an Extended Phase 1 habitat survey (which looks at the ecological value of the site in greater detail).

7.55 in order to discharge its statutory duty under Regulation 3(4) of the Conservation Regulations (1994) to have regard to the requirements of the Habitats Directive, it is for the Local Planning Authority to determine whether or not there will be an 'offence' (whether the development will lead to the loss of habitat and/ or species), and if this is the case whether or not the development meets the 'derogation tests'.

7.56 The submitted reports make numerous observations and recommendations, but the most important is the identification of a badger sett (also identified by a neighbour).

7.57 This is on the part of the site covered by the outline proposals for the 24 dwellings (in the southernmost corner). In order to conform with the recommendations of the ecologist, your Officers suggest that a condition be applied to any consent Members may grant requiring a badger survey as part of the reserved matters submission.

7.58 With the exception of the badger sett, taking into account the submitted reports, the Natural England Standing Advice and the findings of the Officers site visit, Officers consider that there is substantially reduced probability of the development harming Protected Species or their habitat.

The Library

7.59 Part of the proposal is for the provision of a library on the ground floor of the extra care building. It is suggested in the representations that it may be the intention of the County Council to move the existing library facility to this building, and public objections have been made on this basis. The Local Planning Authority has not been
party to any discussions, and is not aware of any proposal to move the public library. It appears that the provision of a public library is speculative development.

7.60 In any event, any 'deal' to move the library is entirely a civil issue between the interested parties (the County Council and the applicant) and is not for consideration here; the sole issue in planning terms is whether or not this is a suitable place for a library in spatial terms.

7.61 In this regard, given that the site is located close to local amenities and transport links, Officers consider this to be a suitable location. There is a lack of cycle parking for the facility, and Officers suggest that a condition be applied to any consent Members may grant requiring cycle stands close to the library entrance.

Additional considerations

7.62 The North Yorkshire Police Architectural Liaison Officer has submitted a number of representations, the last of which does not raise objections on the grounds that the applicants have agreed to comply with Secured by Design Level 2 standards. Your Officers advise that a condition is applied to the planning permission requiring compliance with Secured by Design Level 2, should Members be minded to grant consent.

Conclusions

7.63 This proposal is an exception to adopted planning policy; it is contrary to the current development plan.

7.64 However, taking into account the potential for the early safeguarding of land for the provision of a GPs surgery, the delivery of affordable extra care units (which the Council cannot insist upon) and the 'over-delivery' of affordable housing on the site as a whole in terms of numbers, in your Officers' view there is sufficient justification to warrant an exception to adopted policy being made.

7.65 Whilst this is the case, and notwithstanding the favourable assessment of the 'practical planning issues' as set out in this report, the Section 106 agreement must deliver the two areas of 'planning gain' (the surgery land and the affordable extra care units) if an exception to policy is to be warranted. Otherwise, as the scheme is fundamentally contrary to policy, the advice of Officers is that it should be refused.

7.66 At this point, the legal agreement does not give your Officers sufficient confidence that the areas of planning gain can be secured, so Officers are not in a position to recommend approval. Should the legal agreement be amended such that it is at an acceptable standard prior to the Committee meeting, Officers will recommend approval subject to conditions covering points including:

- Standard time limit for implementation/ the submission of reserved matters;
- Scale restriction (to two-and-a-half storeys) for the 24 dwellings, and also for the GPs surgery (to two and three storey);
- Landscaping and materials conditions for the 24 dwellings and GPs surgery;
- Badger survey requirement;
- Design details and materials conditions for the extra care building;
- Parking and highways conditions as required by the Highway Authority;
- A requirement for cycle parking;
- Details of the means of enclosure for the site;
- A requirement for compliance with Secured by Design Level 2;
- Restriction of the number of dwellings to 24;
- Restriction on scale of GPs surgery to 1635 square metres and requirement for 27 car parking spaces.

POSITIVE AND PROACTIVE STATEMENT

The proposed development as submitted is in principle acceptable, but there are certain aspects where additional details need to be agreed and specific safeguards need to be put into place. The Local Planning Authority acted proactively by giving the applicants due opportunity to address concerns.

RECOMMENDATION
RECOMMENDATION AT MEETING

David Walker

Background Papers:

Those documents referred to in this report.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT MR DANIEL METCALFE ON 01723 383538 email daniel.metcalfe@scarborough.gov.uk