

	<b>REPORT TO PLANNING &amp; DEVELOPMENT COMMITTEE</b>  <b>TO BE HELD ON THURSDAY,</b>	
<b>APPLICATION REFERENCE NO:</b>  <b>19/01519/FL</b>	<b>TARGET DATE:</b>  <b>1 November 2019</b>  <b>Extended date:</b> <b>29 November 2019</b>	<b>GRID REF:</b>  <b>503096-488268</b>

## REPORT OF THE PLANNING SERVICES MANAGER – PSM/19/228

**SUBJECT: Erection of 40no. dwellings with associated access roads and landscaping at Manor Road Nurseries Manor Road Scarborough NORTH YORKSHIRE YO12 7RY for Thompson Homes (Yorkshire) Ltd**

### 1.0 THE PROPOSAL

1.1 The application proposes the demolition of the current buildings on the site; the site and buildings being formerly occupied by the Council's Parks and Countryside Service. This would then allow for the proposed redevelopment of the site to provide 40 dwellings and associated access roads, parking and landscaping. 22 no. two-bedroom houses and 18 no. three-bedroom houses are proposed, all of which would be two-storey in height.

1.2 The site is irregular in shape and lies within a predominantly residential area, with other residential properties sited close to a number of its boundaries. To the north of the site lie two-storey terraced dwellings fronting onto Hibernia Road and three-storey properties fronting Manor Road, and to the east the site shares a boundary with a former railway line, now used as a pedestrian/cycle link, and also a number of two and three-storey properties at Sinclair Court. To the south of the site lie two-storey terraced dwellings fronting Wykeham Street, whilst the west boundary of the site is defined in part by the carriageway of Manor Road, and also a bowling green and clubhouse set in a small public garden. On the west side of Manor Road, opposite the site, are larger detached and semi-detached houses that are of a different character to the terraced housing that lies adjacent the application site.

1.3 The buildings to be demolished include modest single storey buildings previously used as offices, stores and garaging, and a relatively extensive range of greenhouses. The application drawings show the proposed two-storey dwellings arranged in a number of terraces, with parking in private courts or within property curtilages. The existing site access on Manor Road would be upgraded to serve the majority of the site, with one property served by a private drive that would be formed from the current narrow access road that runs along the northern boundary of the bowling green and public garden.

1.4 The proposed dwellings have been designed in terraces and with architectural detailing that seeks to reflect the established character of the housing in the surrounding streets, found to the north, east and south of the application site. The dwellings are proposed to be built in red and/or buff brick with slate grey roof tiles.

1.5 The application site has an area of 0.82 of a hectare (2 acres) and is located outside the Scarborough Conservation Area.

## 2.0 SCREENING OPINION REQUIRED?

2.1 No.

## 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 - The access for the new development will be in the location of the existing Nursery access. The applicant has shown the minimum parking provision for the number and size of the dwellings proposed, this parking should be allocated to each dwelling. The design standard for the site is 'Manual for Streets' and the required visibility splay (at the main access) is 43 metres by 2.4 metres. The actual available visibility is in excess of 55 metres by 2.4 metres in either direction. The existing location of the access has double yellow lines to prevent parking in the immediate vicinity and there are no proposals to amend the current traffic regulation order. Consequently the Local Highway Authority recommends that a number of conditions are attached to any permission granted.

4.2 Environmental Health (Residential Regulation) - Whilst no objections are raised to the application on housing or environmental health grounds, I would point out to the applicant that the minimum acceptable single bedroom size is 7.0 sq.m. The third bedrooms in house types A and C do not appear to meet this standard.

(Officer note: The issue of room sizes is considered later in this report.)

4.3 Yorkshire Water - Recommend a number of conditions should be attached to any planning permission granted. In recommending the conditions, including one requiring a reduction on the rate of discharge of surface water to the public sewer by a minimum of 30% over the existing, Yorkshire Water advise that the submitted drainage details (drawing 18024/P/09 (revision A) dated June 2019) are not acceptable. It advises that the following points should be addressed:

- 1) evidence should be submitted to show that other means of surface water disposal (as an alternative to discharge to public sewer) have been considered and why they have been discounted
- 2) the submitted drawing should show foul and surface water drainage proposals both on and off site
- 3) evidence of existing impermeable areas positively draining to the public sewer is required to prove rate of discharge.

4.4 Drainage Engineers (SBC) - I have reviewed the above application and have no objection in principle subject to the meeting of the conditions requested by Yorkshire Water to achieve an adoptable drainage system. The developer may wish to consider gravity discharge to the sewer within the old railway line, which would remove the need for a pump station and remove the risk of failure in storm conditions

4.5 LLFA - The submitted documents are limited and the LLFA recommends that the applicant provides further information before any planning permission is granted by the LPA. The following should be submitted and approved by the Local Planning Authority -

- Evidence to demonstrate that the surface water discharge hierarchy as set out in Part H of the building regulations has been followed
- Evidence of the existing drainage connections from the site, including condition survey and confirmation of suitability to be retained
- Confirmation of the greenfield runoff rates for the site
- Drainage Network Calculations
- Exceedance flow route plan
- Confirmation of proposed maintenance arrangements.

4.6 Police Designing Out Crime Officer - The main vehicular access onto the site and movement within it are suitable as it keeps permeability at an appropriate level. Internal routes are well overlooked and will provide road users and pedestrians with a sense of safety and security.

It is pleasing to see that each property has been provided with clearly defined "defensible space" to its front, by either the provision of a small dwarf wall or parking space immediately to the front of the property. Boundary protection to the rear of each property should be a minimum height of 1.8 metres and should be as close to the front building line as possible. The three footpath accesses within the proposed terraces need to be gated for security purposes.

Apart from one block of terraced properties, which has parking immediately to the front of the properties, the majority of parking provision is remote from the property it serves. It is important that where it is not immediately apparent which parking space is related to which property, that clear signage is used to allocate parking spaces for residents and visitors, to reduce the risk of indiscriminate parking resulting in neighbour disputes or conflict between residents and visitors. There are currently two areas which could reasonably be described as parking courts. BFL12 recommends that these should be appropriately illuminated. It is therefore suggested that lighting to BS5489 is used.

4.7 Education (NYCC) - The proposal will not result in a need for additional school places and therefore no commuted sum is sought in relation to this housing development.

4.8 Health (CCG) - No comments received.

4.9 Northern Gas Networks - No objections to the proposal.

4.10 Publicity - Consultation period expired on 5 September 2019.

The following comments have been made in 1 representation:

I support the development of housing on this site in principle as it is near facilities and for most journeys residents would not need to use cars. I also support the density being similar to that in Wykeham Street. However I have one or two concerns:

1. I am worried that the access is situated on a bend and in many ways visibility is poor. I would suggest a requirement for (a) a 20mph speed limit not only within the new site but also on Manor Road from Scalby Road to at least Woodland Ravine (I know that only part of this relates to the new site but it would make sense anyway on account of the numerous bends and junctions) (b) an extra pedestrian island nearby where the visibility is reasonable, maybe near Hibernia Street?
2. The single access is concerning in case it is blocked and there is an emergency. I suggest the emergency services look at this at the planning stage.
3. I support the comments of the Housing Manager about the size of bedrooms. People need space to live and store a few possessions, not just sleep.

The plans are unambitious as regards sustainability. New housing should aim to improve on current building standards and should not be heated by fossil fuels which must be phased out as soon as possible. It is much easier to install solar roofs and air source heat pumps at new build stage rather than retrofitting.

The following objections have been raised in 12 separate representations:

1. There is evidence of bats in the area, which are protected by the wildlife act. There are also nesting birds and mammals in the grounds. We need to protect wildlife, habitats. The proposed new houses will have a devastating impact on wildlife. What assessment has been undertaken on the effects of the proposals on the wildlife?
2. I have concerns regarding congestion. Manor Road roundabout has just been widened because of concerns about traffic queues / congestion. 40 more houses will add to the problem.
3. The safety of the entrance to the site is questioned as it is already on a bad corner.
4. There is no pedestrian crossing at any point on Manor Road. This is already a difficult road to cross due to the curves and limited visibility. The situation will be made more dangerous with the additional traffic turning on/off the road at a bend.
5. I struggle to get a doctor's appointment within 4 weeks. 40 more families will put a huge pressure on our GPs, NHS, and local schools. Our area will struggle to cope.
6. The building of these homes will affect the privacy of houses on Wykeham Street and will reduce natural light into the properties.
7. We have gated access behind which makes it more secure so how will the new properties have access to theirs? How will the division of properties be defined?
8. I believe it to be wrong to be building yet more houses and increasing the density of dwellings in this area when there are so many unoccupied buildings (above ground floor level) in the town centre. Regenerate the town centre and get more people living there before building yet more houses in areas like this (or even worse on green sites).

9. I'm not against the prospect of housing on the site in principle. My objection is that 40 homes is too many for that site. Parking is a major issue in this area. The surrounding roads of terraced houses and Alexandra Park tend to have cars parking along both sides constantly, and roads with large houses such as Manor Road and Manor Avenue are permanently are parked solidly wherever possible.
10. I can see some parking has been provided for these roads, but it isn't sufficient for each house to have the 1-2 spaces they will need (even the occupants of terraces now have 2 cars, plus visitors, deliveries etc). Overspill into the surrounding roads will make a difficult situation worse.
11. Although the houses have been given gardens, there is no designated green space or play space provided, both as an amenity and an environmental concern.
12. Surely a smaller number of semi detached homes, with adequate parking spaces and green space, and improvements to the safety of Manor Road, would be preferable.
13. Will the private road running alongside my house be gated? I will need access at all times , can you confirm this will happen?

## 5.0 RELEVANT SITE HISTORY

5.1 1986 - Planning permission granted for redevelopment of nursery, comprising greenhouse block, erection of ancillary buildings and provision of new additional vehicle access road.

## 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
- SH 1** - Settlement Hierarchy
- 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
- HC 3** - Affordable Housing
- DEC 2** - Electric Vehicle Charging Points

### **National Planning Policy Framework**

- NPPF5** - Delivering a sufficient supply of homes

**NPPF11** - Making effective use of land

**NPPF12** - Achieving well-designed places

**NPPF15** - Conserving and enhancing the natural environment

## **Scarborough Borough Supplementary Planning Documents**

Affordable Housing

Education Payments

Green Space (Adopted November 2014)

## **Local Planning Policy and Guidance**

None relevant

### 7.0 ASSESSMENT

7.1 Taking into account relevant planning policy, consultation responses and representations and other material planning considerations, Officers consider the key issues in the determination of this application to be:

- Principle of residential development
- Design considerations
- Access, traffic and parking
- Impact on services
- Impact on wildlife
- Impact on amenity
- Security
- Drainage
- Open space.

Principle of residential development

7.2 The development of this site for housing is considered to accord with Policies SD1, SH1 and HC1 in principle, as the site is previously used land that lies within the development limits of Scarborough, within a predominantly residential area. Subject to meeting the requirements of the other relevant policies of the Local Plan the development is one that should be viewed positively.

7.3 Policy EG5 seeks to safeguard employment sites and premises in B Use Classes. However, it does allow for the loss of such sites and premises where the proposed use is compatible with the nature of surrounding uses. Given the nature of the former nursery use, which is considered to have been a sui generis use, the site does not necessarily fall to be considered against Policy EG5, although clearly it provided employment for SBC Parks and Countryside Services staff. Notwithstanding this point, it is considered that the loss of the site for employment purposes is acceptable, under the above policy, as the redevelopment of the site would result in residential development within an established residential area.

7.4 The proposals have been the subject of pre-application discussions with your Officers, amongst the matters agreed was that various buildings on the site would qualify for Vacant Building Credit (VBC), as set out in the Government's online Planning

Practice Guidance. The VBC policy is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought.

7.5 The buildings on the site that can be taken into account for VBC have a combined gross internal floorspace of 2909 sq.m. The proposed dwellings have a combined gross internal floorspace of 2965.4 sq.m. This results in a 98% discount in relation to affordable housing being applicable to the scheme. Policy HC3 (Affordable House) would normally require provision of 10% affordable in a housing scheme within Scarborough, equating to four dwellings for a scheme of 40 dwellings. Applying the 98% discount results in only 0.08 dwellings being required. Where less than 0.5 of a dwelling is required under the Council's Affordable Housing SPD this should be rounded down to none. Therefore, in relation to this particular site, the application of VBC results in no affordable housing being required to be provided.

#### Design considerations

7.6 The scheme has been designed to reflect the character of the terraced housing neighbouring the site, whilst building at a lower density to ensure parking and gardens can be provided for each dwelling.

7.7 In terms of density, the proposal would result in 48.7 dwelling per hectare, given the site area of 0.82 of a hectare. Policy DEC3 of the Local Plan states that the density of development should be in character with the local area and that higher densities will be more appropriate in the central area of Scarborough. The proposed density is considered appropriate for the site, with the form of the development ensuring the terraced character of the majority of the housing in the locality is maintained. The proposal is not at the densities of the neighbouring terraced housing, which are higher. For instance, the housing on Hibernia Street, immediately to the north is built at a density of around 85 dwellings per hectare, whilst housing to the south on Wykeham Street is built at around 92.6 dwellings per hectare. Due to the marked change in form and character, the much larger houses to the west of the site, fronting Manor Road, are built at a low density of 15 dwellings per hectare.

7.8 The design of the proposed terraced housing picks up on the detailing of the existing buildings with a consistent rhythm to the main elevations brought about by the general layout of the fenestration and the inclusion of ground floor bay windows to living rooms. A condition is proposed to require large scale details of the elevations to ensure appropriate detailing to eaves and gable ends to reflect that of local buildings. Final agreement over materials has yet to be reached and a condition is proposed to cover this. Your Officers anticipate that the majority of the terraces will be built in buff brickwork to match with the existing properties, with some red brick details to add interest.

7.9 The use of frontage walls and gates to the majority of the properties is welcomed as this reflects the detailing found on adjacent streets. The incorporation of frontage parking to 10 plots is considered to be acceptable in order to provide the necessary car parking for the scheme and also to add some variation in frontage treatments.

7.10 On 30 September of this year, the Government issued the National Design Guide. The Written Ministerial Statement that accompanied its publication advises that:

"The National Design Guide is also capable of being a material consideration in planning applications and appeals, meaning that, where relevant, local planning authorities should take it into account when taking decisions."

7.11 It also advises that the National Design Guide:

"... emphasises the importance of responding positively to context, creating locally distinctive character, building strong communities, responding to future issues such as climate change and ensuring places sustain their quality."

7.12 The National Design Guide advises that a well design place is unlikely to be achieved by focusing only on the appearance, material and detailing of building, but comes from making the right choices at all levels, including:

- the layout
- the form and scale of buildings
- their appearance
- landscape
- materials and their details.

7.13 Your Officers agree with this advice and look at schemes in this comprehensive manner, considering the manner in which any development would sit within and relate to its context. This approach was taken with this particular scheme working with the applicant's architect to ensure the scheme layout, the form and scale of the buildings, and their appearance, were informed by the context of the surrounding terraced residential development.

7.14 The National Design Guide sets out ten characteristics for well-designed places, under the headings; context, identity, built form, movement, nature, public space, uses, homes and buildings, resources, and lifespan. A number of these are considered appropriate to consider in relation to this particular scheme.

7.15 In terms of context the proposal is considered to be based on a sound understanding of the features of the site and the surrounding context and that the development is influenced by and will contribute positively to the context. It is considered that the proposal responds to existing local character and identity, and would have a positive and coherent identity of its own that builds on the locally distinctive character of the terraced streets of the area.

7.16 With regard to built form, the dwellings are laid out so as to have backs of houses facing the backs of existing houses, providing for secure rear garden areas (that adjoin existing rear yards of neighbours), with a clear distinction between public and private areas.

7.17 In terms of movement, the site is well located within an already established residential neighbourhood. This would enable residents to make journeys by foot and by cycle, as well as by public transport, as an alternative to the private car.

7.18 In relation to nature, the scheme is sited within an established urban area and is a previously developed site. The ecological appraisal undertaken in support of the proposals sets out a number of recommendations that are aimed at providing suitable features for bats and birds and small mammals. This is set out in more detail later in this report.

7.19 With regard to the homes themselves, the dwellings are considered to be of a reasonable size in terms of the floor space to be provided. Whilst the LPA does not have any adopted standards for room sizes within new dwellings, the Council's Residential Regulation Manager (Environmental Health) has made a comment regarding the smallest bedroom within the three bedroomed properties being below 7.0m. However, it should be noted that this is based on a standard in a Housing Standards Review (2013) document, produced by the DCLG. Your Officers would advise that the standards set out that document are illustrative only and are not Government policy. Notwithstanding this, the DCLG published the Nationally Described Space Standard (NDSS) in 2015, which sets out technical requirements for different bedrooms. The space standards in this document have not been adopted by the LPA within its Local Plan and therefore cannot be required at this stage, as the need for their implementation has not been identified. This issue is to be explored through the review of the Local Plan. Notwithstanding this, it should be noted that both bedrooms within the two-bedroom dwellings and the larger bedroom within the three-bedroom dwellings exceed the 11.5 sq.m standard set in the NDSS. The third bedrooms are modest at 4.8 sq.m in floor area, although this complies with the standard for a room for a child under 10 years of age as set out in the LPA's Flat Conversion guidance. All the dwellings have garden areas that are of an appropriate size for an urban location, which would be private and secure. These can all be accessed externally so as to enable cycle and bin storage at the rear of properties.

#### Access, traffic and parking

7.20 The Highway Authority has confirmed that it finds the details of the application appropriate from a highway engineering and safety perspective, with sufficient car parking proposed to serve the dwellings. It has confirmed that the site access has more than sufficient visibility to ensure it is safe for users. Whilst a number of local residents have raised concerns about highway matters including the acceptability of the site access, a lack of crossing points and on-street parking creating obstruction, these are not matters that the Highway Authority has raised concerns over. One representation suggests that a 20 mph speed limit be introduced along Manor Road. However, in relation to the relatively modest additional traffic generations that would come from the site following development for housing, such a measure would be a consideration for the Highway Authority taking account of much more extensive survey work, and not a matter that would be appropriate to consider in relation to this application.

7.21 In terms of car parking the proposals are considered to provide an appropriate level of off-street parking, whilst ensuring the terraced character of the area is reflected in the design and layout. It should be noted that whilst the concerns of neighbours relating to pressure on parking, the majority of the neighbours do not benefit from off-street parking themselves. Given that the scheme provides an appropriate level of parking it is envisaged that the development should not add to the problems experienced on nearby street where a denser form of terraced housing is situated with reliance only on on-street parking.

## Impact on services

7.22 Concerns have been raised regarding the impact of further residential properties on local services such as schools and GPs and the hospital. NYCC Education has been consulted on the application and has confirmed (as it did at the pre-application stage) that there is sufficient capacity within the local school to accommodate the likely number of children who would be residents of the proposed houses.

7.23 At pre-application stage, the CCG advised that a contribution towards primary health care of just under £14,000 should be sought. However, the CCG has yet to confirm the position formally following consultation on this application. Your Officers will seek confirmation of the matter and provide an update at the meeting. The Council has no policy basis on which to seek contributions towards secondary health care provided within hospitals.

## Impact on wildlife

7.24 The applicants have commissioned a Preliminary Ecological Appraisal (PEA) and bat emergence survey for the site, to help inform any mitigation measures that should be included in the development in the interests of local wildlife.

7.25 The report that details the above work confirms that the site has a mix of habitats including large areas of hardstanding, buildings, a large greenhouse and areas of recolonisation where polytunnels have been dismantled. It also confirms that all the buildings have been assessed for their bat roost potential. The report also notes that the site has a scattering of tree varieties including cherry, sycamore, cypress, rowan and beech and two lengths of species poor hedgerow, including a tall Leyland cypress along part of the southern boundary. Some shrub and scrub areas were also noted.

7.26 In terms of the buildings the report confirms the following:

- Building 1 - No roosting bats, or their field signs were identified within or external to the building. This building was assessed as having low bat roost potential.
- Building 2 - No roosting bats, or their field signs, were identified within this building. Therefore, this building was assessed as having negligible bat roost potential.
- Building 3 - The large greenhouse, was assessed as completely unsuitable for roosting bats as it would not provide the necessary climatic conditions. No roosting bats or their field signs were identified. Therefore, this building was assessed as having negligible bat roost potential.
- Building 4 - No roosting bats, or their field signs were identified. As there was no opportunity for roosting bats internally, or externally, this building was assessed as having negligible bat roost potential.
- Building 5 - No roosting bats, or their field signs, were identified. This building was assessed as having negligible bat roost potential.

7.27 The report also confirms that most of the trees within the site boundaries were assessed as having negligible bat roost potential as they did not feature any suitable roosting features for bats. There is one ash tree to the north of the surveyed area, within

the disused railway boundary, that was assessed as having low bat roost potential due to split limbs. These splits were open and exposed and unlikely to support roosting bats.

7.28 The report states that much of the surveyed area provided low quality foraging habitat. It notes that the disused railway line, and mature trees around the Bowling Green, both bordering the site, provide more suitable habitat for foraging and commuting bats. Therefore, the surveyed area was assessed as having moderate suitability for foraging and commuting bats in accordance with the Bat Conservation Trust Good Practice Guidelines.

7.29 The report advises that vegetation within the site boundaries provided ideal habitat for nesting birds. The buildings, particularly Building 1, provided suitable habitat for nesting birds. No disused nests were seen within either habitat and bird activity on the site was low and limited to wood pigeon, carrion crow and blackbird.

7.30 The report advises that the survey work indicated no badger activity on the site and that the site includes limited habitat opportunities for reptiles and small mammals. During the bat emergence survey no bats were seen to emerge from Building 1 on the site and whilst a number of bats were recorded flying over the site, activity levels were very low. Overall, the development will have a low ecological impact as the scheme will develop the large areas of hardstanding on the site. The enhancements and landscaping will mitigate for any losses on site.

7.31 The report sets out a number of recommendations to cover the construction phase and the post occupancy phase of the development to ensure ecological impacts are minimised. In order to provide for ecological enhancement the report makes a number of recommendations, including use of bat and bird bricks within the elevations of the proposed houses and a number of swift boxes, with a plan indicating the most appropriate locations for these. The report also advises that as the site is suitable for hedgehogs, the development plans should include holes within the fence panels at ground level at suitable points along all fence lines and that landscaping measures should comprise locally sourced native species.

7.32 The Council's Ecologist has advised that he agrees with the ecological recommendations made in the PEA report. He notes that it flags up both horsetail and cotoneaster horizontalis from an invasive species perspective - the report recommends these are removed from the site. He has advised that the recommendations for bird and bat boxes integrated in the buildings are good and proportionate, and that he looks forward to seeing the landscaping proposals in a more detail in due course. Conditions addressing these issues are recommended for imposition on any permission granted.

#### Impact on amenity

7.33 The proposal would be built at a relatively high density to reflect the existing built form of the area. However, the density is not as high as neighbouring streets due to the provision of off-street parking spaces and gardens to serve the proposed housing. Generally the housing to the north and south of the site do not benefit from off street parking and have very modest front and rear yards. The approach is considered to be appropriate reflecting the terraced character of the surrounding streets whilst providing additional space for car parking and providing useful external amenity space for future occupiers.

7.34 Neighbouring residents have raised concern that the density is too high and is likely to exacerbate parking problems in the vicinity. However, it is considered that the provision of 58 parking spaces to serve the 40 dwellings - 1 parking space for each of the two bed dwellings and 2 parking spaces for each of the three bedroom - is appropriate and in compliance with the NYCC Highways parking standards. The relatively central location of the site should allow future residents to adopt low levels of car ownership and to make journeys on foot, by cycle or by public transport.

7.35 The layout of the proposed scheme and the siting of the proposed terraces was the subject of discussion with your Officers at pre-application stage. As well as ensuring the terraced character of surrounding streets was reflected in the layout, careful consideration was given to the relationship of the proposed dwellings with the existing neighbours. With regard to the dwellings to the north, on Hibernia Street, the proposed dwellings would be sited a distance of 15.5m from the main rear walls of these properties, whilst the distance between opposing rear elevations between the proposed terrace to the north of Wykeham Street properties would be between 14.4m and 16.0m. Whilst these distances fall short of the usual preferred separation distance of 20m between rear elevations, this is primarily due to the modest nature of the rear yards serving existing dwellings, as the proposed properties have rear gardens of between 8m and 10.8m. To guard against overlooking of neighbouring yards and rear windows it is considered appropriate to require the lower pane of the rear first floor windows serving bedrooms to be fixed and obscure glazed, with the upper pane opening for ventilation. This approach has been adopted previously where new development sits close to existing properties within higher density locations within the urban area. The other terraces proposed, with east and west orientations have greater distances to neighbouring residential properties and therefore no obscure glazing within their windows is considered to be necessary to guard against unacceptable impact from overlooking.

7.36 In terms of light and sunlight, your Officers asked the applicant's architect to demonstrate that a 25 degree rising line could be drawn from a height of 2m above the ground floor of the neighbouring properties on Hibernia Street, and clear the ridges of the proposed dwellings, so as to ensure that any impact on light and sunlight is kept to a reasonable level. The Hibernia Street properties are likely to be the most sensitive to any change given they are sited to the north of the proposed housing. The section drawings demonstrate that a 25 degree rising line can clear the ridge of the proposed neighbouring terrace when drawn close to the rear boundary of the Hibernia Street properties, rather than their ground floor rear windows, which provides additional comfort on this matter. Similarly, a 25 degree line rising from 2m above the ground floor of Wykeham Street properties passes over the roofs of the proposed terrace located on its north side, although in this scenario the situation is not so sensitive as there will be no direct impact on sunlight.

7.37 Whilst it is accepted that some neighbours are concerned that the new development will harm their amenities when compared with the more open nature of the site as existing, the impacts that would arise are considered to be acceptable in order to facilitate an appropriate form of development that reflects the established character of the terraced development within the vicinity of the site.

7.38 Taking a balanced view of matters, it is considered that the scheme proposal can be constructed on the site without unacceptable impact on the amenities of

neighbouring residents, subject to a condition regarding the obscure glazing of lower panes of windows in the north and south facing rear elevations of the proposed dwellings, in accordance with Policy DEC4 of the Local Plan.

## Security

7.39 The Police Designing Out Crime Officer (DOCO) has made a couple of recommendations in relation to additional features within the development to protect against crime and disorder. These include ensuring gates are provided to all private passages and alleys, lighting is provided to the car parking courts and the spaces within the courts allocated to specific properties. It is recommended that a condition be imposed on any permission granted to indicate that the measures recommended by the Police DOCO are to be incorporated into the scheme.

## Drainage

7.40 The redevelopment of the site will result in a similar level of hard surfacing on the site as the existing situation, that needs to be positively drained. The approach recommended by Yorkshire Water has been endorsed by the Council's Drainage Engineer. Subject to ground testing results demonstrating that surface water could not be drained to soakaways, the drainage infrastructure for the site would have to include underground storage of surface water (via a tank or series of oversized pipes) and controls on the rate of discharge of water from these, to ensure that there is a 30% reduction in the current rate of surface water run-off from the site; i.e. that a betterment is secured. This should ensure that the situation is improved within the local drainage system, which reduces the risk of flooding to other properties situated 'downstream' from the application site.

7.41 The LLFA advised late in the application process that it require more information on the drainage design before planning permission is granted. However, given the already developed nature of the site and the similar area of hard surfacing that would exist after redevelopment, the approach advocated by Yorkshire Water and endorsed by the Council's Drainage Engineer is considered appropriate. Therefore, a condition requiring the details of drainage for the site including on-site storage and run-off attenuation features is recommended as a condition of any permission granted.

## Open Space

7.42 Various contributions are required in relation to the Council's Green Space SPD, through the demand that would arise from future residents of the 40 dwellings. The sums amount to a total of just under £55,000, to include money towards local parks and gardens, sports facilities and children's play. In this instance, your Officers consider that it is appropriate to seek contributions towards off-site provision and enhancement given the relatively modest nature of the site. In addition, it is considered more sustainable to invest further in the public space and play equipment already within the vicinity of the site than provide a small and limited amount of open space and play equipment within the site itself. The proposed properties generally have reasonable sized garden areas - particularly when compared to the older housing stock in the area - where play equipment for younger children can be located.

## 8.0 PRE-COMMENCEMENT CONDITIONS

8.1 None proposed, although details of the drainage system and highways to serve the site are required to be submitted and approved in writing before any works to excavate foundations is commenced, thereby allowing demolition and site preparation works to proceed at an early stage.

### POSITIVE & 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 attaching planning conditions which can adequately address such matters.

In addition, the Local Planning Authority sought to ensure that where key infrastructure is needed to comply with relevant planning policies, and this could not be secured by condition, adequate provision shall be provided by means of Section 106 planning obligation(s).

### RECOMMENDATION

That PERMISSION BE GRANTED, subject to the completion of a S.106 Agreement to cover the obligations towards off-site green space (and also primary health care on which the CCG response is awaited) as set out in the report, and the following conditions:

1 List of approved plans to insert.

Reason: For the avoidance of doubt.

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

Reason: In the interest of satisfactory and sustainable drainage.

3 Before any commencement of excavation works in relation to the dwellings hereby approved details of the surface water drainage works to serve the development shall first have been submitted to and approved in writing by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:

a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical

b) evidence of existing positive drainage to public sewer and the current points of connection

c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage in accordance with Policy ENV3 of the Scarborough Borough Local Plan.

- 4 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks in relation to the approved housing on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority:
- a. Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
    - the proposed highway layout including the highway boundary
    - dimensions of any carriageway, cycleway, footway, and verges
    - visibility splays
    - the proposed buildings and site layout, including levels
    - accesses and driveways
    - drainage and sewerage system
    - lining and signing
    - traffic calming measures
    - all types of surfacing (including tactiles), kerbing and edging.
  - b. Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
    - the existing ground level
    - the proposed road channel and centre line levels
    - full details of surface water drainage proposals.
  - c. Full highway construction details including:
    - typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
    - when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
    - kerb and edging construction details
    - typical drainage construction details.
  - d. Details of the method and means of surface water disposal.
  - e. Details of all proposed street lighting.
  - f. Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
  - g. Full working drawings for any structures which affect or form part of the highway network.
  - h. A programme for completing the works. The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority.

INFORMATIVE - In imposing condition number above it is recommended that before a detailed planning submission is made a draft layout is produced for discussion between the applicant, the Local Planning Authority and the Highway

Authority in order to avoid abortive work. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

Reason: In accordance with Policy DEC1 of the Scarborough Borough Local Plan and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

- 5 No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation.

The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the Highway Authority before the first dwelling of the development is occupied.

Reason: In accordance with Policy DEC1 of the Scarborough Borough Local Plan and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

- 6 Before the commencement of any works of construction above foundation level, a schedule of external materials of construction of buildings and 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 the visual appearance of the development and the visual amenity of the locality in accordance with Policy DEC1 of the Scarborough Borough Local Plan.

- 7 Large scale constructional drawings (at a scale of at least 1:10) of the following details shall be submitted to and be approved by the Local Planning Authority and no work shall commence above floor slab level of the dwellings approved in advance of that approval:

- (i) the eaves and verge detailing
- (ii) the string courses
- (iii) the window cills and heads
- (iv) the bay windows and their roof details.

The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual appearance of the development and the visual amenity of the locality in accordance with Policy DEC1 of the Scarborough Borough Local Plan.

- 8 Before the commencement of any works above foundation level, details of the proposed boundary treatment, 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 the visual appearance of the development and the amenity of neighbouring residents in accordance with Policies DEC1 and DEC4 of the Scarborough Borough Local Plan.

- 9 Unless any variation is first approved in writing by the Local Planning Authority, the recommendations set out in Section 5 of the Whitcher Wildlife Ltd Preliminary Ecological Appraisal and Dusk Emergence report ref 190901, dated 24 September 2019, shall be fully complied with and all the identified features for bats, birds and small mammals incorporated into the necessary plots before their first occupation.

Reason: In the interests of the ecology of the site in accordance with Policy ENV5 of the Scarborough Borough Local Plan.

- 10 Notwithstanding the details submitted, all the windows at first floor level within the rear elevations of the terraced properties facing the rear elevations of neighbouring properties on Hibernia Street and Wykeham Street shall be designed and constructed so that it only incorporates an opening casement to its upper half, with the pane in the lower half fixed and fitted with obscure glazing in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. The windows shall be installed in accordance with the approved details and thereafter so maintained.

Reason: To ensure the amenities of residents of neighbouring properties are safeguarded against harmful levels of overlooking in accordance with Policy DEC4 of the Scarborough Borough Local Plan.

- 11 Each new residential property which has a dedicated marked out residential parking space within its curtilage shall include an electrical socket suitable for charging electric vehicles.

Note: The minimum requirement would be a single phase 13 amp socket with an exemption for residential apartments with communal parking areas.

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

- 12 Before any works of construction above eaves level, 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: In the interests of the visual amenity of the development in accordance with Policy DEC1 of the Scarborough Borough Local Plan.

- 13 Before any works of construction above eaves level details of the lighting for the parking courts and footways not forming part of the public highway shall be submitted to the Local Planning Authority for approval in writing. The lighting shall be installed and operational before the first occupation of the dwellings it serves.

Reason: To ensure these areas are suitably lit to discourage crime and create a safe residential environment in accordance with Policy DEC1 of the Scarborough Borough Local Plan.

- 14 Prior to the occupation of any dwelling served by a parking court details of the future management and maintenance of the proposed parking courts and associated pedestrian routes shall be submitted to and approved in writing by the Local Planning Authority. The management and maintenance of these areas shall be carried out in accordance with the approved details at all times thereafter unless revised arrangements are agreed in writing with the Local Planning Authority.

Reason: To ensure the long term maintenance of a high quality and safe residential environment in accordance with Policy DEC1 of the Scarborough Borough Local Plan.

- 15 Prior to the commencement of any works above foundation level, details of the additional or amended details of security measures proposed in response to the recommendations set out in the Police Designing Out Crime Officer's consultation response shall be submitted to and approved in writing by the Local Planning Authority. The approved security measures shall be included within the development prior to first occupation of the dwellings that they relate to.

Reason: To ensure a safe, attractive and accessible residential environment in accordance with Policy DEC1 of the Scarborough Borough Local Plan.

## Notes

- 1 You are advised to discuss the details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site with the Local Highway Authority, in advance of works commencing on the site. These facilities may include the provision of wheel washing facilities where considered necessary and these precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Highway Authority agrees in writing to their withdrawal.

- 2 You are advised to agree a Construction Method Statement for the development in consultation with the Local Highway Authority. The approved Statement should then be adhered to throughout the construction period. The statement should provide for the following:
- a. the parking of vehicles of site operatives and visitors
  - b. loading and unloading of plant and materials
  - c. storage of plant and materials used in constructing the development erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
  - e. wheel washing facilities
  - f. measures to control the emission of dust and dirt during construction
  - g. a scheme for recycling/disposing of waste resulting from demolition and construction works
  - h. HGV routing to avoid.

*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 M P WHITMORE ON 01723 232475 email [Marcus.Whitmore@scarborough.gov.uk](mailto:Marcus.Whitmore@scarborough.gov.uk)



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