

Planning, Design and Access Statement

Land adjacent to 38 Limestone
Road, Burniston



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1. Introduction

Purpose of Statement

- 1.1 This statement accompanies a full planning application for the erection of 18no. dwellings with associated landscaping and external works, together with demolition of the existing buildings, on land adjacent to 38 Limestone Road, Burniston, Scarborough.
- 1.2 This statement assesses the proposals in the context of the adopted development plan and any other material considerations deemed relevant to the determination of the application, including the National Planning Policy Framework (NPPF). This statement should be read in conjunction with the following information submitted as part of the application:
- Flood Risk Assessment and Outline Drainage Strategy;
 - Geo-environmental Report;
 - Landscape and Visual Appraisal (LVA);
 - Location plan;
 - Preliminary Ecological Appraisal;
 - Proposed site plan, floor plans, sections, and elevations;
 - Revised Great Crested Newt Mitigation Strategy;
 - Section 106 (S.106) Heads of Terms;
 - Transport Statement; and
 - Tree Survey.

Structure of Statement

- 1.3 This statement is structured as follows:

Section 2 analyses the context of the site.

Section 3 sets out the relevant planning policy context.

Section 4 describes the development proposals.

Section 5 assesses the key planning issues and considerations relating to the proposals.

Section 6 draws conclusions on the overall findings of the statement.

2. Site Location & Context

Local Context

- 2.1 The L shaped greenfield site is comprised of steeply undulating fields stretching from Limestone Road, which bounds the site to the south, to the woodland bounding it to the north. The other site boundaries are formed by housing to the east, with a depression on the north east part of the site beyond the adjacent



Figure 2.1: Site aerial

Source: Google Maps

N.B. Red line denoting the site added by ELG

cul-de-sac of The Limes, whilst a residential dwelling set within an extensive plot, together with an undeveloped field beyond, make up the site's western boundary. The land to the front of the extensive plot to the west also holds planning consent for 3no. dwellings (refs. 20/00360/OL and 21/01540/RM).

- 2.2 Site access is provided from the aforementioned Limestone Road. There is tree presence on-site, albeit this is confined to boundaries, and 2no. dilapidated properties, one of which appears to have been a dwelling.
- 2.3 As alluded to above, there is a significant level change across the site, sloping down steeply from the site entrance at the south west corner. As a result, the residential estate to the east is set down considerably from the part of the site to its west.

- 2.4 Photos 2.1 - 2.4 demonstrate the trees and existing properties on-site, as well as the level change.



Photos 2.1 – 2.4: Site photos

Planning History

- 2.5 Outline consent for residential (ref. 18/00505/OL) (access and drainage to be considered) on the site was secured via appeal ref. APP/H2733/W/18/3205993, albeit this excluded the depression referred to at paragraph 2.1, which forms part of the current application site. A concurrent appeal for the same site as is proposed now was dismissed previously, but only because the Inspector considered that drainage matters had not been adequately satisfied (ref. APP/H2733/W/18/3195079).

3. Development Proposals

- 3.1 As referenced at paragraph 1.1, this statement accompanies a full planning application for the erection of 18no. dwellings with associated landscaping and external works, together with demolition of the existing buildings, on land adjacent to 38 Limestone Road, Burniston, Scarborough.

- 3.2 Design and access, and other planning considerations, are considered in section 5.

4. Planning Policy Context

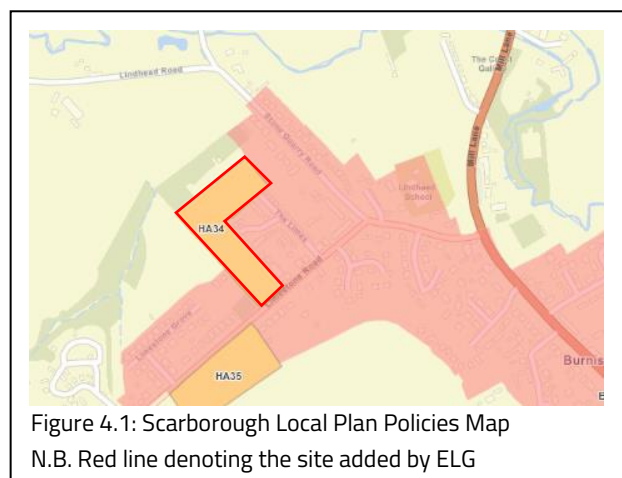
- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that application should be determined in accordance with the statutory development plan unless material considerations indicate otherwise.
- 4.2 The development plan therefore provides the essential framework for making planning decisions. When conflicts with its policies arise, decisions should be taken having weighed up all relevant material considerations, making a balanced judgment as to whether these (considerations) warrant a departure from the development plan.

The Adopted Development Plan

- 4.3 For the site in question, the development plan in force for the area comprises of:

- The Scarborough Borough Local Plan (Adopted 2017).

- 4.4 As shown by Figure 4.1 (right), the application site (indicated by the red line) forms part of a housing allocation (denoted by the orange shading) (HA 34 Land to north of Limestone Road, Burniston) under Policy HC 2 (Housing Delivery) of the Local Plan. This policy identifies an indicative yield of 40no.



dwelling for the site. To confirm, the site is also within the development limits of Burniston

(indicated by the red shading at Figure 4.1), albeit due to the housing allocation overlay this is not apparent from Figure 4.1

4.5 In addition to the above site-specific policy, the below general development plan policies are deemed relevant considerations for the current proposals also (N.B. it is acknowledged that the below list is not necessarily exhaustive of all policies that may be assessed relevant by the Local Planning Authority [LPA]):

- Local Plan Policy SD 1: Presumption in favour of Sustainable Development;
- Local Plan Policy DEC 1: Principles of Good Design;
- Local Plan Policy DEC 2: Electric Vehicle Charging Points;
- Local Plan Policy DEC 3: The Efficient Use of Land and Buildings;
- Local Plan Policy DEC 4: Protection of Amenity;
- Local Plan Policy DEC 5: The Historic and Built Environment;
- Local Plan Policy ENV 3: Environmental Risk;
- Local Plan Policy ENV 5: The Natural Environment;
- Local Plan Policy ENV 7: Landscape Protection and Sensitivity;
- Local Plan Policy HC 1: Supporting Housing Development;
- Local Plan Policy HC 2: New Housing Delivery;
- Local Plan Policy HC 3: Affordable Housing;
- Local Plan Policy HC 10: Health Care and Education Facilities; and
- Local Plan Policy HC 14: Open Space and Sports Facilities.

Other Material Considerations

Emerging Local Plan

- 4.6 A review of the Local Plan (Issues and Options) commenced in 2020, with consultation on Issues and Options and a Call for Sites done as the first part of the review process. However, the application site is presently unaffected by the review, which is still at a very early stage, and indeed it does not yet show the direction of travel in policy terms, and thus cannot be afforded any weight.

National Planning Policy Framework

- 4.7 The revised NPPF was published in July 2021, setting out the Government's planning policies for England and how these are expected to be applied.
- 4.8 The NPPF confirms that the purpose of the planning system is to contribute towards the achievement of sustainable development and, in order to achieve this purpose, the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'

4.9 The NPPF confirms that at its heart is a presumption in favour of sustainable development, which for decision-taking means:

- 'c) approving development proposals that accord with the development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - o the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - o any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'

- 4.10 The relevant policy areas of the NPPF will be referred to, as appropriate, throughout this statement.

National Planning Practice Guidance

- 4.11 National Planning Practice Guidance (NPPG) is a web-based resource that brings together planning guidance on numerous planning topics in one place. It replaces a number of previous Government Circulars relating to planning guidance and process and is also a material consideration in plan-making and decision-taking, notwithstanding its status as guidance only. It is updated from time to time as and when necessary.

Supplementary Planning Documents

- 4.12 Whilst not part of the development plan, the following are deemed a material consideration on this occasion:
- Scarborough Borough Council Residential Design Guide Supplementary Planning Document (SPD) (2022);
 - Scarborough Borough Council Green Space SPD (2014);
 - Scarborough Borough Council Education Payments SPD (2012); and
 - North Yorkshire County Council (NYCC) Interim Parking Standards (2015).

5. Planning Appraisal

5.1 Taking into account the nature of the proposed development and the site context, the main planning considerations are considered to be:

- The principle of development;
- Design and access considerations;
- Provision of bungalows;
- Drainage;
- Landscape impacts;
- Open space and education; and
- Ecology.

The Principle of Development

5.2 Given the recent outline consent for residential on the majority of the proposed application site (see paragraph 2.5) together with the allocation - of the full site - for residential in the Local Plan (see paragraph 4.4), it is evident that the principle of the proposed development is acceptable, aligning with Local Plan Policies HC 1 and HC 2.

5.3 In view of the above, it falls that the proposals will be fully acceptable in planning terms subject to demonstrating compliance with any other relevant (general) development plan policies and material considerations. This is demonstrated at paragraphs 5.4 - 5.40, which, together, highlights that the development proposals represent a highly sustainable form of development, which the NPPF has a presumption in favour of.

Design and Access Considerations

Layout

5.4 The proposed site layout is shown at Figure 5.1.



Figure 5.1: Proposed site layout

5.5 On this occasion the proposed layout has been dictated by the following:

- The position of the previously approved site access;
- The elongated and relatively narrow nature of much of the site;
- The challenging change in site levels, which requires some retaining structures, of which there are already some on the site;
- The achievement of a suitable site density;

- The provision of an area to satisfy the Great Crested Newt mitigation strategy;
- The desire to avoid an overly engineered layout;
- The desire to provide a suitably active frontage;
- The aspired retention of a number of trees around the site;
- The need to achieve suitable separation distances between all proposed dwellings and also from existing properties; and
- The presence of a legal covenant presently restricting the ability to build dwellings on the south east corner of the site (based on the orientation shown at Figure 5.1).

5.6 As can be seen from Figure 5.1, the site is relatively narrow, and in terms of the eastern half (i.e., plots 4 and 10 eastwards) it is not deep enough to accommodate dwellings facing each other across the estate road that achieve suitable window-to-window separation distances and adequate size back gardens; properties facing onto the estate road are possible on one side only, with the other side requiring their gable to face the estate road. Indeed, if plots 1 to 4 and 10 to 18 all had their side gable facing the estate road, there would be no active frontage, which is not deemed appropriate. Moreover, the number of dwellings and density of the site would decrease (density is covered in more depth at paragraph 5.15).

5.7 In order to ensure some active frontage and given how close the properties at Limestone Road are to the site boundary, the arrangement shown on this part of the site is considered to be the most appropriate. Plots 10 to 18 are orientated so their rear elevations face the rear elevations of the neighbouring dwellings - and in the case of no. 11 Ashdown Rise its side gable - at a suitable distance, bearing in mind they would sit in an elevated position relative to existing neighbours (see Figure 5.2), with houses sat forward within their plots accordingly. The suitability of this approach is reinforced by the fact that Windyridge, to the south, would be less affected by development closer to the site boundary (as would be the case) due to its greater distance from the boundary, orientation (its gable faces the site), its

elevated position, and the intervening foliage. Were the present arrangement on this half of the site reversed, dwellings would move closer to the properties on Limestone Road, which is less preferable for the reasons stated.

5.8 Moving on to plots 5 to 9, these face back towards the other plots in order to 'book end' the site in an appropriate manner, especially if the land beyond cannot be successfully released from the restrictive covenant. The extension of the estate road into this area is proposed, however, to 'futureproof' the site, and if the covenant is released a suitable layout is entirely possible, with the area able to form its own courtyard type arrangement.

5.9 To achieve mitigation for Great Crested Newts in line with the revised strategy, the area of land behind nos. 4 - 13 Ashdown Rise and no. 26 The Limes is shown undeveloped on the proposed site plan. It could also provide amenity green space in accordance with the Green Space SPD.

5.10 For the reasons set out above, the layout of the proposals is deemed commensurate with the relevant provisions of Local Plan Policies DEC 1, DEC 3, DEC 4 and ENV 5, and the Residential Design Guide.

Scale

5.11 The proposed scheme is composed of 18no. dwellings of 2 and 3-bed types ranging from 1 to 2-storeys high, as set out below:

- 2no. type bungalow 1: 1.5-storey, 3-bed detached dwelling (109 square metres [sq.m]) (37%);
- 3no. type bungalow 2: 1-storey, 3-bed detached dwelling (85sq.m) (15%);

- 7no. type Limestone: 2-storey, split-level 3-bed detached dwelling (121sq.m) (26%);
- 4no. type Acorn: 2-storey, 2-bed semi-detached dwelling (70sq.m) (15%); and
- 2no. type Burniston 2-storey, split-level 3-bed detached dwelling (110sq.m) (7%).

5.12 All of the proposed dwellings have what are considered modest floorspaces for 2 and 3-bed properties, to ensure they do not appear unacceptably large within the context of the area and achieve a suitable density for the site. The heights of all properties are similarly modest, due to the presence of 1 and 1.5-storey bungalows and split-level dwellings across the majority of the site. Properties of this scale, in terms of both height and floor area, also ensure that the scheme complies with condition 6 of the appeal decision, as well as the nationally described minimum space standards¹.

5.13 Furthermore, in direct response to the challenging site levels (see Figure 5.2 overleaf) and with the facing properties on Limestone Road significantly set down from the application site, split-level properties are located at plots 10 - 18. This is in order to minimise potential impacts on the outlook of neighbours by reducing their height appropriately. The split-level properties are designed so they are single-storey to the front and two-storey to the rear (see Figure 5.3 overleaf), thus working around the site levels in an appropriate manner - by cutting into the land - and avoiding the need for unnecessarily large retaining walls.

5.14 The submitted site sections (see Figure 5.2) confirm the proposed ground levels, and the finished floor levels and finished eaves and ridge heights of the proposed dwellings. These levels are shown in relation to existing land levels, as well as the eaves and ridge heights of dwellings immediately to the north-east of the application site.

¹Technical housing standards nationally described space standard, Department for Communities and Local Government (March 2015)

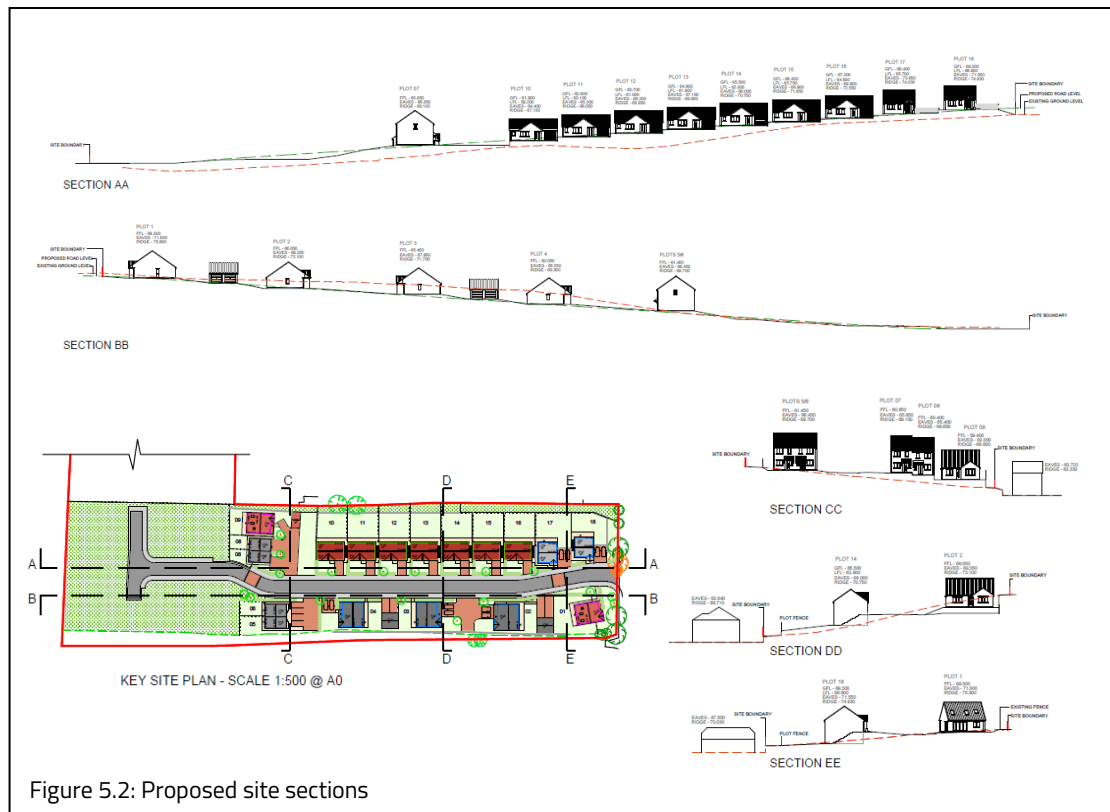


Figure 5.2: Proposed site sections

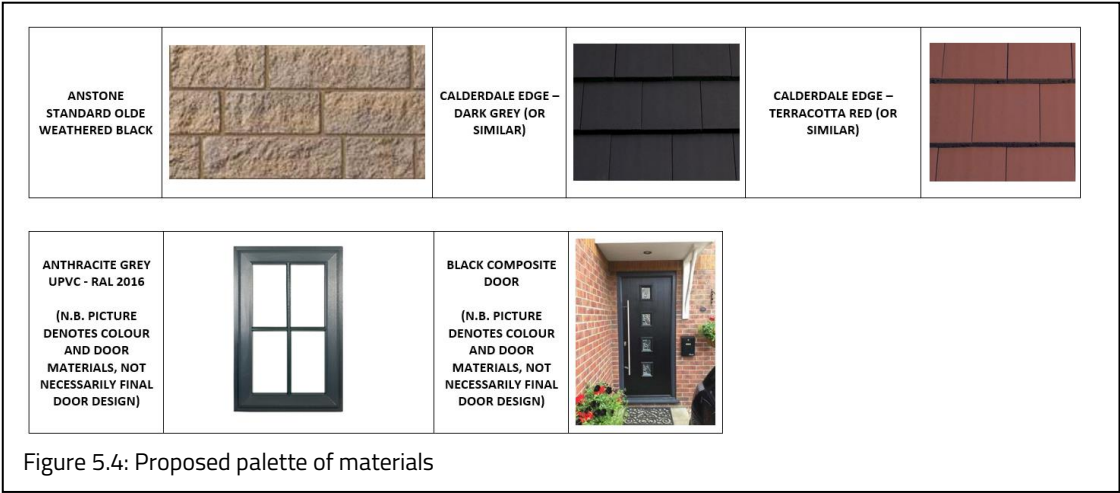
5.15 Returning to the matter of density, at 10 dwellings per hectare (dph) it is lower than the 30 dph figure set out in the Local Plan paragraph 5.32, although Policy DEC 3 of the Local Plan states that 'lower densities [than the local area] may be considered acceptable in instances where there are site-specific constraints'. Given the challenging change in site levels, the restrictive covenant referred to earlier (see paragraph 5.5), and the fact that the part of the site behind nos. 4 - 13 Ashdown Rise and no. 26 The Limes presently ponds, it is clear that there are site-specific constraints in this instance. By leaving the area that ponds free from development, it will allow an area for Great Crested Newt mitigation and potential amenity green space. It is also pertinent to note that the density figure for the actual area of the site to be developed is 22dph, which is far closer to the target figure in Local Plan.

Appearance

Figure 5.3: Proposed elevations

5.18 As can be seen, all dwellings other than the semi-detached Acorn will be detached, and all will have a clean and uncomplicated appearance, as well as feature artstone heads and cills to add some interest to principal elevations.

5.19 The proposed materials palette is provided at Figure 5.4. These are deemed suitable given the local context demonstrates a wide variety of finishes and colours, including stone-built properties and dwellings with red and grey roofs (see Photos 5.1 - 5.4).



- 5.20 For the above reasons, compliance with Local Plan Policy DEC 1 and the Residential Design Guide is evident by virtue the proposals will create an attractive and desirable place where people want to live.

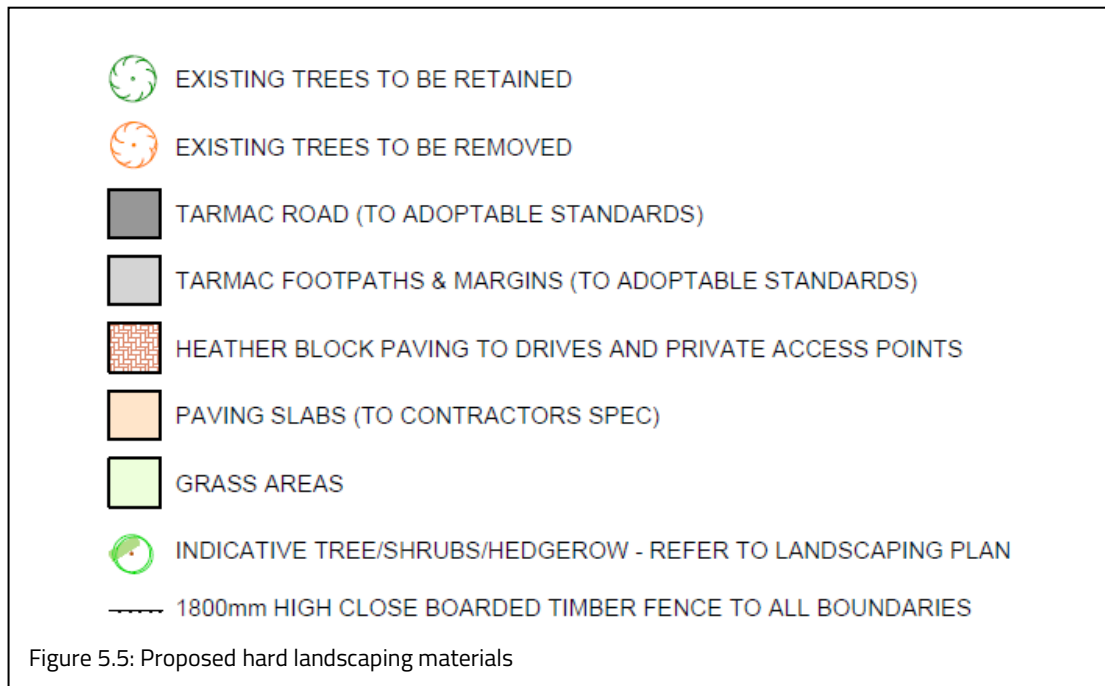
Means of Access

- 5.21 The proposed point of access reflects the approved arrangement under the previous outline consent, achieving suitable visibility splays as per the submitted Transport Statement. In view of this and the relatively uncomplicated estate road layout, no conflicts with Local Plan Policy DEC 1 (criterion c) have been identified.
- 5.22 All dwellings will have a minimum of 2no. private car parking spaces (some in the form of a garage), which is in accordance with NYCC's Interim Parking Standards. The need to provide for the charging of electric vehicles for each plot is also noted, in order to satisfy Local Plan Policy DEC 2.

Landscaping

- 5.23 Soft landscaping across the scheme will be provided in the form of private gardens for each dwelling, as shown on the proposed site plan. However, given the proposed site plan only denotes landscaping features indicatively, a full landscaping scheme has been submitted as part of the application; this contains a full specification including, for example, a detailed planting schedule.
- 5.24 In relation to the hard landscaping and boundary treatments, these are set out at Figure 5.5 (this should be read in conjunction with the proposed site plan at Figure 5.1). Heather block

paving is proposed to the shared drives to provide some delineation from the estate road and break things up visually to avoid an expanse of a single material.



- 5.25 It is assessed that the proposed scheme of hard and soft landscaping will enhance both the natural and built environment, where it will retain existing features of interest (i.e., trees). This aligns with Local Plan Policy DEV 5 (criterion e).

Provision of Bungalows

- 5.26 Paragraph 6.59 of the Local Plan makes the following statement in relation to bungalows:

‘In addition to specialist housing, smaller properties including bungalows are attractive to the older persons market. Many older persons wish to downsize from their property whilst retaining the benefits of independent living such as a garden but do not require or want to move into specialist accommodation. The provision of such property has

been limited over recent years. Schemes for bungalows or smaller properties targeted towards the older population and other groups are an important means of stimulating the housing market, freeing up larger properties for younger families and reducing the under-occupation of property.

- 5.27 Given that bungalows are included as part of the scheme, its potential benefits to the local housing market must not be underestimated.
- 5.28 On a related note, our client will address the precise accessibility of homes via the Building Regulations process.

Drainage

- 5.29 A Flood Risk Assessment and Outline Drainage Strategy is presently under preparation by Lynas Engineers and will be submitted shortly. In the interim, Figure 5.6 overleaf indicates that the site is in Flood Zone 1, and thus at the lowest potential risk of flooding from rivers and seas, whilst the only part of the site at risk from surface water flooding is that which is already known to pond and is not proposed for development.

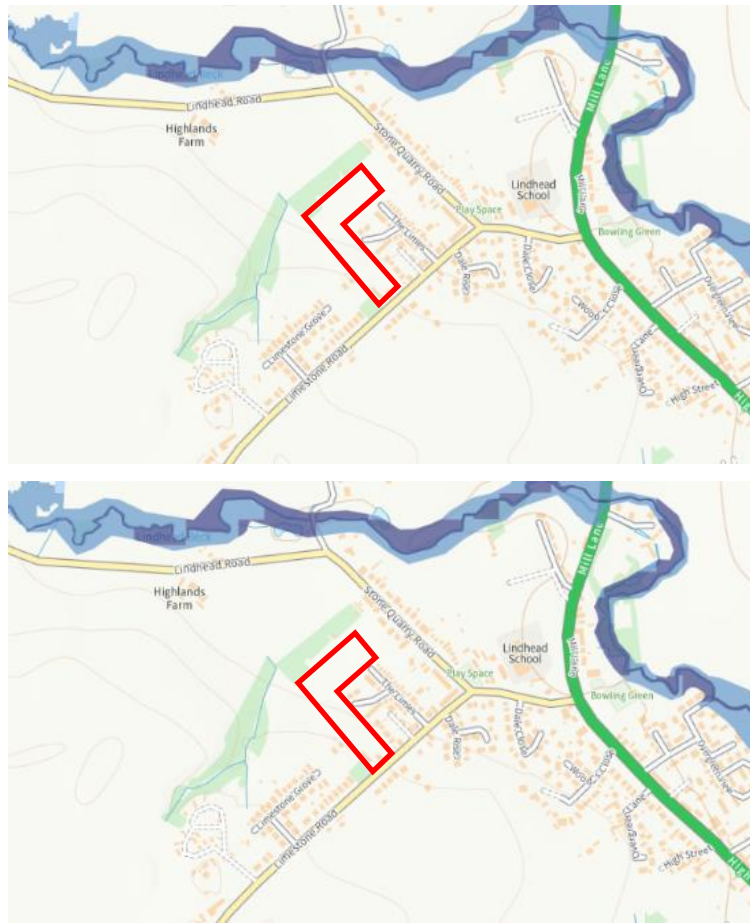


Figure 5.6: Flood risk maps (fluvial flooding, top; surface water flooding, bottom)

Source: <https://check-long-term-flood-risk.service.gov.uk>

N.B. Red lines denoting the site added by ELG

- 5.30 The proposals are therefore in a suitable location from a flood risk perspective. Moreover, the above-referenced details provided in due course will demonstrate how the scheme will satisfy the relevant criteria of Local Plan Policy ENV 3 and NPPF section 14, with regards to flood risk and drainage matters.

Landscape Impacts

- 5.31 As referenced earlier, an LVA by Pegasus Group forms part of the application. The summary of findings from the LVA are set out below:

‘the Application proposals would be seen by residents of dwellings within close proximity of the Site, where there would be varied visual effects, from major to moderate to moderate/minor, experienced upon private visual amenity. From publicly accessible locations, views of the Application proposals are much more likely to be seen in glimpsed, intermittent views, beyond intervening vegetation, one travels through the landscape in close proximity to the Site. Such effects would be no greater than moderate to moderate/minor. Publicly available views are also more likely to be seen over longer distance where the proposals would form a small part of the overall view available.’

And

‘From the North York Moors National Park, views of the site would be seen at relative distance. The Application proposals would form a small part of the much wider views available from the periphery of the National Park and would be seen in the context of the existing settlement edge. Again, such effects would be no greater than moderate/minor.’

And

‘The effects of the development that have been identified do not mean that they render the scheme as unacceptable in landscape terms. They simply recognise that a degree

of change would occur, however this is only to be expected for a development of this nature on an allocated site where landscape impacts have previously been considered.'

5.32 Whilst it is noted that the LVA did not include the area of land behind nos. 4 - 13 Ashdown Rise and no. 26 The Limes, this is shown undeveloped on the proposed site plan.

5.33 With the LVA having assessed that the proposed development will not result in significant effects, it can be seen that the proposals are not contrary to any NPPF or Local Plan policies, specifically, ENV 7.

Open Space and Education

Open space

5.34 With 4no. 2-bed dwellings and 14no. 3-bed dwellings proposed, this equates to the scheme generating 50no. people. Applying this amount in line with the Green Spaces SPD generated the following results with regards to on-site provision:

- Outdoor sport: $1.85/1,000 \times 50\text{no.} = 0.09$ hectares (ha);
- Equipped play: $0.20/1,000 \times 50\text{no.} = 0.01\text{ha}$; and
- Amenity green space: $0.55/1,000 \times 50\text{no.} = 0.03\text{ha}$.

5.35 Other than amenity green space, the quantitative requirements generated all fall below the thresholds for on-site provision, and thus a financial contribution would be appropriate for those elements. Natural parks and green space are not required, as confirmed within the SPD, whilst urban parks on-site are not applicable to schemes of the size proposed.

5.36 Turning to off-site contributions, these are projected to be as follows:

- Outdoor sport: 50no. x £199.20 = £9,960;
- Equipped play: 50no. x £323.60 = £16,180; and
- Urban parks: 50no. x £155.47 = £7,773.50.

Education

5.37 As set out in the Education Payments SPD, the contribution will be £13,596 per primary pupil place, which is then summed on the basis that 0.25 (1 in 4) primary school places are generated per relevant residential unit within the development. As the proposed scheme comprises less than 150no. dwellings, no contribution towards secondary school places would be required.

5.38 In this instance, a scheme of 18no. dwellings of two-bed size or larger would equate to 4no. primary school places. This would require a contribution of £54,384, subject to any index linking.

Ecology

5.39 A revised Great Crested Newt Mitigation Strategy by Quants Environmental forms part of the application package. This concludes that:

‘Given the mitigation measures presented in Appendix 2 (including standard measures to exclude GCN from the development footprint, terrestrial habitats and hibernacula);

the overall effect of the finished development is likely to be neutral or slightly positive for GCN.'

- 5.40 Given the above conclusion, the proposals will not conflict with Local Plan Policy ENV 5 or the relevant paragraphs of NPPF section 15.

6. Conclusions

6.1 Having examined the policy context, it is clear the development proposals will accord with all of the relevant development plan policies, and there are no material considerations that indicate planning permission should be restricted. This is on the basis the proposals will:

- Deliver attractive dwellings of a suitable scale and density, bearing in mind the site constraints;
- Use suitable materials, both in terms of the dwellings and hard landscaping;
- Be served by an appropriate (previously consented) means of vehicular access;
- Contain a number of bungalows, thereby increasing local housing options for older persons;
- Not have an unacceptable landscape impact;
- Make suitable provisions for Great Crested Newt mitigation; and
- Be suitably drained.

6.2 As a policy compliant form of development, we respectfully request that the LPA resolves to grant planning consent without delay in accordance with the NPPF (as is echoed by the Local Plan Policy SD 1).