REPORT TO PLANNING & DEVELOPMENT COMMITTEE
TO BE HELD ON THURSDAY, 29 MARCH 2007

APPLICATION REFERENCE NO: 06/02665/FL
TARGET DATE: 18 APRIL 2007
GRID REFERENCE: 50144 / 49078

REPORT OF THE HEAD OF PLANNING SERVICES - HPlg/07/46

SUBJECT: ERECTION OF 14 NO. 2/3 BEDROOM FLATS IN BLOCKS OF 2/3 STOREY BUILDINGS AT 18 EAST PARK ROAD, SCALBY, YO13 0PZ, FOR ‘KFB SCARBOROUGH LTD.’

1.0 INTRODUCTION

1.1 This is a major planning application as it proposes the creation of a development of more than 10 dwelling units. In order to meet Government performance targets, Local Planning Authorities are required to determine 60% of major planning applications with 13 weeks. The 13-week period for the determination of this application expires on 18 April 2007.

2.0 THE PROPOSAL

2.1 The site is located to the north-eastern end of East Park Road, extending to 0.27 hectares in area, with a frontage width of 56 metres and a maximum depth of 47 metres. The site currently comprises a single large detached Edwardian dwelling positioned relatively centrally within the site, together with a former stable building between this and the northern site boundary. The site is bounded by Queen Elizabeth Drive to the north, by the gardens of dwellings on Field Close Road to the east and by the curtilage of No.14 East Park Road to the south. The site includes numerous trees of varying heights and maturity and also includes tall mature hedgerows to its southern, eastern and western boundaries.

2.2 The proposal involves the demolition of all existing buildings within the site and the erection of a group of two buildings, which, in total, would accommodate 14 flats, comprising 8 No. 2-bedroomed and 6 No. 3-bedroomed units. Two double garages would be created to the rear of the proposed buildings and a further 14 uncovered parking spaces would also be
created within the site. Provision is made for three bin stores behind the hedgerow forming the western (front) boundary to the site. Vehicular access into the site would be via the existing point of entry on East Park Road.

2.3 The larger of the two blocks of buildings, positioned in the northern half of the site, would have a footprint measuring 29 metres across its frontage and a depth of between 15.5 to 17 metres. This building would be positioned 15 metres from the eastern (rear) boundary of the site with the dwellings on Field Close Road beyond, 3 metres from Elizabeth Drive to the north, and 14.5 metres back from East Park Road itself to the west. The applicant’s Design and Access Statement, submitted with the application, states that the inspiration for the design of this building is derived from the Arts and Craft movement, with a varied roof form, strong chimney stacks, oversailing eaves and variation in the overall height and scale of the building. This building would have brick walls beneath a rosemary tiled roof.

2.4 The southern half of this building would include accommodation across three floors, with eaves and ridge heights of 5.8 metres and 9.4 metres respectively. The western (front) elevation of this part of the building would include window openings at ground and first-floor level, as well as a window between the eaves of a gable, a rooflight and a hipped dormer at second-floor level. The eastern (rear) elevation of this part of the building would include window openings at ground and first-floor levels, with four rooflights within the roof slope. Following discussions with the applicant, these rooflights have been raised further up the slope of the roof, in order to reduce any potential for overlooking of neighbouring properties. The southern (side) elevation of this part of the building, which would face the internal driveway dividing this and the smaller proposed building, would include windows at ground and first-floor levels, as well as three hipped dormer windows in the roof slope. The northern (side) elevation of this part of the building would include three rooflights.

2.5 The northern half of this larger building would include accommodation across two floors, with eaves and ridge heights of 3.3 metres and 7 metres respectively. The western (front) elevation of this part of the building would include window openings at ground-floor level, with two hipped dormer windows and a central rooflight within the roof slope. The eastern (rear) elevation of this part of the building would include window openings at ground-floor level and four rooflights within the roof slope. The northern (side) elevation of this part of the building would include window openings at ground-floor level and two hipped dormers and a central rooflight within the roof slope.

2.6 The smaller of the two blocks of buildings, positioned in the southern half of the site, would have a footprint measuring 14.5 metres across its frontage and a depth of between 14.5 and 15.5 metres. This building would be positioned 20 metres from the eastern (rear) boundary of the site with the dwellings of Field Close Road beyond, 5.5 metres from the south (side) boundary of the site with No.14 East Park Road beyond, 11 metres back from East Park Road itself to the west, and 5.3 metres from the proposed larger building to the
north, with the internal access drive running between. The applicant's Design and Access Statement states that the elevational treatment of this building is typical of the Garden City movement of the early 20th Century, with the front elevation being designed to be read as a pair of semi-detached dwellings. This building would have brick and rendered walls beneath a rosemary tiled roof.

2.7 This building would include accommodation across two floors, with eaves heights of 5.2 metres to the front elevation and between 4 metres and 4.2 metres to the side and rear elevations. The building would have an overall ridge height of 7.8 metres. All elevations of this building would include windows at ground-floor level. The western (front) elevation would also include windows at first-floor level. The eastern (rear) elevation would include two dormer windows set between the eaves level and the northern (side) elevation would also include two such windows, as well as a further first-floor window on its gable end. The southern (side) elevation would include a window on its gable end, as well as four rooflights within the roof slope, set just above the eaves.

2.8 Both buildings would include a flat roofed element to their central sections, although these would be completely surrounded by the rising and falling pitches of the proposed dual-pitched roofs to the buildings and, as such, would not be visible at all from the highway, nor from any surrounding properties. The use of hidden flat roofed elements was considered necessary in order to reduce the overall ridge heights and to prevent the need for awkward valley junctions.

2.9 The design of the two proposed detached garages has been amended following discussions with the applicant, in order to reduce their height and potential impact on the neighbouring properties in Field Close Road. The two proposed detached double garages would each be identical, with footprints measuring 6.6 metres wide and 6.275 metres deep. The amended details show the garages having gabled roofs sloping away from the site boundaries and with eaves and ridge heights of 1.962 metres and 3.532 metres respectively.

3.0 CONSULTATIONS AND COMMENTS

3.1 Parish Council – Object to the proposal.

- Overdevelopment of the site, contrary to Policies E.12, H.3 and H.10 of the Scarborough Borough Local Plan.

- Will lead to traffic congestion and possible lack of access to emergency and service vehicles, contrary to Policy H.3(B) of the Scarborough Borough Local Plan.

- Needs an independent bat survey to ensure non-contravention of Policy E.10 of the Scarborough Borough Local Plan (Species
Protection). The current survey was carried out by the developer and is not impartial. In addition, the timing of the bat survey is critical as to the possible findings.

- Will create a dangerous precedent, which could lead to the local area changing from large residential properties in single occupation to multiple occupation properties, contrary to Policies E.12 and H.3 of the Scarborough Borough Local Plan.

- This type of development, if allowed, would be totally out of character with this area, contrary to Policy E.12 of the Scarborough Borough Local Plan.

- If approved, such a development will spoil the uniqueness of Newby and Scalby, which has a number of large properties, which would lend themselves to conversion or demolition and the erection of flats. Such uniqueness should not be eroded and should be preserved. If this development were to be approved, it would set a dangerous precedent, with the possibility that the supply of larger detached dwellings in an appropriate setting would be diminished, with the possibility of large areas becoming flatted dwellings, to the detriment of the current housing balance.

3.2 Traffic and Transportation Manager – There are no highway engineering or surface water objections to this application. Conditions are requested to control pedestrian and vehicular access into the site and for the provision of appropriate secure cycle storage.

3.3 Head of Environmental Health and Housing Services – No objections.

3.4 Parks and Countryside Services Manager (Trees) – Taking into account the condition/appearance of the 78 existing trees within the site, only 9 are appropriate for retention and protection. These include 4 No. Hollies, 1 No. Willow, 2 No. Pines and 2 No. Sycamores. The mixed group to the southern boundary of the site can be retained and protected as a screen to No.14 East Park Road but are not of individual quality to insist upon retention.

3.5 Parks and Countryside Services Manager (Landscaping) – The landscape assessment and tree survey are good and the proposed tree removals, retentions and protective fencing are all acceptable. However, these recommendations do not seem to have been fully transposed onto the proposed site layout plan, i.e. existing trees not correctly shown. I would like to see confirmation that the tree survey’s recommendations will be fully implemented. I welcome the indication that planting will aim to enhance biodiversity and look forward to receiving more detailed landscaping proposals.

3.6 Parks and Countryside Services Manager (Ecology) – Commenting on the preliminary bat survey undertaken by Wold Ecology and received on 16 January 2007.
I disagree with conclusions made in this report, as I observed a number of potential entry points to the roof space on the former stable building and believe that the roof of this building has high potential for bat occupation.

Additionally, the moth’s wings seen by the surveyor and myself were observed directly under a small hole which accessed the area between the roof tiles and the internal plasterboard and is a very strong indication of the use of the building by bats. The references to the abundance of light does not apply to this potential bat roost as it is entirely enclosed and receives no natural light. A comment in the report accepts that the roof apex of the outbuilding may be a bat roost.

The surveyor accepts that there were important constraints to her carrying out a thorough survey. These include the time of the year and the inaccessible nature of the potential bat roost space. While there is little that can be done regarding the inaccessible roof space, I believe it is reasonable to request a resurvey at the appropriate time of the year. This would enable the surveyor to observe any emerging bats on site and especially from the outbuilding roof. I would suggest this be carried out in May. This would also enable any roosts in nearby trees to be detected, though I am led to believe that the boundary trees are to be retained.

I am inclined to agree with the surveyor’s findings regarding the roof space of the main house as I found no evidence of bats there.

The mitigation measures outlined in the surveyor’s report should not be accepted until we have more information from a new survey. If, as I expect, bats are found to be present, then a programme of mitigation will be required.

However, I would be happy for permission to be granted subject to a condition requiring a further survey to be carried out prior to commencement of the work and implementation of any mitigation highlighted as a result.

3.7 Parks and Countryside Services Manager (Ecology) – Commenting on the bat survey undertaken by Wold Ecology and received on 31 January 2007.

This is a lot more comprehensive than the preliminary report I previously commented upon and goes some length in explaining their previous conclusions. My revised comments are as follows:-

The report gives a date of 31 April for the commencement of demolition work to be undertaken, thus negating the necessity of a bat activity survey in May. I have reservations about this but would suggest the following as a reasonable way forward.

If demolition of the outbuildings does not commence prior to 31 March, then it will not be able to commence until after a comprehensive bat activity survey is conducted in May; and assuming, of course, that said survey reveals no bats present.
I also note their mitigation recommendations and am in broad general agreement with them and we should require all of the measures to be fully implemented.

3.8 **Police Architectural Liaison Officer** – No objections to the principle of the development.

3.9 **Yorkshire Water Services** – No objections, subject to conditions requiring details of the means of disposal of foul and surface water to be approved.

3.10 **Publicity** - The consultation period expired on 25 March 2007.

3.11 101 letters of objection have been submitted in respect of the proposed development from a total of 91 different households, including addresses in East Park Road, Field Close Road, West Park Road, Station Avenue, Queen Elizabeth Drive, The Park, Ridge Green, Glyndale Drive, Lancaster Close, Lancaster way, South Avenue, East Avenue, West Avenue, Campion Close and Hackness Road. Letters were also received from a planning consultant acting on behalf of a number of residents in East Park Road and Field Close Road, and Scalby Village Trust and the Scarborough and District Civic Society. A letter has also been received from English Heritage to advise that they are currently undertaking an assessment of the building, following a request from a member of the public to make it a Listed Building.

3.12 Many of the letters submitted contained similar content. The objections raised in these letters are summarised below:-

- The character of the area is primarily of detached houses in spacious grounds and there are currently no multiple occupancy blocks of flats like those proposed. The design, density and appearance of the proposed development would not be in-keeping with the character and physical form of the surrounding area and would represent an overdevelopment of the site. The solidity of the appearance of the development to its front and back make it visually intrusive.

- This part of Scarborough remains much the same as when it was first built and to allow the demolition of any of the older properties to be replaced by new ones will completely change and destroy the character, appearance and heritage of the area.

- The house is worthy of preservation, not least due to the Laughton family connection. It is also a good example of one of the Edwardian gentleman’s residences, which were developed along the road to the railway, giving Scalby its special character

- The site is surrounded by detached houses on all sides and there will therefore be a substantial adverse impact upon these properties by the increased extent of overlooking, loss of privacy, loss of light and disturbance from vehicular traffic.
• The infrastructure is inadequate for such a large increase in population. There are currently 16 houses on East Park Road and the proposed development would increase this by a further 14.

• The vehicular traffic associated with the development would increase the risk to pedestrians and would also add to levels of congestion and disturbance. East Park Road, West Park Road and The Park are all narrow roads and any increase in the amount of street parking will lead to more cars being parked illegally on footpaths, to the detriment of pedestrian safety and the appearance of the street scene. The number of parking spaces proposed within the development is insufficient.

• There is a lack of visibility at the junction of East Park Road and The Park and the junction of East Park Road with Station Road is already a road safety hazard.

• The bus service for this area is inadequate.

• The proposed development would not provide any units of affordable accommodation.

• The proposed development would result in greater surface water run-off than at present and increase the loading on existing sewers.

• The proposed development would result in a loss of wildlife habitats.

• The proposal would result in an unwelcome precedent being set for further similar undesirable development.

• The proposed development would attract the wrong sort of people into the area.

4.0 RELEVANT SITE HISTORY

4.1 1981 – Conversion of existing stables/garage outbuilding into a private cottage residence. Granted with Conditions.

5.0 PLANNING POLICY

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 54A of The Town and Country Planning Act 1990 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. Attention is drawn to the following Development Plan policies which are considered to be particularly relevant to the consideration of this application :-
Scarborough Borough Local Plan

E6 Protection of Open Space
E10 Species Protection
E12 Design of New Development
E13 Landscaping of New Development
E39 Development Affecting Hedgerows and Trees
H3 Small Scale/Infill Housing Development Within the Development Limits of Settlements
H10 Protection of Residential Amenity
H16 Residential Density
T7 Car Parking
T.10 Facilities for Cyclists
C7 Foul and Surface Water Disposal

6.0 ASSESSMENT

6.1 The main issues for consideration in respect of this proposal are:-

• Whether the development would be so out of character with the overall pattern and scale of existing development in the vicinity that visual incongruity would be created?

• Whether the development would overlook or overshadow adjoining properties, so as to seriously harm their amenity, or itself be overlooked or overshadowed such as to harm the amenity of future occupants?

• Whether the development would be adequately serviced by road without the creation of conditions that would seriously harm the amenities of neighbours or create highway hazards?

• Whether parking adequate to meet the needs of the development would prove sufficient for the needs of occupants present and future?

• Whether any trees or landscape features at present on site, which contribute to the amenity of the area as a whole, would be lost?

The Principle of the Proposed Development

6.2 The existing buildings on the site comprise a dwelling and a detached former stable building. The principal dwelling dates from the Edwardian period and is itself a large detached property, situated in generous grounds. However, whilst a relatively attractive building, albeit in need of general repair and maintenance, it is not a Listed Building and is not located within a Conservation Area. There is therefore no objection to the actual demolition of the existing buildings and the redevelopment of the site in terms of visual amenity, providing that the scheme of redevelopment would result in a built form that would respect the character and physical form of its surroundings.
6.3 The existing building is located in a suburban area and represents a previously developed (Brownfield) site, where Planning Policy Statement 3 – Housing (PPS3) indicates that Local Planning Authorities should aim to make the most efficient and economic use of land. This national planning guidance encourages housing development on such sites which make the most efficient use of land, with a minimum recommended density of 30 dwellings per hectare. It is worth noting that the now cancelled PPG3 recommended densities of between 30-50 dwellings per hectare on such sites, and that the new PPS3 no longer quotes a fixed upper density limit. Policy H.16 of the Scarborough Borough Local Plan states that new residential development will be expected to be built at a density of not less than 25 dwellings per hectare, although the aforementioned PPS3 postdates this and provides the most recent advice. The development in this application would constitute a density of 51.8 dwellings per hectare, which is considered to satisfy the requirements of PPS3 in respect of the efficient and economic use of previously developed sites. Paragraph 50 of PPS3 states that the density of existing development should not dictate that of new housing by stifling change or requiring replication of the existing style or form. The site is within walking distance of bus stops on Station Road and Scalby Road and is also within walking distance of the shops located on Scalby High Street, and could therefore be considered to be situated in a sustainable location.

6.4 The proposal involves the development of less than 15 new dwelling units and therefore falls short of the thresholds for the provision of affordable housing and public open space provision.

The Scale, Character and Appearance of the Proposed Development

6.5 Policy H.3 of the Scarborough Borough Local Plan states that new housing development will be permitted within the Development Limits of settlements where its scale, character and appearance would respect the character and physical form of its surroundings. Policy E.12 of the Scarborough Borough Local Plan states that planning permission shall not be granted for development which by virtue of its design would detract from the character or appearance of the area in which it is located and that the design of new development should result in visually attractive buildings, which are not visually intrusive, which complement the character and appearance of their surroundings and which contribute to the maintenance or creation of attractive places.

6.6 The proposed development would undeniably have a larger footprint than the existing buildings within the site. However, the site is considerably larger than other properties within the surrounding area and the proposed buildings would cumulatively occupy only 25% of the total site area. Whilst the existing building is set back a considerable distance from the highway edge, the new buildings would be positioned closer towards the highway, generally following the building line of neighbouring properties on this eastern side of East Park Road. This would ensure that the new buildings would be positioned centrally within the site on a north-south axis, retaining a characteristic extent of spacing between the highway and the front elevation of the buildings and a
generous distance of 15 to 20 metres between the rear elevations and the eastern boundary with the Field Close Road properties. Although the proposal would result in built development coming to within closer proximity of the southern (side) site boundary, the resulting relationship with the existing No.14 East Park Road would not appear incongruous within the street scene. The properties in East Park Road are characterised more by the generous spacing between front and rear site boundaries than they are by the spacing between adjacent buildings and side site boundaries. These measures would combine to ensure that, subject to building heights, the footprint of the proposed development would not appear out of character with the surrounding area.

6.7 The existing dwelling has a maximum ridge height of 9 metres above ground level and the tallest part of the proposed buildings would have a height of 9.36 metres, which would be positioned towards the central part of the site. The section of the largest building closest to the northern site boundary adjacent to Queen Elizabeth Drive, would have a ridge height of 7 metres, compared to that of the existing stable in this position having a height of 6.8 metres. The proposed building to the southern part of the site would have a maximum ridge height of 8 metres, which would respect the height of the adjacent building to the south, No.14 East Park Road. It is therefore considered the heights and footprints of the proposed buildings are compatible with the size of the site and respect the scale and heights of the buildings within the surrounding area.

6.8 The two main buildings would both be visually distinct from each other, though both would be of a bespoke traditional design, which would respect the character of other buildings in East Park Road and would which would compliment the appearance of the street scene. The two buildings would both include a significant amount of architectural detailing and variation in their wall planes and roof treatment. The elevational treatment of the smaller building to the south of the site draws its design inspiration from the typical suburban dwellings of the Garden City Movement in the early 20th Century, with a pair of projecting central gables with timber boarding to their upper sections and tripartite frames with small-paned transom lights. The proportions and fenestration of this building would be overtly domestic in character and the building would have a rendered first-floor above a brick plinth to add architectural and visual interest. The larger building has been designed to appear as a more grand and organic dwelling, with its influence being the Arts and Crafts movement, with a varied roof form, strong chimney stacks and oversailing eaves, as well as variation in the overall height and scale of the building.

6.9 The proposed garage buildings, which have been amended in order to reduce their height, would include dual-pitched gabled roofs, which would be in-keeping with the character of the proposed buildings, which would themselves include a variety of forms of roof, including gables and hips. Whilst the garage buildings would incorporate a lower roof pitch than the main proposed buildings, they would remain characteristic of the wider form of development proposed.
The Impact of the Proposed Development on Residential Amenity

6.10 Policy H.3 of the Scarborough Borough Local Plan states that new residential development should not harm the amenities of nearby residents as a result of overlooking or an overbearing effect on existing property caused by the relationship of new and existing buildings, or disturbance from vehicular movement. Similarly, Policy H.10 of the Scarborough Borough Local Plan states that planning permission shall not be granted for development that would have a serious effect upon residential amenities.

6.11 The existing building is positioned a minimum of 8 metres from the eastern (rear) site boundary and 22 metres from the western (front) site boundary. As stated above, the proposed new buildings would be positioned more centrally within the site.

6.12 The proposed siting is such that a distance of 15 metres would be retained between the larger proposed building and the eastern (rear) site boundary and a distance of between 24 metres and 25 metres between the rear elevation of this proposed building and the rear elevations of Nos. 15 and 17 Field Close Road respectively. Although the central part of this proposed building would have a ridge height of 9.36 metres, compared to that of 9 metres on the existing building, the additional spacing created between the new building and the existing properties to the east would ensure that it would not appear overbearing or result in any significant loss of light to these neighbouring dwellings. The spacing between the proposed building and the neighbouring properties would also ensure that there would be no significant overlooking of these adjacent dwellings. The existing building within the site already has first-floor windows facing these dwellings, and is situated in closer proximity than the proposed building. Although the proposed building would include two rooflights in its rear roof slope, these would be positioned sufficiently high up the roof slope to ensure they would not provide significant opportunities for the overlooking of the neighbouring dwellings, especially given the aforementioned spacing between the proposed and neighbouring properties.

6.13 The smaller proposed building would be positioned 20 metres from the eastern (rear) boundary and 25 metres from the rear walls of the neighbouring No.13 Field Close Road. This distance, in conjunction with the height of the proposed building, would ensure that it would not appear overbearing or result in a significant loss of light to this neighbouring property. The rear elevation of this proposed building would include only two first-floor windows, which, given their height between eaves level, and the aforementioned spacing between the proposed and neighbouring properties, would ensure that they would suffer no significant loss of privacy.

6.14 The proposed buildings would be positioned 30 metres from the flank wall of the dwelling opposite the site, No.17 East Park Road, which is considered sufficient to ensure that they would neither appear overbearing or result in any
significant loss of light, nor provide any significant opportunities for the overlooking of this adjacent dwelling.

6.15 The northern half of the larger proposed building, with its lower ridge line, would be positioned 3 metres from Queen Elizabeth Drive to the northern site boundary, 700mm closer than the existing stable building and standing 200mm taller at 7 metres in height. However, the roof of this building would slope away from this boundary and a distance of 18 metres would be retained between the northern elevation of this building and the neighbouring No.11 Queen Elizabeth Drive, thereby ensuring that the building would not appear overbearing or result in any significant loss of light. Furthermore, this spacing between the proposed and neighbouring buildings would ensure that the dormer windows and rooflight serving the new first-floor accommodation would not significantly overlook this neighbouring dwelling.

6.16 The smaller proposed building, to the southern end of the site, would be positioned 5.5 metres in from the southern site boundary with No.14 East Park Road. The existing tall mature coniferous hedging to this boundary would be retained and would serve to act as a soft buffer between the existing and proposed buildings. The eaves height of the proposed building would be lower adjacent to this boundary than it would on its front elevation, with the roof sloping away from the neighbouring dwelling. As such, it is not considered that the proposed building would have an adverse overbearing impact upon No.14 East Park Road. Furthermore, the fact that the adjacent dwelling’s end elevation is bereft of any fenestration and is, in any case, screened from the site by the aforementioned tall coniferous hedging, would ensure that there is no undue overlooking of this neighbouring property.

6.17 The scale and design of the two proposed detached garage buildings has been amended to reduce their overall height and any potential impact on the adjacent properties in Field Close Road. The garages originally proposed had hipped roofs, with eaves and ridge heights of 2.187 metres and 4.986 metres respectively. The amended design shows garages with gabled roofs, which would slope away from the boundaries of the site, with eaves and ridge heights of 1.962 metres and 3.532 metres respectively. These garages would be set in 2 metres from the site boundaries with the properties on Field Close Road, with these boundaries already being demarcated by tall mature hedgerows, which would be retained as part of the development and which would effectively screen the proposed garages from view from these neighbouring properties.

6.18 The majority of the open car parking spaces serving the development would be located behind the tall hedging demarcating the western boundary of the site, the closest of which would be positioned 15 metres from the boundary with the neighbouring No.14 East Park Road. A total of four uncovered and four garaged spaces, the latter of which would be incorporated within two separate garage buildings, would be positioned adjacent to the eastern and southern site boundaries. These boundaries are currently demarcated by tall hedging and trees, which are to be retained, and the parking spaces and garaging would be set back 2 metres from the corresponding site boundaries,
thereby retaining a buffer between parked cars and the neighbouring gardens. The proposed development does not propose a through-route within the site and it would therefore only be necessary for the 8 cars allocated to these spaces to the rear of the building to utilise these areas. As such, it is considered that the existing natural screening offered by the site, in addition to the buffers created between neighbouring gardens, would be sufficient to ensure that there would no serious disturbance to neighbouring dwellings by virtue of vehicular movements or activities.

**Impact of the Development on Highway Safety and Parking Provision**

6.19 Policy H.3 of the Scarborough Borough Local Plan states that new residential development must have a vehicular access which has the capacity to serve the proposed level of development. Policy T.7 of the Scarborough Borough Local Plan states that the provision of operational car parking and servicing space will be required to meet the needs of all new development. Concern has been raised in the numerous consultation responses received to date that the roads and road junctions in the vicinity of the site do not have the capacity to accommodate the number of cars that would be associated with the development without serious detriment to highway safety and existing residential amenities by virtue of disturbance. It is also claimed that the proposed development includes insufficient off-street parking provision and would result in further dangerous or illegal on-street parking.

6.20 No objections are raised to the proposed development by the Traffic and Transportation Manager, who considers that the surrounding roads and road junctions have sufficient capacity to deal with the envisaged increase in vehicular movements generated by the proposal. Although there is no public footpath along the frontage of the site on either side of East Park Road, the Traffic and Transportation Manager has stated that it would be acceptable for pedestrians accessing the site from a southerly direction to utilise an existing access point to the south-western corner of the site, which would tie into the existing public footway on the eastern side of East Park Road. Any pedestrians accessing the site from Queen Elizabeth Drive to the north could utilise the proposed vehicular access, which the Traffic and Transportation Manager has stated would also need widening to create a width of 4.5 metres, with the provision of a further 1.8 metre wide footway to its northern side, thereby providing safe pedestrian access into the site from a northerly direction. The subsequent increased width of this access would result in a slight loss of less than 2 metres of the hedging along the western site boundary, though given the overall length of this hedgerow of almost 40 metres, it is not considered that this would adversely affect the character or appearance of the area. The proposed development would include a total of 18 parking spaces, two of which would be garaged spaces, for use by the 8 No. 2-bedroomed and 6 No. 3-bedroomed flats. Such level of provision, equating to 1.28 spaces per flat, is considered acceptable by the Traffic and Transportation Manager and is also within the guidelines set in national planning guidance on this matter. The Traffic and Transport Manager also requests that secure cycle parking for one cycle per unit is provided within the site.
Impact of the Development on Existing Trees, Landscape and Ecological Features

6.21 Policy H.3 of the Scarborough Borough Local Plan states that new housing development should not result in the loss of important public or private open space, or landscaped areas which positively contribute to the character and appearance of the area. Policy E.13 of the Scarborough Borough Local Plan states that landscaping schemes are expected to be an integral part of the design of new development and that new development should protect existing attractive landscape features such as hedgerows and trees. Policy E.39 of the Scarborough Borough Local Plan states that development likely to affect hedgerows and trees which make an important contribution to landscape character will be required to keep any loss or damage to an absolute minimum.

6.22 At present, the site comprises a large garden containing numerous trees and shrubs. The existing trees are positioned mainly around the boundary of the site, with substantial hedges to the southern, eastern and western boundaries. The garden also includes a number of shrubs, although these are not visible from outside the site and do not have any particular beneficial visual merit.

6.23 The application proposes the retention of the existing hedgerows to the western (front) and eastern (rear) site boundaries, as these are considered to have a significant amenity value and help to provide an effective buffer between the highway, neighbouring properties and the proposed buildings. It is also proposed to retain the tall coniferous hedging to the southern boundary as, although this does not have the same visual amenity value as the aforementioned hedges to the front and rear boundaries, it would successfully act as a soft buffer between the proposed and neighbouring building and would also effectively prevent any significant overlooking of the adjacent property. The applicant’s Landscape Assessment identifies 22 of the 78 individual trees within the site as offering amenity value to the local environment and therefore recommends the retention of these as part of the proposal. This Landscape Assessment further states that the retention of these hedges and the identified trees, which are visible from the wider area, in addition to some new planting in strategic areas, would allow the development to take place without undue disruption to the character or appearance of the neighbourhood and that the existing and new landscaping should enable the proposed buildings to be absorbed quickly into the local environment.

6.24 The Council’s Parks and Countryside Manager, having inspected the proposals on site, considers the proposed tree removals, retentions and protective measures to be acceptable and finds the applicant’s landscape assessment and tree survey to be good. The Parks and Countryside Services Manager considers that of the 78 trees on site, only 9 are appropriate for retention and protection. Of these 9 trees, the application proposes the felling of one, a Holly to the centre of the site, though proposes the retention of an additional Hawthorn to the western (front) boundary, as well as the tall coniferous trees to the southern boundary. It is therefore considered that the
important landscaping features of the site, including the tall hedgerows and the significant mature trees would be retained in order to assimilate the proposed development into its surroundings, providing satisfactory screening of the new buildings and the parking areas, as well as serving to protect the amenities of the existing neighbouring properties.

6.25 Policy H.3 states that proposals for new residential development must be acceptable in terms of policies for the protection of nature conservation interests. Policy E.10 of the Scarborough Borough Local Plan states that development likely to affect a specially protected wildlife species will only be permitted where any potential harm can be avoided.

6.26 A bat survey was submitted with the application, which the Parks and Countryside Manager found inconclusive in respect of assessing the potential use of the former stable building by bats, although he agreed that the principal existing dwelling itself would not be occupied by bats. However, a further bat survey was undertaken on behalf of the applicant, which the Parks and Countryside Manager found a lot more comprehensive. The Parks and Countryside Manager has subsequently stated that, should demolition of the former stable building not commence prior to 31 March 2007, then it should not commence until after a comprehensive bat activity survey is conducted in May, with appropriate measures of mitigation undertaken if bats are found to be present in such a survey. At present, however, no signs of bat activity have been found in the former stable building and it is therefore considered that there would be no harm to this protected species should this building be demolished prior to 31 March 2007. Furthermore, should demolition of this building commence after this date, and bat activity is observed following a further survey, it is considered that suitable measures can be undertaken within the site in order to mitigate against the loss of this building as a bat roost.

Impact of the Development upon Foul and Surface Water Drainage

6.27 Policy H.3 of the Scarborough Borough Local Plan states that the services associated with new residential development must have the capacity to serve the proposed level of development. Policy C.7 of the Scarborough Borough Local Plan states that development will only be permitted where adequate provision for foul and surface water disposal exists or can be provided in advance of occupation.

6.28 The application states that surface water from the development would be disposed of via soakaways and that foul water disposal would be via a new connection to the mains sewer. No objections are raised to these proposals from either Yorkshire Water or the Traffic and Transportation Manager. Yorkshire Water are satisfied that the existing public foul sewer has the capacity to accommodate the increased demand associated with the proposal and are also satisfied with the principle of the use of new soakaways for the disposal of surface water, though have also stated that this could be dealt with via an existing public surface water sewer in Queen Elizabeth Drive, subject to the restriction in rate of discharge.
7.0 CONCLUSION

7.1 The proposal would achieve the efficient and economic redevelopment of a Brownfield site in a suburban location. The scale, design and character of the proposed building are considered acceptable in this location and would not adversely affect the character or appearance of the street scene, thereby satisfying the criteria of Policies H.3 and E.12 of the Scarborough Borough Local Plan. The proposed development is not considered to have a serious adverse effect upon nearby residential amenity, through the creation of a significant overbearing impact and loss of light, significant overlooking and the loss of privacy or noise disturbance, thereby satisfying the criteria of Policies H.3 and H.10 of the Scarborough Borough Local Plan. The vehicular access, local highway network and junctions, and utility services, are considered to have the capacity to serve the proposed level of development, thereby satisfying the criteria of Policies H.3, T.7 and C.7 of the Scarborough Borough Local Plan. The proposed development would retain the significant existing trees and hedgerows within the site and would not have an adverse affect on any protected species, thereby satisfying the criteria of Policies H.3, E.10 and E.39 of the Scarborough Borough Local Plan.

8.0 RECOMMENDATION

8.1 That PERMISSION BE GRANTED, subject to the following condition(s) :-

1. The development hereby approved shall be carried out wholly in accordance with the following plans:-

   - Site Plan and Elevation Survey - 01006/01C (received by the Local Planning Authority on 17 January 2007);

   - Site Plan as Proposed - 01006/Site Layout A (received by the Local Planning Authority on 2 February 2007);

   - Ground Floor Plan - 01006/03B (received by the Local Planning Authority on 17 January 2007);

   - Proposed Floor Plans - 01006/02D (received by the Local Planning Authority on 14 March 2007);

   - Elevation Blocks 1 and 2 - 01006/06C (received by the Local Planning Authority on 14 March 2007);

   - Elevations Blocks 1 and 2 - 01006/04D (received by the Local Planning Authority on 17 January 2007); and,

   - Elevations Block 3 as Proposed - 01006/05C (received by the Local Planning Authority on 17 January 2007)
The proposed garages shall be built strictly in accordance with the plans referenced:

- Garage Elevations and Plans as Proposed - 01006/07B (received by the Local Planning Authority on 14 March 2007).

**Reason** - For the avoidance of doubt and to ensure a satisfactory form of development in the interests of visual amenity and to ensure the satisfactory protection of residential amenity, in accordance with Policies H.3, E.12 and H.10 of the Scarborough Borough Local Plan.

2 Before the commencement of the development hereby granted, full details of the existing and proposed site levels and proposed floor levels of the buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority.

**Reason** - To ensure a satisfactory form of development in the interests of visual amenity and the protection of residential amenity, and to satisfy the criteria of Policies H.3, E.12 and H.10 of the Scarborough Borough Local Plan.

3 Before the development is commenced, details of the brick(s) to be used to the external walls of the development hereby permitted, including samples if so required, shall be submitted to and approved in writing by the Local Planning Authority, and all the brick(s) used in the development shall conform to the details/samples so approved.

**Reason** - In the interests of visual amenity and to satisfy the criteria of Policies H.3 and E.12 of the Scarborough Borough Local Plan.

4 A one metre square freestanding panel of brickwork showing the type of brick to be used in the construction of the development hereby permitted shall be constructed on site and approved by the Local Planning Authority before the development commences. All new brickwork shall match that of the approved panel in terms of the type of bricks used, the method of bonding, mortar colour and pointing style, unless otherwise agreed in writing by the Local Planning Authority. The brickwork panel so constructed shall be retained on the site until the development hereby approved has been completed.

**Reason** - In the interests of visual amenity and to satisfy the criteria of Policies H.3 and E.12 of the Scarborough Borough Local Plan.

5 The walls to be rendered shall be smooth rendered and painted a final colour which shall be approved in writing by the Local Planning Authority before the development is commenced, and thereafter so maintained, unless otherwise agreed in writing by the Local Planning Authority. Such rendering and approved final colouring shall be completed within one month of the development hereby permitted being first brought into use.

**Reason** - In the interests of visual amenity and to satisfy the criteria of Policies H.3 and E.12 of the Scarborough Borough Local Plan.
6 Before the development is commenced, details of the roof tiles, including samples if so required, to be used for the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority, and all tiles used in the development shall conform to the details/samples so approved.

**Reason** - In the interests of visual amenity and to satisfy the criteria of Policies H.3 and E.12 of the Scarborough Borough Local Plan.

5 Samples of the window framing to be used in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and all of the window framing used in the development shall conform to the sample so approved.

**Reason** - In the interests of visual amenity and to satisfy the criteria of Policies H.3 and E.12 of the Scarborough Borough Local Plan.

6 The external face of the frame to all new windows shall be set in a reveal of a minimum of 80mm from the front face of the adjacent walling and thereafter so maintained.

**Reason** - In the interests of visual amenity and to satisfy the criteria of Policies H.3 and E.12 of the Scarborough Borough Local Plan.

7 Before the commencement of the development hereby granted, a schedule of external materials of construction of hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. Samples shall be provided as may be required by the Local Planning Authority of the materials in the schedule and the use of such samples shall be approved in writing by the Local Planning Authority.

**Reason** - In the interests of visual amenity and to satisfy the criteria of Policies H.3 and E.12 of the Scarborough Borough Local Plan.

8 Precise details of any proposed external lighting within the site shall be submitted to and be approved in writing by the Local Planning Authority prior to the commencement of development and thereafter no development shall take place except in strict accordance with those details.

**Reason** - To allow the Local Planning Authority the ability to exercise control over the matters referred to which, if unrestricted, may detract from the overall setting and appearance of the development hereby permitted and to ensure the protection of residential amenity, and to satisfy the criteria of Policies E.12, H.3 and H.10 of the Scarborough Borough Local Plan.

8 Before the commencement of development hereby granted, and notwithstanding the details included in the application, details of the proposed boundary treatment and any entrance feature, including a schedule of materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use unless otherwise agreed in writing by the Local Planning Authority.
Reason - In the interests of visual amenity and to ensure that the boundary treatment does not prejudice highway safety or the protection of existing trees and landscape features, and to satisfy the criteria of Policies H.3, E.12, E.13 and E.39 of the Scarborough Borough Local Plan.

The existing trees shown on the drawings referenced ‘Tree Survey and Assessment - D.E.R. 74/1’ (received by the Local Planning Authority on 17 January 2007) and ‘Tree Survey and Assessment - D.E.R. 74/1’ (received by the Local Planning Authority on 16 March 2007) to be retained on site shall not be cut down, up-rooted, destroyed, topped, lopped or pruned without the prior written consent of the Local Planning Authority. These trees shall be protected during construction work as follows :-

(a) Chestnut pale or similar fencing 1.5 metres in height shall be provided around the trees to be retained before development is commenced at a minimum distance from the trunks equal to the spread of the crowns of the trees. No materials, equipment, site huts, fuels or other items shall be placed or stored within the areas enclosed by the fencing so erected and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

(b) No burning of materials or other items shall take place within 3 metres of the crown spread of any of the trees to be retained.

(c) No services shall be routed under the spread of the crowns of the trees to be retained without the prior written consent of the Local Planning Authority.

(d) No retained tree shall be cut down, up-rooted, destroyed, topped or lopped without the prior written consent of the Local Planning Authority and if any tree which is to be retained dies within five years beginning with the date on which the development is commenced it shall be replaced with a tree of such size and species as may be specified in writing by the Local Planning Authority.

Reason - These trees are considered to contribute significantly to the amenity of the area and the screening and setting of the development and their protection during construction works and retention thereafter is therefore considered necessary, in accordance with Policies H.3, E.13 and E.39 of the Scarborough Borough Local Plan.

The existing hedges along the western, southern and eastern boundaries of the site shall be retained and maintained and details of any proposed maintenance measures shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby granted. In the event of the
existing hedgerow being removed or dying, it shall be replaced to a specification that shall first have been approved in writing by the Local Planning Authority. The new hedgerow plants shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.

**Reason** - These hedgerows are considered to contribute significantly to the amenity of the area and the screening and setting of the development and their protection during construction works and retention thereafter is therefore considered necessary, in accordance with Policies H.3, E.13 and E.39 of the Scarborough Borough Local Plan.

11 Before any development is commenced, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority shall be carried out in its entirety within a period of six months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.

**Reason** - To ensure the provision of a satisfactory scheme of landscaping in the interests of visual amenity, and to satisfy the criteria of Policies H.3 and E.13 of the Scarborough Borough Local Plan.

12 Notwithstanding the details included in the application, precise details of the means of storage and disposal of refuse shall be submitted to and be approved in writing by the Local Planning Authority prior to the commencement of development. Thereafter, the bin storage areas so approved shall be provided before the occupation of any dwelling unit and shall thereafter be so maintained. Refuse shall not be stored at the front of the property. Before any of the dwelling units to which this planning permission relates are first occupied, a scheme for the management and collection of domestic refuse from all of the flats shall be submitted to the Local Planning Authority for approval. Such collection scheme as is approved by the Council shall be fully implemented and continue in operation whilst the building is in use for residential apartments.
Reason - To ensure the satisfactory provision of facilities for the disposal and collection of refuse, in the interests of visual amenity and the protection of residential amenity, and to satisfy the criteria of Policies H.3, H.10 and E.12 of the Scarborough Borough Local Plan.

13 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), no walls, fences or other means of enclosure shall be erected on the site without the prior written consent of the Local Planning Authority.

Reason - To allow the Local Planning Authority the ability to exercise control over the matters referred to which, if unrestricted, may detract from the overall setting and appearance of the development hereby permitted and to ensure the protection of residential amenity, and to satisfy the criteria of Policies E.12, H.3 and H.10 of the Scarborough Borough Local Plan.

14 The site shall be developed with separate systems of drainage for foul and surface water drainage on and off site.

Reason - In the interests of satisfactory and sustainable drainage, in accordance with Policies H.3 and C.7 of the Scarborough Borough Local Plan.

15 No development shall take place until the details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works have been submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that the development can be properly drained, in accordance with Policies H.3 and C.7 of the Scarborough Borough Local Plan.

16 Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason - To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal, in accordance with Policies H.3 and C.7 of the Scarborough Borough Local Plan.

17 If demolition of the former stable outbuilding commences prior to 30 April 2007, the works of demolition must be undertaken in accordance with the measures of mitigation included in Paragraphs 5.5 to 5.3.7 of the Winter Bat Survey undertaken by Wold Ecology (received by the Local Planning Authority on 31 January 2007). If the demolition of this building does not occur before this date, it shall not be demolished.
until a further bat survey has been undertaken in May and submitted to and approved in writing by the Local Planning Authority. Such survey should include provision of suitable measures of mitigation should bats be found within the building and any works of demolition associated with this building shall thereafter only be undertaken with strict accordance to such mitigation measures.

Reason - To ensure the satisfactory preservation of this protected species, in accordance with Policies H.3 and E.10 of the Scarborough Borough Local Plan.

18 Prior to the commencement of development, precise details of a revised pedestrian access to the south-western corner of the site, allowing easy access to the existing public footway on the eastern side of East Park Road, shall be submitted to and be approved in writing by the Local Planning Authority. The access so approved shall be provided in accordance with the approved details prior to the first occupation of any flat within the development and shall thereafter be so maintained clear of any obstruction for its intended purpose.

Reason - In the interests of pedestrian safety, in accordance with Policy H.3 of the Scarborough Borough Local Plan.

19 Prior to the commencement of development, precise details of a scheme to increase the width of the vehicular access to 4.5 metres, with the same width available for a distance of 5 metres into the site, and to provide a footway of a minimum width of 1.8 metres around the northern radius of the vehicular access to tie into the existing footway link to Queen Elizabeth Drive, also extending 5 metres back into the site, shall be submitted to and approved in writing by the Local Planning Authority. The access and footway so approved shall be provided in accordance with the approved details prior to the first occupation of any flat within the development and shall thereafter be so maintained clear of any obstruction for their intended purpose.

Reason - In the interests of highway and pedestrian safety, in accordance with Policy H.3 of the Scarborough Borough Local Plan.

20 Prior to the commencement of development, precise details of the design and siting of secure, accessible cycle parking, providing a level of one space per flat, shall be submitted to and be approved in writing by the Local Planning Authority. The cycle parking so approved shall be provided in accordance with the approved details prior to the first occupation of any flat within the development and shall thereafter be so maintained for its intended purpose.

Reason - To secure the provision of suitable facilities for cyclists, in accordance with Policy T.10 of the Scarborough Borough Local Plan.
Head of Planning Services

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 C STOTT ON 01723 232468 e-mail carl.stott@scarborough.gov.uk

APM ................................ Date ............................

F:\Planning Services Admin\Committee Reports\HPig0746_06_02665_FL 18 East Park Road Scalby 16 March 2007
WORTH ELEVATION, BLOCKS ONE AND TWO
FRONT ELEVATION

NORTH ELEVATION, BLOCK ONE SIDE ELEVATION

SECOND FLOOR ELEVATION BLOCK ONE