

**Item Number:** 8  
**Application No:** 17/01500/MOUT  
**Parish:** Pickering Town Council  
**Appn. Type:** Outline Application Major  
**Applicant:** Toft Hill Ltd C/o Walker And Sons (Hauliers) Ltd  
**Proposal:** Residential development of up to 11no. dwellings with associated access (site area 0.75ha)  
**Location:** Land Off Ruffa Lane Pickering North Yorkshire  
  
**Registration Date:** 8 January 2018  
**8/13 Wk Expiry Date:** 9 April 2018  
**Overall Expiry Date:** 8 February 2018  
**Case Officer:** Rachael Balmer **Ext:** 357

#### CONSULTATIONS:

Archaeology Section	Recommendations
Lead Local Flood Authority	additional comments
Parish Council	Objection
Highways North Yorkshire	Recommends conditions
Housing Services	Comments
Environmental Health Officer	Await response
Yorkshire Water Land Use Planning	Recommends Conditions
Countryside Officer	Recommends conditions
Lead Local Flood Authority	Further information required
Sustainable Places Team (Environment-Agency Yorkshire Area)	
Designing Out Crime Officer (DOCO)	Advice and recommendations
Vale Of Pickering Internal Drainage Boards	Concerns
Archaeology Section	Advisory

**Neighbour responses:** Nicholas, Clair And Rosie Cousins, Heather Hattersley, Sarah Tilston, Miss SALLY GREEN, Mr Daniel Bruce, Mr D W Ross, Dr David Capes,

#### 1.0 SITE:

1.1 The site extent comprises 0.75ha and is formed from the southernmost extent of a large, linear field (grazed, but cropped in the past) which is situated outside of the Development Limits of Pickering, on the north eastern extent of the settlement. The land is a rectangular shape, and there is a further strip of land to the north which is within the applicant's ownership, but not within the red outline of the site. The site is on both rising, and undulating land. There is a single smaller, open field to the west of the site, and residential development has occurred to the south of the site with two dwellings in substantial curtilages, and to the west of those, a more concentrated built form, forming the extent of Pickering's built form, with the Persimmon scheme. To the west is ribbon development, which is separated from the site by the smaller field. The land is within the Fringe of the Moors Area of High Landscape Value. At the point of the site's entrance Ruffa Lane is a track. The field is surrounded by high hedges and is elevated from the Ruffa Lane track and Pluntrain Dale Lane, which is a well-incised track, running northwards to the immediate east of the site.

## **2.0 PROPOSAL:**

2.1 The proposal seeks outline permission for the development of up to 11 dwellings, with access to be considered. The application form states up to 11 dwellings, and the affordable housing 'heads of terms' also indicates up to 11 dwellings. All other matters are reserved, although an indicative layout has been provided which shows the scheme being a single row of properties, which are of two storeys in height. A road would be utilised laterally across the site at the front, with some limited open space between the road and the existing hedge. The proposed road access is situated on the south western corner of the site, adjacent to the existing access to the site which is identified as providing a footpath. The access is also on rising land. An indicative cross-section shows the road with garages/parking spaces and a mixture of detached and semi-detached properties.

2.2 Members will be aware that this site was subject of a planning application in 2017 for a larger site area, extending further upslope, which was for up to 30 dwellings.

2.3 As well as technical information: including a landscape and visual impact assessment, ecological assessment, flood risk assessment, and transport assessment, there is a design and access statement and planning statement. There is also a proposed site layout plan, and cross section plan to describe the proposed change in levels proposed at the site. An archaeological survey, utilising geophysical survey has been provided. These documents include further information which has been provided for the purpose of considering the application.

## **3.0 HISTORY:**

3.1 Planning permission for up to 30 dwellings was refused on a larger area of land (planning application 17/00894/MOUT) at Planning Committee, 24 October 2017. The application was refused on three grounds:

- o The adverse impacts on the form and character of Pickering resulting from the proposed development;
- o The adverse road layout resulting from the proposed development; and
- o The proposed development would not complement the site allocations identified at Pickering to meet the outstanding housing requirements identified in the Publication Local Plan Sites Document.

## **4.0 POLICY:**

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 confirms that the determination of any planning application must be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises:

The Ryedale Local Plan Strategy (2013)

The Proposals Map (2002) carried forward by the Local Plan Strategy

The 'saved' policies of the Ryedale Local Plan (2002)

The Yorkshire and Humber Plan (Regional Spatial Strategy)- York Green Belt Policies (YH9 and Y1)

(The latter two components are not considered as part of the determination of this proposal)

The Ryedale Plan - Local Plan Strategy (5 September 2013)

Policy SP1 General Location of Development and Settlement Hierarchy

Policy SP2 Delivery and Distribution of New housing

Policy SP3 Affordable Housing

Policy SP4 Type and Mix of New Housing

Policy SP12 Heritage

Policy SP13 Landscapes

Policy SP14 Biodiversity

Policy SP15 Green Infrastructure  
Policy SP16 Design  
Policy SP17 Managing Air Quality, Land and Water Resources  
Policy SP19 Presumption in Favour of Sustainable Development  
Policy SP20 Generic Development Management Issues  
Policy SP22 Planning Obligations, Developer Contributions and the Community Infrastructure Levy

Material Considerations:

National Planning Policy Framework (NPPF) (2012)  
National Planning Practice Guidance  
Emerging Local Plan Sites Document (Publication Stage reached 12 October 2017) Publication consultation ran from 11 November until 22 December 2017.

## **5.0 CONSULTATIONS:**

5.1 A brief summary of the position of statutory and non statutory consultees is included on the front sheet of the report and issues raised are addressed in the relevant appraisal sections of the report. All consultation responses are available for Members to view on the public access webpage, and referred to in the report accordingly.

5.2 Pickering Town Council have raised objections to the proposal, in summary:

- Constitutes an extension, though separated by a single field, to the ribbon development on the north side of Ruffa Lane and with the two dwellings to the south of the site could be said to fit more easily into the local built environment and the previous application to develop the site.
- However, the site is on rising land and the proposed estate would sit high and proud above the Ruffa Lane Track. The council's view is that the development would be jarringly obtrusive, viewable from a distance and thereby compromising the attractive, rural edge to the town and the Fringe of the Moors Area of High Landscape Value.
- Questions the capability of residents to not be primarily dependent on their cars to access services, in part due to the bus services operating at not convenient times, and that the railway is for tourists and not commuters.
- The Council has already agreed to support the allocation of land of Whitby Road and off Malton Road for housing development, thereby meeting the allocated number of new dwellings for the town. Therefore it does not see any need to develop additional land for housing, particularly when the development would be so obstructive in the landscape.

5.3 In terms of neighbour responses, 6no. letters have been received from individuals.

In summary, the responses are concerned with the following matters:

- Extra traffic on overcrowded roads;
- Lane provides important recreational space- great amenity value- leading to nearby footpaths and green lanes
- Smaller site, but an Estate is the long term plan, and development would overwhelm it.
- Ruin the character of the area- protection of Ruffa Lane's visual, historic and rural qualities was supported by Council
- Inadequate lane, with loss of hedgerows
- Agricultural field
- No need for this development in the area- other developments in Pickering which need to be completed before new developments are undertaken that will further stretch resources in the area.
- Incongruous style and layout of the proposal by comparison with development in the surrounding area
- Proposed development is proposing to replicate linear string development present along the

northern border of Ruffa Lane, but the area is separated from the nearest dwelling by 50 metres of pasture land.

- To reduce the visual impact landscaping with excavation of the site is proposed, with a retaining wall this is rudimentary and inaccurate. The depth of the site has been stated as 140m when it is 105m and the approximate gradient of the site is 7.7% and not 6%, and this has been used to estimate the height of the retaining wall, which will vary across the site, if that level is maintained. The retaining wall will also transect two of the buildings shown on the site layout plan.
- Excavation and landscaping to the required extent will involve far more than the relocation of topsoil.
- The proposed development will still elevate the site well above the bungalow which is 50 metres to the west, and will be two storey and will still create an unwelcome visual impact.
- Highways authority recommended refusal on the earlier application, but the applicant has engaged a transport specialist who will be liaising with highways regarding acceptable alterations to Ruffa Lane and Whitfield Avenue junction.
- Original site was put forward for adoption through the Local Site Plan, but was rejected due to the topography of the site, distance from the main town settlement, poor accessibility to local facilities and being in a mineral safeguarding area.
- If an authority can demonstrate a valid up to date local site plan then unless there are strong material considerations favouring a site not included in the plan should be refused.
- The planning statement which claims to provide sustainability, but this is at odds with the Authority's refusal of the application by way of poor performance in the Sustainability Appraisal process.
- Outside of the Development Limits of the town
- Open farmland in an area designated as having outstanding landscape value. It is on the Moorland Fringe and is 650m from the western boundary of the North York Moors National Park
- Our former bungalow was approved, with a previous two storey property refused due to design and visual impact.
- Our property is some 10 metres lower than the proposed development, which proposed two-storey accommodation.
- That the use of SUDs is not appropriate with the clay subsoil. - complaints of standing water
- Failed to demonstrate material considerations that would justify departing from the sites identified in the Local Site Plan, and the approval would be in conflict with planning guidelines.
- The applicant's own landscape assessment shows the visual intrusion, and this is with the benefit of summer vegetation, in the winter there will be no foliage screening.
- Site is remote in relation to the form of Pickering.
- Since applications have been approved for hundreds of houses, and much more suitable sites at Goslipgate and Malton Road securing the building land quotas
- The agricultural helps to reduce flooding issues, as it is more capable of absorbing excess water than with tarmac
- The previous planning application was refused
- Proposed site is not in the town plan, with only 3 dwellings to the south of this site it will be unbalanced and not in keeping with the north site of Ruffa Lane housing types
- Reducing the amount of small houses to a less number of larger houses would not reduce the volume of traffic to significantly enough to make the junction safer
- Lowering the ground may lower the impact to the west, but the visual impact to the south and east will be an eyesore
- No details of the removal of foul sewage
- There are three ponds full of rain water containing a thriving colony of Great Crested Newts

## 6.0 APPRAISAL:

6.1 The main considerations to be taken into account are:

- i) Principle of development
- ii) Landscape impact, and form and character impact
- iii) Site-specific considerations
- iv) Further statutory considerations

### i) Principle of Development

Policy considerations

6.2 The site is not allocated in the Development Plan for residential development. The principle of development would be established if Members are minded to grant permission, taking account of strategic policies of the Development Plan and other material considerations.

6.3 Policy SP1- General Location of Development and Settlement Hierarchy- identifies Pickering is a Local Service Centre, and a secondary focus for growth. Pickering is expected to have allocations at the town, which would cumulatively deliver at least 750 dwellings over the plan period (2027). Since the adoption of the Plan in 2013 a number of permissions have been granted and some of these are completed. The allocations required to meet the residual requirement have been identified (through Members agreeing the Publication of the Local Plan Sites Document, but they are not yet adopted at the time of writing this report. As such the site is on the edge of Pickering, and therefore is broadly in conformity with Policy SP1.

6.4 Policy SP2- Delivery and Distribution of Housing- builds on the principles of SP1, and sets out the scenarios for residential development. For Pickering, within the context of new build development outside of the Development Limits this includes: Allocations in and adjacent to the built up area. As such, whilst the proposal is broadly consistent with the wording of Policy SP2, Members will need to consider whether there is a need to release the site; and in doing so whether there is an adverse impact which would result from the development. The site is however, not strictly adjacent to Development Limits, because of the road to the south, and the field to the west, and this is considered within the form and character considerations. The site is also at the very end of Ruffa Lane, the site is c.1km from the primary school, the nearest key facility. The road is also narrow, and whilst there are footpaths, it is not considered that site has good accessibility to the facilities and services of Pickering. The bus stops are also 0.25 and 0.4 kilometres from the site, making them unlikely to be used by those with reduced mobility. The Planning Statement has also referred to the Pickering Train Station as a transport facility. Members will be aware that this line (North Yorkshire Moors Railway) is run for tourists, and is not linked in a meaningful way to any significant settlement in a reasonable commuting distance. The earliest train to Whitby is 9:25 and arrives at 11.09.

The land supply position and need

6.5 The five year land supply position for 2017-18 has been calculated and trajectorised. In conjunction with the operation of the 'Local Buffer' (which allows for a 25% uplift in any year's completions- without penalty on the following five year's supply) resulting in between 184 and 200 homes per year- and accordingly the land supply is 6.50 or 6 years, respectively. This is a robust level of supply. As such paragraph 49 of the NPPF is not engaged, meaning that all the policies of the Development Plan have full weight. Members are in the position to decide whether the benefits of the proposal outweigh any harm identified, which they view as being contrary to the Development Plan's provisions. It is also of relevance that in 2016 the Council commissioned a Strategic Housing Market Assessment. This concluded that the Objectively Assessed Need (OAN) for Ryedale (excluding the national Park) is 206 dwellings per annum. When considering the existing Plan requirement of 200 homes, in conjunction with the operation of the Local Buffer (as discussed) above, the Plan remains entirely appropriate in meeting the OAN.

6.6 Affordable housing need is recognised as a materially significant consideration. The draft heads of terms have been provided, and identified that affordable housing delivery of 5 units on site. This is a level of affordable housing that is above and beyond Policy SP3 -resulting in 45% affordable housing, instead of 35%. The Council's People Team are satisfied with the proposed contribution, subject to the adherence with nationally -based floor space standards, and breakdown of property sizes. Although, the People Team have advised that they would be happy with 3x 2 bed units (one intermediate tenure, two for rent), with a 0.85 commuted sum through a s.106 Agreement. As the Council cannot insist through the planning application process on the extra 1.15 units, the undertaking for this would be through a separate Unilateral Undertaking, where the landowner makes the obligation through a legal agreement without the agreement of the Local Planning Authority. The delivery of affordable housing is a benefit of the scheme. The applicants have stressed that there has been under-delivery of affordable housing. The fact that there has been some under-delivery is not disputed. However, Members will be considering whether the proposed 3 affordable dwellings plus commuted sum, as required by the Development Plan, and any potential Unilateral Undertaking results in scheme which is capable of delivering a Plan-compliant development. If Members were minded to approve this proposal, the precise amount of affordable housing contributions would be set out in the s.106, acknowledging that there may/may not be a separate unilateral undertaking for the extra contribution.

#### The Emerging Local Plan Sites Document as a Material Consideration

6.7 The broad extent of this site has been submitted for consideration through the Development Plan production process (site 630). Members may recall that this site was part of the 2015 Sites Consultation, alongside the full development of the entire field (site 387). Neither proposal was considered to represent a site which demonstrated potential as an allocation. Indeed both site submission configurations were identified as Group 2 Sites; whereby issues with the site were not considered capable of resolution. The principal concerns were raised on the basis of the landscape sensitivity and poor relationship with the built form of the town. However, this aspect is considered in the following paragraphs in terms of the assessment of the site as it is proposed, on its own merits.

6.8 Members will be aware that Council made decisions on the sites to be identified as allocations, as part of agreeing the Publication of the Local Plan Sites Document (12 October 2017). This site is not identified as an allocation, and other sites which were not identified as allocations performed better through the Sustainability Appraisal than this site. Prior to the making of this planning application, the Publication consultation on the Local Plan Sites Document was undertaken between 11 November and 22 December 2017. It should be noted that as part of that consultation, there has not been any form of objection to the non-inclusion of the site as part of the emerging Development Plan.

6.9 Consultee responses have referred to the granted applications of schemes at Whitby Road (proposed allocation) and Firthland Road. Members will be aware that these applications have been submitted, but are not determined.

6.10 Publication is a formal, advanced stage of the Development Plan production process. It identifies the component of the Development Plan which the Local Planning Authority consider to be submitted and examined in due course. The Local Plan Sites Document is not yet a constituent of the Development Plan- and does not have full weight-it is nevertheless a 'material consideration' to which weight can be attributed. Objections to a Plan can further temper the level of weight to be attributed, but it should be noted that this site's exclusion has not been objected to, nor its inclusion supported. Therefore a decision to approve this application, could be deemed a 'prematurity matter' i.e. a decision which is considered to be contrary to the emerging Development Plan.

6.11 This site is therefore to be considered within the policy context of the adopted Development Plan. The Local Plan Sites Document is a material consideration of some weight. Furthermore, with the land supply in excess of 5 years, it is not considered that there are any material considerations which warrant a departure from the Development Plan, in terms of housing land supply, and as such the site is considered against the Policies of the Ryedale Local Plan-Local Plan Strategy (LPS).

## ii) Landscape Impact and Form and Character Impacts

6.12 The features of this site are typical of the Landscape Character Assessment which identifies the land as being part of the Linear Scarp Farmland. The key characteristic features are:

- Panoramic views from the escarpment ridge out across the Vale of Pickering to the South;
- Attractive rural qualities with a medium to large scale field mosaic containing prominent hedgerows and woodland blocks;
- settlements concentrated along the foot of the slope;
- Dynamic, rhythmic quality to the undulating relief;
- North south orientated dry valleys and road; and
- Strong medieval field pattern around Pickering.

6.13 Whilst this field is not identified as being part of the historic strip field system, it has a strong linear form, and contributes significantly to the landscape character of this part of Pickering through the presence of the mature hedgerows, and its sloping form, which also has some undulating relief. Despite its relative closeness to Pickering, the site displays a strongly rural character, which is experienced on site. Pickering, like other settlements on the fringe of the Vale of Pickering, is concentrated on the foot of the slope, with development also extending northwards, where it follows the dale. The development of this site, would result in a discordant, prominent form of development, which would be viewable at distance, notably from the A170. There is c. 600 metres between the site and the North York Moors National Park boundary to the immediate east of the site, which can be accessed along a public right of way. The intervening topography means that that the development's potential ability to affect the setting of the National Park is likely to be wholly constrained, based on one or two storey dwellings. However, the site is viewable along publically accessible walking routes, which are used by walkers and dog walkers, as referred to in comments made, and experienced by Officers on site, and is an important component in the entrance into the settlement at this part of Pickering. The site, and the surrounding land plays an important role in the landscape setting in this part of Pickering.

6.14 LPS Policy SP13 - Landscape - identifies, alongside the Proposal Map, that the undeveloped area north of Pickering from the A170 is identified as being within the Fringe of the Moors Area of High Landscape Value. This is so identified for its natural beauty and scenic qualities. It recognises that there are also sensitivities, particularly with the rising elevation, the strong linearity of the field patterns. Policy SP13 also recognises that as well as protecting the distinctive elements of the landscape character of these areas, there are particular visual sensitivities given the sloping topography, and the ability to achieve long-distance skyline views within Ryedale, and further a field. On that basis, it is considered that the development would not accord with SP13 in principle.

6.15 LPS Policy SP20- Generic Development Management Issues- considers the impact of development on the character of the area, and the design implications of development. New development is expected to respect the character and context of the immediate locality and the wider landscape/townscape character in terms of physical features and the type and variety of existing uses. Expanding on this, Policy SP16 - Design- requires that development proposals create high quality durable places that are accessible, well integrated with their surroundings and which, amongst other aspects, reinforce local distinctiveness through the location, siting form, layout and scale of new development respecting the context provided by its surroundings including: topography and landform that shape the form and structure of settlements in the landscape, and that views, vistas and skylines that are provided and framed by the above.

6.16 On first inspection of the site location plan; the site is close to the built edge of Pickering. However, when the site is viewed with the context of the surrounding area it displays a surprising level of rurality. The proposal is building upslope in a particularly visually prominent manner: The land is primarily rising to the north, and the applicant's submissions indicate a rise of c.5 metres of elevation from the southern extent, and within this there are topographical variations which mean the site is not capable of being read to any significant degree in context with the built form of Pickering due to the way in which the land rises to the west of the site, and falls to the east. To the immediate south of the site is a single, one and half storey property and to the south, further to the west, is the extent of Pickering's

main built form, including the recently constructed scheme at Whitfield Avenue. None of the properties to the west are viewable from the eastern half of the site, but once within the site, on higher land some of the properties to the west are likely to be visible. The hedgerows are seen by the applicant as a key mitigation regarding landscape setting, and 'screening of the site'. Hedgerows have been allowed to increase in their height since earlier site assessment was undertaken in the spring of 2017.

6.17 Ruffa Lane is characterised by ribbon development to the north, and to the south a number of streets have followed the linear form of the original strip fields which would have surrounded Pickering in the medieval period (and still do today in large part). It is important to note that whilst the appearance, landscaping, layout and scale are reserved matters, it is clear that the broad layout can be ascertained as a linear strip, replicating the appearance of ribbon development, by virtue of the road, which is not a development form which is considered appropriate in terms of efficient use of land and inclusive layouts. The topographical matters are discussed above, and even if the dwellings were single storey, they would result in skyline development, and would have a strongly suburbanising effect on what is one of the most attractive rural edges and settings to Pickering. The applicants have sought to refer to the recent Persimmon development at Whitfield Avenue as demonstrating the proximity to the substantive built form of Pickering. However, the Whitfield Avenue scheme is well contained by existing development, and there are five properties which are situated in between existing dwellings on the frontage of Ruffa Lane, off to the south western corner of the site. Considering each site on its merits, the Whitfield Avenue site is much more integrated into the built form of Pickering. The condition of Ruffa Lane, and the size of the site and its topography have influenced the scheme, the resulting development would, be in terms of its view from Ruffa Lane, would be ribbon development albeit with the hedge in front, and garages/parking at the south/front of the site. As such it is considered were development to take place would result in a confused, suburbanising form would relate poorly to the existing built form in the locality.

6.18 The Landscape and Visual Impact Assessment has identified excavation on the south component of the site as the main mitigation for reducing the 'mass' and elevation of the dwellings (which are indicated as two storey) relative to the existing dwellings on the southern element of Ruffa Lane to the south of the site. An indicative cross section has been submitted to illustrate the impact (noting concerns about the measuring and varying impact of the retaining wall). Whilst landscaping is a reserved matter, the impact of the principle of residential development on the landscape setting of Pickering and the form and character of Pickering still needs to be considered in the outline permission. Policy SP16, Design, referred to earlier, expects that local distinctiveness should be reinforced through amongst other matters the location and siting of development, and respecting the context provided by its surroundings including, the topography and landform that shape the form and structure of settlements in the landscape. It is considered that the excavation would constitute substantial loss of the landform context of the site, and this would be contrary to SP16, as the development would not respect the landform context. By virtue of the topography and general elevation of the site, development would be visually prominent without the reduction in levels. On that basis, the proposed mitigation to reduce the identified impact, but is unlikely to be supported if the application is approved and it is proposed as part of the Reserved Matters.

6.19 In terms of designing out crime, the Police Designing Out Crime Officer has provided a condition which requires the submission of further information about certain elements of the scheme as part of the Reserved Matters, should the approval be given. These relate to:

- Defining defensible space and creation of front gardens with low railing/wall/planting;
- Reinforcement of boundaries for properties adjacent to Pluntrain Dale Lane;
- Surveillance, lighting, and planting to reduce screening
- Target hardening (physical security of doors, windows etc.)
- Ensuring tenure 'blindness' where there is no distinguishing between different property tenures and their integration across the site.

6.20 In summary, the lack of integration with the existing built form, the elevated and exposed position of the site will result in a discordant, visually prominent development in what is a sensitive, strongly rural edge to Pickering, and that the development would conflict with Policies SP16 and SP20.



Whilst landscaping is a reserved matter, the proposed mitigation would, in itself, be contrary to Policy SP16. These concerns have also been identified within the representations made by the Town Council and those individuals who have made representations.

iii) Site Specific Matters:

6.21 Policy SP20- Generic Development Management Issues, also covers accessing parking and Servicing. In terms of access, parking and serving, the Highway Authority have now provided a formal response which sets out a series of conditions they would seek to have applied, if permission is granted.

6.22 Policy SP4- Type and mix of new housing - to ensure that the resulting development contributes to provision of a balanced housing stock, in terms of sizes, and number of bedrooms, and ensure a well-designed inclusive scheme. This is, save for the principal affordable housing considerations, something to be considered as a Reserved Matter, if the outline was approved.

6.23 Policy SP17- The site is within Flood Zone 1, and within Ground Source Protection Zone level 3. A Flood Risk Assessment was produced. There has been extensive discussions between the engineer for the applicant and the LLFA regarding matters of detail concerning surface water management, and in particular infiltration testing. Discussions resolved the following matters:

- Peak Flow,
- Pollution control
- Volume Control
- Designing for Exceedance
- Climate Change and Urban Creep
- Maintenance agreements

But matter of the percolation testing has not been resolved. The LLFA have advised:

"According to the Flood Risk Assessment (V4) Document for the above application (Ref: 74213, Dated December 2017), surface water will be managed through infiltration on site, however the applicant is yet to provide results from percolation tests. This is our favoured option when considering runoff destination in the drainage hierarchy and should be undertaken by each developer, unless there are mitigating circumstances.

Testing is required to determine soil infiltration rates and are to be carried out in accordance with BRE 365 Soakaway Design (2003) and CIRIA Report 156 Infiltration drainage - manual of good practice (1996). Method of test must be relevant to the proposed SuDS and extrapolated test data will not be accepted.

It is requested that these are submitted to the LPA for analysis to ensure their strategy is feasible and resilient. Please note, this is not a refusal but are prerequisite before further consideration is given to their SuDS."

6.24 The Vale of Pickering IDB, whilst not objecting to the proposal, have commented that the nature of the impermeability of the soils will make the use of SuDs a challenge.

6.25 Yorkshire Water have advised conditions be attached regarding the disposal of foul water and surface water utilising separate systems. In respect of surface water, as the site is within Zone 3 of the Ground Source Protection Zone, the use of SuDs will only be acceptable if uncontaminated surface water utilises SuDs, and not connecting in to gullies. The use of public or private sewers would need the approval of the relevant owner.

6.26 As such, the absence of the percolation tests make it challenging to establish the conclusive position regarding the drainage strategy, which is a prerequisite of establishing the principle of development on the site. As such, the proposal is considered to not be in accordance to the provisions of SP17 concerning reducing flood risk, and appropriate surface water management, due to the absence of

the evidence to determine the detailed conditions regarding treatment of surface water.

6.27 In respect of Policy SP11- Community Facilities and Services- no on-site formal children's place space would be required on a scheme of this size. However, on-site amenity space would be expected. Aligned to this, Policy SP15 - Green Infrastructure - requires that Green Infrastructure Corridors would be expected in a scheme where hedgerows are an important element of the landscape character, and for their ability to form integrated developments where biodiversity and recreational activity enhance the development. All matters save access are reserved, but the indicative layout and landscaping scheme has identified the retention of the hedges, and the general amenity space is between the hedge and the road. The applicants are aware of the CIL charge, and have completed the relevant information, although the ability to calculate the CIL charge would only be possible once floor areas are available.

iv) Further Statutory Considerations:

6.28 The Design and Access Statement has identified that the impact on designated heritage assets is negligible, due to intervening development and topographical features, site evaluation concurs with this. Policy SP12- Heritage- also considers non-designated heritage. In the previous application it was noted that archaeological features are described as being within the immediate vicinity. In response to the previous planning application a geophysical survey was undertaken to accompany this application. Geophysical survey results described by the County Heritage Unit:

"The survey has shown a number of anomalies including two rectangular features, one with internal divisions. These anomalies may indicate features with stone foundations of unknown date, but pre-dating the 19th century. The rectilinear form suggests either Roman or Medieval dates. These are very geometric and there is the possibility that they represent very significant archaeological remains. In addition there is a cluster of possible pit features and a curvilinear feature in the north eastern corner of the site."

6.29 County Heritage Unit's Response was that in order to understand the significance of the heritage assets identified, trial trenching should be undertaken prior to determination. The applicant was advised of the Heritage Unit's response, but they have taken the view that a trial trenching can be undertaken as part of the Reserved Matters application, and provided three different sites where archaeological survey was conditioned. Officers have read the reports, which are of different archaeological context with the background information absent. Officers concur with the Heritage Unit's response due to the findings of the geophysical survey for the following reasons.

6.30 County Heritage have raised concerns about trial trenching post determination on this site due to the potentially very significant findings in the geophysical survey. Whilst the scheme is outline, with all matters except access reserved, the outline application is the planning permission, which establishes the principle of the site's development:

"At the present time, the archaeological information submitted with this application does not meet the requirements of policy 128 of the NPPF. The date and level of preservation of the features detected by geophysical survey is at present unknown.

We would not advise archaeological trial trenching is done by condition, as trial trenching is an evaluation technique designed to assess the significance and potential of archaeological remains and the impact upon them caused by development. As per paragraph 128 of the National Planning Policy Framework (NPPF), assessing the potential of a site is expected to be undertaken pre-determination to allow for an informed planning decision to be taken.

In this case the geophysical survey has identified anomalies consistent with stone-founded buildings. These do not appear on historic maps suggesting that they are of some interest. The likely possibilities in this area are a Roman villa (very significant), medieval longhouses or religious house (significant or very significant) or a post medieval barn (not very significant).

If the nature of the remains can be assessed pre-determination then the applicant may have the

opportunity to re-design the development to avoid the most significant archaeology. Securing archaeological evaluation work through a planning condition could expose the developer to significant risk with the possibility of very significant and unquantified archaeological and related costs and delays."

6.31 The County Heritage Unit have concluded that without the trial trenching there is "insufficient information from which to form a reasonable planning decision relating to the impact of the development on heritage assets of archaeological interest".

6.32 The site is not within the Vale of Pickering National Landscape Character Area. However, the Statement of Significance of the Vale of Pickering, prepared by Historic England with Partners, has identified that part of the significance of the Vale of Pickering is the historic relationship of the vale land with that of the adjacent rising land as part of a cultural landscape: p17.

"The Vale of Pickering is most often distinguished in 3 topographical zones: the higher ground on the northern, southern and western slopes; the former lake margin; and the Vale bottom. Settlement is predominantly on the northern and southern slopes, with occasional, scattered settlement in the centre. The topographic and geographical variation means the 'concept' of the Vale of Pickering encompasses the slopes on the northern, southern and western sides. This is broader than that defined by the National Character Area, which is defined more by the modern infrastructure of roads than by the shape of the land."

6.33 Policy SP12, it states that:

*"Development proposals which would result in substantial harm to or total loss of the significance of a designated assets or to the archaeological significance of the Vale of Pickering will be resisted unless wholly exceptional circumstances can be demonstrated. Proposals which would result in less than substantial harm will only be agreed where the public benefit of the proposal is considered to outweigh the harm and extent of harm to the asset."*

*In considering and negotiating development proposal, the Council will seek to protect other features of local historic value and interest throughout Ryedale having regard to the scale of any harm or loss and the significance of the heritage asset."*

6.34 Such heritage assets may therefore be significant with the context of the archaeological landscape of the Vale of Pickering, and accordingly may be relevant to paragraph 139 of the NPPF, which states that non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

6.35 This proposal is for outline planning permission, which establishes the principle, and whilst landscaping is identified as a Reserved Matters, part of the landscape 'mitigation' identified for the site within the Landscape and Visual Impact Assessment involves excavation of the site (despite reservations of the approach earlier in the report) to reduce the elevation, and this could result in substantial harm or loss of heritage assets. The site is also narrow, within a strip- leaving limited means of re-design/alternative layouts, particularly since the access is not reserved. It is therefore considered that without the evidence to demonstrate to the contrary the proposal is contrary to the provisions of Policy SP12 which ultimately seeks to ensure that the significance of heritage assets is understood and the extent to which harm to that significance can be identified, and weighed, in the planning balance, as required by paragraph 128 of the NPPF. This proposal does not have the evidence with which to make that judgement.

6.36 In terms of matters regarding the ecological implications of the development, the site is a currently grazed field, part of a much larger field, with no specific biodiversity designations. The site is within the buffer zone for considering the presence of Golden Plover, who can forage and loaf on farm land, and this is a species identified as a reason for the North York Moors SPA designation. An assessment was undertaken which found no presence of the Gold Plover. The Senior Specialist Place (Ecology) has advised that

"The proposed development site is bounded on three sides by native broadleaved hedgerows. This proposal would retrain all the hedges and would give an opportunity to create additional plantings along the northern field boundary. The existing arable field is of little ecological value other than a sky lark was noted singing in the NW corner. Barn owl pellets were found in a disused building 20m North east of the site either a roost or feeding perch. No bat work was undertaken but due to the location adjacent to the hedged linear feature Ruffa Lane and in close proximity to woodland to the East it is suspected that bats will be using the southern hedge for foraging or as a commuting roost.

Great crested newt was found in a pond some way to the north and a previous mitigation scheme has created GCN breeding ponds approximately 110m to the south of the site ( the garden of 117 Ruffa Lane), although there is limited suitable terrestrial habitat on site.

The ecological survey report (Quants May 2017) recommends that an Ecological Enhancement Plan be drawn up and a precautionary Method Statement be adopted to reduce impacts on Great crested newts.

I therefore recommend the following conditions be attached to any planning permission granted.

The pre-commencement conditions proposed are, in summary concerning:

- Biodiversity Method Statement in relation to the protection of great crested newts
- Sensitive lighting scheme
- Ecological/ Landscape/Enhancement plan

### Conclusion

6.37 Considering this scheme in accordance with the provisions of the adopted Development Plan, it is clear that there are significant concerns with the proposal. Whilst this site's location is broadly in conformity with the Policies of SP1 and SP2, being adjacent to Pickering, the site is distanced from services and facilities, and is unlikely to deliver sustainable modes of access, and there are site-specific issues.

6.38 The scheme would deliver 3 on-site affordable units and a 0.85 unit commuted sum, which is Plan-compliant. Whilst this may be increased with a Unilateral Undertaking- which is a material consideration, it has both limited weight on the basis that it is not required by the provisions of the Development Plan, and because it would only result in 1.15 units more. The plan-compliant affordable housing provision, and any derived through the Unilateral Undertaking must be weighed in the balance with the adverse impacts identified in this report.

6.39 The lack of evidence to understand the significance of identified heritage assets on the site, within the context of the Vale of Pickering Cultural landscape is contrary to the provisions of Policy SP12, which ultimately seeks to ensure that the significance of heritage assets is understood and the extent to which harm to that significance can be identified, and weighed, in the planning balance. This proposal does not have the evidence with which to make that judgement.

6.40 The absence of the percolation tests make it challenging to establish the conclusive position regarding the drainage strategy, approval would be contrary to SP17 concerning reducing flood risk, and appropriate surface water management, due to the absence of the evidence to determine the detailed conditions regarding treatment of surface water.

6.41 There are significant concerns regarding the adverse impact on the form and character of Pickering, and the landscape setting in which the proposed development is situated. It is considered that the provision of affordable housing at any extent would not outweigh the adverse impacts of the development to the character and landscape of this part of Pickering, primarily because of the site's lack of clear integration with the existing built form of Pickering, and because of the site's topographical variations, which are proposed to be 'removed' through excavation, and landscape sensitivity on this rising land. Contrary to Policies SP13, SP16 and SP20.

6.42 The Publication of the Local Plan Sites Document (LPSD) has been undertaken, and the Council is close to Submission. The LPSD identifies the proposed Plan-led approach to meeting development requirements in Pickering up to 2027. This site is not identified as an allocation, nor previous submissions of the site performed well enough to even be identified as site options as part of the Sustainability Appraisal process. It is considered that approval of this scheme would be contrary to the provisions of the well-advanced Local Plan Sites Document. No representations at Publication have been made in support of the inclusion of site extent of 630 or any derivation thereof.

6.43 Due to the identified material harm to the landscape setting of Pickering, and adverse form and character impacts, and the concerns around the lack of ability to understand the impact on heritage assets and drainage considerations. In respect of consideration of Policy SP19- Presumption in Favour of Sustainable Development, the proposal cannot be made acceptable and therefore considered to not accord with the established Development Plan, and the emerging Development Plan. Accordingly, this application is therefore recommended for refusal.

**RECOMMENDATION: Refusal**

- 1 The proposed development would have a significant adverse impact on the form and character of Pickering, resulting in an incongruous built form, relative to existing properties. The site is within the general landscape of rising land, coupled with the undulations of the site would result in a visually prominent development, at an edge of Pickering which has maintained, despite some residential development in proximity, a strongly rural character. Mitigation has been identified which removes this feature, by flattening the site, and this does not respect the distinctive landscape features of the site. Accordingly, this would be contrary to Policy SP13 - Landscape; Policy SP16- Design and Policy SP20 -Generic Development Management Issues.
- 2 The absence of trial trenching of the site has resulted in the inability to understand the significance of identified heritage assets as recorded in the geophysical survey. The County Heritage Unit have noted that there is potentially archaeology which may be of considerable significance, which relates to the Vale of Pickering- but this cannot be ascertained. This is contrary to Paragraph 128 of the NPPF, and Policy SP12- Heritage.
- 3 The absence of the percolation tests means that it has not been possible to establish a comprehensive drainage strategy for the site. Accordingly, approval of the application would be contrary to SP17- Managing Air Quality, Land and Water resources.
- 4 The scheme is proposed is for up to 11 units, which would have a limited impact on housing land supply position at Pickering. However, for the reasons identified above the proposed development is contrary to the adopted Development Plan. Furthermore, its development would also not complement the site allocations identified at Pickering, to meet the outstanding housing requirement at the settlement, identified in the Publication Local Plan Sites Document (LPSD). The previously submitted site extent in this location performed poorly through the Sustainability Appraisal process. Approval of this development would therefore also be in conflict with the emerging LPSD. No representations as part of the Publication of the LPSD have been made which support the identification of the site as an allocation.
- 5 The identified benefits of the scheme do not outweigh the identified harm and non-compliance with policies of the Ryedale Plan - Local Plan Strategy when read as a whole. Chapter 5, Part 3 'The Development Plan' s.38(6) Planning and Compulsory Purchase Act 2004 requires that "determination must be made in accordance with the plan unless material considerations indicate otherwise".