

# North York Moors National Park Authority

## Plans list item 6, Planning Committee report 14 October 2021

**Application reference number:** NYM/2021/0592/FL

**Development description:** construction of access road and associated landscaping to serve zone 2 of the residential development at Broomfield Farm, Whitby (residential development outside National Park boundary)

**Site address:** Land off Stainsacre Lane, Whitby

**Parish:** Hawsker-Cum-Stainsacre

**Parish:** Whitby

**Case officer:** Mr Mark Hill

**Applicant:** Keyland Development Ltd, fao: Beth McQue, 2 Bond Court, Leeds, LS1 2JZ

**Agent:** Spawforths, fao: Stephen Courcier, Spawforths, Junction 41 Business Court, East Ardsley, Leeds, WF3 2AB

## Director of Planning's Recommendation

Approval subject to the applicant: demonstrating 10% biodiversity net gain, confirming public access to the land and landscaping maintenance, no adverse comments from the Highway Authority and following conditions:

### Condition(s)

Condition number	Condition code	Condition text
1	TIME01	The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2	PLAN02	The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved or in accordance with any minor variation thereof that may be approved by the Local Planning Authority.
3	LNDS00	The access road hereby permitted shall not be brought into use to serve any residential dwelling until a construction Environmental management plan (CEMP) has been submitted in writing and approved by the Local Planning Authority to satisfactorily demonstrate how the landscaped area surrounding the access road will be maintained for landscape screening of the adjacent housing site, provides open space for

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		the local community and ecological connectivity. The landscaping shall be implemented in full in accordance with the approved CEMP and thereafter maintained for a period of 25 years unless otherwise agreed in writing with the Local Planning Authority.
4	GACS00	Notwithstanding the likely lighting requirements to create an adoptable residential access road, no external lighting of the access road shall be installed until details of the street lighting have been submitted to and approved by the local planning authority ( in liaison with the Local Highway Authority). The lighting shall be installed in accordance with the details so approved and maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
5	HWAY00	Highway conditions awaited

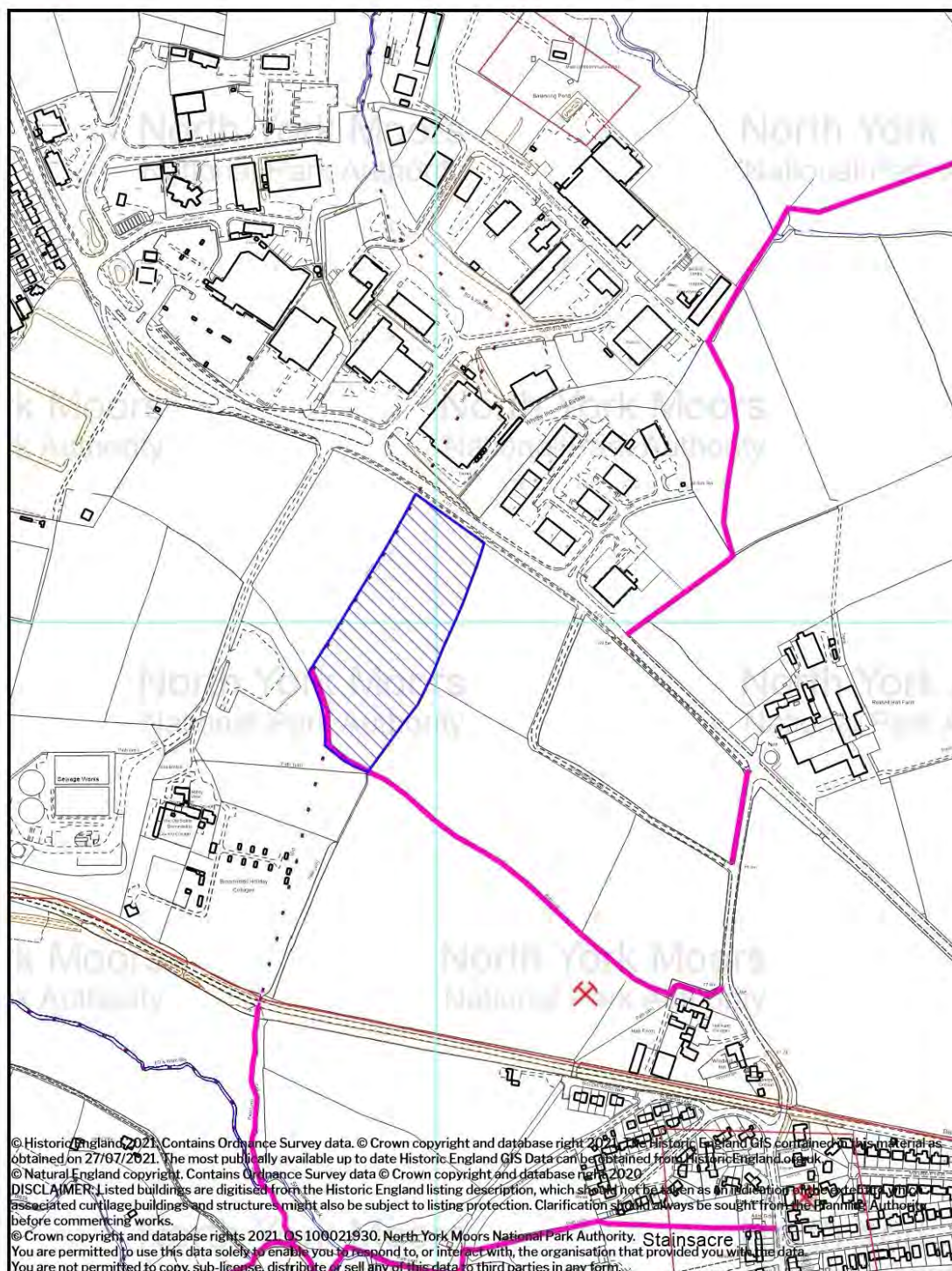
## Map showing application site



**North York Moors  
National Park**

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Scale: 1:5000



**Photo showing site which lies behind the roadside hedge**





## **Consultation responses**

**Scarborough Borough Council** – No comments received

### **Parish**

Ask why a separate highways access is required from the rest of the new estate?

Object to the development on three grounds, namely that; the access is too close to the 30 mph zone/sign, loss of agricultural land to form landscape screening for housing, concerns that the drainage within the access road will not be able to cope with level of water flowing from agricultural fields onto the new access road.

### **Highways**

In response to the Parish Council query about the position of the 30 mph zone & 30 mph signs, the Local Highway Authority consider the accesses to serve the developments existing and proposed are well within the 30 mph area and there are no plans to change the 30 mph zone.

Conditions for the proposed development are still under consideration.

**Police – Designing out Crime** – No comments received

**Police – Traffic** – No comments received

**North Yorkshire Moors Association** – No comments received

**Campaign to Protect Rural England** – No comments received

**Campaign for National Parks** – No comments received

**Sustainable Urban Drainage** – No comments received

## **Third party responses**

None received

## **Consultation expiry**

14 September 2021

## **Background**

The application site comprises a 2.4 ha agricultural grazing field located immediately adjacent to the national park boundary on the opposite side of the road from Whitby Business park. It has existing deciduous hedge planting around its perimeter and a field gate access onto Stainsacre Road within the 30 mph area. It slopes down from south to north towards the public highway.

To the west of the site, within the Scarborough BC Planning area, lies a Housing allocation within the adopted SBC Local Plan site ref HA18. The majority of the site has planning permission ( Zone 1) for a mix of up to 290 market and affordable houses ,

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public open space, new roundabout onto Stainsacre lane and an internal loop road , the allocated site is partly subdivided by the existing access to the Whitby waste water treatment works. Beyond the sewage works road the applicants own a separate field (Zone 2) of site HA18 which it is envisaged will eventually be served from a spur off the loop road when Zone 1 is developed sufficiently. The applicants have indicated that this application seeks to explore whether a separate access could be acceptable to facilitate the earlier development of Zone 2 by creating a small new link road off Stainsacre Lane rather than link off the Zone 1 loop road to serve up to 60 dwellings in a carbon neutral eco village type development with the vast majority of the field not required for the access link but being landscaped to provide a public open space and landscaped soft edge to the urban fabric of Whitby.

The size of the site being over 1 hectare, means the development is classed as a 'major development application' under the development management regulations. As the nature of the site could be described as an urban development project in a National Park (which in terms of EIA regulations is a 'Sensitive Area'), the Authority has screened the development for EIA and has assessed it as not likely to have significant effects and therefore does not represent EIA development. The application documentation includes; a Planning Statement, Flood Risk Assessment, Heritage Assessment, a Preliminary Ecological Assessment, Hedgerow Regulations Assessment, Preliminary (Hydrology & Hydrogeology) Risk Assessment and a Transport Assessment.

The application follows on from pre-application advice when officers indicated that any scheme would need to represent a net environmental improvement to this part of the National Park.

The Authority's ecologist welcomes the commitment within the application to demonstrate a 10% Biodiversity Net gain ahead of it becoming a legal requirement but feels the information should be submitted at the determination stage rather than being a post decision matter given the nature of the access road is to facilitate urban development on the other side of the National Park boundary.

The agent has written in support of the application, in brief they state:

The Broomfield farm site is split into two parts Zone 1 and Zone 2, separated by the access to the Whitby waste water works. It was always envisaged that Zone 2 would be served from a spur off the Zone 1 (290 market & affordable homes) internal circulation loop but this could take years to come forward. Zone 2 is an exciting Carbon Neutral village homes proposal and has been submitted as one of nine projects as part of the £25m Whitby Town Deal (WTD) bid for which there are tight time targets of delivery in 2022. This proposal is seeking a way to unlock the potential of this first zero carbon, community self and/or custom build project in Yorkshire by delivering an early access solution. Without the WTD bid funding the viability of the project is in doubt.

To answer the Parish Council concerns, the highway statement submitted with the application explains in detail why it is not considered that the position of the new access in relation to the 30 mph zone will have any adverse impact on highway safety. The drainage proposals have been designed (with all the extra tree planting and soft

landscaping) to improve the position as water can currently flow off the fields onto the public road. Whilst it is accepted there would be a small loss of agricultural land, it is considered the wider public benefits of green space for the local community and the significant softening of the urban edge of Whitby adjacent to the National Park represents a net environmental improvement and public benefit.

## **Main Issues**

### **Local Plan**

**Strategic Policy G** dealing with landscape seeks to give great weight in planning decisions to conserving and enhancing the diverse and distinctive landscape character areas of the National Park. The application site lies within Landscape Character area 4b: Whitby to Cloughton coast and coast hinterland where one of the identified detractors is suburban style development.

**Local Plan Policy CO2** deals with highway developments, it explains that new road schemes and significant road widening schemes can have an adverse impact on the landscape and natural environment and proposals will only be permitted where they are in scale with the local environment, where the local road network has capacity to accommodate the proposal without detriment to highway safety, the design takes into account the needs of all road users, there is a compelling need for the development and the development would be acceptable in landscape terms.

Given the road is sought to service a housing development outside the National Park but within the adjacent District, there is a tension with Policy CO2 in respect of there being a compelling need. However, officers have afforded significant weight to the potential for improving the landscape character of the National Park setting at this urbanised location and arguably this tension is eased by the nature of the proposed zero carbon housing scheme.

In response to the case officer's query about whether the land is to be dedicated for public use and what maintenance arrangements are to be put in place to ensure the plan is kept in a state compatible with the biodiversity gains claimed, the applicants are in the process of drawing up plans to show a linking footpath through the area and will submit a 25 year management plan to demonstrate how well the site will be maintained for the benefit of local communities and the wider landscape.

The objective of Policy CO2 is to resist harmful highway development in the National Park. The proposed development is considered relatively modest, would assist delivery of highly sustainable housing development in the wider area, provide local communities with green open space, improve ecological connectivity but most importantly could significantly reduce the suburban detraction of this relatively hard urban edge of Whitby and thus accord with Strategic Policy G in respect of enhancing the Whitby landscape character area.

The Parish Council concerns are noted. In respect of highway safety concerns, the local Highway Authority has confirmed they have carefully assessed the impact on highway safety from a new access but feel the access is well within the 30mph zone and the  
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junctions have the capacity needed to accommodate the development without impinging on highway safety along Stainsacre Road. In terms of drainage arrangements overwhelming the new road, the Highway Authority would normally recommend conditions which include submission of drainage details, including flow calculations to ensure the drainage runs and diameters are capable of dealing with the bulk of pluvial flooding conditions.

In respect of the loss of agricultural land, officers consider the landscape and biodiversity benefits likely to accrue from 2.4 ha of landscaped area against the suburban urban edge of Whitby carry more weight than the principle of resisting loss of agricultural land and approval is recommended.

### **Pre-commencement conditions**

There are no pre-commencement conditions.

### **Contribution to Management Plan objectives**

Approval is considered likely to help meet Policy C11 which seeks to development outside but close to the Park Boundary minimises harm to the setting of the Park.

### **Explanation of how the Authority has worked positively with the applicant/agent**

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and confirmed to the applicant/agent that the development is likely to improve the economic, social and environmental conditions of the area.