

	<b>REPORT TO PLANNING &amp; DEVELOPMENT COMMITTEE</b>  <b>TO BE HELD ON THURSDAY, 5 December 2019</b>	
<b>APPLICATION REFERENCE NO:</b>  <b>19/00444/OL</b>	<b>TARGET DATE:</b>  <b>30 May 2019</b>	<b>GRID REF:</b>  <b>501895-488725</b>

## REPORT OF THE PLANNING SERVICES MANAGER – PSM/19/250

**SUBJECT: Outline application for proposed residential development, including access and layout at Yorkshire Coast College Lady Ediths Drive Scarborough NORTH YORKSHIRE YO12 5RN for The Grimsby Institute Group**

### 1.0 THE PROPOSAL

1.1 This application seeks the grant of outline planning permission for residential development on the vacant, former Yorkshire Coast College campus site. The site is allocated for residential development in the 1999 Local Plan, under site reference HA4, together with an area of amenity open space (Local Plan ref. OS5).

1.2 The site is vacant following the strategic decision by the applicant to focus the educational offer and courses provided within Scarborough at its Filey Road campus, previously occupied by the University of Hull. Whilst the site is vacant, the former college buildings remain in situ along with large areas of hard surfacing providing access through the site for vehicles, cyclists and pedestrians, and areas of car parking. The site also contains two areas of open space, one formerly used as a playing pitch by college students. The site currently accommodates mainly single and two-storey college buildings, with a five-storey central block. The overall site is currently configured with the college buildings occupying a central position with open spaces to the eastern and western areas of the site.

1.3 The application site has an overall area of 6.02 hectares. It lies within a suburban context, some 2km to the west of the town centre of Scarborough. The allocated housing site has an area of 4.62 hectares, with the allocated 'amenity green space' site having an area of 1.4 hectares. The northern boundary of the site is bounded by the tree-lined verge running along the west side of Lady Edith's Drive. Scalby Road (A171) defines the eastern boundary of the site, whilst the grounds and buildings of Scarborough Hospital lie immediately to the south of the site. The western boundary of the site is shared with Springhead School Sixth Form, formerly occupied by Raincliffe School.

1.4 To the north side of Lady Edith's Drive are the rear gardens and residential properties of Lady Edith's Avenue, whilst to the east of the site across the carriageway of Scalby Road lie residential properties, including those on St Luke's Crescent.

1.5 The outline application seeks approval for the access and layout of the development, which are shown on the layout plan accompanying the application. The layout has been amended since first submission following discussions with your Officers. The site is proposed to be accessed from the current college site access on Lady Edith's Drive, providing access to the proposed housing via the northern boundary of the site. The housing would then be accessed by a number of streets of differing characters, in effect providing for a loop road. A number of cul-de-sacs would access properties orientated to face out over the open space to be retained at the east end of the site, adjacent Scalby Road. A number of the streets within the scheme are proposed as 'homezones' that would be designed in a manner that seeks to keep traffic speeds to a minimum, with the main distributor road within the site being proposed as a tree lined avenue. The layout plan shows a development of 139 plots of differing sizes.

1.6 Pedestrian accesses would be provided in a number of locations as follows: to the north-west corner of the site; via the main access road, which sits in a central location along the northern boundary; and also from the east via paths across the open space. The proposed pedestrian routes would enable future residents and other pedestrians and cyclists to pass through the site, away from the main roads adjacent the site.

1.7 It is anticipated that the housing proposed would be mainly two-storey, although the site could accommodate taller properties in certain locations. Areas of open space are proposed within the residential areas of the site retaining existing trees wherever possible.

1.8 The application is accompanied by a comprehensive set of documents, which can be viewed online, including:

- Design and Access Statement
- Planning Statement
- Ecology Report
- Transport Statement
- Flood Risk and Drainage Strategy
- Sports Facilities Report
- Topographical Survey
- Phase 1 Geo-technical report
- Report on the Community Engagement exercise.

## 2.0 SCREENING OPINION REQUIRED?

2.1 Yes. However, it was determined through a Screening Request (SBC ref. 17/02695/SCR) that the proposal was not development that would require an EIA.

## 3.0 PRE-APPLICATION COMMUNITY ENGAGEMENT

3.1 The applicant's agent has confirmed that prior to the submission of this application, the applicant consulted with nearby residents. This involved the delivery of a letter to all the residents of Lady Edith's Avenue (north and south) to the north of the site. The letter advised them about the proposal and made them aware that plans of the

scheme were available to view at the college and at the Filey Road campus. Comments forms were made available.

3.2 The applicant has advised that five responses were received, and these have been summarised as follows:

- Additional traffic at peak times
- Flooding on Scalby Road
- Need to account for the other development on Lady Edith's Drive
- The plans should extend to the junction of Lady Edith's Drive with Scalby Road
- A lack of detail
- Full support for the application and a hope that the scheme is progressed 'as soon as possible'
- Encroachment onto open space.

#### 4.0 CONSULTATIONS AND COMMENTS

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

4.1 Newby and Scalby Parish Council - Object to the outline proposals due to concerns regarding the following matters:

1. The number of properties placed on the land (although the Parish Council acknowledges that this does not exceed the indicative yield of 140 homes in the Local Plan).
2. The additional traffic this development would generate would place an unacceptable strain on Lady Edith's Drive, especially at its junction with Scalby Road.
3. The cumulative impact of both Local Plan allocations off Lady Edith's Drive.
4. The lack of a play area to serve this site.
5. The trees indicated on the main route round the site are most likely over time to provide problems for residents.
6. The provision for parking is unclear and on narrower roads could result in emergency or larger vehicles being unable to get access.
7. This is a prime site and the applicants have not taken the opportunity to create a high quality development of medium density.

4.2 Highway Authority - The Transport Statement (TS) submitted by the applicant has provided information on the traffic and transportation aspects of the development. Whilst not all the details included in the TS are accepted by the local highway authority the broad conclusion that the proposals are likely to generate fewer traffic movements than the previous usage of the site is acknowledged.

Reviewing traffic surveys from comparable housing developments shows the proposed development would generate in the region of 70-75 trips during both the morning and evening peak hours. Whilst no traffic surveys have been made available for when the college was in operation, surveys from similar facilities have indicated the site could have generated in excess of 300 trips during the peak morning hour and over 150 in the evening peak. Given the number of staff and students that attended the college, along

with the 200+ plus car parking spaces available on site, such a high number of trips is considered a realistic estimate and therefore it is accepted the housing proposals will generate fewer vehicular trips during peak hours.

The development proposals include the use of the existing site access to the college as the sole vehicular access to the site. As the speed limit on Lady Edith's Drive is 30mph, visibility splays from Manual for Streets, of 2.4m by 43m would be appropriate and are available. It should be noted that as the access road would serve in excess of 100 dwellings the NYCC residential design guide would require that the site be accessed by a Transition Road, i.e. a short length of non-frontage road that connects to Lady Edith's Drive.

There are no Highway Authority objections to the proposed development. It is recommended that a number of conditions are attached to any permission granted.

4.3 Lead Local Flood Authority (NYCC) - The LLFA recommends that the applicant provides further information before any planning permission is granted. The following should be submitted and approved by the LPA:

- Survey and condition assessment of the receiving culverted watercourse downstream of the debris screen at Lady Edith's drive. The survey should confirm whether the culvert discharges to Yorkshire Water's sewer or to Newby Beck.

4.4 Drainage Engineers (SBC) - No comments received.

4.5 Yorkshire Water - If planning permission is to be granted a number of conditions should be attached in order to protect the local aquatic environment and Yorkshire Water infrastructure. The Flood Risk Assessment prepared by Enzygo (Report dated February 2019) will require clarification. In summary, the report states that foul water will discharge to the 150 mm diameter public combined sewer in Lady Ediths Drive. It would appear the proposed foul water flow will increase threefold as a result of the re-development of the site presenting an unacceptable increase in flood risk to local sewers. Foul water flows should be directed to the 750 mm diameter public combined sewer adjacent to the site in Scalby Road.

(Officer comment: A condition is proposed to clarify the need to direct waste water flows to the main sewer in Scalby Road.)

4.6 Police Designing Out Crime Officer - Due to the current design and layout incorporating excessive rear service footpaths, in terms of designing out crime I am unable to support this application. However should the Authority be minded to grant planning permission, I would ask that a condition be placed on it, requiring full details of what crime prevention measures are to be incorporated into the site be detailed in any Reserved Matters application. The details should show how the issues raised by the Police Designing Out Crime Officer, are to be addressed and should provide rationale and mitigation in relation to any suggestions made in the Designing Out Crime report that are not to be incorporated. It will also enable the Authority to discharge its functions in accordance with Section 17 of the Crime & Disorder Act 1981.

4.7 Sport England - Objects to this application as there is no evidence provided that the proposal meets the requirements of paragraph 97 of the NPPF and Sport England's

Playing Fields Policy. Sport England has identified the following grounds that require particular attention:

1. Loss of playing fields - Sport England are unable to find evidence within the application documents that the playing field will be relocated or replaced, or reference to an up to date and robust playing pitch strategy which demonstrates that the pitch is surplus to requirements.
2. Prejudice of use of the adjacent playing field - Sport England would recommend an independent risk assessment is undertaken to gauge the likely impact of the proposed dwellings and the associated access road within close proximity to the cricket pitch to inform the design of the necessary mitigation to prevent any ball strike.
3. New growth and additional demand for sport - Should there be insufficient capacity in existing facilities to meet the additional demand generated by the new dwellings associated with this proposal.

4.8 Trees and Woodlands Officer (SBC) - No comments received.

(Officer note: A walk over survey of the site was undertaken by the case officer and the Trees and Woodlands Officer who confirmed that the proposed layout placed dwellings away from the trees on or adjacent the site and therefore would have limited impact on them.)

4.9 Ecologist (SBC) - No comments received.

4.10 Education Authority (NYCC) - There is capacity in the existing schools and therefore no contribution towards education provision is required in relation to the proposed development, on the basis of the anticipated pupils who would be resident within the development.

4.11 Northern Powergrid - No objections.

4.12 North Gas Networks - No objections.

4.13 Clinical Commissioning Group (Health) - Comments awaited.

4.14 Publicity - Expired on 4 April 2019. Four letters of objection have been received.

The following points have been raised:

1. There is already significant development and other proposed developments within the area and this puts an even greater strain on the local infrastructure. Specifically Lady Edith's Drive is already a busy thoroughfare and is too narrow for significantly more traffic.
2. There is also already traffic congestion at peak times at the end of Lady Edith's Drive and it is difficult to turn right into Scalby Road. No doubt many will be tempted to use Throxenby Lane as a "cut through" resulting in a serious situation.
3. Where we live on Throxenby Lane, there is already a traffic hazard from a long row of parked cars outside the properties (numbers 84-98) and it is sometimes difficult to gain access to our driveway. Similarly when exiting onto Throxenby Lane, near the crown of the hill, it is difficult to see oncoming traffic.
4. This proposal will significantly increase the local traffic flows and inevitably increase the traffic hazards in the area.

5. There are already problems with flooding on Lady Edith's Drive during periods of heavy rain. The proposed development will exacerbate this problem by increasing the run off from the new roads and hard landscaping and by increasing the effluent using the sewers.

6. The proposed development will inevitably place a greater strain on other essential local facilities including schools, nurseries, doctor surgeries and dentists. Unless additional local facilities are provided, in particular additional primary school places, then on these grounds alone this proposal should be firmly rejected.

7. Throxenby Mere is an open, rural area providing wildlife habitat and is a valued recreational area for walkers and fishing. The proposed development is totally out of keeping with such an area and will destroy a valued local facility.

## 5.0 RELEVANT SITE HISTORY

5.1 2000 - Outline application for erection of sports hall. Permitted subject to conditions.

5.2 2002 - Application for approval of reserved matters for erection of sports hall. Permitted with conditions.

5.3 2010 - Installation of a portable building to provide temporary teaching space for college faculties. Permitted with conditions.

5.4 2011 - Construction of workshop. Permitted with conditions.

## 6.0 PLANNING POLICY

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

### **Scarborough Borough Local Plan 2017**

**SD 1** - Presumption in Favour of Sustainable Development

**SH 1** - Settlement Hierarchy

**DEC 1** - Principles of Good Design

**DEC 2** - Electric Vehicle Charging Points

**DEC 3** - The Efficient Use of Land and Buildings

**DEC 4** - Protection of Amenity

**HC 1** - Supporting Housing Development

**HC 2** - New Housing Delivery

**HC 3** - Affordable Housing

**ENV 3** - Environmental Risk

**ENV 5** - The Natural Environment

## **National Planning Policy Framework**

**NPPF5** - Delivering a sufficient supply of homes

**NPPF11** - Making effective use of land

**NPPF12** - Achieving well-designed places

**NPPF15** - Conserving and enhancing the natural environment

## **Scarborough Borough Supplementary Planning Documents**

Affordable Housing

Education Payments

Transport Assessments

Green Space (Adopted November 2014)

## **Local Planning Policy and Guidance**

None relevant

### 7.0 ASSESSMENT

7.1 This outline application seeks permission for residential development on the site in principle, whilst seeking approval of access and layout in detail. The issues of appearance, scale and landscaping are reserved for future approval (as Reserved Matters).

7.2 Paragraph 47 of the NPPF advises:

"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing."

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

- Principle of residential development
- Design considerations
- Access, traffic and parking
- Open space / Impact on playing field
- Ecological matters
- Residential amenity
- Security
- Drainage
- Local Services.

Principle of residential development

7.4 The redevelopment of this site for housing has already been established in principle through the site's allocation in the 2017 Local Plan. The site is allocated under

Policy HC2 (New Housing Delivery) under reference HA4, with an indicative yield of 140 dwellings. The layout plan submitted for approval, as part of this outline application, shows some 139 plots of varying sizes, which equates to a density of just over 30 dwellings per hectare, which accords with indicative yield in the Local Plan and also Policy DEC3 (The Efficient Use of Land), which also encourages the re-use of brownfield sites such as this one.

7.5 Given the site's allocation in the Local Plan its redevelopment for housing can be viewed as being in accordance with Policies SD1, SH1 and HC1 in principle. Policy SD1 (Presumption in Favour of Sustainable Development) states that proposals that accord with the policies in the Local Plan will be permitted without delay, unless material considerations indicate otherwise, reflecting the advice in the NPPF.

7.6 Policies SH1 (Settlement Hierarchy) and HC1 (Supporting Housing Development) encourage the development of new housing within the main settlements within the Borough where there is good access to jobs, schools, services and facilities, Scarborough being the 'Principal Town' within the Borough where the majority of new housing is proposed over the Local Plan period to 2032. Subject to meeting the requirements of the other relevant policies of the Local Plan the development is one that should be viewed positively.

7.7 The proposals have been the subject of pre-application discussions with your Officers, and amongst the matters discussed it has been agreed that various buildings on the site qualify for Vacant Building Credit (VBC), as set out in the Government's online Planning Practice Guidance. The VBC policy is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. The VBC policy advises that where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought.

7.8 The full range of educational buildings on the site are vacant and for VBC purposes have a combined gross internal floor space of 15,512 sq.m. It is considered likely that the proposed dwellings would have a combined gross internal floor space similar to the existing buildings. If this is the case, which will only be clarified at the Reserved Matters stage when the details of the floor areas of the proposed houses are known, this would result in a 100% discount in relation to affordable housing being applicable to the scheme. Without VBC, Policy HC3 (Affordable Housing) would have required provision of 10% affordable on a site, subject to viability considerations, equating to 14 dwellings for a scheme of 139 dwellings.

7.9 Therefore, in relation to this particular site, whilst the exact figure of the combined floor space of the proposed dwelling is not yet known, it appears likely that the application of VBC would result in no affordable housing being required to be provided. This is a matter that can be clarified at the Reserved Matters stage and controlled via an obligation in a S.106 Agreement.

## Design considerations

7.10 Policy DEC1 of the Local Plan states that:

"Good design will be expected in order to create attractive and desirable places where people want to live, work and invest, and to reduce carbon emissions from development. All development will be required to meet the following principles of good design..."

7.11 The policy sets out a number of criteria that an applicant should demonstrate have been complied with, including that:

- an analysis of the constraints and opportunities of the site has informed the principles of design
- that the layout, orientation and design of buildings helps to reduce the need for energy consumption
- that the proposal provides suitable and safe vehicular access and suitable servicing and parking arrangements
- that any elements of the public realm have been designed to reinforce or complement the distinctive character of the local area
- that any associated landscaping scheme has been developed to enhance both the natural and built environment, retaining existing features of interest where possible.

7.12 Whilst the application is in outline only at this stage, the details of the site access and layout are proposed in detail. The layout has been amended since submission to ensure the proposed housing does not encroach onto the area of Open Space allocation OS5. Originally the area of OS5 had been reduced to account for the additional provision of open space within the housing area. However, following discussion on this front, the open space area has been enlarged in order to comply with the Local Plan allocation and also to enable a children's play area to be incorporated into the site, together with paths, landscape planting and a surface water detention basin. It is envisaged that the detention basin will be formed as a depression in the site with gradual level reductions allowing the land to be used for recreation unless a heavy rainfall event is occurring. In such an event the excess surface water would be held in the basin and discharged at an attenuated rate so as not to overload the receiving system, but otherwise it should be free of water. The play area is indicated as being in the north east corner of the site - although this could be subject to change in the final design work. This position has been put forward by the applicant as one that would encourage use by children from the wider community.

7.13 In accordance with Policy DEC1, the proposed layout is considered to be based on an analysis of the constraints and opportunities of the site. The housing on the eastern boundary of the housing allocation is shown as facing out over the open space, with the main elevations of the dwellings facing east and accessed by private drives. Pedestrian access from these properties and to other residents in the proposed scheme, as well as local residents, allows access through to, or from, the open space, whilst providing for surveillance over it. The layout plan shows a sizeable strip of landscaping within the open space, but this is considered to be indicative only at this stage, and your Officer consider that a less sizeable landscape buffer is required here. The details of the landscaping of the open space can be controlled by condition of any outline permission granted.

7.14 Whilst the applicant wishes to gain approval for the layout in principle, it is likely that some modification will be proposed at Reserved Matters stage as the applicant will wish to sell the site to a housing developer. Whilst your Officers consider the layout to

be appropriate for the site, some flexibility needs to be built in to the process. The layout is considered to take influence from the opportunities and constraints of the site, with additional open space being incorporated into the housing area to deal with level changes that exist on the site. The site falls gently from west to east and due to its educational use has been developed as a number of plateaus with landscaped banks in a number of locations, running north to south across the site. The layout shows these landscaped banks being retained and used as linear open spaces with footpaths running adjacent to them. This is considered to allow for a number of different circular walks around the site. To deal with concerns raised by the Police Designing Out Crime Officer a number of originally proposed areas of open space, proposed to enable retention of existing trees, have been incorporated into housing plots. This has been done to avoid areas of publically accessible open space lying to the side or rear of houses where an intruder could enter the garden of a neighbouring property without easy detection.

7.15 The main access road through the site and the housing fronting onto the open space is proposed as larger detached and semi detached properties to reflect the established character of the area, particularly picking up on the residential streets to the north, whilst clearly proposing a high density of development appropriate to ensure efficient use of the land. Important plots within the site, where fenestrated frontages (or active frontages) are needed on two elevations, or where windows are required to face onto public space are shown on the layout plan. Your Officers consider that active frontages are needed to elevations overlooking Lady Edith's Drive, the main access road into the site, the open space to the east, and the linear open spaces within the site. Generally the site layout shows houses as fronting the streets with private rear gardens, with properties generally set out with east and west or north and south facing elevations, which are considered appropriate for good levels of natural lighting within rooms and also to reduce the need for energy consumption.

7.16 Given the above factors, the layout as amended, to be approved in detail as part of this outline application is considered to accord with the criteria in Policy DEC1 of the Local Plan and the advice in Section 12 (Achieving well-designed places) of the NPPF.

7.17 On 30 September of this year, the Government issued the National Design Guide. The Written Ministerial Statement that accompanied its publication advises that:

"The National Design Guide is also capable of being a material consideration in planning applications and appeals, meaning that, where relevant, local planning authorities should take it into account when taking decisions."

7.18 It also advises that the National Design Guide:

".... emphasises the importance of responding positively to context, creating locally distinctive character, building strong communities, responding to future issues such as climate change and ensuring places sustain their quality."

7.19 The National Design Guide advises that a well design place is unlikely to be achieved by focusing only on the appearance, material and detailing of building, but comes from making the right choices at all levels, including:

- the layout
- the form and scale of buildings

- their appearance
- landscape
- materials and their details.

7.20 Your Officers agree with this advice and look at schemes in this comprehensive manner, considering the manner in which any development would sit within and relate to its context. This approach was taken with this particular scheme working with the applicant's architect to ensure the layout is informed by the context of the surrounding residential development.

7.21 The National Design Guide sets out ten characteristics for well-designed places, under the headings; context, identity, built form, movement, nature, public space, uses, homes and buildings, resources, and lifespan. A number of these are considered appropriate to consider in relation to this particular scheme.

7.22 In terms of context the proposal is considered to be based on a sound understanding of the features of the site and the surrounding context and that the development is influenced by and will contribute positively to the context. It is considered that the proposal responds to existing local character and identity, and would have a positive and coherent identity of its own that builds on the locally distinctive character of the suburban streets of the area.

7.23 With regard to built form, the dwellings are laid out so as to address the streets within the scheme, the access and approach road and also the open space to the east of the housing site, with a clear distinction between public and private areas. A tree lined street is proposed within the site to complement the landscaping to the boundaries and within the site and to reflect the leafy character of surrounding roads.

7.24 In terms of movement, the site is well located within an already established residential neighbourhood. This would enable residents to make journeys by foot and by cycle, as well as by public transport, as an alternative to the private car.

7.25 In relation to nature, the scheme is sited within an established urban area and is a previously developed site. The ecological appraisal undertaken in support of the proposals sets out a number of recommendations that are aimed at providing suitable features for bats and birds and small mammals. This is set out in more detail later in this report. All the dwellings have garden areas that are of an appropriate size for a suburban location, which would be private and secure. These can all be accessed externally so as to enable cycle and bin storage at the rear of properties.

#### Access, traffic and parking

7.26 In determining to allocate the site for residential development in the Local Plan, the LPA took consideration of a number of highway matters (as set out in paragraph 108 of the NPPF). These include that the site was located so as to give opportunities to future residents to use sustainable transport modes; that a safe and suitable access to the site could be achieved for all users; and that the impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, could be cost effectively mitigated. Advice was sought from NYCC, acting as Highway Authority, in this regard during the Local Plan site allocation process.

7.27 Given the above, the Highway Authority has been able to confirm that it finds the details of the application appropriate from a highway engineering and safety perspective, with sufficient car parking proposed to serve the dwellings. It has confirmed that the site access has more than sufficient visibility to ensure it is safe for users.

7.28 A number of local residents have raised concerns about highway matters including the ability of the local junctions to cope with the additional traffic that they perceive will be generated from the site after redevelopment. However, the Highway Authority agrees with the findings of the Transport Assessment submitted in support of the housing development which concludes that during the peak hour period, the likely traffic generated by the proposal, compared to the existing use, would result in a significant reduction in traffic and that the proposal will be beneficial regarding vehicle numbers on the immediate highway network.

7.29 Whilst in outline only at this stage without details of the dwellings themselves, the site layout is one that is considered to be able to provide an appropriate level of off-street parking to serve the proposed housing. The majority of the plots provide for the opportunity to install an electrical socket suitable for charging electric vehicles in accordance with Policy DEC2. A condition can be imposed on the grant of outline permission in this respect.

7.30 Given the above factors, the proposal is considered to provide suitable and safe vehicular access and suitable servicing and parking arrangements in accordance with Policy DEC1 of the Local Plan.

#### Open space / Impact on playing field

7.31 The proposals include the retention of the open space on the Scalby Road frontage of the site, that provides for 1.4 hectares of amenity green space, in compliance with Local Plan allocation OS5, under Policy HC15 (Open Space and Sports Facilities Allocations). This is required to serve the demands generated by the residents of the housing on the neighbouring land, whilst also providing an important visual break in development between Scarborough town and Newby.

7.32 Paragraph 91 of Section 8 (Promoting healthy and safe communities) of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places, which, amongst other things should:

"enable and support healthy lifestyles, especially where this would address identified local health and well-being needs - for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling."

7.33 The relevant parts of Paragraph 97 the NPPF advise that:

"Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location."

7.34 Your Officers would advise that there are two main areas of consideration in relation to sports and recreation issues on this site. The first issue relates to the principle of redeveloping the existing areas of green space / playing field, whilst the second relates to securing the appropriate level of on-site and off-site green space provision through the development (ensuring that the development meets the needs of its future residents). These issues are addressed in turn below.

- Loss of playing field

7.35 The site comprises three main character areas, namely: the campus buildings and associated car parks in the centre of the site, the playing field and sports hall to the west and the frontage open space to the east. Whilst the status of the former actively utilised parts of the site is clear, there has been significant debate - between officers, the applicant and Sport England - around the use of the eastern area of open space.

7.36 Sport England's view is that this area constitutes a playing field, having been previously marked out for sports pitches. Sport England considers that it should be taken together with the western area of playing field, being situated on a single site. Sport England's objection follows that the combined playing field should not be lost (as a matter of principle), as it has not been demonstrated through the submission of up-to-date evidence (note the Council's 2013 Playing Pitch Strategy is out-of-date) that it is not required for any pitch-based sport, either now or in the future, nor has it been shown that a replacement area of playing field of equivalent or better quantity and quality would be provided. On this basis, Sport England do not consider that the proposal complies with either paragraph 97 of the NPPF or Local Plan Policy HC14, both of which seek to prevent the inappropriate / unjustified redevelopment of open space and sports facilities.

7.37 While Sport England's objection and its implications are understood, it is the view of your Officers that the principle of redeveloping the site, including the associated loss of playing field land, has been firmly established - and thoroughly tested - through the Local Plan process and thus should not be opened up to further scrutiny at planning application stage. Indeed, officers consider that requiring this allocated site to comply with the aforementioned national and local policies, which are clearly related to matters of principle and which were complied with at the time of (Local) Plan production, would significantly undermine both the plan-making and (plan-led) decision-making processes.

7.38 In addition, Officers note that the applicant's Sports Planning Statement presents the case that since the publication of the Council's Playing Pitch Strategy in 2013, demand for football in Scarborough has reduced and supply has increased (through 3G provision at the Weaponness Sports Village, Pindar School and Scarborough TEC), meaning the surpluses identified in the 2013 PPS are likely to have increased. This information was obtained through discussions with the Council's Sports Development Manager.

7.39 With the above in mind, Officers are therefore satisfied that this aspect of Sport England's objection should not be used as a reason for refusal of planning permission in this case. Nevertheless, it should be noted that if Members resolve to approve this application it must be referred to the Secretary of State for consideration, via the National Planning Casework Unit, before a decision can be issued.

7.40 Notwithstanding the above, the applicant has agreed to pay a commuted sum of £100K towards re-provision of a pitch off-site or enhancement of publically available sports pitches, such as those at Oliver's Mount. This payment would be subject to the requirement for such works being identified through an up to date Playing Pitch Strategy, which the Council is committed to updating. The work involved in undertaking this is currently being commissioned, in accordance with Sport England advice, and should be ready for adoption in late 2020. This is considered to provide for an appropriate compensation for the loss of the pitch at the application site, despite this pitch not being regularly used by the public.

- Meeting the needs of development

7.41 The Council utilises the method outlined in its Green Space SPD (adopted November 2014) in order to calculate the need for on-site and/or off-site green space provision generated by a development. Therefore, while Sport England has calculated a requirement for financial contributions using its "Sports Facilities Calculator" (SFC), Officers do not consider this approach would meet the relevant tests for planning obligations, particularly given that the SFC should be informed by an up to date Playing Pitch Strategy. Using the Council's Green Space SPD, the illustrative financial contribution towards outdoor sports provision would be likely to be around £60k (although the final figure would be calculated at Reserved Matters stage once the mix of housing types is known).

- Other sports / recreation matters

7.42 Owing to the proximity of playing field land at the neighbouring school (Springhead School Sixth Form), to the west of the development site, and the potential for cricket balls from the cricket pitch on that playing field to enter the development site, Sport England has requested the submission of a ball strike risk assessment together with details of any required ball stop mitigation (fencing / netting) prior to permission being granted. However, in this case, officers consider that this matter could be addressed at a later date, i.e. through the discharging of a relevant condition of outline planning permission. This route is considered to be appropriate because at present the LPA is not clear as to whether the cricket pitch on the site land remains in use.

#### Ecological matters

7.43 An Ecological Appraisal and Bat Roost Assessment has been undertaken to support the application. This considers plants and habitats, nesting birds and various mammals and reptiles in the context of NPPF policies. This confirms that the majority of the site comprises amenity grassland and bare ground, with buildings, introduced shrub, dense and scattered scrub, trees, broadleaved woodland and hedgerows. The Appraisal advises that no invasive plant species were recorded inside or immediately adjacent to the site.

7.44 The Appraisal advises that the amenity grassland and bare ground within the site support low floristic diversity and are common and widespread in the surrounding area. These habitats offer very limited foraging and/or nesting opportunities for birds, badger and bats and it is considered that their loss is unlikely to have any significant negative impact on these species or the ecological value of the area.

7.45 It also advises that the introduced shrub within the site does offer a slightly higher diversity of species though plants are of an age and species that can be easily replaced and these areas are isolated and highly managed/disturbed so are of negligible value for birds, badger and bats.

7.46 Areas of dense and scattered scrub, trees, woodland and hedgerows within the site are of an age and structure which is more difficult to replace and, in addition, support greater species diversity and have value as vegetated corridors. These habitats also provide nesting, sett building, potential roosting and foraging opportunities for birds, badger and bats. The Appraisal recommends that in order to avoid impacts to habitats of higher ecological value it is recommended that scrub, trees (including woodland) and hedgerows are retained and protected where possible. Tree protection should be installed in accordance with BS5837:2012, with suitable fencing and root protection zones utilised.

7.47 The report makes recommendations in terms of planting and features to enhance the site's value for bats, including provision of bat boxes as well as enhancements for nesting birds and other mammals as well as setting out recommendations for overall biodiversity gains. These matters can be required by a suitable condition on any grant of outline permission given.

#### Residential amenity

7.48 Given the separation distances between the proposed housing and its nearest neighbours on the opposite sides of Lady Edith's Drive and Scalby Road - at a minimum of 40m - the proposed housing is not considered to be likely to have any harmful impacts on the residential amenity of existing properties. The residential development of the site - despite the lack of detailed design proposals at this outline stage - is considered to accord with Policy DEC4 of the Local Plan both in relation to existing neighbours and between the various properties proposed within the submitted layout.

#### Security

7.49 The Police Designing Out Crime Officer (DOCO) has made a couple of recommendations in relation to additional features within the development to protect against crime and disorder. These include ensuring the number of individual properties accessed from a shared rear access path are kept to a minimum. It is recommended that a condition be imposed on any permission granted requiring the Reserved Matters submissions to indicate how the measures recommended by the Police DOCO are to be incorporated into the scheme.

#### Drainage

7.50 The Flood Risk Assessment (FRA) submitted with the application advises:

"The FRA has considered the potential impact of the development on surface water runoff rates, given the increase in impermeable areas post-development. These rates have been calculated, and it has been demonstrated that surface water can be

managed, such that flood risk to and from the Site following development will not increase. This will be achieved through restricted discharge rates and an appropriately sized detention basin with an outfall to watercourse. The FRA demonstrates that the proposed development would be operated with minimal risk from flooding and would not increase flood risk elsewhere. The development should therefore not be precluded on the grounds of flood risk, as well as surface water and foul drainage."

7.51 To manage surface water run-off from the site, as there will be an overall increase in impermeable surfaces across the site, a detention basin is proposed in the green space on the east side of the site, to enable storage of water and its discharge to the local watercourse at an attenuated rate, in storm events. It is proposed that the detention basin be maintained in accordance with guidance in the SuDs Manual (CIRIA C753, 2015). This would either be managed by the Local Authority or by a management company acting on behalf of the residents of the development. A list of operation and maintenance requirements is set out in the report.

7.52 The FRA advises that the detention basin will be designed with a capacity up to a 1 in 100-year (+40% for Climate Chance) event, with a 300mm freeboard allowance, based on a 20.3 l/s discharge rate to Woodlands Beck. This provides a betterment (reduction) in runoff when compared to existing conditions, where runoff is uncontrolled across all return periods. It further advises that a storm event in excess of this design standard would be extreme and would cause the detention basin to overtop (with no sudden deluge) and would then shed overland following the topography downslope of the basin to the north and into Woodlands Beck

7.53 The LLFA has not raised objection to the proposals although it has recommended that further survey work be undertaken to determine the route and condition of the receiving system. The applicant's consultants have responded that where the watercourse flows beyond the inlet at the eastern end of Lady Edith's Drive is not of great consequence. This is due to the proposed drainage system attenuating flows across rainfall events above a 2.3 year event up to a 1 in 100 year+40% event, with run-off flows capped to no higher than a 2.3 years event and therefore the betterment for whatever is downstream is significant. The consultant therefore advises that the knowledge of the route and condition of the downstream asset should not be of concern in terms of this project, as less water will be put into the asset than at present so the effect can only be positive.

7.54 Your Officers consider that as there is betterment in this case - i.e. the flows to the receiving system will be reduced over the existing situation - there is no requirement for the applicant to survey the wider system.

7.55 Yorkshire Water has suggested the imposition of a couple of conditions on the grant of outline permission, and has advised the applicant that waste water should be directed to the 750mm diameter public sewer adjacent to the site in Scalby Road. It also advises that the development layout may need to be amended so as not to restrict access to the 6" diameter water main running through the site, unless the developer that is to undertake works on the site wishes to divert the main as its own expense.

7.56 The site is considered to be developable without an increase in off-site flooding, subject to the provision of an appropriate on-site surface water storage feature (detention basin) and flow controls to the neighbouring watercourse. A condition is

proposed requiring the design and maintenance of the detention basin and flow controls, along with the conditions recommended by Yorkshire Water.

## Local Services

7.57 Various consultations have been undertaken to determine whether the redevelopment of the site for housing would require the payment of commute sums towards local education and health services.

7.58 NYCC, as Education Authority, has confirmed that there is sufficient capacity within the local schools to accommodate the additional pupils expected to be resident within the proposed development. It has therefore advised that no contribution is required from the development.

7.59 The CCG has been consulted so that it can advise whether a contribution should be sought towards health provision in relation to the proposed housing.

## 8.0 PRE-COMMENCEMENT CONDITIONS

8.1 Pre-commencement conditions are proposed to cover a number of matters. The applicant has agreed to the imposition of these conditions in principle.

## POSITIVE & PROACTIVE STATEMENT

The proposed development as submitted is in principle acceptable, but there are certain aspects where additional details need to be agreed and implemented and/or specific safeguards need to be put into place. The Local Planning Authority acted proactively by attaching planning conditions which can adequately address such matters.

In addition, the Local Planning Authority sought to ensure that where key infrastructure is needed to comply with relevant planning policies, and this could not be secured by condition, adequate provision shall be provided by means of Section 106 planning obligation(s).

## RECOMMENDATION

That it is resolved to GRANT OUTLINE PLANNING PERMISSION, subject to the completion of a S.106 Agreement in respect of the matters set out in the report regarding:

- A. payment of a commuted sum towards a replacement pitch, subject to the findings of an updated Playing Pitch Strategy
- B. payment of a commuted sum in accordance with the Council's Green Space SPD, based on the detailed proposals approved at Reserved Matters stage
- C. payment of a commuted sum towards primary health provision should this be demonstrated as necessary by the CCG, and conditions covering the following matters, as set out below.

D. payment of a commuted sum towards off-site provision of affordable housing, subject to the application of Vacant Building Credit

With the exception of A. above, all the commuted sums would be subject of calculations based on the details of the Reserved Matters submission/approval.

And also subject to conditions dealing with the issues set out in the list below.

That, subject to the above resolution being made, the application be referred to the Secretary of State due to the objection received from Sport England, and that planning permission is not issued without confirmation from the Secretary of State that the Local Planning Authority is able to finalise the determination of the application.

1. Confirm the reserved matters requiring approval - appearance, scale and landscaping.
2. The layout to be in general conformity with the approved layout plan, subject to various amendments to be set out in decision notice.
3. The undertaking of additional archaeological investigations prior to the submission of any application for reserved matters approval, in line with an approved WSI. This would then allow any archaeological remains that may be found on the site to inform the final layout of the development.
4. Technical details of surface water detention and flow attenuation works and their implementation to guard against off-site flooding.
5. Details of the maintenance and management of the surface water works and public open space.
6. No building or other obstruction including landscape features shall be located over or within 3 metres either side of the centre line of the 6" water main unless diversion or closure has been agreed with the relevant statutory undertaker.
7. Provide separate systems of drainage for foul and surface water on and off site.
8. No piped discharge of surface water until a satisfactory outfall to the local watercourse has been provided.
9. Foul water flows to be directed to the 750mm diameter public sewer in Scalby Road.
10. Detailed highway engineering drawings.
11. Dwellings only to be occupied once served by a carriageway constructed to basecourse etc.
12. Access to site by vehicles only via the existing access to Lady Edith's Drive.
13. Measures to prevent surface water discharging onto the existing or proposed highway.
14. Details of off-site highway improvement works.
15. Implementation of off-site highway improvement works.
16. Parking facilities to be provided for each property prior to occupation and thereafter retained.
17. Provision of electrical socket for electric vehicle charging.
18. The landscaping details shall include details of the layout of the amenity open space including footpaths and children's play area and equipment, and details of its maintenance and management.
19. Reserved Matters application to be accompanied by detailed plans showing the provision of vehicle parking.
20. Ecological surveys and detailed mitigation measures as set out in the Ecological Appraisal.

21. Reserved Matters application to be accompanied by a report detailing the how the scheme seeks to design out crime / includes crime prevention measures.
22. Reserved Matters application to include existing and proposed site levels and finished floor levels of dwellings.
23. Details of footpath connection in the north west corner of the site and details of the timing of its implementation.
24. Protection of trees during demolition/construction works.

Informative: Recommend that a construction management plan is agreed with NYCC Highways before works commencement on site.

*David Walker*

**Background Papers:**

Those documents referred to in this report.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT MR M P WHITMORE ON 01723 232475 email [Marcus.Whitmore@scarborough.gov.uk](mailto:Marcus.Whitmore@scarborough.gov.uk)



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