SUBJECT: DEMOLITION OF FARM BUILDINGS AND ERECTION OF 155 DWELLINGS, 4 LIVE/WORK UNITS; CHANGE OF USE AND EXTENSIONS OF EXISTING FARM BUILDINGS TO PROVIDE SHOP/POST OFFICE/CAFE, DOCTORS SURGERY, COMMUNITY SPACE AND PRE-SCHOOL; CHANGE AGRICULTURAL LAND TO PUBLIC OPEN SPACE/ALLOTMENTS, FORMATION OF PUBLIC SQUARE, A171 TRAFFIC CALMING, NEW LANDSCAPING AND ASSOCIATED ACCESS, DRAINAGE, UTILITIES AND SERVICES PROVISION ON LAND AT CLOUGHTON FOR DUCHY OF LANCASTER

1.0 THE PROPOSAL

1.1 This is an outline application for up to 159 dwellings on five separate sites on either side of High Street in and around Cloughton village. All matters except access have been reserved.

1.2 The total area of the application is 7.5 ha and is sub-divided as follows :-

- "Church Hall Mews" 0.36 ha - approximately 10 dwellings
- "Croft Farm" 0.38 ha - approximately 15 dwellings
- "Red Lion Fields" 0.66 ha - approximately 27 dwellings
- "Hay Lane Gardens" 0.43 ha - approximately 17 dwellings
- "Town Farm" 2.15 ha - approximately 81 dwellings

The total area proposed for housing development is 4 ha.

Immediately to the east of High Street towards the centre of the village at Town Farm it is proposed to create a village square, around which would be arranged a shop incorporating a post office and café (101 square metres), a community room (72 square metres), a pre-school nursery in the existing
farmhouse (170 square metres), a doctor’s surgery with two consulting rooms, four live/work units and two apartments.

A total of 3.3 ha of public open space would be provided. The largest area would be situated to the east of the village between the main area of new housing and the former railway line, laid out as informal open space. A further area would be provided to the west of High Street which would include 0.18 ha of allotments.

1.3 It is proposed that 123 of the dwellings would be for the open market with 20% (32) affordable: 50% social rented; 50% intermediate affordable housing, most likely shared equity.

1.4 The house types would be: 3% one-bed; 33% two-bed; 42% three-bed; 21% four-bed.

1.5 Being an outline application, only an indicative layout and specimen elevations have been submitted. However, the applicants state that the housing would be predominantly two-storey, up to three storeys maximum. The layout shows a mixture of terraced and detached units with a small number of semi-detached blocks. The architectural style is proposed to reflect the traditional, vernacular style common to this area, constructed in natural stone with pantile and slate roofs, small dormer windows, chimneys and sliding sash windows, all of which would be controlled by a design code.

1.6 All housing would be constructed to Level 3 of the Code for Sustainable Homes.

1.7 The housing sites would be accessed from six new junctions leading directly off High Street. A scheme of traffic calming with village gateways would be provided along High Street.

1.8 Foul drainage would be to the existing main sewer. Surface water drainage would be via a Sustainable Urban Drainage scheme (SUDS) to the existing watercourse, Cloughton Beck, and to a pond within the main area of public open space.

1.9 The proposal involves demolition of some existing agricultural buildings, both historic and contemporary at Town Farm and Croft Farm, and some boundary walls along High Street. A separate Conservation Area consent application is required for this.

1.10 The application has been accompanied by the following comprehensive portfolio of supporting documentation:

- Planning Statement.
- Housing Strategy.
- Flooding, Drainage, Utilities and Lighting Strategy.
• Statement of Community Involvement.
• Design and Access Statement.
• Heritage Statement.
• Structural Report.
• Archaeological Assessment.
• Recreational Assessment.
• Tree Report.
• Transport Assessment.
• Ecological Survey.
• Development Viability Report (Confidential).

These will be referred to in more detail as appropriate within the Assessment.

1.11 A number of illustrative plans have been submitted which are indicative only and although helpful, only serve to show the manner in which the sites could be developed; they do not form part of the formal application plans. The applicants have clarified that the plans for formal determination are:

• The Red Line Site Plan.
• Topographical Survey.
• Proposed Site Access.

These will be shown at the meeting in the interests of clarity.

1.12 The application was preceded by a formal request for a Screening Opinion as to whether an Environmental Impact Assessment was required. This is a Schedule 2 development which may require an Environmental Assessment under the Environmental Impact Assessment Regulations. It was determined that, notwithstanding the size of the proposal relative to Cloughton village itself, the likely impacts were not so significant in the wider context to require an Environmental Impact Assessment. However, much of the supporting documentation supplied with the application is similar to that which would have been included in an Environmental Statement.
2.0 PRE-APPLICATION COMMUNITY ENGAGEMENT

2.1 Prior to submitting the application, the applicants undertook an extensive community consultation exercise.

2.2 They explain that between 2008 and 2010, a pro-active community involvement process took place, the results of which have impacted directly on the shape and scope of this planning application. The process is based on the established ‘planning for real’ and ‘enquiry by design’ models and included an initial written questionnaire (delivered to households throughout the wider parish), regular drop-in sessions, three public meetings and a series of hands-on workshops.

During the process, residents worked with members of the project team to identify issues and aspirations. These included:

- the lack of a shop/post office in the village;
- the need for affordable housing;
- concerns over traffic;
- lack of off-street parking;
- the age-profile of residents;
- flooding problems;
- lack of recreation facilities;
- the need for a community facility.

A draft plan was sketched out and discussed in response to the issues raised. The principles of the plan were then presented at a public meeting in November 2008, when it was broadly agreed that the draft proposals should be taken forward to the next stage (discussion with statutory consultees).

In 2009, a brochure explaining the draft plan was circulated to all households and a two-day drop-in exhibition and independently verified ballot was held. The results of this ballot were as follows:

- 74% of the 132 residents voting agreed changes in the village were needed.
- 79% approved of the architecture proposed by the Duchy team.
- 66% thought the housing sites shown were appropriate.
66% agreed with the overall plan concept, two-thirds of these without reservation.

All households were informed of the results.

Throughout the process, The Duchy met regularly with Cloughton Parish Council and Residents of Cloughton Association (ROCA).

3.0 CONSULTATIONS AND COMMENTS

3.1 Cloughton Parish Council – Two main points of concern:

1. the number of dwellings proposed - it was felt that new dwellings should be restricted to land to the east of the High Street (which was in accord with Council's comments on sites submitted for inclusion in the emerging Local Development Framework); and

2. the inability of the existing sewage infrastructure to cope with more properties.

Other comments made were:

(i) the inclusion of three-storey houses was not in keeping with the present style of houses in the village;

(ii) the houses proposed for the playground and quiet area all appeared to be built with flooding in mind (all electrical sockets 3 foot off ground, all ground floors to be solid, etc.);

(iii) several mature trees would be felled, including the Queen Mother's Oak in the quiet area and the last remaining Elm in the village;

(iv) no village hall included in the plan;

(v) an additional six accesses onto an already very busy highway; and

(vi) stone buildings at Town Farm (furrier's building and those towards 47 High Street) being demolished, although this had not been intimated at the original consultations and presentations.

Notwithstanding comments (i) - (vi), the general consensus was that Council was in broad support of the scheme since it would ensure the existence of the village for future generations. Council continued to be concerned about the number of proposed dwellings and the impact this would have on the village if they were built within a relatively short time span of, say, ten years. It was felt that half the number of dwellings would be more appropriate and would better maintain the integrity of the village. It was also felt the dwellings needed to be mainly to the east side of the High Street.
3.2 Burniston Parish Council - No response.

3.3 North York Moors National Park Authority - Do not consider that the proposals will have a detrimental impact on the character and setting of the National Park, consequently, no objection.

3.4 Highway Authority - The Transport Assessment (TA) is comprehensive in its approach to the application and is therefore complex due to the number of proposals all within the application.

However, I would like the developer to provide more information as follows:

- The Authority looks to see traffic generated figures for the design year fifteen years after opening. The TA only provides information for plus five years.

- More information on the sizes of the shop, etc. in the village square are required. Suggest the facilities that are being proposed in that area will generate greater trips than suggested in the TA and need further work to satisfy that traffic will not cause congestion on the A171.

- The design of the access onto the A171 as shown on the drawing supplied do not meet our standards and clearly we will need to discuss these proposals.

- As regards the traffic management proposals. These will need to be agreed and would be better included in the planning as the proposals will need to be consulted on and therefore the general public will be able to comment on it. Also, if the proposals are thought to be costly will require a commuted sum to cover the cost of maintenance.

- The Duchy is also proposing a link into the Whitby to Scarborough Cycleway which is good, however suggest we need to seek a contribution to improve the railway line which forms the cycleway towards Scarborough. This could be done by the developer's contractor repairing the path whilst on site or simply seeking a contribution to improve the condition of the path. This should encourage more people to use it say down to Burniston.

The further information requested was not forthcoming from the applicants and it was subsequently recommended that conditions dealing with the following matters be attached to any planning permission:

- detailed plans of road and footway layout;
- construction of roads and footways prior to occupation of dwellings;
- provision of accesses for construction vehicles;
- provision of visibility splays at accesses (2.4 x 45 metres);
• provision of pedestrian visibility splays at accesses (2 x 2 metres);
• approval of details of works in the highway;
• details of access, turning and parking;
• provision of parking;
• prevention of mud on the highway;
• movement of contractors' vehicles;
• on-site contractors' parking;
• submission of a Travel Plan;
• no doors or windows opening over highway.

3.5 Environment Agency

The outline planning permission should only be granted to the proposed development if the following planning conditions are imposed:

• finished floor levels at 150 mm above existing ground level;
• scheme to improve the existing surface water proposal with each surface water drainage storage area being able to contain the 1 in 30 year storm and not flood any dwelling or adjacent land up to the 1 in 100 year storm with an allowance for climate change.

Although we are satisfied at this outline stage that the proposed development could be allowed in principle, the applicant will need to provide further information at the Reserved Matters stage to ensure that the proposed development can go ahead without posing an unacceptable flood risk.

The site layout should be in line with the drawing that shows that no dwellings are located within Flood Zone 3.

3.6 Yorkshire Water

A water supply can be provided.

If planning permission is granted conditions should be attached in order to protect the local aquatic environment and Yorkshire Water infrastructure. These relate to:

• no building within 3 metres of the sewers which cross the site;
• separate systems of drainage for foul and surface water on and off the site;

• no development until details of drainage submitted and approved; and

• no piped discharge of surface water from the development prior to completion of approved surface water drainage works and no buildings occupied prior to completion of the approved foul drainage.

The local public sewer does not have capacity to accept any additional discharge of surface water from the proposal site. SUDS may be appropriate. The submitted Flood Risk Assessment is satisfactory from Yorkshire Water’s viewpoint in that the surface water will discharge to a watercourse, via storage, with a restricted discharge (details to be agreed).

3.7 Scarborough Borough Council Engineers – Awaiting Comments.

3.8 Forward Planning Manager (Scarborough Borough Council)

I do not regard the application to be in line with the current Development Plan. Furthermore, I do not consider there to be any exceptional circumstances that would warrant a recommendation of approval, nor do I consider that the proposal is in accordance with the provisions of national planning policy that lend potential support to particular types of housing development being granted in advance of the Local Plan that are currently contrary to adopted local policy. I base my assessment on the following points:

• Other than a small part of the frontage immediately adjacent to Town Farm itself all the sites suggested for development are outside the Development Limits for the village, and as such contrary to extant local planning policy.

• I do not consider the proposal to accord with the thrust of regional policy, nor with those elements of national planning policy that enable the potential release of housing sites that conflict with local policy. In planning policy terms the preference has been to consider rural residential development through the Local Plan process, to ensure that decisions are made 'strategically' rather than on an 'ad-hoc', first come first served basis. In short, the motivation is to ensure that the best sites are released for development, at a scale that is appropriate.

• When the sites that form the subject of this application were subject to a full site assessment utilising the housing assessment methodology developed for the Local Plan, it was considered that other than the immediate land around Town Farm, the land being suggested for development was inappropriate for a number of reasons, including harm to the character of the Conservation Area and the 'linear' character of the settlement, impact on the setting of the village, along with specific access issues and flood concerns. As a consequence the
majority of the Duchy owned sites were not identified as 'preferred' allocations in the consultation undertaken in late 2009.

- Notwithstanding the above, I am concerned that the applicant has not produced compelling evidence to justify why an exception to planning policy should be made to permit development in this instance, nor why the scale of housing development proposed is justified.

- The application proposes affordable housing provision below the rates required in terms of regional and local planning policy. Unless the accompanying viability work justifies such an approach the level of affordable provision is considered to be inadequate.

For the above reasons I cannot support this application.

Following publication of the National Planning Policy Framework in late March the Forward Planning Manager has commented further:

As with all Local Planning Authorities, at this moment the NPPF post-dates adopted Local Planning Policy. In this regard I would draw attention to Annex 1 which states that:

'For the purposes of decision-taking, the policies in the Local Plan should not be considered out of date simply because they were adopted prior to the publication of this Framework'.

'….. due weight should be given to relevant policies in existing plans according to their degree of consistency with this Framework (the closer the policies in the Plan to the policies in this Framework, the greater the weight they may be given)'.

The NPPF indicates that decision-takers may also give weight to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections to relevant policies, and the degree of consistency of the policies in the emerging plan to the policies within the NPPF.

From the above it is clear that the starting point of the determination of this proposal remains the extant Development Plan.

With this in mind, I would conclude that my previous comments in respect of this application remain valid. I base this conclusion on an assessment of the alignment of the main principles (and associated elements of the extant and emerging Local Plan) with elements of NPPF.

3.9 Housing Strategy & Development Officer (Scarborough Borough Council)

We are concerned that the affordable housing provision proposed by the applicant is only 20% and as a result does not meet current policy
requirements, which is 50% for villages (now 40% for Cloughton). It should be noted that this application is predominantly a residential development with a range of additional benefits, community benefits and the policy requirement for affordable housing should apply, subject to viability. Moreover much of the proposed site sits outside current Development Limits for Cloughton, so in policy terms could be construed as having exception site status.

We note that the applicant has submitted a Development Viability Appraisal to support their affordable housing proposals; however, we do have some concerns in respect of this (see below) and would anticipate their appraisal being subject to an independent assessment.

The applicant states within their Housing Strategy and Development Appraisal that a raft of community benefits have been included within the proposed development which impact on the level of affordable housing that could be provided. We believe that not all of these community benefits would normally be required as specific Section 106 Agreement requirements (eg. Shop/Post Office and new Village Square) and as such should not take precedence over affordable housing in assessing the viability of the scheme.

We are unsure of the role that the proposed Duchy of Lancaster Housing Trust will have in the allocation and management of the affordable housing. It appears that the Duchy propose to manage the affordable housing in conjunction with a Registered Social Landlord. Further clarification is required on how this proposal will work in practice. In particular, it is essential that any lettings of the affordable housing must meet local housing needs in accordance with the Council's allocation policies. Clarity is also required on how the applicant proposes to ensure that the affordable properties remain affordable in perpetuity.

There does not appear to be any layout plan showing where the proposed affordable housing units are located. We would expect them to be pepper-potted throughout the development.

3.10 Estates Manager (Scarborough Borough Council)

I have looked at the viability assessment and I have a few concerns. Firstly I feel that the sale prices are a little understated and also the build costs are excessive. I consider that there is scope to increase the affordable housing to something in excess of 35% even after allowing for a proper land value. I would recommend that you refer this to the District Valuer for his opinion.

3.11 English Heritage

Cloughton village lies to the north of Scarborough on the edge of the North York Moors National Park. It is a village which retains its strong linear form and wider landscape setting. These elements make a clear contribution to the character and significance of its Conservation Area.
It is a village of special architectural and historic interest. Most of the village is a designated Conservation Area, the land outwith this boundary consisting largely of post-war development. The historic core is medieval in origin within C18th and C19th buildings fronting the main street. Demonstrably a linear village of a character which is recognisable in other North Yorkshire villages, it sits in a wider agricultural landscape which enhances its setting.

The scale of development proposed will have a harmful impact on those elements of the Conservation Area that contribute to its significance, namely its linear form and landscape setting.

We consider the rationale behind the masterplan in the Design and Access Statement is flawed as it is based on the premise that the village needs additional facilities (surgery, shops) which the scheme seeks to provide but in order to provide them, more development is needed.

Although we do not consider the scale of the development proposed to be appropriate, if it could be clearly demonstrated that it is needed to deliver the proposed level of public benefits, then we consider that a more holistic approach needs to be adopted to planning the future of the village. This needs to take into account landholdings outside the ownership of the applicant as this may enable the development of a scheme which better relates to and strengthens the character of the village and the significance of the Conservation Area.

We consider that the scheme will lead to substantial harm to those elements that contribute to the character and significance of the Conservation Area. We are not convinced that the suggested public benefits would outweigh the harm that would be caused to these elements.

Recommendation:

English Heritage considers the scale and form of development proposed to be out of keeping with the established grain and character of the Cloughton Conservation Area. We consider that the proposals would relate poorly to the established linear form of the village and its landscape setting. It would cause substantial harm to these elements of its special character. We are not convinced that the suggested public benefits would outweigh the harm that would be caused to these elements. Therefore we advise that this application should be refused.

(Following further correspondence from applicants):

We remain concerned that the scale and form of development proposed is out of keeping with the established grain and character of the Cloughton Conservation Area.

We consider that the proposals would relate poorly to the established linear form of the village and its landscape setting.
We consider that would cause substantial harm to these elements of its special character.

Until these issues are adequately addressed we continue to advise that this application should be refused.

3.12 Conservation Officer (Scarborough Borough Council)

As a village, Cloughton is demonstrably of special architectural and historic interest and this is reflected in the fact that much of it lies within a designated Conservation Area. This designation was first applied in 1977 but reviewed more recently and the Conservation Area is subject to an up to date appraisal and management plan. Some of the land outside this boundary consists of post war development but much of it is agricultural land and this provides a very distinctive setting for the designated historic asset.

The village, the historic core of which is medieval in origin though the buildings are later, occupies the top of a low ridge which runs roughly north-south, the main road A171 forming the spine of this ridge. To the west the land falls away to the shallow valley occupied by the Cloughton Beck before rising steeply up the scarp slope of the North York Moors. To the east the land also falls away to another shallow valley though this time containing a less well defined watercourse before beginning to rise again towards the coast. It is a linear village, with buildings fronting the main street, of a type which is recognisable in other North Yorkshire villages, and it sits within the wider agricultural landscape already referred to which is a major factor in its setting.

The proposal envisages five principal areas of development:

Area 1 (Church Hall Mews) comprises 10 residential units. The northern part of the site is a small memorial garden with some trees which contribute to the character of the Conservation Area. The loss of the memorial garden would detract from the 'cherished local scene' and whilst the masterplan envisages a tree lined village square at the Town Farm site, it seems to me that this will not have the same intimacy that the memorial garden has. The main access to the site is close to a building recognised as of Local Historical Interest in the Conservation Area Appraisal and there is likely to be a visual impact upon the setting of this building. Whilst I think in Conservation Area terms there is probably some scope for development on the southern field overall there is an adverse impact upon the Conservation Area.

Area 2 (Croft Farm) comprises 15 residential units. The site is entirely within the Conservation Area. It is partly occupied by some brick and pantile farm buildings which in my view would convert to residential use. Development of this site other than a pure conversion of the present buildings would be poorly related to the rest of the village in that the development forms almost a detached block separated from the village by the gardens of existing units. When viewed from the open land to the west the form of the development would detract from the wider setting of the village. There would inevitably be
a visual affect due to the improvement of the narrow access lane on to High Street, to the detriment of the Conservation Area.

Area 3 (Red Lion Fields) comprises 27 residential units. The site consists of what must have been at least two toft fields; a boundary line exists as an earthwork, and the possible site of a village pound. The site is entirely within the Conservation Area. To the west is Little Moor Close, a relatively modern development (some 1930s and some 1960s, all uncharacteristic of the village) through which pedestrian access is illustrated, though the main access is just south of the Red Lion, the visual implications of which are not clear. The site retains something of the historic field pattern, long narrow fields running away from the main ‘spine’ of development along High Street. The site rises gently from the west towards High Street and clearly demonstrates how the village occupies the slightly higher, drier spine of land with the agricultural fields, or former fields, falling away either side of it. The present Little Moor Close does not respect the morphology of the village and to develop the proposed site would be to perpetuate a built form which does not respect the village. These fields make a significant contribution to the setting of the original village and their loss to development would seriously erode the significance of the heritage asset.

Area 4 (Hay Lane) comprises 17 residential units. This site is entirely within the Conservation Area. There are some good trees on the eastern boundary which is also the boundary of the Conservation Area and within the site. Hay Lane is a narrow lane which it is not proposed to use, instead a new access is proposed south of a group of buildings recognised as a significant group in the Conservation Area appraisal and the new access would have a visual impact upon this aspect of the Conservation Area. The masterplan envisages two terraces one facing Hay Lane Terrace and the other aligned north-south parallel to the Conservation Area boundary. The development put forward here therefore does not respect the village setting by the way in which it pushes outward and in particular when viewed from the east would detract from the setting of the heritage asset.

Area 5 (Town Farm) comprises 88 residential units (4 live/work), mixed use buildings and community facilities. Town farm itself consists of some buildings recognised in the Conservation Area Appraisal as a significant group, some as negative buildings and some negative space so that the Conservation Area Appraisal recognises that the removal of modern buildings and adaptive re-use of the old buildings in conjunction with some sensitive new build of an appropriate scale may enhance the character of the Conservation Area. However the proposed development covers a far greater area than this, running down to a small stream which forms the eastern boundary of the Conservation Area and south to behind the Blacksmith’s Arms. This will have a very significant impact upon the setting of the heritage asset. The illustrative layout put forward envisages a grid of streets and a series of terraces facing east across what are now open fields. This is a built form both in terms of the grid and the series of terraces which is totally at variance with the organic form and character of the present village and impedes views of and the experience of the heritage asset from the east.
The setting of Cloughton Conservation Area is not only experienced from High Street but also quite clearly from the west (e.g. the public footpath) and the east (from the former railway line, now a permissive path). Taken both as a whole and in its individual parts, the form and scale of development proposed will have a harmful impact on those elements of the Conservation Area which have been recognised in the Conservation Area Appraisal that contribute to its character. The impact can be summarised as:

- Unacceptable impact upon the historic linear form of the village.
- Unacceptable impact on the landscape setting of the village especially, but not exclusively when viewed from the east.
- The size of the proposed development in relation to the size of the present village would overwhelm the heritage asset to its detriment.

I consider that the scheme fails to preserve and enhance the character of the Conservation Area.

3.13 County Archaeologist

The archaeological supporting information highlights traces of ridge and furrow dating to the medieval period as well as former field boundaries and some anomalies of possible archaeological origin, however due to their location, they may be associated with more modern origins.

A series of recommendations have been made which I support. I advise that a survey of the ridge and furrow remains is undertaken, prior to development commencing. Building recording on those identified as of being of interest and affected by development should also be undertaken. Finally, I advise that a watching brief be undertaken during construction.

In order to secure the implementation of such a scheme of archaeological recording, I would advise that a condition requiring a scheme of archaeological investigation be imposed.

If a programme of geotechnical investigation is proposed on site in due course, I would request notification of this so that I can advise on an appropriate archaeological response.

I would also be interested to receive details of all the ground-disturbing works associated with this development proposal, including the proposed foundation design. This is in order to discuss the likelihood of archaeological remains being affected.

3.14 Natural England

We welcome the ecological survey report which is well written and clearly set out, and we are satisfied that as long as precautionary measures are adhered
to, the development can be carried out without having a detrimental impact on any protected species. The report states in the summary section that swallows were found to be nesting in some of the buildings to be affected, and that ‘should the development proceed then detailed bird surveys of trees, hedges and buildings that will be affected should be carried out’. Any vegetation clearance required for the development, as well as any works to buildings where swallows have been found, should be carried out outside of the bird breeding season, which runs from March to August inclusive. If works during the breeding season are unavoidable, then an inspection by a suitably qualified ecologist must take place to check for any nests prior to works commencing, and if any nests are found, works must be delayed until the young have fledged.

Similarly, the report states that any trees affected should be assessed for bat roost potential. If any trees to be removed are found to have potential to support roosting bats, appropriate mitigation measures would need to be put in place.

We would support the ecological enhancement measures set out in the report. In particular we welcome the enhancement of the two ponds, and the proposal to manage part of the open space area as hay meadow. This will help to compensate for the loss of green space.

We welcome the retention of the ancient hedgerow to the south of Town Farm. However, it would appear that a large number of trees will be lost to the development and we would wish to see replacement planting to at least replace these losses. We are pleased to note that replacement planting will use native species of local provenance, as this will help to maintain continuity with vegetation in the wider landscape.

The proposed development extends into the North York Moors National Park at its northern extremity, and is also in close proximity to the North Yorkshire & Cleveland Heritage Coast. Furthermore, landscape issues should be considered with any proposal, as the development should always complement the local character and distinctiveness of the surrounding area.

Having reviewed the Design & Access Statement, and considering the nature of the development being in keeping with the existing landscape character, we are satisfied that the landscape and visual impact of the proposal will be acceptable. However, while the statement does acknowledge the proximity to the National Park and Heritage Coast, it does not specifically refer to the impact of views from these designated areas. We would advise the authority to ensure it is satisfied that the developer has submitted sufficient information about the impact on the National Park and Heritage Coast, before determining the application.

We are pleased to note that the development will provide a net gain of quality open space within easy walking distance of village residents. We also welcome the provision of allotments as this, together with the ecological enhancements, will ensure that the two proposed open space areas fulfil a
number of the functions of green infrastructure that Natural England promotes. We strongly support the proposed provision of new cycle and pedestrian links both within, and to and from, the village, including the link to the disused railway to the east which is part of the National Cycle Network. We would wish to see existing public footpaths around the village retained, as well as the provision of new links.

Natural England welcomes the establishment of a ‘walking village’ with local services provided which will reduce the need for residents to travel to nearby towns. We strongly support developments which help to reduce use of the private car. We also support the proposed Travel Plan and welcome measures such as providing residents with a welcome pack detailing sustainable travel opportunities, and the provision of travel vouchers.

We welcome the proposed use of the existing ponds to assist with site drainage, and we are pleased to note that new dwellings will comply with level 3 of the Code for Sustainable Homes.

3.15 **Countryside & Ecology Officer (Scarborough Borough Council)**

I can confirm that I am satisfied with the report regarding the likelihood or otherwise of a breeding Great Crested Newt colony around the Town Farm pond. It is extremely unlikely this area supports Great Crested Newts and no ecological evidence suggesting otherwise has been forthcoming. Additionally the proposed environmental enhancement to the ponds area is likely to improve the habitat to the point where Great Crested Newts may be interested in the future.

3.16 **Landscape Architect (Scarborough Borough Council)** Awaiting comments.

3.17 **Tree Officer (Scarborough Borough Council)** – Awaiting comments

3.18 **Children & Young People's Service (North Yorkshire County Council)**

Based on the proposal to erect 159 dwellings and the current capacity/forecast at Lindhead Primary School the Local Authority would be seeking a contribution of £543,840. If a greater density of housing, then this would need to be re-assessed.

3.19 **Head of Tourism & Leisure Services (Scarborough Borough Council)** – Awaiting comments.

3.20 **CE Electric UK** - No objections.

3.21 **Architectural Liaison Officer, North Yorkshire Police**

No objections in principle.

Should outline planning permission be granted I would ask the Authority to require full details of the following in the Reserved Matters:
- Rationale for the links to Little Moor Close and the old railway line, to include what mitigating measures are to be incorporated to reduce the likelihood of crime or disorder resulting from their inclusion.
- The provision of defensible space to each dwelling and how this is to be achieved.
- Boundary protection to the rear of each dwelling.
- How in curtilage parking at the rear is to be made secure.
- Street lighting.
- Security lighting to each dwelling.
- Rationale for alleys to rear of properties and what measures are to be put in place to reduce the likelihood of crime or disorder.
- Where utility meters are to be located.
- Maintenance Policy/Agreement for public areas.

3.22 Environmental Health Officer

No objection. I would like to ensure that the developers take current refuse and re-cycling collection arrangements from the domestic properties into account. Each property will be expected to have storage for 2 No. 240 litre wheeled bins and be able to place them adjacent to the nearest access roadway for collection. All such roadways must be capable of supporting a 32 tonne GVW refuse freighter.

3.23 Transco - No response.

3.24 Scarborough & District Civic Society - No response.

3.25 Publicity - The consultation period expired on 2 June 2011.

3.26 170 letters of objection have been received mainly from village residents and the 'Residents of Cloughton Association' (ROCA). The points made are grouped under a number of headings set out below:

**Principle/Need for the Development**

- The consideration of new sites for housing should take place through the emerging Local Development Framework (LDF) being prepared by the Council. Granting planning permission outside the saved planning policy would be premature and prejudice the fair and considered process of site selection, especially where an adequate supply of housing land exists.
Why does Cloughton need 155 new houses? - a 75% increase in the core of the village. Last year the Council suggested an increase in 20/30 houses would be sufficient for the time being.

An increase of 15 - 20 houses, suitable and affordable for young families would be far more appropriate. Perhaps 40 - 50 over the next decade or two if there was shown to be a need.

The Scarborough Council Planning produced and displayed plans almost totally at odds with those the Duchy is trying to promote.

Who is to live in the houses as there is no work near or likely to be?

Unlikely the houses would sell which would be a waste of resources and make the upheaval and the whole exercise pointless.

Adding 155 houses to the existing 210 would be a gross imbalance making healthy integration of newcomers into the community unlikely.

Traffic

The main road through Cloughton, the A171, is already heavily used by industrial, commercial and tourist traffic. 155 dwellings would generate considerably more traffic. Traffic calming measures will not cut down the volume of traffic, only slow it down and possibly create a bottleneck at busy times, adding to noise, vibration and exhaust pollution.

The traffic survey information is misleading. The details given refer to an average weekday. Traffic volumes are at their peak over the summer months, particularly on public holidays, and at levels well in excess of the average weekday. As a result any improvements on this regard remain unaddressed.

The traffic calming measures are a red herring aimed to address a problem that does not exist. Cloughton's problem is not speed of traffic but volume of traffic.

Speed bump/ramps would cause noise problems as container lorries rattle through the village in the early hours.

The suggestion of road narrowing would cause more problems to the structure of the older houses by taking heavy vehicles nearer the buildings.

A further 6 accesses onto High Street in addition to the 5 already present would be far too many in a very short distance. The line of vision from these would be dangerous, exiting onto the busy road. One is proposed only a matter of yards from that of Hay Lane Terrace.
● The proposed access near the Red Lion Public House will remove the existing on-street parking available to residents and pub users. Where will they park?

● The proposed northern node junction alters the current arrangement, together with the traffic calming measures this will have a detrimental impact on access to 34 High Street and on currently available on-street parking. This will make loading/unloading cars either hazardous or inconvenient if parked further afield.

● Many houses on High Street will have problems with deliveries because of the traffic management measures.

● The pelican crossing will affect the accesses to 8, 9, 10 and 11 High Street.

● Extra traffic and the traffic calming measures will affect emergency services.

● Entering the main road from side streets can take between 1 and 7 minutes now in the morning. The extra traffic will make this worse.

Environment and General Amenity

● Appreciate that there must be some development in the village but the vast number of houses proposed is totally unnecessary and would ruin the village, destroying the green areas and losing the existing open spaces.

● The scale of the proposals would make Cloughton village more of an ‘urban sprawl’.

● The Duchy of Lancaster is not a builder. Should planning permission be granted the Duchy will sell plots to builders who will not follow the Duchy plans.

● This is an old village with many attractive stone properties, not a potential Yorkshire Poundbury with 3 storey houses. 3 storey houses are not typical of those in the village.

● The development will destroy the existing linear and doomsday appeal of the village for ever.

● The individual designs are not bad but a large and homogeneous estate of housing, all built at the same time, in the same style and by a single developer is not in the best interest of the future growth of the village. Part of the appeal of living in the village is the variety of architecture caused by the organic, slow growth of the village.
The proposed village square is not a village square but a car park. Why not build an underground car park under the square or a car park away from the square.

Lived in Cloughton for 42 years and do not want it to become a housing estate.

Cloughton is not dead or dying. It is a place where some people love living.

It would be a travesty to submerge this picturesque rural area by new builds, roads, car parks etc.

Loss of green fields around existing properties to housing development, with lives totally changed.

There should be no development on the west, Beckside of High Street.

The access to the old railway line would need to be lit which would cause light pollution and affect the rural feel of the village.

An Environmental Assessment is essential. The plans propose to build on land that is the natural habitat to a great many species of native English plants and animals, otters, bats and newts.

Residential Amenity

The proposed access road opposite the Red Lion will adversely affect the amenities of residents opposite through loss of privacy and headlights shining into living rooms. Also the use of this access by large construction vehicles would be unacceptable and dangerous, generating noise and disturbance.

Overlooking of 3 Lockwood Chase.

Loss of light and overlooking of 5 Hay Lane Terrace.

Pelican crossing will cause light, beeping, traffic noise and pollution to 9 High Street. It should be relocated to outside the Reading Rooms and near the bus stop.

Facilities

The plans incorporate a new surgery, playgroup, café, shop, post office etc but at the moment the only new item would be a shop. This is a high price to pay for a shop which would struggle to survive. The shop/post office and blacksmith’s forge have closed. Another pub is up for sale. It will take more than 155 houses to make a village shop an economical proposition. People now have cars or bus passes unlike years ago when they relied on the village shop.
Even if the new businesses could survive it will be at the expense of existing businesses in Burniston and Scalby.

Those who support the proposals appear to want an active, busy lifestyle for the village with shops, cafes etc. Others want a quieter more secluded lifestyle which is why they moved from a busy urban location.

Flooding

- The quiet area and existing Children’s playground are subject to severe flooding. Building on them would flood gardens of other properties.
- The development would result in more flooding of existing and proposed houses.
- The flood lines indicated on the documents submitted with the planning application are not correct. The flooding is more extensive.
- Some of the proposals would contravene the advice of the Atkins report (2006) and as yet there is no evidence of remedial actions being taken by the Environment or any other agency.

Infrastructure

- Lindhead School, Burniston, is already overstretched and has no room for expansion.
- The sewerage, gas, electric, water infrastructure etc. would all be stretched to their maximum. There are existing problems with the main sewer down the High Street which occasionally collapses due to the volume of heavy traffic.
- The residents would need the bus services improved. At present the last bus from town is 7.40 (6.40 on Sunday which makes life difficult.

Ecology

- Great Crested Newts have been found on land just metres away from the proposed development.
- The horse chestnut tree at the entrance near Hay Lane Terrace is a feature of the site and should not have a road built under it.

Conservation/Heritage

- Cloughton is in a Conservation Area and is one of the few unspoilt villages in this area. Should this development proceed another Burniston, Cayton or Seamer could result.
Cloughton is a linear village and increasing development in depth may be detrimental to its integrity as a Conservation Area.

Crime & Safety

- The proposed path from the new play area to the old railway line would provide a good escape route for people on the wrong side of the law.
- The proposed ponds will be extremely dangerous with considerably more children around from the new houses.
- It would be hazardous for children to walk to school in Burniston. The footpath is unsafe with heavy traffic, particularly fast-moving lorries and buses. Parents dropping children off by car could also be hazardous at the school.

Pre-application Community Consultation

- Although there have been consultations and several meetings, find it hard to believe that this plan is the one the village wants as the Duchy claim.
- Any objections made during the consultations were blatantly ignored.
- Early in the consultation period the Duchy explained it was to be a plan ‘of the people’ and had to be agreed by all for it to go forward. It then became a non-negotiable 160 dwellings. Neither objections nor compromises were accepted during the consultation.
- On reflection the consultation process now seems like a sales pitch and the suggested quantity of housing reflects the amount of money the Duchy need to make from the land not the need for housing.
- The Duchy has no mandate from the village for the proposal.

3.27 37 letters of support for the application have been submitted by village residents’. The points made are:

- Excellent proposal. Cloughton village community will enormously benefit from additional services and facilities and an increase in available housing.
- The village needs this development. It will provide housing and employment.
- Pleased to note the scope and variety of housing and employment opportunities.
The proposed large business project in the area (potash mining scheme) will provide the area with many more jobs in the next few years and bring further families into the village and help rejuvenate the village community.

The Duchy’s plans are in keeping with the area.

Best way of securing the future of the village.

The facilities will help the elderly population of the village.

The development will bring much needed amenities, replacing lost treasures.

The proposals are of the type that strengthen community life and, hopefully, will attract younger families to the village.

The additional accesses will act as traffic calming measures and should be seen in a positive light.

The Duchy scheme is an opportunity not to be missed. They are in a unique position to oversee construction of a type and style in keeping with the existing infrastructure.

The shops and village centre will provide a focal meeting point where villagers can relax and chat or where they can easily access provisions and services.

The Cloughton Village Fund is raising funds to have a community facility and the Duchy’s plans give hope that this aim will be achieved.

The village needs a heart. Cloughton currently feels like a string of homes spread along a main through road.

Public amenities, open space and allotments is the type of infrastructure that underpins real human communities where people of different ages and needs can happily function.

It was lack of trade that closed the shop. The quantity of housing proposed is just enough to make the village facilities more viable, but not so much that it turns into another mass dormitory development.

The proposals will provide parking for the pre-school premises as there is no off street parking at present.

The development would provide sustainability.

It would help the young people.
Do not want to see the village developed in a piecemeal manner and the formation of the overall plan will mean the infrastructure can be improved and designed to take into account the likely future development of the village.

ROCA does not represent the majority of Cloughton residents and comments in their letter to certain villagers are incorrect eg the collapse of the drain; the traffic problems are caused by large commercial traffic not domestic; the Duchy plan will not be piecemeal; gathering facilities in one place will give a centre to the village and a hub of activity increases the viability of the shop; flooding can be dealt with; not aware of problems with ponds and children’s safety - children should be under supervision; the school could be expanded; gas and electric supplies have been upgraded in recent years and water pressure is high; it is piecemeal development that that puts pressure on services.

3.28 One resident has submitted a list of 152 names and addresses of people who expressed ‘in principle’ support for the plans at one of the meetings (date unspecified) with the Duchy. She has also submitted a copy of a signed list of 22 names who put their name to the statement “Do you agree that the Duchy Plan should be included in the Local Development Framework for Cloughton” at a meeting with the Duchy on 5th October 2009.

3.29 Some of the letters also made the following points, which are comments, not specifically points of objection or support:

- The Burniston and Cloughton Pre-School are concerned that the proposed playgroup will be the last structure to be built. This being so the construction of properties immediately behind the current pre-school building will have an impact on them. Although they do not own the land they make full use of the play area, the quiet area and the access route to the public right of way in the fields beyond. Examples of this use are ‘Nature Trails’ with the local school to assist with transition arrangements, ‘family sports days’ and ‘family picnics’ as well as all year round general use.

- Most of the dwellings appear to be very small properties. Whilst would like to see affordable housing for locals, the mix of detached, semi-detached and terrace properties is not in balance.

- Development of the Town Farm site would be perfectly adequate and would smarten the site.

- Do appreciate the need for change and re-locating all the current facilities into one central area, with a smaller build of affordable houses alongside a village square could be charming.

- No objection to the square although not significant enough to create a ‘centre’.
• The visual outlook onto the square for existing residents must be enhanced. Parking spaces in the square to be kept to a minimum and not to be used for overflow residents parking. Square should be landscaped so as not to look like a car park, although tree heights to be limited. No re-location of bus stop to the square. Restrictions should be placed on the use of the square (eg. no Farmers' Market) and on the use of the shops and community buildings so that uses do not become anti-social.

• Broadly in favour of the live/work units and shop as opportunities for people to live and work and develop businesses.

• The space behind the nursery school could be made into a car park for them. This would remove a hazard and make the road much safer.

• Proposed 1.5 parking spaces per house are not enough.

• Rather have the Duchy take control of the whole development as several independent developers would not be able to deliver the needed infrastructure.

• Cloughton badly needs a by-pass and this development could part fund it.

4.0 RELEVANT SITE HISTORY

4.1 None relevant.

5.0 PLANNING POLICY

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of The Town and Country Planning Act 1990 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. Attention is drawn to the following Planning Policy Guidance which is considered to be particularly relevant to the consideration of this application :-

**Scarborough Borough Local Plan (saved policies)**

E1 - Protection of Open Countryside.

E6 - The Protection of Open Space.

E12 - Design of New Development.

E39 - Development Affecting Hedgerows and Trees.
H3 - Small Scale/Infill Housing Development within the Development Limits of Settlements.

H4 - Housing Development in Smaller Settlements.

R1 - Public Open Space Allocations.

R2 - Open Space Provision within New Residential Developments.

R10 - Former Scarborough to Whitby Railway Line.

C6 - Developer Contributions.

C7 - Foul and Surface Water Disposal.

5.2 **Supplementary Planning Documents**

- Education Payments - up-dated March 2011.
- Negotiation of Play, Green Space and Sports Facilities in Association with New Housing Developments - up-dated February 2012.
- Affordable Housing - Consultation Draft 2012.

5.3 **Regional Spatial Strategy**

YH1 - B (5 & 6) - Overall Approach and Key Spatial Priorities.

YH2 - A (4) - Climate Change and Resource Use.

YH4 - Regional Cities and Sub-Regional Cities and Towns.

YH5 - B - Principal Towns.

YH6 - 5 - Local Service Centres and Rural and Coastal Areas.

C1 - Coast Sub-Area Policy.

ENV 9 - Historic Environment.

ENV 10 - Landscape.

E7 - Rural Economy.

H4 - The Provision of Affordable Housing.
5.4 National Planning Policy Framework (March 2012)

(See below).

6.0 ASSESSMENT

Cloughton

6.1 Cloughton is a village with a population of approximately 550 people in approximately 250 households. The village has two Public Houses, a Church, Parish Hall, Doctor's Surgery, a part-time Post Office (at the Church), tea room, and children's playground, public open space (Quiet Area) and sports field (cricket pitch).

6.2 The applicants estimate that the proposal would increase the population of the village by between 360 or 452 people; a 65% or 82% increase in population and 64% increase in the number of households.

6.3 Cloughton is identified within the Local Plan Housing and Settlement Strategy as a middle-sized village, where it is considered essential that the urbanising process of housing estate development is resisted, where there are no new housing allocations and where development is restricted to small scale schemes. It has not been earmarked as a Service Village in the Draft Core Strategy. Nearby Burniston is one of the five proposed service villages.

6.4 The Development Limits are drawn tightly around existing buildings and most of the village is designated as a Conservation Area.

6.5 Scarborough Town Centre is 6.5 km from Cloughton. The nearest primary school is in Burniston 1.1 km from the proposed village square. The nearest secondary school is in Scalby, the nearest supermarket is in Newby, which is a medium sized supermarket.

Review of Key Planning Policies

6.6 There are a number of planning policies of relevance to this proposal listed in Section 5.0, and these will be referred to as appropriate within this assessment. It would be helpful, however, to highlight key national, regional, and local policies which provide the context for assessing this proposal.

National Planning Policy Framework

6.7 The National Planning Policy Framework (NPPF) was published in March 2012 and replaces all Government Planning Policy Statements and Guidance documents. It retains the legal requirement to determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise. It sets out a presumption in favour of sustainable development, but amplifies this to explain that proposals that
accord with the Development Plan should be approved or where the Development Plan is silent or relevant policies are out of date, planning permission should be granted unless the adverse impacts of doing so would significantly outweigh the benefits or there is conflict with specific policies in the NPPF. It is considered that the saved Development Plan policies that are relevant to the consideration of this planning application are not out of date and can be relied upon by Committee.

6.8 The NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by creating a positive approach to sustainable new development. To promote a strong rural economy plans should promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

6.9 In relation to sustainable transport it is suggested that local planning authorities should support a pattern of development which facilitates the use of sustainable modes of transport; planning policies should aim for a balance of land uses so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities. Decisions should ensure developments that generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

6.10 "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are a group of smaller settlements, development in one village may support services in a village nearby".

6.11 Regarding the Historic Environment, great weight should be given to the conservation of designated heritage Assets when considering the impact of a development. Where a proposal will lead to substantial harm to a designated Heritage Asset consent should be refused unless the harm is outweighed by bringing the site back into use. Where a proposal will lead to less than substantial harm to the Heritage Asset, the harm should be weighed against the public benefits of the proposal. Conservation Areas are heritage assets.

**Regional Spatial Strategy for Yorkshire and Humber**

6.12 The Regional Spatial Strategy remains part of the Development Plan for the area and is a material consideration in determining this application.

6.13 Policy YH1 sets out the overall approach and key spatial priorities stating that growth and change will be managed to achieve sustainable development. Principal towns and local service centres will be supported as links for the rural and coastal economy and community and social infrastructure.

6.14 Policy YH2 addresses climate change and resource use and aims to reduce traffic growth through appropriate location of development.
6.15 Policies YH4 to YH6 set out the location for new development stating that the focus for new development will be regional and sub-regional cities and towns and principal towns.

6.16 Policy YH6 states that local service centres and rural and coastal areas are to be protected and enhanced as attractive and vibrant places and communities, providing quality of place and excellent environmental, economic and social resource. Plans and investment decisions in these locations should achieve a high standard of design that protects and enhances settlement and landscape diversity and character; support innovative means of accessing and delivering services; retain and improve local services and facilities; support economic diversification; and meet locally generated need for both market and affordable housing.

6.17 Policy C1: Coast sub-area policy sets out various aspects of policy relating to this sub-area under headings of roles and functions of places; economic development; environment; transport; and strategic patterns of development. In relation to the latter it explains that the focus of most development will be Scarborough as well as appropriate development to support the regeneration and sustain the roles and viability of Local Service Centre coastal settlements will be encouraged.

6.18 Policy ENV9 explains that the region will safeguard and enhance the historic environment, and ensure that historical context informs decisions about development and regeneration.

6.19 Policy E7 states that plans and investment decisions should help diversify and strengthen the rural economy by facilitating the development of rural industries, businesses and enterprises in a way that promotes complimentary roles for Principal Towns and Local Service Centres and ensures appropriate scales and types of development and levels of traffic generation.

**Scarborough Borough Local Plan**

6.20 Local Plan Policy E1 concerns development outside the defined Development Limits of Settlements within the open countryside. Much of the land associated with this application lies outside the Development Limits of Cloughton. It states that land and buildings outside the Development Limits will be regarded as open countryside where development will be strictly controlled and, in the case of residential development, only be permitted where it is essential to the needs of agricultural or forestry or where there are other exceptional circumstances.

6.21 E6 Protection of Open Space: Development will not be permitted on public and private open spaces and landscaped areas, including private gardens, within defined Development Limits of settlements if they contribute positively to the character, appearance or amenity of the area.

6.22 H4 Housing Development in Smaller Settlements: Within the defined Development Limits of Cloughton(amongst other smaller settlements) housing
development will be permitted only on small scale and infill sites and proposals will be subject to special scrutiny to ensure that they will not harm the character of the settlement.

6.23 Policy R1 allocates various areas as Public Open Space, including land to the south of the cricket field at Cloughton.

6.24 Policy R2 sets out requirements for Open Space Provision within New Residential Developments.

The Principle of Development

6.25 Regional Spatial Strategy policies direct significant new housing development to Principal Towns such as Scarborough and Local Service Centres, not small settlements with limited facilities such as Cloughton where large scale housing development would not represent a sustainable pattern of development. Similarly the Draft Core Strategy and Housing Allocations for the Local Plan directs most housing development to the urban areas. New housing development in the rural areas is directed to the five designated service villages, of which Burniston is one. These are settlements that offer a wider range of services and facilities and thereby offer a more sustainable pattern of development. Large scale housing development in a smaller village like Cloughton would conflict with this spatial strategy and lead to less sustainable patterns of development by encouraging more and longer journeys to access services.

6.26 Most of the application site lies outside the Development Limits of Cloughton as defined within the Borough Local Plan. The only significant areas which lie within Development Limits are:

- The existing kickabout and play area within the Church Hall Mews site.
- The proposed village square at Town Farm.
- The small area to the north of the Blacksmith's Arms and its car park.

The only other areas that lie within Development Limits are those proposed principally as vehicular access to the development sites.

6.27 There are not considered to be any special circumstances in terms of Policy E1 that would justify the proposed residential development outside of the Development Limits and as such this proposal is contrary to Policy E1 of the Local Plan. Indeed within their Planning Statement the applicants recognise that the proposal constitutes a departure from the Development Plan.

6.28 It is considered that the extent and general location of development proposed would detract from the form and character of Cloughton and seriously harm its landscape setting. The open landscape setting of the village can be particularly appreciated from the well used footpaths and cycle routes to the east and west of the village. To the west is the public footpath along
Cloughton Beck and to the east is the permissive footpath and cycleway along the former Scarborough to Whitby Railway Line. The adverse impact on the landscape setting of the village would be particularly pronounced from these viewpoints where a number of the rear paddocks and back plots which characterise the village setting would be lost to the west, and the more expansive open agricultural vista up to the village from the east would be eroded. The development to the east of the High Street, particularly on the Town Farm site would also be contrary to Local Plan Policy R10 which aims to protect the surroundings and amenity value of the former railway line.

6.29 The open paddocks and plots to the rear of the High Street frontage offer high amenity value, especially from the beck side footpath and approval of the development on these and their consequent loss as open spaces would be contrary to Local Plan Policy E6 concerned with the protection of open space. This states that development will not be permitted on public and private open spaces and landscaped areas that contribute positively to the character, appearance and amenity of the area.

6.30 Local Plan Policy H4 deals with housing developments within the Development Limits of smaller settlements, including Cloughton (see Paragraph 6.22 above). Although there may be some scope for limited infill development within Development Limits in accordance with Policy H4, for example a mixture of conversion and new build based around the existing buildings at Town Farm and a small infill development on land adjoining the Blacksmith’s Arms, it is considered that development on the existing playground and kickabout area would compromise the essentially linear form of the village and result in the loss or displacement of the existing play facility to a more peripheral, less convenient location. Therefore, the overall proposals, insofar as they lie within Development Limits would conflict with Local Plan Policy H4.

6.31 For these reasons, these proposals as a whole are considered to be unacceptable in principle in the context of Development Plan Policies.

**Exceptional Circumstances**

6.32 The Committee should, however, consider whether there are any circumstances in this case that would outweigh planning policy and justify making an exception in this case.

6.33 The applicants claim that the proposal as a whole is intended to create a sustainable village by:

- increasing population to support and sustain key services;
- providing live work units (4 in number);
- providing a range of facilities (shop/post office/café, surgery, pre-school nursery);
- providing a square for events and activities;
- creating a walkable village;
- providing traffic calming to encourage walking;
- providing public open space and allotments.

6.34 The applicants suggest that an exception to Development Plan Policies is justified by the following considerations:

- They are meeting housing needs.
- The proposal will create a sustainable village with investment in facilities.
- They propose a comprehensive approach to growth.
- There is community backing for the proposal.
- It will comply with emerging local planning policy objectives.
- They offer unique landowner commitments.

They explain that because of their extensive land ownership interests in and around the village, they are in a unique position to develop such a scheme.

The size of the development, 155 houses, is derived from:

- Ensuring commercial feasibility of a village shop.
- Financing a range of community facilities.
- Providing affordable housing at the level proposed.
- Delivering other planning obligations, e.g. education payments.

Other than affordable housing, which will be considered later, little information has been submitted in relation to the viability for the other facilities.

6.35 Whilst it is accepted that the additional houses and consequent increase in population would help to support existing and proposed facilities, it is not accepted that the proposals would result in a sustainable settlement. The proposal would result in more people travelling from the village for work, education, many leisure and recreational activities and main shopping requirements.

6.36 Of the facilities proposed, only the shop and allotments would be completely new facilities. The village already has a community hall (in the Parish Hall), doctor's surgery, tea room (in the former station buildings), pre-school play
group (in the Parish Hall), play area and public open space, and a permanent part-time post office (in the Church). Whilst it may be that the new facilities would be an improvement over the existing in terms of the accommodation provided, the scale of facilities proposed is small. There could also be an adverse impact on existing local services in Burniston and Cloughton. Also, regardless of the applicant's willingness to provide buildings for these facilities, there is no guarantee that operators would be forthcoming.

6.37 Far from being sustainable, it is considered that this proposal would create a less sustainable settlement, with a larger population having to travel for work, education and any other day to day services. In this respect the proposal conflicts with the sustainability objectives of the NPPF and Regional Planning Policy.

6.38 The NPPF has a presumption in favour of sustainable development; this is not considered to be sustainable development.

6.39 The RSS aims to reduce traffic growth through the appropriate location of development and focussing new development in the rural and coastal area on principal towns and Local Service Centres. Cloughton is not a service village and is not one of the five proposed in the Draft Core Strategy. It is considered much more sustainable to focus significant new housing growth in the rural area on service villages which have a range of facilities which require support and which can reduce the need to travel.

6.40 The applicants draw attention to the perceived rigidity of the settlement hierarchy in the emerging Local Plan, in that it purportedly prevents settlements from moving up the hierarchy through using scales of development to stimulate the provision of new services and facilities, thereby addressing deficiencies in provision. These concerns are noted, but no compelling evidence is offered to explain why the scale of development proposed within this planning application is either required to facilitate the non-residential elements identified (a number of which involve the re-location of existing facilities rather than provision of new), or will contribute to their on-going sustainability. If the driving force behind this scheme is genuinely to respond to a number of locally identified issues, then there needs to be a clear demonstration that the scale of housing development proposed is absolutely necessary to achieve this.

Impact on the Character of the Village and its Heritage

6.41 The whole of the development except the two areas of public open space and allotments lies within the Cloughton Conservation Area. In considering proposals affecting Conservation Areas the Committee has a duty to ensure that they will preserve or enhance the special historic character of the area.

6.42 Attention is drawn to the comments of English Heritage and the Council's Conservation Officer (Paragraphs 3.11 and 3.12). Both object to the proposal. English Heritage consider "the scale and form of the development proposed to be out of keeping with the established grain and character of the
Cloughton Conservation Area. We consider that the proposals would relate poorly to the established linear form of the village and its landscape setting. It would cause substantial harm to these elements of its special character. We are not convinced that the suggested public benefits would outweigh the harm that would be caused to those elements. Therefore we advise that the application should be refused”.

6.43 It is considered that the scale and location of most of the development would result in the loss of the historic linear pattern of development that provides Cloughton with its fundamental character. The scale of new development would start to dominate the historic village and erode its open landscape setting.

6.44 The Cloughton Conservation Area Character Appraisal and Management Proposals (adopted 2011) describes Cloughton as basically a linear village with relatively little development in depth behind the historic frontage development. Recommended Management Plan Policy 3 states that small scale/infill housing development will not be permitted within those parts of the Conservation Area outside the current Development Limits or any revised limits agreed through the Local Plan Policies and RMP6 states that the Planning Authority will seek to protect the wider setting of the village as a heritage asset. It is considered that the proposals conflict with both these policies.

6.45 The proposals involve the demolition of a significant number of historic buildings and boundary walls:

- The brick and pantile farm buildings which sit within the "Croft Farm" site.
- The stone and pantile farm buildings and substantial boundary wall at Town Farm would be demolished to create the proposed village square.
- Stone boundary walls would be removed to create the five other access points to the development sites.

6.46 All of these buildings and boundary walls make a positive contribution to the character and appearance of the Conservation Area. The Town Farm buildings and boundary wall form a strong, attractive feature in the centre of the village and are very prominent from High Street and are an important feature of the agricultural heritage of the village. The Croft Farm buildings are more utilitarian and not seen from High Street, but are close to the well used public footpath alongside Cloughton Beck and contribute to the character of that area. The Conservation Area Appraisal recognises that "a significant number of properties in the Conservation Area have dry stone walls along their highway boundaries and these are an important feature of the area, contributing to its character and appearance. Those along front boundaries are very important to the street scene, helping to delineate the public and private spaces".
6.47 It is considered that the loss of these heritage assets, would seriously harm the character of the Conservation Area and that harm is not outweighed by any perceived benefits such as the creation of a village square. Indeed it is suggested that if development was to be permitted it should involve the sympathetic conversion of these buildings. Conservation Area Management Plan Policy RMP2 deals with demolition and states that there will be a general presumption against the demolition of buildings which contribute to the character of the Conservation Area and will only be permitted where the applicant has proved there will be an enhancement to the area. It is not accepted that the re-development proposals will enhance the area in this case. Policy RMP10 recognises the importance of boundary walls to the character of the Conservation Area and states that stone or brick boundary walls should be retained and repaired. Where new development is permitted existing stone and brick walls should be restored (except for a reasonable opening for access).

6.48 As explained in Paragraph 6.10, the NPPF supports the conservation of heritage assets and states that planning permission should be refused where there will be substantial harm to a designated heritage asset. Conservation Areas are such heritage assets.

6.49 Local Plan Policy H4 states that in smaller settlements proposals will be subject to special scrutiny to ensure that they will not harm the character of the settlement. It is considered that the scale and form of the proposal would harm the fundamental character of this relatively small linear village and that this amount of development within a relatively short period of time (estimated to be ten years) would overwhelm the historical character of the village.

6.50 The proposal would involve the removal of some large unsightly more modern agricultural buildings from Town Farm and it is agreed that their removal would enhance the appearance of the Conservation Area and landscape setting of the village when viewed from the former railway line.

6.51 In conclusion, it is considered that this proposal would significantly harm the character, appearance and setting of the Cloughton Conservation Area, due to the amount and distribution of new development and its effect on the traditional linear pattern of development and the loss of significant buildings and boundary walls which contribute to the character of the area. Therefore the proposal would be contrary to the guidance on conserving the historic environment contained within the NPPF and Local Plan Policy H4. That harm is not outweighed by the removal of unsightly buildings from one of the sites or the limited new community facilities or the additional housing proposed.

Archaeology

6.52 The archaeological assessment finds no firm evidence of archaeological features within the development areas, but does identify a number of historic agricultural buildings worthy of recording should they be affected by the development. The County Archaeologist has raised no objections to the
proposal but recommended a condition requiring a scheme of archaeological investigation.

6.53 However, the archaeological assessment submitted by the applicants includes the following interesting observations about the character and form of Cloughton: "A common medieval village form is a linear one with properties extending back from the frontage of a single street ….. Much of this form is still retained with only some areas of more recent development breaking this pattern”. "Much of the heritage significance of Cloughton is owed to its built structures and form. In particular the High Street retains much of a 'feel of the past' about it. This is owed very largely to the presence of large numbers of 18th - 19th Century vernacular buildings and absence of significant modern development along this street. A rural impression is also generated by the presence of green gaps between various of the High Street buildings. Such gaps are a characteristic of many old villages that have avoided large-scale building infill. This historic atmosphere has been enhanced by a general absence of unsuitable materials along with more recent works and extensions to these buildings". These observations reinforce the concerns already expressed about the impact of this proposal on the historic character and form of the village which, as observed, is largely unspoilt.

**Affordable Housing**

6.54 A potential benefit of a major housing scheme such as this is the provision of affordable housing for which there is a significant demand across the Borough as a whole. The NPPF advises Local Planning Authorities to plan housing development to reflect local needs, particularly for affordable housing and to consider whether allowing some market housing would facilitate the provision of significant additional housing to meet local needs. RSS Policy H4 recognises the Region's need to increase its provision of affordable housing.

6.55 The recent Consultation Draft of the Affordable Housing SPD would expect a development of this site in Cloughton to provide 40% affordable housing, or 64 dwellings based on 159 units. The applicants propose 20% affordable housing provision (32 dwellings) with a 50/50 tenure split between social rented and intermediate tenures. It is also suggested that the applicants would retain the freehold of the affordable housing through their own housing trust.

6.56 They have supported their affordable housing proposals with a viability report which claims that the scheme is only viable with 20% affordable housing when account is taken of:

(i) The cost of a new drainage system, including flood attenuation for the scheme.

(ii) The net cost of providing the community facilities building.

(iii) The cost of traffic calming measures on the entrances and exits to the village as well as at road junctions.
(iv) The anticipated level of Section 106 Agreement contributions required by the Local Authority.

(v) The creation of a new landscaped village square.

6.57 The viability report has been independently assessed on behalf of the Council by Dixon Searle who provided the Affordable Housing Economic Viability Assessment for the area. They have concluded that:

"In general terms we are in agreement with the applicant that the scheme cannot bear the full 40% affordable housing provision. However, we are also of the opinion that 20% provision is too low and that the position should be negotiated with an outcome nearer to 30% affordable housing of balanced tenure sought".

The applicants have not accepted the findings of Dixon Searle and have not increased the level of affordable housing they propose to provide. On the basis of the independent viability assessment, it is considered that not only would the level of affordable housing fall below the target expected in the Draft Affordable Housing SPD, but it falls below what could be provided without rendering the scheme unviable and as such the affordable housing proposals are not considered to be acceptable.

6.58 Although most of the development area lies outside the Development Limits of Cloughton, this proposal would not be regarded as a rural exceptions site, as these would normally be expected to generate 100% affordable housing.

6.59 This proposal has the potential to provide a significant amount of much needed affordable housing whether provided at the 20% proposed or around 30% as suggested by Dixon Searle. It is not considered however that the delivery of affordable housing outweighs the objections to this scheme on the grounds of the unsustainable location and impact on the character of the village and its Conservation Area that have already been outlined.

6.60 If, however, Members were minded to grant planning permission it would be necessary to agree the affordable housing provision with the applicants and secure its delivery through a legal agreement.

Access and Highways and Travel

6.61 The proposed road layout within the development sites is a reserved matter, but details of the access points have been submitted for consideration at this stage. Six new junctions would be provided to the development sites directly off High Street. The Highway Authority has raised no objections to the proposals but has recommended a raft of conditions including two which require provision of vehicular and pedestrian visibility splays. This is a somewhat unusual approach given detailed drawings of the visibility splays have been submitted. In view of the questions raised by some Members at the site visit clarification is being sought from the Highway Authority that they
are satisfied that adequate visibility can be achieved in practice at the new junctions.

6.62 It is considered that the creation of six new vehicular accesses along the High Street frontage, built to adoptable standards, would be detrimental to the appearance of the street scene within the Conservation Area as a result of the loss of existing boundary walls, and opening up of views into the new development beyond the historic and relatively enclosed High Street frontage which offers a particularly attractive streetscape.

6.63 Although indicative at this stage, an average of 1.9 car parking spaces per dwelling is proposed comprising 35 garage spaces and 261 open spaces, 296 in total, which falls within the Highway Authority's maximum standard of 340 spaces for a development of this size. In addition, 24 car parking spaces would be provided in the square. Car parking would be a mix of within-plot (garages and drives) and on-street within shared spaces.

6.64 The proposals do include a scheme of traffic calming along the A171 High Street comprising village gateways, carriageway narrowing, and a raised carriageway at the new village square, which would be of benefit to the amenity of the village. In principle this is consistent with Conservation Area Management Policy RMP13 which supports the introduction of sympathetic traffic calming measures.

6.65 A range of green travel measures are proposed, as follows:

- secure cycle parking (either in garages or sheds and within the square);
- a pedestrian environment, described as a "walkable" village, although beyond indicative routes, details have not been provided at this stage;
- a £50 travel voucher towards bus tickets or cycle purchase for the first occupiers of the new houses;
- residents informed about the Travel Plan;
- a welcome pack to be provided promoting sustainable travel.

The Highway Authority have recommended a condition requiring the submission and approval of a detailed travel plan.

6.66 Cloughton is presently served by two bus services with four buses per hour during the day time. There are proposals to reduce Sunday and evening bus services to the village. The development proposals do not include any enhancement of the bus service although a substantial increase in population may help to support the existing service. However, bus use appears to be relatively low with only 10% of existing residents travelling to work by bus, compared with 65% by car and 13% on foot.
Cycle links from the village across the open space to the former railway line are proposed. This is welcomed, but the former railway line has limitations in that it is principally a recreational route and does not have a metalled surface or lighting.

Notwithstanding the Highway Authority's comments, there is concern about provision of inadequate visibility in practice, the impact of six new junctions on the appearance of the Conservation Area and, in spite of the green travel measures, the increased need to travel out of the village by car to access services.

The Highway Authority has requested that any approval be subject to financial contributions towards the cost of maintaining the proposed traffic calming measures and the former railway line. This is a reasonable request, but no such contribution has been offered by the applicants. In the event of an approval it is considered that such contributions should be sought and secured through a legal agreement.

Flood Risk

Parts of the application site lie within Flood Zone 3, that is, sites with a high probability of river flooding or which form part of a functional flood plain. All of the three sites to the west of High Street are partially located within Flood Zone 3. A significant part of the Church Hall Mews site is located within the Zone, the kickabout area and part of the quiet area; a small part of the Croft Farm site; and, the westernmost portion of the Red Lion fields site. The illustrative masterplan shows no actual housing situated within Flood Zone 3 although in the case of Church Hall Mews, housing abuts the boundary of this Zone, even though these plans are purely indicative at the present time. Gardens, parking areas and roads are shown within Flood Zone 3. It would not be acceptable to locate any vulnerable development such as housing, or potential escape routes within Flood Zone 3. The NPPF advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.

The application has been accompanied by a Flood Risk Assessment. This advises that the areas to the east of High Street lie within Flood Zone 1 and would be at little risk of flooding, the main threat in these areas being surface water from adjacent development. It also confirms that areas to the west of High Street are mainly within Flood Zone 1 but a small area is within Zone 3 and at risk of flooding from Cloughton Beck and that land to the west of Cloughton Beck suffers from flooding in extreme rainfall. It explains that no dwellings would be located within this area, only less vulnerable uses such as car parking and recreational uses. The Flood Risk Assessment concludes that safe access to and egress from the development should still be achievable and recommends that flood resilient construction methods be adopted for properties bordering Cloughton Beck.

The presence of Flood Zone 3 within the application area does not rule out development per se, and neither the Environment Agency nor Yorkshire
Water had objected to the proposal having considered the Flood Risk Assessment. It is felt, however, contrary to the views of the Environment Agency that the illustrative layout is not acceptable in flood risk/residential amenity terms because potential emergency access and escape routes could become flooded and potential garage spaces lie within Flood Zone 3, putting residents' property and possessions at risk. Therefore, any detailed layout would need to avoid such potential problems. It would also be sensible to provide a greater separation between the limits of Flood Zone 3 and some of the dwellings, unless topographical information clearly demonstrates that they are not a risk.

**Drainage**

6.73 It is proposed that foul drainage is via the existing mains system which runs along High Street.

6.74 Little detail of proposed surface water drainage has been provided at this stage other than to suggest that attenuation and controlled discharge into an existing watercourse or surface water sewer will be required and a system will be designed to cope with a 1 in 30 year storm plus an allowance for climate change.

6.75 The Environment Agency has not objected to the drainage proposals outright but has recommended a condition requiring submission of a scheme to improve the present surface water proposals, suggesting they are not satisfied with the proposals as submitted. Yorkshire Water have raised no objections on drainage grounds.

6.76 Subject to detailed drainage proposals, the scheme is capable of meeting the requirements of Local Plan Policy C7 regarding foul and surface water drainage.

**Design**

6.77 Design is an important consideration for this application given its potential impact on the Conservation Area and the size of development relative to the existing village and its potential impact on its character. However, as an outline application, most of the design information supplied is indicative only and, therefore, should be treated with caution.

6.78 Although reserving detailed design for later, the Design and Access Statement which accompanies this application suggests that it will be medium density development which reflects the village vernacular. It is proposed to develop a design code to guide the detailed development which would require: timber sliding sash windows; clay pantiles; natural slate; natural stone; chimneys; and, small dormers. It is stated that the code would be carefully researched in terms of the proportions of houses.
At the pre-application stage, the proposal was considered by the Regional Design Review Panel for Yorkshire and the Humber who made the following comments:

The Panel agrees that once the farmstead is re-located, something needs to happen to fill the void. The Duchy is praised for their attitude, going beyond the minimum to aid the village’s survival by providing the critical mass necessary to support new facilities, but this is very controversial in planning terms. The Panel's advice deals only with design, which must be weighed alongside numerous other considerations. The panel considers the proposals to be both extremely ambitious and well thought through, with many appealing qualities, but they have significant concerns about the declared aspiration of new development being "indistinguishable" from the existing.

The care and sensitivity displayed is laudable, as are intentions to provide affordable housing whilst rationally calming traffic movement through the village. This venture has the potential to be an exciting experiment and is an interesting foretaste of what could be many village expansion proposals nationally. The Panel supports the principle of sustainable rural villages but is keen to reiterate its voice is one of many to be taken into consideration by the Local Authority when assessing the planning case for this particular application.

The Panel recommended that the scheme should:

- Show Evolution in Building Typology and Style: The panel is nervous about an indistinguishable response in terms of architectural style between old and new, as villages develop over time.

- Consider and Address the Impact of Development on Surrounding Areas: It is difficult to justify isolated sustainability if the impact is detrimental elsewhere.

- Acknowledge and Design to Take Account of the Car: The proposals should cater adequately for cars now, as they will be a part of everyday life, but this should not be at the expense of a Green Travel Plan that promotes use of public transport and slow modes.

It is important to recognise, however, that the Design Panel confined their comments to matters of design, and made no judgement on the principle of development.

The loss of the existing linear character of the village has already been discussed. There is also concern as to how the proposed square will be perceived and function. Traffic will not be routed through the square, but will pass by it on the existing road and, therefore, given its limited size may not be
perceived as the central hub of the village to those travelling through. As previously explained, the formation of the square would be at the expense of historic farm buildings and boundary wall.

6.81 A Design Code that controls the quality and appearance of individual dwellings would be essential, but this does not overcome the concern that the substantial amount of new development proposed over a relatively short period (up to ten years) would lack the character of the existing village, created by slow, organic, incremental growth over a much longer period.

6.82 Over and above the concerns about the scale and pattern of development, it is not possible to access detailed design in terms of Local Plan Policy E12 at this stage.

Public Open Space

6.83 Based on their indicative house types/sizes the applicants calculate a total occupancy of 452 people which would produce a requirement for 1.27 ha of public open space for this development in accordance with the Council's Supplementary Planning Document. (This calculation may need to be revised pending any detailed submission). However, account should also be taken of the loss of existing quiet area, play area, and kickabout area which is about 0.25 ha providing a total requirement of at least 1.52 ha. In fact the application proposes 3.3 ha comprising the two areas of public open space and allotment area, well in excess of the SPD requirement.

6.84 The proposed area of open space and allotments to the west of High Street is actually allocated within Local Plan Policy R1 for public open space (allocation POS 3).

6.85 Indicative sketches of the open space areas have been provided and the Recreational Assessment states that the proposals would include a new equipped play park and informal play area, although their locations are not clear. The areas of open space are shown as being informal, but include two ponds within the eastern area and parking areas to both.

6.86 It is clear that these proposals would enhance the quantitative and qualitative provision of public open space and that would be of benefit to the village. But there are some issues that need to be considered. All of the open space would be decanted to the periphery of the village and would be more distant from existing housing. The present play park and quiet area are reasonably central and being situated next to the Parish Hall form an integrated facility. Part of the SPD public open space requirement would be for 0.73 ha for sports use. However, no additional sports facilities are proposed. No proposals for the long term management and maintenance have been submitted.

6.87 Subject to the detailed layout, function and facilities, the proposals do generally comply with Local Plan Policy R2 regarding open space provision,
Ecology

6.88 An ecological survey was submitted with the application which found no evidence of Water Voles, Otters or Great Crested Newts. The Croft Farm buildings were assessed as having negligible bat roost potential and no evidence of bat roosts were found in the Town Farm buildings. It concluded that the proposals would not have significant adverse ecological impacts but recommended the need for a detailed bird survey.

6.89 Natural England and the Council's Ecologist are satisfied that, as long as precautionary measures are adhered to, the development could be carried out without detrimental impact on any potential species.

6.90 Subsequently a local resident made representations regarding the presence of Great Crested Newts within the vicinity of the application site and a further report was prepared by the applicant's Ecologist which concluded that as there was no suitable habitat it was extremely unlikely that this area supports Great Crested Newts, but the proposals for improvement of the existing pond area would improve the potential habitat for Great Crested Newts. This has been agreed by the Council's Ecologist.

Trees and Hedgerows

6.91 A Tree Report has been submitted which identifies that a significant number of trees, mainly hedgerow trees, would be removed, but proposes significant new tree planting as part of the development. The report concludes that the majority of trees are small in stature and of average quality. However, a "couple of reasonable quality trees would be lost".

6.92 The precise impact on trees would need to be assessed at the reserved matters stage depending on the detailed layout. Your Officer's are satisfied that a layout and planting scheme could be developed that would avoid an unacceptable impact on the treescape of the village, and its contribution to general amenity and the character of the Conservation Area.

6.93 There are no significant hedgerows that would be harmed by the proposals.

6.94 Subject to the assessment of any detailed scheme, there is unlikely to be insurmountable conflict with Local Plan Policy E39 which seeks to minimise loss of and damage to significant trees and hedgerows.

Education Payments

6.95 If planning permission were to be granted, North Yorkshire County Council have advised that, in accordance with the Education Payments SPD, a contribution of £543,840 would be required from the developer towards additional primary school accommodation at Lindhead School, Burniston. The applicant has accepted this in principle, but its delivery would have to be secured by a legal agreement as a pre-cursor to any planning permission.
Utilities

6.96 A new electricity sub-station would be required to serve the development and gas can be provided via the existing system to new houses, so there are no issues in terms of provision of utilities.

7.0 CONCLUSION

7.1 Much of this proposal involves residential development in the open countryside outside the defined Development Limits of Cloughton. Such development would harm the landscape setting of the village and be contrary to Local Plan Policy E1. It is not considered that there are any exceptional circumstances in this case in terms of Policy E1.

7.2 The size and location of the development and large number of dwellings proposed relative to the current size of Cloughton would have a significant adverse effect on the character of the village and would clearly be contrary to Local Plan Policy H4 which restricts new housing development in smaller settlements like Cloughton to small scale and infill sites and requires special scrutiny to ensure that development will not harm the character of the settlement. It would also be contrary to Policy E6 that protects important open spaces.

7.3 The applicants suggest that an exception to normal policies is justified in this case because they are in a unique position to create a sustainable settlement, supporting existing facilities and providing new ones. They claim that the size of development proposed is necessary for the provision of and sustenance of those facilities. It is accepted that the increased population would help to support existing facilities, although it has not been clearly demonstrated why the size of development proposed is necessary to provide and support the level of facilities proposed. It is also noted that the shop is the only new facility proposed. The other facilities, post office, community hall, pre-school play group, café and doctor's surgery already exist within the village and the proposal would either simply provide new (possibly improved) accommodation for and possibly duplicate existing facilities.

7.4 It is not accepted that these proposals would create a sustainable settlement. They would result in a much larger population which would have to travel out of the village for education, most employment, main shopping, and for many recreational and leisure facilities. Due to the distance from Cloughton to many of these services it is considered that the proposal would lead to an increase in car borne trips from the village. It is considered therefore that this proposal runs counter to the objective of the new National Planning Policy Framework of delivering sustainable development, the Spatial Strategy of the RSS and emerging Local Plan.

7.5 All the development except the public open space and allotments would be located within the Cloughton Conservation Area. Cloughton is characterised by its linear pattern of development, largely unaffected by modern
development. The amount of development and its location would destroy this linear pattern of development and harm the character of what remains essentially a historic village. Furthermore, the loss of historic farm buildings and creation of six new highway accesses along High Street would detract from the character and appearance of the Conservation Area. The application is subject to a formal objection by English Heritage.

7.6 The provision of affordable housing is a welcome aspect of the proposal. The applicants propose 20% affordable housing. The target for development of this size in Cloughton is 40%. The applicants have submitted a viability appraisal which has been independently assessed; that assessment suggests that the development should be capable of providing nearer 30% affordable housing. It is considered that at present the affordable housing proposals do not meet the requirements of the Draft Affordable Housing SPD and this is an issue that would require resolution if planning permission was to be granted. However, the benefits of affordable housing provision do not outweigh the harm arising from the unsustainable location of development and harm to the character of the village and its Conservation Area.

7.7 The proposals do include enhanced public open space provision for the village and that would be a benefit. However, the displacement of all public open space/play areas to the periphery of the village is a concern as is the lack of improved or additional sports facilities.

7.8 The re-location of Town Farm, which is the catalyst for this application, would involve the removal of several large contemporary agricultural buildings that would enhance the appearance of the Conservation Area. It is considered that a smaller, sympathetic development based on the footprint of the existing Town Farm buildings including a mixture of conversion and new build may be acceptable in principle, as would be conversion of the Croft Farm buildings.

7.9 If planning permission was to be granted it would be necessary to agree the level of affordable housing provision and complete a legal agreement for the provision of affordable housing, a payment towards providing school accommodation and towards the maintenance of the traffic calming measures and former railway line.

7.10 In conclusion, however, it is considered that this proposal represents an unsustainable development that would increase car borne travel from the village, would harm the character and appearance of the landscape setting and the Cloughton Conservation Area. It is considered that these concerns outweigh the benefits of the proposal and therefore an exception to current Development Plan Policy and the guidance within the National Planning Policy Framework is not justified. Furthermore, it is appropriate that future levels and patterns of development in Cloughton be determined objectively through the emerging Local Plan.
8.0 RECOMMENDATION

8.1 That PERMISSION BE REFUSED for the following reason(s):

1. This proposal would result in a large increase in the population of Cloughton village of between 360 and 452 people based on the applicant's own estimates, which would be a percentage increase of between 65% and 82%. Due to lack of services within the village that population would have to travel out of the village for education, employment, main shopping trips and many leisure and recreational activities. Due to the distances involved to access many of the facilities it is highly likely that many of these trips would be made by car and so there would be a significant increase in car borne journeys from the village. As such this proposal is considered to represent an unsustainable form of development. This would be contrary to the National Planning Policy Framework which states that decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and that planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities. It would also be contrary to Policies YH1 and YH2 of the Yorkshire and Humber Plan (Regional Spatial Strategy). Policy YH2 sets out the overall approach to development and key priorities stating that growth and change will be managed to achieve sustainable development. Policy YH2 addresses climate change and aims to reduce traffic growth through appropriate location of development. Notwithstanding the proposed abolition of RSS, these policies remain consistent with the NPPF and are accorded weight. The advice within the NPPF to promote the retention and development of local services and community facilities in villages is acknowledged, as is the advice that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain that vitality of rural communities. For that reason, the Draft Core Strategy prepared by the Local Planning Authority identifies five service villages, one of which is Burniston, the neighbouring village to Cloughton, which offers a wider range of services and facilities than Cloughton, and is a more sustainable location for development in this area. The proposal would add little in the way of additional services and facilities that Cloughton does not already have, a small shop and additional public open space being the extra facilities and it is not considered that the applicants have adequately justified the need for the scale of residential development proposed to provide and sustain these facilities.

2. This proposal involves development in the open countryside outside the Development Limits of Cloughton as defined within the Scarborough Borough Local Plan. The development would be harmful to the appearance of the open landscape setting of Cloughton village which is particularly prominent from the well used footpaths and the recreational
cycleway to the east and west of the village. To the east is the former Scarborough to Whitby railway line, which is a permissive recreational cycleway and footpath. To the west is the public footpath alongside Cloughton Beck which adjoins the three development sites on the western side of the village. Therefore, this proposal would be contrary to Policies E1 and R10 of the Scarborough Borough Local Plan. Policy E1 is concerned with the protection of open countryside and states that land and buildings situated outside the defined Development Limits of settlements will be regarded as open countryside where development will be strictly controlled and, in the case of residential development, will only be permitted where it can be shown to be essential to the needs of agriculture, forestry or there are other exceptional circumstances. It is not considered that there are any exceptional circumstances in this case in terms of Policy E1 and that has been acknowledged by the applicants. Local Plan Policy R10 states that development that will harm the character of the route of the former Scarborough to Whitby railway line and harm the appearance of its surroundings will not be permitted. It is considered that the views of the Cloughton Conservation Area across open agricultural land from the former railway line would be harmed by parts of the development proposal.

3 The size of the development, the large number of dwellings proposed and their location would severely harm and fail to preserve or enhance the special historic character and appearance of the Cloughton Conservation Area. The proposals would result in:

(i) the erosion of the traditional linear pattern of development of the village which presently remains predominant and largely unspoilt by modern development;

(ii) new development over a relatively short time period overwhelming the historic character of the village;

(iii) the loss of historic farm buildings and stone boundary walls that are significant features within the Conservation Area and positively contribute to its character and appearance.

(iv) the creation of six new adoptable standard highway access points within existing gaps in the High Street frontage which would harm the appearance of the historic street scene.

The National Planning Policy Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and where a proposed development will lead to substantial harm to a designated heritage asset Local Planning Authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. The Cloughton Conservation Area is such a heritage asset and it is not considered that this proposal
offers such public benefits that are necessary in this location that outweigh the substantial harm to the character of the area and loss of important buildings within that area.

English Heritage has advised that planning permission should be refused due to the harm to the Conservation Area.

These proposals would also conflict with Policy ENV9 of the Yorkshire and Humber Plan and Policies RMP2 and 10 of the Cloughton Conservation Area Character Appraisal and Management Proposals (2011). Policy ENV9 states that the Region will safeguard and enhance the historic environment and ensure that historical context informs decisions about development. Cloughton Conservation Area Management Policy RMP2 deals with demolition and states that there will be a general presumption against the demolition of buildings which contribute to the character of the Conservation Area and will only be permitted where the applicant has proved there will be an enhancement to the area. Policy RMP10 recognises the importance of boundary walls to the character of the Conservation Area and states that stone or brick boundary walls should be retained.

4 The proposal is contrary to Policy H4 of the Scarborough Borough Local Plan. This concerns housing development in smaller settlements including Cloughton and states that within the defined Development Limits of the settlement, housing development will only be permitted on small scale and infill sites and that proposals will be subject to special scrutiny to ensure that they will not harm the character of the settlement. This proposal does not represent small scale development and for the reasons given in 3 above, it is considered that it will harm the character of the settlement.

5 The open paddocks and plots to the rear of the High Street frontage of the village offer high amenity value and contribute positively to the character of the village. The loss of some of these as a result of the development would be contrary to Policy E6 of the Scarborough Borough Local Plan. This states that development will not be permitted on public and private open spaces and landscaped areas that contribute positively to the character, appearance or amenity of the area.

6 It is considered that this proposal fails to make adequate provision for affordable housing as required by the National Planning Policy Framework, Regional Spatial Strategy and the Scarborough Borough Affordable Housing Supplementary Planning Document (Consultation Draft 2012). The NPPF states that where local planning authorities have identified that affordable housing is needed, they should set policies for meeting that need on site. RSS Policy H4 estimates a requirement for over 40% of new housing to be affordable within North Yorkshire Districts. The Draft Affordable Housing SPD sets a target for new housing development in the Northern Parishes of the Borough
including Cloughton of 40% affordable housing for developments of 15 or more dwellings. This application proposes a rate of 20% affordable housing. The Development Viability Report submitted by the applicants has been independently assessed and that assessment concludes that the development could viably provide a higher proportion of affordable housing than presently proposed and therefore the proposal does not comply with the requirements of the Affordable Housing SPD.

Furthermore, it is not considered that the delivery of affordable housing in this particular instance outweighs the objections to this proposal on the grounds of its unsustainable location and adverse impact on the character of the village and its Conservation Area.

Planning Manager

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 NICK READ ON 01723 232483 e-mail nick.read@scarborough.gov.uk