

SCARBOROUGH BOROUGH COUNCIL

Town Hall
Scarborough
YO11 2HG

Date 30 March 2021

To: Members of the Planning and Development Committee

Dear Councillor,

Planning & Development Committee - Thursday, 8 April 2021

Please find attached the following reports which were not available when the agenda was circulated:

5. PLANNING APPLICATION & LISTED BUILDING CONSENT - (20/02615/LB & 20/02610/FL) VILLA ESPLANADE, ESPLANADE, SCARBOROUGH 21/57 & 21/58 (Pages 1 - 12)

To consider a planning application for change of Use of C1 Hotel and part of restaurant and bar to 26 self-contained apartments and listed building consent for conversion of hotel and part of restaurant and bar to 26 bedroom self contained apartments for Wright Investments

REPORT ATTACHED

[View Plans and Documents](#) – Listed Building Consent

[View Plans and Documents](#) – Planning Application

7. PLANNING APPLICATION - (20/02231/RM) LAND ADJACENT TO ASHLAR DRIVE, EASTFIELD, SCARBOROUGH 21/62 (Pages 13 - 24)

To consider a planning application for reserved matters approval in relation to the Access, Appearance, Landscaping, Layout and Scale for 94 dwellings approved in outline under decision reference 11/01914/OL for Keepmoat Homes

REPORT ATTACHED

[View Plans and Documents](#)


Yours sincerely

St John Harris

St John Harris
Democratic Services Manager

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- 1.
- 2.

	REPORT TO PLANNING & DEVELOPMENT COMMITTEE TO BE HELD ON THURSDAY, 8 April 2021	
APPLICATION REFERENCE NO: 20/02610/FL & 20/02615/LB	TARGET DATE: 9 March 2021	GRID REF: 504321-487838

REPORT OF THE PLANNING SERVICES MANAGER – PSM/21/58&57

SUBJECT: Change of Use of C1 Hotel and part of restaurant and bar to 26 self-contained apartments at Villa Esplanade Esplanade Scarborough North Yorkshire YO11 2AF for Wright Investments (C WRIGHT)

1.0 THE PROPOSAL

1.1 This proposal seeks to convert the former holiday accommodation to 28no self-contained residential units. The scheme is divided into three planning applications. A scheme for 26no units, together with a listed building application for the property as a whole and the conversion of El Gringos restaurant to create a further 2no apartments. Consideration in this report is given to the conversion scheme of the former hotel, together with a listed building application. The proposal to convert the restaurant (known as El Gringos) into 2no apartments is to be dealt with under the Scheme of Delegation to Officers.

1.2 In the former hotel it is proposed to create a mix of apartment designs and sizes and this would include a shared laundry room, together with a gymnasium and changing facilities within the basement. The property has an existing car park, accessed from St Martin's Avenue.

1.3 The Grade II detached property (formerly separate dwellings) is understood to have been linked together to create the Villa Esplanade Hotel and is noted to be of special architectural or historic interest. The listed description from 1973 reads:

'Circa 1840-50 gothicised stucco villa. Asymmetrical two storeys and attics. Gables with bargeboards and finials. Canted and rectangular two storey bay windows with mullioned lights, panelled parapets. Gabled dormers. On the south front a square five storey tower with pyramid slate roof and circular stair turret on second floor to corner, its two light narrow round headed windows divided by colonettes. Some of other windows have drip moulds. Some later additions. Canted bay on south front has iron first floor balcony. Picturesque.

Nos 1 to 19 (consec), the Villa Esplanade Hotel, Nos 20 to 29 (consec) with the Esplanade Hotel, Belmont Road, and the Prince of Wales Hotel, Prince of Wales Terrace, all form a group.'

1.4 The detailed Heritage Statement that accompanies this proposal examines all aspects of the property, taking account of the heritage features that remain and recording changes that have occurred throughout the years. Currently, the basement is arranged as a nightclub with a games room, toilets and storage spaces. At ground floor level, El Gringos restaurant occupies half of the ground floor on the seaward (easterly) facing elevation with 5no apartments laid out on the remainder of the floor. The upper floors follow a similar pattern of sub-division into apartments for which there is no planning or listed building consents in place.

1.5 The current project includes making a number of external alterations. These include the removal of unsightly additions that have a negative effect upon the building and their replacement / repair where appropriate with materials that provide cosmetic enhancements to the building.

1.6 To the Albion Road elevation, it is proposed to remove an early-to-mid 20th century porch of a timber construction that is in a poor state of repair. To the Esplanade frontage the improvements would see a modern window replaced with a four panelled door with a fanlight over. Metal framed windows are to be removed and replaced with traditional timber six over six sash units.

1.7 To the St Martin's Avenue elevation it is proposed to remove the fire escape and hotel lobby (formerly the hotel's reception), infill a window opening to the restaurant entrance and introduce a glazed balustrade set behind existing railings and a parapet wall to enhance the terrace. On Oliver Street the existing non-original entrance door is to be replaced with a four panelled door.

1.8 A window repair schedule is provided and aims to deal with the condition of defective fabric and re-painting. Metal framed windows are to be replaced with appropriate timber, single glazed, sash units. The existing render, together with decorative motifs require repair and a comprehensive scheme of works is proposed to the rendered areas. It is noted that some of the building has suffered from a lack of ventilation resulting in mould / damp inside the building. It is proposed to add colour coded airbricks to match the rendered finish where required and the Ventrrolla system for restoring existing windows is to be used.

1.9 To the grounds of the building it is proposed to excavate an element of the banking and provide a contemporary glass balustrade. The current mix of timber decking and brick paviours are to be replaced with natural Yorkshire stone paving, with railings of a traditional design to be reinstated and a section of hedging removed.

1.10 Internally, it is necessary to make alterations to accommodate the conversion works. Throughout the building it is proposed to create a mix of one, two and three bedroomed apartments. Alterations to the basement and ground floor levels would principally involve creating duplex apartments with en-suite facilities and bedroom(s) within the basement. A residents' laundry and gymnasium with changing facilities are also proposed within the lower ground floor. On the upper floors use is made of existing features and staircases, shaping the design of the apartments to limit the need for extensive alterations.

1.11 The submitted heritage statement provides a detailed account of the building and its features including information in relation to a recent find of historic wallpaper. Within

the ground floor corner property (Oliver Street / St Martins Avenue) the decorative plasterwork is safeguarded as part of the proposals. The existing lift is to be retained and refurbished.

1.12 The listed building is situated within the conservation area and considered to be of high townscape merit. The property also has a group value with nearby historic buildings.

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 - No objections.

4.2 Environmental Health - Express concern that there could be impacts on residential amenity from existing and proposed commercial activities surrounding the development. It is recommended that a suitably qualified consultant is engaged to identify the measures necessary to protect the amenity of future residents from surrounding uses.

4.3 Conservation Officer - Supports the proposal to restore the host listed building to allow for the conversion to residential apartments and recommends a number of conditions be attached to the grant of any listed building consent. "Having considered this assessment, I agree with much of the Heritage Statement's sentiment, with the Architectural and Historic interest substantially present in the original design (inside and out) and subsequent early changes in the building fabric. I also agree with the statement that the surviving 19th century internal plasterwork and stained glass help to add to the building's significance and even provide a layer of artistic interest". The buildings in question were originally designed and built as residential apartments and whilst the new scheme would introduce a greater number of units than previously present, I consider this solution to be the optimum viable use of the designated heritage asset."

4.4 NHS North Yorkshire CCG - Consider that this development would result in an impact on patient population due to an increase in dwellings. Based on the number of homes and the estimated increase in the population of 39 the contribution is calculated to be £6,773.

4.5 NYCC (Education) - An assessment of need for developer contributions towards schools has been carried out with regard to this proposal and no monies towards the provision of education are required in this case.

4.6 Publicity - Consultation period expired on the 23 February 2021. A comment in support of the proposal has also been received, which includes the following points:

1. This building is falling into despair and gradually becoming an eyesore.
2. I like the appearance of the planned development and feel that residential use is probably the only realistic future for the building.
3. This development will attract additional vehicles and currently there are 12no on-site parking spaces. However I would not want the application to fail on the issue of parking. To minimise parking impact I would like to suggest the following planning conditions (a) that on-site parking spaces are to be for communal use, rather than allocated to individual dwellings; and (b) that, when available, on-site spaces must be used by occupants in preference to on-street parking.

5.0 RELEVANT SITE HISTORY

5.1 2020 - Planning and listed building applications for conversion to 26no apartments withdrawn.

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 2** - Electric Vehicle Charging Points
- DEC 3** - The Efficient Use of Land and Buildings
- DEC 4** - Protection of Amenity
- DEC 5** - The Historic and Built Environment
- TOU 3** - Change of Use of Visitor Accommodation

National Planning Policy Framework

NPPF16 - Conserving and enhancing the historic environment

Scarborough Borough Supplementary Planning Documents

Green Space (Adopted November 2014)

Local Planning Policy and Guidance

Guidance Note on Flat Conversions

7.0 ASSESSMENT

7.1 Key points for consideration for the planning and listed building consent applications are:

- The Heritage Asset and the Conservation Area
- The Tourism Market
- Residential Amenity
- Parking
- Planning Obligations.

The Heritage Asset and the Conservation Area

7.2 Currently the Grade II property, apart from the restaurant, is disused and has been for some time. As such, it has a run-down appearance with a negative impact upon the Esplanade, St Martin's Avenue and Oliver Street. The main consideration in relation to considering whether or not to grant consent is the impact of the proposals on the listed building itself, as a designated heritage asset.

7.3 In determining the listed building consent application the LPA needs to take account of its statutory duty under S.16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Guidance in Section 16 of the NPPF sets out advice on the conservation of the historic environment and includes a number of paragraphs against which the proposals need to be assessed.

7.4 In terms of the considerations relating to the planning application, the LPA has a duty under S.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a listed building or its setting, or any features of special architectural or historic interest which it possesses. In addition, Policy DEC5 of the Local Plan requires that proposals affecting a designated heritage asset should conserve those elements that contribute to its significance and states that harm to such elements will only be permitted where this is outweighed by the public benefits of the proposals.

7.5 The property has undergone numerous changes throughout its history with amalgamation works to create the hotel taking place during the 20th century. However, the original villa retains many of its original characteristics along with the exterior appearance of a three house terrace facing on to St Martin's Avenue and Oliver Street. This proposal would seek to replace unsympathetic alterations with traditional features. For example, original metal work is to be repaired, metal framed windows are to be replaced with traditional timber sashes and where needed existing windows renovated using the 'Ventrolla' sash window system. A number of changes are also proposed to the property that would look to enhance its appearance including the use of frameless glass balustrading and the removal of unsympathetic alterations, including a porch on the north facing elevation.

7.6 The Conservation Officer is supportive of the restoration of the host listed building to allow for the conversion to apartments. The buildings in question were originally

residential dwellings and whilst this scheme proposes a greater number of units than are currently present, this proposal is considered to be a solution to ensure optimum viability of the designated heritage asset.

7.7 The Heritage Statement refers to the surviving internal and external features of notable historic interest within the various sections of the building and it is considered that the surviving 19th century internal plasterwork, the stained glass and the surviving wallpaper are unique and important to the understanding of high status interior design during that period, and contribute to the wider artist and cultural interest of the listed building.

7.8 Externally, the proposal to remove unsightly later additions to the building and introduce natural Yorkshire stone paving in place of timber and brick paviors is welcomed, together with the reinstatement of black vertical railings. The use of contemporary glazed balustrading is not considered to detract from the heritage asset in accordance with Section 16 of the NPPF and Policy DEC5 of the Scarborough Borough Local Plan.

The Tourism Market

7.9 Policy TOU3 considers the change of use of hotels and guest houses to other uses. The policy allows for a change of use where the demand for the type of accommodation is being met in the locality, or where it can be demonstrated that the use is no longer financially viable.

7.10 The Villa Esplanade has not been in successful commercial use in recent years and during that time the building has been actively marketed for sale. Unfortunately, whilst it has remained on the market the condition of the building has deteriorated to the detriment of the conservation area. This application provides an opportunity to see the building brought back into viable use and there is no evidence to suggest that the conversion of the building would have a detrimental effect upon the availability of holiday accommodation currently on offer within the South Cliff area. The proposal is therefore considered to satisfactorily accord with Policy TOU3.

Residential Amenity

7.11 Environmental Services has expressed concern that the commercial uses within the building may be retained and this could cause noise to the residential apartments. It is proposed to add a condition to any grant of planning and listed building consent requiring an acoustic report to be provided to inform Environmental Services and the Conservation Officer how the ceilings / walls can be adequately insulated prior to occupation without causing harm to existing heritage features present within the building.

7.12 A residential scheme of this scale requires adequate refuse storage provision and to ensure that this is dealt with appropriately and without harm to the appearance of the building details are to be required by way of a condition.

7.13 Subject to the conditions in respect of the above, it is considered that the development can be undertaken without material harm to the residential amenity of

future occupiers of the proposed apartments or the occupiers of surrounding properties in accordance with Policy DEC4 of the Local Plan.

Parking

7.14 In the comments received it has been noted that there would not be sufficient off-street parking for the number of apartments. The Highway Authority has confirmed that there are no highway implications with regard to this application. The existing car park could not easily be enlarged and the surrounding highway network has coped previously with parking requirements.

7.15 Local Plan policy requires the provision of electric vehicle charging points where dedicated parking spaces are to be provided. A condition to this effect is proposed.

Planning Obligations

7.16 A unilateral undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 has been drafted for 28no apartments and includes for the purposes of the financial contributions the 2no apartment scheme for the restaurant area, yet to be determined under the Scheme of Delegation to Officers. The unilateral undertaking requires the payment of a contribution calculated by reference to the Green Space SPD and the figure provided by the NHS North Yorkshire CCG. The contributions are to be paid to the Council on or before the commencement of development and covers two elements: a contribution of £26,904.82 to be paid towards the improvements of existing parks and gardens and a GP contribution of £6,773.

7.17 As the proposal benefits from vacant building credit there is no requirement for the on-site provision of affordable housing.

8.0 PRE-COMMENCEMENT CONDITIONS

8.1 There are no pre-commencement conditions recommended.

9.0 CONCLUSION

9.1 It is considered that the creation of 26no self-contained apartments at the Villa Esplanade with associated resident facilities is a positive proposal for the empty property. Policy DEC3 supports the subdivision of buildings for residential use, subject to the proposals according to other policies. The conversion and alterations proposed to the former hotel have been given due consideration and are considered to satisfactorily accord with development plan policies, subject to the use of conditions in relation to the preservation or enhancement of the heritage asset and the protection of amenity for future occupiers.

POSITIVE AND PROACTIVE STATEMENT

The proposed development as submitted is in principle acceptable, but there are certain aspects where additional details need to be agreed and implemented and/or specific safeguards need to be put into place. The Local Planning Authority acted proactively by 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 a Section 106 Agreement being entered into to cover the matters set out in this report, and the following condition(s):

Listed Building Consent - Ref: 20/02615/LB

- 1 The development hereby granted shall be carried out in strict accordance with the following details, unless any amendment is first approved by the Local Planning Authority:

Drwg. Nos: 101, 102A, 103A, 104, 105A, 106, 107A, 108D, 109, 110A received on the 24 November 2020.

Reason: For the avoidance of doubt.

- 2 Prior to the commencement of any of the external works hereby permitted, full details of the following landscaping and boundary details shall be submitted to and approved in writing by the Local Planning Authority and shall be fully completed in accordance with the discharged details within 3 months of the first new residential apartment being sold or occupied.

A section drawing showing the extent of the excavation of land facing onto Albion Street to be undertaken.

Full details of the source and type of stone to be used for the paving of all external areas, including samples to be made available on site.

Reason: To ensure that the final finish of the external landscaping complements the setting of the designated heritage asset in accordance with the National Planning Policy Framework.

- 3 Notwithstanding Condition 1 of the development hereby permitted, prior to the commencement of any repair work to the motifs or application of any new render work elsewhere on the building, full details of the following shall be submitted to and agreed in writing by the Local Planning Authority.

a) Extent and method of repair of all external stucco motifs.

b) Full details of the render type, mix, together with a statement to provide justification that the chosen mix is compatible with the historic building fabric on which it is to be applied.

c) Colour of all external finishes and paint type, the latter to be compatible with the chosen render type.

Note: In reference to b), many render products claim to be 'breathable'. The Local Planning Authority require confirmation that any new render would be capillary active to ensure moisture is allowed to enter and exit the fabric.

Reason: The use of silicone render has the potential to cause significant long-term adverse effect on the breathability of the historic building and the Local Planning Authority require justification for the chosen render mix to ensure the special architectural and historic interest of the designated building is preserved in accordance with Policy DEC5 of the Scarborough Borough Local Plan and guidance in the National Planning Policy Framework.

- 4 Notwithstanding the submitted details, prior to the introduction of any new airbricks, full details of the specification of airbricks to be used including the specific location of all the airbrick and numbers required shall be submitted to and approved in writing by the Local Planning Authority. The airbricks shall then be installed in accordance with the approved details.

Reason: In the interest of preserving the special architectural and historic interest of the building in accordance with Policy DEC5 of the Scarborough Borough Local Plan and guidance in the National Planning Policy Framework.

- 5 Prior to the commencement of any repairs or new internal plasterwork the following information shall be submitted to and agreed in writing by the Local Planning Authority and the works shall be carried out in strict accordance with the approved details.

a) Full details of the schedule of the proposed repair to all decorative cornice work and central roses, the method of repair to be used, and the chosen plaster mix. The latter to be a mix consistent with that used for the historic plasterwork features.

b) Full details of the plaster mix to be used for all repair and new skims on all historic walls. The chosen mix shall be consistent in terms of material to the historic plaster present in the building.

Reason: In the interest of preserving the special architectural and historic interest of the listed building in accordance with Policy DEC5 of the Scarborough Borough Local Plan and guidance in the National Planning Policy Framework.

- 6 Prior to the works commencing to any part of the building facing onto Oliver Street and St Martins Avenue the following details shall be submitted to and agreed in writing by the Local Planning Authority.

a) The surviving historic wallpaper sited in the electronic conduit shall be fully recorded by a suitably qualified conservation wallpaper specialist.

The recording shall detail the extent of the survival, the age, artistic merit and overall heritage significance of the wallpaper.

b) The proposed conservation measures to be implemented to mitigate against any harm to the wallpaper to be caused by the restoration works. Once discharged, these measures shall be carried out in full prior to the commencement of any works to alter the wallpaper or the fabric on which it relates.

c) The proposed method of archiving of the details / samples of the wallpaper. Once discharged this shall be fully implemented in accordance with the submitted recommendations.

Reason: Wallpaper from this period is extremely rare and understanding the features artistic and cultural values would make a positive contribution to preserving and enhancing the host building's special architectural and historic interest in accordance with Policy DEC5 of the Scarborough Borough Local Plan and guidance in the National Planning Policy Framework.

- 7 All new and replacement windows are to be of timber construction and painted black.

Reason: In the interests of the preservation of the heritage asset in accordance with Policy DEC5 of the Scarborough Borough Local Plan and guidance in the National Planning Policy Framework.

Notes

- 1 During the works hereby permitted, if hidden historic features are revealed they should be retained in-situ. Works shall be halted in the relevant area of the building and the Local Planning Authority shall be notified immediately. Failure to do so may result in unauthorised works being carried out and an offence being committed. Particular regard must be given to the following areas:

- Building fabric in close proximity to surviving historic wallpaper
- Decorative internal plasterwork
- Internal walls

Hidden historic features that contribute to the building's special architectural and historic interest have already been revealed and there is high potential for similar to happen again during the restoration works.

Planning Consent – Ref: 20/02610/FL

- 1 The development hereby granted shall be carried out in strict accordance with the following details, unless any amendment is first approved by the Local Planning Authority:

Drwg. Nos: 101, 102A, 103A, 104, 105A, 106, 107A, 108D, 109, 110A received on the 24 November 2020.

Reason: For the avoidance of doubt.

- 2 Prior to the commencement of the internal works of the development hereby permitted, a report prepared by a qualified noise consultant shall be submitted to and approved in writing by the Local Planning Authority. This report shall identify any measures or works necessary to ensure that there is no possible nuisance caused to the residential properties. Those measures and works so approved by the Local Planning Authority shall be implemented in full prior to the first occupation of the apartments and thereafter so maintained.

Reason: In the interests of the protection of residential amenity in accordance with Policy DEC4 of the Scarborough Borough Local Plan.

- 3 Notwithstanding Condition 1, details of the means of storage and disposal of refuse shall be submitted to and be approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the first occupation of the residential apartments and shall thereafter be so maintained.

Reason: In the interests of residential amenity in accordance with Policy DEC4 of the Scarborough Borough Local Plan.

- 4 Each property served by a garage or dedicated parking space within its curtilage shall be provided with an electrical socket (minimum 13 amp) for charging electric vehicles, prior to the first occupation of the property.

Reason: In accordance with the requirements of Policy DEC2 of the Scarborough Borough Local Plan.

David Walker

Background Papers:


Those documents referred to in this report.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT MRS K LAWTON ON 01723 384405 email karen.lawton@scarborough.gov.uk



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	REPORT TO PLANNING & DEVELOPMENT COMMITTEE TO BE HELD ON THURSDAY, 8 April 2021	
APPLICATION REFERENCE NO: 20/02231/RM	TARGET DATE: 11 February 2021	GRID REF: 503937-484381

REPORT OF THE PLANNING SERVICES MANAGER – PSM/21/62

SUBJECT: Reserved Matters approval in relation to the Access, Appearance, Landscaping, Layout and Scale for 94 dwellings approved in outline under decision reference 11/01914/OL at Land Adjacent To Ashlar Drive Eastfield Scarborough for Keepmoat Homes (Miss Daisy Airstone)

1.0 THE PROPOSAL

1.1 This reserved matters application relates to land to the north of Westway and to the east of High Eastfield Farm buildings, which forms part of the scheme for up to 1,350 dwellings permitted in outline, under reference 11/01914/OL, on land north of Eastfield. The application seeks detailed approval for 94 dwellings on part of the site allocated as HA1 in the 1999 Local Plan. Reserved matters have been approved for the whole of the HA1 site (some 647 dwellings in total) and a number of phases have been completed, or are currently under construction by the applicant, Keepmoat Homes.

1.2 This application proposes an amended layout to that previously approved (under reference 16/00873/RM), and since submission has been further amended to reduce the number of properties proposed (originally 110 dwellings). The principal driver for the amendments is to enable the in situ preservation of Roman archaeology. The remains of a number of seemingly high status Roman buildings and other building remains are currently being excavated by the applicant's archaeological consultants to enable their recording. It is proposed that the most important remains are reburied under land to be used as open space to provide the opportunity for further investigation in the future.

1.3 This phase of development includes 16 no. detached, 72 no. semi-detached and 6 no. terraced dwellings, in a mix of two and two and a half storey (dormers in roof) properties. The dwellings are of the following types/sizes:

15 no. two bedroom (60.52 sq.m in floor area)
 45 no. three bedroom (77.31 to 97.68 sq.m in floor area)
 32 no. four bedroom (95.47 to 116.25 sq.m in floor area).

1.4 The dwellings are proposed in a mix of buff and red facing brick, with some rendered elevations to certain plots. Roof tiles will be a mix of terracotta and grey flat

tiles. Artstone cills and heads will be provided to window openings, with front doors and garage doors finished in black.

1.5 The site area of the application is 2.712 hectares (6.7 acres), with the area of public open space proposed to allow the archaeological remain to remain in situ measuring 0.3 of a hectare (0.74 of an acre). This open space is proposed in addition to the strategic open space network permitted as part of the outline permission. Where properties are proposed adjacent to the open space within the site and the larger area proposed to the east of the site, the elevations include windows to provide surveillance of the open space. In addition, the dwellings overlooking the open space are proposed to be served by driveways to their sides, providing for a lower density character to these properties.

1.6 The site is proposed to be temporarily served by an access road leading directly from the Westway arm of the Link Road, but will in time be served by an estate road, at which time the access road from the Link Road will be removed.

2.0 SCREENING OPINION REQUIRED

2.1 No. However, it should be noted that the Outline application was the subject of an Environmental Impact Assessment.

3.0 PRE-APPLICATION COMMUNITY ENGAGEMENT

3.1 None for this Reserved Matters application. However, the Outline application was the subject of extensive pre-application consultation with the community.

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 Eastfield Town Council - Comments awaited.

4.2 Highway Authority (NYCC) - Comments awaited, although the Highway Authority has previously confirmed no objections in principle subject to the access road onto the Link Road being of a temporary nature.

4.3 Environmental Services (SBC) - No objections.

4.4 Designing Out Crime Officer (NY Police) - Has commented as follows:

In general the overall design and layout of the proposed development is to be commended as it contains many Designing Out Crime principles and reduces the opportunity for crime and disorder.

However, there are some issues which should be addressed prior to planning permission being granted, that would improve the safety and security of the scheme and

these are listed below. Some of these issues may require the applicant to revisit the design of the development, whilst others could be dealt with by way of an appropriate planning condition.

- Lack of physical demarcation to some house frontages to define defensible space
- Creation of climbing aids
- No information regarding visitor parking
- Provision of secure cycle storage required

4.5 Historic England - Welcomes the positive and constructive support and assistance from all parties for the long term conservation of these rare archaeological remains. We particularly appreciate the commitment to the archaeology demonstrated by the developer.

We consider that the suggested Reserved Matters approval to relocate the Public Open Space on top of the Roman remains represents the best long term solution for the conservation of this important site, and we have no objection on heritage grounds.

4.6 County Archaeologist - I support the proposal (as amended to reposition the public open space over the most significant part of the archaeological site) and will continue to work with the partner organisations to deliver the maximum public benefit for both the archaeological site and local community.

4.7 Yorkshire Water - No comments to make on this application.

4.8 Lead Local Flood Authority - The LLFA cannot recommend approval with respect to surface water management.

(Officer note: The outline permission requires the submission of surface water drainage proposals to deal with surface water arising from each phase before the commencement of development within a phase. The applicant will be required to submit more detailed information in this respect in due course should this application be permitted.

4.9 Drainage Engineers (SBC) - No commented received.

4.10 Housing Strategy Officer (SBC) - No comments received.

4.11 Northern Powergrid - No objections.

4.12 Landscape Architect (SBC) - Has confirmed that the tree species suggested are all suitable for the site and commented that heavy standard trees should have a girth of at least 14 - 16 cm. Bark mulch should be applied at a thickness of 75mm rather than the 50mm specified.

4.13 Publicity - The consultation period expired on 28 December 2020. No representations have been received.

5.0 RELEVANT SITE HISTORY

5.1 2013 - Outline planning permission (ref. 11/01914/OL) granted for the development of a wider site (HA1 and HA2 in the 1999 Local Plan) for up to 1,350 dwellings and related development, together with a link road and bridge to provide a connection between the A64 and the A165.

5.2 2016 - Reserved Matters approved granted for 465 dwellings at HA1 (including the current application site) under reference 16/00873/RM.

6.0 PLANNING POLICY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of The Town and Country Planning Act 1990 require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise (in the case of advertisement applications the Advertisement Regulations 2007 are applicable). Attention is drawn to the following Development Plan and other planning policies and guidance which are considered to be particularly relevant to the consideration of this application:-

Scarborough Borough Local Plan 2017

SD 1 - Presumption in Favour of Sustainable Development

DEC 1 - Principles of Good Design

DEC 2 - Electric Vehicle Charging Points

DEC 3 - The Efficient Use of Land and Buildings

DEC 4 - Protection of Amenity

DEC 6 - Archaeology

ENV 3 - Environmental Risk

ENV 4 - Groundwater Protection

National Planning Policy Framework

NPPF5 - Delivering a sufficient supply of homes

NPPF12 - Achieving well-designed places

NPPF16 - Conserving and enhancing the historic environment

Scarborough Borough Supplementary Planning Documents

Affordable Housing

Local Planning Policy and Guidance

None relevant

7.0 ASSESSMENT

7.1 Only matters identified as reserved matters as part of the outline planning permission can be considered as part of this application. The reserved matters are:

- Layout, Scale and Appearance
- Access

- Landscape.

7.2 The discovery of significant archaeological remains on the site has impacted the layout of the proposals and this will be discussed later in this report.

7.3 In addition to national and local planning policy these detailed proposals should be viewed within the context of the parameter plans and the illustrative masterplan, which formed part of the parent outline permission. Condition 3 of the outline planning permission indicated that the reserved matters should be implemented in accordance with these plans. In addition, Condition 47 of the outline permission required a Design Code to be approved before or concurrently with the first Reserved Matters application. Version 3 of the Design Code was approved in 2014 and included guidance on the form, layout, design and specification of buildings, streets and landscaping.

Layout, Scale and Appearance

7.3 The layout, scale and appearance of the development has been informed by the design principles set out in the approved Design Code and the parameter plans, with this phase having a less formal character to that of the development lying to the south, which addresses the 'main road' though HA1. This phase accords with the "Streets, Courts and Mews" character area, as set out in the approved parameter plans and Design Code. The dwellings are a mix of two and two and a half storeys in height, with bedrooms provided in the roof space of the slightly taller properties, served by dormer windows. Where dwellings address two road frontages, two active elevations (i.e. elevations with windows) are provided, so that there is visual interest and surveillance to both roads (front and side), in line with guidance in the Design Code. The variation in scale of the properties, i.e. the mix of two and two and a half storey properties also adds visual interest to the development and ties in with the development recently permitted to the south west of the application site.

7.4 The layout of the phase has been amended to take account of the archaeology found on the site during recent excavation work. The discovery of the archaeology has been the subject of discussions with Historic England and the County Archaeologist, with visits to the site undertaken before lockdown in March 2020. Excavations have continued on site since that time, when restrictions on movements due to the Covid pandemic have allowed.

7.5 In his consultation response on the amended application proposals, Dr Keith Emerick of Historic England has commented as follows:

"Archaeological evaluation and excavation has been conducted at the application site in accordance with the agreed planning conditions. During the course of the excavations it became clear that the archaeological remains were more significant, substantial and extensive than previously thought.

Consultation between the archaeological contractor, North Yorkshire County Council Principal Archaeologist, Historic England and leading experts on Roman period archaeology have established that the structural remains represent a rare form of Roman cultural heritage, unknown in Roman Britain. The core of the structural remains may represent a particular type of high status villa or Roman religious sanctuary. The surviving material is in a good state of preservation, with intact stratigraphy, and is of unquestionable national importance.

Discussions between the developer, your authority, North Yorkshire County Council and Historic England have identified a constructive way forward.

Excavation of the core buildings will cease, and they will then be protected from accidental damage. Archaeological excavation will instead concentrate on the further Late Iron Age and Roman material surrounding those buildings. It is proposed that the Public Open Space within the development is relocated in order to cover the core of the Roman structural remains."

7.6 Your Officers have been involved in various joint meetings with Historic England, the County Archaeologist, the Applicant and their archaeologists (MAP), and your Officers anticipate that the remains that are to be preserved in situ will in due course be designated as a nationally important Scheduled Monument.

7.7 The area of public open space to protect the most important remains is proposed to be overlooked by housing on all sides, whilst the properties proposed along the eastern side of the phase are orientated to overlook the strategic green space positioned to the east of the phase. The overlooking of the areas of open space is welcomed as this is important from a crime and anti-social behaviour perspective, with users of the open space having a sense that residents should be aware of their presence.

7.8 In terms of appearance the properties are designed with traditional elevational treatments and with a mix of materials proposed. These comprise of buff and red bricks for the walling and red and grey tiles for the roofs, with artificial stone heads and cills to window openings. A number of areas of rendered walling are also proposed to add visual interest to street scenes. A range of materials have been approved across the wider development, as set out in the Design Code, and include those proposed within this phase.

7.9 Boundary treatments include timber knee rail fencing to the fronts of the properties directly abutting the open space within the site and immediately to the east of the site. Elsewhere, prominent side boundaries within the street scenes are proposed to be defined by 1.8m high brick walls, with the boundaries between the dwellings finished in 1.8m high close boarded fencing. The applicant has agreed to introduce an alternative boundary treatment along the northern edge of the central area of public open space to that shown on the plans, with this change proposed to be controlled by condition. The northern boundary of the public open space has two dwellings that face over the open space, with 0.4m high knee rail fencing in front of them. Between the properties a brick plinth wall with intermittent brick piers is proposed with infill timber panels with trelliswork to the tops. This is proposed in order to provide an attractive and robust boundary treatment, which will also allow for an appropriate level of privacy to the gardens of the properties and Plots 90 and 91, whilst also providing for a sense of overlooking of the open space from the gardens, which is considered to be important from a crime and anti-social behaviour perspective.

7.10 Given the above, the proposal is considered to accord with the approved parameter plans and Design Code related to the Outline planning permission and Policy DEC1 (Principles of Good Design) of the Scarborough Borough Local Plan and has also been adapted to ensure the important archaeological remains found within the site are

able to be preserved in situ in accordance with the relevant condition of the outline planning permission and Policy ENV6 of the Scarborough Borough Local Plan.

7.11 In addition to the above, the proposal is considered to be appropriately laid out in relation to previously approved dwellings, which are currently under construction, with reasonable distances shown between opposing rear elevations to ensure an appropriate level of privacy is provided. The proposal is therefore considered to accord with Policy DEC4 of the Local Plan.

Access

7.12 Access to the dwellings, both pedestrian and vehicular, appears to be appropriately laid out, although the comments of the Highway Authority are awaited. It is hoped that these will be available before the committee meeting so that they can be verbally reported to Members. The Applicant has asked if consideration can be given to an alternative temporary access for this phase pending the construction of further estate roads within later phases of the overall scheme. Again, your Officers hope to be able to update Members on this matter at the meeting.

Landscape

7.13 The front and side gardens of the properties are to be laid to lawn with hedgerows planted along the boundaries to demarcate private gardens. The Police DOCO has suggested that certain plots could do with further consideration of their boundary treatments, which can be required by condition. A number of trees are proposed to the frontage areas. As mentioned earlier in the report an area of public open space is proposed within this phase to enable preservation of archaeological remains in situ. This public open space is proposed in addition to the strategic open space network proposed to serve the wider site. The intention is to lay out the open space in a manner that gives an indication of the archaeology below ground, with some form of further interpretation provided to enable residents and other members of the public to gain a better understanding of the site's history. Tree and hedgerow planting is proposed to the boundaries of the open space, although the central area is proposed to be left largely devoid of planting to protect against roots disturbing the archaeology below ground.

Affordable Housing

7.14 The proposals do not include the provision of affordable homes due to viability issues. As was advised at outline stage, the scheme does face significant costs, in particular the link road and bridge, as well as the cost of the extensive archaeological works required across the site. As Members might anticipate the cost of archaeology within this particular phase has been very substantial and these costs continue to accrue as investigation continues. This presents a challenge to viability and ultimately may mean that the overall percentage of affordable housing within the development delivered through the S.106 Agreement is below the current 10% target in the Council's Local Plan.

7.15 Notwithstanding the above, the applicant has confirmed that it will seek to deliver further affordable homes, by working in partnership with a Registered Provider, in order to aid the scheme viability moving forward. This will be achieved by agreeing to construct a reasonable number of houses each year for sale direct to the Registered Provider (subject to securing funding from Homes England) that would then manage these as affordable homes.

7.16 To date, Keepmoat Homes has delivered 60 affordable homes on Phase 1 of the development, for Home Group. These homes were delivered outside of the S.106 Agreement and received grant funding from Homes England via the Registered Provider, but did ensure that nearly 33% of the dwelling in the first phase were affordable homes.

7.17 The applicant has advised as follows:

"Keepmoat Homes propose to introduce additional tenures on the development in order to accelerate delivery and to stimulate development activity on the scheme.

The scheme is currently subject to a viability review and it is proposed that the addition of affordable rent and shared ownership tenures on the development, alongside open market sales delivery will assist this position and ensure that the development remains on site."

7.18 Your Officers have previously scrutinised the applicant's Viability Assessment for the HA1 scheme and found that the development was unable to support further affordable housing beyond the 60 provided in the initial phase. Indeed, your Officers are currently in dialogue with the applicant regarding on-going viability impacts on the HA1 site, and welcome the applicant's suggested approach to the delivery of further affordable housing units, outside the requirements of the S.106 Agreement.

Other Matters

7.19 There are a range of planning issues which fall outside the remit of this reserved matters application, but are still covered by the overarching outline planning permission, its conditions and planning obligations. Hence the proposed conditions set out in the recommendation section of this report do not specifically address these issues, but separate conditions approval applications will be required in due course in order to comply with the requirements of conditions of the outline permission.

7.20 The same largely applies to surface water and foul drainage, as well as groundwater protection. The wider HA1 site will contain major drainage infrastructure to serve the development, with three separate large attenuation tanks to be placed under the areas of public open space. As with the underground tank that has been built as part of the Phase 1 development, these would hold surface water during storm events, which would then be drained via pipes to the holding pond in Deep Dale valley at attenuated rates. The underground tanks would have a combined storage capacity of approx. 3000 cu.m. The importance of minimising flood risk arising from run-off and protecting the underlying limestone aquifer is fully appreciated by the developers and a detailed strategy for achieving this was approved by Committee following the grant of the Outline planning permission.

7.21 The reserved matters relevant to this application, (including layout, scale, appearance, access and landscape) have been considered within the context of local and national planning policy and the approved Design Code and Parameter Plans and are considered to be acceptable.

8.0 PRE-COMMENCEMENT CONDITIONS

8.1 A pre-commencement condition is proposed in relation to protective measures for the retained archaeology, to ensure construction vehicles are prevented from travelling over this part of the site.

POSITIVE AND PROACTIVE STATEMENT

The proposed development as submitted is in principle acceptable, but there are certain aspects where additional details need to be agreed and implemented and/or specific safeguards need to be put into place. The Local Planning Authority acted proactively by securing the submission of revised plans and/or additional information and by attaching planning conditions which can adequately address such matters.

RECOMMENDATION

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

- 1 The development shall be carried out in accordance with the following approved plans and documents unless any variation is first agreed by the Local Planning Authority:

List of approved plans and documents to insert.

Reason: For the avoidance of doubt.

- 2 Notwithstanding Condition 1 above, prior to the commencement of any works beyond the construction of the access road, full details of the measures and any modifications required to address the issues raised by the Police Designing Out Crime Officer shall be submitted to the Local Planning Authority for approval. Once approved the measures and any required modifications shall be implemented prior to the occupation of the individual dwelling or dwellings to which they relate.

Reason: To ensure that measures are in place in order to seek to protect the future occupiers of the development from crime and anti-social behaviour in accordance with Policy DEC1 of the Scarborough Borough Local Plan and guidance in the NPPF.

- 3 Each property served by a garage or dedicated parking space within its curtilage shall be provided with an electrical socket (minimum 13 amp) for charging electric vehicles, prior to the first occupation of the property.

Reason: In accordance with the requirements of Policy DEC2 of the Scarborough Borough Local Plan.

- 4 Pre-commencement condition regarding protection measures to be put in place to safeguard retained archaeology during construction works. Final wording to be drafted by officers.

Reason: In the interests of the archaeological remains on the site in accordance with Policy DEC6 of the Scarborough Borough Local Plan.

- 5 Boundary treatment to gardens abutting the northern boundary of public open space. Final wording to be drafted by officers.

Reason: To ensure an appropriate boundary treatment is provided to the northern edge of the public open space in the interest of the visual amenity of the development in accordance with Policy DEC1 of the Scarborough Borough Local Plan.

David Walker

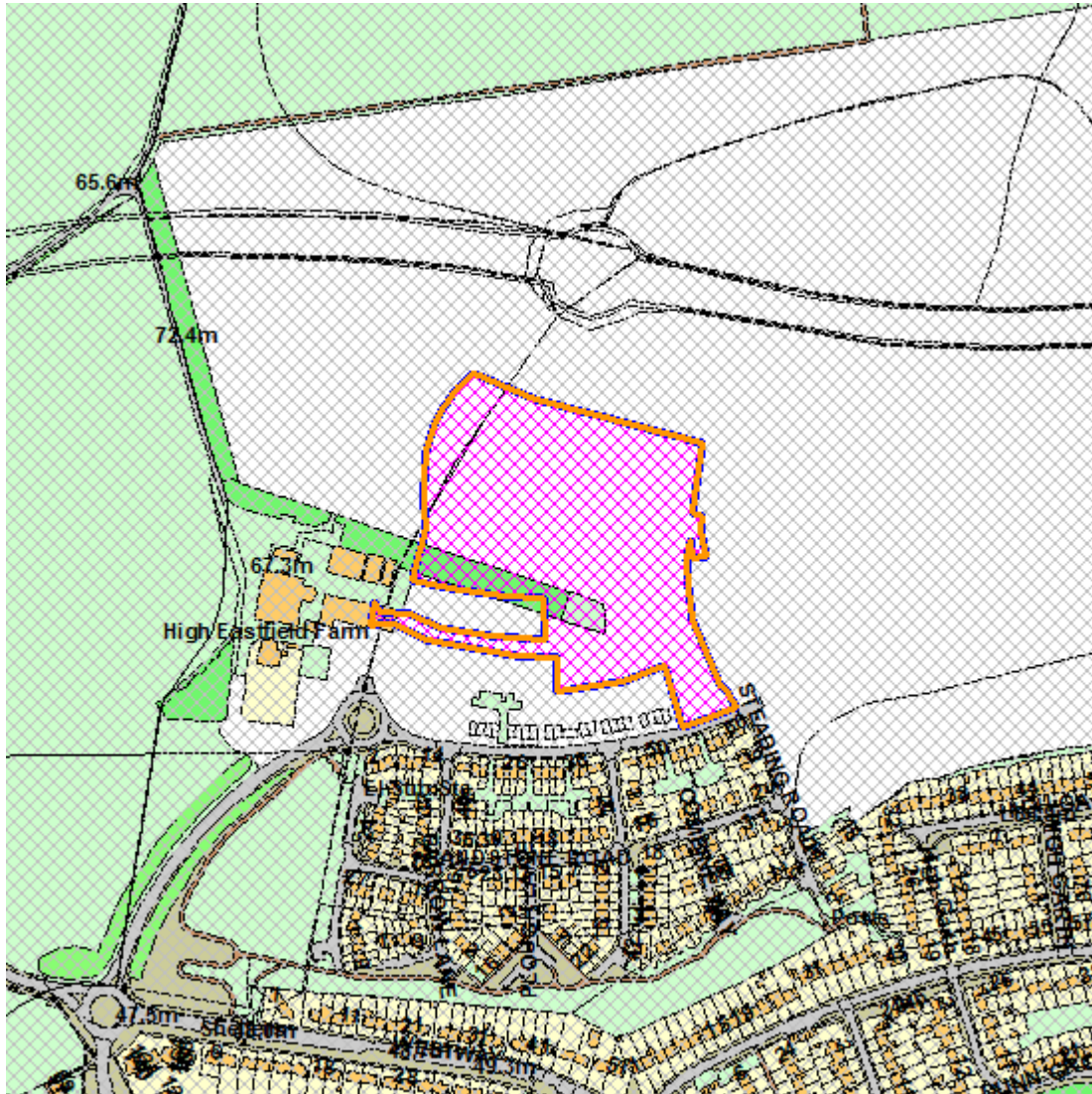
Background Papers:

Those documents referred to in this report.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT MR M P WHITMORE ON 01723 232475 email Marcus.Whitmore@scarborough.gov.uk



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