

	REPORT TO PLANNING & DEVELOPMENT COMMITTEE TO BE HELD ON THURSDAY, 6 October 2016	
APPLICATION REFERENCE NO: 16/00922/RM	TARGET DATE: 27 September 2016 Extended date: 11 October 2016	GRID REF: 503744-489787

REPORT OF THE PLANNING SERVICES MANAGER – PSM/16/199

SUBJECT: Reserved matters application for a multiplex cinema, multi-storey car park, associated commercial units and residential apartments in relation to the development approved in outline under reference 15/01305/OL for Benchmark Leisure Limited The Sands Development Site Burniston Road Scarborough NORTH YORKSHIRE

1.0 THE PROPOSAL

1.1 This reserved matters application follows outline approval last year for the redevelopment of the 1.1 hectare former Atlantis site at The Sands. In recent years it has been occupied by a military adventure park. It fronts Peasholm Gap and Burniston Road (A165), while to the east is Kewick House, which contains apartments and retail/restaurant premises outlets on the ground floor. To the rear (north) there is a wooded slope up to the former Marvels site, which has planning permission for holiday apartments.

1.2 Once approved, the outline and reserved matters applications would together form the planning permission as a whole. The previous application was entirely outline, except for means of access which was approved. However, as discussed in the previous report on this agenda, the planning permission set parameters relating to the scale of development and various restrictions on the amount and distribution of the different uses. These in effect dictate the basic form of the scheme which is now submitted as reserved matters. Nonetheless, certain matters, such as the detailed design, layout and landscape are now submitted for consideration.

1.3 The proposals include a 7 screen, 1060 seat, multiplex cinema on the western part of the site facing Burniston Road and the roundabout, lying opposite Peasholm Park. Apart from an entrance lobby the cinema would be situated at first floor. The ground floor along the Burniston Road and Peasholm Gap road frontages would be occupied by 7 commercial units. Within limits controlled by conditions on the outline permission these can be occupied by Use Classes A1 (retail), A3 (restaurants/cafes), A4 (drinking establishments) and A5 (hot food takeaway) uses. Together, these uses would occupy a floor area of 2,111 sqm. The 24 apartments would be in the first to fourth floors and would generally only have an aspect onto Peasholm Gap with

communal corridors to the rear. Vehicular access to the car park would be towards the eastern end of the building close to the existing apartment block with ground floor commercial premises at Kepwick House. The car park containing 311 spaces would be set over 4 decked levels and would be concealed behind the other elements of the development.

1.4 The design of the proposal would have two distinct characters. The apartment block would typically be 17.9m which would be marginally lower than the main roof of Kepwick House. It would be white rendered on its upper storeys with an Art Deco influenced design. The cinema element would be set 11.5m farther back behind one of two linked areas of public realm. It would be divided by a 13.4m high cylindrical tower feature with glazed curtain walls. The cinema walls either side would be clad in horizontal panels of varied size and colour. Generally, the roofs would be flat, set behind parapets, except on the Burniston Road side where there would be a curved 'wave' shaped standing seam roof which would attain a maximum height of 15.2m.

2.0 SCREENING OPINION REQUIRED?

2.1 A Screening Request was submitted prior to a previous application (14/00939/OL), which concluded that an Environmental Impact Assessment was not required. This application was for development of the same scale and characteristics as the current proposals and the conclusion reached in the Screening Opinion is again considered to be applicable.

3.0 PRE-APPLICATION COMMUNITY ENGAGEMENT

3.1 None.

4.0 CONSULTATIONS AND COMMENTS

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.

4.1 Highway Authority - No objection. Part of the site frontage and public realm area proposed is currently publicly maintainable highway and approval should be sought from the local highway office for any planting or provision of seating that would fall within the highway. Use of non-standard materials within the highway would also require prior approval and a license under Section 278 of the Highways Act 1980. Consideration should be given to delineating the boundary between private areas and the public highway. Alterations to the current waiting restrictions outside the proposed development on Peasholm Gap may also be required. A condition is proposed to cover such matters.

4.2 Architectural Liaison Officer (North Yorkshire Police) - recommendations were made on the outline application. In respect of this reserved matters application, the documents state that all of the 'designing out crime' recommendations that I made, are being accommodated into the design of the proposed development. The applicants should be commended for this extremely positive response. Condition 12 of the outline approval

required the inclusion of a crime and antisocial behaviour statement. I would suggest that the measures outlined in the above two documents are more than sufficient for this condition to be discharged. The development should also comply with the government's counter-terrorism strategy. It is confirmed that measures put forward by the applicant are acceptable in this regard, and where appropriate should be subject of a condition.

4.3 Drainage & Coastal Engineers (SBC) - In respect of ground stability issues, the submitted assessment makes sufficient consideration to the nature of the existing site and how the proposed development would impact on slope stability, it also makes reference to recommendations for further geotechnical studies and comments upon appropriate construction methods to maintain stability of the slope. Understandably at this stage these recommendations have not yet been put into place, however, we would request that the recommendations made within the assessment are progressed with the outcome forwarded to the Council for approval prior to the commencement of construction work on the slopes.

4.4 Ecologist (SBC) - the conclusion reached in the submitted Great Crested Newt report that no special measures are required as there is a low likelihood of this species on this site is accepted. Scope to enhance biodiversity exists on the site e.g. swift nesting chambers and re-vegetation of slopes following slope stabilisation and planting for foraging. No objection is raised to updated protected species surveys. The applicants recommends that a further survey for bats is undertaken prior to demolition, but this is considered to be unlikely.

4.5 Environmental Health (SBC) Health - No objection subject to a condition controlling the hours of construction. Machinery should be properly silenced and details of any proposed measures to prevent harm to amenity should be submitted for approval. There should be adequate measures taken to suppress dust and the recommendations of the acoustic report should be implemented.

4.6 Landscape Architect (SBC) - comments that there should be a 10 year maintenance plan for the landscaping. The grass mounds may be difficult to maintain in a pristine condition, but could be adapted as planters if they do not work. The fill material for the mounds should not be rubble, a construction drawing for these should be provided.

4.7 Environment Agency - no comments received

4.8 Yorkshire Water - The plans are currently not acceptable. The submitted drawing appears to show a building proposed to be built-over the line of public sewer crossing the site. The submitted drawing should show the 'site-surveyed' position of this sewer and the required building stand-off distance from public sewer or an agreed alternative sewer diversion route. Previous planning applications for this site suggested diversion. If planning permission is to be granted, the conditions should be attached in order to protect the local aquatic environment and YW infrastructure. Detail recommendations are also made on the drainage of the site.

4.9 Theatres Trust - do not object to the application as we recognise the importance of regenerating redundant brownfield land. However, from our experience, having a residential use in close proximity to a performance venue can create serious issues for both the existing venue and the new residents, and consequently the new development needs to be carefully planned to avoid these conflicts. We would therefore usually be concerned about the potential impact of such a proposal on the operation and viability of

the Open Air Theatre. In this case, the proposed building is some distance from the theatre and oriented so the residential apartments face Peasholm Gap to the south and only the blank rear walls of the cinema and car park face the theatre to the north west of the site, so it is unlikely to cause conflicts between the two uses.

4.10 Lead Flood Authority - confirm that we have no comment to make.

4.11 Publicity - Consultation period expired on 28 July 2016. A letter has been received from the following:

Mr T. Sayer, Kepwick House, Peasholm Gap - concerned at the concentration of commercial premises along a short stretch of road and volume of traffic it would generate. Parking problems already exist with vehicles blocking the exit to Kepwick House. The combination of the proposed uses will make access problems worse.

5.0 RELEVANT SITE HISTORY

5.1 2015 - Outline application for mixed use development comprising multiplex cinema, A1/A3/A4/A5 commercial units and residential apartments along with multi-storey decked car park and associated works - refused due to failure to comply with national policy which seeks to maintain the vitality of town centres.

5.2 2015 - Outline application for mixed use development comprising multiplex cinema, A1/A3/A4/A5 commercial units and residential apartments along with multi-storey decked car park and associated works - approved with conditions. Key conditions relate to the following:

- Restrictions on building heights and position/configuration of uses
- Restrictions on scale of development and minimum requirement for public realm area
- Specification of matters to be addressed at reserved matters stage, including impact on ground stability, site/ground levels, ecological surveys, anti-crime measures, acoustic assessment, fume extraction and landscape details to be agreed
- Drainage details/restrictions and flood mitigation measures
- Completion of a Section 106 obligation relating to affordable housing, contribution to play facilities, traffic regulation orders on Peasholm Gap and tourism signage.
- Highways conditions including construction of signal controlled Burniston Road / Northstead Manor Drive junction.

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 require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise (in the case of advertisement applications the Advertisement Regulations 2007 are applicable). 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)

E5 - Road and Rail Approaches to Resort Towns
E12 - Design of New Development
E27 - The Protection of Significant Views
E39 - Development Affecting Hedgerows and Trees
H10 - Protection of Residential Amenity
L1 - New Tourist Attractions
L4 - Reinforcement of Seaside Resort Characteristics
H3 - Small Scale/Infill Housing Development within the Development Limits of Settlements
C6 - Developer Contributions
C7 - Foul and Surface Water Disposal

Scarborough Borough Local Plan (Proposed Submission)

HC 5 - A Balanced Housing Market
HC 9 - Community Facilities
TOU 1 - New Tourism Facilities
TOU 2 - North Bay Leisure Parks
ENV 3 - Environmental Risk
ENV 5 - The Natural Environment
INF 1 - Transport
INF 3 - Sustainable Transport and Travel Plans
SD 1 - Presumption in Favour of Sustainable Development
DEC 1 - Principles of Good Design
DEC 3 - The Efficient Use of Land and Buildings
DEC 5 - The Historic and Built Environment
DEC 4 - Protection of Amenity
DEC 6 - Archaeology

National Planning Policy Framework

NPPF1 - Building a strong, competitive economy
NPPF2 - Ensuring the vitality of town centres
NPPF4 - Promoting sustainable transport
NPPF6 - Delivering a wide choice of high quality homes
NPPF7 - Requiring good design
NPPF8 - Promoting healthy communities
NPPF10 - Meeting the challenge of climate change, flooding and coastal change
NPPF11 - Conserving and enhancing the natural environment
NPPF12 - Conserving and enhancing the historic environment

Scarborough Borough Supplementary Planning Documents

Affordable Housing
Green Space (Adopted November 2014)

Local Planning Policy Guidance

None relevant

7.0 ASSESSMENT

7.1 The principle of the development was established by the outline planning permission. Consequently issues, including whether an out of town centre cinema is appropriate, shall not be re-examined in this report. The outline permission also established within parameters a number of other matters, including the scale, height and general configuration of uses. The position of the vehicular access point onto Peasholm Gap was also approved, in addition to the implementation of off-site highway works.

Design and Appearance

7.2 This is an important consideration with the site being on a main approach into the town road (Local Plan Policy E5 applies) and close to the seafront (Policy L4). There is a statutory duty to consider the impact on the character and appearance of the Conservation Area, which in this case is on the opposite side of Peasholm Gap. Peasholm Gardens is a Registered Park and Garden, so in common with the Conservation Area it is a designated heritage asset when considering the setting within the context of policy in the NPPF.

7.3 The location of the site within a valley would limit its impact within the wider townscape setting. The existence of Kepwick House to the east and the steep wooded bank to the rear (north) would restrict any views from those directions. The overall proposed architectural form is considered to be appropriate to its setting. This should be viewed in conjunction with Kepwick House and to a lesser extent the 2-3 storey holiday apartments on the former Marvels site at a higher level to the rear; these have planning permission, but have not yet been constructed. The Art Deco style of the proposed apartment block is considered to be appropriate to the location close to the seafront. Since it is of similar height and massing to Kepwick House the use of a different, but complementary, architectural form is appropriate. General similarities include the use of rendered walls, the roof form, the glazed ground floor shopfronts and the rhythm of doors/windows/ balconies on the front elevations.

7.4 There is a greater difference in style between the new apartment block and the contemporary architecture of the part of the building containing the cinema. However, use of a distinct design helps create variety and break up the mass of the development as a whole. The fact that it is set back farther 11.5m from the Peasholm Gap road frontage is also important in this regard. The glazed rotunda would create a focal point when approaching the site, and particularly during the evening, activity within the building would be visible, giving a greater sense of vibrancy to the North Bay area. This would be complemented by coloured uplighting. The curved 'wave' roof feature facing Burniston Road also relates well to the cylindrical tower. By its nature a cinema building has few external openings, which potentially presents a challenge when devising a design to ensure it does not appear too monolithic. The presence of ground floor commercial units and the rotunda help to lessen such an effect, as do the horizontal panels in three colours, which in due course should be further broken up by advertising material relating to the cinema. The colour scheme as could benefit from being somewhat bolder than the muted buff, brown and white proposed although these are shown as being indicative. Some of the ground floor walls between shopfronts would be faced in blockwork. As a secondary material this is accepted, assuming its colour/texture is not too utilitarian. A condition is proposed to agree the details of any

security shutters to ensure they do not unduly detract from the overall design quality, as well as condition relating to approval of materials.

7.5 The outline planning permission included a condition ensuring that the decked car parking would be largely hidden from public view. Thus, none of the decking faces onto the road frontages. Decked parking exists behind Kepwick House and is not visually intrusive, although this is over two levels rather than four. Officers have sought to assess the visual impact of the development not just from street level, but also from elevated positions surrounding the site. From the Conservation Area, the main high level vantage point would be from the top of the slopes at Alexandra Gardens opposite. From this direction the apartment block would be more than 6m higher than the roof top parking, thus obscuring views. The same principle applies to views from Northstead Upper Car Park where the decked parking would be behind higher parts of the building facing Burniston Road. There may just be views from the top of the island in Peasholm Park, but these would be largely obscured by trees and be very oblique, so to argue this would be visually harmful would be very tenuous. It is acknowledged the rear elevations of the proposal are the least attractive aspect. However, any public views from this direction would be very limited. There are some informal routes around the top of the hill (the path from Peasholm Gap is now closed). Trees on the steep slope to the rear would limit views. They would also help soften views from the Conservation Area since they are between the proposed building and the Bay View holiday accommodation proposed on the former Marvels site. It also noted that air handling units are proposed on the roof of the cylindrical tower; they are behind a parapet, which would reduce their visibility, although present are represented by some rather generic blocks on the plans. This level of detail is unlikely to be forthcoming until operators are known and there is a condition on the outline permission requiring submission of such equipment at this stage and this is considered to be the best means of controlling any visual impact.

7.6 The proposals comply with the requirement in the conditions on the outline permission to provide a minimum of 1,000sqm of public realm. This is important in part to provide a more open landscaped setting to the buildings, but also because it is likely to become a congregation point for visitors and sufficient space is required for free movement of pedestrians in a safe manner, especially in peak holiday periods, particularly when the Open Air Theatre (OAT) is operating. The public realm to the front of the cinema includes the existing footway with the removal and relocation of the existing OAT entrance feature. The area would be paved in brown, buff and grey material and pattern reflecting the cinema wall design and 2 pine trees would be planted. Six circular mounds are proposed measuring 6-12 metres in diameter and would be typically 2m in height. They would be covered in grass felt and their perimeter would be formed by concrete benching with a white aggregate finish. The Council's landscape architect has some concern that these may be difficult to maintain in an attractive and undamaged state. Discussions were taking place on this point with the applicant at the time of report preparation, and these will be reported verbally at the meeting, but otherwise the treatment of the public realm area is considered to be acceptable.

7.7 Overall, the development would create a focus for the North Bay area and would be a clear visual improvement over the unkempt remnants of Atlantis and the military games park. It would also give Peasholm Gap a more cohesive appearance, helping to balance out the existing dominance of Kepwick House in the local townscape. The less attractive north and east elevations are largely concealed from public view and the impact of these is clearly outweighed by positive impact on the much more prominent

south and west views, which are also the directions which affect the two key designated heritage assets, namely, the Conservation Area and Peasholm Park. Taking the above factors into account it is concluded that the proposal would have a positive impact on the character and appearance of the Conservation Area and the setting of the Park. National policy in the NPPF sets out policy tests where it is necessary to balance negative impact on designated heritage assets against other positive considerations. It is not necessary to apply these tests in this case since the impact on the assets is considered to be positive.

7.8 The documents accompanying the application set out proposed measures to reduce the likelihood of crime and anti-social behaviour. These state that the car park will be managed on a constant basis, details of which will be confirmed by the operator, there would be no public access to the lobbies of the apartments. Retail units would incorporate shutters; all units would be fitted with alarms and cycle stores would be secure. Personal safety in the multi-storey car park will be important - the details of management are currently somewhat sketchy and a condition is proposed to cover this point, including clarification of measures to ensure the main pedestrian route from the car park around the back of the building is safe. No objection is raised to the application by the Architectural Liaison Officer (ALO). This includes compliance with the government's counter-terrorism strategy regarding the vulnerability of crowded places. This includes the specification of certain construction details and security measures such as CCTV. The agent for the application has agreed to the measures suggested and indicated that these can be addressed either through compliance with Building Regulations or conditions.

Residential Amenity

7.9 The previous report on the agenda (16/01071/OLA) considered in part the impact on the residential amenities of the occupiers of Kepwick House. The effect on matters such as light and privacy are material considerations, whereas the impact on private view is not. Local Plan policy H10 states in respect of residential amenity:

" Planning permission will not be granted for development that would have a serious effect on residential amenity. In considering proposals account will be taken of: the extent of overlooking and loss of privacy; the proximity and relationship of new and existing buildings and whether there is an overbearing effect on existing property; disturbance or danger resulting from the level of traffic likely to be generated by the development; levels of noise, smell and other emissions and pollutants. "

7.10 The decked car park has been stepped back at its highest level, so that it complies with the revised parameters plan, thus reducing the bulk of the structure to within acceptable limits when considering the amenities of existing apartment dwellers. The stepping back also helps to reduce views from the parking areas into the apartments; where they exist, they would either be oblique or sufficiently distant not to cause serious loss of privacy.

7.11 The conditions on the outline permission also help to reduce potential conflict between the proposed commercial uses and the existing/proposed apartments. For example, bars cannot be located directly beneath the apartments and there are limits on the amount of takeaway use. The application is accompanied by an acoustic report, which assesses the predicted noise impact on Kepwick House, Lockton House and the proposed apartments in terms noise breaking out of the external shell of the cinema,

transfer through internal walls and the impact from air handling equipment. The report states that noise break out from the cinema is likely to be greater through the ceiling than the walls, but taking account of the proposed suspended ceiling design, the predicted internal noise levels would be within acceptable limits. The same applies to direct noise transfer to the nearest residential apartment to the cinema auditoria, but this would be mitigated since there is an intervening corridor and enclosed stairwell. The noise impact of air handling is also considered to be acceptable and in all cases the impact is predicted to be within recognised targets. The Environmental Health Officer accepts these conclusions and a condition is required to ensure implementation of proposed mitigation to reduce noise. The recommended hours of working condition was already included at the outline stage.

7.12 Whilst full details of fume extraction and air conditioning would only be approved when individual operators are known, the application shows the general location and strategy for such matters. Thus, air would be pumped in and out via a coordinated system of pipework with the main flue and inlet emerging towards the rear of the site, 23m away from the nearest residential property.

Transport

7.13 Transport related matters were largely determined at the outline stage and controlled by condition. This includes the position of the access onto Peasholm Gap. A condition required the provision of a four way signal controlled junction on Burniston Road with the other two arms comprising Northstead Manor Drive and a repositioned access into Northstead Manor Gardens. This would allow pedestrians to cross all four roads more safely than existing arrangements, which consist of a single pedestrian crossing on Burniston Road. A pedestrian island shall also be provided on Peasholm Gap. Negotiations and conditions at the outline stage ensured that the ceiling height on the ground floor of the car park is sufficient (5m headroom) to allow most service vehicles to make deliveries to a designated bay to the rear rather than stopping on Peasholm Gap. This has been incorporated into the proposed layout and is adjacent to bin storage. The ground floor makes provision for 20 disabled parking spaces and ground floor entrances to buildings can be reached without intervening steps. The plans show provision for 24 cycles. Subject to an additional condition relating to the incorporation of part of the existing footway into the public realm the Highway Authority are satisfied that the proposals are acceptable.

Drainage

7.14 The south-east corner of the site is identified as lying within Flood Risk Zones 2 and 3. Consequently, the conditions on the outline permission required that accommodation has a floor level at a minimum of 0.6m above the Peasholm Gap footway and implementation of other measures set out in a Flood Risk Assessment. Although the Environment Agency has not commented on this application it is confirmed that the design shows the floor heights are suitably elevated and no basements are proposed, thus satisfying this requirement.

7.15 The footprint of the building was in effect approved as part of the outline permission and this included the area above the Yorkshire Water sewer, which is referred to in their consultation response. A plan submitted at the outline stage showed a proposed diversion along the site frontage, making provision for the 3m stand-off distance as recommended by Yorkshire Water. One of the conditions states that no

building shall be built over or within specified distances of sewers and that, "Assuming this entails the relocation of sewerage, this shall occur in general accordance with indicative plan 2029.003IN and in accordance with plans approved as part of the reserved matters. Such relocation of the sewerage shall occur prior to the approved buildings being constructed above foundation level and shall where appropriate include reconnection of other existing sewerage". The applicants have submitted a revised plan showing a diversion in order to address the concerns now raised by Yorkshire Water that the proposals would build over the existing sewer. The applicants have in addition, provided a copy of a letter from Yorkshire Water to the developer's agent agreeing to the diversion, subject to payment of a bond for the estimated cost of the works and full legal agreement. In terms of the role of the Local Planning Authority, it is important that the sewer is not removed without suitable replacement, but the payment of the bond and associated legal regard would fall outside the remit of planning legislation. The condition on the outline implicitly accepted the principle of the diversion, but at the same time prevented building over the existing sewer. In light of these factors an objection would be unsustainable, but the existing sewerage is safeguarded unless a diversion is agreed. The applicants have shown the route of a diversion beneath the highway as required by the condition, but it is clear that it is still subject of discussion between the developer and Yorkshire Water. To resolve this matter in a proactive way, a condition is proposed which in effect defers approval of the precise details of the diversion until after reserved matters approval, but before the commencement of development.

Other environmental matters

7.16 A condition on the outline permission required the submission of a geotechnical assessment to ensure the proposals do not destabilise the steep slopes at the back of the site. The rear of the building is approximately in line with the back of the existing elongated single storey building at the base of the slope, but the proposals do not significantly encroach into the slopes of greater gradient to the rear. There would be some excavation and the submitted Assessment recommends measures including ground anchors to maintain vegetation and limit slope degradation. Further intrusive investigative will be required to assess the potential for future instability and determine the extent of any remedial measures required. The Borough Council's Engineer is satisfied with the contents of the Assessment and agrees that the most appropriate time to undertake remedial measures would as an immediate precursor of redevelopment and a condition can be imposed to that effect.

7.17 An area at the top of the slopes which may be of archaeological interest due to its proximity to a Civil War fort on the former Marvels site would not be directly affected by the building works and was subject of a previous condition. Trees on the rear slopes would be protected during construction as specified by a condition on the outline permission. At the time of the outline the removal of some trees from the front part of the site was accepted. In addition, two sycamore trees on the frontage would now be removed; this is accepted since it is recognised that their retention would not fit comfortably with the proposed landscape concept for the site. Apart from two new pines proposed there is limited scope for new tree planting, but mitigation could occur in the form of other enhancements to biodiversity and a condition is attached to that effect. This would also mitigate the impact of any slope stabilisation works which may be required. The Council's ecologist comments that there should be no adverse impact on Great Crested Newts and other protected species, although again foraging habitat could be enhanced.

7.18 A condition on the outline consent required that prior to the commencement of development that Section 106 agreement be completed. This included payment of £5,000 towards Traffic Regulation Orders on Peasholm Gap, £7,000 for tourism signage and a contribution towards provision of play facilities in the vicinity to be calculated in accordance with the Green Spaces SPD. It also required a contribution towards affordable housing. The scheme does not identify on site provision of affordable housing, although it is accepted in this case that a financial contribution would be acceptable alternative. In any event, the Section 106 would need to be completed in accordance with the discharge of the relevant condition on the outline permission and not as part of this reserved matters application.

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 implemented and/or specific safeguards need to be put into place. The Local Planning Authority acted proactively by requesting additional information during the course of the application or by attaching planning conditions which can adequately address such matters.

RECOMMENDATION

PERMISSION BE GRANTED, subject to the following condition(s)

- 1 The development hereby granted shall be carried out in strict accordance with the following plans unless any amendment is first approved by the Local Planning Authority: [List to be confirmed]

Reason: For the avoidance of doubt.

- 2 Before the commencement of the development above foundation level, a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and be 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, and the development shall be carried out in these unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of visual amenity to accord with Policies E5, E12, E27, H10, L1, L4 and H3 of the adopted Scarborough Borough Local Plan.

- 3 The development shall be carried out in general accordance with the measures set out in the ground stability assessment prepared by Peter Brett Associates and prior to the commencement of development full details of measures to maintain slope stability shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with these approved details.

Reason: In the interests of slope stability.

- 4 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the

depositing of material on the site in connection with the construction of the access road or building(s) or other works until details of alterations to the footway on Peasholm Gap and Burniston Road have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. These shall details shall include a programme for the completion of the proposed works.

Reason: To ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

Informative:

There should be no site clearance, demolition, excavation or depositing of material in connection with the construction of the development until details of any amendments to the existing parking restrictions on Peasholm Gap have been submitted to and approved by the Highway Authority. The approved details should, at the applicant's expense, undergo the legal process required. Subject to the successful completion of this legal process the measures will be implemented at the applicant's cost prior to the development being brought into use.

- 5 Prior to development above foundation level commencing, a plan/programme to enhance biodiversity on the site shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented within 12 months of the discharge of this condition.

Reason: To enhance biodiversity.

Informative: Potential enhancements include provision for swift nesting and improvements to badger foraging habitat.

- 6 Prior development commencing above foundation level, details of measures and management arrangements for on site security when development is operational shall be submitted to and approved in writing by the Local Planning Authority. This shall include CCTV, lighting, access control and any other measures to ensure adequate surveillance of exits, entrances and routes to and from the proposed car park. In addition all glazing (internal and external) shall consist of units comprising lamination to a minimum 7.5mm to EN ISO 12543 standards. Unless otherwise agreed in writing by the Local Planning Authority this shall include use of 200-350 Micron Anti Shatter Film to 6mm glazing and appropriately anchored into a blast resistant retention system to BS EN 12600 Class 2(B)2 standard.

Reason: To increase security and to reduce the likelihood of crime and anti-social behaviour.

- 7 Details of the design of any security shutters, including materials and colour to be utilised in the development hereby permitted shall be submitted to and be approved in writing by the Local Planning Authority prior to their installation and all shutters used in the development shall conform to the details so approved.

Reason: To ensure the design and appearance of such shutters is acceptable.

- 8 Measures to mitigate noise arising from the development, as indicated in the submitted Noise Impact Assessment TNAC001 prepared by Derek Nash and submitted as part of the reserved matters application, shall be implemented in full.

Reason: To protect the residential amenities of nearby residential occupiers.

- 9 Prior to the commencement of development full details of the sewer diversion, as specified by condition 8 of outline planning permission 15/01305/OL shall be submitted to and approved in writing by the Local Planning Authority. The diversion shall be implemented in accordance with the provisions of condition 8.

Reason: To maintain adequate sewerage and to allow sufficient access for maintenance and repair work at all times.

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 HUGH SMITH ON 01723 383642 email hugh.smith@scarborough.gov.uk



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