

North Yorkshire Council
Community Development Services
Thirsk and Malton Constituency Committee

20 JULY 2023

**21/00480/FL - CONSTRUCTION OF 44NO. TWO, THREE AND FOUR BEDROOM,
TWO STOREY DWELLINGS WITH ASSOCIATED GARAGES AND
INFRASTRUCTURE INCLUDING DRAINAGE ATTENUATION BASIN, OPEN
SPACE AND PLAY AREA AT LAND ON THE SOUTH SIDE OF SANDS LANE
HUNMANBY YO14 0LT ON BEHALF OF GLEESON REGENERATION LTD, M
COPE, E COPE & J BAILEY**

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the report

1.1 To determine a planning application for construction of 44no. two, three and four bedroom, two storey dwellings with associated garages and infrastructure including drainage attenuation basin, open space and play area on land on the south side of Sands Lane, Hunmanby.

1.2 The application is being considered by the Committee following representations made by the Ward Member. Under the terms of the Constitution it would also normally be necessary to demonstrate that it raises significant material planning considerations. This may not necessarily apply, given the site is allocated for development in the Scarborough Borough Local Plan. However, under the terms of the Scarborough Borough Council Constitution the application (received in 2021) would have been determined by Committee, so this would be the local expectation. Taking these factors into account it is considered that determination by the Area Constituency Planning Committee is appropriate in this case.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That planning permission be GRANTED subject to conditions listed at the end of this report and completion of a S106 agreement with terms as detailed in Table 1 and the comments of the Local Lead Flood Authority

2.1 The development comprises 44 houses served off a new road to the south of Sands Lane, Hunmanby, including public open space a play area and a surface water attenuation basin towards the front of the site.

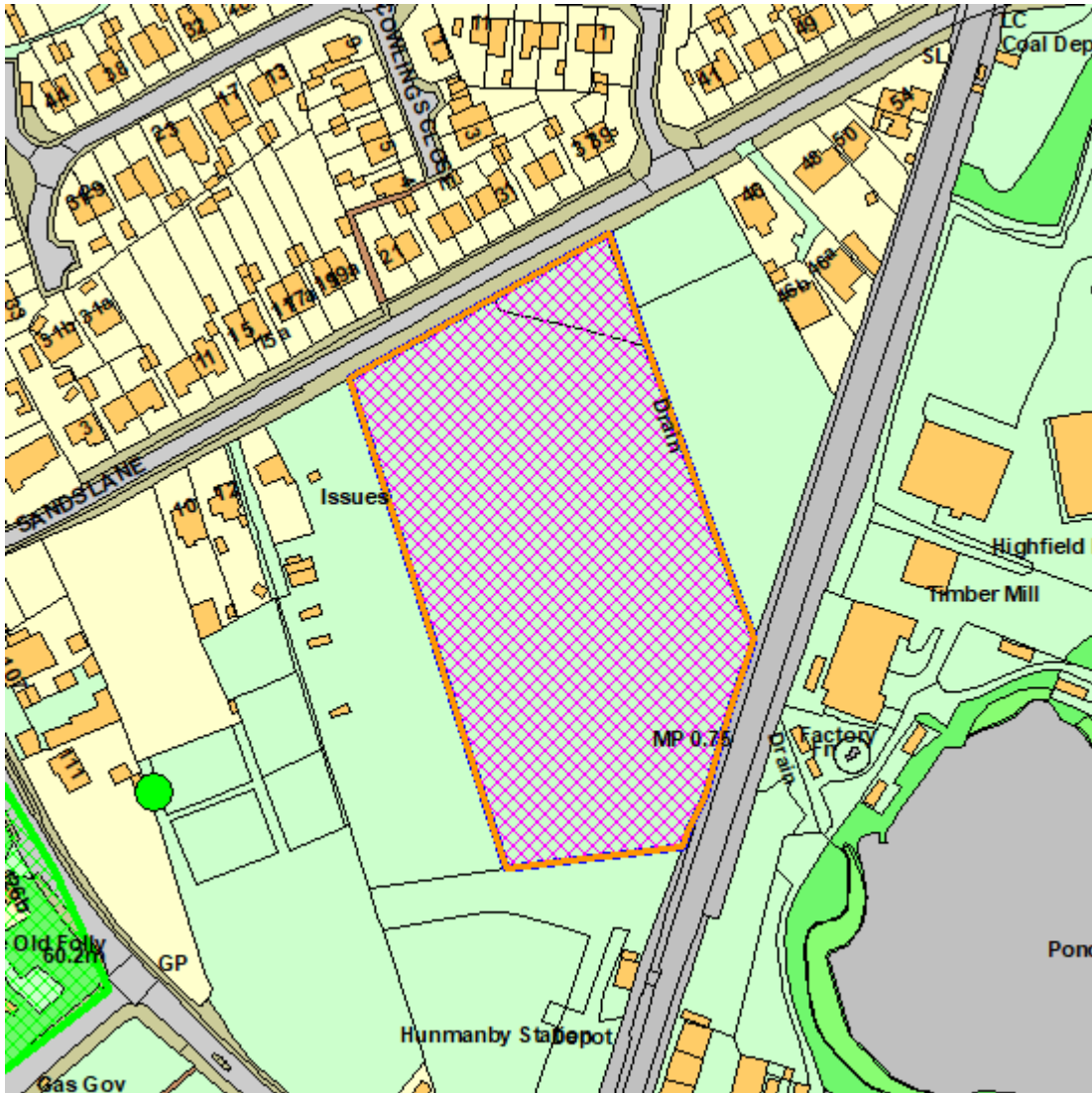
2.2 The site forms the central and largest part of the 3 hectare HA28 Housing Allocation in the Scarborough Borough Local Plan. It is an agricultural field towards the southern end of Hunmanby village, with smaller parcels to the east and west making up the remainder of the allocation and a railway line bounding the south-east corner.

2.3 As an allocated site, the principle of housing is acceptable, subject to consideration of detailed planning matters. These include the layout, design and appearance, impact on highways, drainage and local services.

2.4 Following a lengthy process of negotiation with the applicants, including a reduction in the number of houses from 58 to 44, officers are now satisfied that the proposals are acceptable and comply with relevant local and national planning policies, subject to conditions and S106 obligations, although the final comments of some consultees were awaited at the time of report preparation.



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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=QOS980NSG6600>

The plans to be considered are principally those submitted in May 2023

3.2 The plans have been significantly amended since the application was first received in 2021. The original scheme for 58 houses had a different layout/house designs. Revised plans were received in 2022, which decreased the number of dwellings to 46 and incorporated a play area with a layout/design with a closer resemblance to the current proposals, as well as 7 affordable dwellings. The latest plans submitted in May 2023 reduce the number of houses to 44, increase the size of open space and play facilities and provide additional information on matters such as drainage.

3.3 There are no previous planning applications on the site itself, but the following outline permission on the site to the west is relevant:

22/00570/OL - Outline application for 9 self-build dwellings with all matters reserved except access - approved subject to conditions and s106 obligations - 30.05.2023.

3.4 In addition a full application for 15 affordable houses (ref: ZF23/00746/FL) has recently been received on land to the east, but is not yet at a stage when it can be determined.

4.0 Site and Surroundings

4.1 The site is an open agricultural field on the southern side of Sands Lane, Hunmanby, which is at the southern edge of this large village situated towards the north-eastern edge of the Wolds. The site is roughly 650m from the village centre which has a more historic character than the area around the application site. The land in its vicinity was largely open countryside up until the mid 20th Century when a number of dwellings were constructed on Sands Lane, notably to the west closer to Bridlington Street. In the 1970s a large housing estate was built opposite, including bungalows facing the application site frontage.

4.2 The southern side of the road is still more sporadically developed, but the Local Plan allocates 3 ha for residential development (ref:HA28), covering 3 parcels of land all at different stages of the planning process. This application covers the central and largest plot with an area of 1.78ha. (61% of the allocated site). All 3 plots are set behind a grassed verge and a well-developed hedgerow. The narrow 0.64ha plot to the west was recently granted outline planning permission for 9 self-build homes. An application has been recently received for 15 affordable homes on the 0.51ha of land comprising two paddocks to the east.

4.3 The application site is roughly rectangular, minus the south-eastern corner, which is truncated and bounded by the Scarborough-Hull railway. The dimensions of the site are typically 190m north to south and 100m east to west. Land to the south is largely open and lies outside the Development Limits of the village as identified in the Local Plan. An industrial estate lies the other side of the railway to the south-east.

4.4 The environs are generally flat, but the site gently rises at its centre and to its rear, southern end. All boundaries are lined by hedgerows with a gap on the Sands Lane where there is a field access. There are minor watercourses along the eastern and western boundaries, the latter being partially culverted.

5.0 Description of Proposal

5.1 This application seeks full planning permission for 44 dwellings and associated infrastructure. The application was first received two years ago and there have been a number of amendments during that time, most notably decreasing the number of houses from 58.

5.2 The main vehicular access onto Sands Lane would be 20m west of the existing gated field entrance. This would be replaced by hedging and apart from the new access point the existing hedgerow would be retained. The front part of the site would not be developed for housing. To the east of the access road a surface water attenuation basin measuring 55m x 30m is proposed and to the west an area of public open space (1,260sqm) is proposed, incorporating a play area at its northern end.

5.3 The proposed access road continues southwards through the site in a meandering manner, terminating as a cul-de-sac. There are also 3 secondary side roads extending up to the eastern and western boundaries; the most northerly would be lined by 5 houses which would face the attenuation basin and the direction of Sands Lane.

5.4 There would be 8 house types, which would all be 2 storey. Of these, 34 would be detached and 10 semi-detached. Two houses would have 2 bedrooms, 31 would be 3 bedroomed and the remaining 11 would be 4 bedroomed. Seven affordable homes are proposed.

6.0 Planning Policy and Guidance

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise.

Adopted Development Plan

6.2 The Adopted Plan for this site is Scarborough Borough Local Plan 2011 to 2032 adopted 2017. The most relevant policies to this application are as follows:

- Policy SD 1 -Presumption in Favour of Sustainable Development
- Policy DEC1 - Principles of Good Design
- Policy DEC 3 - The Efficient Use of Land and Buildings
- Policy DEC 4 - Protection of Amenity
- Policy DEC 6 - Archaeology
- Policy HC 1 - Supporting Housing Development
- Policy HC 2 - New Housing Delivery
- Policy HC 3 - Affordable Housing
- Policy HC 10 - Health Care and Education Facilities
- Policy HC 14 - Open Space and Sports Facilities
- Policy HC 15 - Open Space and Sports Facility Allocations
- Policy ENV 3 - Environmental Risk
- Policy ENV 5 - The Natural Environment
- Policy INF1 - Transport
- Policy INF 5 - Delivery of Infrastructure

Emerging Development Plan - Material Consideration

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

Guidance - Material Considerations

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

7.0 Consultation Responses

7.1 The following consultation responses have been received and are summarised below. There have been three rounds of consultation in 2021, 2022 and 2023. The most recent one does not end until 07/06/2023. Consequently, some of the comments below may relate to previous layouts and the date of the comments is indicated in brackets.

7.2 Hunmanby Parish Council (2023) - No objection, but ask for confirmation that that the play area would be maintained by the building company and not transferred to the Parish Council. It is also requested that any s106 monies are used in Hunmanby and the Parish Council be involved in any discussion.

Other comments on plans received in 2021 or 2022:

- Increased traffic flow on Sands Lane, up to the junction of Bridlington Street junction.
- Can a direct link to the railway station be investigated?
- Lack of cycle routes in the village.
- Would the attenuation pond have sufficient capacity during extreme weather?

- Has the water pressure has been taken into account, which is a problem in the area

7.3 Ward Member: Cllr Donohue-Moncrieff commented as follows: (These are a summary of comments on the 2022 plans)

The reduction in the number of properties, the inclusion of a play area and linking the site to the Playing Fields is an improvement on the previous version. Given that we are now aware of two potential developments on either side of the central HA28 site, it is important that there is co-operation between the three developers.

The Local Plan allocates site HC13 in Filey for future surgery expansion, the current Local Plan is not going to be delivered or even being planned for which all sites with Local Plan status in Hunmanby, Filey and surrounding areas. Therefore, I cannot support this Planning Application. Public confidence in the Local Plan is being seriously undermined by the failure to implement this provision. The NHS have confirmed that Hunmanby Surgery is operating at capacity and respond, "the combined impact of any further developments in this locality is significant".

At a meeting the developers indicated that they would be willing to provide access to both adjacent sites in order to reduce the need for three separate access points to Sands Lane - better all road users along Sands Lane.

The submissions do not accurately reflect the views of residents who attended a meeting. The applicant's assertion that the "homes are priced so that they can be afforded by 90% of local couples in full time employment," should not be taken at face value. I understand that there is potential for 7 affordable homes. We need to ensure that these numbers are committed to and these be offered to local residents first.

NYC (Education) have sent in a revised School numbers calculation, which shows a reduction in future role numbers. Having discussed this with the relevant team, my original reservations have been addressed.

I support the request from Highways for a new footpath along Sands Lane to the playing fields. Claims that bus is a viable alternative to car usage is not credible due to the limited timetable and cost of travel. Living near a Dental Surgery is not the same as having access to its services. The applicant's assertions relating to job opportunities are questioned. Grimston Road should not be categorised as an access route to the rest of the village. Parking problems on Bridlington Street/Hungate Lane area will be made worse - what modelling had been done? A traffic impact survey on Sands Lane should be carried out.

Sands Lane drainage is vulnerable to storm events and struggles to cope, resulting in significant amounts of standing water. There is understandable confusion as to the divide between the planning expectation that the developer does not make the problem worse as opposed to existing problems that Yorkshire Water need to address locally. The drainage system may work for the new development, but will it create additional problems elsewhere? How will the two water courses, attenuation basin, trees, hedges and play area be managed? The site is near to the 1907

discovery of a Roman Chariot - what assessment has been carried out into the archaeology?

7.4 Highway Authority (HA) (2023) - no objection, subject to conditions - The available visibility is in excess of the required minimum. The original application proposed to construct 58 dwellings and the reduction in numbers now provides a more acceptable design from the HA perspective. The access road would be a minimum of 5.5 meters wide with 2.0 metre wide footway. Each dwelling would be provided with the minimum required off highway parking spaces. Parking for plot 42 should be provided with access opposite plot 41 to prevent any on street parking which may obstruct the emergency link to the adjoining site to the west. Parking spaces and internal garages should meet minimum dimensions.

The footway which was shown opposite plots 1 to 4 has been removed and the road appears to be now shown as a private drive with a shared use surface. Tactile pedestrian crossing points are not shown within the amended layout and should be positioned in convenient locations. A pedestrian tactile crossing is now shown as requested at the junction of the proposed development and Sands Lane. Further pedestrian crossing points are also now provided on Sands Lane and on Grimston Road to allow more convenient access including facilities in the village, as well as to the link footway towards Cowlings Close. A 2.0 metre wide footway is provided across the whole frontage of the site connecting to the existing footway to the front of 14 Sands Lane to the west although it is not shown to extend along Sands Lane east to allow safe pedestrian access to Hunmanby Playing Field. The existing dropped kerb access to the site should be removed and replaced with a full height kerb.

A more robust analysis of the effect of the traffic generated by the development on the junction of Sands Lane and Bridlington Street and any potential improvements to this junction should be provided. It is not an adequate analysis to state there is not a recorded collision history. A minimum requirement would be a Section 106 contribution of £8,000 to the cost of implementing a Traffic Regulation Order to prohibit parking on Bridlington Street and Sands Lane in the vicinity of the junction.

Recommended conditions would relate to the construction of roads/footways, delivery of off-site works referred to above, parking for dwellings and a construction management plan, which would seek to ensure that construction vehicles only travel to and from the direction of the A165 along the eastern part of Sands Lane.

7.5 Local Lead Flood Authority (2021) - No comments yet received on 2023 plans/documents. Previously recommended that further information relating to micro-drainage for in 1 and 1 in 30 year storm events and an exceedance plan showing the overland flow routes during an extreme flood be submitted. Comments are awaited on the amended plans and Flood Risk Assessment submitted in 2023

In 2021, it was also commented the site is in Flood Zone 1 with a low risk of surface water flooding. The eastern boundary is marked by a drainage ditch, which at the time Geo-environmental site walkover 'appeared to be backed up with the water level of the ditch the same height as the field'. The site lies in an area where there is potential for groundwater flooding to occur at the surface. It is proposed to discharge surface water into the existing watercourse or surface water sewer located in the

vicinity of the proposed development site, subject to infiltration methods being deemed unsuitable. The plan shows that surface water attenuation is provided for flows in excess of the proposed restricted discharge. The requirements are also set out relating to run-off destinations, peak flow control, volume control, pollution control, exceedance flow, a 30% climate change allowance and 10% urban creep allowance (which was unclear), as well as measures to reduce flood risk during construction and maintenance measure for the proposed attenuation.

7.6 Environmental Health (Commercial Regulation): No comments received yet on 2023 plans and noise assessment (2021) - Commented on the original submissions that more information is required relating to the noise impact from traffic, railway and a nearby timber mill and doubts about the proposed noise abatement which to meet WHO standards would require bedroom windows to be closed in summer. The impact should be modelled and clarity sought why background levels during the night time are higher than those measured for some daytime periods.

7.7 Environmental Health (Residential Regulation) (2023) - the smallest bedroom of 3 house types appear to have a floor area below 5m². The minimum acceptable size for a single bedroom is 6.5m². As such, the third bedroom should only be used as a bedroom for a child under 10 years old or as a study.

7.8 Housing Strategy & Development (2022) - No objection - the 7 dwellings for affordable housing meets with the Planning Policy requirement of 15% for the Southern Area Parishes. The tenure mix of the affordable housing properties have not been identified, but to comply with policy requirements, we would expect a mix of 2 First Homes (as 25% of the policy requirement), 4 rented homes and 1 low cost home ownership and would welcome clarification. We are satisfied with the location of the affordable homes within the layout, and also note that they meet Nationally Described Space Standards (NDSS).

7.9 Council Ecologist (2021) - no objection, subject to conditions for preparation of a Construction Environmental Management Plan to prevent pollution of streams, safe removal of Japanese Knotweed, bats and artificial lighting, protection zones for retained hedgerows and trees, storage of materials and precautionary working method to protect fauna and reptiles, and landscape and ecology management plan, including features such as bird and bat boxes, hedgehog holes. The site is separated from Designated Sites by the railway. On-site habitats are relatively low value grassland. Biodiversity Net Gain is not quantified, but I am reasonably satisfied that this offers a net gain, if the wetland meadow is properly established. It is good to see it is proposed to retain majority of hedges and trees.

7.10 Children's & Young Person's Services (NYC Education) (2022) - no objection - no commuted sum towards local schools is requested based on the predicted deficit/surfeit of school places in 2026/27

7.11 Council Archaeologist (2023) - no objection subject to condition.

7.12 NHS Humber & North Yorkshire Integrated Care Board (ICB) (2023) - no objection subject to a financial contribution of £27,002 towards local GP practices.

The surgery in Hunmanby does not have the capacity to accommodate the growth resulting from the development. The proposed development must provide appropriate levels of mitigation. The S106 contribution secured from this development would fund works at the named practice and/or contribute towards a new development related to the Hunmanby/Filey locality that will accommodate the additional population created by the proposed development. The sum has been calculated using a formula taking account of predicted additional population, the resultant floorspace to meet this growth and the capital required to pay for this. The recommended developer contribution would mitigate the impacts of the proposal and should be secured by a S106 planning obligation. [Note: In 2022 a sum of £21,882 was requested, but that has been increased to take account of the latest construction costs relating to healthcare facilities].

7.13 Yorkshire Water (2021) - no objection subject to compliance with submitted detail, namely: separate systems of drainage, the amount of domestic foul water to be discharged to the public combined sewer network, amount of curtilage surface water to be discharged to the public surface water sewer network at a restricted rate of 3.5 litres/second and the proposed points of discharge of foul and surface water to public sewers. A water supply can be made available. Any supply issues can be resolved under the provisions of the Water Industry Act 1991.

7.14 Designing Out Crime Officer (North Yorkshire Police) (2023) - In general, the design & layout continues to be appropriate, however, there are some issues that were raised in the original response that remain, and some new features that are not conducive with crime prevention principles, which should be addressed to ensure that the safety and security of the scheme will not be undermined and to comply with Scarborough's Residential Design Guide. In summary these points are as follows:

- Potential unnecessary permeability - the need for a link to land to the east is not necessary and may form an escape route for offenders.
- Children's play area should be appropriately enclosed
- Lack of access control between front and rear of dwellings - i.e. lack of a side gate between the two and rear garden sub-divisions consisting of a height of only 0.6m
- Inappropriate parking provision for Plot 25 - it is in front of a neighbouring property increasing the risk of conflict
- Lack of overlooking of parking from within home for House type 314 which lacks windows with site of a parked vehicle.
- Positioning of some trees could create climbing aids.

7.15 Network Rail (2021) - no objection, but given the size and proximity of the development in relation to the railway it is considered that there may be significant impacts on Hunmanby railway station. It is therefore appropriate that a contribution is sought from the developer towards station facility improvements. This could include improved passenger waiting facilities, cycle shelters or improved customer information systems. Conditions should be imposed relating to the construction methodology to ensure works can take place without impacting on the railway. We would not foresee any issues with the drainage proposals. Drainage should not impact on railway assets and surface water must flow away from the railway. Trespass proof fencing should be provided. Every endeavour should be made by the developer to provide adequate soundproofing for each dwelling.

7.16 Northern Powergrid (2021) - the response sets out the statutory requirements in the event that development affects electricity infrastructure, also providing plans showing its location in the vicinity.

7.17 Northern Gas (2021) - no objection - contact should be made by the developer if gas infrastructure is affected with a plan provided.

Local Representations

7.18 On the first round of consultation in 2021 there were local representations from 31 parties of which 24 objected, 2 supported and 3 were neutral with comments on the scheme comprising 58 houses. There were 18 objections to the plans as submitted in 2022 (46 houses). One letter of objection was received in respect of the most recent consultation period for the latest plans (44 houses), which expired on 07/06/2023. A summary of the comments is provided below concentrating on comments from 2022 and 2023 and in approximate order of frequency. Please see the website for full comments.

Objections/Comments

- Impact on highways/traffic levels - speeding along Sands Lane, poor visibility at Bridlington Street junction and towards Hunmanby Gap, impact on safety of pedestrians, cyclists, horse riders, increased HGVs during construction, possibly damaging drainage infrastructure.
- Flooding problems in the area/poor drainage - wider drainage plan for village needed
- Too many new houses in the village, made worse by loss to holiday homes and change to the rural character.
- Inadequate foul water drainage leading to overspill into River Hertford.
- Impact on doctor's surgery - NHS should have health plan for village
- Impact on schools
- Impact on dentists
- Construction and traffic causing noise and pollution
- General impact on infrastructure
- Loss of green land
- Lack of water supply pressure in area
- Play area/family and affordable housing would encourage anti-social behaviour
- For benefit of developer profit and not local community
- Lack of shops/facilities in the village
- Impact on climate change/energy resources - no solar panels/grey water harvesting
- Light pollution
- Loss of view
- Impact on wildlife
- Who will maintain open space, hedges and verge?

Other comments received in connection with 2021 plans:

- Footpath/cycle route could be provided via land to south to railway station
- Roads in village already too congested with parked vehicles
- Impact on dangerous Sheepdyke Lane/Stonegate junction
- Many residents in village are elderly (disputed in other representation)
- Dropped kerbs should be provided and footway extended to playing fields and allotments on Sands Lane
- Appeal dismissed in 1984 for single dwelling south of Sands Lane which should be limit of new development
- Invasive species should be removed from hedgerow at front.

8.0 Environmental Impact Assessment

8.1 The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environmental Statement is therefore required.

9.0 Main Issues

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

- Principle of development as an allocated site
- Density, layout and design within its setting
- Impact on highways, including the Sands Lane/Bridlington Street junction
- Residential amenity
- Drainage and flood risk
- Impact on wildlife and existing vegetation
- Contribution towards social infrastructure, including affordable housing, healthcare, green space and play facilities.

10.0 Assessment

Principle of Development

The principle of residential development on this site is established by the fact that it is identified for such purposes by policies HC1 and HC2 of the Local Plan as Housing Allocation HA28. The site represents 61% of the allocation, which as previously explained includes smaller parcels to the east and west.

10.2 The Housing Allocation Statement for HA28 states:

"The site lies between Sands Lane and the railway line and is currently in the form of open fields and has been allocated for residential development with an indicative yield of 60 dwellings.

Issues and Requirements:

1. The site will be accessed off Sands Lane and a traffic assessment will be required to assess the impact on existing highway network including the junction of Sands Lane with Bridlington Street;
2. A buffer will be required between the site and the adjacent railway to ensure no adverse effect on the ability to access and maintain the railway line."

10.3 In light of its allocation there is a clear presumption in favour of residential development, subject to compliance with the above points, as well as the normal site specific planning requirements, which are examined below.

Density

10.4 The indicative yield of 60 dwellings in the Local Plan is not an upper limit. Policy HC2 states it 'is for indicative purposes only and the final number of homes provided will be determined through the planning application process'. Nonetheless, the 58 dwellings originally proposed was considered to be excessive for the setting, based on its impact on the character of the area. If this application (now 44 dwellings) is approved, the cumulative total of dwellings with planning permission on the HA28 site would be 53, increasing to 68 should the application to the east ultimately be accepted. The density of the application site itself is 25 dwellings/ha, including the land shown as open space/attenuation basin and this is lower if the proposed self-build plot to the west is taken account. In any event, this is lower than the benchmark figure of 30/ha referenced in connection with Policy DEC3 (Efficient Use of Land and Buildings), and is now considered to be appropriate to the village setting. The fact that the open space is at the front of the site would also help to create a greater sense of spaciousness along Sands Lane.

Layout and Design

10.5 The scheme needs to be considered within the context of Local Plan policy DEC1 and the Residential Design SPD. The design of original scheme of 58 houses was deemed unacceptable due to a combination of factors including the density, standardised appearance/layout and the way in which it failed to take account of the two adjoining allocated parcels of land.

10.6 On this last point, the hedgerows along the east and west boundaries form part of the character of the site, but in developing the HA28 allocation as a whole, this presents challenges in seeking to avoid individual linear cul-de-sacs with minimal interaction. It is also important to avoid a scenario where the hedges (and watercourses) do not become sandwiched between two rear garden fences. The original layout is likely to have resulted in this. There would still in places be rear or side garden boundaries facing the hedgerows, but less consistently and based on the proposed layouts on the adjacent sites this should not be replicated in parallel, thus keeping an open aspect on one side of the hedge line/watercourse.

10.7 The layout as now proposed also helps to avoid an overly linear form. The north-south access road from Sands Lane meets an east-west route crossing the centre of the site with a semi-detached pair facing the oncoming road in accord with SPD guidance. Combined with the curved form of the cul-de-sac occupying the southern part of the site, this also means that no more than 6 dwellings are perceived as a single row. This helps to mitigate some other potential concerns; for example, more houses have front rather than side parking, but the way the development is broken up (combined with use of garaging) avoids long rows of houses or parked vehicles, potentially imparting a more urban character. The

applicant has also agreed to delete a single garage adjacent to plot 29, which appeared out of place at the head of the southern cul-de-sac.

10.8 The proposed dwellings are standard house types, albeit from the developer's 'rural' range. They include features such as small-paned windows with contrasting brick lintels and a brick band at first floor level, porches (mainly of a gabled form) and vertically boarded front/garage doors. Some houses also have front gables which would help create variety in the street-scene. It is set away from the historic core/Conservation Area of Hunmanby, where the architecture possesses a reasonably distinctive vernacular, characteristic of Wolds edge villages. Following discussions the materials were amended so the brick colour is two shades of red (rather than mainly buff) and the roofs being a mixture of grey tiles and red pantiles (the latter on the frontage). This would be more in sympathy with the character of village than before.

10.9 The houses at the front overlook the open space/attenuation basin, which would be surrounded by well-established vegetation. This would create a green gap in the streetscape helping to maintain a more rural character and allowing the development to be more of a distinct entity from existing properties along Sands Lane. Details of external materials and landscaping would need to be subject of conditions.

10.10 The Designing Out Crime Officer has commented on the most recent drawings. While broadly supportive certain detailed points have been identified where the scheme might be amended and officers have had discussions with developer to establish if they can be accommodated. In some cases they can (e.g. side lockable gates and moving the position of parking to the front of Plot 26). The 314 house type is designed to turn corners, but consequently has a blank elevation facing parking bays. While surveillance is desirable, and in some cases is provided by other houses, the applicant has indicated there are practical problems associated with providing a side window on the few remaining plots where this applies. Ultimately, officers have given greater weight to the fact that this design of this house type would benefit the appearance of the estate and no objection is therefore raised.

Highways/Transport

10.11 The Highway Authority does not object to the proposed layout and parking provision. There is adequate visibility at the junction of the main proposed access onto Sands Lane. Off-site works required by condition would be 3 crossing pedestrian points with lowered kerbs using tactile paving (2 on Sands Lane and one across the southern end of Grimston Road indirectly opposite). The plans show a footway along the frontage and the Highway Authority has also recommended the continuation of a footway on the northern side, beyond the level crossing to the east up to Hunmanby Playing Fields.

10.12 A key consideration highlighted by the Local Plan Allocation Statement is the suitability of the junction of Sands Lane and Bridlington Street to accommodate additional traffic given limited visibility. It is understood that it would be difficult to make physical alterations on Highway-owned land achieve this, but the Highway Authority has indicated that a suitable solution would be to introduce restrictions to

on-street parking in the vicinity by means of a Traffic Regulation Order. To pay for this process the developer should make a financial contribution of £8,000.

10.13 The plans show side roads on the site built up to the eastern and western boundaries. To the west, this is to ensure an alternative emergency access. A similar arrangement was shown on the plans for 9 self-build dwellings and a condition was imposed requiring its provision for pedestrians, cyclists and emergency vehicles only (i.e. with bollards or similar) and a condition is also required on this application to secure the same. The Highway Authority has requested an amendment to the location of parking on Plot 42 to discourage on-street parking on this route hindering emergency access. A minor amendment is anticipated in order to address this point. To the east, the necessity for a similar arrangement would be best judged within the context of a planning application on that land, but the layout on the application considered here keeps that as an option.

10.14 The Local Plan Allocation Statement indicates a buffer may be required alongside the railway in the south-east corner of the site for access and maintenance purposes. This is not shown, but importantly Network Rail has not objected, although conditions are required to ensure that the construction of the housing does not interfere with the operation of the railway and suitable fencing to prevent access is provided.

10.15 Network Rail also requested a financial contribution to help upgrade the railway station. Unlike the highway improvements to the Bridlington Street junction this is not specified in the Local Plan or an SPD. Nor is there an agreed methodology how to calculate such a sum. Officers sought to clarify with Network Rail how this might be quantified and attributed in order to meet government tests on S106 contributions (e.g. proportionality). No response was received and without a suitable rationale/evidence, it is difficult to require the developer to sign up to this.

10.16 The Parish Council and others requested that a direct pedestrian/ cycle link be provided between through the site and across third party land to the south to the railway station. The alternative route via footways on Sands Lane and Bridlington Road would be approximately 70m longer than through the site for residents from the eastern part of the village travelling to the station. From the southern end of Grimston Road this would be 16% shorter, which is only a limited distance /time saving. Officers investigated the idea further, but requiring the provision of a route across land outside the applicant's or public control may not meet relevant government tests relating to conditions. The land to the south is also outside Local Plan Development Limits, so it is unlikely that it could be secured through development of that land.

Residential Amenity

10.17 The distances between house in the development and to existing/proposed dwellings are considered to be acceptable. There would be a distance of 56m between the forward-most house and the nearest existing bungalow north of Sands Land. The retention of most vegetation on the boundaries would also help to act as a buffer.

10.18 Originally there was concern that the boundaries to gardens would not have been provided with adequate privacy/security with only a wire fence or latterly a 0.6m high fence. It has now been agreed that close boarded fencing of 1.8m height is provided and this is more appropriate.

10.19 It is also necessary to consider the impact of noise on the proposed residents, particularly close to the south-east boundary with the railway and industrial estate beyond. The Environmental Health Officer had some concerns with the original level of information or proposed safeguards. A new Acoustic Assessment was submitted with the most recent revisions and at the time of report preparation comments had not been received. The Assessment considers the predicted impact of noise on occupiers of the development. It states, "The results show that the internal noise levels would meet the criteria for desirable sleeping and resting conditions, as set out in BS 8233 and by the World Health Organisation, in all the habitable rooms at the proposed development. The analysis indicates that acceptable internal ambient noise levels will be achieved with the proposed scheme of mitigation". This mitigation would consist of glazing/windows designed to minimise noise, ventilation for periods when windows would otherwise be opened, as well a façade insulation and acoustic fencing. Full details would need to be secured by condition.

Drainage/Flood Risk

10.20 The two watercourses along the east and west boundaries drain into the public surface water sewer beneath Sands Lane. Surface water from the site would flow into on-site sewers. This would then enter the Sands Lane sewer at a rate of 3.5 litres/second via the 1.2m deep attenuation basin, which would store excess capacity during storm events. A revised Flood Risk Assessment (FRA) and Drainage Strategy were submitted to take account of the revised layout and earlier comments from the LLFA. These requested more information relating to Micro Drainage calculations and an exceedance plan showing overland flow routes in a storm event. Comments were awaited from the LLFA at the time of report preparation as to whether the most recent documents satisfied the points previously raised. It is intended that there will be an update on this before or at the Committee meeting

10.21 The attenuation basin as originally proposed was angular in shape. It would now have a more rounded appearance. A condition is proposed to ensure that it is suitable landscaped in a manner which has ecological benefits and that together with its surroundings it does not appear too engineered, while still fulfilling its essential role of controlling surface water run-off.

10.22 Foul water would discharge into the combined sewer below Sands Lane and Yorkshire Water has not objected to this. Concern has been raised by local residents about the adequacy of this infrastructure, resulting in the discharge of foul water into watercourses. On such matters the Local Planning Authority has to be guided by the relevant technical consultee/infrastructure provider, Yorkshire Water, which has not objected. In its absence, or a requirement for the developer to further upgrade local sewerage, responsibility would then fall to the water company. It is recognised that discharges of foul water by such companies is a contentious issue, but it would be a matter of compliance with legislation and its enforcement by the Environment

Agency. Yorkshire Water has not objected relating to water pressure and indicates water supply would be governed by separate non-planning legislation.

Other Environmental Factors

10.23 The hedgerows surrounding the site, which include a number of trees, would be generally be retained; the main exception being where access to/from the site would be created. The proposed housing would be suitably distant from trees/hedges, but a condition is proposed to ensure they are suitably protected during construction. The planting plans shown on the layout are indicative, so details of this would also need to be secured by condition.

10.24 The main habitat value of the existing site would relate to the hedgerows. The submitted Ecological Assessment found that only one tree has potential as a bat roost and apart from breeding birds there is limited ecological value. The Council's Ecologist indicates that the findings of the report are sound. The Assessment recommends use of wetland flora in the attenuation basin, 20m of species-rich hedgerow planting, scattered tree planting within the development and 6 bird and bat boxes each. The Council's Ecologist is satisfied with these plus some additional safeguards (e.g. lighting during construction and hedgehog gaps in fences) which can be secured by condition.

10.25 The application was accompanied by a geo-environmental appraisal and this did not find evidence of ground contamination.

10.26 An Archaeological Written Scheme of Investigation has been undertaken and based on previous work and identified ground disturbance in the central and northern parts of the site which merited further assessment. This identifies the scope and methodology of fieldwork to take place, including arrangements for excavations and recording any remains of interest. The Council Archaeologist is satisfied with the latest version of the WSI subject to a condition, the wording of which is to be advised.

10.27 New building regulations were introduced in June 2023, which now mandate provision of electric vehicle charging points. Consequently, they would no longer be necessary as part of the planning permission, which would otherwise be stipulated by Local Plan policy DEC2. There are also new regulations relating to sustainable energy - rather than using solar panels, it is understood that the developer would comply with these requirements using air source heat pumps situated on the rear of the houses, thus minimising any visual implications.

S106 Obligations/Social Infrastructure

10.28 The following Heads of Terms have been informally agreed with the applicant for this applications and a S106 agreement is being prepared.

Table 1		
Category/Type	Contribution	Amount & Trigger
Affordable Housing	7 affordable homes on site	n/a except for £2,080 First Homes administration fee
Transport	Bridlington St/ Sands Lane Traffic Regulation Order	£8,000 index linked prior to first occupation
Health	GP surgery facilities in Hunmanby or Filey	£27,002 index linked prior to first occupation
Parks & Gardens	Improvement of Open Space in Hunmanby	£21,921.27 index linked prior to first occupation of 50% of dwellings
Sports Facilities	Improvement of Sports Facilities in Hunmanby	£8,714.80 index linked prior to first occupation of 50% of dwellings
Monitoring	S106 Monitoring	£2,200 index linked, prior to commencement of development

10.29 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.

10.30 The original application made no provision for affordable housing - the applicants sought to argue that their housing product was 'affordable' in relative market terms. Your officers' view is that to fall within this category there need to be legal safeguards in place (via S106 obligations) which could be enforced by a Registered Provider and/or Council. Following a dialogue relating to viability the latest scheme now proposes 7 affordable houses which comply with recognised government/local definitions. This includes the level of provision at 16% which accords with the minimum of 15% required by Local Plan policy and the Affordable Housing SPD.

10.31 The split of housing would be 4 for affordable rent, 2 First Homes and 1 low cost home ownership. The Housing Strategy Manager is satisfied with this and the size of these homes relative to NDSS standards required in the SPD. The comments from Environmental Health (Residential Regulation) relating to the size of rooms in certain house types pertain to open market houses, over which there is no control within local policy.

10.32 The Council's Children's & Young Person's Service has not recommended a contribution towards local schools on this application. To comply with the requirements for S106 obligations, such sums may only be requested where there is a predicted shortfall of school places, taking account of the increased population arising from the development. While there may be a current lack of capacity at the primary school in the village, this is not the predicted position in 2026/27 when the housing would be occupied. This approach is set out in the Education Payments SPD.

10.33 The NHS Integrated Care Board has recommended that a sum of £27,002 is paid towards improving facilities at the GP surgery in Hunmanby (or Filey). Such sums may only pay towards infrastructure and not staffing/revenue costs, which would come out of central government funding. The ICB has recently reviewed how infrastructure contributions are calculated. They have been revised upwards to take

account of the most up to date data relating to the cost of providing healthcare facilities. This explains why the sum has increased from earlier requests, despite a reduction in the number of houses.

10.34 An amendment during the course of the application was first the introduction of, and then the enlargement of a play area at the front of the site. This would be built to Local Equipped Play Area (LEAP) standard. In broad terms these are now considered to be acceptable. Indeed the cost is more than would be required for this application alone based on standards set out in the Green Space SPD, but this would then cater for the occupiers of the two smaller parcels of land in the HA28 allocation. Consequently it is reasonable that the sports facility contribution in the table above is lower than normally expected by taking this into account.

10.35 The applicant has indicated that they would set up arrangements for the future maintenance/management of the play area and open space. This can be secured by condition. Since the land would not be adopted by the Council or Parish Council, S106 obligations relating to this are not required.

10.36 A sum of £21,921 is also requested based on the 'Parks and Gardens' contribution set out in the Green Space SPD. This would be ring-fenced towards green space in the village with the intention that it would help to deliver open space allocation OS8, which Local Plan policy HC15 proposes as natural and semi-natural green space. This is located off Bowling Green Lane and adjacent to an existing open space next to the primary school.

11.0 Planning Balance and Conclusion

11.1 The principle of developing this site for housing is established by the fact that it is allocated residential development. Following lengthy negotiations the overall density, form and appearance of the proposals are now considered appropriate to its setting.

11.2 Detailed technical aspects have been examined carefully and are broadly acceptable. Subject to improvements for pedestrians on Sands Lane and measures to improve visibility at its junction with Bridlington Street, there are no highway objections. The scheme incorporates attenuation to safeguard against flood risk, although the comments of the LLFA are currently awaited.

11.3 As befits the largest and central component of this housing allocation it brings forward the open space/play area as well as most of the highway improvements required. It also makes a proportionate contribution to matters such as affordable housing and healthcare.

11.4 Having taken into account all the factors covered by this report it is concluded that the application is acceptable and on that basis a favourable recommendation is made.

12.0 RECOMMENDATION

12.1 That planning permission be GRANTED subject to the conditions listed below and completion of a S106 agreement with terms as detailed in Table 1 and the comments of the Local Lead Flood Authority.

1 Materials

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. These shall be in accordance with approved plan ref: [to be confirmed] and shall include a minimum of two shades of red brick. 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: To comply with Policy DEC1 of the adopted Scarborough Borough Local Plan.

2 Landscaping

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, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. This include shall appropriate planting in and around the proposed attenuation basin. 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 commenced, 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 Policy DEC1 of the adopted Scarborough Borough Local Plan.

3 Tree/Hedge Protection

Trees/hedgerows as shown on Drawing Reference [to be confirmed] to be retained on site shall be protected during construction work as follows:-

(a) Chestnut pale or similar fencing 1.5 metres in height shall be provided around the trees/hedges to be retained before development is commenced at a minimum distance from tree trunks equal to the spread of the crowns of the trees. 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 or hedges 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) No retained tree/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/hedge 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.

- 4 Construction Environmental Management Plan
Prior to the commencement of development a Construction Environmental Management Plan (CEMP), notably including measures to safeguard wildlife during the construction period, shall be submitted to and approved in writing by the Local Planning Authority. This shall include (but not be limited to), details of pollution prevention in relation to the streams, Construction Exclusion Zone(s), safe removal of Japanese Knotweed, details of external artificial lighting to minimise impacts on bats, storage of materials and precautionary working method to protect reptiles, mammals and birds. The recommendations of the CEMP as approved shall be implemented in full.

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

- 5 Ecological Management Plan
A Landscape and Ecology Management Plan (LEMP) shall be prepared in parallel to the landscape details in condition 3 above. Where still appropriate shall incorporate the measures set out in the Recommendations of the Ecological Impact Assessment submitted with the application on 19/02/2021 (SLR Ref: 424.03044.00192) and measures for establishing habitats and their subsequent aftercare. In addition to the bird and bat boxes specified, a minimum of 9 swift bricks shall be provided, as well as 13cm x 13 cm hedgehog gaps in proposed close-boarded fences in positions to be identified in the submissions. This shall be submitted to and approved in writing by the Local Planning Authority prior to any development taking place above foundation level and shall be implemented in accordance with timescales specified in the LEMP.

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

6 Road and Footway Layout

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

Reason: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.

Informative: Applicants are reminded that in addition to securing planning permission other permissions may be required from North Yorkshire 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.

7 Construction of Roads and Footways

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.

8 Off Site Highway Works

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

- Tactile pedestrian crossing points at Sands Lane and Grimston Road and Sands Lane to Cowling Close footpath link prior to first occupation
- A 2.0 metre wide footway connecting to existing footway to west and connecting to Hunmanby Playing Field to the east on Sands Lane.
- 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.

Informative: Notwithstanding any valid planning permission for works to amend the existing highway, there must 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 Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence.

9 Parking for Dwellings

No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

10 Construction Traffic

All HGV construction traffic shall arrive at and depart from the site to the east along Sands Lane to/from the A165 and shall not use Sands Lane to the west of the application site.

Reason: In the interest of public safety.

Informative: Prior to the commencement of development a Construction Management Plan should be agreed with the Highway Authority, which should be complied with thereafter. The Plan should include arrangements for the following in respect of each phase of the works:

1. details of any temporary construction access to the site including measures for removal following completion of construction works;

2. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
3. the parking of contractors' site operatives and visitor's vehicles;
4. areas for storage of plant and materials used in constructing the development clear of the highway;
5. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas; avoiding Sands Lane west to A165
6. details of the routes to be used by HGV construction traffic and highway condition surveys on these routes; avoiding Sands Lane west to A165
7. protection of carriageway and footway users at all times during demolition and construction;
8. protection of contractors working adjacent to the highway;
9. details of site working hours;
10. erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
11. 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;
12. measures to control and monitor construction noise;
13. an undertaking that there must be no burning of materials on site at any time during construction;
14. removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
15. details of external lighting equipment;
16. details of ditches to be piped during the construction phases;
17. a detailed method statement and programme for the building works; and
18. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

11 Access to Adjacent Sites

The highway between plots 41 and 42 shall be constructed up to the western site boundary to adoptable standard and suitable for pedestrians, cyclists and emergency vehicles, but measures may be incorporated to prevent non-emergency motorised vehicles using this as a through route.

The same applies to the highway between plots 13 and 14 in the event that a linking highway is granted planning permission on land to the east. Otherwise the layout/design of the cul-de-sac head shall be submitted to and approved in writing by the Local Planning Authority prior to its implementation in accordance with such approved details.

Reason: In the interest of public safety visual amenity.

12 Construction close to the Railway

No development shall commence within 30 metres of the boundary of the site with the railway line to the south-east until a construction methodology has been submitted to and approved in writing by the Local Authority. The construction methodology shall demonstrate consultation with the Asset

Protection Project Manager at Network Rail. The development shall thereafter be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.

Reason: For public safety and the efficient operation of the railway.

NB The following conditions are in summary form only and require completion by officers in consultation with technical consultees:

- Acoustic Protection of Housing (including measures set out in report) and the acoustic fencing on the south-eastern boundary also to meet Network Rail requirements.
- Compliance with Archaeology Methodology as set out in Written Scheme of Investigation as advised by Council Archaeologist.
- Approval of Play Area details and measures for management and maintenance of play area and public open space
- Drainage conditions

Informative: To make the proposals acceptable to the Local Highway Authority a Permanent Traffic Regulation Order type of statutory process 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 Permanent Traffic Regulation Order for prohibition of parking type of Order in the vicinity of the junction of Bridlington Street and Sands Lane 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. This matter is also addressed in the Section 106 obligation accompanying this planning permission.

Target Determination Date: 11 May 2021

Case Officer: Mr Hugh Smith
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