

**Item Number:** 8  
**Application No:** 17/01220/MFULE  
**Parish:** Pickering Town Council  
**Appn. Type:** Major Environmental Statement  
**Applicant:** David Wilson Homes  
**Proposal:** Erection of 63no. four bedroom dwellings, 98no. three bedroom dwellings, 62no. two bedroom dwellings and 16no. one bedroom dwellings with associated garaging, parking, amenity areas, open space, landscaping, associated infrastructure and formation of vehicular access  
**Location:** Land At Whitby Road Pickering North Yorkshire  
**Registration Date:** 14 May 2018      **8/13 Week Expiry Date:** 3 September 2018  
**Case Officer:** Gary Housden      **Ext:** 307

#### CONSULTATIONS:

<b>Sustainable Places Team (Environment-Agency Yorkshire Area)</b>	Recommend conditions
<b>Countryside Officer</b>	Recommendations
<b>Yorkshire Water Land Use Planning</b>	Recommend conditions
<b>Archaeology Section</b>	No Objection
<b>Parish Council</b>	Concerns
<b>Designing Out Crime Officer (DOCO)</b>	Recommend condition
<b>Parish Council</b>	Concerns raised
<b>Highways North Yorkshire</b>	Recommend matters to be included in a Section 106 Agreement, and recommend conditions
<b>Housing Services</b>	Support
<b>Parish Council</b>	Comments and concerns
<b>Lead Local Flood Authority</b>	Recommend conditions
<b>Vale Of Pickering Internal Drainage Boards</b>	No further comments

**Neighbour responses:** E Hazlewood Bell, Mrs C D Wilson, Mr Julian Brown, Mrs A. Overton, Virginia Cimato, Mr Paul Littlewood, Mrs Alice Grange, Mr Steven Blanchard, Miss S Sellers, Mrs S.H. Jennings, Mr Paul Johnson, Mr Andrew Sharp, Mr & Mrs Burdon, Derrick Barker, Derek & Ann Bales, Ms Susan Dick, Mrs P Heap, Mr Raymond Cordery, Mr & Mrs Hague, Ms Anne Hodgson, Mr Christopher Barratt, Mr Peter Chapman, Don & Mary Armstrong, A Howell, Mr John Thompson, Mr Anthony Edmondson-Preedy, Mr Michael Jowett, Mr Mike Sturgess, Ms Hilary Fanthorpe, Mr John Harrison, Dr. D Bannister, Joyce Rhodes, Anne Hodgson, Mr Matthew France, Mr M Northgraves, Mr & Mrs O Turnbull, Mr David Joyce, Mr Phil Fisher, Persimmon Homes Yorkshire (Craig Woolmer), Mr Keith Lewindon, Miss Louise Faulkner, Lynch Planning Consultancy Ltd (Mr John Lynch), Mr William Sennitt, Mr Christopher Lindley, Carol Barker, Mr Matthew France, Paul Littlewood,

**Overall Expiry Date:** 29 June 2018

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#### THE SITE:

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#### PLANNING COMMITTEE

3 July 2018

The application site is located to the north of Corbie Way and Marshall Drive and to the east of properties in Whitby Road and High Back side in Pickering. The site is located outside but immediately adjacent to the development limits for the town and is in the Fringe of the Moors Area of High Landscape Quality.

The land rises generally in a south to north direction with a pronounced undulation across the site east to west. Properties to the south are located on land which is generally lower than the application site whereas those properties to the west are at grade with the application site. The cemetery is located further to the north and open fields abut the north and eastern side of the site.

The existing dwelling and buildings located on the site would be demolished as part of the proposal. In total the site has an area of approximately 8.3 hectares. The red line location plan is appended to this report for Members information.

### **THE PROPOSAL:**

The application is for 239 dwellings and associated works. This amounts to a net density of approximately 35 units / hectare deducting approx. 1.5 hectares of open space from the site area. During the processing of the application the scheme has been amended in response to consultee requests and third party comments. The proposal as amended seeks permission for:

16 No one bed units;  
62 No two bed units;  
98 No three bed units;  
63 No four bed units.

Thirteen of these are single storey dwellings which exceeds the Councils' policy requirement of 5% on sites of 50 units or more. In addition 83 of the units are proposed as affordable dwellings, comprised of 16 no. one bed (2 person) units; 50 no. two bed (4 person) units and 17 no. three bed (5person) units. These are to be provided at 75% for rent and 25% intermediate dwellings. In addition a commuted sum equating to 0.65 of a dwelling is sought. In total this means that the proposal is fully policy compliant in respect of affordable housing provision.

It has been determined that this application triggers the need for an Environmental Statement - principally because of the sensitivity of the development in relation to the Ground water Protection Zone. An Environmental statement has therefore been submitted which is also accompanied by other documents including,

Planning Statement, Design and Access Statement, Community Engagement Statement, Flood Risk Assessment, Noise assessment, Ecological assessment, Tree Survey, Archaeological assessment, Transport assessment and Travel plan.

### **HISTORY:**

There is no relevant planning history relating to this site aside from the determination that the application proposal constitutes EIA development.

The site has been promoted in the Council's Sites Allocation Document (Policy SD5) which was submitted for Examination earlier this year on 29th March. The emerging Sites document is at an advanced stage and whilst it does not have full weight it is nevertheless a material consideration to which weight can be attributed.

### **POLICY:**

## Local Policy

The Ryedale Local Plan Strategy (2013)

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

### 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 SP10 Physical Infrastructure

Policy SP11 Community Facilities and Services

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 SP18 Renewable and Low Carbon Energy

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), in particular Paragraph 14: 'Presumption in favour of sustainable development' and Paragraph 49.

### National Planning Practice Guidance

The Natural Environment and Rural Communities Act 2006 s.40.

Emerging Local Plan Sites Document (Submitted to Secretary of State 29 March 2018)

Members will be aware that 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.

### **APPRAISAL:**

It is considered that the following matters are relevant to the consideration of this application;

- Principle and location of development,
- The Emerging local plan/prematurity issues,
- Housing supply position,
- Site Specific Considerations:
  - Landscape impacts,
  - Site layout and Design,
  - Affordable Housing provision,
  - Highways considerations on and off site
  - Archaeology,
  - Foul and surface water drainage considerations,
  - Ecology
  - Amenity impacts
  - Other issues

### Principle and location of development

The site is not currently allocated for development in the current development plan comprised of the Ryedale Plan Local Plan Strategy and the saved proposals map. The principle would however be established if members grant planning permission, taking into account the strategic policies contained in the adopted plan and other relevant material considerations.

The site is located at Pickering which is a Local Service Centre and a secondary focus for growth as identified in the Local Plan Strategy. Policy SP1 provides a strategic steer and the development plan identifies that Pickering should deliver at least 750 dwellings in the plan period. The residual requirements are set out in the Local Plan Sites Document. This site is a proposed allocation on the edge of the town in the Submission document and it is considered therefore that the planning application is in conformity with Policy SP1 of the adopted plan. Policy SP2 follows on from the principles set out in SP1 and sets out scenarios for new development in the district. For the market town of Pickering this anticipates allocations in and adjacent to the built up area and including on green field sites. This site has been assessed along with others through the Site Selection methodology and is a proposed allocation -referred to in the Plan as SD5.

### The emerging local plan and prematurity issues

This site has been submitted for examination as a proposed site for up to 250 dwellings in the Sites Allocation Document. The extent to which an emerging plan has weight to be attributed as a material consideration is set out in the NPPF, and expanded in the Planning Practice Guide (PPG).

The extent to which weight is attributed is both in relation to the stage of the development plan process and the extent to which representations/objections have been made. Examination is a formal, very advanced stage of the Development Plan production process, and this would result in more weight. Objections to a Plan can temper the level of weight to be attributed.

The PPG states that:

*"Given the presumption in favour of sustainable development, arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:*

*(a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan / Neighbourhood Plan*

*(b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*

*Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.*

Officers consider that it is difficult to argue that this development meets the circumstances set out in criteria (a) above and that in these circumstances an objection on prematurity grounds would be extremely difficult to substantiate on appeal in the light of this national planning guidance.

As stated earlier the Sites Document is at an advanced stage but has not yet been adopted so does not have full weight in the decision making process. It is nevertheless considered to be a significant material

consideration to which some weight can be attached. This report will go on to discuss the site specific issues and material considerations to be taken into account in this planning decision.

### Housing supply position

Paragraph 49 of the NPPF requires that:

*Housing applications should be considered within the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.*

Housing delivery including the delivery of affordable housing is a significant material benefit. This has been recognised through the granting of planning applications for housing in advance of the adoption of the Local Plan Sites Document. However, that benefit is balanced against any impacts of the development, in consideration with the housing land supply position. Policy SP2 states that the Plan will seek to deliver at least 3000 (net) new homes between 2012 and 2027. This is a plan requirement of 200 homes per year.

SP2 operates a 'Local Buffer', which allows for a 25% uplift in any year's completions- without penalty on the following five year's supply. Work is on-going to derive the 2018-19 land supply position.

The five year land supply position at 31 March 2017 is calculated and trajectorised. This has resulted in, with the operation of the Local Buffer, 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, and means that, in accordance with the requirements of paragraph 49 of the NPPF, all the policies of the Development Plan have full weight. 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 objectively assessed needs, and remains up to date.

On the basis of the supply position, there is no overriding need to release a site on the basis of housing requirements and paragraph 49 is not considered to be engaged. However, the fact that the council can demonstrate that it has a five year supply is not in itself a reason for refusing an application. Members are however 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.

### Site Specific Considerations

#### Landscape Impacts

The application site is on the north eastern edge of Pickering, off Whitby Road (A169), and within the North York Moors and Cleveland Hills National Landscape Character Area. The site is also close to the boundary of the Vale of Pickering National Character Area.

The site subject of this application is therefore within a landscape in transition: the land is increasing in elevation, with topographic undulations with indented dry valleys. The site is within the Fringe of the Moors Area of High Landscape Value (AHLV), so identified for its natural beauty and scenic qualities. Within the Areas of High Landscape Value there are particular visual sensitivities given their topography and elevation.

Within the Local Landscape Character Assessment (Landscapes of Northern Ryedale, 1999) the land is defined as "Linear Scarp Farmland", which is present to the north of Pickering, and to the east of the town. The field patterns are predominantly on a north-south axis, and there are identified strong mediaeval field pattern around Pickering. However, the site subject of this application has lost this linear field pattern, and is identified as being "Unknown Planned Enclosure" which is dated to being post 1850, in the Historic Landscape Characterisation work of NYCC and Historic England.

The site is adjacent to modern estate development on Ruffa Lane, and there is ribbon development to the west of the site, with properties situated along Whitby Road. Although the land is rising, and this is the primary reason for the land being identified within the AHLV, the site is limited in its capability to be viewed at distance, particularly the westernmost fields. This is as a result of the undulating landform present on the site and the wider area.

As such, it is considered that a development could be sensitively accommodated within this site area, without detriment to the overall landscape character. Furthermore, it would be not capable of being viewed within the wider landscape and it would have the capacity to relate well to the existing built form of Pickering. It is accordingly considered that the development of the site would not have an adverse impact on the setting of the North York Moors National Park, which is c.1.2km to the east and c.1.1km to the north. Officers consider that the development of this site would accord with the aims of Policy SP13 Landscapes of the Local plan Strategy.

### Site layout and Design

The layout has evolved around the point of access from Whitby Rd in the north east corner of the site. To some extent the road layout has been dictated by the landform, the most noticeable feature within the site being a significant undulation running north south through the site. This area is largely retained for POS and an open area extends from the south to the northern boundary aside from two small areas which are bi-sectioned by the main estate road. Part of the open space is intended to function as a surface water storage facility although for the most part this will appear as a landscaped grass area.

Following negotiation plots original proposed in the vicinity of a large Oak and Sycamore tree have been deleted (now shown as between Plots 6 and 7). This helps to create a green corridor through the length of the site and provides a green corridor to the cemetery and beyond.

The layout shows a single point of access which shortly after entering the site splits into two distributor roads which provides for two access point around the site. Revisions have been made to some of the road details within the site to meeting comments from NYCC Highways which are discussed later in this report.

The layout makes provision for a predominance of single storey dwellings along the sites southern boundary where levels are at their most acute in relation to existing properties in Corbie Way and Marshall Drive. A number of properties are single storey on the adjacent roads to the south of the site which adds to the sensitivity of the proposed new dwellings in this part of the site. Amenity issues are considered later in this report. It is noted that by providing 13 single storey units the developer has exceeded the Council's policy requiring 5% of bungalows. However this has arisen as a result of site-specific design issues relating to the changes in levels in relation to adjacent dwellings and their curtilages and has been a design requirement rather than a policy driven minimum number of single storey units.

In terms of individual designs, materials and street scenes the development is considered to be acceptable. House types are considered to follow the local vernacular and the street scenes create a series of interesting vistas and 'end stops' throughout the development.

The scheme is considered to provide for an acceptable mix of units within the scheme -specific comments with regard to affordable housing are set out in the following section. The overall layout provides for a net density of 35 units /hectare which is not considered to be excessive on a bulk house building site providing for a range of house types and sizes. The site also provides for approximately 1.5 hectares of on- site open space. The submission is considered to provide for a good mix of housing and is considered to be appropriate in the context of Policy SP4.

Copies of the layout plans and individual designs are appended to this report for Members information.

### Affordable Housing

The proposal makes provision for 83 units of affordable housing -as detailed earlier in this report, together with a commuted sum for 0.65 dwelling. The location of these on the site are shown on the submitted layout plan identified with an asterisk. This satisfies the Council's adopted policy set out in SP3 of the local Plan Strategy.

It should be noted that the Council's Specialist (People) has been involved in negotiations relating to the size, location and specifications of the affordable units and had submitted a response which is now in full support of the affordable housing being proposed on the site.

Members will be aware that despite our success over that last 6 years in delivery at or above the Development plan requirement for overall housing figures that this has not been matched in terms of the delivery of affordable housing to meet the residual affordable housing need figure of 79 units / annum. The provision of 83 units off this site (which are considered to be deliverable) is considered to be a significant material consideration to be taken into account in this instance. The Specialist's comments are appended to this report for ease of reference. Policy SP3 is considered to be satisfied in these circumstances.

#### Highways considerations

There has been much interest in this aspect of the application from third parties. In relation to the access point from Whitby Road, the crossing point across the A169 proposed, connectivity to the town centre for pedestrians and need for off- site pedestrian improvements. The NYCC highways officer's comments are appended in full given the level of interest that has been generated on this point. Members will note that the requirement of NYCC Highway include the provision of a widened footpath between the site and the infant school and a pedestrian island on the A169. A Section 106 contribution is also sought to improve the A169 /A170 roundabout.

Within the site the amended plans show improvements to the scheme as originally submitted, required by NYCC highways. These include provision of forward visibility splays and improvements to the site's inner linking road so that it can adequately cater for traffic passing through the site in either direction.

Subject to the off-site works specified and conditions proposed NYCC Highways raise no objection to the scheme which is considered to meet this aspect of Policy SP20.

#### Archaeology

The proposal has been assessed by NYCC Heritage section who initially requested further site investigation given the sites location to the historic market town. Further information was submitted in November 2017 in the form of a Geophysical Survey and Trial Trenching which concluded that there was low potential arising from the site, the ridge and furrow most likely having arisen from modern steam ploughing. As a result no objection was raised and there are no further requirements in respect of archaeology.

#### Fouls and Surface Water drainage considerations

The Council has consulted with Yorkshire water, the Environment Agency, the Lead Local Flood Authority and the Local Internal Drainage Board in respect of foul drainage, surface water drainage and potential ground water contamination. All consultees have also been consulted on the further Environmental Statement submitted by the applicant. In summary subject to stringent conditions (including the need for a Construction Management Plan) no objections are raised on drainage grounds for both foul and surface water control. The proposal is therefore considered to satisfy Policy SP17 subject to the imposition of the required conditions.

#### Ecology

An Ecological appraisal has been submitted which has been assessed by the Council's Specialist Tree and Landscape officer. No objections are raised subject to imposition of a condition to cover replacement planting on the site to enhance bio diversity on the site and to promote the green linkages through the site. No objection to the scheme is raised by officers in relation to Policy SP14 and Policy SP15.

#### Amenity impacts

The proposed scheme is considered to provide for appropriate relationships between dwellings within the site itself. However concerns had been raised in relation to the relationship with existing dwellings abutting the site.

The amended plans show an increase in the use of single storey dwellings, largely on the site's southernmost plots in locations where the proposed plots abut existing single storey properties which are at a lower level. The exception to this is at Plots 125/126 where two storey dwellings are proposed albeit at a greater distance from the boundary with adjacent properties located in Marshall Drive. The distances at approximately 27 to 29 metres separation are well in excess of development industry norms. This is in part to address the differences in levels between the site and the adjacent dwellings and also to address their position behind existing bungalow and the perception of overlooking/loss of privacy. The developer has also suggested the planting of an appropriate hedgerow as a better means of screening this boundary -suggesting this is kept to a height of no more than 2.5 metres. In addition sections through the site at twelve points have been submitted to show how the levels and boundary treatment would appear. These are also attached for Members information. On balance the amended plans showing the relocated dwellings along this boundary together with the revised boundary treatments and fencing are considered to represent a reasonable response to neighbours concerns relating to amenity / privacy/overlooking issues

Concerns have also been raised in respect of amendment on the site's western boundary where two storey dwellings are proposed. As mentioned earlier this part of the site does not suffer from the changes in levels that are more evident on the southern boundary and it is the view of officers that the separation distance are acceptable in this part of the site notwithstanding the views expressed by third parties on this point. On balance the amended scheme is considered to satisfy these elements of Policies SP16 and SP20.

#### Other Matters

The Town Council has made several responses throughout the consideration of the application and these are all appended to this report for Members consideration. The most recent of these re-states the position that their concerns about drainage and access highway issues remain. The Town Council appear to welcome the planting of a hedge on the southern boundary but express some concern over its maintenance. They also note that the affordable housing has changed with a greater number of one bed units now proposed. All of these matters have been appraised above. No technical objections are raised by NYCC Highways or any of the drainage bodies subject to the imposition of appropriate conditions. The matter of the change in the affordable housing mix is at the request of the Council's Specialist People officers and is to meet local need. The hedge is considered to be the most appropriate option and the views over its maintenance arrangements are the subject of further discussion with the developer.

#### Third Party comments

Initially 40 no. number of comments were received from resident/third parties which covered issues including;

- Traffic,
- Lack of footways,
- traffic speeds on A169,
- overlooking, concern over two storey houses,



- surface water drainage issues,
- groundwater pollution potential,
- loss of trees,
- too many dwellings/too dense,
- inadequate local services ,
- inadequate assessment of ecological impacts, loss of hedgerow habitat,
- development premature,
- long build out time , concern over location of builders compound ,
- insufficient parking for dwellings on site,
- not on a bus route,
- lack of connectivity to the town,
- loss of property value

The detailed observations can be viewed on the Council's website under this application reference number.

Two further consultations have taken place in respect of plan and information revisions which have generated 16 responses plus a response by Heathside Residents Association and 9 responses to date respectively raising some or all of the above issues. These later responses can also be viewed on the Council's website.

### Conclusion

The principle of the development of this site is not yet established by the development plan. The site is proposed as a residential allocation in the Council's Sites document and has been the subject of local support in principle through the plan process. It is considered that the emerging plan has weight in the decision making process in favour of the application and is a material consideration to take into account in the determination of the application.

The application make provision for a significant amount of affordable housing at a secondary focus for development in Ryedale. The type and mix of affordable housing is support by the Council's Specialist People officers who point out that this proposal if approved would make a significant contribution towards meeting Housing Need in the District. It is considered that this is a significant material consideration that weighs in favour of the grant of planning permission at this time given the recent failure to achieve the SHMA affordable housing targets in recent years.

The proposal also provides for enhanced pedestrian connections to the town from this part of the town including the provision of a crossing point on the A169 and widened footways. Whilst these are specific requirements of the development they will also be to the benefit of existing residents and visitors to this part of the town in terms of safety and general amenity.

Whilst the authority can currently demonstrate it has a five year supply of housing the delivery of housing across the district has exceed its delivery targets for the past 6 years. The grant of permission on this site will help to ensure that a consistent supply of housing is maintained at a sustainable location within the district.

On balance the application is therefore recommend for approval.

**RECOMMENDATION: Approval - subject to completion of a Section 106 legal agreement and conditions as recommended by Officers and technical consultees.**

Note:

List of conditions under preparation to be circulated with the Late Pages.