

North Yorkshire Council

Scarborough and Whitby Area Planning Committee

Minutes of the meeting held on Thursday, 13 February 2025 commencing at 2.00 pm.

Councillor Phil Trumper in the Chair plus Councillors Subash Sharma, Derek Bastiman, Eric Broadbent, Janet Jefferson, Rich Maw and Clive Pearson.

Officers present: St John Harris (Principal Democratic Services Officer), Hugh Smith (Delivery Infrastructure Officer), David Walker (Development Service Manager), and Laura Zielinski (Solicitor Planning and Environmental)

Apologies: None

Copies of all documents considered are in the Minute Book

102 Apologies for Absence

There were no apologies.

103 Minutes for the Meeting held on 12 December 2024

In response to a query by Councillor Janet Jefferson about the planning conditions in respect of Minute item 99, the Development Service Manager confirmed that he would send her the decision notice with the approved conditions.

The minutes of the meeting held on 12 December 2024 were confirmed and signed as an accurate record.

Voting record:

Councillor Janet Jefferson abstained on the vote to approve the minutes.

104 Declarations of Interests

Councillor Subash Sharma commented that he had been approached by various parties regarding agenda item 4. ZF24/01950/NMA - Non-material amendment in relation to application 19/01248/OL, but retained an open mind.

Councillor Eric Broadbent declared an interest in agenda item 4. ZF24/01950/NMA - Non-material amendment in relation to application 19/01248/OL, since his sister had a second home on the High Mill development. The Chair confirmed that this was a Non-Registrable Interest and that in accordance with the Constitution he should withdraw from the meeting for the debate and determination of this item.

Planning Applications

The Committee considered reports of the Head of Development Management – 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 Head of Development Management – 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 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.

105 ZF24/01950/NMA - Non-material amendment in relation to application 19/01248/OL to allow alterations to the wording to condition 18 in relation to the timeframe for delivery of the footpath and cycle route over Scalby Beck at Land Off Mill Way, High Mill, Scalby, Scarborough

The Head of Development Management – Community Development Services sought determination of a planning application for a non-material amendment in relation to application 19/01248/OL to allow alterations to the wording to condition 18 in relation to the timeframe for delivery of the footpath and cycle route over Scalby Beck, on land at High Mill, Scalby, Scarborough, on behalf of Lovell Partnerships LLP and Cetacea Investments Ltd.

Updating their report, the planning officer advised that Newby and Scalby Town Council had submitted comments in the last 24 hours to the effect that they strongly opposed the application on the grounds that the bridge was a significant and fundamental element of the master plan for the High Mill development as a whole and was included in the original planning application and had long been promised to the buyers of properties in phases 1 and 2. Connectivity was essential. The applicant's explanation of reasons for the requested put back of delivery were, in the main, commercial, and were not justified by the failure to deliver what was required in the existing consent. The town council added that if there was an 18 month time frame for the actual delivery of the bridge from grant of consent, then the developers should be getting on at pace with the legal aspects and the tendering so that construction could start in a timely manner. There was no guarantee there would not be another request to defer somewhere down the line, citing commercial reasons.

Local Division and committee member, Councillor Derek Bastiman addressed the committee objecting to the application.

Councillor Bastiman withdrew from the meeting after making his representations against the application as the Division member.

The applicant's agent, Rachael Martin, then spoke in support of the application.

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

- The likelihood that the issues identified as delaying the construction of the bridge by the developer would be resolved in the estimated 18 month timeframe (officer response: parallel discussions e.g. regarding the ransom strip were ongoing which were not material to the planning application)
- The estimated cost of the bridge (£219,000 had already been paid in s106

contributions towards its construction) and whether a further condition could be imposed on the application to set aside a guaranteed sum before the occupation of the first dwelling (officer response: this would be very difficult to agree since the final design of the bridge had not yet been identified nor its final cost. The proposed amendment to condition 18 was about timing of delivery which required the delivery nonetheless and would be enforceable if not fulfilled)

- The officers' recommendations in the report were based on a calculation of the balance of risk to provide as much assurance to the committee as possible that the bridge would be delivered and to minimise the risk that the developer would abandon the project
- The completion of the bridge was in the developer's interests since it would make the dwellings in Phase 3 more attractive to the market
- The risk that refusing the application would further delay the scheme

The decision:

That this non-material amendment to the existing outline planning permission be GRANTED subject to conditions set out in the report and the addition of an informative emphasising the bridge's importance to the scheme and the desirability of its completion even before the limit of the occupation of the 50th home.

Voting record:

A vote was taken and the motion was declared carried with 4 for and 1 against.

(Following his declaration at Item 105, Councillor Broadbent withdrew from the meeting for the debate and determination of this item.)

106 Any other items

There were no urgent items of business.

107 Date of Next Meeting

Thursday, 13 March 2025 – Town Hall, Scarborough

The meeting concluded at 3.06 pm.