



- Meeting:** Scarborough and Whitby Area Constituency Planning Committee
- Members:** Councillors Eric Broadbent, Janet Jefferson, Rich Maw, Clive Pearson, Heather Phillips, Subash Sharma (Vice-Chair) and Phil Trumper (Chair).
- Date:** Thursday, 14th September, 2023
- Time:** 2.00 pm
- Venue:** Scarborough Town Hall, St Nicholas Street, Scarborough, North Yorkshire YO11 2HG

Members of the public are entitled to attend this meeting as observers for all those items taken in open session. Please contact the named democratic services officer supporting this committee, details at the foot of the first page of the Agenda, if you have any queries.

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Agenda

- 1. Apologies for Absence**
- 2. Minutes for the meeting held on Thursday 10/08/2023 (Pages 3 - 6)**
To confirm the minutes of the meeting held on Thursday 10 August 2023 as an accurate record.
- 3. Declarations of Interests**
All Members are invited to declare at this point any interests, including the nature of those interests, or lobbying in respect of any items appearing on this agenda.
- 4. ZF23/00991/RG3 Planning Application for the installation of floodlights (six per tennis court) for North Yorkshire Council at Whitby Tennis Courts, West Cliff, Whitby (Pages 7 - 14)**

[View Plans and Documents](#)

5. Any other items

Any other items which the Chair agrees should be considered as a matter of urgency because of special circumstances.

6. Date of Next Meeting

10.00 Thursday 12 October 2023, Scarborough Town Hall, Scarborough

Members are reminded that in order to expedite business at the meeting and enable Officers to adapt their presentations to address areas causing difficulty, they are encouraged to contact Officers prior to the meeting with questions on technical issues in reports.

Agenda Contact Officer:

Name, Title

Tel:

Email:

Wednesday, 6 September 2023

North Yorkshire Council

Scarborough and Whitby Area Constituency Planning Committee

Minutes of the meeting held on Thursday, 10th August, 2023 commencing at 14:00.

Councillors in attendance: Councillor Phil Trumper in the Chair, plus Councillors Janet Jefferson, Rich Maw, Clive Pearson, Heather Phillips, Subash Sharma and Neil Swannick (substitute for Eric Broadbent).

Officers present: Fiona Casson (Legal Services Manager), Levi Korner (Systems Analyst), James Edward Mowbray (Democratic Services Officer), Nick Read (Area Planning Manager).

Apologies: Councillor Eric Broadbent.

Copies of all documents considered are in the Minute Book

27 Apologies for Absence

Apologies noted (see above).

28 Minutes for the Meeting held on Thursday 13/07/2023

The minutes of the meeting held on Thursday 13 July 2023 were confirmed and signed as an accurate record.

29 Declarations of Interests

There were no declarations of interest.

Planning Applications

The Committee considered reports of the Assistant Director Planning – Community Development Services relating to applications for planning permission. During the meeting, Officers referred to additional information and representations which had been received.

Except where an alternative condition was contained in the report or an amendment made by the Committee, the conditions as set out in the report and the appropriate time limit conditions were to be attached in accordance with the relevant provisions of Section 91 and 92 of the Town and Country Planning Act 1990.

In considering the report(s) of the Assistant Director Planning – Community Development Services, regard had been paid to the policies of the relevant development plan, the National Planning Policy Framework and all other material planning considerations. Where the Committee deferred consideration or refused planning permission the reasons for that decision are as shown in the report or as set out below.

Where the Committee granted planning permission in accordance with the recommendation in a

report this was because the proposal is in accordance with the development plan, the National Planning Policy Framework or other material considerations as set out in the report unless otherwise specified below. Where the Committee granted planning permission contrary to the recommendation in the report the reasons for doing so and the conditions to be attached are set out below.

30 23/00183/FL 1-4 Farm Close, Gristhorpe - the demolition of a rear stone wall and the erection of a replacement wall in a new position and the reconfiguration of a parking area to introduce four electric vehicle charging points for Shaun Wood.

The Assistant Director Planning – Community Development Services sought the determination of a planning application for the demolition of a rear stone wall and the erection of a replacement wall in a new position and the reconfiguration of a parking area to introduce four electric vehicle charging points at 1-4 Farm Close, Gristhorpe on behalf of Shaun Wood.

Concluding his presentation the Planning Officer stressed that the condition on the original planning permission requiring that the original wall be repaired and retained was something that Members had sought, rather than being something that was recommended in advance by officers.

Sean McGrath, spoke on behalf of the applicant, in support of the application,

Roberta Swiers, division councillor, spoke in support of the application.

During consideration of the above application, the Committee discussed the following issues:-

- The speed with which the wall had deteriorated in recent years and the lack of care taken in ensuring the maintenance of the wall.
- The integrity of the Gristhorpe conservation area and the walls position within it.

The Decision:-

That the officer recommendation to refuse planning permission NOT BE SUPPORTED.

Voting Record:

A vote was taken and the motion was declared carried with four for and two against.

Reason:-

The Committee's reasons for refusing the officer's recommendation are set out below:-

- (i) Members did not feel that the application would be detrimental to the conservation area, or the ecology of the area, taking into account that this is a new build development.

Following the rejection of the officer's recommendation the Committee again considered the application discussing the following issues:-

- The need to landscape the front area of the four cottages.
- The need to provide some soft landscaping to the rear wall, as originally intended.

As Members had rejected the recommendation the officer went on to suggest potential conditions covering the follow:-

- Samples of the stone.

- A stone panel showing how the stone is to be put together, including details relating to pointing.
- Details of the gates.
- Anything that remains relevant from original approval.
- An overall landscaping scheme for the new layout.
- Surfacing details, regarding the new parking spaces and also the new footpaths.

Members went on to add to the above:

- Markers identifying the line of the original boundary wall.
- Use of a traditional lime mortar to point the wall.
- That officers be granted delegated authority to impose the conditions suggested previously by the officer and those requested by the Committee.

Decision:-

That contrary to officer recommendation planning permission be granted.

Voting Record:-

A vote was taken and the motion was declared carried unanimously.

Reason:-

Members felt that the application would not be detrimental to the conservation area, or the ecology of the area, taking into account that this is a new build development.

31 23/00182/HS 1-4 Farm Close, Gristhorpe - the construction of one dormer window to each rear elevation for Shaun Wood

The Assistant Director Planning – Community Development Services sought the determination of a planning application for the construction of one dormer window to each rear elevation at 1-4 Farm Close, Gristhorpe on behalf of Shaun Wood.

Updating the report the officer confirmed to Members that the Highways Authority had indicated that they had no objections to the proposal. Adding to his comments the officer sought delegated authority to add a further reason for refusal – that being the harm caused to the character and appearance of the buildings and also this part of the Gristhorpe conservation area as a result of large areas of glazing on the pantiles of the single story element. The officer went on to refer to paragraph 3.5(a) of the report and highlighted the refusal of a previous scheme for roof lights in the main roof of the building that would have detracted from the buildings aesthetic in a similar way to the glazing being proposed now.

Sean McGrath, spoke on behalf of the applicant, in support of the application,

Roberta Swiers, division councillor, spoke in support of the application.

Following the public speaking segment the officer took the unusual step of directly responding to some of the comments made by the agent.

- Reminded the Committee of their legal duty to ensure the preservation of, and enhance, the conservation area.
- That the recommendation of refusal wasn't necessarily an objection in principle to dormer windows in the roofspace in question. Adding that dormer windows are to an extent characteristic of Gristhorpe but that in those instances were traditional and far smaller than those being proposed in this instance.

During consideration of the above application, the Committee discussed the following issues:-

- The size of the proposed windows.

The Decision:-

That permission be refused for the reasons cited in the report as well as the additional reason for refusal outlined by the officer in his opening remarks.

Voting Record:-

A vote was taken and the motion was declared carried with four for and three against.

Reason:-

For the reasons outlined in the report and as amended by the officers at the meeting.

32 Any other items

There were no urgent items of business.

33 Date of Next Meeting

10.00 Thursday 14 September 2023 Scarborough Town Hall.

The meeting concluded at 15:20.

**North Yorkshire Council
Community Development Services
Scarborough and Whitby Constituency Committee**

14 SEPTEMBER 2023

ZF23/00991/RG3 - INSTALLATION OF FLOODLIGHTS (6NO PER TENNIS COURT) AT WHITBY TENNIS COURTS WEST CLIFF WHITBY NORTH YORKSHIRE YO21 3HA ON BEHALF OF NORTH YORKSHIRE COUNCIL (JOHN WOODHEAD)

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the report

1.1 To determine a planning application for Full Planning Permission for the installation of floodlights to serve two tennis courts at Whitby's West Cliff.

1.2 The proposal is being considered by Members of the Scarborough and Whitby Planning Committee as the development is on behalf of North Yorkshire Council.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That permission be GRANTED subject to the conditions listed at the end of this report.

2.1 This application seeks planning permission for the installation of floodlighting to the West Cliff tennis courts. The scheme comprises 6No floodlights mounted on heavy duty tubular poles to serve each of the two tennis courts.

2.2 The site is located within the West Cliff area of Whitby. The tennis courts are sited to the rear of Whitby Leisure Centre on a large area of public open space situated between Upgang Lane and North Terrace.

2.3 The proposal is considered to be acceptable in principle, improving and upgrading an existing sports facility used by the wider Whitby community. Further, the scheme is considered to be acceptable from a design and amenity perspective.

2.4 On balance, therefore it is considered that the development can be considered favourably.



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3.0 Preliminary Matters

3.1 Access to the case file on Public Access can be found here :

<https://planning.scarborough.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RVXQ4FNSKPZ00>

4.0 Site and Surroundings

4.1 The West Cliff tennis facilities consist of two courts positioned perpendicular to each other and located towards the southern section of an area of public open space located between Upgang Lane and North Terrace.

4.2 The tennis courts are to the rear of Whitby Leisure Centre, which lies to the east of the site. The courts are also to the rear of the Upgang Lane properties (Nos. 20 - 32), which lie to the South - South West of the courts. To the North is a multi-use games area (MUGA) and to the North West is a bowling green. A public footpath runs through the open space leading from Upgang Lane to West Cliff car park.

4.2 The site lies within the Development Limits for Whitby.

5.0 Description of Proposal

5.1 Planning permission is sought for installation of floodlighting to the perimeter of each of the West Cliff tennis courts. In total, 12No floodlights are to be installed - 6No per court.

5.2 The floodlights are Philips 'ClearFlood' lighting including LEDs and high efficiency optics. The units themselves are slimline, grey coloured and incorporate front deflectors. The floodlights are to be mounted upon heavy duty tubular steel posts measuring 6.1 metres in height.

5.3 The floodlights are to be positioned to the outer section of the courts within the secure boundary. Two floodlights would be positioned to align with the centre and further floodlights positioned 11.8 metres either side of the centre light.

6.0 Planning Policy and Guidance

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise.

Adopted Development Plan

6.2 The Adopted Plan for this site is:
- Scarborough Borough Local Plan 2011 to 2032 adopted 2017

Emerging Development Plan - Material Consideration

6.3 There is no emerging development plan which covers the application site.

Guidance - Material Considerations

- National Planning Policy Framework 2021
- National Planning Practice Guidance
- National Design Guide

7.0 Consultation Responses

7.1 The following consultation responses have been received and have been summarised below.

7.2 Local Highway Authority: No objection

7.3 Environmental Services: Having reviewed the above planning application I have no objections, in principle, on environmental health grounds.

The modelling in the technical lighting report shows high luminance levels concentrated in the centre of each tennis court with levels falling towards the periphery. As the tennis courts are in close proximity to residential properties on Upgang Lane it is essential that the installation and positioning of the lights be carried out in accordance with the report. In addition, consideration should be given to the guidance in "The Reduction of Obtrusive Light" document to minimise the impact of light on these properties and so as not to cause a statutory light nuisance.

7.4 Whitby Town Council: In support of the application providing the lights are switched off at 2100.

Local Representations

7.4 There have been 2No objections received in response to the application.

7.5 A summary of their comments are as follows:

- Considered unnecessary;
- Concern over light spill;
- Intrusive;
- Impact upon wildlife habitats/bats

8.0 Environmental Impact Assessment

8.1 The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environmental Statement is therefore required.

9.0 Main Issues

9.1 The main issues are:

- Principle of Development
- Design
- Amenity
- Other Matters

10.0 Assessment

Principle of Development

10.1 Paragraph 98 of the Framework advises that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. At Paragraph 100, planning decisions should take opportunities to provide better facilities for its users. This is reiterated within Policy HC14 (Open Space and Sports Facilities) that seeks to ensure communities have access to high quality open spaces and sporting facilities through supporting applications for the improvement of existing facilities for sport and recreation. Criterion (a-i) allows development of improved sites where it would not detract from the character and appearance of the surrounding area. The tennis courts have already undergone some improvement in the resurfacing of the courts and renewed boundary treatment in the form of weld mesh fencing. The addition of the floodlights are therefore sought to complete the upgrade and viewed positively by your Officers.

10.2 The addition of lighting accords with the LTA's minimum standard, which along with the aforementioned previous improvements are considered to provide a good quality community facility, with the installation of floodlighting allowing for more flexibility in terms of use. A representation raises concern as to whether the development is necessary, however as highlighted within Policy HC 8 (Community Facilities), sporting venues such as this provide an important role in facilitating social interaction and creating inclusive communities. The addition of floodlighting will allow the tennis courts to be used more often and during darker Autumn/Winter months and consequently maintain a more year-round use of this facility, which in turn may attract more people to continually use the tennis courts.

10.3 The installation of floodlighting is considered to represent an appropriate upgrade of the tennis courts. A feature such as this is not viewed as being out of context and typical of this type of sporting facility, particularly being set within an area of public open space, home to a leisure centre, multi-use games area and bowling green, all of which complement one another and provide good quality recreation and sporting uses in the West Cliff area of Whitby. It is considered that the principle of development is therefore acceptable and in accordance with Policies HC 8 and HC14 of the Scarborough Borough Local Plan and Section 8 of the Framework.

Design

Policy DEC 1 (Principles of Good Design) requires detailed design to respond positively to the local context, in terms of, amongst other things, scale, form, height, layout, materials and colouring. As established, the installation of floodlighting is not considered out of character for a facility such as this. The floodlights are of a scale and height considered proportionate to the tennis courts and set out in an orderly fashion to provide optimum lighting focussed within the courts. The choice of floodlight - 'Philips ClearFlood' is noted within the supporting documentation as being suitable for small scale recreational facilities such as this, with the light itself, slimline and coloured grey so as to appear visually unobtrusive. Nevertheless, the lights would be mounted on heavy duty tubular steel poles measuring 6.1 metres in height. The columns have the appearance of a modern street-light. Although robust, they are not considered to appear bulky, their height and diameter ensuring a more slender appearance.

Moreover, the choice of lighting incorporates LEDs and high efficiency optics so as to reduce energy consumption compared with more traditional floodlighting. Your Officers consider the development to be an acceptable design and scale that would not adversely impact upon the character and appearance of the tennis courts and wider area. The development is therefore, in accordance with Policy DEC 1 of the Scarborough Borough Local Plan and Section 12 of the Framework.

Amenity

Proposals should ensure that existing and future occupants of land and buildings are provided with a good standard of amenity. Proposals for development should not give rise to unacceptable impact by means of, amongst other things, loss of privacy and disturbance arising from such things as noise, light pollution and other activities. Good quality development, by definition, should not result in an adverse impact on the amenities of nearby properties. In this case, the rear elevations and gardens belonging to Nos 20 - 32 Upgang Lane face towards the tennis courts and therefore consideration needs to be given as to what extent the floodlighting may impact upon the living conditions of these residents. Concern has been raised within the representations received relating to light spill and the potential to have an intrusive impact.

The Authority has engaged with Sports Facility Planning and Design LTD who specialise in planning and designing for floodlighting, amongst other things and within the submission provide an assessment (Report No. Lighting Design PA 05R2) of the light levels and to what extent they illuminate the wider area. The assessment of the scheme and data provided demonstrates that there would be nominal impact upon the rear elevations for some of the properties identified above; and in some cases no impact. There would be very low (<75) Lux levels at the rear boundaries and gardens, which for comparison, a Lux level of between 300-450 would illuminate the courts. It is also worth noting that the lights are intended to be used during the darker months of the year and in line with the opening hours of the leisure centre, would be switched off at 9PM at the latest.

It is acknowledged that certain residents would incur some impact in terms of light spill, however this is considered to be relatively minimal, focussed towards the rear boundaries/gardens, as opposed to impacting upon the properties themselves.

Moreover, the use of the lights would be intermittent in the darker months of the year, during the evening and should the courts be in use. Your Officers consider a curfew of 9PM to be reasonable and based on the evidence provided within the application, it is not considered that the proposed floodlighting would result in a materially harmful impact upon these residents. Conversely, in terms of impact upon wider amenity, as mentioned under sub-heading 'Principle of Development', the scheme is viewed as being beneficial for the wider community.

Your Officers consider that the scheme has been carefully designed with the floodlighting guided by the advice contained within the Institute of Lighting Professionals' (ILP) Guidance Note GN01/21 'The Reduction of Obtrusive Light'. The development is therefore acceptable and in accordance with the requirements of Policy DEC 4 of the Scarborough Borough Local Plan.

Other Matters

Concern has been raised within a representation regarding the impact of artificial light on wildlife habitats, specifically bats. Your Officers have sought advice from the Council Ecology Officer and also note further ILP advice GN08/23 'Artificial Light at Night'. As highlighted throughout the report, the floodlighting has been designed in a manner to mitigate obtrusive light, focussing the light direct to the courts, so as to not spill out into the wider area, thereby having limited to no impact upon the rear gardens and elevations of the Upgang Lane properties.

The Council's Ecologist highlighted that, in the event that bats are in the vicinity, it would likely be the backs of the Upgang Lane properties and gardens that may provide a habitat. As established above, the submitted assessment demonstrates that no to very nominal light spill would impact the eaves. Moreover, it is noted that there is other lighting in the area from the leisure centre, car park and street lighting and that the scheme's design and mitigation is guided by ILP's recommendations. In light of this, your Officers consider the risk of harm to habitats to not be significant.

11.0 Planning Balance and Conclusion

11.1 In principle, a proposal for floodlighting to enhance the West Cliff tennis courts and improve this sporting facility for community use is supported and in accordance with Policies HC 8 and HC 14 of the Scarborough Borough Local Plan.

11.2 The other key issues concern design and amenity. The scheme has been designed by competent lighting designers, the floodlight installation has been given due consideration where any potential obtrusive lighting aspects have been appropriately considered and mitigated.

11.3 The scheme is in accordance with the development plan policies as a whole and represents sustainable development as required by the National Planning Policy Framework.

12.0 RECOMMENDATION

12.1 That permission be GRANTED subject to the conditions

1 Condition 1 - Approved Plans

Except where may be modified by the conditions of this consent, the development shall be implemented in accordance with the following plans and drawings:

- Site Location Plan (Dwg No. 2023 CAS 020 010 A) received 8th June 2023;
- Block Plan (Dwg No. 2023 CAS 020 011 A) received 8th June 2023;
- Proposed Layout Plan (Dwg No. 2023 CAS 020 013 A) received 8th June 2023;
- Proposed Elevations (Dwg No. 2023 CAS 020 015 A) received 8th June 2023;
- Proposed 3D View 1 (Dwg No. 2023 CAS 020 022 A) received 8th June 2023;
- Proposed 3D View 2 (Dwg No. 2023 CAS 020 023 A) received 8th June 2023;
- Design and Access Statement received 8th June 2023;
- S.F.P.D Limited Outdoor Design (Report No. Lighting Design P.A 05R2) received 8th June 2023.

Reason: For the avoidance of doubt.

2 The floodlighting hereby permitted shall only be operational between the hours of 1600 and 2100 daily.

Reason: To protect the amenities of nearby residents in accordance with Policy DEC 4 of the Scarborough Borough Local Plan.

Target Determination Date: 30 August 2023

Case Officer: Mrs Amy Harrap
amy.harrap@northyorks.gov.uk