

- 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 December, 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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The Council operates a scheme for public speaking at planning committee meetings. Normally the following people can speak at planning committee in relation to any specific application on the agenda: speaker representing the applicant, speaker representing the objectors, parish council representative and local Division councillor. Each speaker has a maximum of three minutes to put their case. If you wish to register to speak through this scheme, then please notify James Mowbray, Democratic Services Officer by midday on Monday, 11 December 2023.

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## **Agenda**

### **1. Apologies for Absence**

2. **Minutes for the Meeting held on 9 November 2023** (Pages 3 - 6)
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. **(22/01644/FL) - residential development including access, parking, open space, landscaping and infrastructure at land to the south of Racecourse Road, East Ayton** (Pages 7 - 58)  
Report of the Assistant Director Planning – Community Development Services  
[View Plans and Documents](#)
5. **(ZF23/01242/FL) - change of use of land and provision of additional pitches and side roads. Alterations to site layout, landscaping and site roads to accommodate reorganisation and expansion of touring caravan park at Lebberston Touring Park, Filey Road, Gristhorpe, Filey** (Pages 59 - 70)  
Report of the Assistant Director Planning – Community Development Services  
[View Plans and Documents](#)
6. **23/00394/RG3 - erection of 2 no. modular buildings to provide shower and locker facilities, with associated bin store and cycle storage rack at Windmill Site, Foreshore Road, Scarborough** (Pages 71 - 80)  
Report of the Assistant Director Planning – Community Development Services  
[View Plans and Documents](#)
7. **Any other items**  
Any other items which the Chair agrees should be considered as a matter of urgency because of special circumstances.
8. **Date of Next Meeting**  
Thursday, 11 January 2024 at 2.00pm

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:**

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Wednesday, 6 December 2023

## North Yorkshire Council

### Scarborough and Whitby Area Constituency Planning Committee

Minutes of the meeting held on Thursday, 9th November, 2023 commencing at 2.00 pm.

Councillor Phil Trumper in the Chair plus Councillors Eric Broadbent, Janet Jefferson, Clive Pearson, Heather Phillips and Subash Sharma

Officers present: Fiona Casson (Legal Services Manager), Sam Frank (ICT Technician), Luke Hadfield (Planning Officer), St John Harris (Democratic Services Manager), Daniel Metcalfe (Area Planning Manager), Hugh Smith (Senior Planning Officer), David Walker (Head of Planning)

Apologies: Councillor Rich Maw

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**Copies of all documents considered are in the Minute Book**

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#### **40 Apologies for Absence**

Apologies noted (see above).

#### **41 Minutes for the Meeting held on 14 September 2023**

The minutes of the meeting held on Thursday 14 September 2023 were confirmed and signed as an accurate record.

#### **42 Declarations of Interests**

Councillor Phillips declared a personal interest in Item 4 on the agenda as Chair of East Ayton Parish Council which had lobbied against the application. She had also registered to speak against the application.

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#### **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.

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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.

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**43 (ZF23/00983/FL) - application for erection of care home (Use class C2) and nine dwellings (use class C3), with access road [re-submission following application 22/00029/FL] at Racecourse Road, East Ayton, Scarborough**

Considered :-

The Assistant Director Planning - Community Development Services sought determination of a planning application for erection of care home (Use class C2) and nine dwellings (use class C3), with access road [re-submission following application 22/00029/FL] at Racecourse Road, East Ayton, Scarborough.

The Division Member Councillor Jeffels' concerns about the application submitted in writing were shared with the Committee.

Councillor Heather Phillips spoke objecting to the application.

Councillor Derek Rowell spoke on behalf of East Ayton Parish Council objecting to the application.

The applicant's agent, Paul Sedgwick, spoke in support of the application.

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

- The implications of the Framework Travel Plan and the applicant's commitment to complete a Travel Plan informed by staffing details and shift patterns
- The suitability of the proposed setting for a care home, the growing elderly population and the potential benefits a care home could bring to the local community
- The importance of treating this application on its own planning merits irrespective of the ongoing appeal against the decision to refuse the former planning application

The decision :-

That planning permission be GRANTED subject to conditions and S 106 obligations detailed in the Committee report.

Voting Record

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

Note: Councillor Phillips, having declared a personal interest as Chair of East Ayton Parish Council which had lobbied against the application, and having spoken as an objector against the application, took no part in the discussion and voting on the above application.

**44 (ZF23/01671/FL) - application for demolition of 5-storey residential building severely**

**damaged by fire and erection of a perimeter site hoarding in a conservation area at 6-8 Belmont Road, Scarborough**

Considered :-

The Assistant Director Planning - Community Development Services sought determination of a planning application for demolition of a 5-storey residential building severely damaged by fire and erection of a perimeter site hoarding in a conservation area at 6-8 Belmont Road, Scarborough.

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

- The importance of the Council's speedy action to demolish the building
- The site's gradient and appearance following the completion of the works

The decision :-

That officers be GRANTED delegated authority to approve the application subject to the conditions outlined in the Committee report.

Voting Record

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

**45 (23/00359/LB) - application for formation of drainage routes, installation of replacement benches, replacement of platform railings and installation of replacement platform surface at St Nicholas Shelters, Foreshore Road, Scarborough**

Considered :-

The Assistant Director Planning - Community Development Services sought determination of an application for formation of drainage routes, installation of replacement benches, replacement of platform railings and installation of replacement platform surface at St Nicholas Shelters, Foreshore Road, Scarborough.

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

- The nature and extent of the listing and the historical context of the proposed design of the new railings
- The historical context of the proposed design of the new benches and the potential loss of the current single bench, the design of which it was felt had historical merit

The decision :-

That listed building consent be GRANTED subject to the conditions outlined in the Committee report and a further condition that the bench's single structure be retained.

Voting Record

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

Reason :-

The current single bench was a key element of the special architectural interest of the building.

**46 Any other items**

There were no urgent items of business.

**47 Date of Next Meeting**

Thursday, 14 December 2023 – Town Hall, Scarborough

The meeting concluded at 3.30 pm.

**North Yorkshire Council  
Community Development Services  
Scarborough and Whitby Area Constituency Planning Committee  
14 DECEMBER 2023**

**22/01644/FL - RESIDENTIAL DEVELOPMENT INCLUDING ACCESS, PARKING,  
OPEN SPACE, LANDSCAPING AND INFRASTRUCTURE AT LAND TO THE  
SOUTH OF RACECOURSE ROAD EAST AYTON NORTH YORKSHIRE ON  
BEHALF OF KEEPMOAT (ROSIE ALLSOPP)**

**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 residential development of 93 dwellings including access, parking, open space, landscaping and infrastructure on land to the south of Racecourse Road, East Ayton.

1.2 The proposal is being considered by Members of the Scarborough and Whitby Planning Committee at the request of the Assistant Director for Planning.

**2.0 EXECUTIVE SUMMARY**

**RECOMMENDATION:** That planning permission be GRANTED, subject to the recommended conditions at end of the report, the completion of a S106 legal agreement to the Local Planning Authority's satisfaction to secure the planning obligations outlined within the report and the applicant agreeing an extension of time to enable completion of the S106 and subsequent issue of decision.

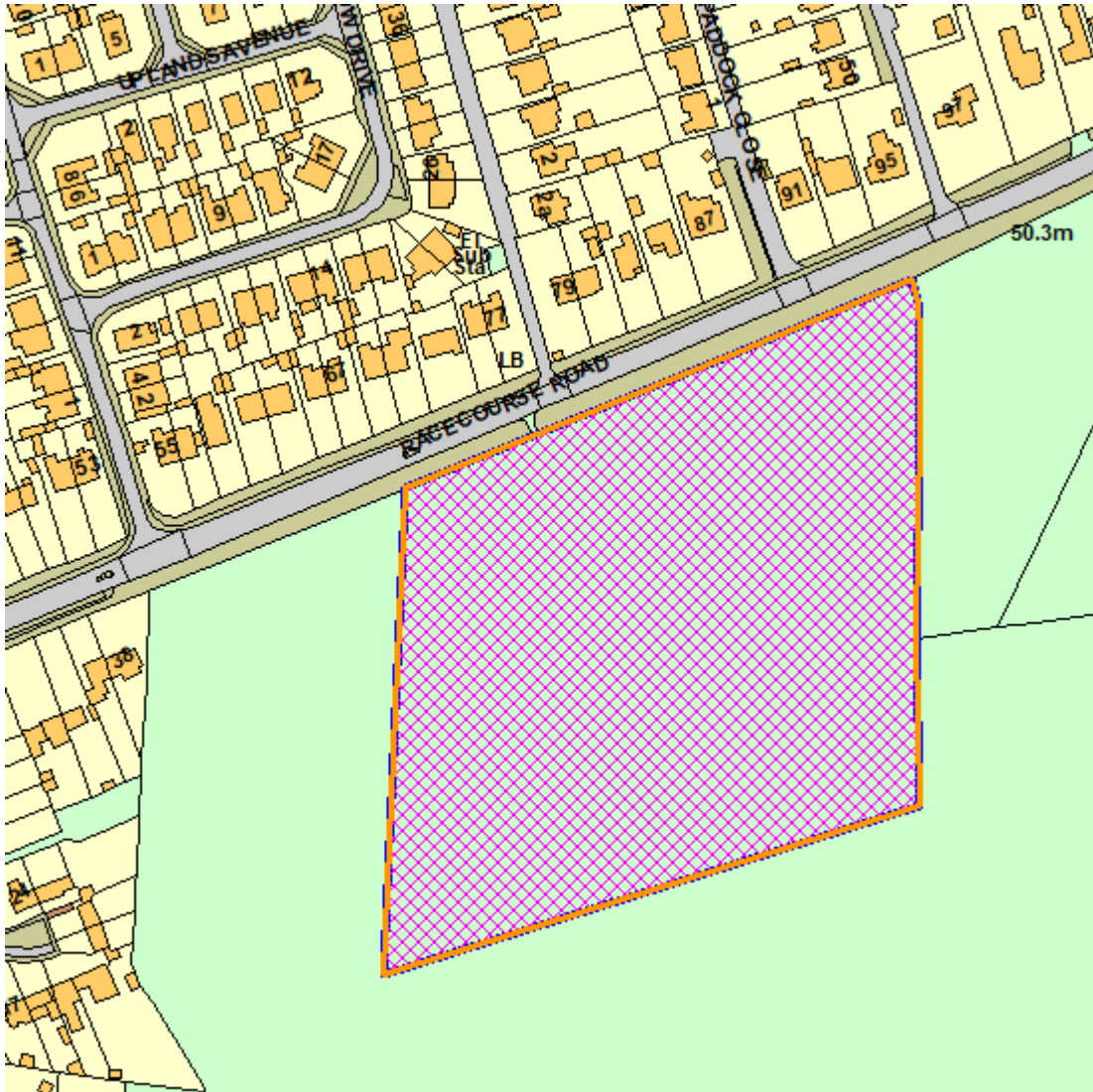
2.1 This site is one of three parcels of open agricultural land to the south of Racecourse Road (A170) on the eastern edge of East Ayton, which together form Local Plan Housing Allocation HA32. The 3 hectare application site is the "middle" and larger section of the allocation.

2.2 The development would comprise of 93 dwellings, ranging from 2, 3 and 4 bedroom units, with associated access from Racecourse Road, parking for each dwelling, public open space, associated landscaping and infrastructure.

2.3 The site is allocated for residential development within in the Scarborough Borough Local Plan. Other detailed material considerations have been assessed within the report, with revisions sought throughout the application. Technical matters have been resolved and there are no objections to the proposal on technical grounds.



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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=RGGH18NSLYG00>

### **4.0 Site and Surroundings**

4.1 The application site comprises of a 3 hectare arable agricultural field on the eastern edge of the village of East Ayton. The site is roughly square in shape and gently slopes down from Racecourse Road (A170) in the north towards Seamer Road (B1261) to the south. The site typically measures 170 metres in depth from north to south and 185 metres in length from east to west.

4.2 In terms of context, the site is bounded by the highway of Racecourse Road to the north, with existing twentieth century residential development on the opposite side of the road. To the west, south and east are open arable fields. All of the site boundaries are unmarked apart from the northern boundary with Racecourse Road, which is marked by a hedgerow.

4.3 In terms of the site's physical constraints, all of the site is located within Flood Zone 1; land at the least risk of river flooding as defined by the Environment Agency. All of the site is situated within Groundwater Source Protection Zone 1 (SPZ1). In brief terms, within SPZ1 there is a requirement to ensure development does not harm groundwater, which provides the main source of Scarborough's drinking water.

4.4 The application site is one of three parcels of open agricultural land located within an area allocated for residential development in the Scarborough Borough Local Plan (Housing Allocation HA32). Commentary in the Local Plan for allocation HA32 suggests that the whole 6.45 hectare site could accommodate a yield of 140 residential units, although that is an indicative, not a prescriptive figure. The land to the south of the site falls outside the Development Limits of the village as defined by the Local Plan and is therefore considered "open countryside" for the interpretation of local planning policy.

4.5 East and West Ayton are defined within the Local Plan as 'Service Villages'. In brief terms, service villages are settlements which offer a range of facilities to meet the essential needs of residents, feature good levels of local amenities and good communications.

### **5.0 Description of Proposal**

5.1 The proposal seeks the erection of 93 dwellings, with associated access, parking, public open space, landscaping and infrastructure, including a substation. During the course of the planning application, the number of dwellings has been reduced from 114 to 93, with amendments made to the site layout, house types and

potential to provide a vehicular link through to the site to the east that forms part of the wider housing allocation.

5.2 Initially, the proposal was to provide 30% on-site affordable housing. A viability assessment was submitted by the applicant advising that no affordable housing could be provided. However, following negotiations, the proposal is now to provide 20.43% on-site affordable housing; equating to 19 dwellings.

5.3 In terms of the amended proposal, the dwellings are mainly 2 storey in height, with some 2.5 storey. The 2 storey dwellings range from 8.2 metres to 8.7 metres in ridge height, with the 2.5 storey dwellings having a higher eave (5.75 metres) and ridge height (9.5 metres) to accommodate a bedroom into the roof slope.

5.4 The dwellings comprise of a variety of detached, semi-detached and short terraced units. Seven house types are proposed, comprising of 13 x 2 bedroom units, 68 x 3 bedroom units and 12 x 4 bedroom units. The house types, number of bedrooms and storey heights are as follows:

Padbury - 2 bedroom, 2 storey (semi-detached and short terraces)  
Seacourt - 2 bedroom, 2 storey (semi-detached and short terraces)  
Saltburn - 3 bedroom, 2 storey (detached)  
Holgate - 3 bedroom, 2 storey (detached and semi-detached)  
Bradshaw - 3 bedroom, 2.5 storey (semi-detached and short terraces)  
Longford - 4 bedroom 2 storey (detached and semi-detached)  
Thirlmere - 4 bedroom, 2 storey (detached)

5.5 The walls of the dwellings would be clad mainly in a variety of buff and red brick, with some being rendered. Roofs would be a mixture of red and grey tiles. All dwellings have front and rear garden areas and the majority have driveways, with some single garages for in curtilage car parking. There would be also 2 parking courts with dedicated parking spaces. The substation at the front of the site would also be bricked.

5.6 The public open space is proposed along the southern edge of the site and will be to be a mixture of grass and meadow. It would contain a pedestrian footpath from each side and a children's play area. A pumping station also abuts the open space, with the underground storage tank for surface water drainage underneath.

5.7 The road layout provides one main access from Racecourse Road in accordance with the allocation statement, with 16 dwellings fronting onto Racecourse Road. These dwellings will be accessed from the internal public highway before reaching private drives to the front of the dwellings. The closest dwelling will be set back by 19 metres from Racecourse Road.

5.8 There would be a new footpath along the entire site frontage. There would also be a private driveway in the north east corner to serve 4 dwellings and an emergency vehicular access and pedestrian link further down Racecourse Road, between the main vehicular access point and the western boundary of the site.

5.9 Beyond the main access and site frontage, there are two main streets running north/south and a main street running east/west, with the other dwellings served by small cul-de-sacs and a street overlooking the public open space. There is also provision for a vehicular access, with a footpath at either side up to the eastern boundary to link through to the wider part of the housing allocation.

5.10 In terms of drainage, both foul and surface drainage will be discharged to the existing combined sewer on Seamer Road.

5.11 The application has been accompanied by a series of supporting documents, some of which have been revised and supplemented throughout the course of processing the application. These are:

Archaeological and Heritage Desk Based Assessment  
Written Scheme of Investigation Archaeological Strip, Map and Record MAP  
(Archaeological Practice)  
Biodiversity Net Gain Assessment  
Draft Heads of Terms S106  
Construction Environmental Management Strategy  
Flood Risk Assessment  
Preliminary Ecological Appraisal Report  
Geo Environmental Appraisal  
Interim Travel Plan  
Transport Assessment  
Response to Stage 1 Road Safety Audit  
Design and Access Statement  
Planning Statement  
Noise Impact Assessment  
Viability Assessment Report

## **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 the Scarborough Borough Local Plan 2011 to 2032 adopted 2017. The relevant policies are:

Policy SH1 - Settlement Hierarchy  
Policy DEC1 - Principles of Good Design  
Policy DEC2 - Electric Vehicle Charging Points  
Policy DEC3 - The Efficient Use of Land and Buildings  
Policy DEC4 - Protection of Amenity  
Policy DEC6 - Archaeology  
Policy HC1 - Supporting Housing Development

Policy HC2 - New Housing Delivery  
Policy HC3 - Affordable Housing  
Policy HC10 - Health Care and Education Facilities  
Policy HC14 - Open Space and Sports Facilities  
Policy ENV3 - Environmental Risk  
Policy ENV4 - Groundwater Protection  
Policy ENV5 - The Natural Environment  
Policy ENV7 - Landscape Protection and Sensitivity  
Policy INF3 - Sustainable Transport and Travel Plans

### Scarborough Borough Supplementary Planning Documents

6.3 Affordable Housing  
Green Space  
Residential Design Guide  
Education Payments

### Emerging Development Plan - Material Consideration

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

### Guidance - Material Considerations

National Planning Policy Framework 2021 and National Design Guide

## **7.0 Consultation Responses**

7.1 The following consultation responses have been received and have been summarised below. The full consultation comments can be viewed on the Council's website.

7.2 East Ayton Parish Council

### Initial proposal

Objects to the proposal

The proposed development proportionately exceeds the allocation of housing for sites designated as HA32 in the Local Plan and should be refused on the grounds of over development. The densities quoted by the developer to justify the scale of development are appropriate for urban developments and do not match the existing rural density found generally across East Ayton.

The scale of development proposed seeks to take into account the details of an application on an adjoining which has not been approved, whilst ignoring additional land in the designated HA32 site. The mix of housing tenure does not take account of the need to provide homes suitable for independent living by older people which is a requirement of the Local Plan.

We have no confidence in either the transport assessment or the highway infrastructure proposals outlined in the application for development. The transport assessment is fundamentally flawed by the failure of the landowners/developers to agree a credible and co-ordinated road layout and accesses onto the highway.

We object to the development on grounds of inadequate plans for transport and highway design and until a comprehensive agreement is in place to develop a co-ordinated approach to highway infrastructure the development of any individual part of the allocation HA32 is premature.

The built line of houses on the northern edge of the development extend well forward of the established built line of all properties along the Racecourse Road.

The visual appearance on entering the village from the east is of a wide green highway verge on both sides. On the south side of the highway the hedgerow is continuous apart from two field gateway entrances and this alignment continues the length of Racecourse Road to its termination in the village. This alignment runs all the way along the Racecourse Road in its easterly direction to the top of the climb to Jacobs Mount also.

The proposed development does not provide any Specialist Older Person Housing to support independent living as envisaged in the Local Plan. As an allocated site is expected to provide Older Person Housing to address the shortfall of 4,000 of such dwellings which is identified in the SHMA and does not comply with the strategy for independent living adopted by both North Yorkshire County Council and Scarborough Council.

Within the Parish, there are a significant number of older people occupying 3 and 4 bedroom family houses living as a couple or single for whom housing to support independent living would enable them to down size whilst staying within their supportive community.

The Transport Assessment is wholly inaccurate, particularly when estimates are based on the TRICS computer model where all the sites selected are urban

These sites have no relevance to the East Ayton location which has none of public transport infrastructure i.e. mass transport systems, bus services running which support commuting to and from work and to places of sport and entertainment and developed walking and cycling infrastructure with well-lit streets. All roads connecting East Ayton to the areas of significant population are along 60mph roads with little or virtually no highway footpath. Any footpaths there are, are poorly maintained and have no street lighting.

Access to public transport provision are obsolete as they are based on an X28 service which ran for a trial period this year but from September 22 has ceased running. The only access to public transport is the 128 which is a 12 minute walk and 0.7 of a mile away. The bus service frequency has dropped to every 2 hours on week days from every hour. Cycling infrastructure does not exist within the village or along the A170 and B1261 to encourage or enable commuter cycling. Footpaths to Scarborough and Eastfield, the two main areas of employment locally are not

maintained and unlit for over 1 mile on the B1261 and 2 miles on the A170 (a 40 minute walk between street lighting and up a steep hill). Both are 60mph along the unlit sections.

The junction design and swept path analysis on to the Racecourse Road fails to take in to account existing highway access from established roads and properties, namely Betton Rise. For the safety of vehicles entering the proposed new development a highway safety space is shown with a new traffic island.

No account has been made for any vehicle traveling westbound and turning right where the traffic island compromises the approach but more significantly for larger vehicles emerging from Betton Rise and turning eastbound where the traffic island would make such a turn impossible to complete without traveling the wrong side of the island. This feature would also compromise access from the two properties on the north side.

The proposal is to move the 40 mph signs further eastward but the exact location unclear. The extent of the built environment on the south side now justifies the 30 mph to be moved to where the current 40 mph signs are located. The 40 mph signs moved eastwards to the start of the bends entering in to East Ayton.

The footpath on the south side of Racecourse Road running from the centre of the village is set back from the highway with a grass verge and the grass verge also has the village name stone. A footpath seizes highway land and places the footway alongside the highway contrary to the established street scene, placing pedestrians in direct contact with traffic and fumes instead of increasing separation and safety by continuing the existing road side verge all the way up the Racecourse Road where developments take place. This should be continued up to the Betton Farm shops, café and businesses avoiding the necessity to cross the main road to get to them from the new developments. Although cycling is promoted within the Design and Access document there is little or no reference as to how this fits in with the proposed footway and other pathways within the village.

The proposal to install 1.8m high industrial fencing for security is totally out of character with the village environment and the rural setting. Security fencing of this scale is industrial and will blight the appearance on approach from the east towards the village on the B1261. If this boundary fence is to be allowed, it must be planted with a mixed hedgerow (hawthorn and black thorn) to provide screening and a natural environment for insects, bees and birds.

The mesh on this fencing if allowed should be open sufficient to allow the free movement of hedgehogs and other similar sized creatures which are present on this land. It is unclear if the existing ancient hedgerow alongside the Racecourse Road is to be retained, replanted or removed. This hedgerow is part of the street scene and characterises the approach in to the village,

One element of the proposed development which is of note is the landscaping, tree and shrub planting facing the Racecourse Road which is of a random nature and presents a more natural and acceptable appearance. The trees and shrubs should

be native species including flowering and fruiting species to support insects, bees and birds.

There is no pedestrian crossing facilities on route to the school. The Dental Practice is private and does not support NHS provision. Access to leisure facilities cannot be made after 6:15pm due to the last bus to the village from Scarborough.

The Parish Council and others made in person statements of objection to the Planning Inspector that these volumes would create capacity issues in and around the local school based on their direct knowledge of their community. Officers for both Education and Highways both told the Planning Inspector that this was incorrect and that the objections to the allocated housing were manageable. Both grounds for objection are proving to be correct with class sizes now reaching saturation, the school having no land to expand into and the streets outside the school severely congested spilling parking traffic on to the A170 at peak travel times. This congestion is impacting upon local farmers who need access to their land from Moor Lane and those living on the road wanting to leave and enter their own properties.

Expectations that children will be walked to school and parents will travel to work on buses or cycle is clearly not happening. To get to work by bus can now only be achieved by catching a bus at around 8am or wait until around 10am. Access to the school is restricted to a window around 8:45 to 9am and 2:45 to 3:30pm therefore to get children to school and then get to work and back requires a vehicle not a bus.

From a Local Plan allocation of 185 homes, the Parish is now facing a total of circa 319 homes and 100 elderly care residents making all statements made in the Local Plan around capacity obsolete. The combined total traffic movements of all the developments and the capacity of the school must be fully re-evaluated before this submission is allowed to proceed.

All references to access and frequency of bus services are completely out of date and must be re assessed and remodelled. Reference to access to Seamer Station must be reviewed in the light of submitted plans to re locate the station and change access to the station on foot, making the 128 no longer a viable option.

Reference to a 2 metre wide footpath on the northern boundary to facilitate walking and cycling makes no reference to the existing infrastructure which sits within the proposed 2 metre wide footprint (highway signs, telegraph poles and Village Name Stone). Space for a 2 metre wide footpath does exist within the highway boundary.

Pedestrian access and Public Rights of Way makes no reference to the lack of safe space for pedestrians to access most of the PROW's referred to. Most require pedestrians to walk on roads without pavements on country roads with 60 mph speeds to access the network of PROW's.

By the nature of most visits to a GP practice it is through poor health therefore walking a return journey of 2.6 miles taking 30 minutes each way is unlikely but for a few. The practice has already seen an increase of over 16% in patient registrations in the last 10 years without the current proposed housing coming on stream. The footprint of the practice has no scope to expand or increase car parking. Congestion

is occurring now and cars backing out on to the 40mph main road A170. The loss of a regular bus service compounds this problem forcing more to travel to the surgery by a vehicle. Turning space is limited once on the site adding to congestion.

In conclusion, we request that Planning Officers require the developer to submit documents that address all the issues and weaknesses in their submission as highlighted.

#### Amended proposal

The Parish Council believe that planning are not enforcing the previous issues raised by the parish with transport plan i.e. Inconsistencies of street scene.

The road to the right-hand edge of the site doesn't go all the way to the edge (as if to connect through) and doesn't appear to line up with that shown on the adjoining plot.

There are no roads to the left-hand edge of the plot, indicating no intention to join up with that site.

The street scene is still directly next to the road and does not seem to follow with adjoining sites.

We ask that highways and planning should be leading on these matters with the developers, dictating what they expect to see i.e. site access, linkups, street scene.

We are supporting of the developments and want them to happen, but we have issues with planning comments previously made.

### 7.3 Local Highway Authority

#### Initial proposal

In principle, the Local Highway Authority have no objection to the formation of a new access onto the A170 Racecourse Road at the development site.

The applicant has proposed a right turn lane, which would be in keeping with other junctions along the A170 through East Ayton and would have appropriate visibility splays for the proposed 30mph speed limit. However, as the access proposals would result in changes to a principle road, the applicant should also undertake a stage 1 road safety audit.

As the development would serve in excess of 100 dwellings and potentially also have links through to the adjacent sites, it would be expected that either a second point of access or emergency access is provided to serve the site or alternatively the site is laid out with a transition road and internal loop road to provide better accessibility.

Allowing for other committed development in the locality and future traffic growth, the proposed access would operate well within capacity, the roundabouts at the A170/B1261 and the A170/Stepney Drive are approaching capacity regardless of the



development, but it is expected the development would only result in a small increase in queue lengths at peak times.

The applicant has proposed limited pedestrian improvements along the site frontage and further consideration should be given to providing off carriageway cycle links to and from the site to the primary school and onto the B1261 Seamer Road.

The application should submit a Framework Travel Plan, to include targets for reducing single vehicle travel and the level of funding to be provided for the Travel Plan.

#### Amended proposal

No Local Highway Authority objections to the proposed development, subject to conditions.

The proposed site access in the form of a new priority junction and right turn lane on Racecourse Road is considered acceptable to serve the amended number of dwellings proposed (93).

Whilst a number of existing junctions along the A170 in East Ayton are priority junctions, there are also a number of existing right turn lanes and as such the proposed access would match the existing characteristics of the route. Appropriate visibility splays at the junction for the proposed reduced 30mph speed limit are available.

With the revised number of dwellings now less than 100, the single point of access with the emergency link does comply with the NYC guidance on residential layouts. The provision of a footway and road that links through to the development site to the east would provide improved accessibility for both sites.

With only a small number of dwellings proposed for the site to the west of this development, a footway connection to that site would be desirable, allowing more direct access to the play area proposed.

Subject to a links being provided to the adjacent development sites, the internal site layout is considered acceptable and in accordance with NYC guidance. The level of parking provision also meets current requirements.

The proposed site access includes a pedestrian island forming a crossing point on the A170 which would be on the desire line to and from the primary school. A more formal signalised crossing could be introduced on the A170, but this would have to be located further west and outside existing properties.

Allowing for other committed development in the locality and future traffic growth, the surrounding road network has been shown to continue to operate within capacity with the additional development traffic.

It is recommended that a contribution of £6000 to implement the Traffic regulation order required to amend the speed limit on the A170 and a contribution of £2500 for travel plan monitoring be included in a S106 Agreement.

Conditions relate to off-site works, including:

The relocation of the 30mph speed limit on Racecourse Road and provision of a gateway feature north of the proposed site access.

The provision of a shared footway/cycleway from the site entrance south to B1261 Seamer Road junction.

The provision of a right turn lane and pedestrian island of no less than 2m width on Racecourse Road to the South of the proposed site access.

Discussions have taken place between the applicant and the Local Highway Authority regarding the shared footway/cycleway from the site entrance south to B1261 Seamer Road junction.

The applicant does not consider the provision of a shared footway/cycle way is justified by evidence. The Local Highway Authority have advised that they still view the cycle scheme as reasonable in scale and directly related to the development. However if the developer is unwilling to agree to the scheme, they would not seek to change their recommendation to one of refusal.

#### 7.4 Lead Local Flood Authority

##### Initial proposal

Requires further information.

The site sits in SPZ1 and the applicant has discounted infiltration as a feasible method of surface water disposal.

A watercourse is remote from the site, but discharge to this watercourse should be given further consideration as the proposed pumped discharge to a combined sewer as connection to a public combined sewer can only be used as a last resort for the development surface water runoff and all other options should be thoroughly explored before connection to a combined sewer can be considered.

An exceedance plan is required to show overland flow during an extreme flood event, exceeding the capacity of the proposed drainage system.

Site design must be such that when SUDs features are exceeded due to failure caused by blockages or collapsed pipes or when the system is overwhelmed by excessive flood flows, the exceedance flows do not cause flooding of properties on or off site. Runoff must be completely contained within the drainage system for all events up to a 1 in 30 year event.

The LLFA recommends that the applicant provides further information before any planning permission is granted by the Local Planning Authority regarding

investigation into discharge of surface water to watercourse and an exceedance plan based upon proposed levels.

Amended proposal

No objection.

The submitted documents (Flood Risk Assessment and Flood Routing Plan) demonstrate a reasonable approach to the management of surface water on the site. A pre commencement condition suggested is recommended relating to the exact detailing of a drainage strategy.

7.5 Yorkshire Water

Initial proposal

No response received.

Amended proposal

Comments made and no objection, subject to conditions.

The development is within SPZ1. The foul drainage proposal to enter the combined sewer is an acceptable option if the sewer pipework on the site is double lined. The surface water drainage proposal is to use an underground attenuation tank before being discharged to the combined sewer.

Yorkshire Water promote the surface water disposal hierarchy and the developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer.

If discharge to public sewer is proposed, the information shall include evidence that other means of surface water drainage have been properly considered and why they have been discounted and the means of discharging to the public sewer network at a rate not to exceed 4.75 litres. If sewage pumping is required, the peak pumped foul water discharge must not exceed 4.75 litres per second.

A watercourse exists 400 metres to the south of the site. This has been ruled out due to requiring 3rd party land permission. Given the distance to pump down to Seamer Road, additional pumping to the watercourse is possible if 3rd party land permission is obtained.

As a last resort, and upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, curtilage surface water may discharge to public combined sewer on Seamer Road.

Exact details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works should be submitted as part of a planning condition. Development of the site should take place with separate

systems for foul and surface water drainage. The separate systems should extend to the points of discharge to be agreed.

A condition requiring a Hydrogeological Risk Assessment (HRA) and a Construction Environmental Management Plan (CEMP) should be imposed.

Any liquid storage tanks should be located within a bund with a capacity of not less than 110% of the largest tank or largest combined volume of connected tanks.

## 7.6 Environment Agency

### Initial proposal

No response received.

### Amended proposal

The proposed development will only be acceptable if planning conditions are imposed for a construction method statement demonstrating how sensitive receptors (groundwater) will be protected during the implementation of the development.

The Geo Environmental Appraisal submitted provides us with confidence that it will be possible to suitably manage the risks posed to groundwater resources by this development. Further detailed information regarding the installation of underground tanks should be secured by planning condition to ensure that the underground storage tanks do not harm the water environment. A condition should be imposed regarding foundations using penetrative methods to ensure that the proposed foundations, do not harm groundwater resources.

7.7 Flood and Drainage Engineers- no responses received.

7.8 Vale of Pickering Internal Drainage Board - no responses received.

7.9 Housing Strategy Officer

### Initial proposal

34 dwellings for affordable housing are proposed, which meets with the Planning Policy requirement of 30% for the Western and Northern Parishes.

The tenure mix of the affordable housing properties have not been identified, but in order to comply with policy requirements, we would expect a mix of 9 First Homes, 18 rented homes and 7 Low Cost Home Ownership (LCHO) homes.

The provision is for 22 x 2 bed houses and 12 x 3 bed houses; an acceptable mix in this location. A greater proportion of the 2 bed houses should be for rent and a 3 bed houses to be for either First Homes or other LCHO products.

All of the 2 bed houses are 2bed 3person houses and all of the 3 bed houses are 3bed 4person houses. We would like to see some of the 2 bed houses be 2bed

4person houses and some of the 3 bed houses be 3bed 5person houses, which would better reflect need for rented and demand for LCHO properties.

The location of the affordable homes are reasonably dispersed, although there is a degree of a concentration of affordable units on the western side of the site. It would be better if a small number of those units were relocated to the eastern side. The affordable homes do meet Nationally Described Space Standards (NDSS).

In conclusion, there are no major objections to this application in terms of the affordable housing provision proposed. However, the scheme could benefit from some refinement in terms of the types and relocation of some of the affordable housing plots.

#### Amended proposal

No objection to the location, tenure and size of the 19 affordable housing units proposed.

#### 7.10 Ecologist

##### Initial proposal

No objection, subject to conditions.

The ecological reports are sound and confirm that the development site is of low ecological value, being arable land with hedges at the perimeter. The present ecological value lies mainly in the field margins and hedges but these are widespread in the vicinity and the hedges are largely retained in the scheme.

Mitigation and enhancement can be incorporated in the scheme through landscaping strategy, for example for hedgehogs and swifts.

Site clearance and removal of hedgerow should be undertaken outside the core bird nesting season. A Construction Environmental Management Plan (CEMP) should detail measures to minimise impacts of construction on wildlife.

The applicant has undertaken a biodiversity net gain assessment using a DEFRA Metric. Biodiversity net gain is stated in Local Plan Policy ENV5 and the NPPF but the use of a metric to quantify is not yet mandated in local plan policy.

The low score is possibly a reflection of the minimal area allocated to POS and it would be difficult to add any meaningful enhanced wildlife habitat in such small amenity areas. It is disappointing not to see belts of landscape screening down the east or west sides.

The net loss of hedgerows biodiversity units, of around 6% is easier to comprehend as there is a section of around 10m removed to form the new access of Racecourse Road. There is no additional hedge planting elsewhere to compensate. Some improvements to the landscaping scheme would be advisable to enhance the biodiversity value.

Overall, the proposal is ecologically acceptable. I would like to see some attempt to compensate the removal of hedgerow and see some bolstering of the green space and perimeter landscaping and habitat.

#### Amended proposal

No objection, subject to conditions.

It is disappointing that the revised landscaping plans do not incorporate greater development of the east and west boundaries for biodiversity. The PEA identified the present ecological value of the site lies mainly in the field margins and hedges. While the hedges are to be retained and new native hedging will be introduced, there will be a loss of the field margins as the hedging appears to form part of the boundary of the residential properties. A greater variation in the types of plant species will support a wider range of wildlife.

The landscaping plan has proposed the introduction of wildflower meadows in the public open space areas. This also includes the open space adjacent to the play area. As this is the only open space apart from the play area, a wildflower area may not be the most suitable choice of landscaping as it is more likely going to be used for amenity purposes. Species rich grass turf is a useful alternative to wildflower meadows as it includes a number of low growing flower species which are good for pollinators but is still functional as amenity grass.

A wildflower meadow management plan should be included within the Biodiversity Enhancement and Management Plan (BEMP). Other biodiversity enhancement can be included within this development and should be included in the BEMP. These include bat and swift bricks, external bird boxes, hedgehog highways to increase the connectivity between gardens for hedgehogs and other small animals such as frogs and toads.

#### 7.11 Environmental Health Officer - Commercial Regulation

##### Initial proposal

Where new developments could be subjected to noise or indeed when new developments could create noise we will expect a noise impact assessment to be submitted with the planning application.

Although the proposed development is located in a largely semi-rural location, road traffic from the A170 can still contribute significantly to the noise environment. We would therefore require a noise impact assessment.

There should be adequate measures taken to suppress dust and the details of these should also be submitted for approval.

Although the site is largely of agricultural usage it maybe that contamination may be present on the site from the storage of pesticides or fertilizers or other contaminants.

The applicant has already submitted a Phase I and Phase II site investigation report and submitted. Radon protection measures are required for all new dwellings constructed at the site.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken.

#### Amended proposal

No response received.

### 7.12 Environmental Health Officer - Private Sector Housing

#### Initial proposal

Bedroom 3 of the "Derwent" type is below the 6.5m<sup>2</sup> minimum standard for a bedroom.

#### Amended proposal

No response received. However, the Derwent house type has been removed from the scheme.

### 7.13 North Yorkshire Police - Designing Out Crime Officer

#### Initial proposal

Some aspects of the development could be improved to further enhance the security of the scheme and some additional information that should be provided to ensure that it provides a safe and secure environment for all users.

Potential for the creation of unnecessary permeability  
Management plan for Public Open Space required  
Provision of suitable enclosure for play area required  
Lack of appropriate demarcation to the frontages of some dwellings  
Climbing aids created  
Some service footpaths lack gating  
Details of visitor parking provision required  
Provision of security lighting to all external doors required  
Details of appropriate street lighting required

#### Amended proposal

The below provides a summary of the issues relating to Designing out Crime.

Ensure affordable housing is "tenure blind"  
Lack of appropriate demarcation between some house frontages  
Ensure trees are not positioned too close to rear boundary treatments

As highlighted in my previous report, defensible space also requires the clear demarcation of private spaces to house frontages, as failure to provide this can lead to neighbour disputes over ownership or maintenance, and this is still lacking for a number of properties.

I also highlighted previously that a number of properties where the parking was at the rear of the dwelling, but there was no window in this elevation to enable the residents to be able to see their vehicle from within the home. This issue still remains for a number of properties.

In general, the proposed landscaping continues to appear to be appropriate. However, as with the previous layout, and comments made in my previous report regarding the positioning of trees within close proximity to the rear boundary treatments of properties, this issue still needs to be considered.

#### 7.14 Archaeologist

##### Initial proposal

The application includes a report on an Archaeological Desk Based Assessment prepared in 2016. This desk based assessment refers to the results of a geophysical survey carried out at the site and also to archaeological assessment of the site to the immediate west which was also subject to geophysical survey and trial trenching.

The types of remains identified are of archaeological interest but are not of such significance as to preclude development at the site or to require any design changes. They are however of sufficient interest to warrant further investigation prior to development to advance our understanding of settlement and burial in the later prehistoric and Roman periods.

I advise that a scheme of archaeological mitigation recording is undertaken in response to the ground disturbing works associated with this development proposal.

##### Amended proposal

No additional observations to make in light of the amendments.

#### 7.15 NHS Integrated Care Board (ICB)

##### Initial proposal

GP primary care services in the areas of the proposed development are provided predominantly by Ayton and Snainton Medical Practice.

Locality based health services include both GP services and community services and increasingly also integrate with social care services with the outcomes expected to be that patients are cared for and supported in their own home with greater reliance on the GP practice. The demand for these services is directly proportionate to the number of patients.



The existing Ayton and Snainton GP practice is currently operating at capacity. The existing health infrastructure cannot absorb the further pressure on delivery of services arising from further development that will result in a future increase in patient registrations.

The impact of residential development is therefore significant with regard to necessary GP and other health service provision in the area.

Ayton and Snainton Medical Practice has reviewed its ability to extend to absorb existing service pressures. The potential for additional capacity to serve future planned residential developments is subject to forward strategic health investment planning and funding.

The current size of the existing GP Practice estate will be unable to cope with the additional increase to patient list size from this and other proposed residential development in this locality.

In response to the increased population in this locality from further residential development, it will be necessary for the GP practice to redevelop, reconfigure and refurbish its existing premises to provide additional clinical space.

A related S106 developer healthcare infrastructure contribution of £48,627 will be utilised for this purpose in a one off payment.

#### Amended proposal

The proposed development continues to be one which local providers would prefer to not go ahead without due consideration of its impact on local primary care services. The ICB and local providers assess that its approval will have an impact on the existing healthcare provision within the vicinity of the site.

The existing GP practice in West Ayton does not have the capacity to accommodate the additional growth resulting from the proposed development.

To identify the additional population created by the proposed 93 residential units, the average population per household figure of 2.3 is adopted. The proposed development will therefore generate approximately 214 residents and subsequently increase demands upon existing services.

A floor space requirement of 150m<sup>2</sup> (GIA) per 1,750 patients is required. The GP practice is showing a health infrastructure deficit of 211.20m<sup>2</sup>. The development would therefore have an impact on the primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable.

A related S106 developer healthcare infrastructure contribution of £57,184 will be utilised for this purpose in a one off payment before the development commences.

#### 4.16 Education

##### Initial proposal

The projected surplus in the catchment primary school and secondary school mean that we would be unable to seek a developer contribution towards Education at this time. If SBC were to implement the current NYCC Education Contribution methodology, we would require a contribution for both SEN and Early Years Education.

##### Amended proposal

We are unable to request a contribution to Primary or Secondary education provision in the area at this time for the development in isolation. Furthermore, as the development is now under 100 dwellings we also wouldn't be seeking any contribution to Early Years or SEN.

However, given that the application site is part of wider allocation for housing, considering the development to the east of the site as well as the application site, a combined total of £57,783 is required towards Primary education. This will need to be split accordingly. This application therefore requires £36,056.59 towards Primary education.

#### 4.17 Local Representatives

##### Initial proposal consultation period expired 15th December 2022

2 objections and 2 comments were received from local residents. A summary of these are:

- The traffic consultation has been grossly underestimated. As the current bus service is only every 2 hours and doesn't cover a wide range of work start times.
- No consideration has been given to the doctor's surgery or the school. Both Seamer and Ayton schools are small as are the two surgeries.
- The proposed development combined with the existing proposal and the land to the east of HA32 far exceeds the number of properties agreed in the Local Plan. The combination of this development and HA31 places a burden on infrastructure which has not been fully accessed.
- The mix of housing does not reflect the needs of the local community.
- The Transport Assessment is flawed as all 12 sites used in the TRICS data modelling are based on development land which is integrated to existing suburban areas of the main town or city. East Ayton is not connected in any way to the built infrastructure of a suburb. Walking and cycling is not supported in a way that can be promoted as a safe alternative to using a car. All highways leaving the village are unlit, 60 mph, the footways are not maintained with unsafe surfaces and not of a width to support cyclists. This particularly discriminates against females where walking alone to or from work especially in autumn / winter have no safe route.
- The development does not match the street scene of the Racecourse Road with the built line much closer to the highway than the established built line.

- The proposed security fencing on the south face of the development will be intrusive and completely out of character to the rural nature of the village and represents a suburban / industrial landscape. The existing rural appearance is of hedgerows and random distribution of trees and the south facing aspect should reflect this, providing habitat for nature.
- Please condition swift bricks.
- Access to any development should be on the bottom road Irton - Ayton Road; it is difficult enough to get off our drive on Racecourse Road at busy times without another estate filtering into the equation.
- The X28 bus only ran for the summer of 2022. Most families have at least two vehicles per property.

Amended proposal consultation period expired 3rd August 2023

1 objection has been received from a local resident. A summary of it is:

- Racecourse Road is an extremely busy road especially at peak times of the day. It is difficult now to exit and enter our drive without the inevitable increase in cars.
- The application proposes two entrances to the site. One entrance is for 5 houses and the second entrance is for the remaining. These entrances are only 5 dwellings apart. Once the adjacent dwellings on the proposed Paddock development are completed there will be 4 site entrances on the south of Racecourse road serving 150'ish dwellings between the existing properties No's 87 to 105 some 10 houses only. This hazard is further compounded by the existing roads which are opposite and on the north side of racecourse road namely, The Nurseries, Betton Rise, Paddock Close and Betton Rise again.
- The transport statement refers to bus access on racecourse road linking Scarborough to Pickering. This is false information. The X28 bus was cancelled by EY Buses in 2021, presumably due to efficiency / cost cutting. Racecourse Road is not a safe place for cyclists and the footpaths are poorly maintained, especially as you progress up the A170 towards Scarborough.
- The Health Authority report states Ayton and Snainton Medical Practice does not have capacity to cope with the increased numbers.
- Other concerns would be the impact on water pressure, drainage systems, surface water and flooding, removal of habitat for wildlife and noise pollution during and after construction.

## **8.0 Environmental Impact Assessment**

8.1 The proposed development does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). The development of the Housing Allocation HA32 site as whole would exceed Schedule 2 thresholds to a limited degree. However, taking into account the cumulative impacts of development arising from all three current applications, it is not considered that an Environment Statement is required in this instance.

## 9.0 Main Issues

9.1 The main issues are:

- Planning history
- Principle of the development
- Wider landscape impact
- Design; layout, house types, boundary treatment and designing out crime
- Residential amenity
- On-site public open space and off-site green space contributions
- Landscaping
- Access and highway safety
- Ground water protection
- Flood risk and surface water drainage
- Foul drainage
- Ecology
- Land contamination
- Affordable housing
- Healthcare contributions
- Education contributions
- Other matters

## 10.0 Assessment

### Planning History

10.1 There is planning history for both the application site and the sites to either side of the application site that are part of the wider HA32 allocation, that are all considered material to the consideration of this application.

#### Application site

10.2 2018 - Outline application for residential development (details of access to be considered); permitted with conditions and subject to a S106 legal agreement securing on-site affordable housing, education contributions and on and off-site open space and play facilities.

#### Site to the east (part of the wider allocation of HA32)

10.3 2023 - Full application for major residential development (currently 56 dwellings) including access, landscaping, public open space and parking; pending consideration.

#### Site to the west (part of the wider allocation of HA32)

10.4 2023 - Erection of care home (C2) and nine dwellings (C3) with access roads; refused on the basis of poor design and lack of sustainable travel plan.

10.5 2023 - Erection of care home (Use class C2) and nine dwellings (use class C3), with access road [re-submission following application 22/00029/FL]; committee resolution to grant planning permission, subject to the signing of a S106 agreement.

#### Principle of the development

10.6 Local Plan Policy HC2 (New Housing Delivery) states that proposals for new housing will be delivered across the Scarborough Borough Local Plan area through the use of allocated sites.

10.7 Proposals for housing on allocated sites identified within Local Plan Policy HC2 will be permitted, provided that the scheme is in accordance with other relevant Local Plan policies and satisfactorily address any issues or requirements within the Housing Allocation Statement.

10.8 The application site is allocated within the Local Plan as land for housing (HA32) and also lies within the Development Limits of East Ayton. The site has previously had outline planning consent for residential development (now expired) in 2018 and the principle of developing the site for housing is considered acceptable.

10.9 In light of the above, it is considered that the overall principle of development can be supported in this case, complying with Local Plan Policies SD1, SH1 and HC2.

#### Wider landscape impact

10.10 Local Plan Policy ENV7 (Landscape Protection and Sensitivity) states proposals should have regard to the wider landscape.

10.11 The application site is an arable field that is open in character and are situated on the lower edge of the broad sweep of land descending from the North York Moors to the north, towards the flat landscape of the Derwent Valley to the south.

10.12 As the proposal seeks an extension of the built form of the village into open fields, there is no doubt that the development will have a transformative impact on the appearance of the immediate locality, changing from open arable land to residential dwellings. There is existing development on the opposite side of the application site and this proposal will create a developed street scene along Racecourse Road.

10.13 The application site will be visible from Seamer Road to the south of the site, against the back drop of existing residential development in the village that is on higher ground. There is a set back from Seamer Road to the application site that will further reduce any significant impact upon the wider landscape.

10.14 Furthermore, the Allocation Statement states that a substantial landscape buffer will be required to the southern edge of the site. In this case, the proposal includes a landscape buffer on the southern edge of the site ranging from a depth of 9 metres to 2 metres. The majority of the middle section of the site is public open

space, with the dwellings themselves set back from the southern boundary with private driveways and car parking spaces to the front.

10.15 The agent has submitted information to demonstrate that the height of the proposed planting along the southern boundary when matured, will exceed the height of the dwellings along the boundary to ensure that the development will integrate into the wider landscape. Whilst the depth of the landscape buffer may not be considered "substantial", it is considered that with the tree and hedgerow planting at a mature height will be substantial when the development is viewed from Seamer Road. This will ensure that the proposal does not harm the overall landscape.

10.16 The eastern side the village of East Ayton already has a 'hard edge', which is defined by existing twentieth century housing development. The site is the middle part of an allocated for housing within the adopted Local Plan.

10.17 Officers consider that development in this location, on an allocated site for housing will not read as being incongruous or cause material visual harm and subject to satisfying other planning considerations, it is considered the proposal will not harm the overall landscape and comply with Local Plan Policy ENV7.

### Design

10.18 The design of new development has become an increasingly important consideration. The Government has placed particular emphasis on design within the latest version of the National Planning Policy Framework, stating:

"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities." It also advises: "Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design..."

10.19 This is emphasised further within the Local Plan. Local Plan Policy DEC1 (Principles of Good Design) seeks through good design to create attractive and desirable places where people want to work, live and invest, and includes the following requirements:

- i. That the proposal reflects the local environment and creates an individual sense of place with distinctive character;
- ii. That the detailed design responds positively to the local context, in terms of its scale, form, height, layout, materials, colouring, fenestration and architectural detailing; and
- iii. That the proposal has taken account of the need to safeguard or enhance important views and vistas.

10.20 Furthermore, development should be attractive, safe, accessible and well connected to its surroundings, through the provision of walking and cycling.

10.21 The Council's adopted Residential Design Guidance SPD also explains how the design components of character and identity, layout, streetscape and built form, density and mix, detailing, materials and landscaping, efficiency, adaptability and resilience should be considered for any new housing developments.

10.22 The Residential Design Guide identifies that East Ayton is a North York Moors Fringe Village. The positive characteristics of such villages are most commonly derived from their historic cores and from the surrounding landscape. The extent to which the historic cores have influenced more recent development varies across the villages, with a number of the larger villages in particular having expanded in a generic suburban form over the past few decades, including East Ayton.

10.23 The initial proposals failed to comply with many key design objectives. The density was too high, the dwellings were too close together, together with a lack of consideration for overall street scene designs, corner plots and site boundaries. There were high levels of parking spaces within the front gardens of the houses creating hard, car dominated street scenes. The public open space wasn't central to the development and located in a small corner. These concerns were raised by Officers to the applicant and subsequent amendments were submitted that will now be assessed.

#### Layout

10.24 The amended layout features a number of significant improvements. Firstly, the density of the development has been reduced.

10.25 The indicative number of houses for this site within the Local Plan was set at 140 for the whole housing allocation HA32. This site is approximately two thirds of the overall allocation and proposes 93 dwellings. These dwellings are mainly 2 and 3 bedroom homes, with some 4 bedroom units and the number of dwellings is within the yield parameters of the allocation statement.

10.26 Local Plan Policy DEC3 (The Efficient Use of Land and Buildings) states that proposals will be required to make efficient use of land and the density of development should be in keeping with the character of the local area. The supporting text outlines that for housing sites over 2 hectares in area, with a developable area of 70%, the density per hectare should be 30 dwellings.

10.27 In this case, the site is 3 hectares in area and the density is 31 dwellings per hectare. This is not considered to be excessive for the type and size of dwellings proposed or the suburban character of existing development in the area.

10.28 The reduced density has resulted in an overall layout that has more space between dwellings that has subsequently reduced front car parking. Most driveways are now set to the side of houses or parking is accommodated in small rear parking courts. The street scenes and frontages will now be more attractive, accommodating front garden space, rather than cars. Whilst the density is still relatively high, it is ultimately driven by the housing mix by having smaller bedroom units, with 87% being 2 and 3 bedrooms small terraces and semi-detached dwelling that take up less area than larger, detached dwellings.

10.29 The primary access remains from Racecourse Road to the north of the site and runs south, then east to west through the site, providing access to various residential blocks, as well as a potential, future vehicular and pedestrian link to the wider allocation to the east, that will promote connectivity between the sites. Footpaths are on both sides of the road.

10.30 The secondary streets provide access to further residential areas within the site. In these areas, the street widths are reduced to have footpaths along the frontage of dwellings on one side of the road, with a smaller margin on the other side of the road that serves the side of dwellings, gardens and the public open space. Raised tables will allow pedestrians and vehicles to safely share the space.

10.31 Tertiary streets/cul-de-sacs will service a smaller number of dwellings, with private drives incorporated to serve 5 dwellings each and are designed for low traffic speed. This hierarchy of streets is considered acceptable on the edge of a village.

10.32 It is important from a visual perspective, that a strong street frontage along Racecourse Road is achieved to ensure that the layout integrates into the surroundings. By having frontage development on this side of the road, it will complete the street scene along Racecourse Road. The proposed dwellings will be set back from the highway, which is reflective of the generous front gardens on the opposite side of the road.

10.33 There is a detached substation at the front of the site that will be single storey in nature and of a brick construction. It will sit behind planting and is considered appropriate in its location and scale, given it is a functional requirement for a development of this scale.

10.34 It is also considered important for the development to not "turn its back" on the open countryside to the south of the site, with the dwellings facing onto this space, rather than having rear gardens and this has been achieved.

10.35 The location of the open space to the south of site, in a more central location has resulted in it being overlooked on three side by dwellings, with the landscape buffer to the south. This creates a focal point of the development and creates a "square".

10.36 The 2.5 storey dwellings have been relocated within the site, away from the site frontage. They have now been "pepper potted" across the site, in less obtrusive locations.

10.37 Corner plots have been carefully designed to ensure that there are "active" frontages along both streets, with bay windows on the "side", gable ends.

10.38 Single storey garages are proposed to serve some the dwellings. This breaks up the rows of same height dwellings to provide further visual interest within the street scene.



10.39 The dwellings broadly have coherent building lines, set back from the street with small front gardens that ensures a regular rhythm within the street scenes, whilst having variation with the other design changes such as heights, materials and gables. The front boundaries will be enclosed by hedgerows, creating a green, attractive street scene.

10.40 The proposed emergency link will also provide a pedestrian link from the site to Racecourse Road that will encourage the integration of the existing and new residents to allow for good access to the public open space and other services within the village beyond.

10.41 The overall layout is now considered to be acceptable and will provide a pleasant, residential environment, offering a good level of amenity and connectivity for existing and new residents.

#### House types

10.42 It is considered that the scale of the houses which are mainly two storey, with some 2.5 interrogated into the site is appropriate to the site and surroundings.

10.43 Dwellings along Racecourse Road range from single storey, 1.5 storey and 2 storey detached and semi-detached dwellings. The house types facing onto Racecourse Road are all 2 storey and given that the application site is lower than the existing dwellings along Racecourse Road, this helps to offset the difference in heights.

10.44 Furthermore, the site itself has a gentle slope from north to south, with no significant changes proposed to the existing levels. The submitted street scenes show from Racecourse Road into the site, there is a gradually step down with the two storey dwellings that creates a variation in roof heights, creating a more interesting roofscape. Exact details will be secured by planning condition regarding the existing and proposed site and finish floor levels for the buildings across the site.

10.45 The proposed houses are based on standard designs which have no distinct local identity; they have not been purposely designed for this site.

10.46 In assessing the design of the houses and their suitability, consideration should be given to the local context and character of the area. This part of East Ayton is largely suburban in character with a variety of post war house types and styles. The village has no particular dominant architectural style or character.

10.47 It is considered that there is no specific style that development on this site should adopt. However, it needs to result in a residential environment with its own identity and character which bears some relationship to the general area, creates an appropriate edge to the village, especially given its position, and is interesting and attractive in its own right with a sense of quality in the architectural detailing and materials. It should also represent an improvement in design quality over previous development.

10.48 The designs of the proposed house types are relatively simple, all featuring straightforward and generally balanced elevations and proportions, pitched roofs and windows which are generally of reduced scale on the first storey.

10.49 Some of the roof pitches are not the most traditionally in terms of pitch; this has been dictated by providing smaller units (2 and 3 bedrooms) that have a narrow street frontage and larger depth. However, on the corner plots, the dwellings have a steeper gables and this provides a more traditional appearance in the most prominent areas of the site. These plots also have bay windows that interest to the character and appearance of the dwellings.

10.50 The dwellings along the Racecourse Road frontage are varied in house types that adds interest to the street scene and also tie in with the local context as the existing dwellings along Racecourse Road are varied. The new dwellings are also considered coherent within the context of Racecourse Road, by the choice of buff brick, render and terracotta red roof tiles.

10.51 There are some variations as some dwellings have single detached garages. Others have an integral garage with a lean to roof at ground floor and a lower pitched roof front projection at first floor, adding further visual interest to the development.

10.52 The 2.5 storey dwellings will have modest flat roof dormer windows, with roof lights to the rear. All of the dwellings have street facing windows will have a more traditional, "cottage style" appearance, with small panes and stone headers and cills.

10.53 Both red and buff brick is proposed for the dwellings as well as natural render on the front elevation of some of the dwellings, with brick remaining to the side and rear. Red brick will interspersed within the development within blocks so they do not appear as a random change in materials for no apparent reason. The plots to be rendered within the site are considered to act as "focal" dwellings within the development.

10.54 Roof tiles are a mixture of terracotta red and grey. Furthermore, the submitted plans show "indicative" location of solar panels on the front and rear roof slope. The exact details of this will be secured by planning condition.

10.55 Officers consider that the roof scape is important in this location with views of the application site from both Seamer Road and Racecourse Road. A more uniform appearance in roof scape, with the more traditional terracotta red tiles would be the preferred option alongside the solar panels. The grey tiles have been chosen for the red brick dwellings and are only located within blocks, rather than randomly placed across the site.

10.56 Against the backdrop of existing development to the north of the site, an element of grey tiles would be considered acceptable if the applicant wasn't willing to change the colour of the tiles for the entire site to terracotta red as part of a discharge of conditions application.

10.57 The use of standard house types is somewhat disappointing within this proposal and is a major constraint of achieving a genuine identity and sense of place. However, for the reasons set out above, this part of East Ayton doesn't have a particularly strong architectural character and therefore, on balance and within this context, the proposed house types and materials are considered acceptable.

10.58 However, it is considered that the amended layout proposed is much improved. When combined with more variety of house types along the site frontage and within the development as a whole, an appropriate distribution and use of suitable materials across the site, taking into account the context of the site and the surrounding development, Officers consider that the overall design is, on balance, acceptable and complies with requirements of Local Plan Policy DEC1 and the NPPF.

### Boundary treatments

10.59 A range of boundary treatments are proposed across the site. The higher, timber fence boundary treatments will be used to delineate the gardens between each plots, with brick walls where the side elevation of the gardens are onto the street. Hedge planting is proposed to form defensible boundaries to the front and side of the dwellings.

10.60 A timber post and rail fence will be along the entire southern boundary, incorporated into the landscaping buffer. The side boundaries will be a mixture of close boarded fence and post and rail fencing, depending if gardens or parking areas face onto this area.

10.61 The frontage of the site will have estate railings to add to the attractive frontage onto Racecourse Road, with the children's play area enclosure by a hoop rail top for safety. There will be a smaller knee rail fence on the northern boundary of the public open space to ensure that the area of open space is clear from the private driveway to the dwellings to the north. By having the remainder of the open space free from boundary treatments, will ensure that visually and functionality wise it is integrated into the wider development.

10.62 It is considered that the boundary treatments are acceptable and have been carefully considered to serve a purpose as well as providing visual interest across the site. The exact details will be secure by planning condition.

### Designing out Crime

10.63 In terms of "Designing out Crime", the police are broadly satisfied with the layout and design of the proposal. They have made comments regarding the lack of appropriate demarcation between some house frontages, trees are positioned too close to rear boundary treatments and lack of overlooking to some of the rear parking areas.

10.64 It is noted that some of these issues are far from ideal from a Designing out Crime perspective. However, a condition is suggested (notwithstanding the submitted boundary details) about the details for the demarcation of house

frontages. This could be in the form of simple lower railings to ensure that the front of dwellings remain open in their nature and not fully enclosed.

10.65 Six of the dwellings have trees in close proximity to their rear boundaries and whilst this isn't ideal from a Designing out Crime perspective, it is a small number when considering the development as a whole as has to be weighed up against providing natural planting for the development. The side window of the projecting bay windows from the dwellings would enable residents to be able to see their vehicles from within their dwelling.

#### Residential amenity

10.66 Local Plan Policy DEC4 (Protection of Amenity) does not allow development that would have an unacceptable impact on existing and future occupants of land and buildings. Proposals should not give rise to unacceptable impacts by means of overbearing, overlooking and loss of privacy, disturbance from noise, light pollution or other activities, emissions and overshadowing or loss of light.

10.67 The proposed layout will generally offer an acceptable standard of amenity for future occupants of the dwellings. All of the dwellings comply with the Nationally Described Space Standards (even though they are not a specific requirement of the Council for market houses).

10.68 Back to back distances of at least 21 metres are achieved between new dwellings. Their juxtaposition and other separation will avoid unacceptable levels of overlooking or overbearing impacts. Some of the 2.5 storey dwellings will back onto 2 storey dwellings. However, Officers consider that given the height difference between the 2 and 2.5 storey dwellings being less than 1 metre and the 2.5 storey dwellings having roof lights to rear (not dormers), it is considered that on balance, this is acceptable and will not cause significant overbearing or overlooking issues.

10.69 All of the rear gardens are at least 10 metres in depth. Some of the gardens are odd in shape as a result of ensuring that the car parking spaces for the specific plot are located within that specific plot, rather than a neighbouring plot. This is also the case with shape of the site in relation to the site boundary (plots 49 and 54 for example not being square). However, these dwellings are few and far between with the majority of the plots having square gardens, all with a 10 metre depth. Those with the odd shape have an appropriate width, commensurate to the size of the dwelling.

10.70 A few narrow rear gardens to mid-terraced units remain for the smaller 2 bedroom dwellings, for example on plots 18, 27, 34, 65, 70, 73 and 87. This is a consequence of the narrow width of the houses themselves and the need to provide a rear access to the gardens for bin and cycle storage. The length of these gardens at 10 metres is acceptable. They do provide reasonable space for sitting out and drying clothes and other domestic activity and will not adversely affect the amenities of neighbours.

10.71 Therefore, taking into account that these are small 2 bedroom units and some occupants may prefer small garden areas and the small number of these units considered in the quantum of development, is on balance, considered acceptable.

10.72 The application site to the west comprises of 9 dwellings, with an access road and care home. The care home is 2 storey in scale with the first half of the application site being the access through to the care home that is within the rear of the site. There will be side facing windows from the care home onto the application site. Nonetheless, given the proposed layout of this site, the western boundary comprising of side elevations for the dwellings (not front or rear facing), gardens, car parking or private driveways will help to ensure that the amenity of future residents from both sites is protected from direct overlooking.

10.73 It is considered that the proposal will not result in unacceptable or unreasonable impacts on the amenities of existing or future residents; accepting that there will inevitably be a change and a less desirable situation compared with the existing open fields.

10.74 Some existing residents have objected on the grounds of disturbance from the extra traffic on Racecourse Road. Although there will be extra traffic, it will be that normally associated with residential roads and, whilst there will inevitably be more activity and traffic, its impact will not be unusual or unreasonable within a suburban residential environment.

10.75 A noise survey was submitted by the applicant, following advice from the Environmental Health Officer. No comments have been received from the Environmental Health Officer on the noise survey itself. Your Planning Officers consider that a noise survey was not required in this location, given that the site is allocated for housing within the Local Plan, next to an existing residential road in an area that is not none to have any particular noise issues.

10.76 It is considered that the revised layout complies with Local Plan Policy DEC4 in providing a good standard of amenity for existing and future residents alike.

#### On-site public open space and off-site green space contributions

10.77 Local Plan Policy HC14 (Open Space and Sports Facilities) requires that developments make provision for open space, with the Council's Green Space Supplementary Planning Document (SPD) providing further detail on what is expected.

10.78 In accordance with Local Plan Policy HC14 and the Green Space SPD, this proposal would generate a basic need for 0.21ha (combined) of on-site green space and a financial contribution of £55,377.60 towards outdoor sports facilities.

#### On-site Children's Play Area (Local Equipped Area for Play [LEAP])

10.79 The proposed development generates a basic requirement for an on-site children's play area measuring 600sqm (0.06ha). Through the application process, Officers requested that the play area be increased to 800sqm (0.08ha) in order to

meet the needs of the wider Local Plan housing allocation HA32. The applicant has been receptive to this request and an expanded play area is shown on the submitted layout plan.

10.80 In order to facilitate the delivery of the larger (0.08ha) on-site children's play facility, a commensurate reduction (of 0.02ha) in the expected level of on-site amenity green space has been made. An 'in kind' reduction to the financial contribution for outdoor sports facilities has also been accepted by Officers to ensure that this site in isolation would not pay more in the way of green space contributions overall.

10.81 A detailed layout plan of the play area, including a fully-costed specification (equipment, surfacing, fencing, benches, bins, etc.), will be secured by planning condition. In accordance with the Green Space SPD, the cost of providing the larger play area should be £129k.

#### On-site Amenity Green Space

10.82 The submitted plans show an area of open and accessible area of "Amenity Green Space" measuring roughly 0.12ha at the southern end of the site for residents. While this figure is below the basic calculated requirement (0.15ha), as previously described, a reduction has been accepted by Officers to allow for expanded on-site children's play facilities. Again, details relating to the landscaping treatment of the on-site amenity green space can be secured by planning condition.

#### Off-site Outdoor Sports Facilities contribution

10.83 A financial contribution of £55,377.60 towards sports facilities is required and this has been agreed by the applicant. This represents a £38k shortfall for outdoor sports facilities and has been accepted in lieu of a larger children's play area as previously described.

10.84 In light of the above, Officers consider that the proposal provides sufficient on-site amenity green space and a children's play area, and subject to conditions and the finalising of the S106 legal agreement to secure off-site sports facilities and appropriate trigger points, the proposal complies with Local Plan Policy HC14 and the Green Space SPD.

#### Landscaping

10.85 Local Plan Policy DEC1 (Principles of Good Design) seeks that any associated landscaping scheme has been developed to enhance both the natural and built environment, retaining existing features of interest where possible.

10.86 A landscaping scheme has been submitted across the site. There will be a landscaped buffer to the north of the site, adjacent to Racecourse Road (other than where the access points are proposed) that will utilise the existing hedge and provide additional tree planting. All street planting will be set back as a minimum of 1.5 metres from any adoptable highways. Officers consider that this tree planting will

lessen the impact of the development from Racecourse Road and provide the existing and new residents with a pleasant outlook.

10.87 The eastern and western boundaries will have native hedgerow planting, with trees incorporated. The southern boundary of the site has a landscape buffer ranging from a depth of 9 metres to 2 metres. The height of the proposed tree planting along this southern boundary when matured will exceed the height of the dwellings along this southern boundary to integrate the development into the wider landscape to the south. The tree and hedgerow planting at mature height will be substantial when the development is viewed from Seamer Road.

10.88 Hedge planting is proposed to form defensible boundaries to the front and side of dwellings, side gardens and to the rear car parking areas. This provides soft landscaping within the street scene and the wider development. Tree planting is also incorporated throughout the development, including tree lined streets to soften the streetscape and the built form. Shrub planting is proposed, mainly around the corners of plots and the front of the site closest to the substation that promotes biodiversity value.

10.89 The open space is surrounded by trees and provides a mix of grassland and species mix meadow within it as well as the LEAP and a trodden path.

10.90 In light of the above, Officers considered that the landscaping scheme has been developed to enhance both the natural and built environment, complying with Local Plan Policy DEC1.

#### Access and highway safety

10.91 Local Plan Policy DEC1 (Principles of Good Design) states that proposals should provide suitable and safe vehicular access and suitable servicing and parking arrangements.

10.92 Numerous objections from third parties relate to highway safety. However, the Local Highway Authority have raised no objection to the proposal, subject to conditions.

10.93 The road layout provides one main access point from Racecourse Road (A170), with dwellings fronting onto Racecourse Road. The Housing Allocation Statement for HA32 states that the site will be accessed from the A170.

10.94 There would be a new footpath along the entire site frontage that abuts the existing highway. There would also a private driveway in the north east corner to serve 4 dwellings and an emergency vehicular access and pedestrian link further down Racecourse Road, between the main vehicular access point and the boundary of the site.

10.95 The main access in the form of a new priority junction and right turn lane on Racecourse Road is considered acceptable by the Local Highway Authority to serve the amended number of dwellings proposed (93). The proposed site access includes

a pedestrian island with tactile paving, forming a crossing point on the A170 which would allow new residents a safe crossing to and from the primary school.

10.96 This stretch of Racecourse Road currently has a speed limit of 40mph. It is proposed that the 30mph to the west would be extended up to the eastern site boundary and appropriate visibility splays at the junction for the proposed reduced 30mph speed limit are available (2.4 metres by 70 metres in both directions).

10.97 With the revised number of dwellings now less than 100, the single point of access with the emergency link complies with the NYC guidance on residential layouts. Given that residential development is proposed on both adjacent sides of the site, the potential for a footway and road that links through to the development site to the east was insisted by the Local Highway Authority. This has now been provided, it will be to adoptable highway standards and is shown up to the site boundary, to avoid any ransom strip disputes.

10.98 No direct link is proposed to the site to the west. There is a footway link close to the western boundary of the site to access the village. Any direct link would not provide a significantly shorter walking route from the allocated site to facilities in the centre of the village. Given these circumstances, it is not considered the provision of such a link can be insisted upon as a planning requirement.

10.99 The internal site layout is considered acceptable and in accordance with NYC design guidance, with the level of parking provision and sizes of garages also meeting the current requirements.

10.100 The Transport Assessment has modelled the impact of the new traffic expected to be generated by the site on the wider road network, with capacity checks carried out a number of junctions. Allowing for other committed development in the locality and future traffic growth, the surrounding road network has been shown to continue to operate within capacity with the additional development traffic.

10.101 The Local Highway Authority recommend that a contribution of £6000 to implement the Traffic Regulation Order (TRO) required to amend the speed limit on the A170 from 40mph to 30mph is secured by a S106 agreement. They have also suggested that contribution of £2500 for travel plan monitoring be included in a S106 Agreement. However, Officers do not consider this to be necessary for a residential scheme in this location. The road infrastructure, car parking and cycle storage have been provided as part of the planning application.

10.102 The Highway Authority have requested off-site highway works secured by a planning condition, including the provision of a shared footway/cycle way from the site entrance to the B1261 Seamer Road junction. The applicant has been unwilling to amend the scheme to provide this and there are considered no grounds to formally require this, given that the Local Highway Authority have raised no objection to the proposal.

10.103 It is considered that in light of the above considerations, with the Local Highway Authority raising no objection to the proposal, the proposal will not have an unacceptable impact upon highway safety, complying with Local Plan Policy DEC1.



This is subject to conditions and the satisfactory completion of a S016 to secure the implementation of a TRO.

#### Ground water protection

10.104 Local Policy ENV4 (Groundwater Protection) advises that proposal will have to demonstrate that they do not compromise groundwater and its abstraction, within SPZs.

10.105 The whole of the site is located within Groundwater Source Protection Zone 1 (SPZ1) which seeks to protect groundwater which is abstracted as drinking water. The proposal for residential development is not considered an inappropriate activity within SPZ1, as defined by Local Plan Policy ENV4.

10.106 Neither the Environment Agency nor Yorkshire Water have raised no objection to the proposals, on the basis that the submitted information suitably manages the risks posed to groundwater resources as a result of the development, subject to conditions.

10.107 These conditions relate to a construction environmental management plan, underground tanks, foundation methods as well as a Hydrogeological Risk Assessment (HRA). Some of these conditions will need to be pre-commencement by their nature. It is considered that subject to these conditions being satisfied, the proposal complies with Local Plan Policy ENV4.

#### Flood risk and surface water drainage

10.108 Local Policy ENV3 (Environmental Risk) advises that proposals will be expected to mitigate against the implications of environmental risk and the effects of climate change. New development should reduce the overall risk of flooding and should also have an adequate provision for surface water disposal in advance of occupation.

10.109 The site is in the lowest Flood Risk category (Zone 1) and naturally drains north to south in accord with its topography.

10.110 The LLFA has concluded that the applicant has demonstrated a reasonable approach to the management of surface water on the site.

10.111 Soakaways and infiltration systems to dispose of surface water have been discounted given that the application site is located within SPZ1. The watercourse 400 metres to the south of the site has also been discounted, given that it is located within the third party ownership and not available to the applicant.

10.112 Therefore, the only option to drain the site is via a new drainage system within the development site that ultimately disposes to the combined sewer, via being captured by an attenuation tank within the application site, below the area of public open space and released at a restricted rate into the sewer by the pumping station.

10.113 As required by the statutory consultees, the provided level of storage will cater for the 1 in 100 year + 40% climate change with 10% urban creep.

10.114 Subject to the pre commencement conditions suggested by the LLFA and Yorkshire Water, it is considered that the proposal provides adequate provision for surface water disposal, complying with Local Plan Policy ENV3.

#### Foul drainage

10.115 Local Policy ENV3 (Environmental Risk) advises that proposals will be expected to mitigate against the implications of environmental risk and the effects of climate change. Development should also have an adequate provision for foul water disposal in advance of occupation.

10.116 Foul water from the development will connect into the existing public combined sewer located within Seamer Road to the south. The release of foul water will be restricted via a pumping station that abuts the public open space on the lowest area of the site. The applicant has confirmed that the pumping station will be built to the requirements of Yorkshire Water prior to it being adopted by them. The sewer pipework on the site will need to be double lined, in order to protect the SPZ1.

10.117 Subject to the pre commencement conditions suggested by Yorkshire Water, it is considered that the proposal provides adequate provision for foul water disposal, complying with Local Plan Policy ENV3.

#### Ecology

10.118 Local Plan Policy ENV5 (The Natural Environment) requires development proposals to respond positively and seek opportunities for the enhancement of species, habitats and other assets, through biodiversity gain. The use of any metric to quantify Biodiversity Net Gain is not yet mandated in local or national planning policy.

10.119 The Ecologist has raised no objection to the proposal. They have advised that the ecological reports are sound and confirm that the site is of low ecological value, being arable land with hedges at the perimeter. The present ecological value lies mainly in the field margins and hedges but these are widespread in the vicinity and the hedge along the front boundary with Racecourse Road is to be broadly retained, other than for the access points.

10.120 The Ecologist has stated that they are disappointed that the revised landscaping plans do not incorporate greater planting of the east and west boundaries for biodiversity. They have also stated that the landscaping plan has proposed the introduction of wildflower meadows in the public open space areas. This also includes the open space adjacent to the play area.

10.121 As this is the only open space apart from the play area, a wildflower area may not be the most suitable choice of landscaping as it is more likely going to be used for amenity purposes. They have advised that "species rich grass" turf is a better alternative to wildflower meadows as it includes a number of low growing

flower species which are good for pollinators but is still functional as amenity grass. The exact detail of this can be secured by planning condition.

10.122 Other biodiversity enhancements should be imposed development and be included within a Biodiversity Enhancement and Management Plan (BEMP) that can be secured by planning condition. These include bat and swift bricks, external bird box options for dwellings and the inclusion of hedgehog highways to increase the connectivity between gardens for hedgehogs and other small animals such as frogs and toads.

10.123 Whilst it would be beneficially to have greater depths of hedging and planting along the eastern and western boundaries for biodiversity, the sites to either side of this site are also allocated for housing and could have been brought forward as one application and there would be limited options to "subdivide" the sites by hedgerows.

10.124 There are areas of planting across the site and it is considered that on balance, given that the site is of low ecological value and subject to the planning conditions to improve the biodiversity, the proposal complies with Local Plan Policy ENV5.

#### Land contamination

10.125 Local Plan Policy ENV3 (Environmental Risk) states that proposals should require the remediation or mitigation of contaminated land to reduce unacceptable risks to the environment through development.

10.126 The Environmental Health Officer has stated that although the site is largely of agricultural usage it maybe that contamination may be present on the site from the storage of pesticides or fertilizers or other contaminants.

10.127 A Phase I and Phase II site investigation report has been submitted. The site is in an area where less between 5% and 10% of homes are estimated to be above the radon action level. Therefore, basic radon protection measures are required for all new dwellings constructed at the site. These should be in accordance with the Radon protection measures described in the Geo-environmental Appraisal.

10.128 A condition is suggested that in the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority.

10.129 In light of the above, it is considered that the proposals, subject to carrying out the development in accordance with the recommendations within the Phase I and Phase II reports and the suggested conditions, the proposal will reduce unacceptable risks to the environment through development, complying with Local Plan Policy ENV3.

#### Archaeology

10.130 Local Plan Policy DEC6 (Archaeology) states that proposals that may affect scheduled ancient monuments or non-designated archaeological assets will require

the submission of an archaeological desk based assessment and an evaluation report with their planning application. The level of information required will be proportionate to the asset's significance and to the scale of impact of the proposal.

10.131 The Council's Archaeologist has commented on the application. The types of remains identified within the submitted archaeological report are considered to be of archaeological interest, but are not of such significance as to preclude development.

10.132 They are, however considered of sufficient interest to warrant further investigation prior to development to advance our understanding of settlement and burial in the later prehistoric and Roman periods.

10.133 The Archaeologist recommends that a condition is imposed requiring a scheme of archaeological mitigation recording in response to the ground disturbing works associated with this development proposal.

#### Affordable housing

10.134 In order to meet the needs of people who are not able to access the general housing market, the provision of affordable housing will be expected in all types of residential development, as outlined within Local Plan Policy HC3 (Affordable Housing).

10.135 The site is located within the Housing Market Area of "Whitby, Northern and Western Parishes" as identified within Local Plan Policy HC3 (East Ayton Parish). The application requires a 30% on-site affordable housing in accordance with Local Plan Policy HC3. When the application was first submitted for 114 dwellings, it was policy compliant, to provide 30% on-site affordable housing equating to 34 dwellings.

10.136 Late in the application process, the applicant amended the proposal to remove any provision of affordable housing, through the submission of a viability assessment. It concluded that the site was unable to provide any affordable housing as it would be unviable to do so, along with the other planning obligations required.

10.137 Following extensive negotiations between Officer's and the applicant, alongside the advice of the independent viability consultants, the applicant has agreed to provide 20.43% on-site affordable housing; equating to 19 dwellings.

10.138 Local Plan Policy HC3 and the Affordable Housing SPD allow for a reduced level of affordable housing, if it has been demonstrated through a viability assessment.

10.139 It is considered that the current proposal to provide 20.43% on-site affordable housing, equating to 19 dwellings has been justified on the basis of viability and complies with Local Plan Policy HC3.

10.140 The affordable housing units are distributed throughout the development in small groups and clusters that promotes social inclusion. They are also "tenure blind" in terms of their design and cannot be distinguished from the market housing.

10.141 The 19 affordable units will provide 5 First Homes, 5 Shared Ownership and 9 Affordable Rent dwellings. Of these, there will be 6 x 2 bedroom and 13 x 3 bedroom units. The rental properties will be transferred to a Registered Provider. All of the affordable units will remain in perpetuity and they all meet the National Described Space Standards (NDSS).

10.142 The Housing Strategy and Development Officer has confirmed that he has no objection to the location, type of affordable units and they all meet NDSS.

10.143 Whilst the level of on-site level of affordable has been agreed by the applicant in principle, extensive work is still required by Officers to secure the affordable housing by a S106 legal agreement.

#### Healthcare contributions

10.144 Local Plan Policy HC10 (Health Care and Education Facilities) makes provision for high quality health care facilities by securing developer contributors towards health provision from housing development.

10.145 A number of objections refer to the GP surgery in the village being at capacity. The ICB have advised that the development will have an impact upon primary healthcare at West Ayton surgery and currently the surgery does not have capacity to accommodate the additional growth resulting from the development. On this basis, the ICB have requested that £57,184 is paid towards the improvement of primary healthcare facilities at the West Ayton surgery.

10.146 This contribution has been agreed in principle by the applicant and it is considered that subject to the completion of S106 legal agreement to the Local Planning Authority's satisfaction, with appropriate trigger points, the proposal complies with Local Plan Policy HC10.

#### Education contributions

10.147 Local Plan Policy HC10 (Health Care and Education Facilities) states that access to high quality education will be encouraged by securing developer contributors towards education provision from housing development.

10.148 The objections refer to the primary school in the village being at capacity. Officers are reliant on the expert advice from the Education Authority regarding such matters.

10.149 The Education Authority initially advised that they are unable to request a financial contribution towards Primary and Secondary education provision, Early Years or SEN in the area at this time. This is because the development is now under 100 dwellings.

10.150 However, the overall allocation of HA32 could yield 140 dwellings. The allocation forms 3 separate applications and further advice was sought from the Education Authority as to whether a financial contribution is required.

10.151 The Education Authority have confirmed that having considering the development to the east of the application site and application site itself, a combined total of £57,783 is required towards Primary education in the village. This will need to be split accordingly and this application therefore requires a contribution of £36,056.59 towards Primary education.

10.152 The applicant has confirmed that they are willing to provide £36,056.59 towards Primary education. It is considered that subject to the completion of S106 legal agreement to the Local Planning Authority's satisfaction, with appropriate trigger points, the proposal complies with Local Plan Policy HC10.

#### Other matters

10.153 Members will have seen from the consultation responses that the Council's Environmental Health Officers have requested conditions requiring a limit on hours of construction and details of measures to prevent noise and dust nuisance.

10.154 However, the Government's latest guidance on the use of planning conditions is absolutely clear that Council's should not apply conditions which duplicate existing legislation, or where there is 'alternative means of managing certain matters'. In this regard, for construction noise and dust nuisance complaints, residents have recourse through Environmental Health legislation. In this instance, your Officers would advise that there are no specific localised issues that would justify the imposition of such conditions.

#### Pre commencement conditions

10.155 The applicant has agreed to the recommended pre commencement conditions.

### **11.0 Planning Balance and Conclusion**

11.1 The site is allocated for residential development within in the Scarborough Borough Local Plan. Other detailed material considerations have been carefully assessed throughout the report, with revisions sought throughout the application.

11.2 Technical matters have been resolved and there are no objections to the proposal on technical grounds.

11.3 However, there is a significant issue that needs to be resolved prior to any grant of planning permission. This is securing on-site affordable housing, off-site green space, health and education contributions and a Traffic Regulation Order (TRO) through the completion of a S106 legal agreement, to the Local Planning Authority's satisfaction.

11.4 Whilst the level of on-site level of affordable has been agreed by the applicant in principle, extensive work is still required by Officers with the wording of the S106 legal agreement. The applicant has been reluctant and unwilling to use the Local Planning Authority's "standard clauses" for affordable housing.

11.5 In the event of the applicant failing to complete a satisfactory S106 legal agreement, Officers would request delegated authority to refuse planning permission due to failure to make provision for on-site affordable housing in accordance with Local Plan Policy HC3 and the Affordable Housing SPD. The timescale for this would be 2 months from the date of the committee meeting, with potential to extend this if necessary.

## 12.0 RECOMMENDATION

12.1 That planning permission be GRANTED, subject to the following conditions, the completion of a S106 legal agreement to the Local Planning Authority's satisfaction to secure the planning obligations outlined within the report and the applicant agreeing an extension of time to enable completion of the S106 and subsequent issue of decision.

### CONDITIONS

- 1 The development hereby approved shall be undertaken in accordance with the following drawings unless otherwise required or specified by other planning conditions or otherwise approved in writing by the Local Planning Authority.

#### General plans

Site Location Plan 2134/01 - received 19th July 2023

Site Layout Plan (colour) 2333.01.R - received 31st August 2023

Materials Plan KMH-2134-002 Rev B - received 4th August 2023

Boundary Plan KMH-2134-003 REV B - received 4th August 2023

Landscape Masterplan C-2098-01 REV E - received 11th August 2023

Proposed Buffer Sections 6015-01-SK REV A - received 9th August 2023

Street scenes BB - received 27th July 2023

Flood Routing Plan - E21/7626/019 - received 28th July 2023.

#### House types and garages

Bradshaw Semi-Detached Planning Drawing (Buff Brick) 1200 REV 1 SHEET 201

Bradshaw Semi-Detached Planning Drawings (Buff, Render) 1200 REV 2 SHEET 201

Bradshaw Semi-Detached Planning Drawings (Red Brick) 1200 REV 1 SHEET 201

Bradshaw Semi-Detached Planning Drawings (Red, Render) 1200 REV 2 SHEET 201

Holgate Detached Planning Drawing (Buff Brick) 5250 REV 1 SHEET 201

Holgate Semi-Detached Planning Drawing (Buff Brick) 5050 REV 1 SHEET 201

Holgate Semi-Detached Planning Drawing (Buff, Render) 5050 REV 1 SHEET 201

Holgate Semi-Detached Planning Drawings (Red Brick) 5050 REV 1 SHEET 201

Longford Detached Planning Drawing (Buff Brick) 5280 REV 2 SHEET 201

Longford Detached Planning Drawing (Red Brick) 5280 REV 2 SHEET 201

Longford Semi-Detached Planning Drawing (Buff Brick) 5180 REV 1 SHEET 201

Padbury Semi-Detached Planning Drawing (Buff Brick) 5220 REV 0 SHEET 201

Padbury Semi-D Planning Drawing (Red Brick) 5220 REV 0 SHEET 201

Saltburn Detached Planning Drawing (Buff) 1400 REV 1 SHEET 202

Saltburn Detached Planning Drawing (Render) 1400 REV 3 SHEET 201

Seacourt Semi-Detached Planning Drawing (Buff Brick) 5250 REV 0 SHEET 201

Seacourt Semi-Detached Planning Drawing (Red Brick) 5250 REV 0 SHEET 201

Thirlmere Detached Planning Drawing (Buff Brick) 5340 REV 3 SHEET 201

Thirlmere Detached Planning Drawing (Red Brick) 5340 REV 3 SHEET 201

All received 3rd July 2023

Single Garage Plan and Double Garage - both received 28th October 2022.

Reason: To avoid doubt.

- 2 The development hereby approved shall be undertaken in accordance with the proposals and recommendations contained within the following documents unless otherwise required or specified by other planning conditions:



Archaeology and Heritage Desk Based Assessment - Ref. 5.13.2016 - received 11th August 2022.

Construction Environmental Management Strategy - Ref. 4186/2A

Flood Risk & Drainage Assessment - E22/7826/FR01 - Rev. A - received 28th October 2022

Geo-Environmental Appraisal - Ref. 4186\_1C

Interim Travel Plan - Ref. 21186-002

Preliminary Ecological Appraisal - Ref. ER-5726-01

Stage 1 Road Safety Audit and Designers Response

Transport Assessment - Ref. 21186-001

Written Scheme of Investigation Archaeological Strip, Map, and Record prepared - Ref. 5.13.2016 - received 11th July 2023.

Reason: To avoid doubt.

- 3 Notwithstanding the details shown on the submitted as shown on the Materials Plan KMH-2134-002 Rev B, samples of all of the external walling and roofing materials (including details of any solar panels) shall be submitted to and approved in writing by the Local Planning Authority prior to their use on the site. Furthermore, details of the hard standing across the site, including samples shall also be submitted to and approved in writing by the Local Planning Authority prior to their use on the site.

Reason: In the interests of the appearance of and achieving high quality design on this development, in accordance with Local Plan Policy DEC1 (Principles of Good Design).

- 4 Prior to its construction on site, full elevation details and samples of the external walling and roofing materials of the electricity sub-station shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of and achieving high quality design on this development in accordance with Local Plan Policy DEC1 (Principles of Good Design).

- 5 Notwithstanding the approved plans, the same, matching style of window shall be used on the front and street facing elevations of the dwellings hereby approved.

Reason: In the interests of the appearance of and achieving high quality design on this development in accordance with Local Plan Policy DEC1 (Principles of Good Design).

- 6 All window and door frames shall be set in a reveal of minimum depth of 50mm from the outer face of the wall.

Reason: In the interests of the appearance of and achieving high quality design on this development in accordance with Local Plan Policy DEC1 (Principles of Good Design).

- 7 Within six months of the commencement of the development, details of the laying out and planting of all of the public open space, amenity greenspace and plot boundary hedge and tree planting within the site and arrangements for its future management and maintenance shall be submitted for written approval by the Local Planning Authority. The details submitted shall accord with the submitted Landscape Masterplan C-2098-01 REV E. The details shall also include a timetable for the implementation and completion of the landscaping and associated work. The laying out and planting of the open space shall be completed in its entirety within twelve months of the first occupation of the development. The public open space shall be provided in accordance with the approved details and timetable and, thereafter, maintained in accordance with the approved arrangements.

Reason: In the interests of the amenity of residents and visual amenity of the development in accordance with Local Plan Policies HC14 (Open Space and Sports Facilities), DEC1 (Principles of Good Design) and DEC4 (Protection of Amenity).

- 8 No development shall take place above foundation level until a plan for the future and on-going maintenance of the areas open space and the play area on the development site has been submitted to and approved in writing by the Local Planning Authority. The plans and documents shall include:

Provision for the replacement of all equipment when it reaches the practical end of its operational life and a starting point for the maintenance regime

The submissions shall indicate the person(s)/organisation responsible for maintenance. In the event that that such responsibilities change then the Local Planning Authority shall first be notified in writing of the name, address and contact details of the new person(s) /organisation responsible for the areas of land and equipment referred to in this condition.

The approved plan/document shall be implemented (i.e. the maintenance regime shall begin) in accordance with the submitted plan and shall continue in perpetuity, unless any amendments thereto are first submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure adequate long-term provision of this key infrastructure, having regard to Local Plan Policy HC14 (Open Space and Sports Facilities).

- 9 Notwithstanding the submitted details, within six months of the commencement of development, further details for the children's play area and the open space

street furniture shall be submitted to and approved in writing by the Local Planning Authority.

Details to be submitted shall include the precise specification and siting of the equipment and arrangements for its future maintenance. The submitted details shall also meet the requirements set out in the Local Planning Authority's Green Space Supplementary Document.

Thereafter, the facilities as approved shall be provided on site in accordance with a programme of works to be submitted at the same time and approved in writing by the Local Planning Authority. The play area shall be operational and accessible no later than 12 months following the first occupation of the development.

Reason: In the interests of the amenity of residents and visual amenity of the development in accordance Local Plan Policies HC14 (Open Space and Sports Facilities), DEC1 (Principles of Good Design) and DEC4 (Protection of Amenity).

- 10 Notwithstanding the submitted details, full details of the proposed boundary treatments for the site as a whole and for individual plots within the site, including a schedule of materials, details of the size and species of any hedging, including the existing hedgerow to be retained along the northern boundary of the site and a phasing plan for boundary treatment implementation shall be submitted to and approved in writing by the Local Planning Authority prior to their use on the site and the development shall be implemented in accordance with the approved details. In the event of the existing hedgerow dying, it shall be replaced to a specification that shall first have been approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area, the residential amenity of future occupants and nearby residents, in accordance with Local Plan Policies DEC1 (Principles of Good Design) and DEC4 (Protection of Amenity).

- 11 The provisions of Schedule 2, Part 1 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or amending that Order) Class F (hard standing surfaces incidental to the enjoyment of the dwelling house) shall not apply to the areas between the front and side elevations of the dwellings and the roadway other than as may be approved in writing by the Local Planning Authority following a specific application in that respect.

Reason: There are considered to be special circumstances that apply in accordance with the Planning Practice Guidance that warrant the removal of these permitted development rights. These special circumstances relate to ensuring an attractive residential environment and prevent internal roads being dominated by the appearance of cars within front garden areas, to comply with Local Policy DEC1 (Principles of Good Design) and Section 12 of NPPF.

- 12 Each dwelling and parking court shall be provided with external security lighting, precise details of which shall be submitted to and approved in by the Local Planning Authority prior to its installation. The approved lighting shall be installed and operational prior to first occupation of the associated dwelling.

Reason: In the interests of crime prevention and community safety in accordance with Local Plan Policies DEC1 (Principles of Good Design) and DEC4 (Protection of Amenity) and the duties of the Local Planning Authority in respect of the Crime and Disorder Act 1998.

- 13 All dwellings with a dedicated car parking space within its curtilage shall be provided with an electrical socket capable of charging electric vehicles. It shall be provided before the dwelling is first occupied.

Reason: In the interests of sustainable development and to comply with Local Plan Policy DEC2 (Electric Vehicle Charging Points).

- 14 Prior to the commencement of the development, full details including cross sections, of existing and proposed site levels and finished floor levels shall be submitted to and approved in writing by the Local Planning Authority.

Reason: the interests of the residential amenities of existing and future residents and the appearance of the development in accordance with Local Plan Policies DEC1 (Principles of Good Design) and DEC4 (Protection of Amenity).

- 15 Prior to the commencement of the development, a Construction Environment Management Plan in relation to ecology and biodiversity is submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the measures recommended in the submitted and approved Preliminary Ecological Appraisal Report. The approved CEMP shall be adhered to and implemented throughout the construction period in strict adherence with the approved details.

Reason: In the interests of the ecology and biodiversity of the area, in accordance with Local Plan Policy ENV5 (The Natural Environment).

- 16 No development shall take place above foundation level until a Biodiversity Management Plan covering the site is submitted to and approved by the Local Planning Authority. The plan shall include measures recommended in the submitted Preliminary Ecological Appraisal and shall include full details of the planting, initial tree and hedgerow management and on-going management of the boundary trees and hedges. Those agreed measures and their management shall be incorporated on the site within the agreed planting timescales and thereafter so maintained.

Reason: In the interests of the longer term landscape setting of the development, with the enhancing of habitats and biodiversity of the site, in accordance with Local Plan Policies ENV5 (The Natural Environment) and DEC1 (Principles of Good Design).

- 17 Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority. The development must only be carried out in compliance with the approved engineering drawings.

Reason: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users, to comply with Local Plan Policy DEC1 (Principles of Good Design).

- 18 No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation. The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

Reason: To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users, to comply with Local Plan Policy DEC1 (Principles of Good Design).

- 19 Except for investigative works, top soil stripping, erecting fencing for security and ecology purposes, works to hedgerows, erection of site compound and temporary car park installation, there must be no access or egress by any vehicles between the highway and the application site at Land South Off Racecourse Road until splays are provided giving clear visibility of 90 metres measured along both channel lines of the major road A170 from a point measured 2.4 metres down the centre line of the site access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety, to comply with Local Plan Policy DEC1 (Principles of Good Design).

- 20 The following schemes of off-site highway mitigation measures must be completed as indicated below:

- Relocation of the 30mph speed limit on Racecourse Road and provision of a gateway feature north of the proposed site access. To be provided prior to first occupation.

- Provision of a right turn lane and pedestrian island of no less than 2 metres in width on Racecourse Road to the south of the proposed site access. To be provided prior to first occupation.

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site. A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site. Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

Reason: To ensure that the design is appropriate in the interests of the safety and convenience of highway users, to comply with Local Plan Policy DEC1 (Principles of Good Design).

- 21 No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority.

Reason: To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development, to comply with Local Plan Policy DEC1 (Principles of Good Design).

- 22 Prior to the commencement of the development, a detailed Method Statement for the protection of groundwater during the construction phase has been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include details of the following, in accordance with the approved Construction Environmental Management Strategy - Ref. 4186/2A and Geo-Environmental Appraisal - Ref. 4186\_1C documents.

Geo-Environmental Appraisal Ref. 4186\_1C and Construction Environmental Management Strategy - Ref. 4186/2A.

The identification of those activities that pose a risk to groundwater during the construction phase (considering both potential disturbance and pollution risks to the aquifer).

The appropriate measures to be used during the construction phase in order to prevent or limit the impacts to groundwater from these activities.

Reason: The site is located within groundwater Source Protection Zone 1 (SPZ1) for a number of potable water supply abstractions (including public water supply). Therefore, it will need to be demonstrated how the construction phase will be carefully managed to ensure against pollution of the groundwater and protect public water supplies, to comply with Local Plan Policy ENV4 (Groundwater Protection).

- 23 Prior to the commencement of the development, a scheme to install underground tanks has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include the full structural details of the installation, including details of: excavation, tanks, tank surround, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes subsequently agreed, in writing, by the Local Planning Authority.

Reason: To ensure that the underground storage tanks do not harm the groundwater environment, to comply with Local Plan Policy ENV4 (Groundwater Protection).

- 24 Foundations using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed foundations, do not harm groundwater resources, to comply with Local Plan Policy ENV4 (Groundwater Protection).

- 25 Prior to the commencement of the development, a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire Council SUDS (Sustainable Urban Drainage Systems) Design Guidance (or any subsequent update or replacement for that document).

The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed. Note that further restrictions on surface water management may be imposed by Yorkshire Water and the Local Planning Authority.

Reason: To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk, in accordance with Local Plan Policy ENV3 (Environmental Risk).

- 26 Prior to the commencement of the development, a Hydrogeological Risk Assessment (HRA) study to understand the impact of planning permission on the principal aquifer shall be submitted to and approved in writing by the Local Planning Authority. Furthermore, the findings and recommendations of the HRA must be implemented.

Reason: To ensure that the development can be properly drained and to protect groundwater protection, in accordance with Local Plan Policies ENV3 (Environmental Risk) and ENV4 (Groundwater Protection)

- 27 Prior to the commencement of the development, a Construction Environmental Management Plan (CEMP) study to understand the impact of planning permission on the principal aquifer shall be submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to and implemented throughout the construction period in strict adherence with the approved details.

Reason: To ensure that the development can be properly drained and to protect groundwater protection, in accordance with Local Plan Policies ENV3 (Environmental Risk) and ENV4 (Groundwater Protection).

- 28 Any liquid storage tanks should be located within a bund with a capacity of not less than 110% of the largest tank or largest combined volume of connected tanks.

Reason: To ensure that there are no discharges to the public sewerage system which may injure the sewer, interfere with free flow or prejudicially affect the treatment and disposal of its contents, in accordance with Local Plan Policies ENV3 (Environmental Risk) and ENV4 (Groundwater Protection).

- 29 Prior to the commencement of the development, there shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:

Evidence that other means of surface water drainage have been properly considered and why they have been discounted; and the means of discharging to the public sewer network at a rate not to exceed 4.75 litre

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal, in accordance with Local Plan Policies ENV3 (Environmental Risk).

- 30 Prior to the commencement of the development, details of the proposed means of disposal of foul water drainage for the whole site, including details of any



balancing works, off- site works and phasing of the necessary infrastructure, have been submitted to and approved by the local planning authority. If sewage pumping is required from any part of the site, the peak pumped foul water discharge must not exceed 4.75 (four point seven five) litres per second. Furthermore, unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure that no foul water discharges take place until proper provision has been made for their disposal, in accordance with Local Plan Policies ENV3 (Environmental Risk).

- 31 Basic radon protection measures are required for all new dwellings constructed at the site. These should be carried out in accordance with the radon protection measures described in the approved Geo-Environmental Appraisal - Ref. 4186\_1C document.

Reason: To ensure that risks from ground gases and land contamination to the future users of the land are minimised, in accordance with Local Plan Policies ENV3 (Environmental Risk).

- 32 In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from ground gases and land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Local Plan Policies ENV3 (Environmental Risk) and DEC4 (Protection of Amenity).

- 33 No demolition or development shall take place other than in accordance with the Written Scheme of Investigation Archaeological Strip, Map, and Record prepared by MAP Archaeological Practice Ltd Ref. 05.13.16.

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In accordance with Local Plan Policy DEC6 (Archaeology) as the site is of archaeological significance.

Target Determination Date: 5 January 2023

Case Officer: Ms Charlotte Cornforth  
charlotte.cornforth@northyorks.gov.uk

**North Yorkshire Council**  
**Community Development Services**  
**Scarborough and Whitby Area Constituency Planning Committee**  
**14 DECEMBER 2023**

**ZF23/01242/FL - CHANGE OF USE OF LAND AND PROVISION OF ADDITIONAL PITCHES AND SITE ROADS. ALTERATIONS TO SITE LAYOUT, LANDSCAPING AND SITE ROADS TO ACCOMMODATE REORGANISATION AND EXPANSION OF TOURING CARAVAN PARK AT LEBBERSTON TOURING PARK FILEY ROAD GRISTHORPE FILEY NORTH YORKSHIRE YO11 3PE ON BEHALF OF MR IAN PALMER**

**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 change of use of land to accommodate reorganisation and expansion of touring caravan park, including formation of associated site roads, caravan pitches and landscaping at Leubberston Touring Park, Filey Road, Gristhorpe.

1.2 The proposal is being considered by Members of the Scarborough and Whitby Planning Committee at the request of Gristhorpe and Leubberston Parish 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 a change of use of land to accommodate a reorganisation and expansion of Leubberston Touring Park. The proposal would see the caravan site area of the existing park being enlarged, and the number of touring caravan pitches on the site would increase from 125 to 175.

2.2 The proposal seeks to reorganise the layout of pitches within the existing developed parts of the site. Furthermore, the proposals will remove an existing caravan storage area and replace this with some additional touring pitches. The application also proposes an expansion of touring caravan pitches into an area of land located to the north-west of the existing caravan site.

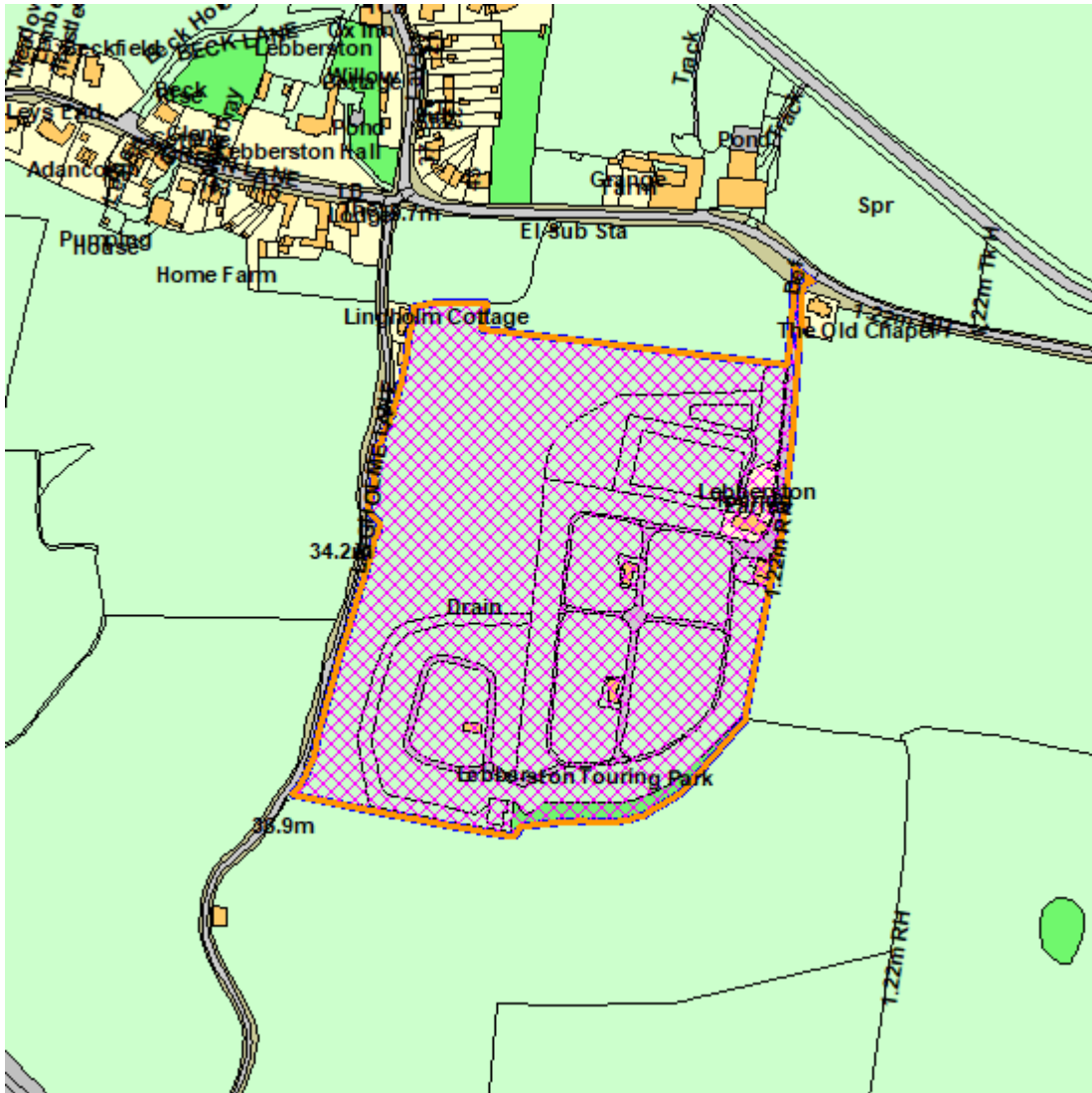
2.3 The proposal is considered to be acceptable in principle, improving and updating an existing touring caravan site. Further, the scheme is considered to be acceptable from a design and amenity perspective. Other detailed material

considerations have been carefully assessed within the report, with revisions sought throughout the application. Officers have sought advice from technical consultees, all of whom raise no objection to the proposal.

2.4 Therefore, it is considered that the development can be approved.



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### **3.0 Preliminary Matters**

3.1 To access and view the case file on Public Access, please use the link below.

<https://planning.scarborough.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RY1SKQNS0EA00>

### **4.0 Site and Surroundings**

4.1 Lebberston Touring Park is an established caravan park located immediately to the south of Lebberston village, on the south side of Filey Road. The current planning permission allows for 125 units. The site also comprises of a manager's dwelling with reception and shop, a storage shed, a caravan storage area, a dog walking/nature area and three amenity buildings (showers and toilets).

4.2 The site is accessed from the north-east, using a well-established vehicular access road off Filey Road.

4.3 The existing site is enclosed on all sides by established vegetation in form of mature hedges and trees. There is also extensive planting within the site. Beyond the site itself, land uses principally comprise farmland to the east, south and west, and a small number of residential properties on Filey Road and Lingholme Lane to the north and north-west.

4.4 With respect to planning designations and constraints, the site is located in the open countryside, outside of the Development Limits of any settlement defined in the Scarborough Local Plan. The application site is land identified by the Environment Agency as being at low (1 in 1000 year) risk of surface water flooding (Flood Zone 1).

### **5.0 Description of Proposal**

5.1 The proposals are for the reorganisation and expansion of the caravan park.

5.2 The application proposes an additional 50 touring caravan pitches. The layout of the existing site/pitches will be amended and 18no. additional pitches added to increase capacity. The existing caravan storage area will be changed to accommodate 12no. fixed pitches. The only area where new pitches (20no.) will be added to extend the site is the land adjacent, north-west of the site, which is currently a grazing paddock. New landscape planting (trees and shrubs) has recently been undertaken to enclose these areas, provide shelter to the caravans and enhance the appearance of the site.

5.3 There are no buildings proposed. The proposed new roads and individual pitch parking will be constructed of tarmac. The new touring caravan pitches will be constructed of crushed stone/gravel.

5.4 Each new touring caravan pitch will be equipped with one off-street car parking space. No changes will be made to the main access road into the park.

5.5 Foul water will be connected to the existing system (mains) via an existing pumping station on the established park. Surface water will discharge to ground as is currently the case for the existing park.

5.6 In addition to the plans, the application is accompanied by several supporting documents (available to view on the Council's website) including:

- Planning and Design & Access Statement
- Landscape Assessment
- Ecological Appraisal

## **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 the Scarborough Borough Local Plan 2011 to 2032, adopted 2017. The relevant policies are:

- Policy DEC4 - Protection of Amenity
- Policy TOU 1 - New Tourism Facilities
- Policy TOU 4 - Visitor Accommodation and Facilities in the Countryside
- Policy ENV 5 - The Natural Environment
- Policy ENV 6 - Development Affecting the Countryside
- Policy ENV 7 - Landscape Protection and Sensitivity

### 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 Design Guide

## **7.0 Consultation Responses**

7.1 The following consultation responses have been received and have been summarised below. The full consultation comments can be viewed on the Council's website.

- 7.2 Gristhorpe and Leebberston Parish Council: Objections in relation to overdevelopment, flooding and highway safety
- 7.3 Local Highway Authority: No objection
- 7.4 Environmental Health Private Sector Housing: No objection
- 7.5 Environmental Health Commercial Regulations: No response received
- 7.6 Parks and Countryside Services: No response received
- 7.7 Tourism: No response received
- 7.8 Lead Local Flood Authority: No response received
- 7.9 Yorkshire Water Services Limited: No objection following the submission of an amended Site Plan
- 7.10 Vale Of Pickering (York and Humber) Internal Drainage Board: No response received

### Local Representations

7.11 Consultation period expired on 26 October 2023. There have been 3no. objections received in response to the application, making the following comments, however, please see website for full comments:

- unsightliness
- highway safety issues
- increase in traffic
- impact on local wildlife
- concern about potential increase in noise

## **8.0 Environmental Impact Assessment**

8.1 The development proposed does fall within Schedule 2 of the Environmental Impact Assessment Regulations 2017 (as amended). However, this is a small extension to the existing site and the development is not within a 'sensitive area' as defined by The Regulations. The Council does not consider that an EIA under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 is required in this instance.

## **9.0 Main Issues**

- 9.1 The main issues are:
- Principle of the proposed development



- Landscape and visual impact
- Impact on neighbour amenity
- Highway safety
- Ecology

## 10.0 Assessment

### Principle of the proposed development

10.1 The application site lies within the open countryside outside of the Development Limits of any settlement as defined in the Local Plan. Therefore, as a proposal for improvements to an existing site in the open countryside, policies ENV6 (Development Affecting the Countryside) and TOU4 (Visitor Accommodation and Facilities in the Countryside) are applicable. Additionally, policy TOU1 (New Tourism Facilities) is also relevant.

10.2 Local Plan policy ENV6 seeks to protect the 'open countryside' for its own sake, and restricts development to that for which a countryside location is essential and precludes development except for certain circumstances. One such circumstance is where a development proposal accords with the provisions of policy TOU4. Policy TOU4 states that new visitor accommodation in the countryside will be permitted where: it is of an appropriate scale relative to its location; sited to be visually unobtrusive and able to be successfully integrated into the surrounding landscape due to the topography and established screening; and, has a road network and access which can safely accommodate the associated traffic. This policy overrides the need for essential development where tourist accommodation is concerned. In addition, policy TOU1 lends general support to new or enhanced tourism facilities which respect the distinctive tourism character of the area in terms of scale and nature and, where possible, help to reduce the seasonal nature of tourism.

10.3 The National Planning Policy Framework (NPPF) is also an important consideration in assessing the principle of the development. It states that significant weight should be placed on the need to support economic growth and productivity; and, that the sustainable growth and expansion of all types of business in rural areas should be enabled, including sustainable rural tourism developments that respect the countryside.

10.4 It is considered that these policies are generally supportive in principle of the expansion of tourist accommodation like proposed providing it meets the detailed criteria of those policies, other relevant planning policies and satisfies other material considerations.

10.5 This is a proposal for an expansion and modernisation of a touring caravan site of a scale and nature that is commensurate with the existing facility, in a locality that is characterised in a visual sense by the existing caravan site. Whilst this application does extend the boundaries of the existing Holiday Park, representing an increase of approximately 11% in the area of the site, this is considered not to be significant enough to cause detrimental impact on its countryside location. Similarly,

it is considered that the number of pitches proposed would be appropriate for the identified site area, representing an increase of approximately 40% in the number of units overall.

10.6 The proposal would deliver high quality touring caravan holiday accommodation pitches at a well-established Holiday Park to meet the needs of the tourism industry, and enhancement of the layout and facilities. In general terms, the proposal complies with policy TOU1 and your Officers consider that the proposal is supported by the provisions of the NPPF.

#### Landscape and visual impact

10.7 The existing site is well screened from public views along the main highways, Filey Road to the north and Lingholme Lane to the west, by the existing hedges and trees which boarder the highways, and also the substantial planting which surrounds the site. The new extension area is a little more open at the present time. The land slopes very gently to the south and west so views of the caravans would only be visible from the west. However, Lingholme Lane has roadside hedges and existing mature boundary trees to the site, which screen the view of this area. It is considered that the extension to the site would not have any significant landscape impact due to the existing trees and hedges which surround the site and the location of public view points. In addition, the new landscaping which has already been planted, but not as yet achieved any size, will in the near future add to the well treed appearance of the site.

10.8 The new planting already undertaken will complement the mature trees on the site, providing a positive enhancement to the local landscape of the area. When viewed from the surrounding area, the site appears as one fairly large woodland.

10.9 Given the effectiveness of the existing screening, it is evident that the proposed development will not detract from the appearance of the surrounding landscape, make the site more prominent within it or impact upon residential amenity. As the site will continue to operate as a Holiday Park, its context within the local area will remain the same.

10.10 Local Plan policy ENV7 (Landscape Protection and Sensitivity) is concerned with landscape protection including: the sense of openness; the pattern and complexity of the landscape; the experience derived from a particular landscape character; its relationship with settlement edges and inter visibility. In the context of the wider landscape and its enjoyment by the wider public, and in view of the location of the proposed pitches within the context of the existing caravan park and sited amongst existing structures on the park, it is not considered that this proposal would have a serious adverse impact. In relation to the proposed pitches to the north-west, there is considerable mature planting in place to the west and north in the form of inner and outer site boundaries which collectively satisfactorily soften and screen the visual impact of the proposal and its effect on landscape character.

10.11 Considering the criteria of policy TOU4 outlined earlier in the report, the proposal is for a modest level of development that would not be likely to cause detrimental impact on its countryside location. The development is sited within the

confines of the site, largely screened from public views by established tree and hedge planting on all sides. The landscaping is effective even in the winter period. The proposal includes the addition of planting where appropriate, still, it is considered the topography, along with the existing vegetation would obscure much of the development and therefore it would not be visually obtrusive.

10.12 With this in mind, subject to the favourable consideration of the other planning matters, Officers consider the scheme to be in accordance with policies TOU1, TOU4, ENV6 and ENV7 of the Scarborough Borough Local Plan 2017.

#### Impact on neighbour amenity

10.13 Policy DEC4 (Protection of Amenity) of the Local Plan concerns the protection of amenity. In this instance, the key consideration would be on closest neighbouring residential properties. The policy states proposals should not give rise to unacceptable impacts by means of [amongst other things] disturbance arising from such things as noise, light pollution and other activities.

10.14 With regards to the application site, there are no private residential properties in close proximity of the site. The closest relationship between the proposed pitches on the site and existing third party property (the neighbouring dwellings to the north-west of the application site on Lingholme Lane) will be approximately 70 metres. However, there are considerable areas of landscape planting (comprising outer and inner western boundaries), which will screen these properties from the new and existing pitches. Further, to the rear of these properties the land rises. As such, these two properties are screened from the application site by a combination of landform and mature planting. Due to the separation distance together with existing and new planting, it is considered that the new caravan pitches would not result in unacceptable levels of light or noise pollution. The touring park, even with the proposed extension, remains separate from the closest existing settlement of Lebberton.

10.15 In view of the above, it is not considered that this proposal will have an adverse effect on residential amenity and meets the requirements of Local Plan policy DEC4 concerning protection of amenity.

#### Highway safety

10.16 Local Plan policy DEC1 (Principles of Good Design) states that proposals should provide suitable and safe vehicular access and suitable servicing and parking arrangements. The final criteria of Policy TOU4 relates to traffic generation.

10.17 Pedestrian and vehicular access is to be via the existing access. This application does not in any way seek to alter the existing access, and the access will continue to be used in the normal way for passage on foot or motor vehicle. Parking is to be provided within the confines of the proposed Holiday Park.

10.18 The Local Highway Authority has assessed the proposals from the point of view of access and safety, and has not raised any objections.

10.19 With this in mind, Officers do not consider that the safety or convenience of users of the public highway will be harmed by the development.

## Ecology

10.20 Local Plan policy ENV5 (The Natural Environment) requires that proposals should respond positively and seek opportunities for the enhancement of species and habitats. The NPPF states that if significant harm to biodiversity cannot be avoided, adequately mitigated or, as a last resort, compensated for, then planning permission should be refused.

10.21 The existing trees and shrubs on the site together with the new planting with a diversity of species will help to create and improve the diversity wildlife habitats available in the area. It is recommended that the ecological integrity of the site is maintained and enhanced for biodiversity gain. This can be achieved by the provision of a full planting and landscaping scheme across the site. This detail can be secured through planning condition, as well as including the retention of trees and hedges. It is noted that the Council's Ecologist and the Arborist have been consulted but no comments have been received. It is therefore presumed that there are no objections in those respects.

10.22 The submitted Ecological Appraisal concluded that the development proposals are unlikely to result in any adverse impact on statutory and non-statutory designated sites and no mitigation is required to this regard. The report concludes that the proposed development is unlikely to impact upon any European protected species or associated habitats. However, the survey makes recommendations for protection and enhancement of habitat as part of the development and these can be secured by condition. Subject to these measures, it is not considered that the development will have an adverse impact on nature conservation and presents opportunities for enhancement in accordance with Policy ENV5 of the Scarborough Borough Local Plan 2017. Therefore, the Local Planning Authority has no reason to consider that the scheme is unacceptable in relation to this technical consideration.

10.23 The site is located within open countryside. It is therefore important to minimise light pollution on the darkened rural landscape. A lighting scheme, detailing the locations and types of lights across the site will be secured by planning condition.

## PRE-COMMENCEMENT CONDITIONS

There are no pre-commencement conditions recommended.

## 11.0 Planning Balance and Conclusion

11.1 The proposal is considered to be acceptable in principle, improving and updating an existing touring caravan site. Detailed material considerations have been carefully assessed within the report, with revisions sought throughout the application.

11.2 Officers have sought the advice of technical consultees, all of whom raise no objection to the proposal.

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, and consequently the application is recommended for approval.

## 12.0 RECOMMENDATION

12.1 That permission be GRANTED subject to the following conditions

1 The development hereby approved shall be carried out in strict accordance with the following:

Site Location Plan (drawing no. 001) received by the Local Planning Authority on 18 July 2023,

Site Plan - as Proposed (drawing no. 101 A) received by the Local Planning Authority on 9 October 2023.

Reason: For the avoidance of doubt.

2 The landscaping shall be implemented in accordance with the approved planting scheme shown on drawing 'Site Plan as proposed 101 REV A'. The planting scheme shall be implemented in full and shall thereafter be maintained by the owners of the land on which they are situated for a period of five years, beginning with the completion of the landscaping scheme. During that period, all losses shall be made good as and when necessary, unless written consent is given to any variation.

Reason: To ensure the character of the open landscape is protected, and in the interests of the appearance of the area and to ensure opportunities for biodiversity enhancement are maximised in accordance with policies DEC1, ENV5 and ENV7 of the Scarborough Borough Local Plan 2017.

3 The existing planting on the site's boundaries shall be permanently retained.

Reason: To ensure the site is properly screened in perpetuity in accordance with Policy TOU4 of the Scarborough Borough Local Plan 2017.

4 The development shall be undertaken in strict accordance with the recommendations and methods outlined within the submitted 'Ecological Appraisal' prepared by Rod Strawson on behalf of Ecology & Forestry Ltd, received by the Local Planning Authority on 18 August 2023; and the mitigation measures set out in section 5 of this report shall be adhered to in full.

Reason: To ensure adequate protection is afforded to species protected by law and to ensure the development is carried out in accordance with the details set out in the supporting documentation accompanying the planning application in order to provide adequate and necessary mitigation for the adverse environmental impacts that have been identified. To ensure opportunities for biodiversity enhancement are maximised in accordance with policies DEC1, ENV5 and ENV7 of the Scarborough Borough Local Plan 2017.

- 5 Notwithstanding the submitted details, prior to first occupation of the development hereby approved, a detailed scheme of external lighting for the development shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall seek to minimise any impact through light spillage on the visual amenities of the area. The lighting scheme for the development shall be carried out in accordance with the approved details and thereafter so maintained unless any alteration is first approved in writing by the Local Planning Authority.

Note: The Local Planning Authority will wish to see the external lighting on the site kept to a practical minimum, and low wattage low level lighting would be preferred.

Reason: In the interests of the visual amenities of the area, the surrounding landscape, and nature conservation, in accordance with policies DEC1 and ENV5 of the Scarborough Borough Local Plan.

- 6 The development hereby approved shall be occupied for holiday purposes only, and only during the period commencing on 1st March in each year and ending on 4th January in the following year. No caravan shall be occupied as a person's sole or main place of residence. There shall be no caravans left on the touring site as extended between 4th January and 1st March. The site shall be used solely for stationing of touring caravans and no caravan shall remain on the site for any continuous period exceeding 28 days.

Reason: In order to preclude permanent occupancy in the interest of avoiding such development in the countryside in accordance with policy ENV6 of the Scarborough Borough Local Plan 2017. To ensure the benefit to the local rural economy from transient tourist occupation is realised in accordance with Policy TOU4 of the Scarborough Borough Local Plan.

#### Notes

- 1 If the application is approved and is developed then the caravan site licence for the site needs to be updated accordingly.

Target Determination Date: 14 September 2023

Case Officer: Mrs Katja Harper  
katja.harper@northyorks.gov.uk

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

**14 DECEMBER 2023**

**23/00394/RG3 - ERECTION OF 2NO. MODULAR BUILDINGS TO PROVIDE  
SHOWER & LOCKER FACILITIES, WITH ASSOCIATED BIN STORE AND CYCLE  
STORAGE RACK AT WINDMILL SITE FORESHORE ROAD SCARBOROUGH  
NORTH YORKSHIRE ON BEHALF OF NORTH YORKSHIRE COUNCIL**

**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 provision of shower and changing facilities, along with bicycle storage at the former Windmill Site along Foreshore Road.

1.2 In line with the Council's Scheme of Delegation, the application 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 installation of 2No modular buildings to provide shower and changing facilities for beach users, with associated bin and cycle storage.

2.2 The site is located along Foreshore Road within the South Bay area of Scarborough. South Bay beach lies opposite. McBean Steps provide a direct route to the Town Centre and are located adjacent and to the rear of the application site, which is demarcated by a high retaining wall with the Grade II\* Listed Grand Hotel positioned above.

2.3 The proposal is considered to be acceptable in principle, providing additional beach recreational facilities and making use of an otherwise vacant site in a prominent location along the seafront. Further, the scheme is considered to be acceptable from design, amenity and flood risk perspectives.

2.4 The proposed development is considered to be acceptable on its merits.



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### **3.0 Preliminary Matters**

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

[23/00394/RG3 | Erection of 2no. modular buildings to provide shower & locker facilities, with associated bin store and cycle storage rack | Windmill Site Foreshore Road Scarborough North Yorkshire](#)

3.2 23/00394/RG3 | Erection of 2no. modular buildings to provide shower & locker facilities, with associated bin store and cycle storage rack | Windmill Site Foreshore Road Scarborough North Yorkshire

### **4.0 Site and Surroundings**

4.1 The site is a vacant rectangular shaped piece of land measuring approx. 210sqm and located towards the southern end of Foreshore Road within the South Bay area of Scarborough.

4.2 The site is bounded to the North by McBean Steps and the Central Tramway. To the West and South, lies the retaining wall boundary with the Grade II\* listed Grand Hotel on St Nicholas Cliff elevated above. Opposite lies South Bay beach and the North Sea.

4.3 The site lies within the designated Scarborough Conservation Area and the Development Limits for Scarborough.

4.4 The site is within the Environment Agency's Flood Zone 2, which is land at a 'medium' risk of flooding by rivers and/ or the sea.

### **5.0 Description of Proposal**

5.1 The application seeks planning permission for the installation of 2No modular buildings to provide shower and changing facilities, locker facilities, bin and cycle storage as part of a 'water sports hub'.

5.2 The site would be re-surfaced using a 'Flexipave' system consisting of rubber and stone aggregate. The formation of the 'hub' would see modular buildings positioned along the southern and western boundary of the site in an 'L' shape configuration. The southern building measuring 6.1 metres x 2.5 metres, length and width respectively, to provide a separate store and locker area. The western building would measure 9.3 metres x 2.5 metres, length and width respectively, providing an office space, store room and 4No shower/changing facilities. Brown/red coloured metal doors and glazed windows with metal security covers would be installed. The buildings would be clad in timber. The space to the rear would be enclosed by a timber fence (with access gates), measuring approx. 2.5 metres in height to screen the modular buildings from view.

5.3 The Council's Drainage and Coastal Engineer leading on the project has informed the Authority that the facilities would accord with statutory disability access requirements.

5.4 The bin storage area would be located adjacent the western modular building. A cycle store area would be located along the northern boundary of the site.

5.5 By way of some background information, the details supplied by the applicant indicate that if permission was granted North Yorkshire Council would invite applications from commercial water sports hire operators to manage and operate the hub. It is stated in the application material that all beach users would be able to make use of the facilities, not only those wishing to hire equipment. The use would include an ancillary element of retail allowing for the selling of watersports merchandise and apparel such as clothing, wetsuits and accessories. No food or drink would be permitted for sale at the premises. The applicant also states that beach wheelchairs will also be available for hire.

## **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 Estates: No comments received.

7.4 Drainage and Coastal Engineer: No comments received

### Local Representations

7.5 No representations received

## **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 and Appearance
- Heritage
- Amenity
- Highways and parking
- Flood Risk

## **10.0 Assessment**

### Principle of Development

10.1 The proposal seeks to utilise an existing vacant site for the provision of a 'water sports hub' to include associated storage, locker, shower and changing facilities. North Yorkshire Council intend on making the on-site provisions to attract a commercial operator in this field who would then manage and maintain the 'hub' as part of their own enterprise. As part of the scheme, as well as hiring out their own equipment, the operator would also be responsible for the hiring of beach wheelchairs that are to be provided as part of a NYC funded scheme.

10.2 Local Plan Policy DEC 3 (The Efficient Use of Land and Buildings) encourages the re-use of land (brownfield) where this accords with other plan policies. The Authority recognise that the site is constrained in terms of its location, size and high retaining walls, which has limited the potential for redeveloping this area, as such the site has remained vacant for some time. Historic records indicate the site to have been used for leisure purposes, generally accommodating food kiosks and small fairground rides on a temporary basis. The Authority consider the proposed 'water sports hub' to be positive use for an otherwise redundant space and would represent an efficient re-use of this piece of land as required by LPP DEC 3.

10.3 Local Plan Policy TOU1 (New Tourism Facilities) supports proposals for the development of new tourism facilities where they (a) respect the distinctive tourism character of the area in which the development is proposed, both in terms of scale and nature of development; and (b) wherever possible; help to reduce the seasonal nature of the tourism industry in the area. Whilst it is recognised that the hub may be more actively used during peak tourist season, it is intended for both visitors and locals alike and to have a facility opposite the beach where users can store belongings, shower and change, whilst also being able to hire out water sports equipment. With that in mind, your officers would consider the development likely encourage more year round use of this part of the South Bay area, in accordance with the objectives of the Local Plan's tourism policies.

10.4 The proposed use of the site as a water sports hub is considered compatible with the character and nature of the surrounding area, going hand in hand being so close to the beach and sea. Those drawn to use the facility/hire equipment may also be attracted to use other facilities in the vicinity. In this regard, it is considered that the proposed scheme can be viewed positively and in accordance with the criteria contained within Policy TOU 1.

10.5 Local Plan Policy HC14 (Open Space and Sports Facilities) sets a positive policy context for proposals which would deliver new sport provisions. Whilst the development may not be considered a formal recreational provision, it would however deliver an informal opportunity that nevertheless would encourage water sports activities and allow for hiring of specific equipment in order to fulfil water related activities at South Bay. In this regard, it is considered that the application can be viewed positively in accordance with LPP HC 14.

10.6 The development would require on-site staff. Policy EG 1 encourages new employment opportunities, criterion (b) supporting the development of new employment units within settlements where proposals are compatible with the scale and nature of the surrounding uses. The hub can be accommodated within the site and is considered to be suitably positioned in the South Bay area to take advantage of the surrounding environment.

10.7 The scheme would allow for the redundant site to be re-occupied with a use considered compatible with the South Bay area and is considered to complement existing uses. The development is therefore considered acceptable in principle in accordance with Policies DEC3, TOU1, HC14 and EG 1 of the Scarborough Borough Local Plan.

#### Design and Appearance

10.8 Local Plan Policy DEC 1 (Principles of Good Design) seeks to ensure that the design responds positively to the local context, in terms of its scale, form, height, layout, materials, colouring, fenestration and architectural detailing. In this case, the site is fairly constrained owing to the large retaining walls to the south and west boundaries.

10.9 In terms of scale and form, it is considered that the use of the flat roof modular structures ensure that the development remains low key presence -

obscured by the boundary walls or screened from view by the timber cladding proposed to combine the two modular buildings to appear as one and also to secure the rear of the site. The buildings have been sensitively sited towards the side and rear boundaries so as to not become dominant features and allow for suitable manoeuvrable space fronting the development and therefore not encroach into the public highway.

10.10 The simple design and detailing is considered appropriate and would not result in a visually intrusive development being set back from the public highway and subservient to the large retaining walls that provide a backdrop to the site. As the site in more recent years has been vacant, it has become difficult to regularly maintain. The proposal would allow for the occupation of the site and help to maintain its appearance within what is considered a prominent location along the seafront. The scheme is therefore considered to accord with the principles of good design as required by Local Plan Policy DEC 1.

#### Heritage

10.11 The site lies within the designated Scarborough Conservation Area with the imposing Grade II\* Listed Grand Hotel situated above the site to the West. Policy DEC5 of the Local Plan requires that new development preserve both the character and appearance of the Conservation Area and the settings of Listed Buildings. The setting of the designated heritage asset in relation to the application site is noted and due consideration has been given to the relationship between the site and the listed hotel. Whilst it is appreciated that the setting is important it is considered that the proposed development can take place on the Windmill site due to the difference in land levels which protects both the setting and views of the hotel. Moreover, it is considered that the development would add visual interest to an otherwise redundant site. As highlighted under sub-heading 'Design and Appearance' the scheme is of a simple design and in terms of impact upon this part of the Conservation Area and settings of Listed Buildings, it is considered that on balance, the scheme would enhance this underutilised space and contribute to the existing character, which is considered varied - amusement arcades amongst traditional buildings and historical gardens. The development would preserve the character and appearance of the Conservation Area and the settings of nearby Listed Buildings.

#### Amenity

10.12 Local Plan Policy DEC4 (Protection of Amenity) seeks to ensure that existing and future occupants of land and buildings are provided with a good standard of amenity. Good quality development, by definition, should not result in an adverse impact on the amenities of occupiers or nearby properties. The development takes place along the seafront, where it is considered that there is lots of activity and footfall, particularly during the peak season. It is not considered that the development would increase levels of activity such that a negative impact upon surrounding amenities would result.

10.13 The development would not result in a materially harmful impact upon amenity and is in accordance with the requirements of Policy DEC 4 of the Scarborough Borough Local Plan.

## Highways and parking

10.14 The Local Highway Authority is the statutory consultee in the planning process for matters relating to access and parking and the Local Planning Authority is reliant on its expert advice in this respect. No objections have been raised by the Highway Authority. With this in mind, your Officers would advise that the proposed development is unlikely to have a detrimental impact on the safety and convenience of users of the public highway.

## Flood Risk

10.15 Local Plan Policy ENV 3 (Environmental Risk) requires proposals to mitigate against the implications of environmental risk and effects of climate change. This will be achieved by, amongst other things, (a) avoiding development in high flood risk areas by following a sequential approach in giving priority to lowest risk areas...where the Sequential Test cannot be passed, the Exception Test should be utilised. These requirements echo national planning policy.

10.16 The site lies within Flood Zone 2 (medium probability of flooding from rivers and seas) and is therefore accompanied by a Site specific Flood Risk Assessment (SsFRA). The report identifies the scheme as a 'water compatible development' defined within the NPPF Flood Risk Vulnerability Classification - outdoor sports and recreation and facilities such as changing rooms falling within this category.

10.17 The nature of the development being 'water compatible' means in this case there is no requirement to meet the Exception Test. Sequentially however, it is clearly evident that the development is sought in this location owing to its proximity to the beach and sea, with the site proposed being available and at a lower risk of tidal flooding along this section of Foreshore Road. The Authority are satisfied that the scheme therefore passes the Sequential Test as required by LPP ENV3 and NPPF. Moreover, as identified above, the re-use of the brownfield site is of wider benefit.

10.18 In terms of flood risk from surface water, the site lies within an area identified by the Environment Agency as being at 'very low risk' of surface water flooding.

10.19 On the points of foul and surface water drainage, for development proposals of this scale and nature neither the Lead Local Flood Authority nor Yorkshire Water are statutory consultees in the planning process. The Building Regulations deal with drainage matters and the Government's Planning Practice Guide is clear in that in the exercise of planning functions (notably the imposition of planning conditions) Local Planning Authorities should not seek to duplicate existing legislation.

## **11.0 Planning Balance and Conclusion**

11.1 In principle, a proposal for a 'water sports hub' which is considered a water compatible development (as identified within the NPPF) and is in accordance with Policies DEC3, TOU1, HC14 and EG1 of the Scarborough Borough Local Plan.

11.2 The other key issues concern design, impact upon the Conservation Area, amenity and flood risk. The report establishes that the development is of an acceptable design for this part of the designated Scarborough Conservation Area and would not have a detrimental impact upon surrounding amenities. The proposed site passes the Sequential Test as required by Local Plan Policy ENV3 and the NPPF to ensure that the impact from flood risk has been considered.

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 following conditions

1 The development hereby permitted shall be carried out in accordance with the following plan/s:

- Location and Block Plan received 2nd March 2023;
- North Elevation and Floor Plan received 26th April 2023;
- Proposed Plan received 13th June 2023;
- Elevation Plan received 13th June 2023;
- Management Statement received 26th April 2023;
- Site specific Flood Risk Assessment received 2nd March 2023.

Reason: For the avoidance of doubt.

2 The external materials of construction of the buildings and hardsurfacing within the curtilage of the development hereby permitted, shall be as per those specified within Proposed Plan received on 13th June 2023 by the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of the appearance of the development and the character and appearance of that part of the Conservation Area in which it is set. Policy DEC5 of the Local Plan.

Target Determination Date: 4 December 2023

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

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