1.0 THE PROPOSAL

1.1 This application seeks outline consent for residential development on a 1.58 hectare site to the west of the Seadale Caravan Park and south of the Brigg Road cul-de-sac. Outline consent to establish the principle of using the land in question for housing and taking access from Brigg Road/Seadale Terrace is sought here, but all other matters (appearance, landscaping, layout and scale) are for later consideration at the reserved matters stage. With the exception of the site plan (which defines the area of land to which any consent would relate and access to the highway) all of the submitted drawings are indicative only.

1.2 At present the site constitutes an agricultural field which slopes gently upwards to the south. With respect to the site’s context, the site is bounded by residential development of 20th century origin to the north, by railway to the east, holiday caravan pitches to the west and by open countryside to the south. Mature hedge rows define the site’s boundaries to the east and west, domestic scale fences define the northern boundary where the site abuts existing residential development, and site’s southern boundary is unmarked.

1.3 In terms of the site’s physical constraints, all of the land is located in the Environment Agency Flood Zone 1, which is considered in Government guidance to be land at the least risk of flooding and generally suitable for housing development (all land in England outside of the higher risk zones 2 and 3 is designated Flood Zone 1). There is a strip of land running through the centre of the site which is identified by the Environment Agency as being at 'low risk' (a 0.1% to 1% annual risk) of surface water flooding, whilst the remainder of the site is not identified as being at risk of surface water flooding.

1.4 The site forms approximately half of the Local Plan Housing Allocation HA26, which has an indicative yield of 80 dwellings overall.
1.5 Access to the site is proposed to be taken from the spur of highway running towards the caravan park at the junction between Seadale Terrace and Brigg Road. Consent is not sought for a detailed highway design, but the principle of taking access at this point.

1.6 Whilst no draft section 106 agreement has been submitted with the application, the applicant has agreed to obligate themselves to provide affordable housing and public open space in accordance with the respective Supplementary Planning Documents (SPDs) together with a £16,854 health contribution as requested by the NHS, and the applicant's and Council's respective solicitors are currently working to produce an agreement.

1.7 The application is accompanied by several supporting documents (available to view on the Council's website) including:

- Planning Statement
- Design and Access Statement
- Flood Risk Assessment
- Transport Statement
- Ecological Appraisal
- Archaeology report
- Tree Survey

1.8 Should the Committee be minded to grant consent, an extension of time to issue the decision of 10 days post the completion of the legal agreement has been agreed by the applicant.

2.0 SCREENING OPINION

2.1 Environmental Impact Assessment is not required.

3.0 PRE-APPLICATION COMMUNITY ENGAGEMENT

3.1 The applicant states that they undertook a programme of community engagement including letter drops and direct consultation with the Town Council.

4.0 CONSULTATIONS AND COMMENTS

4.1 The following is a summary of the key and relevant latest comments received from consultees and interested parties. Their full comments, together with any earlier comments and any accompanying documentation, are available to view on the Council's website.

4.2 Filey Town Council:

a) Traffic impact
The transport assessment does not seem to consider the impact on the current routes to the site from Muston Road including Grange Avenue, Clarence Drive, Padbury Avenue and Brigg Road. All these routes are currently narrow being heavily congested with parked cars and traffic and the increase in traffic to this site would only make these routes worse. These roads are also walking routes to the infant school which at peak times are heavily congested and also a route for emergency ambulances which regularly struggle with the volume of traffic and parked cars. In our view the roads are totally unsuitable, especially the access route from Brigg Road being too narrow for the recommended 5.5m carriageway width. We would like to know if the collision data has been considered.

b) Drainage and flood risk

This is a big concern for Filey Town Council and the wider community of Filey. This area is known for flooding in the past, the land falls down towards the existing Brigg Road properties, and the development would have a detrimental impact in that area. The existing sewers from the Mill Meadows development are currently unfinished should not be used to connect drainage until detailed drainage plans are agreed and until the full extent of the capacity of Mill Meadows is known. A 1 in 200 year system would be preferred as we are already seeing 1 in 100 year storms occurring more frequently.

c) Heritage/ wildlife

Filey Town Council would not want to see the destruction of hedgerows which have been in place for a great many years. These hedgerows are essential as nesting birds' habitat. The area is also known for deer, bats and other wildlife dependant on this greenfield site.

d) Railway pedestrian crossing

If this application is granted then there is the possibility for a substantial increase in the number of pedestrians using the existing railway pedestrian crossing increasing the risk of accidents.

e) Archaeological

Filey Town Council would prefer some archaeological surveys to be done on the site prior to any construction taking place.

f) Footpath to Brigg Road

Given the close proximity to the proposed entrance of the development there is a requirement through between 24 and 26 Brigg Road. There may also be land ownership issues there also which prevents this along with loss of amenity for the residents in that area.

g) Impact on local services

Currently the local services in Filey are fully stretched. The doctor's surgery in particular has a 3 to 4 week waiting listing for appointments, the Dentists Surgery and Infant and Junior Schools are also running almost to capacity, this further development will have an impact on these services.
h) Future expansion

It is noted from the plan that the road is finished at the top end with what looks like the option to extend this estate in the future. If that were to happen then all then this issues raised in this objection would be further magnified.

4.3 Local Highway Authority: Planning conditions should be applied requiring precise highway design details, the construction of highway infrastructure prior to occupation and a construction phase management plan to control the following:

a. the parking of vehicles of site operatives and visitors
b. loading and unloading of plant and materials
c. storage of plant and materials used in constructing the development
d. erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
e. wheel washing facilities
f. measures to control the emission of dust and dirt during construction
g. a scheme for recycling/disposing of waste resulting from demolition and construction works
h. HGV routing

4.4 Lead Local Flood Authority: The proposals and submitted documents demonstrate a reasonable approach to the management of surface water. A condition should be applied requiring detailed surface water system design and management details.

4.5 Yorkshire Water: Surface water from the development can drain to the existing surface water sewer running across the site. Conditions should be applied requiring the implementation of the scheme in accordance with the submitted drainage details and requiring the protection of Yorkshire Water assets.

4.6 Vale of Pickering Internal Drainage Board: No comment to make.

4.7 SBC Coastal and Drainage Engineers: I have reviewed the above application and whilst I have no objection in principle to the development, subject to submission of detailed drainage design, I do have some concerns.

Whilst it is mentioned in the drainage documents the consultants have not paid full attention to the overland flows and the importance of the culvert under the railway line for draining the area.

This area suffers from significant overland flows and any drainage scheme must take in to account not only drainage of the hard paved area but protection of the site from run off from the adjoining land.

However, the imposition of the condition suggested by the Lead Local Flood Authority would alleviate these concerns.

4.8 Education Authority: There is sufficient infant and junior school capacity in Filey to deal with the demand associated with the occupation of dwellings on this site.
4.9 NHS Clinical Commissioning Group: A sum of £16,854 is required to help offset the cost of primary care infrastructure needed to deal with the increase in local population associated with this development.

4.10 SBC Ecologist: Awaited.

4.11 County Archaeologist: The site of archaeological potential and features in the locality are of local and regional interest. A condition should be applied requiring a scheme of archaeological mitigation and recording is undertaken in response to ground disturbing works associated with the development proposal.

4.12 Network Rail:

- We have concerns about the impact of the use of the new access on the operational safety of the nearby pedestrian railway crossing;
- Land ownership issues need to be addressed with the Network Rail Land Information Team;
- Access to the railway undertaker's land should be kept open at all times;
- Drainage of the site should not impact railway infrastructure;
- Construction methods (including excavation and earthworks) should be 'fail safe' and have no impact on the railway;
- The security of the railway boundary will need to be maintained at all times;
- Site lighting will need to be designed so as not to dazzle train drivers;
- There should be no encroachment onto the railway.

4.13 SBC Environmental Health: My concerns relating to this application centre around the proximity of the residential units to the existing railway. This will give rise to some impact from rail noise, and may give rise to impacts from contaminated land.

In relation to rail noise this might consist of passing passenger or freight trains, maintenance works, or stationary idling at crossings or signal, all of which have recently given rise to problems from new rolling stock on the railway network. I would therefore ask that the applicant is required by condition to assess the impact of such, in the form of an acoustic assessment for the noise and a phase 1 desk top study for contaminated land.

4.14 Publicity - consultation period expired 08 June 2020

4.15 55 letters of objection have been received by the Council. These are from local residents and users of the adjacent caravan park. These make the following points:

- The proposal is for development on a greenfield site, which is unacceptable;
- Local sewerage infrastructure cannot cope with this development;
- This site suffers from surface water flooding, and developing here will put new as well as existing properties at risk of flooding;
- The access is unsuitable and is a safety risk;
- Local roads are already congested, especially around the school, and this development would exacerbate existing problems putting vulnerable road users (particularly children) at significant risk;
- The submitted transport reports do not properly reflect the reality of the local situation, and the survey work is lacking;
- Local schools, GPs practices and dentists cannot cope with additional housing
development in the town;
- The site is a haven for wildlife;
- Housing development is incompatible with the next door caravan site;
- Noise from the railway will be a nuisance to new residents;
- The public engagement by the developer has been insufficient;
- The development will lead to increased use of the railway pedestrian crossings,
  which is a safety risk;
- The site should not have been identified for development in the Local Plan.

4.16 Additionally, a letter of objection has been received from the Ward Member,
Councillor Mike Cockerill, and this states:

I have worked in regard to flooding in Filey for nearly 20 years and consider I have a fair
knowledge of the drainage system in Filey.

The drainage system in the wider area around the site is sparse. When the Victorian
terrace was built, i.e. Seadale Terrace, it was very much out on a limb from the rest of
Filey and only served by a single small pipe.

In recent years there has been significant development in the area without increase in
the drainage system. When Seadale Gardens was being considered there was a great
deal of debate about the ability, or not, of the system to handle the increase. Currently
there is a problem with Yorkshire Water assets that are causing problems and is under
investigation by Yorkshire Water. I would suggest that any consideration must be
deferred until satisfactory remedial action is, at least, planned by Yorkshire Water,
otherwise there is a serious risk of causing even more problems to existing dwellings.

5.0 RELEVANT PLANNING HISTORY

There are no entries in the planning history relevant to the determination of this
application.

6.0 PLANNING POLICY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section
70(2) of The Town and Country Planning Act 1990 require that planning applications are
determined in accordance with the Development Plan unless material considerations
indicate otherwise (in the case of advertisement applications the Advertisement
Regulations 2007 are applicable). Attention is drawn to the following Development Plan
and other planning policies and guidance which are considered to be particularly
relevant to the consideration of this application:-

Scarborough Borough Local Plan 2017

SD 1 - Presumption in Favour of Sustainable Development
DEC 1 - Principles of Good Design
DEC 4 - Protection of Amenity
DEC 5 - The Historic and Built Environment
DEC 6 - Archaeology
7.0 ASSESSMENT

7.1 Taking into account the relevant planning policy, representations, consultation responses and all other material planning considerations, your Officers consider the key issues in the determination of this application to be:

A) Matters of principle
B) Access
C) Landscape impact
D) The reserved matters: appearance, landscaping, layout and scale
E) Archaeology
F) Drainage and flood risk
G) Education
H) Green space
I) Affordable housing
J) Ecology, trees and hedges
K) Impact on railway infrastructure
7.2 This site is allocated for housing development in the Scarborough Borough Local Plan. Further, local and national planning policy sets out a 'presumption in favour of sustainable development'. With this in mind, residential development on this site is acceptable in principle subject to the favourable consideration of the other material planning considerations.

7.3 Members will note that this application proposes the development of around half of the wider housing allocation HA26. In some circumstances, it can be difficult for applicants to demonstrate that development of only a portion of a larger allocation would be sustainable development. However, this site is well related to the host settlement and of its own right, application is clearly not a device to avoid developer contributions as these are applicable here in any event due to the size of the site, and the whole is not of a size such that would require major on site infrastructure, such as education facilities (i.e. the subdivision of the site does not undermine the provision of such).

7.4 One issue of principle which has been raised in the public representations is compatibility of the proposed residential use of the land with the adjacent holiday caravan and railway uses, and the Environmental Health Officer has also raised concerns in this respect.

7.5 The proposal will involve residential land and holiday caravan uses being directly adjacent. whilst it is inevitable that an amount of noise and disturbance to neighbouring properties due to the occupation of caravans will result, Officers do not consider that the activity related to the use of the adjacent caravan site will result in such significant impact to permanent residences to warrant the refusal of planning permission; activities associated with holiday caravans including children's play, outside dining and similar are not inherently incompatible with permanent residential uses. For the same reasons, the reverse is also true; permanent residences are unlikely to unacceptably harm the amenity of the caravan pitches.

7.6 It is noted that the development will put new residential properties (use class C3) in close proximity to a railway line, and by nature a railway use may cause a degree of disturbance; there is the potential for conflict between the railway and C3 uses. However, the relationship between the proposed dwellings and the railway is not different to the close relationships between railways and houses in many town and village settings throughout the Borough and is in no way unusual or extraordinary. Indeed, in this specific case the potential for noise impact does appear to be low on face; trains are moving slowly towards the station and there are no site-specific issues which give cause for concern (such as a layover siding, high-speed area of track, bridge or similar). Nevertheless, the potential for noise impact remains, and noting the views of the Council's Environmental Health Officer it is recommended that a condition be applied requiring that the reserved matters take account of a Noise Impact Assessment which shall be undertaken.

B) Access
7.7 The principle of accessing the site via the existing highway spur off Brigg Road is the only reserved matter for consideration at this point, and Officers note that the Town Council and many of the objectors have raised concerns on issues relating to highways and access. The Local Highway Authority is a statutory consultee in the planning process, and the Local Planning Authority is reliant on its technical expertise when assessing proposals from transport and highways perspectives.

7.8 As Members will have noted from its consultation response, the Highway Authority has assessed the application from a highway safety perspective and has not objected to the proposals subject to conditions requiring precise highway design details and the construction of highway infrastructure prior to occupation.

7.9 With this in mind, your Officers advise that the application is acceptable from a highway safety perspective and is unlikely to pose undue risk to the safety and convenience of users of the public highway.

7.10 On a related point, the site plan shows there to be a secondary point of access onto the Brigg Road cul-de-sac. This would not be suitable for the main site access but the applicant may consider to be suitable as a pedestrian access, for example. The Highway Authority has not raised any concerns with this aspect.

C) Landscape impact

7.11 Full consideration of the landscape impact of the proposed allocation is presented in the discussion within the Local Plan and the allied documents. Ultimately, visual impact is a key consideration in the process of allocating sites, and this site has been judged to have been acceptable in that regard by the examining Inspector.

D) The reserved matters: appearance, landscaping, layout and scale

7.12 Policy DEC1 of the Local Plan states that new development should be of a high standard of design. This requirement is echoed in the revised NPPF.

7.13 Policy DEC4 of the Local Plan precludes new development which would unacceptably harm the amenity of neighbouring residents.

7.14 Issues relating to appearance, landscaping, layout and scale are all issues for consideration at the (later) reserved matters stage. However, it is the view of your Officers that, with careful consideration, a design could achieved for consideration at the reserved matters stage (the plans submitted at this point are indicative only) which would prevent the unacceptable impacts to neighbouring dwellings and would preserve the character of the area. In short, there is the potential to add dwellings to the site whilst complying with the terms of the above mentioned policies.

7.15 Whilst this is the case, the Local Planning Authority has the opportunity to set some parameters for the development of this land where it is considered necessary.

7.16 Given the character of the neighbouring development (predominantly single and two storey residential development), should Members be minded to approve the
application, your Officers would advise that a condition be added to the consent restricting the scale of development to two storey (with rooms in the roof not permitted). Taller development would be unduly conspicuous in the landscape. Officers note the presence of bungalows adjacent to the site, but do not consider it necessary to limit the scale of development to single storey to mirror the scale adjacent development; single storey dwellings in close juxtaposition to two storey dwellings is a feature of the locality. Importantly, the commentary in the Local Plan does not suggest that dwellings on the site should be restricted to single storey.

7.17 Officers do not consider that it would be appropriate to add other conditions relating to appearance, landscape or layout at this point. There is due opportunity to consider these issues at the Reserved Matters stage. Noting some of the particular concerns of residents, in their designs submitted for approval the reserved matters stage the applicants will need to have special regard to: the relationship between the new development and the existing caravan park immediately to the west; the relationship between the new development and the bungalows immediately to the north; and, the relationship between the new development and the open countryside to the south. If the scheme presented at reserved matters stage is found to be lacking in these (or any other) respects then it would be in the gift of the Local Planning Authority to withhold reserved matters consent at that point.

E) Archaeology

7.18 The County Archaeologist has reviewed the application and has stated that the site is of archaeological potential, with there being the possibility for buried features of local and regional significance. In accordance with policy DEC6 of the Local Plan, he has requested that a condition be applied to any consent the Committee may wish to grant requiring that a scheme of archaeological mitigation and recording is undertaken in response to ground disturbing works associated with the implementation of the development proposal.

F) Drainage and flood risk

7.19 The County Council as the Lead Local Flood Authority (LLFA) is the statutory consultee on matters related to surface water drainage and the Council is reliant on the technical advice of this agency. Yorkshire Water is the statutory undertaker responsible for adopted surface water and foul sewers, as well as water supply.

7.20 The applicant has supplied a detailed Flood Risk Assessment and drainage strategy, and this has been scrutinised by the statutory consultee (the LLFA) and the statutory undertaker (Yorkshire Water). It is proposed that surface water run-off from the development be attenuated by the most sustainable means appropriate for the site before being discharged to the existing surface water sewer running across the northern end of the site.

7.21 The Lead Local Flood Authority has not raised any concerns about the applicant's approach to handling surface water, and subject to further details of the proposed scheme and a maintenance plan being required by condition no objections have been raised. Importantly, Yorkshire Water has not raised concerns over the
proposal to use its existing surface water sewer as the ultimate point of discharge for surface water from the development, and has confirmed that there is capacity for this.

7.22 With the applicant's detailed surface water evidence in hand, and with supportive positions expressed by the relevant statutory consultee and Yorkshire Water, whilst Officers note the concerns of the Town Council, the Ward Member and the objectors on the point of surface water flood risk, Officers would suggest that it would be unreasonable to withhold consent for reasons relating to surface water flood risk.

7.23 Importantly, the SBC Coastal and Drainage Engineer has confirmed to Officers that his concerns are overcome by the imposition of the condition requested by the Lead Local Flood Authority. Yorkshire Water has not raised any concerns with respect to sewerage capacity.

G) Education

7.24 Importantly, the Education Authority has not objected to the scheme and has stated that there is sufficient existing infant and junior school capacity in the town for the new demand resulting from development of this site for housing to be accommodated (i.e. no Section 106 contribution is being sought). Developments of this scale do not command a level for secondary school infrastructure, although Officers believe there is sufficient secondary school capacity in the town.

H) Green space

7.25 Policy HC14 of the Local Plan requires that development proposals make provision for open space, and the Council's Green Space Supplementary Planning Document (2014) and the associated Scarborough Borough Playing Pitch Strategy (2013) provide further detail on what is expected.

7.26 The applicants are proposing (by way of the commitment to sign up to the Section 106 agreement currently being drafted by respective solicitors) to provide on-site open space and off-site contributions in line with the Council's adopted Green Space SPD. If Members are minded to grant consent, the levels of on-site open space and financial contributions for off-site provision will depend on the scale of the development, which is a reserved matter (i.e. it will be determined at the later reserved matters stage).

I) Affordable housing

7.27 Policy HC3 of the new Local Plan requires that 15% of the dwellings on the proposed development are affordable units.

7.28 The amount of affordable units will depend on the number of units on the site, which is a reserved matter. The Section 106 agreement currently being worked up seeks to oblige the applicant to provide affordable housing in accordance with SPD (i.e. 15% of the units), and the applicants have undertaken to sign up to this.
7.29 Issues relating to the tenure mix and 'spread' of the affordable units are issues to be dealt with at the reserved matters stage.

7.30 With these factors in mind, Officers consider the scheme to be acceptable from an affordable housing perspective; the proposal is in full compliance with adopted policy on affordable housing.

J) Ecology, trees and hedges

7.31 The applicant has submitted an ecology report with the application, which identifies that the development could be carried out without the applicant having to apply to Natural England for a European Protected Species License. As such, Officers consider that the development will not result in undue harm to species protected by law or their habitat.

7.32 There are a number of trees and hedges on the land. These are not the subject of any statutory protection, and the land owner would be free to fell these if they wished. Officers do not consider that the majority of these features have significant public amenity value; they do not have a strong presence in public views, and their impact on the character and appearance of the locality is limited and incidental.

7.33 Nevertheless, it is clear that the hedge running alongside the western boundary of the site (and adjacent to the public footpath) is an attractive feature which makes a strong, positive contribution to the public realm, and the applicant's submitted survey reports suggest that it is in good health. With this in mind, it would be in the interests of the amenity of the area to apply a condition at this point requiring the retention and protection of this hedge.

K) Impact on railway infrastructure

7.34 The Bridlington to Scarborough railway line (and associated railway land) adjoin the site's eastern boundary. Network Rail has submitted detailed comments in response to the application.

7.35 The majority of points raised by Network Rail are not matters for planning (encroachment onto private land, boundary security, trespass risk, construction phase management, construction access and similar) and are either civil issues to be addressed by the applicant and Network Rail as respective landowners or are matters dealt with by other primary legislation.

7.36 However, Network Rail does reasonably request that conditions be applied relating to drainage, means of enclosure and landscaping in order to secure the safety and integrity of the railway. These requests are reflected in the list of recommended conditions.

7.37 On a related matter, Members will note that the commentary in the Local Plan with respect to housing allocation HA26 suggests that a buffer free of development along the site's eastern edge would be required. This came about following a request from Network Rail at the Local Plan stage in order to facilitate easier access to the railway.
7.38 However, it is not for the Local Planning Authority to facilitate access for the benefit of a neighbouring land owner over the applicant's land, and it would not be reasonable to limit the developable area to allow for this. Private access arrangements are to be addressed by the interested parties, and the Local Planning Authority has no role in this matter.

L) Contamination risk

7.39 Being directly adjacent to the long standing Scarborough to Bridlington railway line, and (according to the 1850 Ordance Survey) being the site of a disused brickworks, there is the potential for the site to be subject to contamination. With this in mind, Officers would recommend that a condition requiring investigation and the reclamation of any contamination found be added to any consent the Committee may wish to grant.

M) Health

7.40 Objectors and the Town Council have raised concerns about the impact of the development on primary health care facilities within the town.

7.41 The NHS Clinical Commissioning Group has been formally consulted on the application and has asked that a contribution of £16,854 is secured by Section 106 agreement to help offset the cost of providing primary care infrastructure to deal with the development-related increase in population. Officers consider this to be a reasonable request and on this basis the application has agreed to pay the sum.

N) Additional considerations

7.42 The consultation response of the Highway Authority requests that a condition be applied requiring a construction phase management plan to control 8 issues including noise and dust, operation of the site compound and recycling.

7.43 Previously, perhaps encouraged by documents including the Planning Inspectorate's model conditions, Local Planning Authorities added conditions of this nature to planning permissions relating to residential developments of the scale proposed here.

7.44 However, the Government's latest guidance on the use of planning conditions is absolutely clear that Council's should not apply conditions which duplicate existing legislation, or where there is 'alternative means of managing certain matters'. In this regard, there are provisions in primary legislation (the Highways Act, to be enforced by the Highway Authority) for preventing the displacement mud on the road, obstruction of the highway is a matter for the police and residents have recourse through the environmental health legislation if they are disturbed by noise and/ or dust. In this instance, your Officers would advise that there are no specific localised issues that would justify the imposition of a condition requiring a construction phase management plan to control any of the 8 matters set out by the Highway Authority. Importantly, the requirement for conditions to meet the '5 tests' remains and the Highway Authority has
not offered the necessary specific justification for the imposition of its condition in respect of these.

7.45 Yorkshire Water has requested that conditions be applied to protect its interests. Issues relating to these interests are not a matter for planning conditions and are to be addressed by the interested parties.

7.46 Finally, several of the letters of representation raise anecdotal concerns relating to the validity of the ownership certificate on the application form, and Officers have also received verbal representations on this point. However, no evidence has been put to the Local Planning Authority which would suggest that the application has not been properly made.

POSITIVE AND PROACTIVE STATEMENT

The application was found to be acceptable as submitted and there has been no need for positive and proactive action by the Council.

RECOMMENDATION

Grant consent, subject to the following:

a) the conditions set out below;
b) the completion a Section 106 Agreement to secure the affordable housing and open space contributions as per the respective Supplementary Planning Documents together with the primary health care contribution as requested by the NHS Clinical Commissioning Group;

OR, if b) is not met, grant Officers delegated authority to refuse the application on the grounds that no legal agreement is in place and thus the proposal fails to deliver affordable housing, open space and education provision in accordance with the Local Plan and relevant Supplementary Planning Documents.

1 Except where may be modified by the conditions of this consent, the development shall be carried out in accordance with the following plans and details:

   - Parameters plan, BW03, received by the Council 11 February 2020

   Reason: To avoid doubt.

2 Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before and development begins and the development shall be carried out as approved.

   Reason: To allow the Local Planning Authority to exercise its rights to approve the Reserved Matters in accordance with the relevant policies of the Development Plan.

3 The reserved matters shall make provision for residential development of no greater than two storeys with habitable rooms in the roof not permissible.
Reason: To ensure the character of the locality is preserved, as taller development would be unduly conspicuous. Policy DEC1 of the Local Plan.

4 The existing hedge running along the length of the site's western boundary shall be permanently retained and protected in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction" during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within the tree protection area.

Reason: To ensure the continued wellbeing of the publicly visible hedge in the interests of the amenity of the locality in accordance with policies DEC1 and ENV5 of the Scarborough Borough Local Plan.

5 The details submitted in pursuance of Condition 2 of this permission shall include details of the proposed boundary treatment 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. 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 and to ensure the safety of the railway in accordance with policies DEC1 and DEC4 of the Scarborough Borough Local Plan.

6 Development shall not continue beyond preliminary groundworks until a precise schedule of all external materials of construction of buildings and hard-surfaced areas (including brand names, model references and colour specifications) has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved schedule.

Reason: To ensure the development is a visually attractive place and to ensure the wider landscape is preserved in accordance with policy DEC1 of the Local Plan.

7 The details submitted in pursuance of Condition 2 of this permission shall include details of the proposed areas of on-site public open space, which shall accord with the provisions of the Green Space Supplementary Planning Document.

Reason: To ensure residents of the new development are afforded open space in the interests of providing adequate amenity for new residents in accordance with policies DEC4 and HC14 of the Local Plan.

8 Development shall not continue above foundation level until a phasing plan for the provision of the areas of the public open space has been submitted to and approved in writing by the Local Planning Authority. The landscaping of the site shall be provided in accordance with the approved phasing plan.

Reason: To ensure residents of the new development are afforded open space in the interests of providing adequate amenity for new residents in accordance with policies DEC4 and HC14 of the Local Plan.

9 Development shall not continue above foundation level until a plan for the maintenance of the areas of open space on the development site (including all
equipment, means of enclosure, grassed areas, trees and hard surfaced areas but excluding all on-plot landscaping and areas adopted by the Highway Authority or Yorkshire Water) has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- proposals for the maintenance of the public open space;
- provision for litter picking
- A starting point for the maintenance regime.

The approved plan shall be implemented (i.e. the maintenance regime shall begin) in accordance with the submitted plan and shall continue in perpetuity.

Reason: To ensure proper maintenance of public spaces to ensure sufficient public amenity in accordance with policies DEC4 and HC14 of the Local Plan.

10 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.

11 No piped discharge of surface water from the application site shall take place until the approved works to provide a satisfactory outfall has been completed in accordance with a scheme which has first been approved in writing by the Local Planning Authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development and shall include:

a) A timetable and phasing plan for its implementation.
b) A maximum peak flow discharge rate of 2.7 l/s.
c) A drainage system designed with sufficient on site attenuation so that flooding does not occur on any part of the site for a 1 in 30-year rainfall event, nor any flooding for a 1 in 100-year rainfall event in any part of a building (including a basement) or in any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development, except within an area that is designed to hold and/or convey water. The design shall also ensure that storm water resulting from a 1 in 100-year rainfall event, plus an allowance to account for climate change (30%) & urban creep (10%) can be stored on the site without risk to people or property and without increasing the restricted flows off site.
d) Details showing how overland flows will be managed without increasing floor risk, either on or off site.

e) A site plan showing the exceedance flow routes during extreme storm conditions over the 1 in 100-year event or exceedance or failure of the drainage system.
f) Details showing how surface water will be managed during the construction phase;
g) Details with regard to the maintenance and management of the proposed surface water drainage scheme to include drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development including:
i. Drawings showing any surface water assets that will not be maintained at by the statutory undertaker/ highway authority;

ii. Copies of the draft deed of covenant to be established with incoming homeowners or successors in title identifying their future responsibility to assure the ongoing management and maintenance of any private surface water assets not maintained statutory undertaker/ highway authority including funding mechanism and procedures if appointed management company ceases to exist,

iii. Physical access arrangements,

iv. Establishment of easements/maintenance responsibility/liability with third party landowners,

v. Maintenance requirements & frequency, and

vi. Details of the appointed management/maintenance contractor.

Reason: On the Advice of the Lead Local Flood Authority to ensure the site is sustainably drained in accordance with policy ENV3 of the Local Plan, and at the request of the Network Rail to ensure surface water does not pose a risk to the safety of the railway

12 Prior to the development continuing beyond preliminary groundworks, which means prior to the laying of the first foundations, the following drawings and details shall be submitted to and approved in writing by the Local Planning Authority:

a) Detailed engineering drawings to a scale of not less than 1:500 and based on an accurate survey showing:

boundary

- The proposed highway layout including the highway

verges

- Dimensions of any carriageway, cycleway, footway, and

- Visibility splays

- Accesses and driveways

- The highway drainage system and its relationship with the site-wide drainage system

- Any lining and signing

- Any traffic calming measures

- All types of surfacing (including any tactile surfacing), kerbing and edging

b) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:

- The existing ground level

- The proposed road channel and centre line levels

- The highway drainage system proposals and its relationship with the site-wide drainage system.

c) Full highway construction details including:

- Typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
- Cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
- Kerb and edging construction details
- Typical drainage construction details
- The highway drainage system

e) Details of all proposed street lighting.

f) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.

g) Full working drawings for any structures which affect or form part of the highway network.

h) A programme for completing the works.

The development shall only be carried out in accordance with the approved drawings and details.

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

13 No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or blocked paved and kerbed and connect to the existing highway network with street lighting installed and in operation.

Reason: In the interests of highway safety and the amenity and convenience of highway users.

14 Prior to development continuing beyond initial groundworks, which means prior to the laying of any foundations, section drawings which precisely show the proposed ground levels, finished floor levels and finished eaves and ridge heights of the proposed dwellings on the site's northern boundary shall be submitted to and approved in writing by the Local Planning Authority. These levels shall be shown in relation to a fixed and known datum point, existing land levels and the eaves and ridge heights of the dwellings immediately to the north of the application site on Brigg Road. The development shall be implemented in accordance with the approved details.

Reason: To ensure the amenity of neighbouring property is protected in accordance with policy DEC4 of the Local Plan.

15 Each new dwelling house shall be provided with an external socket prior to the first occupation of the dwellinghouse. The socket shall be of at least single phase specification and shall be sited on the ground floor of the dwelling on the elevation closest to the parking spaces designated for use by that dwellinghouse.

Reason: To provide facilities for electric vehicle charging in accordance with policy DEC2 of the Local Plan.
16 Development shall not commence until a Written Scheme of Archaeological Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of archaeological significance and research questions; and:

   a) The programme and methodology of site investigation and recording
   b) The programme for post investigation assessment
   c) Provision to be made for analysis of the site investigation and recording
   d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
   e) Provision to be made for archive deposition of the analysis and records of the site investigation
   f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

   The development shall be carried out in accordance with the approved Written Scheme of Investigation. Further, no dwelling shall be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and provision made for analysis, publication and dissemination of results and archive deposition has been secured.

   Reason: This condition is imposed in accordance with policy DEC6 of the Local Plan as the site is of archaeological interest.

17 The scheme of landscaping submitted in pursuance of condition 2 shall include a phasing plan for its implementation. The submitted scheme shall be clear in that there shall be no bolstering of the existing planting on the site's eastern boundary or new planting on the eastern boundary which incorporates the following species:

   Acer (Acer pseudoplantanus), Aspen - Poplar (Populus), Small-leaved Lime (Tilia Cordata), Sycamore - Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), Ash (Fraxinus excelsior), Black poplar (Populus nigra var. betulifolia), Lombardy Poplar (Populus nigra var. italica), Large-leaved lime (Tilia platyphyllos), Common Lime (Tilia x europea)

   The scheme shall be implemented in full as approved prior to the first use of the development and thereafter be maintained in accordance with the approved scheme. In the event of any trees or shrubs so planted dying of being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species shall be planted as a replacement and thereafter properly maintained.

   Reason: To ensure landscaping is properly designed with railway safety in mind in accordance with policy DEC1 of the Local Plan.

18 Development shall not commence until:

   (a) The application site has been subjected to a detailed scheme for the investigation and recording of contamination, and remediation objectives have been determined through risk assessment, and agreed in writing by the Local Planning Authority;
(b) Detailed proposals for the removal, de-contaminating or otherwise rendering harmless any contamination (the 'Reclamation Method Statement') have been submitted to and approved in writing by the Local Planning Authority;

(c) The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme;

(d) If during reclamation works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material should be approved in writing by the Local Planning Authority before the previously unidentified contamination is removed.

Reason: The site is at risk of contamination owing to its proximity to a longstanding railway line. To protect the environment in accordance with policy ENV3 of the Local Plan.

19 The details submitted in pursuance of condition 2 shall take into account the findings of a Noise Assessment for the site which shall be submitted to and approved in writing prior to development continuing beyond preliminary ground works, which means prior to the laying of any foundations.

Reason: To ensure occupiers are not exposed to unacceptable levels of railway related noise in accordance with policy DEC4 of the Local Plan.

David Walker

Background Papers:

Those documents referred to in this report.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT MR DANIEL METCALFE ON 01723 383538 email daniel.metcalfe@scarborough.gov.uk