

	<b>REPORT TO PLANNING &amp; DEVELOPMENT COMMITTEE</b>  <b>TO BE HELD ON THURSDAY, 7 November 2019</b>	
<b>APPLICATION REFERENCE NO:</b>  <b>19/01374/FLA</b>	<b>TARGET DATE:</b>  <b>24 September 2019</b>	<b>GRID REF:</b>  <b>504698-486595</b>

## REPORT OF THE PLANNING SERVICES MANAGER – PSM/19/219

**SUBJECT: Variation of condition 1 relating to decision reference 18/01640/FLA at 84 - 86 Filey Road Scarborough NORTH YORKSHIRE YO11 3AY for Ms J Lavin**

### 1.0 THE PROPOSAL

1.1 This application seeks to vary Condition 1 (approved plans) of planning permission reference 18/01640/FLA to revise the design of the apartment building. The approved scheme originally consisted of a block of 18 no. apartments, with communal garden and parking, which was subsequently reduced to 16 no. under the previous application (18/01640/FLA). The current application proposes to increase the overall height of the building by 1 metre and reconfigure the internal layout.

1.2 The Applicant has maintained 16 no. apartments within the current scheme, however they now wish to create a fully accessible DDA compliant building suitable for all users and therefore the scheme has been further amended to achieve the required level accesses. There is no alteration to the footprint of the originally approved scheme; however the land level would be adjusted to the entrance foyer to provide better access and an external seating area is proposed to be constructed upon the foyer to serve unit 7 and unit 4 within the scheme.

1.3 The layout internally has been altered to afford more space to the apartments to the front of the building, and consequently the rear units of accommodation have been reduced. The development also proposes a housekeeping/manager suite, communal seating area and a guest suite. In addition the overall height of the building would be 1m higher than previously approved to improve accessibility.

1.4 The building that previously occupied the site has been demolished and the site has been cleared. As noted above, planning permission has already been granted for the site's redevelopment for 16 no. apartments and this application simply deals with the revisions as described above. The site is situated between No 82 Filey Road a semi-detached dwellinghouse and Headland View a block of 15 No. apartments. The land steeply drops beyond the site to the rear where the Chandlers Court and Abrams View properties sit.

## 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 Environmental Services (SBC) - No objection.

Publicity - The initial consultation period expired on 29th July 2019. Two representations have been received in response. A summary of their comments are as follows:

1. The proposed new roof apex is higher than the approved design. Officers should be mindful that the developers have already been approved a scheme for four storeys at the front and five storeys at the rear and now they wish to further increase the height at the expense to the residents surrounding the site.
2. The rear elevation of the new proposal looks monolithic and it is already three storeys higher than the semi-detached house at 82 Filey Road and two storeys higher than 90 Filey Road - is this an appropriate height?
3. Strongly object to making the building higher.
4. The development would alter the Filey Road skyline both in close range and from distance.
5. This part of Scarborough already suffers from large architecturally uninteresting buildings being inserted into a Victorian suburb with plans to build more, for example The Lookout, Hylands and the old sports ground developments.

Officer Note: Further plans were requested to show a 3D visualisation of the development in relation to the neighbouring properties, along with plans that detail the height of the original scheme in comparison to the revision. On receiving the additional plans, your Officers posted site notices to re-advertise this revision. The consultation period ends 31st October 2019 and to date there have been no further comments received.

## 5.0 RELEVANT SITE HISTORY

5.1 2018 Demolition of existing building and construction of 18no unit apartment block with car park and communal garden to the rear

## 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**

**DEC 1** - Principles of Good Design

**DEC 4** - Protection of Amenity

### **National Planning Policy Framework**

**NPPF12** - Achieving well-designed places

### **Scarborough Borough Supplementary Planning Documents**

None relevant

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

None relevant

## **7.0 ASSESSMENT**

7.1 The application seeks to vary condition 1 of permission reference 18/01640/FLA which would result in the substitution of the original plans. In this case, the main consideration concerning this application is whether the proposed amendments are considered an acceptable alternative to the scheme which has received the grant of planning permission.

### **Design**

7.2 Local Plan Policy DEC 1 requires development to meet the principles of good design by demonstrating that the detailed design responds positively to the local context, in terms of its scale, height, layout, materials, colouring, fenestration and architectural detailing. The design of the contemporary apartment scheme has previously been approved and an amendment allowed under reference 18/01640/FLA, to reduce the proposal by 2 no. apartments. The amendment submitted for consideration would see the internal layout altered to provide a communal area and guest suite at ground floor level; a level access to the entrance at ground floor level with a seating area to serve unit 4 and unit 7 and in order to provide a fully accessible building, the overall height of the scheme increased by 1 metre.

7.3 The revisions have therefore resulted in the external appearance of the building being altered; specifically the staggered roof design has now been altered into two sections. The gable frontage height remains as per that originally agreed, however the transition from the gable frontage to the rear section of the building has a stepped

increase of 2.2 metres resulting in the overall height of the building compared with the previously approved scheme increasing by 1 metre. Officers recognise that any increase in height can have a material impact upon the design of a development and its relationship with its surroundings and therefore during the course of the application have requested further information be provided in the form of a 3D visualisation to help assess how this increase has affected the appearance of the development and its relationship with neighbouring properties.

7.4 The front section of the building has not altered in terms of height and the footprint remains as approved. Whilst the increase in the height of the building to the rear section is more obvious with the previously staggered roof having been altered to a more simple two stage design, overall the increase in height would amount to 1 metre. Your Officers feel that the resulting height is the acceptable maximum for this site. The increase in the height of the roof has improved the overall design so that the bay windows to the side elevation and rear balconies appear more proportionate to the roof space. In terms of impact upon the surrounding area, the rear section has always been designed to be larger in scale and was purposefully done in this manner so that the bulk of the development is not readily visible within the street-scene until you are in close proximity to the site, with the existing Filey Road properties screening the development from view. Although the additional height would mean that the roofscape of the development would be more visible from the Filey Road street scene, it is not considered to be such an increase that the development would appear out of context, particularly with the lower, north western section of Filey Road accommodating a number of large scale apartment blocks.

7.5 The increase in height would also be noted to the rear of the site where the Chandlers Court and Abrams View properties sit at a lower level. Notwithstanding this, it is considered that the increase has resulted in a beneficial impact insofar as the design has been improved so that the bay windows now have more verticality and rear balconies appear proportionate. Moreover the apartments at fourth floor level can internally be fully accessible and level units.

7.6 The outdoor seating area provided for unit 4 and unit 7 has not resulted in a design alteration other than an access door leading onto the flat roof section of the entrance foyer.

7.7 On balance, whilst the increase in the overall height of the scheme by 1 metre would inevitably result in the development being more visible in the surrounding area, in particular the larger rear element of the scheme and roofscape, it is considered that the design improvements that can be achieved following the revision both externally to ensure that the bay windows and balconies appear proportionate along with a more simple roof design, and also internally so that the building is fully accessible. It is considered that the amended scheme accords with the principles of good design as set out within Policy DEC 1 of the Scarborough Borough Local Plan.

## Amenity

7.8 Local Plan Policy DEC 4 seeks to protect amenity. Proposals for development should not give rise to unacceptable impacts by means of, amongst other things, overbearing impact; overlooking and loss of privacy and; overshadowing or loss of natural light.

7.9 The fenestration and balconies associated with the scheme have been fully assessed in relation to the original scheme and in real terms the changes now proposed only result in modest changes in this regard. The development is considered to be a sufficient distance from neighbouring properties and orientated such that it would not result in a materially harmful impact in terms of overlooking and loss of privacy. Notwithstanding this, as the Applicant seeks to achieve a fully accessible building this has resulted in the development being raised within the site equating to an additional 1 metre to the overall height of the proposed scheme. The desire to improve accessibility throughout the building is welcomed.

7.10 There were 2 no. representations in objection to the submitted scheme with the increase in height considered to be inappropriate. In terms of impact, the additional 1 metre height and altered roof arrangement as highlighted within sub-section 'design' will inevitably alter the appearance of the building and although it is considered from a design perspective to be an improvement, it does result in the rear element of the scheme being slightly higher and bulkier than approved. However, it is not considered that the addition of 1 metre to the overall height of the development would make the scheme dissimilar in terms of overbearing/overshadowing impact upon neighbouring properties, such that refusal would be warranted.

7.11 Small amenity areas associated with unit 4 and unit 7 are proposed to be positioned on top of the flat roof entrance foyer to the side (South East facing) elevation, given this area can only be accessed via the two aforementioned units, which coupled with their position and size, are not envisaged to be used to a degree that would be materially harmful in terms of noise and disturbance. The seating areas would be positioned opposite the side gable of Headland View Apartments which contains secondary bathroom windows. A condition is proposed to request details of proposed screening measures to be agreed by the LPA and maintained thereafter. The development is therefore considered to accord with the requirements of Policy DEC 4 of the Scarborough Borough Local Plan.

#### Other Matters

7.12 A Section 106 Agreement - that would ensure the commuted sum monies required in relation to the original permission towards Public Open Space - is to be completed by the Applicant for this amended proposal, subject to Members resolving to grant planning permission.

#### 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 specific safeguards need to be put into place. The Local Planning Authority acted proactively by attaching planning conditions which can adequately address such matters and the Applicant shall enter into a S106 legal agreement to comply with the necessary Public Open Space obligations.

## RECOMMENDATION

That PERMISSION BE GRANTED, subject to completion of a Section 106 Agreement for Public Open Space provision and the following conditions:

- 1 Except where modified or superseded by the details submitted as part of this consent, the development hereby approved shall be carried out in accordance with the provisions of planning decision 18/01640/FLA and plans as detailed below:

Site Location Plan (Dwg No. LAV-539-001 01) received 4th June 2019;  
Proposed Location and Block Plan (Dwg No. LAV-539-001 03) received 19th June 2019;  
Proposed Ground Floor (Dwg No. LAV-539-001 100) received 4th June 2019;  
Proposed First Floor (Dwg No. LAV-539-001 101) received 25th June 2019;  
Proposed Second Floor (Dwg No. LAV-539-001 102) received 4th June 2019;  
Proposed Third Floor (Dwg No. LAV-539-001 103) received 4th June 2019;  
Proposed Fourth Floor (Dwg No. LAV-539-001 104) received 4th June 2019;  
Proposed Front and Rear Elevation (Dwg No. LAV-539-001 200) received 9th October 2019;  
Proposed Side Elevations (Dwg No. LAV-539-001 201) received 9th October 2019;  
Proposed Side Elevations (Dwg No. LAV-539-001 202) received 9th October 2019;  
Photomontage received 7th October 2019.

Reason: For the avoidance of doubt.

- 2 No development shall take place until full details of the proposed means of foul and surface water drainage to separate systems along with any necessary surface water attenuation measures have been submitted to and approved by the local planning authority and the details so approved shall be implemented in full before there are any flows into the receiving systems.

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

- 3 Before any works of construction on the site, details of the existing and proposed site levels and the finish floor levels of the proposed buildings shall be submitted and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.

Reason: In the interests of the appearance of the development, the visual amenity of the area and the amenity of nearby residents in accordance with Policy DEC1 and DEC 4 of the Scarborough Borough Local Plan.

- 4 Before the commencement of any works hereby granted 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 appearance of the development and the visual amenity of the surrounding area in accordance with Policy DEC 1 of the Scarborough Borough Local Plan.

- 5 Details of the provision of secure and covered cycle storage and screened bin storage to serve the development shall be submitted and approved in writing by the Local Planning Authority before any works of construction above foundation level of the buildings hereby permitted take place. The approved cycle and bin storage measures shall be provided in accordance with the approved details and therefore so retained.

Reason: To ensure that cycle use is not deterred by the lack of suitable secure cycle storage in the interests of sustainable transport and the general amenity of the development in accordance with Policy DEC 4 of the Scarborough Borough Local Plan.

- 6 Before any works of construction above foundation level of the building hereby approved the crime prevention measures to be incorporated into the development shall be submitted to and be approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of the security of future residents of the development and the amenity of nearby residents in accordance with Policy DEC 4 of the Scarborough Borough Local Plan.

- 7 Prior to any works of construction above foundation of the buildings hereby approved, details of the proposed boundary treatment to the site, including a schedule of materials, and details of the size and species of any hedging, shall be submitted for approval in writing by the Local Planning Authority. The details so approved shall be implemented in full before the associated development is first occupied or in the first available planting season following occupation unless any variation is first agreed in writing by the Local Planning Authority.

Reason: In the interests of the general amenity of the development and that of the area in which it is set in accordance with Policy DEC 1 and Dec 4 of the Scarborough Borough Local Plan.

- 8 Before any development is commenced above foundation 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 of species, heights on planting and positions of all trees, together with details of post planting maintenance. Such scheme so 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 the development is commences or longer as may be agreed in writing by the local planning authority. All trees, shrubs and bushes shall be maintained by the owner/owner(s) 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 any losses shall be made good as and when necessary.

Reason: In the interests of the appearance of the development, the visual amenity of the area and the amenity of nearby residents in accordance with Policy DEC1 and DEC 4 of the Scarborough Borough Local Plan.

- 9 Prior to the first occupation of the flats hereby approved, detailed screening measures to be used for the seating areas associated with unit 4 and unit 7 positioned to the side (south east facing) elevation shall be submitted to and approved in writing by the Local Planning Authority and the agreed scheme shall be implemented in full prior to the first occupation of flats and thereafter so maintained.

Informative: Once the construction works allow for a detailed site inspection of the flats and balconies please contact the Case Officer to arrange a site visit to enable an assessment to be made of the screening measures that are required to limit overlooking of neighbouring property.

Reason: In the interests of the residential amenity of future occupiers of the development and the occupiers of neighbouring property in accordance with the requirements of DEC 4 of the adopted 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 MRS AMY HARRAP ON 01723 232479 email [amy.harrap@scarborough.gov.uk](mailto:amy.harrap@scarborough.gov.uk)



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