

	REPORT TO PLANNING & DEVELOPMENT COMMITTEE TO BE HELD ON THURSDAY 31 JANUARY 2008	
APPLICATION REFERENCE NO: 07/02679/FL	TARGET DATE: 25.01.08	GRID REF: 504474 - 488282

REPORT OF THE HEAD OF PLANNING SERVICES - HPIg/08/31

SUBJECT: A four storey building comprising 6 apartments with car parking, Rear Of Broomfield Terrace, Whitby for Mr T Bell

1.0 THE PROPOSAL

1.1 This application refers to a proposal for a three storey building to provide 6 two-bedroomed apartments with undercroft parking for six cars. The site is located at the rear of Broomfield Terrace in a position between an electricity substation and an area of land which in 2003 was granted planning permission for 10 dwellinghouses and 4 flats. The site has the benefit of an outline planning permission for residential development granted in September 2005.

1.2 The application is supported by a Design and Access Statement extracts from which are quoted below:-

“The site is located immediately to the south of Broomfield Terrace which is a substantial four storey building faced in a whitish brick with stone detailing facing principally onto Bagdale. The rear of Broomfield Terrace is finished in a reddish brown brick with brick heads, stone sills and a slate roof.

The proposal is for 6 small two bedroomed apartments. The apartments extend from about 500ft² to 700ft² and they are intended as relatively low cost accommodation which should have a relatively wide appeal for young couples through to older couples looking possibly to down size but keeping close to all amenities, single people of all age group and possibly also as holiday accommodation for both short and long stays, so the appeal would be fairly wide. Obviously the location is not the best in Whitby, with an outlook to the north principally over the rather dominate Broomfield Terrace, although possibly with some oblique views towards the sea and the harbour at the upper levels. To the south the building is very much looking into the hillside.

The site is located within a conservation area where the vast majority of buildings are traditional in form. It therefore seemed appropriate that a building on the site should be developed in a traditional form using features found throughout this part of Whitby, namely

- 1 The use of a traditional brick with stone detailing
- 2 A relatively steep pitched slate roof incorporating some accommodation.
- 3 A traditional stone surround to the entrance porch. Traditional profile gutters and downpipes.
- 4 Stone tabling to the verges.

Whilst the apartments themselves are entered a storey above the car park level it is envisaged that the building will still read correctly, as the car parking area will very much be in shadow, forming a dark plinth finished with the black steel support and handrail, forming a natural plinth reinforced with traditionally finished and matching boundary walls.

It is generally envisaged that soft landscape will be introduced in as many locations as possible round the development to soften it and blend it in with the environment. This landscaping will generally be in the form of low maintenance shrubs giving sculpture form and colour throughout the year with climbers onto the boundary walls, particularly ivies, which again will soften and blend in the development, together with a number of strategically located garden trees designed not to be over dominant in the future.

The hard landscaping is formed by the brick boundary walls which will form a plinth to the main building and be formed in a similar material and incorporating stone copings and railings where appropriate. Paving will generally be in natural stone to a random pattern and the turning and parking areas are envisaged in Marshalls Tegular Setts incorporating traditional features such as channel courses and stone coloured demarcation to the parking areas.

As regards neighbours the main impact of the development is inevitably towards the rear elevation of Broomfield Terrace. The depth of the yard areas to Broomfield Terrace is approximately 7.5m with a 3.5m highway and the proposed development is set back approximately 9m from the highway, giving a total distance between the buildings of 20m, which seems a reasonable distance within the conservation area. It also seems unlikely that significant overshadowing would occur caused by the new building, as the angle between the ridge of the roof and the ground floor windows of Broomfield Terrace is at an angle of approximately 25° which will be lower than the angle of the sun even in the winter from this direction. There are also only 2 windows at ground floor level in Broomfield Terrace looking out towards the development, as there is a significant 1.5 storey rear extension on this section of the building.”

- 1.3 The application is also supported by the following documents:-
- A Flood Risk Assessment and Drainage Statement
 - An arboricultural survey

- A landscaping statement and planting scheme
- A desktop geo-technical and ground contamination risk assessment.

2.0 PRE-APPLICATION COMMUNITY ENGAGEMENT

2.1 None

3.0 CONSULTATIONS AND COMMENTS

3.1 Whitby Town Council – “Recommend approval”

3.2 Highway Authority (North Yorkshire County Council) – Recommend that conditions be imposed on any permission concerning the specification of the access to the highway and provision of car parking as shown on the submitted plans.

3.3 Yorkshire Water – Recommend that conditions be imposed requiring future submission of details of foul and surface water drainage and the safeguarding of the main sewer which crosses the site.

3.4 Environment Agency – Observations awaited

3.5 Whitby Civic Society – “We are pleased to give our overall support to this application. The concept of an apartment block of six small apartments in the form of Georgian style house is a rather pleasant way of dealing with this awkward site. It certainly seems very appropriate to extend, round the back of Broomfield Terrace, the Georgian Whitby of only a short distance away from Bagdale. Any attempt to design a building that would in some way match the Victorian back of Broomfield Terrace is obviously a non-starter. The proposed way of dealing with the sloping site by means of successive terraces is a good solution and the use of the lowest level of the building on the access road to provide undercroft parking is a very welcome feature.

The Arboricultural Survey of the development site appears to have been done very thoroughly. We assume that some of the conditions attached to the former Outline Planning Permission will also be imposed. In particular the requirement regarding the carrying out of a geotechnical survey of the stability not only of the land directly involved but also of the neighbouring areas is clearly essential. The situation regarding the land above the proposed development is clearly very important. The survey must include the detection of all springs (likely to be numerous) and proposals will need to be made for dealing with these.”

3.6 Publicity - The consultation period expired on 28 December 2007. No responses were received.

4.0 RELEVANT SITE HISTORY

4.1 1997 - Planning permission granted for change of use of land from garden to vehicle parking area (4/35/350/PA).

- 4.2 1977 - Planning permission granted for six lock-up garages (4/35/350A/PA).
- 4.3 1980 - Planning permission refused for change of use of garden to car park with new vehicular access (4/35/350B/PA).
- 4.4 2005 Outline planning permission granted for residential development (05/01545/OL)

5.0 PLANNING POLICY

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 54A of The Town and Country Planning Act 1990 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. Attention is drawn to the following Planning Policy Guidance which is considered to be particularly relevant to the consideration of this application:-

Scarborough Borough Local Plan (saved policies)

Policy H3 Small scale/Infill Housing Development within the Development Limits of Settlements

Policy H10 Protection of Residential Amenity

Planning Policy Guidance

PPG15 Planning and the Historic Environment

Planning Policy Statements

PPS3 Housing

PPS25 Planning and Flood Risk

6.0 ASSESSMENT

- 6.1 This is a "brown field" site close to the town centre and is, accordingly, suitably for residential development in terms of the Government advice contained in PPS3 (Housing).
- 6.2 Policy H3 of the Local Plan sets out the following criteria against which this application should be assessed:-
 - (A) The scale, character and appearance of the development should respect the character and physical forms of its surrounds;
 - (B) The vehicular access and services should have the capacity to serve the proposed level of development.
 - (C) The development should not result in the loss of important public views, public or private open space, landscaped areas, recreational land, and gaps in built up frontages which positively contribute to the character and appearance of the area; and

- (D) The development should not harm the amenities of nearby residents as a result of overlooking or an overbearing effect on existing property caused by the relationship of new and existing buildings, or disturbance from vehicular movement.
- 6.3 In addition as the site lies within the Whitby Conservation Area it is necessary that the development should be such as to preserve or enhance its character.
- 6.4 **Scale, character and appearance**
With three storeys of apartments above ground level parking and with living accommodation in the roofspace this is a substantial building and your officers pre-application advice was that the scheme would be more acceptable if reduced in height by one storey. However, there have been no objections to the scale of the proposed development from local residents and there is an existing unimplemented permission to develop the hillside to the east of the site with two and three storey housing which will have a significant impact on the setting of this site. The design details and materials proposed for the building are considered to be appropriate and sympathetic to the traditional Georgian and Victorian character of Bagdale properties and will enhance the backland site which is dominated by the drab and unappealing rear elevation of Broomfield Terrace. The landscaping scheme submitted will serve to soften the appearance of retaining walls and the street frontage of the development.
- 6.5 **Vehicular access and services**
Vehicular access via the narrow service road to the rear of Broomfield Terrace is restricted but was considered to be acceptable to the Highway Authority at the outline application stage. This detailed application makes provision for on-site car parking on the basis of one space per apartment and there is also a covered cycle store included in the scheme. There are no problems related to public utility services.
- 6.6 **Loss of public views, open space, etc**
This site does not feature prominently in any public views and its current overgrown and untidy condition does not make a positive contribution to the townscape of this part of Whitby.
- 6.7 **Impact on the amenities of neighbouring residents**
The proposed development will inevitably have an effect on the outlook from the rears of the existing properties in Broomfield Terrace several of which have been converted into flats. However there is a separation distance of over 21 metres between the existing properties and the proposed building which should be adequate to provide reasonable standards of privacy. In addition the internal layouts of the proposed apartments allow for bedrooms on the north side of the building facing Broomfield Terrace with living rooms on the south side looking on to the hillside.

7.0 CONCLUSION

- 7.1 The development proposed is of a scale and character that is acceptable in the context of the policies in the Scarborough Borough Local Plan and relevant government planning guidance.

8.0 RECOMMENDATION

- 8.1 That **PERMISSION BE GRANTED**, subject to the following conditions:-

- 1 Before the commencement of the development above foundation level, a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and be approved in writing by the Local Planning Authority. Samples shall be provided as may be required by the Local Planning Authority of the materials in the schedule and the use of such samples shall be approved in writing by the Local Planning Authority, and the development shall be carried out in these unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interest of visual amenity to accord with Policy H3 of the adopted Scarborough Borough Local Plan.

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

Reason - In the interest of visual amenity to accord with Policy H3 of the adopted Scarborough Borough Local Plan.

- 3 The guttering to the development hereby permitted shall be coloured black and fixed to the external walls by means of gutter spikes and no fascia boarding shall be used unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interest of visual amenity to accord with Policy H3 of the adopted Scarborough Borough Local Plan.

- 4 Details of the sliding sash timber window frames to be utilised in the development hereby permitted, including samples if so required, shall be submitted to and be approved in writing by the Local Planning Authority. Such details shall indicate, at a scale of not less than 1:20, the longitudinal and cross-sectional detailing, cill and lintol detailing, and means of opening. The window frames shall be installed in accordance with the approved details and thereafter so maintained.

Reason - In the interest of visual amenity to accord with Policy H3 of the

adopted Scarborough Borough Local Plan.

- 5 All new window frames, glazing bars and external door frames shall be of timber construction, white painted and thereafter so maintained.

Reason - In the interest of visual amenity to accord with Policy H3 of the adopted Scarborough Borough Local Plan.

- 6 The scheme of landscaping and tree planting shown on Drawing Reference no SF/1344/LL01 received by the Local Planning Authority on 16 November 2007 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 Policy H3 of the adopted Scarborough Borough Local Plan.

- 7 The areas shown on the approved layout plan to be used for the provision of car parking and access shall be surfaced with concrete blocks, samples of which shall be approved by the Local Planning Authority prior to the occupation of the apartments.

Reason - In the interest of visual amenity to accord with Policy H3 of the adopted Scarborough Borough Local Plan.

- 8 Details of the precautions to be taken to prevent the deposit of mud on public highways by vehicles travelling from the site shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before the development commences on the site and be kept available and in full working order until such time as the Local Planning Authority agrees in writing to their withdrawal.

Reason - To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

- 9 Prior to the commencement of any other part of the development hereby permitted, the access to the site shall be laid out and constructed in accordance with the following requirements:-

- (i) The access shall be formed with 6 metre radius kerbs, to give a minimum carriageway width of 4.5 metres, and that part of the

access road extending 10 metres into the site shall be constructed in accordance with Standard Detail Number E9A and the Specification of the Local Highway Authority.

- (ii) Any gates, barriers or other means of enclosure shall be erected a minimum distance of 10 metres back from the carriageway of the existing highway and shall open into the site.
- (iii) That part of the access extending 10 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 10.
- (iv) Provision shall be made to prevent surface water from the site discharging onto the existing highway in accordance with the Specification of the Local Highway Authority.

Note:

The applicant should be advised that prior to any works commencing, permission is required from North Yorkshire County Council as the Local Highway Authority for all works within the public highway. The applicant should contact Highways North Yorkshire, Area 3 – Whitby Office, The Garth, White Leys Estate, Whitby, N. Yorks, YO21 3PD. Tel: 0845 3669 503, which will provide the detailed constructional specification, list of approved contractors, forms etc, referred to in the Condition on their Planning Approval.

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.

- 10 Prior to the commencement of the development hereby permitted visibility splays providing clear visibility of 2 x 11 metres measured down the centre line of the access road and the nearside channel line of the major road shall be provided at the junction of the access road with the county highway. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason - In the interests of road safety to provide for drivers of vehicles using the access road to the site and the public highway with a standard of inter-visibility commensurate with the vehicular traffic flows and road conditions.

Note: The drawing attached does not meet the recommendation.

- 11 Prior to the occupation of the apartments the vehicular access, parking and turning facilities shall be formed in accordance with the submitted drawing [Reference f1]. 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.

- 12 Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 4 metres either side of the centre line of the main/sewer, which crosses the site.

Reason – In order to allow sufficient access for maintenance and repair work at all times.

- 13 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.

- 14 There shall be no site clearance, excavation or depositing of material in connection with the construction of the buildings or other works until proposals have been submitted to the and approved in writing by the Local Planning Authority for the provision of:-

- On-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
- On-site materials storage area capable of accommodating all materials required for the operation of the site.

The approved areas shall be kept available for use at all times that construction works are in operation. No vehicles associated with on-site construction shall be parked on the public highway or outside the application site.

Reason – In the interests of the residential amenities of the area and the safety and convenience of road users.

- 15 Prior to any development taking place, a slope stability report prepared by a suitably qualified person experienced in geotechnical matters shall be submitted to the Local Planning Authority to demonstrate to its satisfaction that there is no risk to the proposed development from land instability and that the proposed development will not result in instability of neighbouring land. In carrying out the development any recommendations for remedial, preventative or precautionary measures contained in the approved report shall be implemented to the satisfaction of the Local Planning Authority.

Reason - In order to satisfy the Local Planning Authority that the development will not adversely affect the stability of the site and neighbours property.



Head of Planning Services

Background Papers:

Those documents referred to in this report.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT David Green ON 01723 232584 e-mail david.green@scarborough.gov.uk