

Item Number: 15
Application No: 15/00423/OUT
Parish: Pickering Town Council
Appn. Type: Outline Application
Applicant: Mr Phil Cook
Proposal: Erection of 5no. detached dwellings and formation of vehicular access together with demolition of existing dwelling and buildings.
Location: Land At Meadowfield 40 Thornton Road Pickering North Yorkshire YO18 7HZ

Registration Date:
8/13 Wk Expiry Date: 16 June 2015
Overall Expiry Date: 24 May 2016
Case Officer: Gary Housden **Ext:** 307

CONSULTATIONS:

Highways North Yorkshire	Recommend Conditions
Vale Of Pickering Internal Drainage Boards	No further comments
Land Use Planning	Recommend condition
Countryside Officer	Recommend Condition
Economic Development	
Environmental Health Officer	Concerns regarding noise - conditions recommended if permission granted
Archaeology Section	No known archaeological constraint
Parish Council	No objection in principle, but concerns regarding vehicular movements and noise
North Yorkshire Police Architectural Liaison Officer	No comments on application
Neighbour responses:	John & Amanda Clifton, Ms Pam Northcote, Mrs Valerie Pell, Stephen Williams, Mr Darren Hugill, Alan Collinson, CK Mercer, Mr Edward Atkinson, Mr Mike Potter,

SITE:

The application site is located on the western edge of the town, to the south of the A170. It is situated between the built up area of the dwellings located to the south side of the 'A' road and the western extremity of Thornton Rd industrial estate. The land owned by the applicants extends to approximately 1.6 hectares in total and includes No 40 Thornton Rd (a single storey dwelling and its curtilage) and an adjacent paddock which extends some 185 metres to the south where it meets the boundary of Phase 2 of Thornton Rd industrial estate. There are mix of single and two storey dwellings in the vicinity of the site to the north and south of the A170. The nearest dwelling to the site No.36 is single storey.

PROPOSAL:

This application was originally submitted in 2015 as a 'Major' outline application for 26 no dwellings and 7 business units. Much of the application site as originally submitted lay outside of 'saved' development limits of the town and the application site directly abutted the adjacent industrial estate. A significant number of objections were received to the plans as originally submitted which resulted in significant changes to the scheme. These comments can be seen on the Council's website.

Amended plans were received in May 2016 which significantly reduced the extent of the application site and the amount of development proposed. It is no longer a major application. The proposal has been reduced to show the erection of five detached dwellings only and all of these are located within the extent of the town's 'saved' development limits. The developable area of the land is approximately 0.26ha with a frontage of approximately 120 metres along Thornton Rd. The nearest proposed dwelling is located around 35 metres from the curtilage of the nearest business unit to the east.

The dwellings would be served by 3 No. accesses as shown although there are already two existing vehicular accesses from the land onto A170 from No 40 Thornton Rd and the adjacent land.

Access has been submitted as part of the application although all other matters have been reserved for future approval if planning permission is granted. To assist the consideration of the application an illustrative street scene drawing has been produced by the applicants to demonstrate how the site might appear if developed in the format shown on the submitted layout plan.

The application was originally accompanied by a series of technical reports including a Flood Risk Assessment, a Noise Assessment, an Ecological Assessment, A Transport Assessment and a Planning Support Statement. Members will appreciate that the proposals have been significantly altered and a revised statement in the form of a letter from the applicants agent dated 29th April has been submitted to accompany the revised reduced scheme.

The agents letter is appended to this report and the technical reports can be viewed on the Council's website

HISTORY:

10/01069/MFULE - Demolition of existing dwelling and the erection of 6no. five-bedroom dwellings, 43no. four-bedroom dwellings, 21no. three-bed dwellings, 41no. two-bedroom dwellings and 5no. one-bed dwellings with associated garages and parking spaces, areas of public open space, play area and formation of vehicular access.

Refused 8.9.10 Dismissed on appeal. Member will note that this scheme was for a much larger development of over 100 dwellings most of which lay outside of the identified development limits.

POLICY:

The following adopted development plan policies are considered to be relevant to this application.

Ryedale Plan - Local plan Strategy Adopted September 2013

APPRAISAL:

The following considerations are relevant to the determination of the application;

- Principle of development
- Design /layout issues
- Form and character/landscape impact
- Access/Highway safety
- Noise
- Ecology
- Flood risk/Drainage
- Residential Amenity
- Other matters including affordable housing and contributions

Principle of Development

The site is (as amended) located within the 'saved' development limits of Pickering. Pickering is identified as a Local Service Centre (Market Town) and is a secondary focus for growth as set out in the adopted development plan. The town is identified as a place where around 25% of new housing land allocations will occur for the plan period. In the circumstances it is considered that there is no objection in principle to the proposal to erect 5 No. dwellings as proposed on the application site.

Form and Character/ Landscape Impact

The site is located within the identified town development limits and the linear form of development proposed follows the pattern of existing residential development which fronts onto both sides of the A170 to the west of the site. In terms of form and character the development is considered to be in keeping with existing established street scene and the proposal is therefore considered to accord with Policies SP16 and SP20 of the adopted plan. The site is currently an extended garden area and land belonging to No 40 Thornton Road which is well screened by existing hedgerows. Whilst some of this will be removed to facilitate improved access to the site some will be retained as part of the redevelopment of the site. The site is not identified as being of any special landscape character and the visual impact of the new dwellings within the development limits is considered to be localised and of limited impact. The proposal is considered to be acceptable in terms of Policy SP13 of the adopted plan

Design / Layout issues

Members will appreciate that layout, scale and appearance have been reserved for further consideration. However the illustrative plans show that five detached two storey dwellings can be accommodated on the site. The illustrative street elevation shows that adequate space can be provided between the individual blocks of buildings so that the resulting development will sit comfortably in the street scene. A gap of approximately 15 metres is shown between the side wall of No 36 Thornton Rd and the side wall of the first dwelling shown on Plot 1. Whilst there is a mix of two storey and single storey development in the vicinity of the site there is a predominance of two storey dwellings overall and the scheme as illustrated shows all two storey dwelling is considered to be acceptable in visual terms. It is noted that the approach into the town is also set in the context of the existing industrial estate further to the east which is characterised by large scale industrial buildings.

The site is also currently screened by a tall hedgerow fronting the A170 which (aside from the sections to be removed to provide one new access and to amend one existing access) will further assist in screening the new development proposed.

Whilst submitted in outline the proposal is considered to be compliant with Policies SP16 and SP20 in terms of the designs approval.

Access/ Highway safety

The revised application has been considered by officers at NYCC Highways who note that the required vision splays for the access point onto the A170 are 57 metres x 2.4 metres as set out in Manual For Streets2. The available visibility is 80 metres x 2.4 metres which is well in excess of the specified standard. Subject to conditions no objections is raised to the application on highway safety grounds.

Noise

A noise assessment was submitted as part of the application submission in response to previous concerns expressed about both traffic and industrial noise from the adjacent A170 and businesses on the adjacent employment area. It is of note that circumstances have changed significantly since the consideration of the earlier application which was refused and dismissed on appeal (see history

section of this report). The residential element of this proposal has also been much reduced during the consideration of the application. In addition the nearest dwelling is now located approximately 35metres away from the nearest industrial unit. It is of note that this industrial unit was previously occupied by Micrometalsmiths and that there was at the time an extant planning permission for a significant extension (including a foundry) on the premises. The current site operator is a builders merchant that operates between 07.30 to 17.00 Mondays to Fridays and 08.00 to 12.00 on Saturdays only which differs significantly from the previous occupiers 24 hour usage of the site.

In response to the reconsultation process Northern General Properties have responded raising concerns that the new residential development might have on their existing and future activities.

The applicant's agent has responded to the points raised and in their email of 25.5.2016 set out their thoughts in response (see attached copy).

The Council's EHO has previously expressed concerns about the general relationship between industrial/commercial uses and dwellings. There are however several instances in the District where the Council has been able to grant planning permission subject to the imposition of noise conditions to control noise levels within garden areas during the day and in habitable rooms at night to provide adequate protection from all sources of noise.

The Council's EHO has therefore recommended if permission is granted that the following detailed noise conditions are impose on the outline planning permission to adequately protect the amenities of future residents. The details of the reserved matters scheme would then need to demonstrate accordance with these requirements.

1. Construction of the dwellings hereby permitted shall not begin until a written scheme for protecting the proposed residential development from both traffic noise and industrial noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that the noise level in the external amenity areas of the proposed properties shall not exceed 50 dB LAeq (16 hour) between 0700 hours and 2300 hours, for traffic noise, and shall protect against levels of rated industrial sound (in accordance with BS4142:2014), more than 5dB above background. All works which form part of this scheme shall be completed before any part of the development is occupied. The works provided as part of the approved scheme shall be permanently retained and maintained as such except as may be agreed in writing by the Local Planning Authority. The aforementioned written scheme shall demonstrate that the noise levels specified will be achieved.
2. Construction of the dwellings hereby permitted shall not begin until a written scheme for protecting the internal environment of the dwellings from noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that the building envelope of each plot is constructed so as to provide sound attenuation against external noise. The internal noise levels achieved should not exceed 35 dB LAeq (16 hour) inside the dwelling between 0700 hours and 2300 hours and 30 dB LAeq (8 hour) and 45 dB LAm_{ax} in the bedrooms between 2300 and 0700 hours. This standard of insulation shall be achieved with adequate ventilation provided. All works which form part of the scheme shall be completed before any part of the development is occupied. The works provided as part of the approved scheme shall be permanently retained and maintained as such except as may be agreed in writing by the Local Planning Authority. The aforementioned written scheme shall demonstrate that the noise levels specified will be achieved, with windows partially open for ventilation. Where reliance is made on achieving this standard using greater than 12dB attenuation external to internal, details of appropriate window design to be used, referencing studies to demonstrate the noise reduction, shall be submitted.

Ecology

The submitted information has been assessed by the Council's Countryside Management Officer and is considered to be acceptable. Conditional approval is recommended.

Flood Risk/Drainage

The relevant organisations have been consulted including the EA, Lead Local Flood Authority, Local Internal Drainage Board and Yorkshire Water.

No objections are raised on grounds of flood risk - the site is located in Flood Zone 1 and is a minor development. Yorkshire Water have recommended separate systems for foul and surface water drainage and details of surface water disposal to be agreed to be the subject of conditions if planning permission is granted.

Residential Amenity

The site located next to a single storey dwelling - No. 36 Thornton Rd. It is noted that the occupier whilst not objecting to the scheme has raised some points of concern. The neighbour has requested that no windows should directly overlook his living room and that sufficient space for maintenance of the new property on Plot 1 is designed into the scheme. It is considered that the illustrative spacing between the properties is acceptable and that these concerns relating to matters of privacy can be adequately controlled at reserved matters stage. It is recommended however that an informative is added to the outline permission if permission is granted to draw this matter to the attention of a future developer of the site.

The layout shows that adequate amenity space can be provided for the occupiers of the new dwellings and the proposal is considered to satisfy Policies SP16 and SP20 of the local plan strategy.

Consultation Responses

Following the significant amendment to the scheme, reducing the proposal to the erection of 5no. dwellings, the number of third party comments has diminished to three responses. These can also be viewed on the Council's website but are summarised below.

Occupier of No. 36 Thornton Road

No objection in principle but comments made relating to the relationship of the building on Plot 1 and possibility of overlooking windows, future maintenance. Suggests extending the 30mph limit.

Occupier of No. 30 Thornton Road

Refers to earlier refusal and appeal relating to application 10/01069/MFULE. Concern over relationship between residential and nearby industrial users and objects over the principle, notwithstanding the reduced scale of the development.

Northern General Properties

Acknowledges that the dwellings would be within the development limit but is concerned with potential impact on users on the industrial estate, referring to the earlier application and appeal decision. Therefore, objects to the proposal which might limit or prejudice future activity.

The Town Council has no objection in principle but has expressed some detailed concerns relating to vehicular access and noise.

These issues have, however, been addressed in the appraisal section of this report and subject to the imposition of appropriate conditions, the development is considered to be acceptable.

OTHER MATTERS

The application is for the erection of 5 No. dwellings. Members will be aware of the recent Court of Appeal decision relating to the West Berkshire and Reading High Court case. In the light of the Court of appeal decision relating to developer contributions from small sites no affordable housing contributions can be sought from this scheme in the light of the Multi-national decision and the recent changes to national planning guidance.

RECOMMENDATION

Approval subject to the following conditions.

RECOMMENDATION: Approval

- 1 Application for approval of reserved matters shall be made to the Local Planning Authority not later than .

The development hereby permitted shall be begun on or before whichever is the later of the following dates:-

The expiration of two years from the final approval of the reserved matters or (in the case of approval on different dates) the final approval of the last such matters approved.

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 No development shall take place without the prior written approval of the Local Planning Authority of all details of the following matters:-

(i) the layout, scale and appearance of every building, including a schedule of external materials to be used

(ii) the landscaping of the site

Reason:- To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.

- 3 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

(a) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.

(b) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.

(c) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway in accordance with the approved details and maintained thereafter to prevent such discharges.

(d) The final surfacing of any private access within 2 metres of the public highway shall not

contain any loose material that is capable of being drawn on to the existing or proposed public highway.

(e) Provision of tactile paving in accordance with the current Government guidance.

Reason:- In accordance with Policy SP20 of the adopted Ryedale Plan - Local Plan Strategy and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

- 4 There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 57m measured along both channel lines of the major road A170 from a point measured 2.4m down the centre line of the access road. The eye height will be 1.05m and the object height shall be .06m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:- In accordance with Policy SP20 of the adopted Ryedale Plan - Local Plan Strategy and in the interests of road safety.

- 5 There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until visibility splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the major road have been provided. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:- In accordance with Policy SP20 of the adopted Ryedale Plan - Local Plan Strategy and the interests of road safety to provide drivers of vehicles using the access and other users of the public highway with adequate inter-visibility commensurate with the traffic flows and road conditions.

- 6 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted, until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

- (a) tactile paving
- (b) vehicular, cycle and pedestrian accesses
- (c) vehicular and cycle parking
- (d) vehicular turning arrangements
- (e) manoeuvring arrangements

Reason:- In accordance with Policy SP20 of the adopted Ryedale Plan - Local Plan Strategy and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

- 7 No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition 6:

- (a) have been constructed in accordance with the submitted detailed drawings and in accordance with Standard Detail Number E6

Once created, these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:- In accordance with Policy SP20 of the adopted Ryedale Plan - Local Plan Strategy and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

- 8 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Reason:- In accordance with Policy SP20 of the adopted Ryedale Plan - Local Plan Strategy and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity of the development.

- 9 There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site, and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

Reason:- In accordance with Policy SP20 of the adopted Ryedale Plan - Local Plan Strategy and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

- 10 Unless approved otherwise in writing by the Local Planning Authority, there shall be no establishment on a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction of the site, until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

(i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway

(ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.

The approved areas shall be kept available for their intended use at all times that construction works are in operation.

Reason:- In accordance with Policy SP20 of the adopted Ryedale Plan - Local Plan Strategy and to provide for appropriate on-site vehicle parking and the storage facilities, in the interests of highway safety and the general amenity of the area.

- 11 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason:- In the interests of satisfactory and sustainable drainage, and to satisfy Policy SP19 of the adopted Ryedale Plan - Local Plan Strategy.

- 12 No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing work and off-site works have been submitted to and approved in writing by the Local Planning Authority. Furthermore, unless otherwise approved in writing by the Local Planning Authority, there shall be no piped

discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason:- To ensure that no surface water discharges take place until proper provision has been made for its disposal, and to satisfy Policy SP19 of the adopted Ryedale Plan - Local Plan Strategy.

- 13 Before the development hereby permitted is commenced, or such longer period as may be agreed in writing with the Local Planning Authority, details and samples of the materials to be used on the exterior of the building the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policy SP16 of the adopted Ryedale Plan - Local Plan Strategy

- 14 Prior to the commencement of the development hereby permitted, the developer shall construct on site for the written approval of the Local Planning Authority, a one metre square free standing panel of the external walling to be used in the construction of building. The panel so constructed shall be retained only until the development has been completed

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policy SP16 of the adopted Ryedale Plan - Local Plan Strategy

- 15 Construction of the dwellings hereby permitted shall not begin until a written scheme for protecting the proposed residential development from both traffic noise and industrial noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that the noise level in the external amenity areas of the proposed properties shall not exceed 50 dB LAeq (16 hour) between 0700 hours and 2300 hours, for traffic noise, and shall protect against levels of rated industrial sound (in accordance with BS4142:2014), more than 5dB above background. All works which form part of this scheme shall be completed before any part of the development is occupied. The works provided as part of the approved scheme shall be permanently retained and maintained as such except as may be agreed in writing by the Local Planning Authority. The aforementioned written scheme shall demonstrate that the noise levels specified will be achieved.

Reason:- To satisfy Policy SP20 of the adopted Ryedale Plan - Local Plan Strategy.

- 16 Construction of the dwellings hereby permitted shall not begin until a written scheme for protecting the internal environment of the dwellings from noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that the building envelope of each plot is constructed so as to provide sound attenuation against external noise. The internal noise levels achieved should not exceed 35 dB LAeq (16 hour) inside the dwelling between 0700 hours and 2300 hours and 30 dB LAeq (8 hour) and 45 dB L_{Amax} in the bedrooms between 2300 and 0700 hours. This standard of insulation shall be achieved with adequate ventilation provided. All works which form part of the scheme shall be completed before any part of the development is occupied. The works provided as part of the approved scheme shall be permanently retained and maintained as such except as may be agreed in writing by the Local Planning Authority. The aforementioned written scheme shall demonstrate that the noise levels specified will be achieved, with windows partially open for ventilation. Where reliance is made on achieving this standard using greater than 12dB attenuation external to internal, details of appropriate window design to be used, referencing studies to demonstrate the noise reduction, shall be submitted.

Reason:- To satisfy Policy SP20 of the adopted Ryedale Plan - Local Plan Strategy.

- 17 Before any part of the development hereby approved commences, plans showing details of landscaping and planting schemes shall be submitted to and approved in writing by the

Local Planning Authority. The schemes shall provide for the planting of trees and shrubs and show areas to be grass seeded or turfed where appropriate to the development. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all trees and shrubs including existing items to be retained.. All planting, seeding and/or turfing comprised in the above scheme shall be carried out in the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development hereby approved and to comply with the requirements of Policy SP16 of the adopted Ryedale Plan - Local Plan Strategy.

- 18 Before the commencement of the development hereby permitted, or such longer period as may be agreed in writing with the Local Planning Authority, full details of the materials and design of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these shall be erected prior to the occupation of any dwelling to which they relate.

Reason:- To ensure that the development does not prejudice the enjoyment by the neighbouring occupiers of their properties or the appearance of the locality, as required by Policy SP16 of the adopted Ryedale Plan - Local Plan Strategy.

- 19 All works shall be carried out in accordance with the details contained in the Ecological Appraisal section 4 (Quants 2014) for Land at Meadowfields 40 Thornton Road, Pickering. This should include provision of a bat survey prior to demolition of the existing buildings, suitable timing of removal of vegetation to protect nesting birds and the provision of hedge, bird and bat habitat enhancements as set out in the report.

Reason:- To satisfy Policy SP14 of the adopted Ryedale Plan - Local Plan Strategy.

- 20 The development hereby permitted shall be carried out in accordance with the following approved plan(s):.

Reason: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVE:

In relation to Condition 05, an explanation of the terms used above is available from the Highway Authority.

Background Papers:

Adopted Ryedale Local Plan 2002
Local Plan Strategy 2013
National Planning Policy Framework
Responses from consultees and interested parties