

	<b>REPORT TO PLANNING &amp; DEVELOPMENT COMMITTEE</b>  <b>TO BE HELD ON THURSDAY, 7 March 2019</b>	
<b>APPLICATION REFERENCE NO:</b>  <b>18/03005/FLA</b>	<b>TARGET DATE:</b>  <b>11 March 2019</b>	<b>GRID REF:</b>  <b>502590-489941</b>

## REPORT OF THE PLANNING SERVICES MANAGER – PSM/19/42

**SUBJECT: Variation of condition 1 relating to 16/01140/FL dated 01.02.2018 for the addition of a flat at second floor level, increasing the number of proposed flats to 9 no. flats at Former Site Of 79 Cross Lane Newby Scarborough NORTH YORKSHIRE for Mr Mark Dicconson**

### 1.0 THE PROPOSAL

1.1 This application is to amend a previously approved scheme, 16/01140/FL for 8 apartments. It relates to a roughly rectangular plot of land on the southern side of Cross Lane in a residential area opposite one the road frontages of the North Bay Golf Course. The plot was formerly occupied by a single detached dwelling and garage, which have now been demolished down to foundation level. It measures 45m from east to west, giving it a wider frontage than other nearby properties, while the measurement north to south varies between 34m and 41m. It is bounded to the east and south by two storey housing, with the properties to the south being on Newlands Park Crescent. To the west the site fronts onto the narrow grass verge of a cul-de-sac of modern 2 storey flats (nos. 81-103 Cross Lane). The site is at the top of a shallow apex on Cross Lane. Although the site is largely level, the houses to the south, east and west, as well as the bottom end of the cul-de-sac are at a lower level. The gated access from the main carriageway of Cross Lane is 11m east of a zebra crossing. The site is partially overgrown with brambles etc. and on its two road frontages there are high hedges, principally composed of cupressus leylandii.

1.2 The previous planning permission was approved in 2018 following submission of 4 sets of revised plans. The site is still as described in the preceding paragraph and not as shown on the submitted 'existing plans' which are in fact the approved plans, as yet unimplemented. The proposed amendment adds one additional second floor 2 bedroomed apartment halfway along the new building which would have an elongated rectangular footprint (32.7m by 10.4m) parallel to Cross Lane. This footprint and the height of the majority of the roof (7.5m at apex) would remain the same. The additional apartment would be partially contained in previously approved roof space. However, new space would be created with front and rear gables vertically flush with front and rear elevations. Consequently, this central section would have a new 1.3m higher ridge at right angles to the main axis of the building, increasing the maximum height of the building to 8.8m.

1.3 The remainder of the site layout would largely be the same as the previously approved scheme. Vehicular access would be from the cul-de-sac to the west, with the existing access to the north being for pedestrians. One additional parking space would be provided in the car park which would occupy a large portion of the land to the rear.

## 2.0 SCREENING OPINION REQUIRED?

2.1 An Environmental Impact Assessment is not required for this application.

## 3.0 PRE-APPLICATION COMMUNITY ENGAGEMENT

3.1 None.

## 4.0 CONSULTATIONS AND COMMENTS

4.1 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.

4.2 Highway Authority - No objection - the existing recommendations submitted for 16/01140/FL are still valid.

4.3 Environmental Health - No objection.

4.4 Designing Out Crime Officer - No comments.

4.5 Newby and Scalby Parish Council - object to the application. The officer's report on 16/01140/FL stated, "Officers were of the firm opinion that the four previous sets of drawings submitted with this application were unacceptable .... In particular, the introduction of 3 (or 4) storey development on a prominent site on the brow of a hill, where other nearby properties are 2 storey, combined with the proposed designs, would have been out of keeping with the character of the area. The gradual reduction in the number of units from 14 to 8 has been important, but perhaps even more critical with this latest amendment has been the removal of any 3 storey element."

The Parish Council view the current application as an attempt to circumvent the previous refusal of a 3 storey building by placing a third storey on the building, albeit with a smaller footprint than the lower storeys of the building. While this tiered approach will admittedly have less impact on the surroundings than a full height storey, the fact remains it will still create a 3 storey property. The Parish Council therefore objects to the application on the grounds it is contrary to Local Plan Policies DEC1 [Principles of Good Design] and DEC4 [Protection of Amenity].

4.6 Publicity - Consultation period expired on 13 February 2019. No comments have been received from local residents.

## 5.0 RELEVANT SITE HISTORY

5.1 2006 - demolition of house and erection of 8 dwellings in 3 storey block - refused due to overdevelopment and impact on neighbours.

5.2 2007 - demolition of house and erection of four 2 storey semi-detached dwellings - approved with conditions.

5.3 2009 - variation of condition on above permission relating to retention of trees - approved subject to new tree planting.

5.4 2010 - extension of time period for implementing 2007 planning permission for a further 3 years.

5.5 2018 - 8 apartments in 2 storey building with parking to rear - approved with conditions. The application was originally submitted in 2016 with 4 storey building - the approved scheme was the 4th set of proposals associated with this application.

## 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 2017**

**SD 1** - Presumption in Favour of Sustainable Development

**DEC 1** - Principles of Good Design

**DEC 2** - Electric Vehicle Charging Points

**DEC 3** - The Efficient Use of Land and Buildings

**DEC 4** - Protection of Amenity

**HC 1** - Supporting Housing Development

**HC 2** - New Housing Delivery

**ENV 3** - Environmental Risk

**ENV 5** - The Natural Environment

**INF 3** - Sustainable Transport and Travel Plans

### **National Planning Policy Framework**

**NPPF4** - Decision-making

**NPPF2** - Achieving Sustainable Development

**NPPF5** - Delivering a sufficient supply of homes

**NPPF9** - Promoting sustainable transport

**NPPF11** - Making effective use of land

**NPPF12** - Achieving well-designed places

**NPPF14** - Meeting the challenge of climate change, flooding and coastal change

## **Scarborough Borough Supplementary Planning Documents**

None relevant

### **Local Planning Policy and Guidance**

None relevant

## **7.0 ASSESSMENT**

7.1 This report only considers matters which differ from the previously approved scheme for 8 apartments which has planning permission. The addition of one unit, bringing the total to 9 does not introduce any new policy implications, such as s106 contributions. The new car parking space is within the extent of previously approved hardstanding, so it is not considered that there are any concerns relating to the layout. The two main issues which need to be assessed are the visual impact on the character of the area and the effect on residential amenity.

7.2 Buildings in the area are largely two storey and the site is on the gentle brow of a hill. As stated in the previous Committee report (quoted by the Parish Council), the reduction in height of the building in the course of the previous application from 4/3 storey to 2 storey was important. Nonetheless, any proposals have to be judged on their merits within the context of relevant policies, notably policies DEC1 and DEC4, as well as the NPPF. The proposals would have much less impact than any of the plans superseded as part of the last application. Even the lowest of these proposed schemes included a full 3 storey element which related to the remaining 2 storey elements in a disjointed manner. From the road, the latest proposals would still have the appearance of an essentially 2 storey building, with a central gable containing a single window at a higher level. Nonetheless, this would still be lower than the main roof apex previously approved and the new ridge would project 1.3m higher. The drawings of the two end elevations suggest greater bulk from these directions, but the effect of perspective with the gable set back by 12.2m from each end and the position of houses to the east and vegetation to the west would lessen any impact.

7.3 In light of the above, it is concluded that the proposal would not harm the character and appearance of the area. Indeed there may be some benefits in design terms. The approved scheme has a neutral impact, but it has a rather linear form. The raised central section of the roof and associated gables would help break this up without being unduly imposing on the street scene. As originally submitted as part of this current application, the position of rainwater goods and the juxtaposition of gables above first floor windows with the new gable would have appeared awkward. Revised drawings have simplified and tidied up the design, giving it a neater appearance.

7.4 There would be two new second floor windows on the rear elevation, which would face towards nos. 12, 14 and 16 Newlands Park Crescent. The question is whether this would cause unacceptable impacts on the private amenities of the occupiers of these dwellings - in summary this is the test in Policy DEC4. The distance from the back elevation to the rear of these houses would be 27.5m, which are at a lower level. Combined with its position to the north and the limited increase in height it is not considered that loss of light would be problematic. The previously approved scheme includes first floor windows the same distance away. The proposed windows would be

2.4m higher increasing the angle of vision from approximately 11° to 16°. Having considered these matters, it is concluded that the degree of privacy loss/overlooking is not significant enough to raise an objection based on policy DEC4.

7.5 The impact on other factors, such as drainage, highways and trees is otherwise the same or similar to the previous approved scheme and the recommended conditions are therefore largely identical. Confirmation is currently being sought from the applicant that there is no objection to the re-imposition of pre-commencement conditions, as attached to the previous planning permission.

## POSITIVE & PROACTIVE STATEMENT

This application follows a previous planning permission on which there was considerable positive and proactive engagement by the Local Planning Authority to negotiate an acceptable scheme. The current application was similarly subject to detailed design changes during its course in order to enhance the appearance of the proposed building. The Local Planning Authority also acted proactively by attaching planning conditions which can adequately address a range of matters, for which further information will be required.

## RECOMMENDATION

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

- 1 The development hereby permitted shall be carried out in accordance with the following plans, unless any amendment is first approved in writing by the Local Planning Authority:
  - Proposed Block Plan of Site, Drawing No 00/06, dated 07/12/2018
  - Proposed Ground Floor Layout, Drawing No 00/07, dated 07/12/2018
  - Proposed First Floor Layout, Drawing No 00/08, dated 07/12/2018
  - Proposed Roof Space Layout, Flat 9, Drawing No 00/09, dated 07/12/2018
  - All Proposed Elevations of Building and Bin Store, Drawing No 00/10, dated 07/02/2019

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 interests of visual amenity and the character of the area in which it is located, having regard to Policy DEC1 of the Scarborough Borough Local Plan.

- 3 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 site levels and building heights are acceptable within the context of their surroundings.

- 4 Where trees are shown as being retained on the approved plans they 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: To comply with Section 197 of the Town & Country Planning Act 1990.

Informative: Before removing any trees or hedges from the site the developer should make sure that there are no adverse impacts on breeding birds or bats, having regard to the requirements of the Wildlife & Countryside Act 1990.

- 5 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 12 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 comply with Section 197 of the Town & Country Planning Act 1990.

- 6 Prior to the commencement of any works of construction on the site details of the measures to be incorporated into the building in order to seek to minimise crime and anti-social behaviour shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: To minimise the risk of crime and anti-social behaviour.

- 7 No development shall take place until details of the proposed means of disposal of 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. Surface water to the public sewer shall be limited to a maximum rate of 5 litres per second. Furthermore, 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 .

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal.

- 8 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 until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

- i. The existing crossing of the highway verge shall be re-constructed in accordance with Standard Detail number E7.
- ii. Any gates or barriers shall be erected on the highway boundary and shall not be able to swing over the existing or proposed highway.
- iii. Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed maintained thereafter to prevent such discharges.
- iv. The final surfacing of any private access within 6 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

Informative: You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

- 9 No part of the development shall be brought into use until the existing vehicular accesses have been permanently closed off and the highway restored. These works shall be in accordance with details which have been approved in writing by the Local Planning Authority in consultation with the Highway Authority. No new access shall be created without the written approval of the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of highway safety.

- 10 Prior to the first use of the development the approved vehicle parking, manoeuvring, turning areas indicated on the block plan hereby approved shall be provided, laid out, hard surfaced, drained, marked out and made available for use. Once created, these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for appropriate on-site vehicle parking facilities with associated access and manoeuvring areas, in the interests of highway safety and the general amenity of the development.

- 11 Before development occurs above foundation levels, details of a covered and secure cycle store for a minimum of 9 cycles shall be submitted to and approved in writing by the Local Planning Authority. Such facilities shall be provided on the site prior to the occupation of the approved development and retained at all times thereafter.

Reason: To encourage sustainable means of transport.

- 12 Each new residential property shall in association with its dedicated parking space include an electrical socket suitable for charging electric vehicles with a minimum requirement of a single phase 13 amp socket.

Reason: To comply with Policy DEC2 of the Scarborough Borough Local Plan.

*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](mailto:hugh.smith@scarborough.gov.uk)



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