SUBJECT: Application to modify a Section 106 Agreement to allow a bungalow restricted to occupation by relatives to be occupied as holiday accommodation 1 Police Houses, Larpool Lane, Whitby for Mr and Mrs S Little

1.0 THE PROPOSAL

1.1 In May 1992 planning permission was granted for a bungalow to form a “granny annex” in the garden of a semi-detached dwellinghouse (1 Police Houses, Larpool Lane, Whitby) situated at the junction of Larpool Lane and Eskdale Road. The bungalow has one bedroom and a footprint of 7 metres x 10 metres and a frontage to Eskdale Road of 16 metres. There is an existing off street parking space adjacent to the bungalow.

1.2 The planning permission for this bungalow was granted only after the applicants had entered into an agreement under Section 106 of the Town and Country Planning Act 1990 whereby they agreed not to allow the bungalow to be occupied other than as living accommodation by “a relative or relatives of the occupiers of no 1 Police Houses”. The agreement also precluded the sale of the property other than with no 1 Police Houses.

1.3 Due to changed personal circumstances the applicants now wish to modify the requirements of the Agreement to allow the bungalow also to be used as holiday accommodation. In support of this application the applicants’ agent has submitted the following statement:-

“This annex has been well established and occupied since 1992 and has served its purpose well for Mrs Littles Mother and Father, Mr Rex Greenwood, who sadly died a few years ago and Mrs Gwendolyne Greenwood. However, Mrs Greenwoods health has been a recent source of concern for Mr & Mrs Little and they now feel that the time has come where
she can no longer stay in the annex on her own and for her to move in with them in the main house, where they will be able to care for her on a one to one basis and not to be left alone within a separate residence, especially at night. This would obviously leave the annex unoccupied and would serve (as it is ideally suited), to being a ‘Disabled Friendly’ holiday accommodation, still under the control of the main house, No 1 Police Houses, Larpool Lane. Advice would be sought from Whitby Disablement Action Group to bring the annex up to acceptable levels for the purpose of achieving the ‘Disabled Friendly Status’, including landscaping, and access. Separate off-street parking and access to the annex via Eskdale Road was already established at the same time the annex was built 15 years ago. The site is very well screened by high hedges, shrubs and trees therefore very little physical change, apart from any recommendations from Whitby ‘DAG’ or yourselves, would need to be done to the annex.”

2.0 CONSULTATIONS AND COMMENTS

2.1 Whitby Town Council – “Recommend approval – property should be available for both able and disabled people and should not be sold off”

2.2 Publicity - The consultation period will expire on 16 March. To date one letter of support has been received from D and J Evans of 40 Larpool Lane, Whitby

3.0 RELEVANT SITE HISTORY

3.1 Planning permission granted for a bungalow to form a “granny annex” and a replacement garage (4/35/821C/PA)

4.0 PLANNING POLICY

4.1 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 policy which is considered to be particularly relevant to the consideration of this application:-

Scarborough Borough Local Plan

Policy H10 Protection of Residential Amenity

5.0 ASSESSMENT

5.1 The bungalow to which this application relates is situated in the rear garden of no 1 Police Houses and shares the garden/amenity space of the existing
dwellinghouse. For this reason the property is not suitable for independent permanent occupation but it does have the advantage of a road frontage, an off-street parking space and mature landscaping so whilst the amenities available to the occupants of the bungalow are limited the use of the bungalow has very little impact on the amenities of neighbouring dwellinghouses, other than the applicants' own property.

5.2 The proposed occupation of the bungalow as a holiday let for the disabled would allow the premises to continue to have a beneficial use without any detriment to the amenities of the area. It is not considered that approval of this application for holiday use would undermine the Council’s policies which discourage the provisions of permanently occupied dwellinghouses on sites which are not of an adequate size to provide a good standard of private open space and safeguards against overlooking (policy H10).

6.0 CONCLUSION

6.1 Approval of this application would not be in conflict with relevant planning policies concerned with the protection of residential amenities.

7.0 RECOMMENDATION

7.1 That PERMISSION BE GRANTED, subject to the bungalow being adapted for occupation by the disabled to the satisfaction of the Local Planning Authority prior to it being occupied as holiday letting accommodation and subject to the bungalow not being occupied by the same person, groups of persons or family for a period exceeding a total of 28 days in any one financial year.

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 David Green ON 01723 232584 e-mail david.green@scarborough.gov.uk

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