

North Yorkshire Council
Community Development Services
Scarborough And Whitby Constituency Committee

11 MAY 2023

**22/01928/OLA - VARIATION OF CONDITION 3 AND REMOVAL OF CONDITION
18 ON DECISION 19/01248/OL DATED 03.09.2020 TO DELETE REQUIREMENT
FOR PEDESTRIAN/CYCLE BRIDGE/ROUTE OVER SEA CUT/SCALBY BECK AT
LAND OFF MILL WAY, HIGH MILL, SCALBY, SCARBOROUGH ON BEHALF OF
BELLWAY HOMES LTD - YORKSHIRE DIVISION AND ALMORA LTD**

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the report

1.1 To determine a planning application for Variation of condition 3 and removal of condition 18 on outline planning permission 19/01248/OL to delete the requirement for a pedestrian/cycle route and bridge over Sea Cut/Scalby Beck on land off Mill Way, High Mill, Scarborough Scalby.

1.2 The application is to be considered by the Area Constituency Committee because in your officers' opinion it raises significant material planning issues on which the Ward Member also made representations.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That planning permission be REFUSED for the reason given at the end of this report.

2.1 This application seeks to vary planning condition 3 and delete condition 18, which together require that a footpath/cycle route be provided with a bridge over Sea Cut/Scalby Beck. This would then continue southwards towards Newby across public open space. It shall be provided before the third and final phase of residential development at High Mill Farm is constructed.

2.2 In place of this cycle route/footpath, the applicants are proposing a range of works intended to make Station Road safer for pedestrians and cyclists as far as Chichester Close, where a national cycle route (The Cinder Track) crosses Station Road.

2.3 The land affected by the development is all within Development Limits as defined by the Local Plan. This identifies the High Mill Farm site as a Housing Commitment. At the time of the Plan's adoption in 2017 planning permission had already been approved for residential development. The former High Mill Farm buildings some

120m away are Grade II listed from the proposed bridge. Otherwise, there are no specific planning constraints of direct consequence to this application.

2.4 The key considerations are whether deletion of the route/bridge, would adversely affect the connectivity of the site with such key services for residents choosing to walk or cycle and whether this affects the overall sustainability of the development.

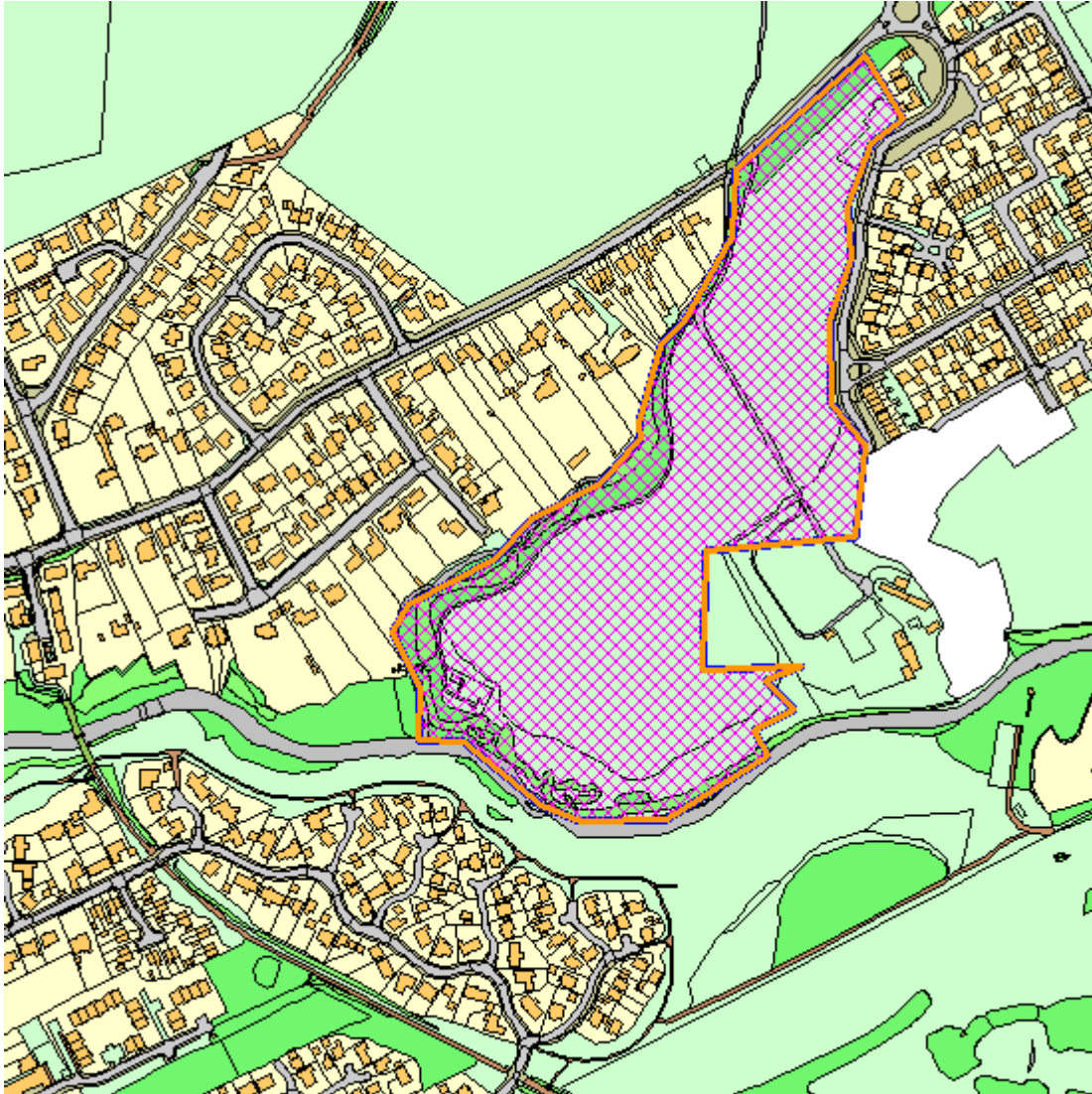
2.5 Having considered the case made by the applicant, officers conclude that the proposed variation of the condition would have a negative impact on these issues and related policies and for these reasons the application is recommended for refusal.

N.B. The map (below) shows the site for the residential development approved under planning permission 19/01948/OL. It does not encompass the route of the proposed pedestrian/cycle route to the south or highway works now proposed along Station Road, Scalby. Please view application 22/01928/OLA online for more details - link at paragraph 3.1 below.



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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=RI7FP2NSMS500>

3.2 The application needs to be considered in the context of the planning history as follows:

09/00717/OL outline planning permission for up to 485 dwellings, 27 to 30 live/work units, employment units, community facility, open space, play area, kickabout area and transport infrastructure, including roundabout and 2 pedestrian/cycle bridges/route - approved - This covered High Mill site as a whole and was the first application to propose a pedestrian/cycle link in the direction of Newby.

14/00636/FL - 29 dwellings in north-east corner (Phase 1A) - approved 2014

16/02273/FLA - 119 dwellings on remaining north-eastern part of site (Phase 1B) - approved 2015

13/02272/RM - reserved matters for 323 dwellings, including 27 live/work units, employment and office buildings, community hall, drainage basins, open space, play facilities, landscaping, roads and 2 bridges - phases 2 and 3 covering southern and western parts of the site - approved 2017 and permission subsequently expired

19/01237/FL - 151 dwellings including public open space, play equipment and drainage infrastructure (Phase 2 in south-east corner of High Mill site) - approved 2020 and currently under construction

19/01248/OL - outline planning application for up to 220 dwellings (Phase 3 occupying the western part of the High Mill site) - approved 2020 and awaiting submission of reserved matters. It is conditions on this planning permission which would be varied if this current application were to be approved.

3.3 In 2021, pre-application advice was provided to the applicants in respect of a residential layout for Phase 3. In 2022, further pre-application discussions took place involving the applicant, landowner and other relevant parties to try to resolve potential obstacles relating to the provision of the route/bridge.

4.0 Site and Surroundings

4.1 The High Mill site on the eastern edge of Scalby covers 22 ha. in total. It is part developed (Phase 1), part currently under construction (Phase 2) and part consists of open fields with outline planning permission for residential development (Phase 3). Vehicular access is obtained from a roundabout on Field Lane to the north.

4.2 Development is approximately 50% complete with the eastern side having been mainly constructed, beyond which lies a camping and caravan site. The western and

southern parts of the site drops away on its perimeter into steeply sided and wooded river valleys. Cow Wath Beck forms the north-western boundary with residential development on Station Road and East Avenue, Scalby beyond. The long southern site boundary is formed by the Scalby Beck or Sea Cut watercourse. The former farmhouse and attached water mill lie close to the southern boundary. These buildings are Grade II listed, in a poor state of repair and are in separate ownership from the areas being developed for new housing. On the other Newby side of the Sea Cut/Scalby Beck valley is an area of informal open space known as the Millennium Field.

5.0 Description of Proposal

5.1 The main proposal for this application comprises the deletion of the proposed pedestrian/cycle route, including a bridge over the Scalby Beck valley. Since the planning permission for Phase 3 was outline, the approximate position and form this takes has been stipulated, but the detailed design would still need to be approved as reserved matters. The bridge would be situated approximately midway along the southern boundary some 120m west of the listed farmhouse/mill. The bridge would span 40m over the valley and the pedestrian/cycle route would extend 140m in a south westerly direction before joining an existing cycle/pedestrian link along the southern edge of the Millennium Field, which runs between Scalby Mills and the Newby Farm housing estate/Cinder Track cycleway.

5.2 Condition 3 currently states as follows:

"The reserved matters shall be constructed in general accordance with the layout shown on Illustrative Masterplan Revision E and Southern Footbridge Connection, Revision B, both submitted on 3 December 2019, regarding the location of residential development, public open space and flood attenuation facilities, as well as the main distributor loop road shown as a green dashed line on these plans. The proposed emergency/pedestrian and cycle link as marked by a white dashed line shall be provided in the location indicated on these plans. A footpath and cycle route, incorporating a bridge over Scalby Beck shall be located within the diagonally hatched zone as shown on plan reference, Southern Footbridge Connection, Revision B ("the approved indicative plan"). At its northern end the route shall be connected to the main distributor loop road referred to above. The route shall extend southwards through the diagonally hatched area shown on approved indicative plan and continue across the land known as the Millennium Field to link into the existing cycle/pedestrian route running parallel to the southern boundary of the Millennium Field. The position of the route shall be in general accordance with the route as shown on the approved indicative plan."

5.3 The applicants seek to amend this condition and to delete condition 18 which requires the construction of the route/bridge prior to construction of the first dwelling forming part of the yet undelivered Phase 3 of the development of up to 220 dwellings.

5.4 As an alternative, the applicant is proposing a range of works intended to make Station Road safer for pedestrians and cyclists. An existing route (also suitable for emergency vehicles) linking Mill Way (the main estate road at High Mill) to Station

Road close to the bridge over Cow Wath Beck would be widened. The footway and verge on the southern side of Station Road would be converted into a footway/cycleway of up to 3m width for a distance of 620m as far as Chichester Close and the Cinder Track. The amended wording of condition 3 being proposed by the applicant would simply require details of the works to be approved as reserved matters. The applicant makes the case that this would be a suitable alternative route for pedestrians/cyclists wishing travel between the High Mill Farm site and facilities, such as schools and shops located in Newby.

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 Scarborough Borough Local Plan (2017). The most relevant policies are:

- SD1 - Presumption in favour of sustainable development
- DEC1 - Principles of good design
- ENV5 - The natural environment
- ENV8 - Green infrastructure
- INF1 - Transport
- INF3 - Sustainable transport and travel plans
- INF4 - Cinder Track.

Emerging Development Plan - Material Consideration

6.3 The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

Guidance - Material Consideration

- 6.4 Relevant guidance for this application is:
- National Planning Policy Framework 2021
 - National Planning Practice Guidance

7.0 Consultation Responses

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

Consultees

7.2 Newby and Scalby Town Council - Unanimous strong objection to this application. The bridge over the Sea Cut had been an integral part of the original outline consent for the High Mill development to ensure adequate provision was

made for pedestrian and cycle routes and to maximise the sustainability of the development. Nothing has changed and the provision of a bridge is absolutely vital to ensure safe access between the estate and the parish to the south. It is not for the Borough Council's Estates Service or the Environment Agency to say the bridge would not deliver wider public benefits and difficulties experienced by the applicant in getting agreement in respect of landing and air rights is not a good reason for asking for removal of the condition.

7.3 Cllr D. Bastiman (Ward Member) - objects to the application - From day one I supported this development with the knowledge that this bridge would be installed. To remove it would leave this estate and its young families isolated. The bridge would give much easier access to schools, shops, doctors, library etc. It would integrate the two communities and would benefit many a walker in the area - something we as a Council support - a healthier and better living. This MUST not be allowed to happen and people's well-being should come before developer's profit.

7.4 Highway Authority - recommends the application is refused - The removal of the proposed cycle/ footbridge over Scalby Beck will result in longer walking and cycling distances to a number of nearby key local services and facilities. This is likely to make both walking and cycling to and from the development site less attractive and lead to increased car use. Guidance from the Institution of Highway and Transportation suggests the acceptable walking distance for commuting and to school is 1000m with a maximum distance of 2000m. Provision of the bridge would mean both the local primary and secondary schools as measured from the centre of the development would be within this maximum walking distance, whilst using the alternative route without a bridge along Station Road would mean both schools are of a distance in excess of 2000m.

There are a number of concerns with the applicant's proposals to provide a route for pedestrians and cyclists along Station Road. Part of the route would be below 3m in width - LTN1/20 Cycle Infrastructure Design recommends 3m as the minimum width for a shared use path. Failure to provide such a width may lead to increased conflict between pedestrians and cyclists and make the route less attractive to use. The proposal also requires narrowing the existing carriageway to below a recommended 6m width for a route with a bus service. Whilst there are existing pinch points on Station Road, such as over Cow Wath Beck, further reductions in road width are not recommended. A number of existing properties along Station Road adjacent to the proposed shared footway/cycleway also have boundary walls and gates which will prevent the typically recommended vehicle pedestrian splays of 2m by 2m for accesses that cross a footpath being provided at a number of locations along the route.

Local Representations

7.5 There have been 68 objections, mainly from local residents and also including the Scalby and Newby Village Trust and the Friends of the Old Railway (Cinder Track). In summary, the grounds of objection are as follows, in order of the frequency raised as a concern.

- The developers are renegeing on the previous commitment to provide the bridge/route. Profit is being put before the needs of local residents. No more delays in providing this or other key infrastructure should be allowed.
- The bridge would provide a much shorter and safer route for residents to key facilities, including schools, shops, doctors' surgeries, chemists, library, the Cinder Track, town centre, as well as general connectivity for pedestrians and cyclists.
- Other routes/alternatives including Station Road and Burniston Road are much less suitable due to increased distance and being unsafe for pedestrians/cyclists due to volume and speed of traffic and width of footway - bus services are also inadequate.
- The proposed route would reduce car traffic, air pollution and emissions contributing to climate change, and its loss would make the development unsustainable.
- The route/bridge was a key reason for moving to the High Mill Estate, which would be left isolated and remote from services.
- Removal of the route would detract from the health benefits of walking/cycling.
- Station Road is of inadequate width to provide a safe pedestrian/cycle route - the proposed shared route would cause conflict, especially for the visually impaired.
- The bridge/route would be essential for people who cannot drive, including school children and the disabled.
- Previous Committee reports stated that the bridge was fundamental to the sustainability of the development - proposals would be contrary to core principles in the NPPF.
- Residents should not be penalised by the ransom strip situation, which should be explained - the bridge should not be blocked by the Council or the Environment Agency.
- Route would provide an extra access in case of emergency.

8.0 Environment Impact Assessment (EIA)

8.1 The first application approving residential development of the High Mill Farm site (09/00717/OL) was accompanied by an EIA. A new EIA is not considered necessary for this current application.

9.0 Main Issues

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

- The principle of deleting the route/bridge as being a requirement of the planning permission(s) for residential development.
- The suitability of alternative routes to key local services in Newby and elsewhere
- Impact on the viability of development
- The overall balance of planning policy and other material considerations within the context of promoting sustainable development.

10.0 ASSESSMENT

Principle of Deleting the Requirement for the Pedestrian/Cycle Route

10.1 Before considering the planning merits, it is helpful to understand how the proposals fit within the context of the site's planning history. When planning permission was originally approved in 2010 the site lay outside the development limits of the Scarborough Urban Area as defined by the previous Local Plan. At that time the Borough could not demonstrate a housing supply compliant with Regional policy based on remaining allocated sites, so it was necessary on a selective basis to grant planning permission for new housing outside development limits against the normal presumption against such proposals.

10.2 This included the outline planning permission for circa 500 dwellings at High Mill Farm, noting that it formed a relatively natural rounding off of existing development on the northern fringes of the urban area. However, it only had one road frontage, with steep river valleys to the south, west and north-west acting as a barrier in the key directions where local services, such as shops, schools and doctor's surgeries are located, most notably in Newby. Consequently, in granting planning permission weight was also given to the provision of a range of on-site facilities, helping to give the proposals community cohesion, including open space, play and sports facilities a community facility with the option of a shop, as well as on-site employment opportunities. This was complemented by S106 contributions towards local facilities such as the primary school and doctor's surgeries and improved transport links. For facilities in Scarborough town centre a S106 contribution was secured to allow the introduction of a bus route serving the development.

10.3 To provide links to local facilities, two bridges were proposed, reducing the distance residents would have to walk or cycle. One crossed Cow Wath Beck, decreasing the distance from the western part of the site to the centre of Scalby. However, more important to the overall sustainability of the development was the proposed pedestrian/cycle route/bridge in the direction of Newby (as well as links to the North Bay area). It is this requirement, now conditional to the most recent planning permission for the third and final phase which the applicant seeks to delete. The relative distance and quality of routes is considered in more detail later, but it is the impact on links to Newby which is most critical, being the closest Neighbourhood Centre as identified by the Local Plan. This is where the local primary and secondary schools are located, together with the nearest supermarket/post office (Proudfoots), two GP practices, a pharmacy and library. Committee reports have consistently advised the route is essential to the sustainability and acceptability of the residential development. Consequently, if the requirement for the new route were to be lifted it is your officer's view that a strong and compelling case would be required.

10.4 It has always been recognised that the provision of the bridge in particular may have some (largely short-term) negative environmental impacts. These notably relate to the clearance of trees on the valley sides where the bridge would be located. In the longer term, this could be largely mitigated (e.g. by replacement planting), but this was always a factor considered as part of the planning balance. Even if some harm would occur it has been your officers' consistent view that this does not outweigh the benefits of the new route to local services. It was also

previously concluded that a suitably designed bridge would not adversely affect the listed buildings on the site.

The Suitability of Alternative Routes

10.5 Starting with the existing pedestrian/cycle links between the centre of the site and Newby there are two potential routes. Both options would first involve travelling west along Station Road (a Class C road) for as far as Chichester Close. The route cited by the applicants then turns south following the unlit Cinder Track, before in most cases taking Newby Farm Road (one of a number of side routes in a westerly direction) towards the centre of Newby. The other option is to continue along Station Road as far as the crossroads in the centre of Scalby, before heading south along the A171 Scalby Road. This latter route is longer and along relatively busy roads, though it is the more readily apparent route and would benefit from greater surveillance and street lighting.

10.6 The proposed route across Scalby Beck and the Millennium Field would follow a more direct route in a south-westerly direction, also picking up on a number of east-west routes after it crosses the Cinder Track.

10.7 A fundamental consideration is a comparison of the distance between the site and local services, as travelled by pedestrians and to lesser extent by cyclists. This emphasis is given because, as reinforced by the Highway Authority, it is the nationally recognised walking distances to facilities, such as schools, where the proposed new route would make a critical difference.

10.8 The application is supported by an Accessibility Appraisal which sets out the distances from the centre of the High Mill site to a range of local services. These were computer generated, but the distances do not always correspond to the shortest routes calculated by officers, having checked on site which routes may be used. Particularly, at the Newby end there are various permutations of routes and this may in part account for the discrepancies.

For purposes of transparency and to avoid a lengthy discussion of methodology the figures in Table 1 (below) give both officers figures to key destination and the applicant's figures in brackets. The first five are located in Newby and the remaining two on Burniston Road to the south-east. The final column indicates the difference between the proposed new route and the shortest existing alternative in distance, also indicating the percentage added if the route is not delivered. The table does not refer to the more limited range of facilities in the centre of Scalby, where there would be no difference in distances.

TABLE 1

	Local Facility	Via New Route	Without New Route (Via Cinder Track)	Along Main Roads	Difference
1	Secondary School	1290m (1270m)	2090m (1940m)	2360m	800m/62%
2	Primary School	1610m (1640m)	2260m (2170m)	2370m	650m/40%
3	Supermarket/P.O. (Proudfoots)	1280m (1330m)	1840m (1800m)	1990m	560/44%
4	Library/Pharmacy	1080m	1630m	1740m	550m/51%
5	Danes Dyke G.P.	1070m (1310m)	1550m (1490m)	1700m	480m/45%
6	Ivanhoe P.H.	1390m	n/a	1740m	350m/25%
7	Supermarket (Tesco)	1770m	n/a	2120m	350m/20%

10.9 It can be seen from the above figures that the distance to facilities, especially in Newby, would be significantly shorter using the proposed route. The new route would reduce journeys on foot to schools from more than the preferred maximum distance of 2,000m recommended in guidance from the Institution of Highway and Transportation to well below that figure - reductions of 800m and 620m respectively to the secondary and primary schools. The alternatives would at least partly be along classified roads, or the more likely scenario would be additional car journeys by parents, adding to traffic. While this report has concentrated on the impact on the High Mill estate, the route would also benefit other residents in its vicinity and in the future when allocated land north of Field Lane is developed.

10.10 Although perhaps more a matter of perception, the proposed route over the bridge would have the feel of a direct and attractive route following a roughly diagonal line towards Newby. In contrast the alternatives would have abrupt changes in angle and within the High Mill site itself it would be initially necessary to head in a northerly direction, while the services are mainly to the south-west (or south-east). When travelling along Station Road, the existence of any alternative route via Chichester Close is not readily apparent, although that particular point could in part be addressed with signage.

10.11 The applicant cites the previous concerns of the Designing out Crime Officer (DoCO) relating to lack of surveillance. To address this officers ensured that the new route would include lighting, barriers to stop motorcyclists and orient housing so it overlooks the northern end of the route. Full account was taken of the DoCO's comment at the time of the previous planning decisions, but greater weight was given to the improved access to local services.

10.12 When considering the safety of the route a direct comparison with the Cinder Track route being suggested by the applicants is also helpful. There are some houses backing onto the Cinder Track, but a substantial amount of vegetation also exists between the houses and the route, reducing the potential for surveillance, as well as increasing the sense of enclosure and adversely affecting the perception of safety. The proposed route across the Millennium Field may not be overlooked in its

entirety, but it would be less enclosed in character. The condition securing the route requires it to be lit. Lighting of the Cinder Track is a long term aspiration, but there are no current proposals, so it cannot be guaranteed.

Proposed Mitigation on Station Road/Site

10.13 In reaching a conclusion on the recommendation it is first necessary to consider the impact of alternative works proposed by the applicant, notably on Station Road up to the point where it crosses the Cinder Track. In summary, the benefits would be greater for cyclists since they would no longer travel on the road carriageway. For pedestrians, which is likely to be more frequent mode of travel, the change would be a widening of the footway, albeit one shared with cyclists. It would still be alongside the Station Road carriageway, whereas the new route over the bridge would be entirely free of motorised traffic.

10.14 Apart from any impacts on the visual character of Station Road due to loss of verges, it should be noted that the Highway Authority has raised concerns relating to the proposed works would not fully comply with the recommended 3m width of a shared footway/cycleway, since in places it reduces to 2.7m or less. It would reduce the width of the carriageway to below the recommended 6m width. This is a bus route and the access road to the development (and other side roads) for emergency and other vehicles. Pedestrian visibility splays from some private driveways would also be reduced. This further limits the weight which can be attached when considering the 'benefits' associated with these works which seek to mitigate the impact of the new route/bridge not being provided.

Viability

10.15 Members will note that 13 years have passed since outline planning permission was originally approved. The first phase proceeded relatively promptly. The development then stalled with no house builders coming forward until 2019 when Keepmoat applied for Phase 2, now currently under construction.

10.16 At the time that new applications for phases 2 and 3 were considered in 2019-20 the landowners and developers asserted that the cost of complying with planning conditions/s106 obligations had act as a deterrent. As part of the applications these were reviewed and in some cases it was found they could be modified in a manner which reduced potential costs without significant harm to planning interests. For example, the cost of providing a new bus service proved to be substantially less than originally anticipated, so these s106 contributions could be reduced. It was also accepted that the proposed pedestrian/cycle/emergency vehicle link over Cow Wath Beck could be deleted. In part this was because an alternative emergency vehicle onto Field Lane was agreed, but also it was less critical than the route to the south in terms of improving walking/cycling distances to local services, which are more concentrated in Newby than Scalby village centre.

10.17 A further point which was subject of detailed review was the timing of when the proposed route/bridge should be delivered. The original outline planning permission of 2010 tied this to the early part of Phase 2. The developers of Phase 2 were unwilling to deliver the route as part of their development. Ultimately, it was agreed

that it could be delayed to be a precursor of the Phase 3 planning permission for up to 220 dwellings and this is the current position. In addition, the Section 106 obligations for Phase 2 include payment of an estimated half of the cost of the provision of the bridge/route and initial maintenance totalling £174,500 + indexation based on an estimate calculated by the Highway Authority.

10.18 A factor which needs some explanation is a potential 'ransom strip' situation which has arisen. This relates to Lands Tribunal case law, whereby the owner the third party required for development to proceed is entitled to a proportion of the ensuing increase in land value. The Millennium Field is owned by the Council, while the Scalby Beck watercourse and the air above it are in the ownership of the Environment Agency (EA). Prior to the application being submitted, dialogue took place involving Council Planning and Estates officers, the landowner, the prospective developer of Phase 3 (Bellway Homes) and the EA. Ultimately, an impasse was reached and the most difficult point to resolve was the EA's insistence on pursuing a 'ransom' sum since the bridge would pass through the air in its ownership. Planning officers sought to act proactively and wrote to the Environment Agency, emphasising the importance of this key infrastructure on environmental sustainability grounds, but this was to no avail.

10.19 In this respect, it is recognised that the developer would potentially incur additional costs if this situation is not resolved. However, the applicants have not gone down the route of submitting a full viability assessment, which would be the established approach if the Local Planning Authority were to take this into account. In the absence of detailed evidence, viability is not a matter which can be afforded significant weight.

10.20 Clearly a risk of refusing planning permission is that development stalls again on this 'committed' housing site. While this would be regrettable, but would not cause any problems in the foreseeable future relating to housing land supply. Ultimately greater importance is attached to securing the proposed route to essential services. Furthermore, Phase 2 will secure important (if not all) on-site social infrastructure, such as play and sports facilities. Refusal of the application would represent a clear marker of the Local Planning Authority's position. It is then hoped that all relevant parties would re-evaluate the situation in a realistic manner to take matters forward in a positive and proactive manner.

11.0 PLANNING BALANCE AND CONCLUSION

11.1 In terms of planning policy, the loss of the bridge/route would go to the heart of fundamental planning principles set out in the NPPF, NPPG (national guidance) and Local Plan policy. The NPPF states, "The purpose of the planning system is to contribute to the achievement of sustainable development." This should be achieved by means of 3 overarching economic, social and environmental objectives. All three are relevant to this application, but perhaps most important is the social objective which seeks to foster 'well-designed, beautiful and safe built environment places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being."

11.2 The presumption in favour of sustainable development is reinforced by Policy SD1 of the Local Plan and a number of other national and local plan policies. For example, the NPPF states, "Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes". Local Plan policy INF1 seeks to promote sustainable transport modes other than the car, while policy INF3 requires proposals to contribute to sustainable transport, improve transport choice by encouraging travel to work and school by public transport, cycling and walking and minimise the distance people have to travel. Policy DEC1 seeks to create attractive and desirable places where people want to live, work, invest and reduce carbon emissions, while also connecting with the surroundings, including provision of walking and cycling routes. Policy ENV8 also encourages the creation of new green corridors, which is what the proposed new route would provide. Officers conclude that approval of this application would either directly contravene or undermine the principles relating to these Local Plan policies.

11.3 As previously explained, the loss of the proposed route would significantly reduce options for the residents of High Mill and its surroundings to reach schools and other key facilities on foot, and to some extent by cycling. This was a fundamental point when considering whether the development as a whole would meet the principles of sustainable development, and as indicated above the proposals are considered to be contrary development plan (i.e. Local Plan policies).

11.4 As a consequence, it is necessary to consider whether there are other material consideration which would dictate a recommendation other than refusal. This report has considered the works of mitigation along Station Road, and the risk of development stalling as a result of the 'ransom strip' situation. However, given the critical importance of the route to the sustainability of this development of over 500 dwellings. It is your officers' conclusion is that the case/proposals put forward by the applicant do not outweigh the harm to concerns covered by local and national planning policies. It is therefore concluded that this application should be refused.

12.0 RECOMMENDATION

12.1 That Permission be REFUSED for the reason given below:

- 1 The proposed variation/removal of conditions from planning permission 19/01248/OL would result in the loss of a key proposed pedestrian and cycle route between existing and proposed housing at and in the environs of High Mill Farm, Scalby and essential day-to-day services likely to be used by the occupiers of these dwellings. The Local Planning Authority has always considered that the provision of this route is fundamental to the sustainability of this development of over 500 dwellings on the High Mill site. The most significant benefit of the route/bridge is considered to be the reduction in journey times for pedestrians travelling to key services in the centre of Newby, having regard to recommended walking distances from the Institution of Highway and Transportation. These include the nearest secondary school, primary school, supermarket, doctor's surgery, pharmacy and library. The

route would also reduce journey times on foot to facilities and attractions in the North Bay/Burniston Road area of Scarborough. Similarly, journey times for cyclists seek to reach the destinations referred to above and beyond would be reduced. The deletion of the route as a requirement therefore have a negative impact, also isolating and turning the High Mill development away from the Scarborough Urban Area of which it should form an integral part.

Alternative routes, taking account of proposed works notably along Station Road, are significantly less sustainable and practical to use. Apart from the markedly greater distances than the proposed new route, the alternatives are less direct and attractive for pedestrians (and to some extent cyclists) to use. They would involve travelling along busy classified roads, or in the case of the Cinder Track, a route which is unlit and enclosed by vegetation. The proposed route to the south would be particularly beneficial for persons without access to motorised private transport, including school children attending the two local schools. The non-provision of the route would increase car journeys with negative impact on noise, air pollution and carbon emissions, notably along the highways which pedestrians/cyclists would be compelled to use.

Furthermore, very limited weight should be attached to the works proposed to the Station Road highway. This conclusion is reached noting the restricted width of the proposed shared footway/cycleway, the reduction in the width of the carriageway to below recommended standards and the negative impact on pedestrian visibility splays from private driveways. In addition, the application does not substantiate assertions that the route/bridge required by the existing planning conditions would render unviable the development approved by planning permission 19/01248/OL.

In light of the of the above, the application is considered to be in direct contravention of Policies DEC1, INF1 and INF3 of the adopted Scarborough Borough Local Plan and contrary to the broad principles contained in policies SD1 and ENV8 of the same document. Likewise, the application considered to be contrary to the policies and principles contained in the National Planning Policy Framework, notably the core principles underpinning the concept of sustainable development.

Target Determination Date: 11 November 2022

Case Officer: Mr Hugh Smith
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