

North Yorkshire Council

Scarborough and Whitby Area Planning Committee

Minutes of the meeting held on Thursday, 13 November 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: Martin Evans (Principal Planning Officer), St John Harris (Principal Democratic Services Officer), Daniel Metcalfe (Principal Planning Officer), Nick Read (Development Management Team Manager), Glenn Sharpe (Senior Solicitor Lawyer Planning and Environment) and David Walker (Development Service Manager)

Copies of all documents considered are in the Minute Book

136 Apologies for absence

There were no apologies for absence.

137 Minutes for the meeting held on 9 October 2025

The minutes of the meeting held on 9 October 2025 were confirmed and signed as an accurate record.

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.

In considering the reports 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 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.

138 Declarations of interests

There were no declarations of interests.

139 ZF24/01903/OL - Outline application for residential development with all matters reserved except access at land between Resolution Way and Pembroke Way, south of Mayfield Road, Whitby, North Yorkshire

The Head of Development Management – Community Development Services sought determination of an outline planning application for residential development with all matters reserved except access at Land between Resolution Way and Pembroke Way, South of Mayfield Road, Whitby, North Yorkshire on behalf of Terra Green Yorkshire. The committee had deferred consideration of this application pending a committee site visit which had taken place on 10 November. Updating their report, the planning officer advised that the agent had confirmed that there was an error in the flood risk assessment referenced in the report: according to British Geological Survey data, there was a low risk of ground water flooding, not medium risk as stated. This meant that there was no longer a requirement for a flood risk sequential test, and therefore no longer a conflict with flood risk policy. Further, 36 additional objections had been received from local residents. These raised issues already addressed in the report with two exceptions. One objection included a photograph of a hole which they claimed to be a badger sett within the development site and a plan illustrating where they considered setts to be located. These potential sett locations were outside the site of the application. This matter had been discussed with the council's ecologist who was satisfied that condition 18 as detailed in the report, which required further surveys for such mobile species prior to commencement of development, was sufficient to deal with potential badger setts near the site. Another objection referred to springs on or near the site. It would be possible to engineer a solution should springs be discovered on site. Therefore neither objection altered the recommendations in the report.

Zoe Cottier spoke objecting to the application.

The applicant's agent, Annabelle Parkinson, spoke in support of the application.

During consideration of the application, the committee discussed the following issues:

- Applicant's poor cooperation in enabling access to the site for the committee's site visit
- How the appropriate drainage of the site would be secured to address concerns raised by residents – this was condition 8 in the report which if breached would be for the local planning authority to enforce
- In respect of residents' request for an independent structural survey of the site, this was covered by condition 5 – the developer would normally commission an engineering firm to undertake the ground investigation on their behalf
- In light of historical landslips, a request was made for the ground investigation to extend to the toe of the slope – this was addressed by condition 5 – the investigation would extend to all the land over which the applicant had control
- The adopted footpath to the boundary of the proposed site and the narrow strip of land between the adopted highway and the application site – the ownership of the strip remained unclear but if it were a ransom strip, this would need to be resolved by the developer
- The importance of the geotechnical survey, the surface water drainage scheme and the viability assessment to support the 30% affordable housing requirement – all these matters including responses from technical consultees would be addressed in the reserved matters application report to be considered by the committee at a future date

- However, members sought specific reassurance that the results of the ground investigation / geotechnical survey be addressed in the reserved matters application and not afterwards. Therefore an amendment was proposed to condition 5 replacing 'No development shall take place until...' with 'The reserved matters application(s) shall include a ground investigation with mitigation measures if required, which is submitted to and approved in writing by the Local Planning Authority.'
- Concerns around the potential creation of a rat run on the site by joining two cul de sacs - although this would be addressed at reserved matters stage, the committee could add an informative at this outline stage

The decision:

That planning permission be GRANTED subject to:

- i. prior completion of a section 106 agreement securing the matters listed in the report and the conditions listed in the report with amendments to condition 5 as set out below
- ii. an informative to address the committee's concerns about a potential rat run, and
- iii. a 4 year term for the submission of reserved matters.

Voting record:

A vote was taken and the motion was declared carried with 5 for and 2 against.

Amended condition:

Condition 5:

The reserved matters application(s) shall include a ground investigation with mitigation measures if required, which is submitted to and approved in writing by the Local Planning Authority. The investigation shall be based on the principles established in the APR Report reference WHF/07/L2/WW dated 19th May 2025. The investigation shall encompass the full length of the slope suspected of movement plus a buffer zone. It shall comprise boreholes to rock head and laboratory classification testing. A full topographical survey shall be included. A detailed cross section through the slope shall be provided along with analysis using slope stability analysis software. If there is confirmed to be a risk of future slope movement within the lifetime of the development, measures shall be proposed to prevent future movement and enhance stability. Following approval of the investigation and mitigation measures (if required), the mitigation measures shall be completed prior to the commencement of construction of other elements of the development hereby approved other than development that would enable access for such mitigation works to take place within the site. In the event that mitigation measures are required beyond the application site, and those measures require planning permission, no development shall take place until planning permission has been granted by the Local Planning Authority.

An informative note be added to the decision notice expressing the Committee's preference for a housing layout which avoided a vehicular through route from both access points.

allow removal of a tree and creation of parking area, at former site of 79 Cross Lane, Newby, Scarborough, North Yorkshire

The Head of Development Management – Community Development Services sought determination of a planning application for the variation of conditions 1 and 2 in relation to ZF24/00099/FLA, to allow removal of a tree and creation of parking area at former site of 79 Cross Lane, Newby, Scarborough on behalf of Mohamed Gaafar.

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

- The danger of setting an unhelpful precedent should this application be approved
- The importance of ensuring a semi-mature tree was replanted on the site – subject to the committee’s refusal of the application this would be addressed by the planning enforcement team since the applicant had breached a condition for which there was no right of appeal; there is no right of appeal against a Breach of Condition Notice.
- Whether there was any supporting information to justify the removal of the tree – there was none

The decision:

That planning permission be REFUSED.

Voting record:

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

Reasons:

The committee agreed with the reasons for refusal put forward by the planning officer as set out below:

1. Policy DEC1, part, a i, of the Scarborough Borough Local Plan states, 'All development will be required to meet the following principles of good design by demonstrating that the proposal reflects the local environment and creates an individual sense of place with distinctive character'.

Paragraphs 7.15 and 7.16 of the Council's Residential Guide state, 'With respect to the streetscene, car parking should be provided to the side of dwellings. Spaces between the building frontages and street should not be dominated by the car...excessive use of parking areas in front of principal elevations should be avoided...'

The Scot's Pine tree contributed positively to the appearance of the site and character of the surrounding area. Its removal from site has resulted in significant visual harm to the development, the streetscene and the wider surroundings.

The proposed vehicular access would result in the parking of vehicles to the front of the southernmost dwellinghouse, obscuring the frontage of the host dwelling by vehicles and also the outlook for its occupants; the sum of which would be to result in significant visual harm.

It is therefore considered that the proposal would fail to comply with Policy DEC1, part a i, of the Scarborough Borough Local Plan, the Council's Residential Design Guide and Section 12 of the NPPF, which seek a high regard for good design, and

thus, fails to constitute sustainable development.

2. Policy DEC1, part c, of the Local Plan requires new development to provide safe and accessible vehicular parking arrangements.

The Highway Authority has confirmed that the proposal to vary the approved plans and provide an access to the side of the southernmost dwellinghouse would result in an unsafe parking arrangement that lacks the required visibility splay, conflicts with the existing pedestrian crossing on Cross Lane, compromise visibility for vehicles entering the junction from Cross Lane to the side of the site and would increase the risk of conflict between turning traffic and vehicles accessing the driveway.

The sum of the above would result in significant harm to the safety and convenience of users of the public highway.

The proposal therefore fails to comply with Policy DEC1, part c, of the Scarborough Borough Local Plan, and thus, fails to constitute sustainable development.

3. Policy ENV5, part d, of the Scarborough Borough Local Plan states, 'Proposals should respond positively and seek opportunities for the enhancement of species, habitats or other assets thereby resulting in a net gain in biodiversity by increasing trees and woodland through ensuring new developments include appropriate tree planting whilst retaining and integrating healthy, mature trees and hedgerows and maintaining those which make an important contribution to the setting and character of an area'.

The sub-text of this policy states, 'Development proposals should recognise not only the importance of protecting species-rich trees or hedgerows but the value of incorporating them in design and consider how new planting can interact with existing habitats'.

The proposal seeks to remove an existing mature Scot's Pine tree from the original landscaping scheme. The impact on this would be to remove a significant, mature tree which contributes positively to the natural environment and biodiversity of the development and surrounding area, resulting in significant harm.

The proposal therefore fails to comply with Policy ENV5 of the Scarborough Borough Local Plan, and thus, fails to constitute sustainable development.

141 ZF25/00901/RG4 - Erection of a 32-metre high Ferris wheel including supporting structure with decking, ramp access and a ticket office. Construction of an 18 hole adventure golf course on a metal deck at former Futurist Theatre, former Futurist buildings, Foreshore Road, Scarborough, North Yorkshire

The Head of Development Management – Community Development Services sought determination of a planning application for erection of a 32-metre high Ferris wheel including supporting structure with decking, ramp access and a ticket office and construction of an 18 hole adventure golf course on a metal deck at former Futurist Theatre, former Futurist buildings, Foreshore Road, Scarborough, North Yorkshire, on behalf of Mr Abbott.

Updating their report, the planning officer advised that officers were recommending a further condition that the disassembled wheel not be stored on site on grounds of visual

amenity.

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

- Whether there was an active planning brief for the regeneration of this significant site – there was not
- Whether this latest in a series of temporary permissions for effectively a fairground use of the site would fetter the longer term regeneration aspirations for the site – the officer's view was not
- The fairness of the applicant for this temporary permission having to pay for the reinstatement of the tactile pedestrian crossing and refuge opposite the site when a condition of the original consent to demolish the Futurist Theatre was that Scarborough Borough Council pay for the reinstatement of the crossing when the site was redeveloped – the planning condition did not specify who had to cover the cost of the works but this was for the applicant/tenant to agree with the landowner, North Yorkshire Council

The decision:

That planning permission be GRANTED subject to the conditions detailed in the committee report and the additional condition recommended by officers that the disassembled wheel not be stored on site on grounds of visual amenity.

Voting record:

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

142 Any other items

There were no urgent items of business.

143 Date of next meeting

Thursday, 11 December 2025 – Town Hall, Scarborough

The meeting concluded at 3.27 pm.