

North Yorkshire Council
Community Development Services
Scarborough and Whitby Area Planning Committee
8 AUGUST 2024

**22/02513/FL - Major development of Local Plan housing allocation HA18 for
241 No dwelling houses including landscaping, open space and other
infrastructure works at land off Sandpiper Place, Whitby, on behalf of
Stonebridge Homes Ltd**

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the report

- 1.1 To determine a planning application for 241No dwellings and associated infrastructure on land off Sandpiper Place, Whitby.
- 1.2 The proposal is being considered by the Scarborough and Whitby Area Planning Committee to ensure consistency with decisions, having previously considered other applications forming part of the same Local Plan Housing Allocation determined by the Committee.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That planning permission be GRANTED subject to the conditions contained within this report and the completion of an allied S106 agreement with terms as detailed in Section 10 of this report.

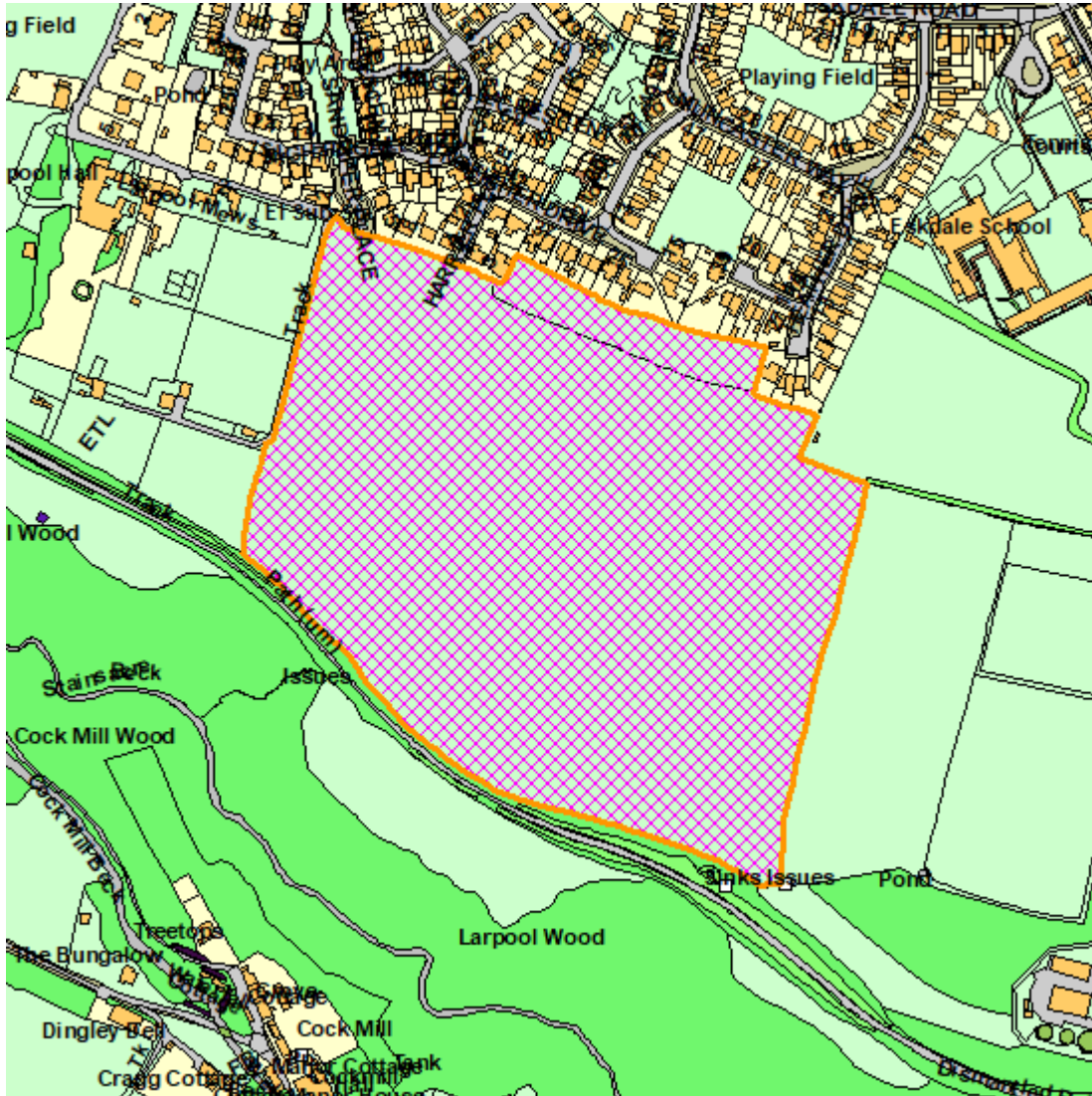
- 2.1 This application seeks full planning permission for 241No dwellings and associated infrastructure on 11.64 ha of arable land. The site lies to the south of the Eskdale Park Estate, to the east of Larpool Hall (Grade II Listed Building) and; to the west of the Broomfield Farm residential development, where construction of this part of the Local Plan Housing Allocation (HA18) is currently underway. Cock Mill Wood and the Cinder Track are situated to the south of the site.
- 2.2 The site forms the western section of Local Plan Housing Allocation HA18. On completion, the primary access route into the site would be from Stainsacre Lane (A171), opposite the Whitby Business Park. A spine road is being constructed within the Broomfield Farm development and will link to the eastern section of the proposed development. Further, secondary access is proposed through the Eskdale Park Estate linking back to Larpool Lane.
- 2.3 The principle of residential development is established by the fact that the site is a Housing Allocation in the Local Plan (HA18). Consequently, the main issues to be assessed are of a more detailed nature, such as density, design, highway impact, drainage and provision of social infrastructure, including affordable housing and

S106 obligations. The scheme has been subject to negotiation and the submission of a number of iterations. Officers are now satisfied that the application can be determined and is in a form which allows planning permission to be granted.



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3.0 Preliminary Matters

3.1 A valid application was received by the Local Planning Authority in March 2023. The scheme was publicised in the Whitby Gazette and by 8No site notices located close to the site within the Eskdale Park Estate and wider area including along the Cinder Track, access to Broomfield Farm and Larpool Hall/Larpool Drive for the first round of consultation in April 2023. During the course of the application there have been 3No iterations, along with the submission of additional information in response to requests from various consultees. The most recent submission was publicised in the Whitby Gazette and by a further 8No site notices in February 2024.

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

[22/02513/FL | Major development of Local Plan housing allocation HA18 for 241 No dwellinghouses including landscaping, open space and other infrastructure works | Land Off Sandpiper Place Whitby \(scarborough.gov.uk\)](https://www.scarborough.gov.uk/22/02513/FL-Major-development-of-Local-Plan-housing-allocation-HA18-for-241-No-dwellinghouses-including-landscaping-open-space-and-other-infrastructure-works-Land-Off-Sandpiper-Place-Whitby)

3.3 A Statement of Community Involvement (SCI) submitted by Johnson Mowat - Planning and Development Consultants, indicates a public consultation exhibition was held on 21st July 2022 at Eskdale School, along with the distribution of 850No letters to neighbouring residents. The applicant, Stonebridge Homes attended a Whitby Town Council Meeting 6th September 2022 to present the scheme and hold a question and answer session.

3.4 The original submission has been revised during the course of the application and the overall number of dwellings proposed reduced slightly from 254No to 241No. Key revisions to the scheme include the following:

- Omission of remote gardens (i.e a garden that is separate from the main dwelling) to Affordable Housing;
- Affordable Homes to meet NDSS (Nationally Described Space Standards);
- Distribution of Affordable Homes;
- Less reliance upon frontage parking;
- Majority of plots afforded 10 metre separation distance between their rear elevations and rear boundaries;
- Re-orientation of certain dwellings to face open space;
- Dual aspects to corner plots;
- Open space proposed to northern section of the site on accessing development from Sandpiper Place to form an entrance green;
- Submission of trial trenching (Archaeology) results;
- Submission of further drainage, highway and public open space information.

3.5 There have been no previous planning applications on this site.

3.6 The following applications relate to the eastern section of HA18 Housing Allocation and have in the past been considered by the committee:

20/00249/FL - Hybrid planning application seeking outline planning permission for up to 290 dwellings with all other matters reserved except for access and full

planning permission for vehicle access, spine road, drainage infrastructure, and public open space. Permission granted.

21/01889/RM - Approval of all matters reserved under decision reference 20/00249/FL for the erection of 233no. dwellings along with access roads, garages and parking, landscaping, open space and associated works. Permission granted.

4.0 Site and Surroundings

- 4.1 The site is a single arable field immediately south of the Eskdale Park Estate. The site measures approximately 11.64 ha and is roughly square in shape. The site has a south-west facing aspect with a high point of 76m in the north east corner and a low point of 53m on the southern boundary. The fall is generally even across the site at a gradient of approximately 1:15. The lower part of the field is slightly steeper than the upper part. There is a shallow valley landform in the centre of the site, approximately 3m deep. The field is defined by hedgerows and trees denoting the site boundaries with a distinctive hedgerow within the site towards the northern boundary that runs parallel to the rear boundary of the Kingfisher Drive properties.
- 4.2 To the west and enclosed by mature tree planting lies Larpool Hall, a Grade II Listed Building and; to the east is the Broomfield Farm residential development, where construction of this section of the Local Plan Housing Allocation HA18 is currently underway - Abbey View by Barratt Homes. Whitby Waste Water Treatment Works is located to the southeast of the site. Larpool Wood and the Cinder Track (former Scarborough to Whitby railway line) are to the south of the site and beyond the Cinder Track to the south lies North York Moors National Park.

5.0 Description of Proposal

- 5.1 The application seeks full planning permission for the development of 241No dwellinghouses including landscaping, open space and other infrastructure works, including a surface water attenuation basin.
- 5.2 The dwellings comprise of a variety of detached, semi-detached and short terraced units. The majority of the scheme is two storey, however there are single storey bungalows, as well as two and a half storey houses. Eaves and ridge heights measure between 2.7 metres and 6 metres (single storey) to 5.6 metres and 8.3 metres (two and a half storey) respectively.
- 5.3 There are twenty-one house types proposed, comprising of 8 x 1 bedroom units, 58 x 2 bedroom units, 72 x 3 bedroom units, 83 x 4 bedroom units and 20 x 5 bedroom units. The house types, number of bedrooms and storey heights are as follows:

Affordable Housing (72No total)

AF1 - two storey, 1 x bedroom, semi-detached;
AF Bungalow - single storey, 2 x bedroom, semi-detached bungalow;
AF2 - two storey, 2 x bedroom, semi-detached/terraced units;
AF3 - two storey, 3 x bedroom, semi-detached/terraced units.

Market Housing (169No total)

Cypress - two storey, 2 x bedroom, semi-detached units;
Camberley - two storey, 2 x bedroom, semi-detached units;
Newport - two storey, 3 x bedroom, semi-detached units;
Troon - two storey, 3 x bedroom, semi-detached units;
Hadley - two storey, 3 x bedroom, detached units;
Goodwood - two storey, 3 x bedroom, semi-detached/detached units;
Fairfield - single storey, 3 x bedroom, detached bungalow;
Ridgewood - two storey, 4 x bedroom, detached unit;
Hamilton - two storey, 4 x bedroom, detached unit;
Pinehurst - two storey, 4 x bedroom, detached unit;
Oakland - two storey, 4 x bedroom, detached unit;
Merion - two storey, 4 x bedroom, detached unit;
Sunningdale - two storey, 4 x bedroom, detached unit;
Belfry - two storey, 4 x bedroom, detached unit;
Ganton - two and a half storey, 4 x bedroom, detached unit;
Sandringham - two storey, 5 x bedroom, detached unit;
Turnberry - two storey, 5 x bedroom, detached unit

- 5.4 The development seeks to provide an on-site contribution towards affordable housing, equating to 30% of the total amount of units provided.
- 5.5 Proposed materials of construction utilised for the scheme comprise of two areas. Housing focussed towards the central spine of the development is proposed to have different variants of a red multi brick clad walls with lighter buff brick/antique style to the periphery and southern sections. Roofing tiles consist of a mixture of grey and red concrete tiles throughout. The proposed housing would incorporate artificial stone window headers and cills, composite doors and uPVC windows.
- 5.6 Each property is afforded a front and rear garden, some with driveways or frontage parking, integral garages and single garages. All properties have dedicated parking spaces.
- 5.7 The scheme proposes areas of public open space, principally focussed towards the southern lower end of the site with footpath connections proposed to the Cinder Track, which runs parallel to the south. An entrance green is proposed to the northern section of the site, along with linear sections of public green space towards the eastern and western boundaries. A green space typology has been submitted and indicates as follows:

-Neighbourhood Park and Garden (an area of well-maintained open space with hard and soft landscapes features) - 11,709 sqm provision

-Amenity Green Space (less formal areas of open space that provide opportunities for informal recreation) - 12,746 sqm provision

Equipped Play

-LAP (Local Area for Play) - 813 sqm provision

-LEAP (Local Equipped Area for Play) - 941 sqm provision

- 5.8 The proposed road layout provides a main access route through the site that would connect from the Broomfield Farm development via the spine road leading from Stainsacre Lane (A171) through to the Eskdale Park estate via Sandpiper Place and Harrier Place to the north-east. Secondary connecting roads within the site will provide access to properties to the north western quarter and to those south of the site. All other roads are in the form of cul-de-sacs and private drives.
- 5.9 The nearest watercourse - Stainsacre Beck - is approximately 50m south of the site. This currently takes surface water from the site through a culverted watercourse under the existing public footpath. Surface water from the development is proposed to be discharged to the existing culverted watercourse through a connection into the culvert. The proposed surface water drainage system would be subject to adoption through a Section 104 Agreement and maintained by Yorkshire Water Services (YWS).
- 5.10 Foul drainage is proposed to connect via the YWS public sewer that forms part of the residential development to the north and is located on Kingfisher Drive.
- 5.11 A pumping station and the sub-station are located adjacent to the play area and proposed SuDs attenuation basin.
- 5.12 The application is accompanied by a series of supporting documents, some of which have been revised and/or supplemented during the course of the application and include the following:
- Geophysical Archaeological Survey
 - Archaeological Mitigation Strategy
 - Flood Risk Assessment
 - Geoenvironmental Appraisal
 - Landscape and Visual Impact Appraisal
 - Preliminary Ecological Assessment
 - Built Heritage Statement
 - Design and Access Statement
 - Transport Assessment
 - Travel Plan
 - Drainage Strategy
 - Arboricultural Survey
 - Construction Method Statement
 - SuDs Maintenance and Management Schedule
- 5.13 A draft Heads of Terms document for a S106 Agreement has been submitted. This provides for the following obligations:
- 30% affordable housing units - total: 72No
- Tenure split:
- First Homes: 18
Rented: 38

Intermediate (Shared Ownership or Rent to Buy): 16

Public open space off-site contribution - total. £141,430.40 to be spent on new and/or improved outdoor sports facilities in Whitby.

Public open space on-site contributions as follows:

0.93 hectares to be delivered as a neighbourhood park

0.42 hectares to be delivered as amenity open space

0.15 hectares to be delivered for children's play equipment.

NHS Integrated Care Board contribution - total. £148,074 to fund a health infrastructure deficit of 6.38m² at Whitby Practice Group

Off-site Cinder Track Improvement Works - total. £32,114.50 to fund the provision of 2 No spurs of Cinder Track between the main route and connection points from the new development for North Yorkshire Council.

Local Highway Authority requirements:

Upgrading of the bus stop on Muncaster Way to include a shelter and; £5000 contribution towards monitoring of the Travel Plan.

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. Relevant Local Plan Policies include the following:

SD 1 - Presumption in Favour of Sustainable Development

SH 1 - Settlement Hierarchy

DEC 1 - Principles of Good Design

DEC 3 - The Efficient Use of Land and Buildings

DEC 4 - Protection of Amenity

DEC 5 - The Historic and Built Environment

DEC 6 - Archaeology

HC 1 - Supporting Housing Development

HC 2 - New Housing Delivery

HC 3 - Affordable Housing

HC 10 - Health Care and Education Facilities

HC 14 - Open Space and Sports Facilities

ENV 3 - Environmental Risk

ENV 5 - The Natural Environment

ENV 7 - Landscape Protection and Sensitivity
INF 4 - Cinder Track (The Former Scarborough to Whitby Railway Line)
INF 5 - Delivery of Infrastructure

Emerging Development Plan - Material Consideration

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

Guidance - Material Considerations

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

7.0 Consultation Responses

- 7.1 The following consultation responses have been received and have been summarised below. Full detailed comments are available to view via Public Access.
- 7.2 Initial consultation took place in March 2023. A second round of consultation took place in January 2024 in connection with the latest version of the scheme and the provision of additional information. Further separate consultation between North Yorkshire Flood Risk Management Team, Yorkshire Water Services and the Local Highway Authority have taken place in the most recent months following receipt of revisions concerning the technical aspects of the scheme.
- 7.3 Whitby Town Council - In support of this application, subject to consideration given to the Designing out Crime Officer recommendations; priority of the junction adjacent to Plot 146 to run northwest to southeast and; carriage footpaths to be added to the Public Right of Way network.

In response to the second round of consultation Whitby Town Council object and have requested that a full sewage and storm water report be submitted.

- 7.4 NY Archaeologist - The development area is known to contain a later prehistoric/Roman settlement. Archaeological remains were recorded to the east of the development site to the immediate south of Eskdale School. The archaeological potential of the site is therefore very high for further later prehistoric or Roman period remains.

Archaeological trial trenching has been undertaken across the development site and results submitted to the Authority along with a draft Written Scheme of Investigation. The types of features identified represent a typical later prehistoric/Roman, native, agricultural settlement. There is no evidence of very high-status occupation, and my conclusion is that these remains, although of local

interest, would not form a constraint on development. I advise that a scheme of archaeological mitigation recording is undertaken in response to the ground disturbing works associated with this development proposal by way of condition.

- 7.5 Lead Local Flood Authority (LLFA) - Comments relating to the initial consultation presented concern that the submission documents were limited. The LLFA therefore recommended further information be supplied before any planning permission is granted by the LPA. The applicant

Further consultation with the LLFA has taken place following the submission of additional information as requested and received by the Authority on 30th January 2024. The LLFA are satisfied that the surface water drainage strategy and associated infrastructure is acceptable subject to conditions relating to run-off rates, storage requirements, management and maintenance of the surface water attenuation basin and details of the finished floor levels.

- 7.6 Yorkshire Water Services (YWS) - There are no comments in relation to the latest version of the proposed scheme, however earlier consultation responses indicated that YWS raised concern that the proposed layout contained development and planting that would contravene Yorkshire Water's ability to maintain the public sewerage network being located within the easement and proximity to public sewers.

The agent for the development has since confirmed that the Proposed Landscape Masterplan (ref. 21 5513 100 E) received by your Officers on 16/05/24 has been updated to address the comments from YWS. This now aligns with the planning layout. Both plans show that there are no buildings nor trees proposed over the existing water mains or in its easement.

- 7.7 Local Highway Authority (LHA) - The LHA had reservations in relation to the initial submission. Within their detailed recommendation received by the LPA January 2023, which is available to view in full via Public Access sought a series of amendments and additional information concerning all aspects relating to highways, construction and parking within the site, as well as an updated Travel Plan and Transport Assessment, which have subsequently been provided.

No objection is raised in relation to the latest version of the proposal subject to the recommendations contained within the LHA final comments, which stipulate that in order to mitigate the impact of increased queuing at the A174 Prospect Hill / Waterstead Lane traffic signal-controlled junction to the north-west of the site, which, amongst other things, would be attributed in part to the proposed scheme (as detailed within the submitted Transport Assessment), it is recommended that the development contributes to improvements in facilities for pedestrians and cyclists to limit trips by car from the site and help mitigate the impact at this junction.

Consequently the Local Highway Authority recommends that the following matters are addressed through inclusion in a Section 106 Agreement or by the imposition of conditions any planning permission the Planning Authority is minded to grant.

1. Upgrading of the bus stop on Muncaster Way to include a shelter and;
2. £5000 contribution towards monitoring of the Travel Plan.

7.8 NYC Public Rights of Way - There is a Public Right of Way or a 'claimed' Public Right of Way within or adjoining the application site boundary. It is recommended that a series of informatives shall be attached to the recommendation advising the Applicant of the Right of Way Officer's requirements.

7.9 NYC Parks and Countryside Services - The arable field presently has low ecological value, so there is an opportunity for the developer to implement a landscaping scheme with enhancements that benefit biodiversity, not only in the green open spaces but also in the landscaping scheme of the residential properties. There is also opportunity for wildlife enhancements throughout the built development.

There are no protected species licensing issues, although some mitigation will be required as recommended in the Preliminary Ecological Appraisal for nesting birds and reptiles.

It is recommended that a Construction Environmental Management Plan (CEMP) should be drawn up to detail the measures needed to minimise the impacts of construction on wildlife and a Biodiversity Enhancement and Management Plan (BEMP) could be secured by a pre-commencement condition.

7.10 NYC Children and Education Services - Calculations have been received from Education Services regarding the commuted sum figures that would be required towards education places. This indicates that under the LPA's adopted Education SPD that no financial contribution is required.

7.11 NYC Environmental Services - No objection.

7.12 NYC Housing Officer - The latest version of the scheme demonstrates that the development shall meet the 30% policy requirement. The proposed tenure mix is in line with policy and distribution throughout the site is reasonable. The tenure split for the proposed affordable housing is as follows:

18: First Homes
38: Rented
16: Shared Ownership

The latest version of the scheme meets the requirements of NDSS. The Housing Officer is therefore supportive of the proposal.

7.13 Designing-out Crime Officer (DOCO) - The DOCO notes in relation to the latest version that the remote gardens from the previous layout attributed to house type AF1 have been removed. Consideration should be given to ensure that there is no ambiguous space. Consideration should be given to the position of the play areas to provide capable guardianship so that they are overlooked by any nearby housing.

7.14 Integrated Care Board (NHS) - The ICB and local providers recognise that the implementation of the scheme would have an impact on the existing healthcare provision within the vicinity of the site, specifically Whitby Group Practice and would give rise to the need for additional primary healthcare provision in order to mitigate the impact. Subject to a developer contribution to the value of £148,074 to be

secured towards an infrastructure deficit measuring 6.38 m2 (as demonstrated within Table 1 and Table 2 of the ICB consultation response) in order to satisfactorily mitigate the impacts of this proposal.

7.15 Northern Gas - No objection.

7.16 Northern Powergrid - No comments received.

7.17 North York Moors National Park - I have assessed the details of the proposed development and would advise you that the National Park Authority has no objections subject to a condition being attached to control external light to ensure it is of a style and luminance which minimises glare and light pollution, in order to protect the Dark Sky Reserve above the National Park.

Local Representations

7.18 Publicity - Consultation period expired in April 2023

7.19 There were 17No objections received in response to the proposed development. A summary of their comments are as follows:

Overdevelopment

- Number of dwellings in excess of the indicative yield within HA 18 Housing

Allocation for this site:

- Cumulative impact of development and Broomfield Farm development;
- Impact on health services (GPs, hospitals and dentists);
- Impact on highways and transport services (traffic and congestion)
- Impact on schools given Eskdale School is due to close.

Construction Traffic

- Construction access via Eskdale Park is unsuitable/damaging to existing roads and would further exacerbate poor quality estate roads;
- Sandpiper Place and Harrier Place are restrictive and narrow;
- Access should be limited to the point of access to the south-west of the site (spine road connection)
- Safety of pedestrians should construction be through Eskdale Park Estate;
- Health and safety;
- Disruption, noise and pollution.

Design and Appearance

- Poor quality
- Lack of character
- Concern insufficient green space

Amenity

- Overlooking towards Kingfisher Drive properties;
- No provision of bus services as part of the development.

Travel Plan

- To advocate walking/cycling and public transport use from this development is misguided;
- Poor and limited cycle routes into Whitby;
- Traffic generated by the development will have a significant impact, contrary to the report.

Tenure

- Concern development will result in further second home ownership;
- The housing should be considered for permanent residents.

Biodiversity

- Displacement of wildlife;
- Consideration of Habitat Regulations;
- Has Natural England been consulted?

Flood Risk and Drainage

- Flooding experienced within the site;
- Capacity within public sewer system;
- Nutrient Neutrality requirements

7.20 Whitby Civic Society submitted a neutral representation and comment as follows:

- We commend proposed links to the Cinder Track;
- Concern is raised in relation to demand on health and other services due to scale of the proposal and S106 obligations should reflect this;
- Green space could be improved;
- The developer should commit to fibre optic cabling and EV charging points.

7.21 A second round of consultation took place following receipt of the latest version of the proposed development. Consultation expired in February 2024. There have been 3No objections received. Their comments are as follows:

Construction

- Residents and North Yorkshire Highway Authority have already advised that they would not support access from the North of the site through Eskdale Park.
- Concern that the temporary construction route will become permanent;
- Phase 1 construction of 120 dwellings is not minor and will have a significant impact;
- Proposal is completely unacceptable because of the very considerable impact on the safety of the existing residential community during construction.

8.0 Environmental Impact Assessment

- 8.1 The proposals do not fall within Schedule 1 of the EIA Regulations 2017 (as amended) where an Environmental Statement is mandatory. However, the proposals do fall within Schedule 2 of the EIA Regulations, as an 'Urban Development Project'.
- 8.2 The development proposal has therefore been screened by the Authority (decision available to view on Public Access) and your Officers have concluded that an Environmental Statement is not required.

9.0 Main Issues

The main issues are:

- Principle of Development
- Affordable Housing
- Design and Appearance
- Amenity
- Landscape
- Biodiversity
- Archaeology
- Heritage
- Cinder Track Improvement
- Highways
- Drainage
- Education
- Health

10.0 Assessment

Principle of Development

- 10.1 The application site is allocated within the Local Plan as land for housing (HA 18) and also lies within the Development Limits of Whitby. The eastern section of the Allocation (Broomfield Farm) has outline and reserved matters approval and this development is underway. It is therefore considered that the overall principle of development is supported in accordance with Policies SD1, SH1 and HC2 of the Scarborough Borough Local Plan.
- 10.2 With this in mind, subject to favourable consideration of the other main issues identified above and in accordance with the other Policies of the Local Plan, your Officers consider the scheme to be acceptable in principle.
- 10.3 Policy DEC 3 (The Efficient Use of Land and Buildings) requires proposals to make efficient use of land. Paragraph 5.32 of the LP highlights that the appropriate density of residential development will vary significantly within individual areas influenced by such things as character of the locality and development type.
- 10.4 The approach for estimating the yield of Housing Allocations in the Local Plan is set out within table 5.1 (LPP DEC 3) and indicates development over 2ha to have a 70% developable area (assuming larger schemes will require greater land for supporting infrastructure). A density level of 30 dwellings per hectare (dph) is

recommended, however this is an indicative guide and different levels may come forward following full site assessment.

- 10.5 In the case of this proposal, the scheme proposes 241No dwellings, which if considered against the percentage area outlined above (70%) amounts to 8ha of the overall site used for housing development and therefore meets the benchmark figure of 30 dph.
- 10.6 Officers therefore consider the density of the development to be acceptable, consistent with the level of housing within the neighbouring residential developments and would represent an efficient use of land as required by Policy DEC 3 of the Scarborough Borough Local Plan.

Affordable Housing

- 10.7 New development should focus on helping to meet local needs as far as possible, by, amongst other things, maximising the provision of affordable homes. In this case, Policy HC 3 (Affordable Housing) requires the provision of 30% on site contribution towards affordable housing. The proposed development fulfils this requirement through the provision of 72No one, two and three bedroom dwellings, arranged as 8 x 1 bedroom, 50 x 2 bedroom and 14 x 3 bedroom units.
- 10.8 In terms of tenure split, the 72No affordable homes will provide 18No first homes, 38No rented and 16No shared ownership. The rental properties will be transferred to a Registered Provider. All of the affordable units will remain in perpetuity and they all meet the National Described Space Standards (NDSS).
- 10.9 In accordance with the Council's affordable housing policies, the submitted layout plans show the affordable units 'pepper potted' across the development rather than being concentrated in one area. The Council's Housing Officer has confirmed that this is an appropriate mix for this site and that the distribution of affordable houses across the site is acceptable.
- 10.10 The provision of on-site affordable housing is to be secured by an allied S106 legal agreement.

Design and Appearance

- 10.11 The revised NPPF (2023) seeks to achieve well-designed and beautiful places. This is emphasised at paragraph 131: 'the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'.
- 10.12 Furthermore, the NPPF states that development should be attractive, safe, accessible and well connected to its surroundings, through the provision of walking and cycling.
- 10.13 In accordance with paragraph 139 of the Framework, development should take into account any local design guidance and supplementary planning documents such as

design guides and codes. Significant weight should be given to development which reflects local design policies and government guidance on design. The Council has an adopted Residential Design Guide for this area, which has helped to influence the design and layout of the proposed application. Notwithstanding this, it is important to note that certain aspects of the design and layout have too been influenced by infrastructure requirements and restrictions and the provision of open space.

- 10.14 Policy DEC 1 (Principles of Good Design) and HC 2 (New Housing Delivery) state that good design will be expected and that development will be required to meet the principles of good design including, that the design responds positively to the local context in terms of its scale, form, height, layout, materials, colouring, fenestration and architectural detailing.
- 10.15 The development is sited between an established residential estate to the north (Eskdale Park) and a newly constructed residential estate to the east (HA 18) which is yet to be completed. Eskdale Park has been gradually developed since the 1970's up to 2010's with typical estate housing of that age, predominantly two storey, red brick constructed with concrete and red pantile roofs. Notably, Kingfisher Drive to the north of the site includes a section of bungalow development circa 1980, which has influenced the northern section of the proposed scheme to incorporate a street of semi-detached and detached bungalows that would run parallel to those along Kingfisher Drive.
- 10.16 Whilst the surrounding development does not have a particularly distinctive character (with the exception of Larpool Hall), they do provide a pleasant residential environment and warrant sympathetic consideration when assessing proposals for new development nearby. By virtue of the position of the proposed site between existing development and within close proximity to the Cinder Track, Officers consider it important to ensure that the proposal connects well to form the final phase of HA 18.
- 10.17 Officers consider that the proposed scheme has been designed in consideration of the surrounding context, proposing homes of a similar scale, material and architecture to complement schemes that have gone before and those currently being constructed. Although, clearly differing in design from the surrounding built environment, the proposal is not overtly distinct such that it would be an obvious conflict with existing development, nor is it considered to appear incongruous in close and distant views. For example, the proposed red and grey roof tiles are considered to blend with the red tiles used for the modern Eskdale Park scheme visible along the ridge of the hillside, which along with the planting of medium and large trees along the contours of the site are considered to help to 'break-up' views of the roofscape and reduce visual impact from long range. In this regard, Officers do not consider the proposal to be unacceptable from a design perspective.
- 10.18 During the course of the application, as highlighted above and within comments received from consultees, the development layout has been revised and improved. Notable changes include the omission of remote gardens attributed to certain affordable homes. This ensured that private gardens are directly accessed via the rear elevation and not separate from the main dwelling. Also, the removal of dwellings fronting the properties along Harrier Place following the provision of an

area of open space to form an entrance green at Sandpiper Place. This open space protects the outlook of the dwellings facing directly onto the site close to the boundary and also creates a sense of arrival and green setting for the dwellings.

- 10.19 The most prominent corners on the layout feature buildings with windows on both sides (they have 'active edges'); there are no buildings on key corner plots which address one street with windows and doors but address the other side of the corner with a blank elevation. Furthermore, Officers have assessed the scheme plot-by-plot and where there had been an awkward relationship between dwellings (i.e rear boundaries adjacent side gables affording insufficient separating distances/cramped relationship) have been removed/repositioned and there are no buildings which seem to have been sited arbitrarily, whilst also ensuring that there are no ambiguous spaces.
- 10.20 Officers consider the revised layout to be reflective of the pattern of development close by. The main spine road with a linear focus of development leading through the site to ensure connectivity from the Broomfield Farm site to the east through to Sandpiper and Harrier Place to the north west with footpaths either side and a central green route to offer a spacious quality and an attractive outlook for homes along this section of road. Linear streets of housing to the north and east boundaries and secondary roads leading off the main distributor road to form a series of perimeter blocks. The scheme also ensures development orientated towards the areas of open space focussed towards the southern section and North West corner of the site. Tertiary streets/cul-de-sacs will service a smaller number of dwellings, with private drives incorporated to serve 5 (or less) dwellings each and are designed for low traffic speed. It is considered that the layout is acceptable and would result in a high quality scheme.

(b) House types

- 10.21 In terms of the buildings, there are a considerable mix and range of house types are proposed. Members will note, there are twenty one various styles within the development, with some sections of site designed with a more consistent/uniform approach i.e proposed bungalows to the northern boundary and other sections more varied. The house types have principally been designed to reflect a more traditional style of housing and would incorporate gable frontages, hipped and pitched porticos/porches, bay windows, cottage style windows and doors albeit in modern materials - the larger properties afforded grander features and detailing. Notwithstanding this, through the use of similar materials, features and detailing in two distinct areas - centralised housing and the housing to the periphery/southern boundary ensures that the scheme, despite the numerous house types, appear cohesive, principally through having coherent building lines, set back from the street with small front gardens at a regular rhythm within the street scenes, whilst having variation with the other design changes such as heights, materials and gables to add visual interest.
- 10.22 Officers consider the scale of the buildings with the layout to also be acceptable, the majority of the scheme being two storey, with some limited bungalow and 2.5 storey housing included. The maximum height (ground to ridge) measuring 8.3 metres and consistent with the scale of nearby residential development.

(c) Boundary Treatments

- 10.23 A range of boundary treatments are proposed across the site. The higher, timber fence boundary treatments will be used to delineate the gardens between each plots, with brick walls where the side elevation of the gardens are onto the street. Use of 450mm knee high rail fencing to separate dwellings from the open spaces as well as the use of hedge planting to form defensible boundaries to the front and side of the dwellings (notwithstanding, where visibility splays are required). Owing to the topography of the site, use of retaining walls to separate certain plots will also be required.
- 10.24 It is considered that the boundary treatments are acceptable and have been carefully considered to serve a purpose as well as providing visual interest across the site. The exact details will be secure by planning condition.
- 10.25 Officers consider the proposal to be of an acceptable design and layout and one which accords with the Principles of Good Design as outlined within Policy DEC 1 of the SBLP.

(d) Green Space

- 10.26 Policy HC 14 (Open Space and Sports Facilities) seeks the creation of high quality open spaces. Criterion (a)ii) requires developers to make provision for open space through development, in line with the Council's adopted standards.
- 10.27 In accordance with the Council's adopted policy as set out in the Green Space SPD (to be read alongside the associated Playing Pitch Strategy), this proposal gives rise to a requirement for:
- An area of neighbourhood parks and gardens of 0.93 hectares;
 - An area of on-site amenity open space of 0.42 hectares;
 - An on-site play space of approximately 0.15 hectares;
 - A financial contribution of £141,430.40 towards sports facilities in the area;
 - A plan for the maintenance of the open space.
- 10.28 In summary, the proposed scheme would generate a combined need for 1.5 ha of on-site green space and an off-site contribution of circa £141k.
- 10.29 The design approach and location of green space within the site has been guided not only by requirement (4) of HA 18 to provide a 'buffer zone' to the south western corner of the site, between any residential developments to the north and the Cinder Track to the south, but also by the existing water mains easement restricting development along this strip. Additionally, there is a need for a 0.4 hectare surface water attenuation basin as part of the drainage system (see 'drainage section' of the report). A large proportion of green space is therefore located towards the southern section of the site to protect the setting of the Cinder Track with footpaths designed to provide connectivity.
- 10.30 Amenity green space is shown towards the western boundary with a footpath flanked by an avenue of trees, an entrance green towards the north western section of the site and a central green route along the primary access road. The green

space incorporates footpath connections, which lead from the north and east, so as to ensure existing developments can also connect to the Cinder Track providing an attractive pedestrian/cycling route that will also have recreational benefits being suitable for people to exercise a dog and for children to play, for instance.

- 10.31 The submission of a green space typology plan differentiates between the amenity green space and the neighbourhood park. The plan demonstrates that each quantitative requirement can be met. It is confirmed that the neighbourhood park equates to 11,709 sqm and the amenity green space equates to 12,746 sqm. These values exceed the on-site requirements as requested. Further, detailed play specifications and costings for the LEAP and LAP areas have been submitted and shown to accord with the Green Space SPD requirements.
- 10.32 The Designing out Crime Officer (DOCO) in the later consultation response raises concerns regarding proposed seating/picnic area provision as part of the proposed neighbourhood park and the potential to attract crime and anti-social behaviour. Contrary to the comments received from the DOCO, Officers consider features such as seating areas within neighbourhood parks are important provision for communities and would contribute to a pleasant landscaped environment to walk and sit within. In this case, the seating areas are welcomed by Officers.

(e) On-site Landscaping

- 10.33 In accordance with criterion (e) of Policy DEC 1, any associated landscaping scheme should be developed to enhance both the natural and built environment, retaining features of interest where possible. The Framework highlights the importance of trees to the character and quality of urban environments, and that they can also help mitigate and adapt to climate change. The development seeks to introduce an avenue of trees to the western and southern borders to the site, along with a tree-lined primary road linking Broomfield Farm Estate to the Eskdale Park Estate. The proposed tree planting not only will help mitigate the visual impact of the scheme from long range views, but also is proposed to enhance existing features through appearing to extend the existing woodland to the south of the site.
- 10.34 With the exception of the hedgerow to the far north of the site, it is intended that existing hedgerows to the periphery are retained.

Amenity

- 10.35 Policy DEC4 (Protection of Amenity) does not allow development that would have an unacceptable impact on existing and future occupants of land and buildings. Proposals should not give rise to unacceptable impacts by means of overbearing, overlooking and loss of privacy, disturbance from noise, light pollution or other activities, emissions and overshadowing or loss of light.
- 10.36 The proposed layout will generally offer an acceptable standard of amenity for future occupants of the dwellings. All of the dwellings comply with the Nationally Described Space Standards (even though they are not a specific requirement of the Council for market houses).

- 10.37 Back to back distances of at least 20 metres are achieved between new dwellings and also those bounding the new development to the east and the Kingfisher Drive bungalows. Their juxtaposition and separation distances will avoid unacceptable levels of overlooking or overbearing impacts upon these residents.
- 10.38 Officers note Plots 241 and 237 towards the northern section of the site will have some impact upon 3 Harrier Place, which currently benefits from an open aspect over the field. Notwithstanding this, a separation distance of 26 metres is afforded from No.3 to Plot 241 positioned due south of this property with an area of planting adjacent to the hedgerow that would be retained to the property frontage so as to compensate for the impact upon their outlook. Plot 237 is a bungalow and would be positioned south-east approx. 3.5 metres from the nearest corner of No.3. A fenced separating boundary would ensure privacy for both existing occupants and the future occupant of Plot 237 and whilst it is acknowledged that there would be some impact in terms of overshadowing/loss of light to the front garden area/ground floor windows during the morning, it is not considered to be to a degree that would result in an undue impact upon their amenity with sufficient space fronting the property and an outlook maintained towards the entrance green.
- 10.39 Rear gardens vary in shape and size across the scheme, but the vast majority are over 10 metres in depth and all are considered to provide potential occupants with a good standard of amenity commensurate to the size of the dwelling.
- 10.40 It is considered that the proposal will not result in unacceptable or unreasonable impacts on the amenities of existing or future residents; accepting that there will inevitably be a change and a less desirable situation compared with the existing open fields.

Landscape

- 10.41 Policy ENV 7 (Landscape Protection and Sensitivity) seeks to protect and where possible enhance the distinctiveness or special features that contribute to the landscape character of a particular area.
- 10.42 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA). The appraisal considers the landscape and visual effects of the proposals. The proposal seeks to extend the built form to the south and west of the site by adjoining existing residential development. The site is an open field on a hillside with a south-west facing aspect. Owing to the surrounding valley landform, the field is visible from certain vistas within the wider area that have been identified within the visual appraisal (LVIA). It is noted that the Eskdale Park properties sit on the 'ridge' of the hillside and are too visible within the viewpoints identified with the new development sitting forward of this existing built form above the wooded area to the south. However, within its immediacy is considered relatively enclosed and in effect 'hidden' by existing development and landscape boundaries i.e Eskdale Park Estate and Cock Mill Wood.
- 10.43 The LVIA identified the landscape character of the site to be of high and medium sensitivity. This is reflective of the status and protection offered by the National Park, and the sensitivity descriptions within the character assessments. Taking these factors into consideration, there is no doubt that the development will have a

transformative impact upon the wider landscape setting. A key consideration as part of the allocation of the site during the Local Plan process and one on balance, judged to be acceptable subject to appropriate mitigation.

- 10.44 The LVIA identifies certain mitigating features within the proposed development to help alleviate its impact upon the wider landscape. These include, a 10m wide green buffer to the western boundary delineated by an avenue of tree planting and an area of valley open space proposed to the south. These form part of the requirements of the Allocation Statement - to create a landscape and informal green space 'buffer zone' to the south-west corner of the site, along with a 'block of native trees' created along the western boundary with Larpool Hall. Further, the development proposes a central green route with contour planting alongside the primary road within the site and retention of boundary hedgerows. It is envisaged that as the proposed landscaping matures, this will ensure that the development would integrate into the wider landscape and soften views of the development/settlement edge when viewed from receptors to the south within the National Park.
- 10.45 Officers consider that a development in this location, on an allocated site for housing will not appear incongruous or result in significant material visual harm, subject to appropriate landscaping and mitigation as required by the Housing Allocation. It is not considered that the development would result in harm to the overall landscape and comply with Local Plan Policy ENV 7.

Biodiversity

- 10.46 In England, Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a BNG of 10%. This means a development will result in more or better quality natural habitat than there was before development. In this case, the application was submitted prior to BNG for major sites such as the proposed development coming into force (12 February 2024) and is therefore exempt.
- 10.47 The application is accompanied by a Preliminary Ecological Appraisal (PEA) that identifies the arable field presently to have low ecological value, the Council's Ecologist concurs and advises, for the developer to implement a landscaping scheme with enhancements that benefit biodiversity, not only in the green open spaces but also in the landscaping scheme of the residential properties. There is also opportunity for wildlife enhancements throughout the built development. In order to protect, maintain and enhance the sites ecological value, it is recommended that both, a Construction Environmental Management Plan (CEMP) and Biodiversity Enhancement Management Plan (BEMP) are requested by condition.

Archaeology

- 10.48 Policy DEC 6 (Archaeology) seeks to protect, enhance and promote archaeological heritage. Proposals that may affect scheduled ancient monuments or non-designated archaeological assets will require the submission of an archaeological desk based assessment and an evaluation report with their planning application.

The level of information required will be proportionate to the asset's significance and to the scale of impact of the proposal.

- 10.49 The Council's Archaeologist has commented on the application. The types of remains identified within the submitted archaeological report are considered to be of archaeological interest, but are not of such significance as to preclude development.
- 10.50 They are, however considered of sufficient interest to warrant further investigation prior to development to advance our understanding of settlement and burial in the later prehistoric and Roman periods.
- 10.51 The Archaeologist recommends that a condition is imposed requiring a scheme of archaeological mitigation recording in response to the ground disturbing works associated with this development proposal.

Heritage

- 10.52 The development site lies some 140 metres to the east of Larpool Hall, a Grade II Listed Building. The submitted LVIA notes that the Hall building is largely enclosed by mature trees, with its main elevation facing west, away from the development site. The outbuildings which are also part of the listing are located closer to the site and are visible.
- 10.53 Policy DEC 5 (The Historic and Built Environment) seeks to ensure proposals affecting a designated heritage asset should conserve those elements which contribute to its significance. Harm to such elements will be permitted only where this is outweighed by the public benefits of the proposal. It is acknowledged that the development would have an impact upon the wider landscape setting of Larpool Hall and that this is proposed to be protected to an extent by a buffer consisting of blocks of native trees and avenue planting along the western boundary to mitigate harm to the listed building. Notwithstanding this, it is considered that the separation distance maintained between the development and Hall coupled with mitigation planting would result in less than substantial harm to the significance of the designated heritage.
- 10.54 Paragraph 208 of the Framework advises, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. On balance, it is considered that significant public benefit would be accrued by the delivery of housing on this allocated site that would outweigh any identified harm to Larpool Hall, which would be further mitigated by the planting of trees as required by HA 18 and as outlined above. Officers are satisfied that the development accords with the requirements of Policy DEC 5 of the Scarborough Borough Local Plan and paragraphs 205, 206 and 208 of the NPPF.

Cinder Track

- 10.55 In line with the requirement of the Allocation Statement for Housing Allocation HA18 and the requirements of Policy INF 4 (Cinder Track), the proposal provides for two

pedestrian and cycle connections to the Cinder Track via the southern section of green space. This will allow for access to and use of the Cinder Track by new residents, which will be of benefit from an amenity perspective and provide a sustainable transport option.

- 10.56 Some off-site works on Council land will be required to complete the connection from the site to the Cinder Track. The applicant is proposing to make a financial contribution of £32,114.50 via a S106 Agreement to fund these.

Highways

- 10.57 The Local Highway Authority is a statutory consultee in the planning process, and the Council is reliant on its technical expertise when assessing proposals from transport and highways perspectives.
- 10.58 Policy DEC 1 criterion (c) requires development to meet the principles of good design by demonstrating that, 'the proposal provides suitable and safe vehicular access and suitable servicing and parking arrangements'.
- 10.59 The scheme has been designed with a primary access road linking existing residential development, with secondary roads, cul-de-sacs and private drives. Each dwelling is afforded designated parking areas, integral and single garages. There is also some on-street visitor parking spaces interspersed through-out the site. The Highway Authority have not raised concern in regard to the intended road layout, access and parking provision for this scheme.
- 10.60 With respect to vehicular access to the site, this is to be taken via a new access from the east via a priority controlled roundabout junction, following completion of the spine road within the Broomfield Farm development, which links to Stainsacre Lane. A further two points of access are available from Sandpiper Place and Harrier Place linking back to Larpool Lane. Initially the LHA raised concern regarding direct access to properties off the spine road, as this is considered a 'Local Distributor Road' with an increased width over a typical estate road. However, conceded this point with the proposed development having two further points of access and therefore limiting the possibility that access would ever be blocked and emergency vehicles can use any one of the 3 proposed access points. Further, in order to encourage as much traffic as possible into the development access (rather than Eskdale Park) traffic restrictions will need to be introduced to the north western section of the road 1 and 2 along with a reduced width (5.5 metres) to make this route less attractive.
- 10.61 The LHA comment that the site has good permeability into neighbouring developments for pedestrians and cyclists.
- 10.62 In terms of parking levels on the development site, each dwelling is proposed to have at least two parking spaces (with the exception of the one bedroom affordable homes which have been allocated 1No space). The Highway Authority has assessed the proposals on these issues from the point of view of safety and has not raised any objections, subject to conditions relating to access and highway technical specifications.

- 10.63 Every dwelling on the site will benefit from rear access to its amenity space. This allows bins to be stored off-street, and it also allows access to the rear with bicycles. Cycle storage is provided with secure sheltered parking for those dwellings without garages and indicated within the proposed site layout.
- 10.64 The LHA requested measures to prevent vehicles being able to access the footway links across the site, specifically from the Cinder Track. Precise details of the proposed preventative measures are requested and to be approved by condition.
- 10.65 The submission is accompanied by a Transport Assessment (TA) and Travel Plan (TP), which the LHA requested further information be provided for certain aspects during the course of the application and up to date versions have now been received. The LHA therefore agree that the TA satisfactorily considers the impact on the highway network associated with the additional development traffic. Capacity checks at a number of junctions across Whitby indicate whilst there will be an increase in queue lengths as a result of the proposal, the A174 Prospect Hill/Waterstead Lane junction is shown to have over capacity in the future, both with and without the development. However, improvements to this junction have recently been undertaken and there is limited scope to provide further capacity. Therefore, the LHA seek for the development to contribute in facilities for pedestrians and cyclists and recommend the upgrade of the Bus Stop on Muncaster Way to include a Shelter, along with a monetary contribution towards monitoring the Travel Plan.

Drainage

- 10.66 North Yorkshire Council as the Lead Local Flood Authority is the statutory consultee on matters related to surface water drainage and Yorkshire Water is the Statutory Undertaker (it will adopt appropriately designed sewerage and surface water infrastructure).
- 10.67 The proposal seeks to drain surface water to the nearest watercourse to the site - Stainsacre Beck. There is a culverted watercourse which has been identified to the south of the site that would connect the site to Stainsacre Beck. Surface water discharge via this method is accepted and preferred over discharge to the public sewer having firstly, demonstrated discharge by soakaway/infiltration (considered the optimum method) would not be feasible. It is noted that the Applicant intends to upgrade a section of pipe to support this discharge.
- 10.68 The surface water drainage scheme includes on-site attenuation with sufficient capacity to deal with 1 in 100 year flood + climate change allowance (40% additional rainfall) event.
- 10.69 The LLFA do not object to the proposed drainage strategy and the Applicant has demonstrated an acceptable approach to the management of the surface water.
- 10.70 Subject to the pre commencement conditions suggested by the LLFA, it is considered that the proposal provides adequate provision for surface water disposal, complying with Policy ENV3 (Environmental Risk).
- 10.71 The proposed foul water drainage would be discharged via a separate systems to the existing public sewer network already serving Eskdale Park to the north. Earlier

comment from Yorkshire Water Services confirms that they are content with the proposed method of discharge for foul water from the site, although concerns were raised in relation to obstruction to the public sewers and easement. The final version of the plans shows that the easement to the sewer that crosses the site will not be impacted. Therefore, it is considered that the proposal provides adequate provision for foul water disposal, complying with Policy ENV 3.

Education

- 10.72 Local Plan Policy HC10 (Health Care and Education Facilities) states that access to high quality education will be encouraged by securing developer contributors towards education provision from housing development.
- 10.73 The Education Authority has advised that a financial contribution towards primary and secondary education provision is not required in this case. East Whitby Primary School has a surplus of school places and the estimated number of pupils from the development (58) can be accommodated - there is no shortfall. Similarly, Caedmon College also have capacity to accommodate additional pupils from the development.
- 10.74 The Education Authority do however seek contributions towards SEN and early years provision. However, this is based on former NYCC Policy and is not adopted within the LPA's Education SPD. No financial contribution towards these latter provisions can therefore be sought in this case.
- 10.75 Under the new North Yorkshire Council, it is the intention that future education policies shall seek to resolve this through the adoption of a single policy approach.

Health

- 10.76 The Integrated Care Board (ICB) in making their assessment raise concerns regarding the impact of the development upon local primary care services having an impact upon existing healthcare provision within the vicinity of the site, specifically the Whitby Group Practice in Whitby. It is expected that the proposed development would generate 554 residents, which based on the ICB assumptions about local GP surgery capacity in relation to the proposed development there would be a health infrastructure deficit of 6.38 sqm. If unmitigated, this would be unsustainable.
- 10.77 The ICB have identified that the planning application will give rise to a need for additional primary healthcare provision to mitigate the impact arising from the population associated with the proposed development. A S106 contribution would need to be secured for £148,074.

Other Matters

- 10.78 The Local Planning Authority is concerned with the implications of a resulting development. The Government's latest guidance on the use of planning conditions is absolutely clear that Council's should not apply conditions which duplicate existing legislation, or where there is 'alternative means of managing certain matters'. In this regard, for construction noise and dust nuisance complaints, residents have recourse through Environmental Health legislation.

- 10.79 Members will note the majority of concern raised by residents is in regard to the use of Eskdale Park as a means of construction access for the development of up to 120 dwellings. Officers concur that in this case, there would be site specific issues by as indicated by the proposed Transport Assessment for the site, which could have highway and safety implications. Officers therefore consider it necessary to have a well-managed construction site. In accordance with the recommendations of the Highway Authority, a condition is proposed seeking a phased construction management plan.
- 10.80 The Council's Ecologist, in addition to their aforementioned requests, has recommended a further condition concerning visitor management to Cock Mill Wood and the nearby SINC (Sites of Importance for Nature Conservation). The site is beyond the application site area and it is therefore not within Members gift to apply such a condition.
- 10.81 Concern has been raised from third parties that Natural England (NE) have not been advised of the application. Following Natural England's 'standing advice' - general advice NE, as a statutory consultee, gives to LPAs. Consultation is required if the development were to affect a site of special scientific interest (SSSI), needs an environmental impact assessment and/or, needs an appropriate assessment under the Habitat Regulations i.e European Site. As the development does not affect the aforementioned, it is not necessary to consult with Natural England in this case.
- 10.82 Representations also concern whether the scheme should be subject to a Habitat Regulations Assessment and whether Nutrient Neutrality applies. It is acknowledged that this site in reference to the allocation itself, is of a scale that would be assessed within the Habitat Regulations Assessment (HRA) in order to determine any potential impact arising from development on Natura 2000 sites. The assessment within the HRA as part of its allocation within the local plan concluded that this development would result in a negligible impact. Further, Nutrient Neutrality does not apply in this locality.
- 10.83 With the exception of the proposed affordable homes, if the development of a site for housing is an acceptable use of the land there will seldom be any good reason on land-use planning grounds to restrict the occupancy of those houses to a particular type of person (eg. Those already living or working in the area). To impose such a condition would infer an unreasonable restriction on occupancy or sale. Further, there are no planning policies which would justify such a restriction.

Pre commencement conditions

- 10.84 In accordance with The Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the applicant has agreed to the recommended pre commencement conditions (Condition Nos 17, 24, 25 and 26 outlined below).

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 The site is allocated for residential development within in the Scarborough Borough Local Plan (HA 18). The overall principle of development is supported in

accordance with Policies SD1, SH1, and HC 2 of the Scarborough Borough Local Plan. Other detailed material considerations have been carefully assessed throughout the report, such as density, design, highway impact, drainage and provision of social infrastructure, including affordable housing and S106 obligations. The revisions to have been sought throughout the application have resolved any pertinent planning matters. Officers are now satisfied that the application can be determined and is in a form which allows planning permission to be granted.

- 11.2 Technical matters have been resolved and there are no objections to the proposal on technical grounds.
- 11.3 Should Members view the scheme favourably, a S106 Agreement is required that would secure on-site affordable housing, an off-site green space contribution, a health contribution, cinder track improvement works and highway contributions. The applicant has submitted a draft Heads of Terms in agreement. Officers will liaise with the Council's Legal Services to ensure completion of a signed S106 Agreement.
- 11.4 Subject to the signed S106 Agreement, the scheme is in accordance with the development plan policies as a whole and represents sustainable development as required by the National Planning Policy Framework.

12.0 RECOMMENDATION

That planning permission be granted, subject to:

- a) the conditions set out below;
- b) the completion of a Section 106 agreement subject to the obligations as outlined above

OR, if b) is not met (i.e. a Section 106 agreement is not completed), grant Officers delegated authority to refuse consent on the grounds that necessary infrastructure is not being provided.

- 12.1 That Permission be granted subject to conditions

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

Proposed Site Layout & Landscape Dwg No. 21 5513 02R received 22nd July 2024;

Landscape Masterplan Dwg No. 21 5513 100E received 16th May 2024;

Location Plan Dwg No. PA-SW-01 received 20th February 2023;

Street Scenes Dwg No. PA-SW-02C received 25th March 2024;

Sections Dwg No. PA-SW-03D received 22nd July 2024;

Materials Plan Dwg No. PA-SW-04D received 25th March 2024;

Cinder Path Connections Dwg No. PA-SW-05B received 25th March 2024;

POS Sections Dwg No. PA-SW-07A received 25th March 2024;

Boundary Treatments Pack Dwg No. PA-SW-BT-01C received 20th December 2023;

House Type Pack Dwg No. PA-SW-BT-01C received 20th December 2023;
Green Space Typology Dwg No. 21 5513 101 received 25th March 2024;
LAP Design Dwg No. Q9814-C received 10th June 2024;
Site Wide Play Provision Dwg No. Q9814-C received 10th June 2024;
LEAP Design Dwg No. Q10375-B received 10th June 2024;
CGI Site View dated 081223 received 10th June 2024.

Reason: To avoid doubt.

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

Arboricultural Impact Assessment AIA 19186 A prepared by JCA Ltd received 20th December 2023;
Arboricultural Method Statement AMS 19186 B prepared by JCA Ltd received 20th December 2023;
Arboricultural Report 19186 prepared by JCA Ltd received 20th December 2023;
Archaeology Geo Physical Survey Report October 2021 received 20th February 2023;
Archaeology Evaluation and Trial Trenching Report received 20th December 2023;
Archaeology Assessment 10-01 December 2022 received 2nd November 2023;
Archaeology Written Scheme of Investigation SBH 10-03 January 2024 received 24th January 2024;
Preliminary Ecological Appraisal August 2022 prepared by Wold Ecology Ltd received 20th February 2023;
Flood Risk Assessment prepared by Hill Cannon Civils Ltd 22-087-001 Rev P4 received 20th February 2023;
Landscape and Visual Impact Assessment 26 10 2022 received 20th February 2023;
Updated Transport Assessment and Appendices 1-19 (Ref. 22-239-002.05) received 16th May 2024;
TA Addendum dated 20 November 2023 Transport Assessment Addendum (Ref. 22-239-004.02) received 16th May 2024;
Updated Travel Plan 22-239-003.05 received 16th May 2024.

Reason: To avoid doubt.

- 3 Notwithstanding the material details shown on Materials Plan PA-SW-04 REV D, a full schedule of proposed materials to be used in the construction of the development hereby permitted and samples if so required, including details of the hardstanding across the site shall be submitted to and approved in writing by the Local Planning Authority prior to their use on the site.

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

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

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

- 5 Within two months of the commencement of the development, details of the laying out and planting of all of the public open space, amenity greenspace and plot boundary hedge and tree planting shall be submitted for written approval by the Local Planning Authority. The details submitted shall accord with the Landscape Masterplan Dwg No. 21 5513 100E. The details shall also include a timetable for the implementation and completion of the landscaping and associated work. The public open space shall be provided in accordance with the approved details, timetable and date of completion and, thereafter, maintained in accordance with the approved arrangements.

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

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

- o Proposals for the maintenance of the public open space;
- o Provision for the replacement of all equipment when it reaches the practical end of its operational life
- o A starting point for the maintenance regime.

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

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

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

- 7 The Local Equipment Area of Play (LEAP) and Local Area for Play (LAP) hereby approved shall be implemented in accordance with the design and specifications contained within the following documents received by the Local Planning Authority on 10th June 2024, unless otherwise approved in writing:

- o Site Plan Dwg No. Q9814_C
- o LEAP Design Dwg No. Q10375_B
- o LAP and Picnic Area Design Dwg No. Q9814_C
- o Play Area Costings Sheet

They shall be provided in accordance with a timetable which shall be submitted for approval no later than 1 month after the commencement of the development.

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

- 8 Notwithstanding the submitted details, full details of the proposed boundary treatments for the site as a whole and for individual plots within the site, including a schedule of materials, details of the size and species of any hedging and a phasing plan for boundary treatment implementation shall be submitted to and approved in writing by the Local Planning Authority prior to their use on the site and the development shall be implemented in accordance with the approved details.

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

- 9 No development shall take place above foundation level until, full details of ecology enhancements to the site have been submitted to and approved in writing by the Local Planning Authority. Ecological enhancements can include and are not limited to:

- Bird and bat boxes
- Hedgehog friendly boundaries
- Artificial swift bricks

These details shall be included within the house designs, boundaries and public open space and shall be implemented in accordance with the approved details.

Reason: To offer a net biodiversity gain, in accordance with Local Plan Policy ENV5 (The Natural Environment).

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

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

- 11 No external lighting shall be installed in the development hereby permitted until details of lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be Dark Skies compliant, and no other lighting shall be installed on the site. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.

Reason: In the interests of protecting the North York Moors National Park (NYMNP) from unacceptable levels of light pollution in accordance with NYMNP Dark Skies Policy.

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

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

- 13 Notwithstanding the cycle and bin storage provision as detailed within Dwg No. 21 5513 02P all dwellings that do not have a garage shall be provided with a bicycle storage shed and bin storage area that shall be located within the rear garden of said dwelling.

Reason: In the interests of amenity provision in accordance with the requirements of Policy DEC 4 of the Scarborough Borough Local Plan.

- 14 Within six months of the commencement of the development hereby permitted, details of the precise arrangements for the proposed on site Cinder Track improvement works and connection points denoted in red on Dwg No. PA-SW-04 linking the development to the Cinder Track shall be submitted to and approved by the Local Planning Authority. The details shall include a scale plan to indicate the location of the proposed footpaths and linkage points within the development to connect it to the Cinder Track, along with detailed specifications for any associated boundary treatments, proposed barriers/gated access and mitigation measures to prevent motorised vehicles/bicycles from using these points of access to the development. The details and specifications agreed shall be implemented in full and thereafter so maintained.

Reason: To ensure adequate provision is provided for localised improvements to the Cinder Track to meet the requirements of the Housing Allocation and in the interests of using this route as a sustainable route into Whitby and for recreational purposes in accordance with Local Plan Policy INF 4 (Cinder Track).

- 15 A) No development shall commence until a Written Scheme of Archaeological Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
1. The programme and methodology of site investigation and recording
 2. Community involvement and/or outreach proposals
 3. The programme for post investigation assessment
 4. Provision to be made for analysis of the site investigation and recording
 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 6. Provision to be made for archive deposition of the analysis and records of the site investigation
 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

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

Reason: In accordance with Section 16 of the NPPF (paragraph 211) and Local Plan Policy DEC 6 (Archaeology) as the site is of archaeological significance.

16 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interests of providing satisfactory and sustainable drainage in accordance with policy ENV3 of the Local Plan.

17 No development shall take place until precise details (including drawings) for a system for the disposal of surface water from the development have been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate and include:

1. The site shall be restricted to a maximum flowrate of 44 litres per second for up to the 1 in 100 year event.
2. A 40% allowance shall be included for climate change effects and a further 10% for urban creep for the lifetime of the development.
3. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event.
4. Proposals for the phased implementation of the surface water drainage system and;
5. The proposal for a scheme of ongoing maintenance (i.e the adoption arrangements).

No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme has been completed.

Reason: To ensure that the development is built to the submitted drainage design; to prevent increased risk of flooding, to ensure adequate and sustainable means of drainage in the interest of amenity in accordance with Policy ENV 3 (Environmental Risk).

18 Phase 1 of construction access off Harrier Place shall be limited to the construction and occupation of 125 dwellings. After 125 units have been constructed and occupied with access taken through the Eskdale Park development, the remaining units shall not be constructed and occupied until the Spine Road is constructed to a least binder course level which provides a link to the Broomfield Farm development to the east, and connects to a route onto A171 Stainsacre Lane. Sandpiper Place shall not be used for construction traffic.

Reason: In the interest of highway safety and capacity, in accordance with the requirements of Local Plan Policy DEC 1 (Principles of Good Design) and DEC 4 (Amenity).

- 19 Prior to any road construction works taking place including 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.

- 20 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.

- 21 Prior to the first occupation of the development hereby permitted, a scheme for off site highway works for the upgrading of the existing bus stop on Muncaster Way to include a shelter shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme for delivery and full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme. The off-site highway works approved shall be completed in accordance with the approved details and programme.

Reason: To ensure that the design is appropriate in the interests of the safety and convenience of highway users.

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

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

- 23 For the avoidance of doubt, the development must be carried out and operated in accordance with the approved Travel Plan (ref. 22-239-003.5) by Bryan G Hall

dated April 2024. Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented as long as any part of the development is occupied.

Reason: To establish measures to encourage more sustainable non-car modes of transport.

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

Note:

Finished Floor Levels should be set above the 1 in 100 year plus climate change flood level with an additional 300mm freeboard above the flood level. The development shall be carried out in accordance with the approved scheme satisfying this condition.

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

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

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

- 26 No development for any phase of the development must commence until a Construction Management and Drainage Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction and implementation of drainage of the permitted development must be undertaken in accordance with the approved Construction Management and Drainage Plan. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed.

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. Construction Management in relation to ecology and biodiversity, which shall include measures recommended in the submitted and approved Preliminary Ecological Appraisal Report.

2. Details of any temporary construction access to the site including measures for removal following completion of construction works;
3. Restriction on the use of Sandpiper Place & Harrier Place access for construction purposes; maximum construction of 125 units from Harrier Place and no construction traffic along Sandpiper Place;
4. The parking of contractors' site operatives and visitor's vehicles;
5. Areas for storage of plant and materials used in constructing the development clear of the highway;
6. Details of the measures to be taken for the protection of trees;
7. Details of ditches to be piped during the construction phases;
8. A detailed method statement and programme for the building works; and
9. Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
10. A scheme detailing the phasing of drainage provision including any preventative measures during construction works so as to protect on site sustainable urban drainage systems from pollutants.

Note: Principles of sustainable urban drainage shall be employed wherever possible. Restrictions on surface water management may be imposed by Yorkshire Water and the Local Planning Authority.

Reason: In the interests of public safety and surrounding amenities in accordance with the requirements of Local Plan Policy DEC 4 (Protection of Amenity) and to ensure the provision and sustainable means of drainage in the interests of amenity and flood risk, in accordance with Local Plan Policy ENV3 (Environmental Risk).

Target Determination Date: 17 April 2023

Case Officer: Mrs Amy Harrap
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