

- 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 March, 2024
- 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.

Recording is allowed at Council, committee and sub-committee meetings which are open to the public. Please give due regard to the Council's protocol on audio/visual recording and photography at public meetings. Anyone wishing to record is asked to contact, prior to the start of the meeting, the named democratic services officer supporting this committee. We ask that any recording is clearly visible to anyone at the meeting and that it is non-disruptive.

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 St John Harris in Democratic Services by midday on Monday, 11 March 2024.

If you are exercising your right to speak at this meeting, but do not wish to be recorded, please inform the Chairman who will instruct anyone who may be taking a recording to cease while you speak.

This meeting is being held as an in-person meeting that is being broadcasted and recorded and will be available to view via the following link [Live meetings | North Yorkshire Council](#)

Agenda

1. Apologies for Absence

2. **Minutes for the Meeting held on 8 February 2024** (Pages 3 - 4)
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. **23/00454/FL - Major residential development including access, landscaping, public open space and parking at land at Racecourse Road, East Ayton, Scarborough, North Yorkshire** (Pages 5 - 30)
Report of the Assistant Director Planning – Community Development Services
[View Plans and Documents](#)
5. **Any other items**
Any other items which the Chair agrees should be considered as a matter of urgency because of special circumstances.
6. **Date of Next Meeting**
Thursday, 11 April 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:

St John Harris, Principal Democratic Services Officer
Tel: 01723 383556
Email: stjohn.harris@northyorks.gov.uk

Wednesday, 6 March 2024

North Yorkshire Council

Scarborough and Whitby Area Constituency Planning Committee

Minutes of the meeting held on Thursday, 8th February, 2024 commencing at 2.00 pm.

Councillor Phil Trumper in the Chair plus Councillors Eric Broadbent, Janet Jefferson, Rich Maw, Heather Phillips, Roberta Swiers (as a substitute for Clive Pearson) and Subash Sharma.

Officers present: Fiona Casson (Legal Services Manager), Daniel Child (Principal Planning Officer), St John Harris (Principal Democratic Services Officer), Daniel Metcalfe (Area Planning Manager) and David Walker (Head of Planning).

Apologies: Councillor Clive Pearson.

Copies of all documents considered are in the Minute Book

56 Apologies for Absence

Apologies noted (see above)

57 Minutes for the Meeting held on 14 December 2023

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

58 Declarations of Interests

Councillor Broadbent and Councillor Maw each declared a personal interest in agenda item 4. (ZF23/00866/RG4) - Erection of zip lines between two tower structures, since each had been the member of a Scarborough Borough Council working group which considered the introduction of adrenaline sports on the North Bay.

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.

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 the reasons for that decision are as set out below.

59 (ZF23/00866/RG4) - Erection of zip lines between two tower structures including

reception and landing areas with associated groundworks and access road, at former Marvels Leisure Park to land south of Scalby Mills Miniature Railway Station, Scarborough

The Corporate Director – Community Development Services sought determination of a planning application for erection of zip lines between two tower structures including reception and landing areas with associated groundworks and access road, at former Marvels Leisure Park to land south of Scalby Mills Miniature Railway Station, Scarborough, North Yorkshire, on behalf of UKBC Limited.

Updating the report, the planning officer advised that further objections had been received since the report was published including video footage of waves overlapping the Cleveland Way trail. All the issues raised were already covered in the report.

Rita Holmes spoke objecting to the application.

The applicant's agent, James Field, spoke in support of the application.

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

- The potential harmful impact of the proposals on the natural beauty and tranquillity of the North Bay
- The zip lines would dominate the landscape and on the approach to Scarborough from the north on the Cleveland Way would detract from the views of the castle and headland
- The difficulty in mitigating the visual impact of a 35m tower
- The significant economic benefits of the proposals
- The potential to mitigate the visual impact through an improved design and more appropriate treatment and cladding of the towers
- The provision of a video simulation of the zip lines in operation would assist the committee

The decision:-

That consideration of the application be DEFERRED to allow the applicant the opportunity to improve the design of the proposals, specifically the treatment and cladding of the two towers.

Voting Record

A vote was taken and the motion was declared carried with 4 for and 3 against.

60 Any other items

There were no urgent items of business.

61 Date of Next Meeting

Thursday, 14 March 2024 – Town Hall, Scarborough

The meeting concluded at 2.56 pm.

North Yorkshire Council
Community Development Services
SCARBOROUGH AND WHITBY AREA CONSTITUENCY PLANNING
COMMITTEE

14 MARCH 2024

**23/00454/FL - MAJOR RESIDENTIAL DEVELOPMENT INCLUDING ACCESS,
LANDSCAPING, PUBLIC OPEN SPACE AND PARKING AT LAND AT
RACECOURSE ROAD, EAST AYTON, SCARBOROUGH, NORTH YORKSHIRE,
ON BEHALF OF PEGASUS PLANNING GROUP LTD (MISS HEIDI BOOT)**

**Report of the Assistant Director Planning – Community Development
Services**

1.0 Purpose of the Report

1.1 To determine a planning application for 56 dwellings and associated infrastructure on land south of Racecourse Road, East Ayton.

1.2 The proposal is being considered by the Scarborough and Whitby Planning Committee to ensure consistency with the decisions on applications for the two other constituent parts of the same Local Plan Housing Allocation, which were also recently determined by the Committee.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That planning permission be GRANTED subject to conditions listed in Section 11 and completion of a S106 agreement with terms as detailed in Section 10 of this report.

2.1 This application seeks full planning permission for 56 dwellings and associated infrastructure on 1.88 ha of pasture land. The site lies to the south of Racecourse Road (A170), East Ayton immediately beyond Betton Farm when entering the village from the Scarborough direction. It forms the easternmost part of Local Plan Housing Allocation HA32. Planning permission has recently been granted or agreed in principle for development of the remainder of the Allocation. The main vehicular access would be from Racecourse Road with a road link into the adjoining proposed residential development.

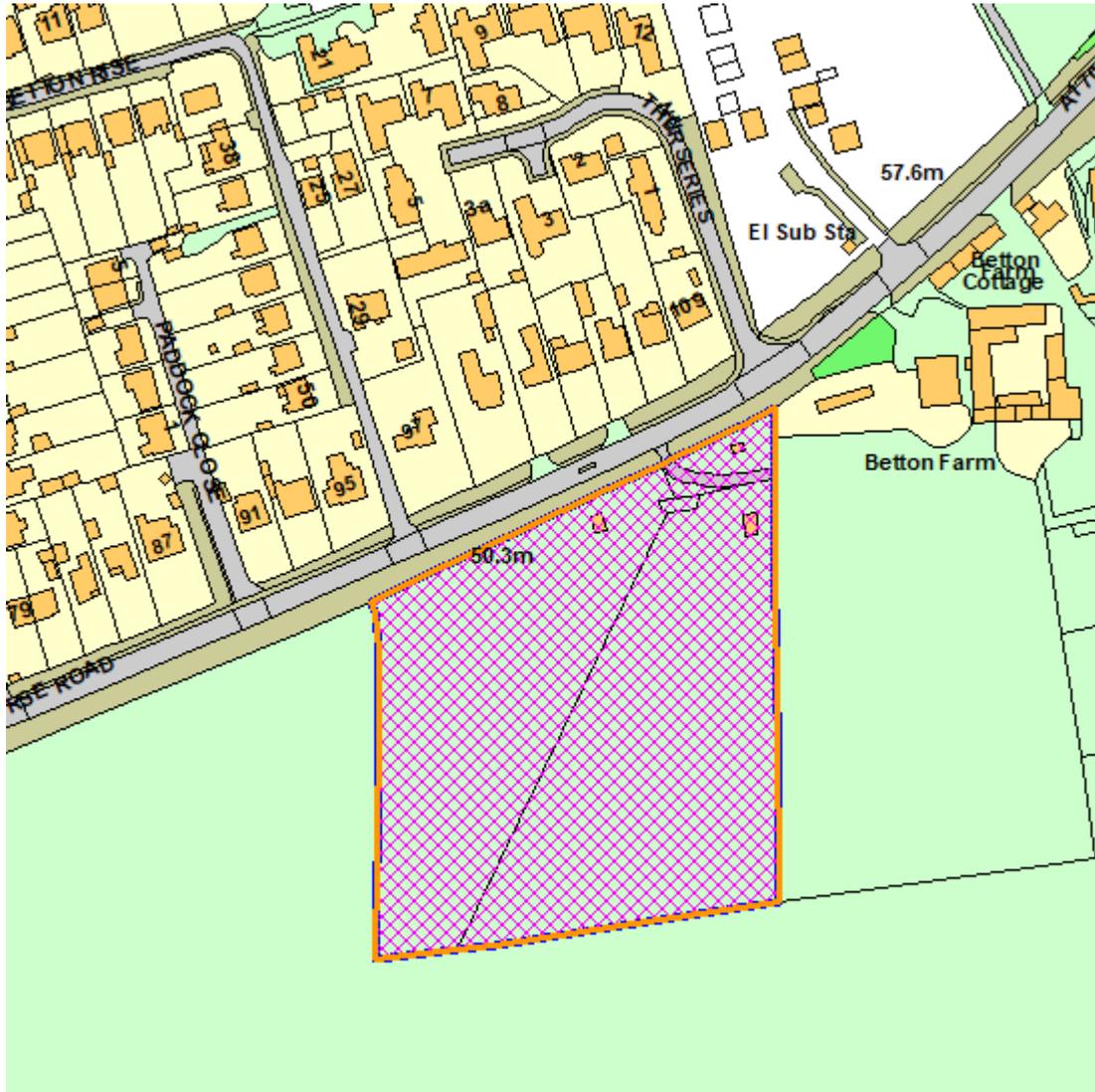
2.2 The principle of residential development is established by the fact that the site is a Housing Allocation in the Local Plan. Consequently, the main issues to be assessed are of a more detailed nature, such as density, design, highway impact, drainage and provision of social infrastructure, including affordable housing and

S106 planning obligations. Following lengthy negotiations and the submission of amendments, officers are now of the opinion that the application is in a form which allows planning permission to be granted.



N

Reproduced by permission of Ordnance Survey on behalf of Her Majesty's Stationery Office. © Crown copyright and database right 2023 Ordnance Survey License number AC0000825864



3.0 Preliminary Matters

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

[23/00454/FL | Major residential development including access, landscaping, public open space and parking | Land At Racecourse Road East Ayton Scarborough North Yorkshire](#)

3.2 A Statement of Community Involvement (SCI) indicates that 576 leaflets were distributed locally and 68 response formats were received. The SCI containing full details of the matters raised and the applicant's agent's response to these can be found online. No detailed pre-application discussions took place with officers.

3.3 The Design & Access Statement implies that various layouts were considered by the developer. While the overall number of houses has remained constant the scheme originally submitted with the application differed from the amended plans and key changes include the following:

- Moving the position of the road link to the proposed development to the east in response to amendments on the adjacent site
- A less angular stepped road layout
- Repositioning the main area of public open space from the rear of the site to the site entrance
- Additional planting including on the southern boundary
- Less reliance on frontage parking.

3.4 There have been previous no planning applications on this site, which are of direct relevance.

3.5 However, the following applications relate to other parts of the HA32 Allocation and were recently considered by the Committee:

22/01644/FL - Residential development for 93 dwellings on land immediately to the west of the application site, to which this report relates - In December 2023, the Committee resolved to approve full planning permission subject to conditions and S106 obligations, the latter is awaiting completion before permission is formally granted. (Previously outline planning permission had been granted on this site for residential development in 2018).

ZF23/00983/FL - 100 bedroom care home and 9 dwellings on land at the far western end of the HA32 allocation - Approved subject to conditions and S106 obligations in January 2024. (This followed the refusal of an earlier application for a care home and dwellings in 2023. Previously outline planning permission had been granted on this site for residential development in 2016 and 2019; both now expired).

4.0 Site and Surroundings

4.1 The site lies on the southern side of Racecourse Road and is the eastern-most part of the Local Plan Housing Allocation HA32. Apart from Betton Farm to the east it

is on the outer edge of the built up area of East Ayton village. It covers 1.88ha and is roughly square in shape, although depth of the site is greater on its eastern boundary adjacent to Betton Farm than the western boundary which adjoins the central part of the allocation due to be developed for 93 homes. The width of the site east-west is 127m, while the average depth of the site north to south is 140m.

4.2 The existing site is an open field/paddock, including two small field shelters. The land slopes from the north-east to the south-west - the highest point being adjacent to Betton Farm on the road frontage. The site is situated behind a grassed verge and hedgerow with a field access towards its eastern end. On the opposite, northern side of Racecourse Road are mainly 20th century houses and bungalows of suburban character set back 12-20m from the highway. The hedgerow on the eastern site boundary is supplemented by trees towards the frontage, and beyond that lie the farmhouse and sheds of agricultural origin at Betton Farm. The boundaries to the fields to the south and west are more open in character. The land to the west is due to be developed with housing, while the open fields to the south gradually slope down to Seamer Road (B1261) linking the Aytons to Irton/Seamer, typically 270m away. The land to the south and east lies outside Local Plan Development Limits of the village.

5.0 Description of Proposal

5.1 This application seeks full planning permission for a total of 56 houses and associated infrastructure, such as roads, open space and a pumping station. During the application the layout has been amended and this is explained further in the 'Assessment' section of this report. The majority of houses would be served by two roads forming an L-shape. The main highway access would be in the same position as the existing field access onto Racecourse Road. A road would then extend north-south serving the eastern part of the development before joining an east-west highway serving the southern part of the scheme, which would also be a continuation of a road forming part of the proposed development to the west. There would be 5 secondary cul-de-sacs, with the largest serving 10 houses in the western/central area and built to adoptable standard. Two unadopted highways would serve 9 houses facing the site frontage and one of these would require a second access point directly onto Racecourse Road.

5.2 A footway would be provided adjacent to the carriageway in place of the grassed verge. Apart from the secondary access point, the existing hedgerow along the site frontage would be retained. Amendments introduced a triangular area of public open space adjacent to the main site entrance with an area of circa 700sqm. The plans show tree planting around this entrance green and sporadically within the development, as well as a 2m landscape buffer along the southern boundary. A pumping station is proposed in the south-western and lowest corner of the site.

5.3 There would be 12 house types, most of which would be two storey. Nine houses would be 2 ½ storeys, incorporating 2nd floor dormers. With one exception they would line the southern site edge. There would be 4 two bedroomed houses, 22 with three bedrooms, 25 with four and 5 five bedroomed houses. Most houses would be detached (35), while 8 would be semi-detached and 13 in terraced form. Parking

would consist of spaces to the side or front of houses, garages (either integrated or in separate single or double blocks to the rear), and for 4 dwellings a rear parking court is proposed. Seventeen of the semi-detached and terraced houses would be affordable. The building materials would comprise a mix of red and buff bricks and grey plain tiles or red pantiles on the roofs.

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 application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

6.2 The Adopted Development Plan for this site is the Scarborough Borough Local Plan. Relevant policies include the following:

SD 1 - Presumption in Favour of Sustainable Development
SH 1 - Settlement Hierarchy
DEC 1 - Principles of Good Design
DEC 3 - The Efficient Use of Land and Buildings
DEC 4 - Protection of Amenity
DEC 6 - Archaeology
HC 1 - Supporting Housing Development
HC 2 - New Housing Delivery
HC 3 - Affordable Housing
HC 10 - Health Care and Education Facilities
HC 14 - Open Space and Sports Facilities
ENV 3 - Environmental Risk
ENV 4 - Groundwater Protection
ENV 5 - The Natural Environment
ENV 7 - Landscape Protection and Sensitivity
INF 5 - Delivery of Infrastructure

Guidance - Material Considerations

6.3 Relevant guidance for this application is:

- National Planning Policy Framework 2021
- National Planning Practice Guidance
- National Design Guide 2021
- Green Space Supplementary Planning Document (SPD) 2014
- Residential Design Guide - SPD 2022
- Affordable Housing SPD 2022
- Education Payments SPD 2008

7.0 Consultation Responses

7.1 The following consultation responses have been received and have been summarised below. Consultation originally took place in spring 2023. A second round of consultation took place in January 2024 in connection with a revised layout with a last date for comments on 31.01.24.

7.2 East Ayton Parish Council: No comments received on the original plans. In respect of the revised plans, it is stated that Planning and Highways Departments have failed to ensure that this development's footpaths and estate roads join up and flow as in our last comments to you. All the previous comments are still outstanding and have not been addressed to our satisfaction.

7.3 Highway Authority: No objection, subject to conditions (on both the original and revised plans). The proposed development will have an effect on Racecourse Road, a primary route into Scarborough and a stage 1 safety audit should be undertaken and assess provision of a new right turn lane. The new footway along the frontage of the proposed development should extend to connect to the footway proposed to be provided for the adjacent development. The tactile crossing point over Racecourse Road will require the centre refuge island to be widened to a minimum of 2m to allow safe use by pedestrians and pushchairs and wheelchairs. The current speed limit should be re-located to the eastern boundary of the development and would require an amendment to the existing Traffic Regulation Order funded by the developer (£6,000). No trees should be planted within 2 metres of the edge of any carriageway or footway. Parking for dwellings complies with NYC's Standards. Recommended conditions relate to detailed construction of roads and footways, provision of right turn lane and tactile pedestrian crossing with a central refuge island on Racecourse Road (first subject of a safety audit) and a construction management plan.

7.4 Lead Local Flood Authority (LLFA): As originally submitted further information was requested. This was submitted and the LLFA now raises no objection subject to conditions.

On the original submissions it was commented that the site is in Flood Zone 1 with a low risk of surface water flooding. There is an overland flow route towards the south of the site crossing in an east to west direction. Due to the site being within SPZ (Source Protection Zone)1 and SPZ2, disposal of surface water through infiltration is only acceptable for uncontaminated roof water. Infiltration testing indicates this will be viable. Full test results including the testing parameters was one of a number of items requested.

The latest response states that the submitted documents demonstrate a reasonable approach to the management of surface water on the site. Conditions are recommended relating to detailed design of drainage systems, run off rate/storage requirements (a flow rate for up to a 1 in 100 year flood event, including an allowance of 40% for climate change and urban creep), maintenance of systems, measures to prevent surface water pollution, approval of an exceedance flow plan and finished floor levels to mitigate against flood risk.

7.5 Environment Agency: No objection, subject to conditions requiring a hydrogeological risk assessment relating to groundwater pollution hazards during the construction and operational phases since the underlying limestone aquifer is used for a public water supply. Conditions are also required relating to a method statement for the protection of groundwater during construction and additional information to that already provided in the submitted Ground Appraisal Report.

7.6 Yorkshire Water: No objection, subject to conditions relating to protection of any liquid storage tanks within a bund, completion of a Hydrogeological Risk Assessment (HRA) Study and a Construction Environmental Management Plan (CEMP) to understand the impact and mitigate on the sewerage system. Full details of foul and surface water drainage require approval. The proposed development is situated approximately 1.4km from the Irton groundwater abstraction. It lies upon the bedrock geology of the Malton Oolite Limestone which is overlain with sands and gravels. These deposits are highly permeable and provide minimal protection to the aquifer. The proposal for foul water drainage is to enter the existing public sewer system and will be double lined as stated in the flood risk assessment. This is acceptable. The proposal for surface water is to use infiltration techniques only for clean roof water. The design of the soakaway must be presented to ascertain its suitability. Any other surface water run-off it will enter the public sewer network at a reduced flow rate of 2 litres a second, which is acceptable. In agreement with the Environment Agency comment, a Hydrogeological Risk Assessment should be undertaken. The site should be assessed for the potential presence of existing contaminated land.

An objection was received in connection with revised plans, notably relating to the drainage arrangements during the construction period. However, following the submission of a Construction Environmental Management Strategy (CEMS), no objection is raised subject to compliance with its contents. It states a CEM Plan will detail further steps to avoid pollution throughout construction and ensure all attenuation processes are impermeably lined. It is imperative as part of the construction phase that the mitigations are followed to avoid contamination from entering the sub-surface and aquifer. If a pollution event occurs, Yorkshire Water and the Environment Agency must be contacted as stated in the CEMS.

7.7 NYC Archaeologist - Originally commented that the Archaeological Assessment concluded that the site has archaeological potential, particularly for Bronze Age, Iron Age and Romano-British activity. The geophysical survey has mainly shown agricultural furrows, but has also confirmed the presence of at least one other linear feature. The application also includes a Written Scheme of Investigation for archaeological trial trenching. The excavation of these trenches would allow a reasonable assessment to be made of the impact of the proposal on heritage assets of archaeological interest. I would recommend that this is completed in advance of a planning decision.

Subsequently, this trial trenching took place. The NYC Archaeologist confirms that results were largely negative, with one boundary ditch present which is likely to relate to the prehistoric occupation noted to the west. This is likely to be a landscape feature, such as a former field boundary and it is unlikely that further archaeological work within the development area will advance our understanding. Consequently, no

further recommendations for archaeological work or involvement in this scheme are made.

7.8 NYC Housing Services - The proposals meet the 30% affordable requirement, conforms with our tenure mix and distribution across the scheme, but it is queried whether the total floor area and bedroom sizes of some of the dwellings complies with NDSS standards. [See Assessment section for commentary on this].

7.9 NYC Children & Young People's Services - In 2026-27 it is predicted there would be capacity for 35 places East Ayton County Primary School before new development is taken into account. In isolation, this application would generate less than 35 places, but this figure increases to 37.5 places if combined with the number of proposed dwellings (92) on the adjacent site. Based on the formula in the adopted Education Payments SPD this deficit of 2.5 places would equate to a s106 contribution of £57,783 across both sites and if applied proportionately this generates a requirement of £21,726.41 for this current application. The development, even when combined with the adjacent site would not require a payment towards secondary education due to predicted spare capacity at local schools.

7.10 Designing Out Crime Officer (NY Police) commented the proposals on the original plans would keep permeability at an appropriate level, making it more difficult for offenders to enter the area without being conspicuous. Where terraced housing is proposed, access to the rear gardens must be gated - a minimum of 1.8m high and fitted with a key operated lock. The site layout plan was commended - it has a number of 'Designing out Crime' features incorporated. This included parking in the curtilage to the front. Suitable lighting of roads, footpaths and entrance doors should be provided to reduce crime or fear thereof. The public open space has good space, but seats should be removed as they encourage anti-social behaviour. Details of boundary protection are not provided, but rear fences should be at least 1.8m high. Secured by Design accreditation is encouraged.

In respect of the revised plans the DOCO states that it is unfortunate that they introduce a rear parking court. These can be vulnerable to crime and tend not to be used by residents, who prefer to park on the streets. If provided, they should be small and overlooked by habitable rooms.

Local Representations

7.11 Two local representations objecting to the application were received in connection with application as originally submitted. No comments have been received on the more recent re-consultation. A summary of the comments is provided below, however, please see the website for full comments.

Objections

- The Transport Assessment includes factual errors e.g. bus service now on Seamer Road, not Racecourse Road and points raised in Community Engagement not answered and impact of extra traffic not calculated properly.
- Poor bus service in village - settlement should no longer be Service Village in the Local Plan.

- Highways are dangerous in area - e.g. around school, on Moor Lane and for cyclists
- Lack of parking for businesses and services in village e.g. at surgery
- A Travel Plan is required
- The Highway Authority has not taken account of climate change or high vehicle ownership rates in its assessment.

8.0 Environment Impact Assessment (EIA)

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

9.0 Main Issues

9.1 The key considerations in the assessment of this application are:

- Principle of development
- Density
- Layout/Design
- Highways/Transport
- Drainage
- Social Infrastructure, including affordable housing and S106 obligations.

10.0 ASSESSMENT

Principle of Development

10.1 The principle of the housing on this site would accord with Local Plan policies. The site is allocated for residential development by policy HC2 in the adopted Local Plan (Housing Allocation HA32). The presumption in favour of the residential development proposed is therefore clear. Consequently, the key issues to be considered on this application relate to the actual detail of the proposed development and whether it complies with relevant policies.

10.2 Among the points which are relevant are the 3 Issues and Requirements contained in the Local Plan Allocation Statement for site HA32. The first does not apply to this application, because it relates to a public footpath at the far western end of the Allocation. The other two matters, namely requiring a landscape buffer on the southern boundary and the impact on groundwater, are more pertinent, and are considered later in the report.

Density/Layout and Design

10.3 The density of the proposals has been carefully examined by officers. Local Plan policy DEC3 encourages efficient use of land to be developed. It acknowledges that density should be in keeping with the character of the area, while the supporting text states that a level of 30 dwellings/ha (dph) may be used as a benchmark for the Local Plan area as a whole. Policy HA2 contains indicative yields for allocated site and in the case of HA32 this equates to 22 dph - the fact that they are indicative is emphasised, and ultimately it is the impact on the character and appearance on a particular area which is the key consideration.

10.4 The proposed density arising from the proposed 56 dwellings is 30 dph. This compares with 31 dph on the adjacent site. As originally proposed it was considered that the layout had an overly urban character due to the tightly packed composition, too much dominated by frontage parking and an angular road layout. The layout is now less rigid and more parking spaces are located to the side or in one location in a rear parking court. This provides more scope for front garden tree/shrub planting. Another important improvement is the location of the open space which would now take the form of an entrance green. This helps to open up the most visible part of the development and, with houses grouped around, it provides a counterpoint to the linear form of other proposed frontage development on the southern side of Racecourse Road. The density of housing in the area facing Racecourse Road is also lower than less prominent central parts of the site.

10.5 The design of individual dwellings is largely considered to be appropriate to the setting. There is a variety of designs, including different house forms and roof shapes and use of traditional features such as window recesses, lintels and tiled roof pitches above porches and bay windows. The revised plans replaced plain red tiles with red pantiles, which is more characteristic of the area. In some cases, the gap between houses is limited (1m), but generally these are of the same or similar design without overhanging eaves, lessening possible concerns relating to awkward juxtapositions. Where clusters of similarly designed buildings are proposed the materials help to create variety. Houses located on road corners in most cases employ a design with openings facing both frontages, thus avoiding prominent blank side elevations.

10.6 The building line of houses facing Racecourse Road initially continues the pattern established by proposed houses to the west. Thus, they would also be 2 storey dwellings and set back by 18m from the main road, mainly behind the retained hedgerow and a shared private drive. Setting the houses back by some distance from the road is also typical of the established housing opposite. It is the commonality of layout/form which provides a sense of continuity along the main site frontages between the two sites, albeit there are some detailed design differences. The application including the care home also proposes housing facing Racecourse Road, but is less directly relevant, being 180m away. The fact that all of the houses in this current application facing the A170 would be detached (rather than a mix, including semi-detached a terrace of 3 on the adjacent scheme) is appropriate approaching the village edge. The neighbouring site would incorporate some rendered houses (in addition to the red and buff brick on both sites) absent on this

site, and eaves-line gable features would be a characteristic of this site, but some variety is beneficial given the length of the Allocation frontage.

10.7 On the central part of the site frontage the distance from the road increases as the entrance green widens to the east. The 3 houses to the east of the main site entrance would also face the green at right angles to Racecourse Road, helping to form an attractive grouping. Thus, officers accept that the proposed house on plot 1, which is closer to the main road than other proposed frontage dwellings forming part of the wider allocation, standing 7m from the highway. Buildings at Betton Farm to the east are a similar distance back from the road. Plot 1 is also in the most elevated part of the site, most noticeably when approaching from the west. However, a group of trees to the rear would help soften the impact and prevent it standing out against the skyline. The introduction of windows facing the main road on Plot 1 was explored but it remains blank. However, there would be an intervening existing hedge and it is also recognised that any first floor side (bedroom) windows could be vulnerable to traffic noise in this location.

10.8 Another key aspect is from the south across the fields from Seamer Road 270m away at a lower level. The Allocation Statement requires a substantial landscape buffer on the southern edge of the site. A 2m wide landscape belt interspersed with trees is proposed on the boundary with the houses mainly 12m from the boundary. The original plans showed a wider gap with houses set the house behind roadways, but less planting. Racecourse Road and Seamer Road diverge when travelling out of the village. The adjacent development site also projects 58m further southwards into the open fields. Consequently, the application site considered here is further away from Seamer Road than the scheme to the west. On this basis, the proposals are considered to acceptable when viewed from the south. Of the 9 proposed 2½ storey houses 8 are towards the south of the site, including 4 which are 12m from the boundary. Their height is only 0.8-1m less than adjacent houses, so no objection is raised. When viewed from within the proposed estate these houses would also help create some design variety.

10.9 The earlier layout included most public open space towards the south, notably in the south-west corner. This unfortunately made the proposed pumping station an effective focal point. This infrastructure remains in the same position on the amended plans, but would now be better concealed behind houses and surrounded by planting. In design terms, locating the open space at the site entrance is of greater visual benefit. The retention of the hedgerow along Racecourse Road will help act as a visual buffer.

10.10 The Designing Out Crime Officer (DOCO) has reservations about the rear parking court for 4 dwellings, although it would be overlooked by first floor windows. The applicants chose not to adopt your officers' suggestion that side windows be provided where side parking does not benefit from surveillance. On residential layouts there is often a tension between Secured by Design guidance, which encourages parking in front gardens and the desire to reduce the resultant visual impact of parked vehicles. The Council's adopted guidance in the Residential Layouts SPD refers to both, encouraging greater use of side and rear parking. The scheme now offers a mixture of parking solutions and officers consider the overall balance to be appropriate. Nonetheless, conditions are proposed to ensure that the

parking court is lit, suitable boundary treatments are provided with lockable gates to rear gardens and private alleys in order to increase security.

10.11 The distances between and positions between the proposed houses within this and to the development to the west are considered to be acceptable. The relationship with existing dwellings to the north of Racecourse Road is also appropriate. The closest gap is 43m across the road. The proposals therefore comply with Local Plan policy DEC4 relating to residential amenity.

Highways/Transport

10.12 The Highway Authority does not object to the application. The junction onto Racecourse Road is considered to be acceptable, subject to safety measures. These include a lane for turning right into the site and a reduction in the speed limit from 40mph to 30mph by means of a Traffic Regulation Order (TRO) with a S106 contribution of £6,000. This would be continuation of the TRO relating to the two development sites to the west. Likewise, the continuation of a footway along the southern side of Racecourse Road would provide an improved pedestrian link to services in the village.

10.13 The Highway Authority also recommends pedestrian crossing facilities, in the form of a central refuge island. There is clear justification for pedestrian crossing facilities, noting that the Primary School is on the opposite side of the A170. Such a facility would also be required of the developer of the adjacent land on a stretch of Racecourse Road adjacent to that other site. The Highway Authority has confirmed that the intention is not to provide an additional crossing point to those to be provided in connection with the two other applications making up the HA32 allocation. However, the requirement is still necessary to cover a scenario where houses on this current application site are occupied in advance of those on the adjacent site.

10.14 The provision of a road linking into the proposed development to the west is important. One of the reasons the layout was amended was due to amendment to the adjacent site layout mid-application. This link provides a secondary access/egress in the event of an emergency. It would also more directly link to the proposed play area on this site and provide slight shortcut to village services for residents on the southern part of this current application site. Raised tables should help to reduce speeds notably on the longer east-west route which traverses both sites. The Parish Council asserts that the development's roads and footpaths do not join up. That is not the case on this application with road linking to the site to the west and a new footway proposed along the entire length of the Allocation frontage of Racecourse Road and linking in to existing footways. The layout on site has also been amended so that there is a footpath link between two unadopted driveways serving houses at the front of the site, thus formalising an obvious desire line for pedestrians across a grassed area.

10.15 On previous applications forming part of the Allocation (especially the care home) there was considerable discussion relating to other modes of transport, including buses and cycling. The village benefits from regular bus service running 7 times a day in both directions towards Scarborough and Pickering. The first bus for East Ayton leaves Scarborough at 06:15 and the last return journey leaves the

village at 20:58, albeit it the nearest stops are in the village centre or Seamer Road, rather than the former route along Racecourse Road. Even when combined with adjacent sites it is not considered to be of a scale to justify a route diversion. The Highway Authority has not recommended any specific measures relating to cycling, although the speed limit reduction for example would have some benefit. All the houses have external access to rear gardens, helping to make bicycle ownership more practical. The Highway Authority does not object to the level of parking provision.

Drainage and Ground Conditions

10.16 The site is in Flood Risk Zone 1 (lowest risk); it slopes down towards the valley formed by the River Derwent south of East Ayton and the bedrock is a relatively permeable limestone. The Flood Risk Assessment (FRA) indicates that direct disposal to the nearest tributary would be difficult due to the distance and intervening third party land. The primary route of water disposal would be to the combined sewer beneath Racecourse Road. This would involve water draining to the lowest corner of the site where the pumping station would pump it back to the combined sewer. The FRA recommends the system should be designed to accommodate the 1 in 1 year storm without surcharging, the 1 in 30 year storm event without flooding and a 1 in 100 year storm, plus climate change event should be retained within the site in an area that does cause flooding to properties or third parties, including an allowance of 30% for climate change 10% for urban creep. Following the submission of additional information, the LLFA no longer raises concerns, subject to conditions.

10.17 The limestone bedrock is an aquifer used for drinking water, hence the site is in Source Protection Zone 1, where Local Plan Policy ENV4 seeks to protect the groundwater from pollution. On the second round of consultation Yorkshire Water raised concerns about the drainage arrangements during the construction phase. The applicant made further submissions which overcame these concerns. Both Yorkshire Water and the Environment Agency do not object to the application, subject to condition requiring full details of measures proposed to protect the groundwater from pollution. The LLFA likewise recommends drainage interceptors to avoid pollution from roads, parking areas from contaminants such as petrol.

10.18 Foul water would be drained using separate infrastructure from surface water, but likewise would flow to the pumping station in the south-west corner before being pumped northwards to into sewerage beneath Racecourse Road. Yorkshire Water does not object, subject to a condition to agree full details.

10.19 A ground appraisal report was submitted and this did not find any evidence of contamination on the site.

10.20 Having reviewed an Archaeological Assessment, the Council's Archaeologist requested that trial trenching took place before the application is determined. This occurred and apart from boundary ditch, probably relating to prehistoric occupation to the west, no remains of interest were found, so no further action is required on this matter

Trees/Biodiversity

10.21 There are 2 trees on the site on the northern roadside boundary and a small group adjacent to the north-east corner. They would be unaffected by the development and the only direct impact on the important frontage hedgerow would be the removal of a 5m stretch to create a secondary access point. The trees and hedges can be protected during construction. It is less clear whether it is the intention to retain the hawthorn hedgerow on the eastern boundary, but this would not be prominent and of lesser biodiversity value. Conditions have been framed that in the event of losses this can be compensated by new planting. The creation of a new hedgerow with trees on the southern boundary, together with planting elsewhere, should be sufficient to mitigate any losses and would be fully assessed when conditions are discharged.

10.22 A Preliminary Ecological Appraisal (PEA) concludes the proposals would not adversely affect designated sites for nature conservation value in the area. The site comprises improved grassland used for grazing. The hedgerow on the northern boundary is more species rich than the one on the eastern boundary. No evidence of bat roosts was found and the site is sub-optimal for foraging. Likewise, it is unlikely to be suitable for Great Crested Newts and reptiles. Following construction, the only noticeable long-term impact on birds is likely to be where short sections of hedgerow would be removed. The hedges could also be suitable habitats for hedgehogs.

10.23 Local Plan policy ENV5 is the relevant policy consideration indicating proposals should result in a net gain in biodiversity. It would therefore be appropriate to attach a condition requiring provision of bird, bat and hedgehog boxes, as well as gaps below fences/walls to allow for hedgehog movement. The recently introduced government requirements to comply with mandatory Biodiversity Net Gain in accordance with a defined metric do not apply, only affecting relevant applications submitted since last month.

Social Infrastructure and S106 Legal Agreement

10.24 The following Heads of Terms have been agreed in principle with the applicant. It is considered that the above S106 Heads of Terms are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and as such complies with the Community Infrastructure Levy (CIL) Regulations 2010.

- Affordable housing - securing 30% provision with a First Home Administration fee of £4,160
- Primary Healthcare Contribution- £34,485 towards primary healthcare facilities at West Ayton Surgery
- Education Contribution- £21,726.41 towards East Ayton Primary School or successor establishment
- Off-Site Sport Facilities Contribution - £77,640.80 towards sports facilities in East Ayton or West Ayton
- Play Facilities Contribution - £26,396.40 towards play facilities in East Ayton Parish
- Traffic Regulation Order Contribution - £6,000 towards the cost of providing a TRO to reduce the speed limit on Racecourse Road to 30mph

- S106 monitoring fee (to be calculated).

10.25 The provision of affordable housing complies with Local Plan policy HC3 and the Affordable Housing SPD. Thus, the 17 affordable homes equate to the requisite 30% for parishes in the western part of the Plan area, including East Ayton. The tenure split also accords with SPD requirements, thus 9 houses would be for affordable rent, 4 would be First Homes and 4 would be intermediate (shared ownership). They are located in two separate clusters, avoiding an over-concentration on one part of the site.

10.26 The sizes also comply with NDSS size standards referred to in the Affordable Housing SPD relating to overall floor area and bedroom sizes based on the number of occupants referred to on the layout plan. The Housing Officer queried this, and this possible difference of interpretation most likely arose because the floor plans show double beds in some of the bedrooms notionally identified for one person. However, this is a level of detail where the Local Planning Authority has no power to intervene, and as 2nd or 3rd single bedrooms they comply with the standards.

10.27 Contributions have been requested by the relevant consultees in respect of the local GP Surgery in West Ayton and East Ayton Primary School. As explained in the Consultation section, without new development in the area there is predicted spare capacity at the primary school, but when the new population of this and the adjacent site are combined this would justify a contribution and this has been split proportionately between the two schemes.

10.28 Using formula in the Green Space SPD the amount of open space required on the site is 1,100 ha. The plans provide this, albeit some of this comprises more incidental pockets, which help to soften the appearance of the development and are normally excluded from calculations. The size of the entrance green is 700sqm. However, it is also important that green space is seen viewed together with the adjacent site where a LEAP standard play area would be provided, serving children on both sites. On that site the cost the proposed play facilities would be an estimated £38,000 more than required by the likely number of residents in the knowledge it would serve both sites. In light of this, it was agreed the developer on that site could make £38,000 less of a contribution towards local sports facilities. Accordingly, the reverse arrangement would be made on this site whereby an additional £38,000 is included in the £77,640.80 towards the sports contribution and deducted from the play facilities sum to arrive at £26,396.40, using formulae in the SPD as a base.

10.29 The application has also been considered within the context of the Equality Act 2010. This includes provision of footways of suitable width and, provision of affordable dwellings and access to key local services. A condition requiring details finished floor and external ground levels is proposed and this would allow more detailed examination of any differences in levels which may pose a problem for disabled residents/visitors.

11.0 PLANNING BALANCE AND CONCLUSION

11.1 The principle of residential development on the site is established by the fact that it is allocated for housing in the Local Plan. The density, layout and design required careful examination, ensuring it integrates well into its surroundings, but following the receipt of revised plans these are now considered to be acceptable

11.2 The application is acceptable in respect of the impact on highways, drainage and ecology, subject to conditions. Suitable provision of affordable housing, access to and/or financial contributions towards local services would be secured by s106 obligations or conditions.

12.0 RECOMMENDATION

12.1 That planning permission be GRANTED subject to conditions listed below and completion of a S106 agreement with terms as previously detailed in this report.

1 The development hereby approved shall be carried out in strict accordance with the following plans received by the Local Planning Authority on the date(s) as listed below. This is unless otherwise agreed in writing by the Local Planning Authority:-

- List to be confirmed.

Reason: For the avoidance of doubt.

2 Before the commencement of the development above foundation level, a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and be approved in writing by the Local Planning Authority. For the avoidance of doubt, the red tiles shall be pantiles. Samples shall be provided as may be required by the Local Planning Authority of the materials in the schedule and the use of such samples shall be approved in writing by the Local Planning Authority, and the development shall be carried out in these unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of visual amenity to accord with Policy DEC1 of the adopted Scarborough Borough Local Plan.

3 Before any development is commenced above foundation level, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site indicating, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. The plan shall also indicate trees and hedges to be retained and supplemented. Such scheme as is approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is first occupied, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of

the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.

Reason: To comply with Policies DEC1 and ENV5 of the adopted Scarborough Borough Local Plan.

- 4 Before the commencement of development above foundation level, details of the proposed boundary treatment (fences, walls and gates), including location, scaled drawings and schedule of materials, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use unless otherwise agreed in writing by the Local Planning Authority. A lockable gate shall be provided for each dwelling where external pedestrian access is to be provided to the rear garden area and at the entrance/egress of any pedestrian access routes serving the rear of terraced dwellings.

Reason: In the interest of visual amenity and to accord with Secured by Design principles, also having regard to Policies DEC1 and DEC4 of the adopted Scarborough Borough Local Plan.

- 5 The proposed 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 any of the dwellings for which the court provides parking.

Reason: In the interests of crime prevention and community safety in accordance with Local Plan Policies DEC1 and DEC4 of the adopted Scarborough Borough Local Plan.

- 6 Trees and hedgerows to be retained on the site shall be protected during construction in accordance with Section 5.0 and Appendix A of the Arboricultural Assessment Report prepared by Wold Ecology and submitted to the Local Planning Authority on 10 March 2023 as follows:

- a) Fencing, as indicated in the report shall be provided around the trees/hedges to be retained before development is commenced as specified in the report. No materials, equipment, site huts, fuels or other items shall be placed or stored within the areas enclosed by the fencing so erected and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.
- b) No burning of materials or other items shall take place within 3 metres of the crown spread of any of the trees to be retained.
- c) No services shall be routed under the spread of the crowns of the trees to be retained without the prior written consent of the Local Planning Authority.

- d) Except where indicated on plans hereby approve, no retained tree or hedge shall be cut down, up-rooted, destroyed, topped or lopped without the prior written consent of the Local Planning Authority and if any tree which is to be retained dies within five years beginning with the date on which the development is commenced it shall be replaced with a tree of such size and species as may be specified in writing by the Local Planning Authority.

Reason: To comply with Policy ENV5 of the adopted Scarborough Borough Local Plan.

- 7 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. Furthermore, the Plan shall be accompanied by a scheme of bird and bat box/bricks, as well as hedgehog gaps in proposed fencing/walls. These measures shall be implemented prior to the occupation of the dwelling to which they most closely relate.

Reason: To comply with Policy ENV5 of the adopted Scarborough Borough Local Plan.

- 8 Prior to its construction on site, full elevation details/plans and of any above ground structures relating to the proposed pumping station shall be submitted to and approved in writing by the Local Planning Authority. The pumping station, its compound and associated landscape treatment shall be implemented in accordance with these details, together with matters approved in connection with other conditions on this Notice.

Reason: In the interests of visual amenities and to accord with Policy DEC1 of the adopted Scarborough Borough Local Plan.

- 9 No development shall take place above foundation level until a plan for the maintenance of the areas of public open space on the development site has been submitted to and approved in writing by the Local Planning Authority. The plan/document shall include:

- proposals for the maintenance of the public open space;
- provision for litter picking/collection;
- 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 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 the open space , having regard to Policy HC14 of the Scarborough Borough Local Plan.

- 10 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. Where a link is proposed to the site to the west (between plots 24 and 25) the highway shall be implemented to adoptable standard up to the site boundary line.

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.

Informatives

Applicants are reminded that in addition to securing planning permission other permissions may be required from North Yorkshire County Council as Local Highway Authority. These additional permissions can include, but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; Section 38 of the Commons Act 2006, permissions through New Roads and Streetworks Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations and directions). Further information on these matters can be obtained from the Local Highway Authority. Other permissions may also be required from third parties. It is the applicant's responsibility to ensure all necessary permissions are in place.

It is recommended that in order to avoid abortive work, discussions are held between the applicant, the Local Planning Authority and the Local Highway Authority before a draft layout is produced and any detailed planning submission is made. To assist, the Local Highway Authority can provide a full list of information required to discharge this condition. It should be noted that approval to discharge the condition does not automatically confer approval for the purposes of entering any Agreement with the Local Highway Authority.

- 11 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.

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

- A right turn lane and new tactile pedestrian crossing, including central refuge island for land at Racecourse Road, East Ayton 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.

Informatives

In the event that a new tactile pedestrian crossing, including central refuge island has already been approved in connection with the development of the land immediately to the west of this site, then this can be taken into consideration at the stage of condition discharge.

Notwithstanding any valid planning permission for works to amend the existing highway, there should be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and North Yorkshire Council as the Highway Authority. To carry out works within the highway without a formal Agreement in place would be an offence.

It is recommended that before development commences until a Construction Management Plan is agreed in writing with the Highway Authority. Construction of the permitted development should be undertaken in accordance with the approved Construction Management Plan. The Plan should include arrangements for the following in respect of each phase of the works:

- details of any temporary construction access to the site including measures for removal following completion of construction works;
- wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- the parking of contractors' site operatives and visitor's vehicles;
- areas for storage of plant and materials used in constructing the development clear of the highway;
- measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
- details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
- protection of carriageway and footway users at all times during demolition and construction;
- protection of contractors working adjacent to the highway;
- details of site working hours;
- erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
- means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
- measures to control and monitor construction noise;
- an undertaking that there must be no burning of materials on site at any time during construction;
- removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
- details of the measures to be taken for the protection of trees;
- details of external lighting equipment;
- details of ditches to be piped during the construction phases;
- a detailed method statement and programme for the building works; and
- contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

To make the proposals acceptable to the Local Highway Authority a Traffic Regulation Order is required. This is governed by legislation outside the planning process and administered by the Local Highway Authority. Consequently, you should not commence your permitted works until details of the Amendment to the existing 30/40mph speed restriction Traffic Regulation Order at Racecourse Road have been submitted to the Local Highway

Authority. The approved details will be required to undergo the legal process required, including any public consultation - at the applicant's expense. Subject to the successful completion of this legal process the measures will be implemented at the applicant's cost.

- 13 Prior to the commencement of any development a hydrogeological risk assessment shall be submitted to and approved in writing by the Local Planning Authority. The risk assessment shall identify potential groundwater hazards associated with both the construction and operational phases of the development and shall evaluate the likelihood and consequences of each hazard. The assessment shall include the following components:
- a) A conceptual model for the site based on site specific geological and hydrogeological information.
 - b) Identification of sources of pollution, potential pathways for the movement of contaminants and identification of receptors.
 - c) A qualitative assessment of risk progressing to numeric assessments where risks are greater.
 - d) An evaluation of the uncertainties in the assessment.
 - e) An appraisal of options for dealing with the identified risks.
 - f) Scheme for the implementation of mitigation measures. The development permitted by this planning permission shall be carried out in accordance with the approved hydrogeological risk assessment.

Reason: The site is located within groundwater Source Protection Zone 1 (SPZ1) for a number of potable water supply abstractions (including public water supply). These abstractions take groundwater from the underlying Corallian Limestone aquifer which is designated as a Principal Aquifer. Therefore, the construction phase activities together with the drainage and foundation proposals associated with the final development itself are likely to present a risk to the groundwater.

- 14 No development shall take place until 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:
- the identification of those activities that pose a risk to groundwater during the construction phase (including consideration of 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.

- 15 The development hereby permitted may not commence until such time as a scheme for the discharge of clean roof water only to ground has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that the proposed discharge does not harm groundwater resources in line with paragraph 174 of the National Planning Policy Framework and Position Statement G12 of the 'The Environment Agency's approach to groundwater protection'.

- 16 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 in line with the National Planning Policy Framework and Position Statement N8 of the 'The Environment Agency's approach to groundwater protection'.

- 17 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.

- 18 There shall be no construction of new buildings on site prior to the completion of a Construction Environmental Management Plan (CEMP) study to understand the impact of planning permission on the sewerage system. Furthermore, the findings and recommendations of the CEMP must be implemented.

Reason: To ensure that the development can be properly drained.

- 19 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority. All foul sewers shall be lined with an impermeable liner.

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 County Council SuDS 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.

Furthermore, occupation of any part of the development shall not commence until the approved drainage works have been fully constructed in accordance with the approved plans (or as approved by the phasing plan) and there shall be no temporary storage of foul sewage.

Reason: To ensure that the development can be properly drained and to protect the public water supply.

- 20 Development shall not commence until a scheme restricting the rate of development flow run-off from the site has been submitted to and approved in writing by the Local Planning Authority. The flow rate from the site shall be restricted to a maximum flowrate of 2 litres per second for up to the 1 in 100 year event. A 40% allowance shall be included for climate change effects and a further 10% for urban creep for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year, plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme has been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

Reason: To mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere.

- 21 No development shall take place until a suitable maintenance of the proposed SuDS drainage scheme arrangement has been demonstrated to the Local Planning Authority. Details with regard to the maintenance and management of the approved scheme to include; drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development. If the drainage system is to be adopted by Yorkshire Water a maintenance plan should be included up to the date at which it is vested.

Reason: To prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage system.

- 22 The development shall not commence until a scheme, detailing the treatment of all surface water flows from parking areas and hardstanding through the use of road side gullies, oil interceptors, reedbeds or alternative treatment systems, has been submitted to and approved in writing by the Local Planning Authority. Use of the parking areas/hardstanding shall not commence until the works comprising the approved treatment scheme have been completed. Roof water shall not pass through the treatment scheme. Treatment shall take place prior to discharge from the treatment scheme. The treatment scheme shall be retained, maintained to ensure efficient working and used throughout the lifetime of the development.

Reason: To prevent pollution of the water environment from the development site.

- 23 No development shall take place until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.

Reason: To prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site.

- 24 The development shall not commence until details of finished floor levels and external ground levels of the development hereby approved have been submitted and approved in writing by the Local Planning Authority. The details should include levels of all properties adjoining the application site. Finished Floor Levels should be set above the 1 in 100 year plus climate change flood level with an additional 300mm freeboard above the flood level. The development shall be carried out in accordance with the approved scheme satisfying this condition.

Reason: In the interest of amenity of the occupiers of the dwellings, accessibility thereto and flood risk mitigation.

- 25 Prior to the commencement of development temporary flood risk measures for the construction phase shall be submitted to and approved in writing by the Local Planning Authority. This shall be incorporated into the Construction Environmental Management Plan (CEMP) required by Condition 18 above and accord with the Construction Environmental Strategy [reference to be confirmed). The approved measures shall then be implemented for the duration of the construction phase.

Reason: To mitigate the impact of flooding during the construction of the site.

Informative

If a pollution event occurs, both Yorkshire Water and the Environment Agency should be contacted.

Target Determination Date: 9 May 2023

Case Officer: Mr Hugh Smith
hugh.smith@northyorks.gov.uk

This page is intentionally left blank