



REPORT TO PLANNING & DEVELOPMENT COMMITTEE

**TO BE HELD ON THURSDAY, 17TH
FEBRUARY 2011**

APPLICATION REFERENCE NO:

10/01893/RM

TARGET DATE:

6TH JANUARY 2011

GRID REF:

510959 - 480298

REPORT OF THE HEAD OF REGENERATION & PLANNING – 11/90

SUBJECT: DEVELOPMENT OF 300 RESIDENTIAL DWELLINGS OF VARIOUS SIZES AND TENURE, A SHOP, PLUS PUBLIC OPEN SPACE INCLUDING A FITNESS TRAIL AND PLAY AREAS AT LAND TO THE EAST OF MUSTON ROAD, FILEY FOR COAST AND COUNTRY HOUSING

1.0 INTRODUCTION

- 1.1 This application is brought in front of Members with a number of outstanding issues, and will require a considerable amount of verbal reporting to Committee. Ordinarily, your officers would seek to resolve all the issues before bringing the application to Committee. However, due to the constraints detailed below, we have brought it for determination at the request of the applicants.
- 1.2 The applicants have accessed funding streams from the Homes and Communities Agency (HCA) in order to assist in delivering the development and the affordable housing for the site. This equates to a figure in the region of £2.5m. However, if the applicant does not obtain full planning permission and complete the signing of the legal contracts with the appropriate bodies by the end of March, then that funding will be withdrawn by the HCA, and cannot be reclaimed. This Committee represents the latest possible opportunity to determine the application, and if approved, still meet the HCA target dates.
- 1.3 This is relevant to planning in that there are implications for the delivery of affordable housing as part of this scheme.

2.0 THE PROPOSAL

- 2.1 The application concerns land to the east of Muston Road in Filey, located opposite Filey Secondary School. The northern boundary of the site runs parallel with Grange Avenue and the cemetery, whilst various caravan sites are situated around the other boundaries of the site. The site extends to some 16 hectares of undeveloped agricultural land, of which approximately 9 hectares forms the residential area, with approximately 7 hectares of public open space.
- 2.2 The proposal consists of the Reserved Matters submission for this site, which was approved in outline form by a Planning Inspector at Public Inquiry in December 2007.
- 2.3 The application seeks Reserved Matters approval of layout, design, access and landscaping for 300 residential units, with ancillary infrastructure, as well as a shop, public open space and play areas. There is provision for 40% of the properties (120no.) as affordable housing.
- 2.4 The breakdown of dwelling types is as follows: -

Affordable Housing (Rental Properties)

12no. 2 bedroom bungalows
25no. 2 bedroom houses
16no. 3 bedroom houses
7no. 4 bedroom houses

Total 60 Units

Affordable Housing (Shared Ownership)

25no. 2 bedroom houses
22no. 3 bedroom houses
13no. 4 bedroom houses

Total 60 Units

Private Housing

27no. 3 bedroom bungalows
22no. 2 bedroom houses
72no. 3 bedroom houses
59no. 4 bedroom houses

Total 180 Units

- 2.5 Apart from the bungalows, the housing consists of two storey dwellings, with the exception of the properties around the central green square, which will be 2.5 storeys.
- 2.6 The ridge heights of the two storey properties vary slightly, but tend to be between 8m and 9m in height. The 2.5 storey properties are approximately 11m in height.
- 2.7 The proposal provides a residential layout over 9ha of the site, with a flowing road layout limiting the use of cul-de-sacs where possible, and attempting to minimise the amount of on-street parking across large areas of the site. There are 39 different variations of bespoke house types of terraced, semi-detached and detached nature, designed to provide variety and choice of housing types, as well as attempting to compliment some of the vernacular of Filey. No details of the materials of construction are submitted at this stage, and will be dealt with before the commencement of development on site.
- 2.8 The proposal also contains provision for 1no. single storey shop unit as required by Condition 9 of the outline approval.
- 2.9 The layout supplied with the application provides two Local Areas for Play (LAP) designed for toddlers and small children located in the residential area of the site, and a Local Equipped Area for Play (LEAP) within the Public Open Space, designed for children of early school age. In addition to the above, a fitness trail and kickabout area are also located within the Public Open Space.
- 2.10 The application shows a T-junction which forms the vehicular access to the site from Muston Road, positioned to the south of the existing access to Filey School, opposite the site. The pedestrian / emergency access is shown from Coxswain Close, but an application has been made to vary this to share the emergency access with the caravan site, off Brigg Road, and alongside Seadale Terrace, taking a spur from that road to access the development site. It would be gated or bollarded at all times, only relaxed to allow emergency vehicles into site. This application is also on the Agenda for determination.
- 2.11 The application submission consisted of the following technical documentation: -

- Planning Statement
- Design and Access Statement
- Statement of Community Involvement
- Archaeological Assessment
- Affordable Housing Statement
- Wildlife Protection Plan
- Habitat Management Plan
- Sustainability Statement
- Travel Plan
- Drainage Strategy and associated drawings

3.0 PRE-APPLICATION COMMUNITY ENGAGEMENT

- 3.1 A public consultation event took place in July 2010 in Filey, where the applicant and their technical specialists were in attendance.
- 3.2 160 people attended the presentation, and 74 feedback forms were completed. Key issues raised by local residents included concerns regarding drainage and flooding issues, as well as pressure on local services.

4.0 CONSULTATIONS AND COMMENTS

- 4.1 The consultation responses below relate to the original submission in November 2010; amended plans demonstrating an altered site layout, some drainage information, and other supporting documents were received on 1st February and sent out for re-consultation; responses on those documents will be reported verbally to Committee.
- 4.2 Filey Town Council – Would respectfully remind the Committee of the flooding in 2007 when over 200 homes were flooded, including many close to the site. The existing drains on the Persimmon estate are not yet adopted, and tankers are still visiting the site on a regular basis as problems are still being experienced. The proposal for the foul sewage from this development into the system can only make matters worse.

Whilst it is acknowledged that the developer has incorporated a 1 in 100 drainage system, as part of a condition of the outline approval, it is of paramount importance that once the foul and surface water leave the site that Yorkshire Water and other agencies are 100% confident that this drainage can be accommodated without increasing flood risk in the area.

Following the 2007 floods, Martins Ravine was badly damaged, and extensive re-instatement works have taken place. Should surface water be directed from this development down this route, this may well disrupt access to the beach. There are also concerns regarding pollution of the bathing water, which may affect Filey's Blue Flag Award, and the pilot scheme for "excellent" bathing water standard aimed for by Yorkshire Water. Royal Parade traders were badly affected by the flooding as well as the reinstatement works to Martins Ravine, and would be opposed to further disruption in this area.

Members have no objection to the design of the properties, however we would ask that the hedgerow between the site and the Seadale Caravan site be retained to protect privacy, and a condition be added to that effect.

As it is proposed to use the Mill Farm lay-by as a dropping off point for Filey School, Members would request that an additional crossing point is located between the lay-by and the school entrance so that students do not have to walk across the site entrance to use the other crossing point.

Any existing ditches in the area need to be retained, ie. those adjacent to the Muston Grange caravan site, as the area takes a lot of surface water runoff from Mill Hill, and loss of these could be a detrimental factor in any flooding event.

As Members have very grave concerns regarding drainage of the site, they wish to delay final comments until the release of the feasibility study by Yorkshire Water. It is imperative that the drainage of this site is correctly managed and controlled, with the key agencies being totally satisfied that the development will not have any further impact on flooding in Filey.

The Members of Filey Town Council would therefore request that until all parties have sight and time to consider the full drainage scheme for this site, that this application be refused.

- 4.3 Highway Authority (NYCC) – Response awaited
- 4.4 Environment Agency – Insufficient evidence has been provided on foul and surface water drainage to allow development to commence. Detailed information will be required to demonstrate that foul and surface water can be managed in a satisfactory manner. We are aware that a feasibility study is being produced, and would comment on that in due course.
- 4.5 Yorkshire Water – Following discussions with the applicant, amended details with regard to the discharge of foul water into the Brigg Road public sewer have been received and are now acceptable. The applicant has commissioned a feasibility study under Section 98 of the Water Industry Act, and will be completed late January / early February.
- 4.6 Drainage and Coastal Engineers (SBC) – I confirm that from a land drainage point of view, I must object to the proposed application, as the developer has submitted insufficient drainage details. There are no details submitted for off site drainage, nor details of the method of draining the proposed swales which form part of the flood prevention measures for the site.
- 4.7 Estates and Valuation (SBC) – Response awaited
- 4.8 Environmental Health – No objections
- 4.9 Natural England – During the lifespan of the application, the presence of Great Crested Newts (GCN) has been established. Natural England have objected on the basis of no information has been supplied with regard to the methodology of dealing with the issue.
- 4.10 Ecologist (SBC) – Response awaited
- 4.11 Landscape Architect (SBC) – Response awaited
- 4.12 Tourism and Culture – Response awaited
- 4.13 Housing Strategy Manager (SBC) – Supports the application, and provides the following as background information: -

Filey, like most other parts of the Borough has a severe affordable housing shortage. The current number of social rented homes in Filey is around 350, which amounts to approximately 12% of the total housing stock in the town, compared with a regional and national average of around 20%.

The Strategic Housing Market Assessment undertaken in 2007 identified the number of households in housing need in Filey to be approximately 250. It

also identified an annual affordable housing requirement of 87 homes required to meet need and demand over the period 2007 - 2012.

Since 2007, no new affordable homes have been built in Filey, although 17 new affordable homes are currently in the process of being built by Accent Housing at Mitford Street. There is very low turnover within the current social rented housing stock with Yorkshire Coast Homes only recording around 10 - 15 lettings per annum on average. These figures obviously go nowhere to meeting the current need and demand for affordable housing in Filey.

The Government's cuts to funding for affordable housing means that it is very unlikely that any new funding will be available for further affordable housing for a number of years. As a result the Muston Road development may well represent the only affordable housing to be built in Filey over the next 5 years.

The allocation of the social rented properties will be subject to the choice based lettings scheme recently introduced, known as North Yorkshire Homechoice. This will be completely different to the Tees Valley choice based lettings scheme, and Muston Road allocations will not come under that scheme.

- 4.14 County Archaeologist – Confirm that the archaeological statement supplied with the application is acceptable and the scheme of archaeological mitigation as recommended, be secured by an appropriately worded condition.
- 4.15 Education Authority – Have recalculated the contribution toward local school places from the development. Due to the change in circumstances since 2007, the contribution required from the developer has reduced to £27,192.
- 4.16 Architectural Liaison Officer, North Yorkshire Police – Has concerns relating to the provision of a footpath into the site from Muston Road, as it may be used as a shortcut into the adjacent estate, causing tensions with residents of the new development. He also has concerns relating to the footpaths leading from the central square, in that they could be classed as “ambiguous space”, which could lead to associated anti social behaviour. Boundary fencing to the rear of each property should be a minimum height of 1.8m, and as close to the front building line as possible. All external elevations of dwellings should be fitted with vandal resistant security lighting, fitted at a height of at least 2.4m. All utility meters should be fitted in externally accessible areas, to reduce the need for access into properties to read them, and therefore reduces the likelihood of bogus caller / distraction burglaries.
- 4.17 Filey Surgery – Response awaited
- 4.18 Transco – Response awaited
- 4.19 CE Electric UK – Have supplied details with regard to the location of underground cables located within the site. No objections subject to continuing rights of access to apparatus.
- 4.20 Publicity – The final consultation period expires on the 16th February 2011.
- 4.21 Mr Makin, 28 Grange Avenue – Concerns regarding impact on wildlife, too much building in the area.

- 4.22 Mr & Mrs Sargeant, 8 Coxswain Close – Concern that pedestrian and vehicular access will affect existing properties. Parking is an issue at present and will be even worse if these houses are built
- 4.23 Mr Cairns, 22 Bay Crescent – No up-to-date flood risk assessment. How does the applicant intend to deal with foul and surface water drainage. Drainage calculations need checking by a competent person. If surface water is discharged through Martins Ravine, will it scar the ravine, as it struggles to cope with existing flows. Can existing drainage capacity be confirmed? Seadale estate not yet adopted, and the pumping station needs remedial work.
- 4.24 Mr & Mrs Murgatroyd, 4 Coxswain Close – This excessive development will add congestion to Filey, create vehicle movement difficulties and house people in an area of very little real employment. It will not reflect the needs and aspirations of the people of Filey
- 4.25 Mr & Mrs Rigg, 7 Seadale Terrace – Development will greatly intrude upon our privacy. We have issues with flooding from the site due to site level differences. Our property suffers from subsidence, and we are worried that the development will make the situation worse. We are worried about the impact on a Great Crested Newt colony in the small wooded area south of our property, and have informed Natural England. Filey cannot cope with such a large development as services will not be able to cope.
- 4.26 Mr & Mrs Brownrigg, 19 Brigg Road – Concerns relating to flooding, and that the new development will impact on the existing properties. Building 300 dwellings will presumably increase the danger of flooding from surface water runoff.
- 4.27 Mr Miller, 100a Muston Road – Traffic on Muston Road is already at saturation point, and traffic already backs up when the level crossing is in use. The additional traffic will lead to traffic problems in the town centre. There will be increased pressure on local services and utilities.
- 4.28 Mr Robinson, 6 Seadale Terrace – Existing problems with flooding will only be made worse by this development. Can assurances be given that the situation will not worsen?
- 4.29 Mr Shippin, 10 Coxswain Close – Coxswain Close should not be used as a pedestrian access. The foul water treatment works cannot cope at present. The smell adjacent to those works was horrendous during the summer, with adverse comments made by visitors and residents.
- 4.30 Mr Wing, 96 Muston Road – Gave evidence against the application at the appeal, it appeared cut and dried what the result would be – so what's the point?
- 4.31 Miss Sykes, 6 Coxswain Close – I strongly object to the application. There are insufficient entrance/egress routes to the town centre and other facilities. The layout is not environmentally friendly. The layout does not make good use of green space. The pedestrian route through Coxswain Close will cause problems for residents. Connecting this development into the foul water sewer will cause problems as this is not adopted. Surface water drainage from the site will damage Martins Ravine. Housing should be allocated for existing Filey residents.

- 4.32 Mrs Wooley, 17 Rutland Street – I cannot believe the Council is considering any more houses being built in Filey. There is little or no employment in town, and this will increase anti-social behaviour.
- 4.33 Mr West, 21 Bay Crescent – When the appeal was lost there was an undertaking that surface water would be dealt with by a separate pipe direct to the sea. Martins Ravine is unable to take the flows. One entrance for all the cars from the new development, chaos will ensue. We do not need 300 houses as Filey expanded when there was work at Butlins and TT Electronics, the workers will have to commute. There is too much social housing.
- 4.34 Mrs Nicholls, 100b Muston Road – These houses should not be allowed to be built. It is ridiculous to build 300 houses opposite the school gates on the brow of a hill. Schools cannot cope with extra children, the Doctors surgery cannot cope with extra patients. Muston Road cannot cope with additional traffic. The Police are stretched at present, how are they to cope with the extra people. This will be a disaster if it is allowed to go ahead.
- 4.35 Mr Green, 9 Coxswain Close – It appears that this proposal is intent on being passed. Please ensure all flood risk measures are adhered to.
- 4.36 Mr Coats, 2 Coxswain Close – The drainage scheme does not meet Condition 16 of the appeal. There is no evidence in the planning application that exceedance or flow paths relating to drainage have been considered.

Detail has not been provided of how well the swales will perform for return period events. There is no evidence of the use of sustainable urban drainage methods for other areas within the site, as per condition 17. Without drainage details it is impossible to know if the drainage system is fit for purpose.

There is no evidence in this planning application that flood risk to areas adjacent to and downstream of the development has been considered in terms of overland flow routes which might not be intercepted at higher rates, which the Inspector said were compatible with the detailed design of the site and its drainage, to be considered at reserved matter stage.

An extreme storm event can occur at any time. Compaction of the land during construction, prior to the drainage system becoming operational, could lead to an increase in flood risk to areas adjacent to and downstream of the development. There is no evidence in this application of this matter being considered. Is it a possibility, and will precautionary measures be necessary?

If a large number of the local people of Filey awaiting rental and shared ownership properties were to be accommodated in the 120 properties, then it would probably be a benefit to Filey. However, there are scenarios that could leave Filey worse off, with only a small number going to people already living in Filey. Given the paucity of information published, who knows?

5.0 RELEVANT SITE HISTORY

- 5.1 2006 – Outline application for residential development, open space and means of access was refused as the applicant failed to demonstrate that the proposed development would not pose an unacceptable risk to flooding and there was no evidence that any of the drainage options proposed could be achieved.

- 5.2 2007 – Outline application for residential development, open space and means of access was refused on drainage grounds; subsequently allowed at appeal with all matters reserved except access.
- 5.3 2010 – Proposed cycle/pedestrian and emergency access off Brigg Road to serve future development at Muston Road; to be determined at this committee.
- 5.4 2010 – Extension to time limit relating to application reference 07/00547/OL for the proposed residential development with open space and means of access; to be determined.

6.0 PLANNING POLICY

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 54A 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)

E.5	Road and Rail Approaches to Resort Towns
E.12	Design of New Development
E.39	Development Affecting Hedgerows and Trees
H.1	Overall Housing Provision
H.2	Housing Allocations
H.10	Protection of Residential Amenity
R.1	Public Open Space Allocations
R.2	Open Space Provision within New Residential Developments
C.6	Developer Contributions
C.7	Foul and Surface Water Disposal

Regional Spatial Strategy

C.1	Coast sub-area policy
ENV1	Development and Flood Risk
ENV8	Biodiversity
H.1	Provision and Distribution of Housing
H.2	Managing the Supply and Delivery of Housing
H.4	The Provision of Affordable Housing

Planning Policy Statements

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS5	Planning and the Historic Environment
PPS9	Biodiversity
PPS25	Development and Flood Risk

7.0 ASSESSMENT

The Principle of the Proposal

- 7.1 Members will be aware that current planning policy relevant to the consideration of the proposed development is contained within the Scarborough Borough Local Plan, the Regional Spatial Strategy and the existing National Planning Policy Statements (PPS)
- 7.2 A number of policies that were considered relevant to the 2007 application are not included as part of the policy context for this proposal. These policies were not “saved” beyond September 2007, as per the Government of the Yorkshire and Humber (GOYH) direction.
- 7.3 The principle of development on site was considered at outline stage, and as a result, is not part of the consideration for this application, which seeks the determination of the Reserved Matters, in this case road and plot layouts, elevations of dwellings and details of landscaping and tree planting.
- 7.4 In this instance, the development accords with the illustrative masterplan that was produced as part of the outline application, and formed a key planning condition of that approval.

Disposition of uses within the proposed development

- 7.5 The site is allocated for residential development as site HA11 in Policy H2 of the Local Plan, as well as three areas allocated for the provision of Public Open Space (POS) in Policy R1 of the Local Plan, being POS 11, 12 and 13. These allocations were intended to provide a suitable setting for the residential development, including the provision of suitable landscaping to assist in integrating the development into the landscape, as well as providing sufficient and pleasant areas of public open space. The POS 12 allocation is located outside of the Filey Development Limit.
- 7.6 The illustrative masterplan that was submitted with the outline application showed a working layout with residential properties and public open space located in pockets within the residential area, with a larger area to the south of the site. This application has maintained the spirit of that layout, albeit with changes and improvements following negotiations with officers of the Council.
- 7.7 The outline approval also conditioned the provision of a shop unit on site; this was originally located close to the central square, but has now been relocated to the east of the site, along a desire line that runs from the proposed pedestrian access toward Muston Road.

Layout and Design

- 7.8 The applicants propose a number of bespoke house types, which they feel reflect the vernacular of Filey, in that it should represent a lower density form of development, with two storey dwellings in the ascendancy, and a wide variety of house types and designs, with off street parking. This is reinforced within the Design and Access Statement, which takes into account , and demonstrates by means of photographs and montages, how the character of Filey has influenced the design as a whole.
- 7.9 The original layout was presented to the Design Review Panel on two occasions in 2010. The first review in June 2010 was critical of the overall design and layout, in that it failed to optimise the assets of the site and not make the best use of the site. The Panel was unconvinced by the context narrative, and felt there was scope to provide a more distinctive and Filey specific solution, which should celebrate the seaside location.
- 7.10 The scheme was returned to the Panel in October 2010, who felt that little had changed, and that the scheme as a whole should aim higher and raise its aspirations in providing homes for the future. The Panel considered that the aim of the applicants was to deliver a suburban development and nothing more. They were, however, pleased with the house types and elevations demonstrated. The Panel felt that whilst the Public Open Space contained the elements required, it did not work well as an integrated design with clear objectives.
- 7.11 Your Officers agreed with the comments of the Panel, and these were taken into consideration during negotiations with the applicants in regard to the scheme as a whole, and significant improvements have been secured in terms of the overall layout and feel of the site, and your officers now feel that the layout as presented, represents a positive and meaningful contribution to the overall character and context of Filey and has satisfactorily addressed the concerns of the Panel.
- 7.12 The distribution of house types has been amended following negotiations during the course of this application. The original layout showed a number of large detached properties on the southern edge of the residential area, with little in the way of housing mix or design alteration. The amended layout sees the repetitive nature of that aspect of the site broken up by means of highway layout. dwelling orientation and use of different house types
- 7.13 From an architectural point of view, the design of the bespoke housetypes is considered to be acceptable. The designs have been influenced by the nature of the Filey vernacular, without need to feel clichéd by the surroundings. They represent bold designs and internal layouts, without excessive domination of one house type at the expense of others. Materials of construction will be dealt with by condition, and we would expect to see an extensive schedule of high quality materials that will assist in giving this development a sense of place, rather than dominating with suburban brick

buildings, with clay roof tiles. There is an opportunity to celebrate the architecture of Filey, yet create an identity of its own.

Landscaping and Public Open Space

- 7.14 The application proposes a total of approximately 7ha of Public Open Space within the development, both as amenity space, and to contain the swales necessary to provide effective surface water drainage for that area of the site, as part of the overall drainage strategy. The Regional Design Panel were critical of the Public Open Space at the early stages, indicating that whilst the elements were there, the scheme did not work well as a whole.
- 7.15 The Public Open Space layout demonstrates a variety of uses for that area, including a wildflower meadow, two ornamental cherry orchards, expanses of amenity grassland and succession planting, as well as the Local Equipped Play Area (LEAP), a kickabout area, and a fitness trail.
- 7.16 The original layout plans supplied showed a Multi Use Games Area (MUGA) in the open space area, but this was removed following discussions with the applicants, due to the provision of a facility close by, which has been constructed since the outline approval in 2007. The provision for a contribution to an off-site facility remains in the Section 106 agreement.
- 7.17 Effective use of this amount of Public Open Space is essential, as it sets a context to the whole development, as well as improving the amenity for local residents. In this instance, this area has been designed sympathetically, in a manner that will provide long term benefits for the site. The provision of a management plan demonstrates the applicants' long term commitment to the maintenance and improvement of this vital area of the site and as such, is acceptable to the Local Planning Authority.
- 7.18 The comments of the Council's Landscape Architect are awaited with regard to this aspect of the development.

Children's Play Areas

- 7.19 The housing allocation (HA11) of the Scarborough Borough Local Plan requires the provision of two equipped play areas within the site, in this instance a LAP (Local Area for Play, suitable for toddlers and young children) and a LEAP (Local Equipped Area for Play, for children of school age). Discussions with the applicants have resulted in the LAPs being brought into the residential areas of the site, having been originally omitted from the application. The LEAP is now located in the area where the MUGA was originally to be constructed.
- 7.20 The proposed LAPs are located appropriately within the site; the LAP in the central square assists in giving that space a heart and function, and should ensure that the square maintains that function as a valuable community resource. The smaller LAP to the east is well located on a key desire line across the site and should attract positive usage. Both areas strike a good

balance between passive surveillance from nearby properties and being located in positions that avoid amenity issues with those properties.

- 7.21 The LEAP is located within the Public Open Space to the south of the site. As a facility used by older children, there is less of a requirement for direct surveillance, but is still located in an area that is visible from surrounding properties. This in turn will reduce the possibility of amenity issues from the LEAP, given the different dynamic of a facility populated by older children. The kickabout area located in the Public Open Space would comprise a set of goalposts, in order to encourage play in older children.
- 7.22 Specifications for the play areas have not been received; the details will be conditioned for approval before construction commences.

Impact on Residential Amenity

- 7.23 The proposed layout is considered acceptable in terms of residential amenity, with regard to the relationships between the new properties. Improvements to the highway layout have reduced the possibility of conflict between homeowners and car users, and should reduce the need for on-street parking and the impact that can have on residential amenity.
- 7.24 With regards to the relationships between new and existing properties, the majority of impact would be on the rear of the Grange Avenue dwellings. However, the vast majority of those properties have large rear gardens in excess of 20m in length, and when coupled with the layout of the new dwellings in that location, with rear gardens of up to 12m in places, gives a comfortable separation distance between the new and existing dwellings, and will not give rise to material harm to the amenities of both sets of residents by virtue of overlooking or overbearing impacts.
- 7.25 The layout sets out a small area of Public Open Space between the development and 113 Muston Road, and will retain existing levels of amenity for that property, which has a considerable boundary treatment on that key elevation.
- 7.26 The area around the boundary with Coxswain Close has been significantly altered, as the emergency access no longer uses that point of entry; there is an area of amenity grassland in that location, and no highway near that boundary.

Security and Crime Prevention

- 7.27 The Police Architectural Liaison Officer would like to see pedestrian footpaths linking the site to Muston Road to be removed, as he considers that these could provide escape routes for offenders. In addition to this, he would seek removal of the footpath links that emanate from the central area of the site, as these could provide a focus for anti-social behaviour.

- 7.28 However, such routes are a requirement of the HA11 allocation, which requires pedestrian routes through the new development, forming good linkages between the proposed development and surrounding neighbourhoods and the town centre. In this instance, it is felt that the amenity benefits of the provision of these routes, in terms of access to key facilities within Filey, outweighs the negative aspects for the possibilities of anti-social and criminal behaviour.
- 7.29 The applicants have indicated that they wish this development to be Secured By Design approved, and will work with the ALO to achieve this goal. No details have been submitted with the development on how this is to be achieved.
- 7.30 Since those comments have been received, an amended layout has been supplied, and further comments are awaited with regard to this new layout as to how the amended landscaping and features influence the Secured By Design submission.

Affordable Housing

- 7.31 The applicant proposes to provide 40% of the units as affordable housing within the site, accounting to 120no. affordable homes. Of these, 60 would be rented via a Registered Social Landlord (in this case, the applicants themselves), and 60 would be classified as shared ownership properties, with the RSL. The affordable elements are expected to be “tenure blind” in terms of the relationship with the open market properties, and will be “pepper potted” throughout the development, in line with the criteria set out in the SPD. The Housing Services Manager has approved the layout of the affordable housing in the development after negotiations with the applicant.
- 7.32 The Section 106 agreement required the provision of only 20% of the units to be affordable. In this instance, the applicant (as a Registered Social Landlord) has provided 40% of the properties as affordable housing, which is to be welcomed. The comments provided by the Council’s Housing Services Manager outline the shortage of affordable homes in the Filey area; the additional properties will go some way to addressing that shortfall.

Drainage

- 7.33 Drainage remains a key issue with regard to the provision of this development. The responses received from key consultees and local residents only magnify this issue. It is imperative that this development does not increase the risk of flooding in Filey.
- 7.34 The application refused in 2006 raised concerns in respect of its ability to adequately deal with drainage, most notably surface water drainage. This was reiterated in 2007, when the application was refused by Members, against officer recommendation.

7.35 When the Inspector upheld the appeal in 2007, she held that drainage was such a key issue that it should be addressed as one of the Reserved Matters, as well adding as a separate condition requesting full drainage details as a pre-development condition. During the course of the application, and following requests for full drainage details from your Officers, the applicants have taken legal advice on the issue and informed the Council that, in their view, drainage could not be considered as a reserved matter as it did not meet the definition of Reserved Matters in planning law.

7.36 The Council has also sought legal opinion on this matter, which has confirmed this legal position as follows: -

“The inclusion of surface water disposal as a Reserved Matter, as referred to in Condition 1 (d) of the Appeal Decision, is contrary to GDPO Article 1(2) and is inconsistent with Condition 17 of the Appeal Decision. In accordance with the principle established in Inverclyde District Council v Inverkip Building Co Ltd (1982), it is therefore correct and reasonable to treat “surface water disposal” as a matter to be covered by Condition 17 of the Appeal Decision, and not as a Reserved Matter. This will not affect the validity, applicability or enforceability of the planning permission”

This means that full drainage details do not have to be submitted as part of this application, and can be submitted as a “pre-development” condition.

7.37 However, your Officers are fully aware of the sensitivity of drainage and flooding issues to both Members and residents of Filey, and as a result, have continued to press for full drainage details to be submitted as part of this application, in order to alleviate the concerns of Members and residents regarding this issue. As a result, details of on site foul drainage works have been submitted with the application, which show the foul drainage from the site feeding into the existing main sewer located on Brigg Road with the assistance of an on-site pumping station. Following negotiations with the applicant, this detail has been accepted by Yorkshire Water.

7.38 The issue of surface water remains outstanding. The applicants have requisitioned Yorkshire Water to carry out a feasibility study and design the surface water scheme. At the appeal, the preferred option accepted by the Inspector was to drain the site to the sea by a new, separate surface water pipe, routed via the caravan park, under the railway line, across the West Avenue Car Park, and finally down Martins Ravine, to outfall onto the beach, as the existing Martins Ravine surface water outfall does at present.

7.39 The feasibility study for these works will not be completed until the end of March 2011. Due to the timescales for the project, as described in the introduction, this means that full technical detail will not be available for comment by technical consultees in time for this committee meeting. As such, Yorkshire Water are producing an indicative brief showing how the site could be drained. This will be a hypothetical model, and will not contain the technical detail.

- 7.40 At the time of writing, the applicants had submitted an amended on-site drainage layout, pumping station details, and a flood strategy proposal. The response of technical consultees to this information will be reported verbally to Committee.
- 7.41 In this instance, the lack of full technical drainage detail with the application is disappointing, as it would greatly assist in easing the concerns of Members. However, as the Condition clearly states that detail only needs to be submitted prior to development starting, there is no legal obligation on the applicant to submit full drainage details at this time. Your Officers must therefore strongly advise the Committee that any refusal of planning permission based on the grounds of insufficient drainage information would not be sustainable.
- 7.42 The Committee can be reassured however, that in accordance with Condition 17 of the outline approval, the developer cannot start work on site without full details of the surface water drainage scheme having been submitted to, and approved by, the Council. If Members are mindful to grant approval for the scheme, we would suggest that when full drainage details are submitted in accordance with Condition 17 of the Outline Approval, those details be brought to Committee for consideration. This information would be subject to full consultation with technical consultees, and their comments on the suitability of the fully designed scheme would be reported to Committee.

Highways and Parking

- 7.43 The formal comments of the Area Traffic Manager are currently awaited and will be reported to Members at the meeting.
- 7.44 With regard to the planning aspects of the submission, the formal access to the site is taken from Muston Road, in the same location as was indicated in the illustrative masterplan at outline stage. A right turn lane will be constructed on Muston Road in order to allow safe passage for traffic approaching from Mill Hill, as well as a Puffin crossing on Muston Road, for the benefit of pedestrian safety. These details are consistent with the advice given at outline stage, and are considered acceptable in planning terms.
- 7.45 The internal road layout has been amended considerably from the original submission, in line with Officer advice with regard to addressing issues of long stretches of straight road, and the removal of areas of the site that were dominated by highway, as well as allowing the break up of several bland areas of development that were suburban in nature, and not representative of Filey as a whole. The revised submission is considered to be an improvement over the original road layout.
- 7.46 The layout makes provision for a future highway link to the east of the site. The adjacent caravan site was submitted as a potential housing site as part of the LDF process, and is currently under consideration. The link represents the most attractive access option into that site, but is merely maintaining an

option, and should not be regarded as any indicator of future development in Filey.

- 7.47 The parking aspects of the development represent a mixture of off-street parking (many houses have drives and garages) and the use of parking courts for development. It is felt that the use of parking courts is acceptable on this site, despite the reservations of the Architectural Liaison Officer, as the areas would be subject to passive surveillance, and will assist in the prevention of the highway being dominated by vehicles. There are two small sections of the layout designated as “homezones” in which on-street parking is utilised, but the concept is that vehicles have to travel through at slow speeds, and the environment is designed so that pedestrians have priority. The original submission showed a considerable amount of on-street parking, which created a layout dominated by vehicles, with a suburban feel not in keeping with Filey as a whole. The amended parking solution represents a much improved situation for the site as a whole.
- 7.48 The layout is now designed with a “boulevard” feel, with copious amounts of tree planting adjacent to the highways. This creates an enclosed feel for users of vehicles, and will assist greatly in reducing speeds throughout the site.
- 7.49 Overall, the highway layout, and use of tree planting and homezones represents a vast improvement in the overall feel of the site and reduces the overall domination of vehicles in the layout.

Travel Plan

- 7.50 The applicants have provided a Travel Plan with the submission which sets out the strategy for how the plan will work, and influence sustainable travel behaviour for both the occupiers of the development and the wider community.
- 7.51 It is proposed to appoint a travel plan co-ordinator, from either the management company (in this case the applicants) or a local resident, with responsibilities to promote the aims and objectives of the Plan, and evaluate and monitor the scheme. It will also include liaison with the Local Authority on a regular basis to update the progress of the plan.
- 7.52 Part of the remit of the co-ordinator will be to meet with North Yorkshire County Council with a view to the creation of a Travel Information Pack, which would be distributed to all new residents of the development. This is likely to include timetabling information for public transport, a discounted travel pass and a voucher for 10% discount from a local cycle retailer. Secure cycle parking facilities will be provided within the curtilage of each property within the development.
- 7.53 The details provided with the submission are acceptable to the Local Planning Authority, who will remain updated with regard to the ongoing progress of the plan, via the co-ordinator.

Sustainability Criteria

- 7.54 The Council prepared an SPD on sustainable building in 2008, which was intended as guidance to support the supplement to PPS1 “Planning and Climate Change” as well as the Code for Sustainable Homes and BREEAM standards.
- 7.55 That document indicated that all developments should aim to meet Level 4 of the Code for Sustainable Homes by 2013. As part of the Building for Life criteria, all properties must achieve a minimum of 12 of the 20 criteria set out in the document.
- 7.56 The applicants have indicated that the development will seek to achieve level 4 of the Code for Sustainable Homes. Since 2010, all new homes have to be built to Code level 3 as standard. The main difference between the two levels is that the percentage improvement over the target emissions rate from the 2006 Building Regulations Standards increases from 25% to 44% (as a frame of reference, level 5 is 100% improvement, whilst level 6 is “zero carbon home”).
- 7.57 In addition to this, and as part of the level 4 standard, the applicants have indicated that they will comply with the Council’s policy requirement that 10% of energy use on site should come from renewable sources, and have submitted an Energy Statement to demonstrate the various methods of compliance. In summary, the applicants have demonstrated that the most effective solution is to utilise Solar Photovoltaic Panelling attached to each dwelling on site, and have assessed the energy generation from this method against the energy requirements of this site. The calculations provided demonstrate that this method will produce the 10% requirement of the Local Plan Policy. Conditions will be added to ensure compliance.

Nature Conservation

- 7.58 The Habitat Management Plan included with the application deals with the management, maintenance and upkeep of features on site, such as hedgerows, trees, and the maintenance of the Public Open Space in a manner as to protect and encourage biodiversity.
- 7.59 The Wildlife Protection Plan assesses the ecological impact of the proposed development, and concludes that the development will result in the permanent, irreversible loss of the majority of terrestrial habitats within the site. However as the current ecological value of the site is assessed as negligible, this is considered to be an adverse impact of slight significance. The development of the site will include the provision of a number of habitats within the site boundary, principally within the Public Open Space, and it is anticipated that these will result in a net increase in site biodiversity.

- 7.60 These proposals are considered to be acceptable, and the maintenance regime will become a fundamental part of the overall management of the site by the applicants.
- 7.61 Since these reports were produced, it has become apparent that a previously undiscovered colony of Great Crested Newts (GCN) is active just outside the site boundary to the north-east of the site, close to Seadale Terrace. This impacts upon the site itself, due to the potential foraging areas for the newts, as well as the sister application for the emergency access road. This colony was not covered in any of the reports at Outline or Reserved Matters stage.
- 7.62 As a result of this discovery, an objection has been received from Natural England, based on insufficient detail being received as to how the protected species would be dealt with, in terms of mitigation or relocation. This is consistent with the approach outlined in PPS9, and the 06/2005 Circular. Since then, the applicants have commissioned SLR Consulting to address the issue, and a follow-up report has now been issued to Natural England, which recommends relocation of the colony to the Public Open Space to the south of the site, and creation of an enhanced habitat for the newts in that location. At the time of writing, a response is awaited as to whether this alleviates the concerns of Natural England regarding the issue. Your Officers would not advocate issuing an approval until this matter has been satisfactorily resolved and Natural England have withdrawn their objection.

Archaeology

- 7.63 A Statement of Archaeological Significance and Impact Assessment was submitted with this application.
- 7.64 The trial trenching undertaken on site unearthed a number of tools and fragments of pottery, which have been dated as Iron Age, consistent with a number of finds in the East Riding. However the quality of these finds is often poor, as it is in this case. The finds have been quantified by English Heritage's method of establishing the significance of the heritage asset, and are designated as medium significance at a regional level of interest.
- 7.65 The document sets out the reasoning as to why the archaeological deposits can no longer be preserved in situ, and this approach has been tested against PPS5 – Planning and the Historic Environment.
- 7.66 The County Archaeologist has confirmed that this approach is acceptable, and all other alternatives have been considered. It is recommended that the scheme of archaeological mitigation, comprising open area excavation, be secured through a suitably worded condition, should the application receive permission.

Education / Section 106 Provision

- 7.67 At the time of the original 2007 application, the applicant was required to pay £309,150 toward educational provision in the area, and this was confirmed in the Section 106 agreement. In addition to this, there was a contribution of £50,000 to Filey Surgery, and a contribution to an off-site MUGA facility.
- 7.68 North Yorkshire County Council have been consulted as part of this application, and have confirmed that the requirement for education provision will now reduce to £27,192. This is due to recalculation of the requirement for school places in the Filey area, which has been carried out since 2007.
- 7.69 North Yorkshire County Council could not demand more than the actual need generated by this development and would have to repay any surplus contributions, although the original figure still remains in the Section 106 agreement.
- 7.70 There is no scope to amend the Section 106 agreement as part of this Reserved Matters submission with regard to other needs for monies forming the Section 106 agreement. It remains open to the applicant to come forward with proposals to amend the Section 106 Agreement should they so wish and this can be considered at a later date.

8.0 CONCLUSION

- 8.1 The application was subject to re-consultation, following submission of amended details by the applicants. The closing date for consultees and local residents to make representations is the day before Committee. It is expected that there will be a great deal of verbal reporting to Members as part of this process. Officers will also update their assessment based on this amended information.
- 8.2 The principle of residential development on the site is established by way of the outline approval, the site being an allocated site within the Scarborough Borough Local Plan, and satisfying the criteria laid out in PPS3. The creation of the Public Open Space and landscaping areas is also considered acceptable, as it forms allocations POS11, 12 and 13 in the Local Plan, and will assist the integration of the development into the surrounding landscape. The Reserved Matters submission generally accords with specific requirements of the Outline submission.
- 8.3 The development will supply 120 much needed affordable dwellings for Filey, which will be equally split between rented and shared ownership housing. It will provide financial contributions toward offsite play equipment, educational provision and Filey Surgery via the Section 106 agreement that was approved at Outline stage and remains in situ. It will also provide a large amount of functional open space, with integral landscaping and pedestrian / cycle routes, as well as two play areas within the residential area of the site, and a separate play area and “kickabout” area to be located in the Public Open Space.

- 8.4 The lack of full drainage details to support the application at this stage is disappointing; however, as stated previously, there is only a requirement to supply full drainage details prior to development, rather than as an integral part of this application, and as such, whilst your Officers are fully aware of the sensitivity of the drainage and flooding situation in Filey, a recommendation for refusal cannot be justified on those grounds.
- 8.5 Matters that remain outstanding at the time of writing, that require resolution before Reserved Matters can be determined are: -
- The Natural England objection on the basis of Great Crested Newts;.
 - Outstanding responses from Technical Consultees; and
 - Comments from interested parties on the amended proposals.

9.0 RECOMMENDATION

- 9.1 That, subject to; the withdrawal of the formal objection by Natural England; the outstanding comments of technical consultees; and the further representations of interested parties.

PERMISSION BE GRANTED, subject to the following condition(s) :-

- 1 The development hereby permitted shall begin not later than two years from the date of this approval.

Reason – To ensure compliance with Section 91 of the Town and Country Planning Act (1990)

- 2 The development hereby approved shall be undertaken in accordance with the approved drawings listed below unless otherwise approved in writing by the Local Planning Authority: -

1053 – 01	Layout (Revision L)
1053 – 05	Location Plan
1053 – 08	House type A1 (Revision B)
1053 – 09	House type B1 (Revision B)
1053 – 10	House type C1 (Revision B)
1053 – 11	House type E2 (Revision B)
1053 – 12	House type D1 (Revision B)
1053 – 14	House type E1 (Revision C)
1053 – 15	House type G1 (Revision A)
1053 – 16	House type J1 (Revision C)
1053 – 17	House type P (Revision C)
1053 – 18	House type U (Revision A)
1053 – 19	House type O (Revision B)
1053 – 20	House type T (Revision A)
1053 – 21	House type W (Revision C)

1053 – 22	House type Q (Revision C)
1053 – 23	House type N (Revision C)
1053 – 24	House type S (Revision C)
1053 – 25	House type M (Revision C)
1053 – 26	House type R (Revision B)
1053 – 27	House type X (Revision B)
1053 – 28	House type V (Revision C)
1053 – 30	House type Y (Revision C)
1053 – 31	Site Topographical Survey
1053 – 34	House type A2 (Revision A)
1053 – 35	House type Z (Revision A)
1053 – 36	House type U1 (Revision A)
1053 – 37	House type V1 (Revision A)
1053 – 38	House type X1 (Revision A)
1053 – 39	House type Y1 (Revision A)
1053 – 40	House type J1.1 (Revision B)
1053 – 41	House type U2 (Revision A)
1053 – 42	House type V2
1053 – 43	House type X2
1053 – 44	House type M1 (Revision A)
1053 – 45	House type M2 (Revision A)
1053 – 46	House type N1 (Revision A)
1053 – 47	House type U3 (Revision A)
1053 – 48	House type U4 (Revision A)
1053 – 49	House type U5 (Revision A)
1053 – 50	House type J1.2 (Revision A)
1053 – 51	POS Planting Layout 1/4 (Revision A)
1053 – 52	POS Planting Layout 2/4 (Revision A)
1053 – 53	POS Planting Layout 3/4 (Revision A)
1053 – 54	POS Planting Layout 4/4 (Revision A)
1053 – 56	POS Fitness Trail 1/2
1053 – 57	POS Fitness Trail 2/2
1053 – 59	Construction Phasing Plan (Revision A)
1053 – 60	High Trip Rail Fence Detail
1053 – 61	High Clipped Hedge with Timber Posts Detail
1053 – 62	High Panel Fence Detail
1053 – 63	High Close Boarded Fence Detail
1053 – 64	High Brick Screen Wall Detail
1053 – 65	1 Car Garage Detail – Gable Side
1053 – 66	1 Car Garage Detail – Gable Front
1053 – 67	2 Car Garage Detail – Gable Side
1053 – 68	Planning Drawing – Shop Unit (Revision A)
1053 – 69	House type R*
1053 – 77	Site Sections (Revision A)
1053 – 78	Indicative Residential Landscaping Layout 1/6
1053 – 79	Indicative Residential Landscaping Layout 2/6
1053 – 80	Indicative Residential Landscaping Layout 3/6
1053 – 81	Indicative Residential Landscaping Layout 4/6
1053 – 82	Indicative Residential Landscaping Layout 5/6
1053 – 83	Indicative Residential Landscaping Layout 6/6

1053 – 84	Highway Hierarchy Plan and Sections (Revision A)
1053 – 93	High Ball Top Railings
1053 – 94	Close Boarded Fencing
1053 – 95	High Estate Fencing
1053 – 301	Planning Drainage Layout (Revision E)
1053 – 302	Road and Sewer Longitudinal Sections 1/5 (Revision A)
1053 – 303	Road and Sewer Longitudinal Sections 2/5 (Revision A)
1053 – 304	Road and Sewer Longitudinal Sections 3/5 (Revision A)
1053 – 305	Road and Sewer Longitudinal Sections 4/5 (Revision A)
1053 – 306	Road and Sewer Longitudinal Sections 5/5 (Revision A)

Reason – For the avoidance of doubt

- 3 No development shall commence until a schedule of external materials of construction of buildings and hard-surfaced areas has been submitted to and approved in writing by the Local Planning Authority. Samples of the materials in the schedule shall be provided as may be required by the Local Planning Authority. Development shall be in accordance with the approved schedule.

Reason – In accordance with Policy E12 of the Local Plan and in the interests of design and visual amenity

- 4 No details shall commence until details of the window framing to be used in the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be in accordance with the approved details.

Reason – In accordance with Policy E12 of the Local Plan and in the interests of design and visual amenity

- 5 The existing hedge along the western boundary of the site shall not be removed other than to facilitate the means of access into the site, and the pedestrian footpath onto Muston Road. Details of the sections to be removed, and proposed maintenance measures for the remaining sections, shall be submitted to and agreed in writing with the Local Planning Authority before development commences

Reason – In accordance with Policy E39 of the Local Plan, and in the interests of safeguarding those features that make a positive contribution to visual amenity.

- 6 Unless otherwise agreed in writing with the Local Planning Authority, no building or other obstruction shall be located within 3.0m of the centre of the sewer that crosses the site.

Reason – In order to allow sufficient access for maintenance and repair work at all times.

- 7 No development shall commence until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a design to a 1 in 100 year standard for hard-paved and roof areas of the site, and sustainable urban drainage methods for other areas, including the catchment to the south of the site. The works shall be completed in accordance with the approved details and a timetable to be agreed in writing with the Local Planning Authority

Reason – To ensure that the development can be properly drained in accordance with Policy C7 of the Scarborough Borough Local Plan.

- 8 No development shall commence until a scheme for the provision of foul water drainage works has been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details and a timetable to be agreed in writing with the Local Planning Authority

Reason – To ensure that the development can be properly drained in accordance with Policy C7 of the Scarborough Borough Local Plan.

- 9 No piped discharge of the surface water from the application site shall take place until details of the works to provide an outfall for surface water have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority before development commences.

Reason – To ensure that the development can be properly drained in accordance with Policy C7 of the Scarborough Borough Local Plan.

- 10 Unless otherwise approved in writing by the Local Planning Authority, no buildings shall be occupied or brought into use prior to the completion of the approved foul and surface water drainage works.

Reason – In accordance with Policy C7 of the Local Plan, and in the interests of residential amenity and public health

- 11 Surface water from vehicle parking and hard-standing areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage shall not be passed through any interceptor.

Reason – In accordance with Policy C7 of the Local Plan, and in the interests of safe and satisfactory drainage

- 12 No development shall commence until details of the specification and position of a recycling facility, large enough to accommodate 6no. 1200mm x 900mm recycling bins, on a hard surface with level access to the nearest road, and a perimeter fence with 1.5m wide access, have been submitted to, and approved in writing by the Local Planning Authority. The approved facility shall be provided before the occupation of the first dwelling and shall thereafter be so maintained.

Reason – To ensure that adequate provision is made for recycling

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

Reason – In the interests of highway safety

- 14 The carriageway and footway/footpath wearing courses and street lighting shall be completed within 3 months of the date of commencement of construction of the penultimate dwelling of the development, or within two years of laying the basecourse, whichever is the sooner.

Reason – In the interests of highway safety

- 15 Before there is any access or egress by construction vehicles between the highway and the application site, the approved access with the public highway shall be constructed to base macadam course level for a minimum distance of 20m into the site.

Reason – In the interests of highway safety

- 16 No development shall commence until details of the precautions to be taken to prevent the deposit of mud on the public highway by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include wheel washing where considered necessary by the Local Planning Authority. The precautions should be available before development commences on site, and be kept available and in full working order until such time as the development is complete.

Reason – In the interests of highway safety

- 17 No development shall commence until details of the provision of a puffin crossing on Muston Road, and a timetable for its implementation have been submitted to and approved in writing by the Local Planning Authority.

Reason – In the interests of highway and pedestrian safety

- 18 No loose surface material shall be used in the construction of any private access, or thereafter placed upon it, that is capable of being drawn on to the existing or proposed public highway.

Reason – In the interests of highway safety

- 19 No development shall commence until proposals for the provision of an onsite turning/parking area and an on-site materials storage area capable of accommodating all staff and sub-contractors vehicles clear of the public highway and materials required for the operation of the site have been submitted to and

approved in writing by the Local Planning Authority. The compounds should be available for use at all times when building works are in operation.

Reason – In the interests of highway safety and the general amenity of the area.

- 20 Surface water from private areas shall not discharge on to the public highway. Full details of measures to prevent such discharges shall be submitted to and approved in writing by the Local Planning Authority and development shall be in accordance with the approved details.

Reason – In accordance with Policy C7 of the Local Plan, and in the interests of safe and satisfactory drainage

- 21 No trees shall be planted within 3 metres of existing underground cables, or within 10 metres of overhead power lines.

Reason – In the interests of sufficient access for maintenance and repair work at all times.

- 22 All properties shall be fitted with vandal resistant security lighting, operated by photocell sensor, and fitted at a height of at least 2.4m, or where this is not possible, at a height that makes them not easily accessible.

Reason – In the interests of public safety and residential amenity

- 23 No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

Reason – In order to secure a scheme of archaeological recording for the site and in the interests of archaeological research.

- 24 Before development commences, details of the Local Area for Play (LAP), Local Equipped Area for Play (LEAP) and the kickabout area shall be submitted to the Local Planning Authority. Details to be submitted shall include the precise specification and siting of facilities within the development. Thereafter, the facilities so approved shall be provided on site in accordance with a programme of works to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and thereafter maintained.

Reason – In accordance with Policy R2 of the Local Plan, and in the interests of residential amenity and the benefit of both new and existing residents

- 25 Before development commences, details of protection measures for existing hedgerows on site shall be submitted to and approved in writing by the Local Planning Authority. Details to be submitted shall include a plan showing the precise location of each hedgerow, which sections are to be retained and which are to be removed, and details of the specification and position of fencing and other measures to be taken for the protection of the hedgerows from damage

before or during the course of development.

Reason – In accordance with Policy E39 and in the interests of safeguarding those features that make a positive contribution to visual amenity.

- 26 Before development commences, a written appraisal of crime prevention measures to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. Details to be submitted should adopt the principles of Crime Prevention through Environmental Design within the document “Safer Places” and the principles of Secured By Design. The document shall make reference to the management of open space, access arrangements, in particular the proposed cycle/pedestrian routes, defensible space, boundary protection, location of utility meters and lighting.

Reason – In the interests of residential amenity and public safety

- 27 Before development commences, details of the secure cycle storage for each dwelling shall be submitted to and approved in writing by the Local Planning Authority. Those details shall be implemented before the occupation of each dwelling and permanently retained for that purpose.

Reason – To encourage sustainability and reduce reliance on the private car as primary means of transport.

- 28 The bin storage facilities serving each property shall be capable of accommodating 2no 240 litre wheeled bins, the footprint of each bin being 600mm x 750mm

Reason – To ensure that adequate provision is made for refuse storage

- 29 Construction works and deliveries shall only be carried out between the hours of 8am and 6pm Monday to Friday inclusive, and between the hours of 9am and 1pm on Saturdays, with no works being undertaken on Sundays, public or bank holidays.

Reason – In the interests of residential amenity for new and existing residents.

- 30 The dwellings hereby permitted shall achieve level 4 of the Code for Sustainable Homes, as demonstrated in the Energy Statement dated September 2010.

Reason – In the interests of sustainability

- 31 Development shall take place in accordance with the provisions of the following supporting documents, as submitted: -

Habitat Management Plan
Wildlife Protection Plan
Public Open Space Management Specification
Energy Statement
Travel Plan (Revision January 2011)

and shall thereafter be maintained through the lifetime of the development, unless any change is submitted to, and agreed in writing with the Local Planning Authority.

Reason – For the avoidance of doubt.

- 32 Before development commences, full details of highways and tree planting, details of amenity space and provision and type of street furniture, as well as an implementation plan for their installation, shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be in accordance with those details.

Reason – In the interests of visual and residential amenity

And any such conditions as are necessary as a result of the completion of the re-consultation procedure.



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 PAUL COOPER ON 01723 383538 e-mail paul.cooper@scarborough.gov.uk