

Item Number: 9
Application No: 17/01536/MFUL
Parish: Pickering Town Council
Appn. Type: Full Application Major
Applicant: Persimmon Homes (Yorkshire)(Mr Craig Woolmer)
Proposal: Erection of 30no. four bedroom dwellings, 75no. three bedroom dwellings, 43no. two bedroom dwellings and 14no. one bedroom dwellings with associated access, garaging, parking, infrastructure, landscaping and public open space.
Location: Land South Of Firthland Road Pickering North Yorkshire
Registration Date: 15 January 2018 **8/13 Week Expiry Date:** 16 April 2018
Case Officer: Rachael Balmer **Ext:** 357

CONSULTATION:

Public Rights Of Way	Recommend informative
Lead Local Flood Authority	Required further information
Yorkshire Water Land Use Planning	Recommend conditions
North Yorkshire Education Authority	Comments
Countryside Officer	Comments and recommendations
Vale Of Pickering Internal Drainage Boards	Comments raised with further comments to come
Designing Out Crime Officer (DOCO)	Recommendations
Archaeology Section	Recommend conditions
Environmental Health Officer	Recommend conditions
Housing Services	Comments and support
Sustainable Places Team (Environment-Agency Yorkshire Area)	
Yorkshire Housing	Recommends approval
Vale Of Pickering Internal Drainage Boards	Objections
Parish Council	Object
Highways North Yorkshire	Comments

RE-CONSULTATION:

North Yorkshire Education Authority	Additional comments
Lead Local Flood Authority	Consideration and recommend conditions
Flood Risk	Recommend conditions
Designing Out Crime Officer (DOCO)	Recommendation
Parish Council	Comments
Vale Of Pickering Internal Drainage Boards	Comments
Public Rights Of Way	Recommend informative
Vale Of Pickering Internal Drainage Boards	Recommend condition
Yorkshire Housing	
Yorkshire Water Land Use Planning	Comments remain the same as previous
Countryside Officer	Recommends conditions
Environmental Health Officer	
Sustainable Places Team (Environment-Agency Yorkshire Area)	
Archaeology Section	Comments as before
Flood Risk	Recommend conditions
Housing Services	Object to the application
Highways North Yorkshire	Requires additional information

Neighbour responses: Mrs S Russell, Mr And Mrs Holtby, L Keld, Mr Simon Welford, Richard Kimmings, Dr Paul Robb, Mr Bruce

Overall Expiry Date: 25 May 2018

1.0 SITE:

1.1 The site extent comprises 6.14 ha and is formed from a series of five fields which are situated outside of the Development Limits of Pickering, on the south western area of the settlement. This proposal is to the immediate south of the planning permission granted in September 2017, which provides the access to this proposal, and which is under construction. This earlier permission abuts Firthland road and sits behind a series of bungalows. The developer has both sites under an option agreement. The land is formed from a series of identified strip fields. To the south of the site is agricultural land. To the west is Westgate Carr Industrial Estate, which is largely operated by Rosti Automotive, a manufacturer of vehicle components. To the west is the residential development, built in the 1970s and 80s with the street known as Greenlands Road, which leads onto Garden Way which are made up of two-storey, detached dwellings. The prevailing landform is flat, with views of Pickering, and the rising land to the north can be seen from the site.

2.0 PROPOSAL:

2.1 The proposal seeks full permission for the development of 162 dwellings: 30no. four bedroom dwellings, 75no. three bedroom dwellings, 43no. two bedroom dwellings and 14no. one bedroom dwellings with associated access, garaging, parking, infrastructure, landscaping and public open space. The scheme was originally proposed with 163 dwellings, but due to changes in the layout of the site during the consideration of the application, this has been reduced to 162 dwellings.

2.2 The application was validated on the 15 January 2018, and was the subject of a pre-application enquiry. A range of documentation has been submitted for the purpose of considering the application. There is a Design and Access Statement. There is also a proposed site layout plan, landscaping plan, and cross section plan to illustrate the streetscene proposed in parts of the site. A plan and specification has been provided of the children's play space. Technical information includes a landscape and visual impact assessment, various ecological assessments, flood risk assessment and drainage strategy; a transport assessment, with a subsequently submitted report on pedestrian and cycling. An archaeological survey is submitted utilising geophysical survey and trial trenching. A draft s.106 has been provided. This, and the documents referred to above are discussed in the appraisal section of the report.

3.0 HISTORY:

3.1 There is no planning history for this site extent. However, conditional planning permission was granted in for 52 dwellings on land to the immediate north of the site (Planning application reference 14/01259/MFUL). That Application was approved in principle 10 May 2016 and determined 27 September 2017 with the signing of the s.106 agreement. It is this permission which provides the access to the site subject of this application from Firthland Road, both for principal access and emergency access. Work has commenced on the construction of the site, and at the time of writing this report no Registered Provider (RP) has been confirmed.

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 'saved' policies of the Ryedale Local Plan and The Regional Spatial Strategy 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 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)

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:

In response to the revised plans, the Town Council made no comment regarding the increase in 4 bed and decrease in 2 bed dwellings. One member supported the changes, another member said that there was nothing in the revised scheme which led him to believe that the Council should support the application. Reference was made to the District Council's preference for the proposed allocations at Whitby Road and Malton Road.

Initial representations made the following comments:

- Town Council prefers the sites at Whitby Road and Malton Road.
- Concerns that that the local road network which connects into the A170 will be unable to accommodate the development due to the narrow roads, and lack of visibility (Anchorite Lane)
- Concerns about land drainage
- Concerns about capacity of schools and health care provision without financial support.

5.3 In terms of neighbour responses, 14 no. letters have been received from individuals.

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

- Insufficient supporting services- Further pressure on wider community services: schools, doctors, dentists, limited shopping facilities;
- Valued agricultural land;
- Road access is dangerous- with increased road-side parking and children in the area with the children's play area;
- No proper consultation been made with neighbours;
- Impacts on trees and on bats;
- Increase in traffic increased pollution;
- Extra traffic on overcrowded, narrow roads with poor visibility due to on street parking and bends, traffic ranges from cars to tractors to lorries;
- Road should be along Westgate Carr Lane;
- Summer traffic means increased traffic along Manor Drive and Firthland Road;
- Anchorite Lane is particularly narrow if choosing this road to access the A170;
- On street parking makes it single lane;
- Construction traffic will make the road network worse;
- Public transport alternatives are limited;
- Loss of amenity to houses on Garden Way, particular during construction though loss of view, increased noise;
- Impact on wildlife- deer, pheasant, fox, squirrel and various birds- loss of habitat connectivity;
- Concerns about impact on Barn Owls;
- Concerns about over-looking re. Properties on Greenlands Road;
- Concerns about blocking out light on Greenlands Road;
- Recognise importance of providing suitable accommodation - but is a green belt location with limited access-less than ideal;
- District Council has identified two sites Malton Road and Whitby Road to meet housing requirements which can access main roads and are not harming a strip field system;
- Outside Development Limits;
- Disagree with noise assessment findings, levels are played down on impact from adjacent industrial estate;
- North Yorkshire County Council have identified that there is no requirement for a new school to be built;
- Transport assessment doesn't include Lidl on Vivis Lane;
- Presence of housing will stop further expansion of Rosti Automotive- a key employer.
- A resident-conducted traffic survey was submitted;
- This scheme will change the historic market town character of Pickering;
- Green belt location;
- Property devaluation and loss of view;
- Disruption during the construction though noise, dust and general disturbance;
- A new school would bring more vehicles into the area;
- Different access points have been discussed;
- Where will the residents work? Pickering is a tourist destination, with seasonal work and Rosti Automotive being a major employer, employment opportunities will not match that of housing;

- Scheme is close to the proposed Fracking development;
- Increased cost of the collection of waste;
- Harm the wider countryside round the town;
- Pickering is a tourist attraction on the edge of the National Park;
- By virtue of population increase- increase in anti-social behaviour and crime;
- Properties 49 and 91 Firthland Road will be particularly affected due to proximity to the access points.
- Concerns about impact of lighting on the amenity of existing residents;
- Increased carbon footprint;
- Concerned that sewerage system is not able to cope with increased capacity;
- Concerns about surface water drainage- do not want flood risk increased and poor ground conditions;
- Archaeological concerns;
- We were told the site is greenbelt and could never be built on;
- Leisure activities in Pickering, whilst much improved, need transport to access them;
- It would turn the area from a quiet location to a noisy one with loss of privacy; and
- The new building on the Rosti Automotive site is not shown on the plans, but it is referred to in the noise assessment - misleading exclusion.

5.4 A petition was received signed by 112 residents of Pickering. The producer/submitter of the petition wrote a separate response.

It is noted that the petition refers to 320 properties which is twice that for which permission is sought, the submitter of the petition acknowledged that it is now for 163 dwellings and refers to planning application 17/01536/MFUL.

- The petition raised traffic and access concerns;
- Pressure on facilities and utilities;
- Where will the resident's be employed?
- Environmental impacts and waste disposal;
- Crime and antisocial behaviour.

5.5 Yorkshire Housing has written in support of the application. They have an interest on the site and own the housing on Manor Drive and the land of which 39 garages were situated and which have now been demolished for the access to application 14/01259/MFUL.

Yorkshire housing had an option agreement which provided:

- A payment in the event of the demolition of the garages, which is proportionate to the number of houses to be built;
- Right to acquire the policy compliant affordable housing built on the site; and
- Ability to acquire additional affordable houses on site in lieu of a land receipt.
- They state that as Ryedale's second largest town we would expect Pickering to provide affordable housing for the town and its rural hinterland.

They were aware that until recently the Council had favoured development of the site. They support the delivery over time of both the proposed allocations and the site subject to this planning application.

5.6 In relation to the revised plans the following response was received from a neighbour consultee:

- Propose changes do not deal with the major issues;
- Inadequate access to the site from the main road;
- Next to a factory which operates 24/7 and for which the Council have received noise complaints; there is a new building which has not been taken into account

- Obliterates the strip field system- what protection is given for any hedgerow retained
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6.0 APPRAISAL:

6.1 The main considerations to be taken into account are:

- i) Principle of the Development
- ii) Location of the Development
- iii) The Housing Land Supply and Housing Requirements
- iv) The Emerging Development Plan
- v) Site- Specific Considerations:
 - Affordable Housing Provision
 - Impact on Highways, Access implications for Pedestrians and Cyclists
 - Landscape Setting and Form and Character Impacts
 - Layout and Design
 - Heritage
 - Foul and Surface Water Management
 - Amenity Matters
 - Education
 - Open Space
 - Ecology
- vi) Wider Considerations
- vii) Conclusions

i) Principle of the Development

6.2 The site is not allocated in the Development Plan for residential development, and the principle for the development of the site for housing is not established by the Development Plan. 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. Key issues in the consideration of the application are considered in the following sections.

ii) Location of the Development

6.3 Policy SP1- General Location of Development and Settlement Hierarchy- identifies Pickering is a Local Service Centre, and a secondary focus for growth. The policy provides a strategic steer to guide the allocation of land for development and the release of other land if this is required. Pickering is expected to have allocations at the town, which would cumulatively deliver at least 750 dwellings over the plan period (2027). Since the commencement of the Plan Period (2012) and 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 (and subsequent submission) of the Local Plan Sites Document. These allocations are not adopted at the time of writing this report, but are under Examination. As such the site is on the edge of Pickering, and therefore is broadly in conformity with Policy SP1 on the basis that the planning application 14/01259/MFUL is under construction.

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. Members will be aware that the Plan-making process has not proposed this site as a land allocation in the emerging Local Plan Sites Document. The developer is progressing the allocation of the site through the Plan-making process.

iii) The Housing Land Supply and Housing Requirements

6.5 National Policy is clear that the planning system has a critical role in increasing the supply of housing. 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 is a materially significant benefit. Members of the District Council have recognised this 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, but there is flexibility: within SP2 is 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. 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, and the delivery of in excess of 200 homes per year in the last six years, 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. Members therefore 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.

iv) The Emerging Development Plan

6.6 The broad extent of this site has been submitted for consideration through the Development Plan production process (site 378/205) which is made up of: the 14/01259/MFUL scheme; this planning application proposal; and further land to the south (for cumulatively c.320 dwellings). Members may recall that this site was part of the 2015 Sites Consultation for the full development of the entire field (save land for the school and a cordon sanitaire for Yorkshire Water's Treatment Works). The site was identified as a potential option choice. This was in part due to the capability of the site to provide land for a school, and the need to ensure that the Council had flexibility of site choices to meet both housing need and any commensurate infrastructural requirements which may be identified during the plan-making process.

6.7 Members will be aware that the District Council made decisions on the sites to be identified as allocations, as part of agreeing the Publication of the Local Plan Sites Document (LPSD)(12 October 2017). Since that time the Council has progressed to Submission (29 March 2018) and therefore is in the Examination stage of the LPSD. This site is not identified as an allocation. During discussions with the Local Education Authority became clear that in respect of the building out of residual requirement to meet at Pickering, land for a school was not needed within the context of the current plan housing requirement up to 2027. Furthermore, the proposed allocations have direct access to the main road network and would not adversely impact on the identified strip field system.

6.8 Consultee representations have referred to the planning application at Whitby Road (proposed allocation) Members will be aware that this application has been submitted, but is not determined.

6.9 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.

6.10 The Local Plan Sites Document is not yet adopted as the Development Plan- and does not have full weight. It is nevertheless a 'material consideration' to which weight can be attributed. It should be noted that this site's exclusion has been objected to by the Developer alone. There has been both support and objections to the identification of the two proposed sites to meet the residual housing requirement at Pickering. It is not the role of this report to compare the merits of proposed allocations to this application, and vice versa, but to consider, principally, whether this planning application accords with the adopted Development Plan and if not whether there are material considerations which would, on balance, justify the release of the site which is not in accordance with the Development Plan/ emerging Development Plan. The emerging Local Plan Sites Document is at an advanced stage and the release of a site of this scale, which is relatively modest, would have localised, indirect implications for the Plan-making process, as a result of uncertainty around the impacts on infrastructure capacity at Pickering, this is discussed later in the report.

v) Site Specific Considerations:

Affordable Housing Provision

6.11 Affordable housing need is a significant material consideration. The delivery of plan-compliant affordable housing, totalling 58 units, which modestly exceeds the 35% Plan requirement, would be a significant and demonstrable benefit of the scheme to weigh in favour 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. It was made clear to the applicants that affordable housing delivery would be a key benefit of the proposal at pre-application enquiry stage, and during the consideration of the application. It would therefore be important for the applicant to demonstrate that such affordable housing was deliverable, in that it would be attractive to a Registered Provider and meet local need. If there were concerns around deliverability then that would temper the weight that could be applied to any benefit.

6.12 During the course of the application the Council's Specialist: People Team (Housing) have sought clarification on a number of occasions around the relationship between the affordable units'

sizes, their number of bedrooms and the expected occupancy of those rooms. This was also outlined more generally in the pre-application discussions regarding the delivery of affordable housing. There has been issues experienced by Registered Providers as a result of the changes to the occupancy of units through the changes to the housing element of Universal Credit. This has occurred on two schemes. Bedrooms are either too small or do not correspond with sufficient, commensurate living space based on the expected occupancy of the units. This results in problems with allocating the units and the transfer values. This has resulted in one instance where affordable units have been changed to market housing and an equivalent contribution paid, and the on-site contribution lost. Clearly this is less than ideal given that affordable housing delivery is a key priority, and the Plan expects affordable housing delivery in tandem with applicable Market Housing schemes to deliver a more balanced delivery of new homes. The Principal Specialist: People has objected strongly to the application for the following reasons:

- The nationally described space standards are not met in some of the dwellings proposed on the site.
- 3 Storey house types are not acceptable due to the space standards of the ground floor accommodation.
- In terms of the size of the units, the 1 beds are acceptable; 2 beds are below the recommended size, but have an acceptable layout; the 3 and 4 beds are below the recommended size and have ground floor layouts which are not acceptable i.e. kitchen/dining/living rooms. For example, the 4 bed Leicester house type has 7 bedroom spaces, but only 4 spaces for people to dine and lounge.
- Housing Services expect the intermediate homes to have the same standard specification as the market homes.
- Despite reiterating our concerns over the proposals for the affordable housing, and the issues relating to the delivery of the affordable homes on Phase 1 of this scheme and previous Persimmon schemes, no changes to the proposed affordable house types have been made. Building to DCLG Nationally Described Space Standards is a good starting point to make sure we do not have issues with overcrowding, low demand, neighbour issues, high turnover and the effects on the housing element of Universal Credit.
- In order for Housing to support this application, we need to be assured the units are deliverable.

6.13 Members will be aware that Yorkshire Housing have written in support of the proposed planning application. However, Persimmon has confirmed that Yorkshire Housing have neither entered into an agreement to acquire the affordable units on the scheme subject to approval 14/01259/MFUL, nor those units on the scheme before Members. Broadacres are considering taking the 16 units in the consented scheme, and it is understood there is Board approval to undertake this. It is also understood that four Registered Providers have expressed some interest regarding this application, but none have confirmed any commitment.

6.14 Based on the concerns raised by the People Team (Housing), and by the lack of clear, demonstrable commitment from Registered Providers (RPs), the capability of the proposal to deliver a sustainable and meaningful affordable housing contribution is far from certain. Experience has shown on previous sites, and in particular since 2016 (when Members approved in principle the scheme 14/01259/MFUL, there has been issues raised about the ability of RPs to take on schemes. To date, there is no certainty that the proposal would deliver affordable housing within the context of RPs being (justifiably) cautious. It is therefore considered that for the affordable housing contribution to be given significant weight in the decision-taking process, there must be confidence that the proposed dwellings are deliverable and meet identified needs. During the consideration of the application alternative solutions were proposed, but the Developer has not been willing to make such revisions. Accordingly, it is therefore considered that this proposal does not deliver affordable housing in a manner consistent with Policies SP3 and SP4. Policy SP3 is concerned with ensuring that the "size, type and tenure of affordable units will reflect the affordable housing needs in the locality". Policy SP4 seeks 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".

Impact on Highways, Access implications for Pedestrians and Cyclists

6.15 A number of the representations received have raised issues regarding the capacity of local road network to accommodate the increased levels of traffic resulting from the proposed development. The Local Highway Authority have commented on both the original and revised plans, and to date they have not made a formal conclusion regarding the proposal due to matters outstanding.

6.16 Regarding capacity of the network the Local Highway Authority are satisfied that, subject to a contribution for works to improve the operation of the A170/A169 roundabout, the impact on the local and main road network, and junction capacity, is acceptable. The contribution has been acknowledged by Persimmon and is identified at £24,000. The Highway Authority, however, are satisfied with the implications on the network subject to emphasis on Travel Planning and alternative means of travel (discussed below). They are also satisfied with the principal access and emergency access from the site. Matters raised in the neighbours' responses are noted, but they principally revolve around driving behaviour, such as parking too close to junctions and not driving at a speed appropriate to the road conditions. As such these are not capable of being considered material in assessing the impact of a development proposal.

6.17 Issues were raised regarding:

- Some internal layout amendments such as the relocation of footways and formation of adopted road standard on plots 140- 149.
- The parking provision not meeting standards- Persimmon have confirmed revised garage details and use of roller shutter doors which are acceptable to the Local Highway Authority;
- Regarding travel planning and alternative means of travel, further evidence was sought, and provided, regarding implications for cycling and pedestrian activities, including the provision of a crossing facility on the A170. The Local Highway Authority are looking into the feasibility of the siting, according to desire lines, and have confirmed the small scale proposals in the report are considered acceptable.
- The visibility splays are also of insufficient dimensions off the residential road (they require 2.4 x 25 metres); this would necessitate removal of considerably more of the hedgerow than presently proposed;
- The landscaping of the site with trees within the minimum 4m verge required, trees would need to be set back from their current position, and maintenance clarified.

6.18 Matters regarding the visibility splays, tree planting and crossing and footway amendments remain outstanding at the time of writing. However, if Persimmon are to comply with the requirements of the Local Highway Authority this raises significant issues with regards to the amount of retained hedgerows on the site. The implications of this are discussed in the landscape, heritage and ecology sections of the report.

6.19 Whilst the highway network can accommodate the anticipated increase in vehicles movements, it is not clear at this stage where a crossing could be achieved on the A170. At the time of writing the report, the Local Highway Authority are investigating such provision. Therefore at present, the scheme is not in a position to be able to fully comply with the provisions of Policy SP10 in respect of provision of a network of safe cycling and walking route aligning residential areas with employment sites, town centres and schools and recreational facilities and the requirement to improve connectivity with existing footpaths, cycle routes, public rights of way and public transport facilities. It is also considered that the scheme is not currently capable of compliance with SP20- Generic Development Management Issues, which covers access parking and servicing due to the concerns raised over the visibility splays.

Landscape Setting and Form and Character impacts

6.20 The application site is situated within the National Landscape Character Area of the Vale of

Pickering, which is primarily defined in extent by the Vale's low-lying topography. However, the 2012 Vale of Pickering Statement of Significance which was produced by Historic England in partnership, makes clear that the cultural landscape of the Vale very much includes the land which rises into the Moors and Wolds. It states that the Vale landscape is of significance due to the continuous record of habitation from the Mesolithic through to present day, which about 10,000 years.

6.21 The 2011 Landscape Characterisation Project of North Yorkshire and York identifies the area in which this site is situated as 'Open Vale Carr Farmland' but does not go into the same level of detail that the District-level Landscape Character Assessment (LCA) (Landscapes of Northern Ryedale, 1999). The landscape features of this site are typical of the LCA which identifies the land as being part of the Vale of Pickering and within Linear Enclosed Farmland. The key characteristic features are:

- Historic linear field pattern
- Gently sloping land which rises to the north
- Distinctive linear field systems
- Locally enclosed landscape.

6.22 The changes in levels are generally very gradual, within this area to the south of Pickering, and this has resulted in the site being an area of land which is not readily viewable at distance from principal vantage points. Nevertheless on site, and on adjacent footpaths, the open fields afford the ability to view the rising land of the Fringe of the Moors and key landscape and cultural features such as Beacon Hill and the Church of St. Paul and Peter. It is also an area of land which is framed by the town, with the development along Firthland Road and Greenlands Road. To that extent it is a site which is read within the context of the built form of Pickering.

6.23 This site is identified as being part of the relic mediaeval strip field system through work done on the Historic Landscape Characterisation by NYCC and Historic England (as now). The strip field system remains relatively intact around Pickering. As a non-designated heritage asset, this is principally considered within the heritage section of the report. However, it is clear that the field patterns are also an integral feature of the landscape. Whilst Historic England have not been consulted on this application, they have had long-standing engagement in the work on the Ryedale Plan. On the 2015 sites consultation they advised:

"The network of historic field boundaries are a distinctive feature of the landscape setting of Pickering and make a significant contribution to the character of the town. With increasing pressure for development around Pickering, this landscape is becoming increasingly threatened. Consequently we fully endorse the Plan's approach to this historic landscape and the intention to direct development away from the areas where the strip fields system is relatively intact and legible."

6.24 The LCA (Landscapes of Northern Ryedale) refers to the presence of the strip fields as being not unusual within the Fringe of the Moors, which is the rising land to the north. It goes on to state that they are the only examples left in the Vale of Pickering, where the majority of the field boundaries date back to the periods of enclosure in the eighteenth and nineteenth centuries. On that basis, the presence of the strip fields is particularly important for the understanding of the time-depth of the landscape of the Vale of Pickering. They also represent a particularly important landscape feature for the setting of Pickering.

6.25 It is considered that the site's situation is well-related to the built form. However, the strip fields, are a locally distinctive, important feature of the landscape setting of Pickering, and are considered important to be retained where possible in principle.

6.26 Given this historic landscape context, in discussions regarding the consideration of this application Officers have sought to retain as much as possible of these hedgerows. Persimmon have responded to this in their revised scheme, but it has subsequently raised issues from NYCC Highways regarding visibility splays. Even with the field boundaries retained there are nevertheless impacts on the

legibility of the field boundaries as the mass of the development would remove the ability to read such boundaries in totality. This impact is discussed in greater detail within the heritage section of the report.

6.27 Policy SP13 is concerned with protecting the distinctive elements of the landscape character of the Vale of Pickering (as a valued local landscape) the proposed layout of the site, whilst seeking to retain the hedgerows, has resulted in issues with policy compliance for other parts of the Development Plan. In order to achieve wider compliance based on the current layout, this would be to the significant detriment of the strip field systems and their ability to be continue to be read within the landscape setting of Pickering. This would be contrary to the aims of Policy SP13.

Layout and Design

6.28 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.

6.29 The applicant has sought, in their revised plans to utilise a layout which has retained where possible the pre-existing hedgerows to a greater extent than the originally submitted plan. However, as discussed earlier, in order to comply with the Local Highway Authority there will need to be revisions, which will result in a loss of hedgerow integrity and legibility. It is considered that whilst the site's relationship with the existing build form of Pickering is acceptable, and therefore plan-compliant, based on the currently proposed layout there will be a loss of context due to the impact on the strip fields and as a result the development within the site it will be at odds with the objectives of Policy SP16.

6.30 The general external design of the house-types (save for identified issues regarding affordable housing) is considered to be on balance acceptable. Layout changes by changing through the use of bungalows and using side drives and providing a non-uniform building line on the eastern edge of the site. The properties have been set at least 22m from existing residents, this is a satisfactory distance to ensure no direct overlooking.

6.31 The scheme, at 162 units would be expected to provide 8.1 units that are bungalows, the Folkstone House Type provides a semi-detached bungalow format. Eight such bungalows are proposed, and this broadly conforms to Policy SP4's requirement for at least 5% of dwellings proposed to be bungalows.

6.32 In terms of designing out crime, the Police Designing Out Crime Officer has provided observations, and consider the overall scheme acceptable. However, one of which has remained outstanding in the layout of the scheme as the lack of gates where there are footpaths linking from the front of dwellings to the rear gardens and rear parking courts. If Members were minded to approve the application, this could be required as a condition.

Heritage

6.33 The site contains field boundaries which have been identified within the Historic Landscape Characterisation work by NYCC and Historic England as being part of a relic mediaeval strip field system. Whilst Historic England have not been asked to comment on this planning application they have, through the development plan process, highlighted the significance of the level of intactness and preservation of the strip field systems which surround large areas of Pickering. They have identified that

these are relatively rare features within the context of the Vale of Pickering, which was mentioned in the Landscape Character Assessment.

6.34 'The Vale of Pickering an Extraordinary Place Statement of Significance' is a document produced by now Historic England, with partners. It refers to the 'cultural landscape' definition which is used by UNESCO to refer to "a distinct geographical area ...represent(ing) the combined work of nature and man." To which it is ascribed that the Vale is such a landscape. The strip fields are clearly part of that cultural landscape and are considered to be a non-designated heritage asset. When viewed on a map, this area of the strip fields is not quite as intact or legible as other parts, such as the strip fields to the East. Since Members are considering the impact of the development on these features, this level of intactness is important as it makes the field patterns more vulnerable to the effects of development.

6.35 The setting of the strip fields is provided by the fields themselves, with the hedgerows being the historic asset by which the field patterns are identified. They have an intrinsic and reciprocal relationship. Historic England have identified that value of a heritage asset may be aesthetic, communal, historic and evidential. It is considered that these particular strip field systems have strongest values of evidential value: the potential of a place to yield evidence about past human activity and historical value: the ways in which past people, events and aspects of life can be connected through a place to the present. To a lesser extent are aesthetic value, due to the ways in which people draw sensory and intellectual stimulation from a place, and communal value: the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory.

6.36 In terms of their significance they have historic significance; as a record of past land management practices, and have become relatively rare on a wider geographical scale and are concentrated to the south of Pickering with the lower vale land. As discussed when considering the landscape impact, once development occurs in and around the field patterns their ability to be read within the landscape becomes not possible, even if they are retained, because visual relationships and intervisibility between the fields and hedges become lost. As such, there would be substantial harm experienced to the strip field system if development was to occur, and that harm to a non-designated heritage asset must be weighed against what public benefit can be derived from the development. Policy SP12 states that the Council will *"seek to ensure that the sensitive expansion, growth and land use change around Market Town and villages... safeguarding surrounding historic landscape character and setting of individual settlements"*. It further states that for features of local historic value and interest throughout Ryedale, regard will be made to the scale of any harm of any harm and the significance of the heritage asset. Given the significance of these strip fields within the Vale of Pickering, and the identified substantial harm to their integrity, setting and therefore significance, with the adverse impact on the setting of Pickering, it is therefore considered that the proposal does not accord with the policy expectations of SP12.

6.37 The site has been subjected to both geophysical survey and consequential trial trenching. The site includes part of a prehistoric (Neolithic) or Romano-British settlement and its associated field system, and thus is of archaeological significance. The Heritage Unit of NYCC have advised that they are supportive of the approach being proposed, and the heritage assessment is a suitable base line from which to establish the programme of investigation. The density and preservation of the remains varies across the site. The mitigation will take the form of strip, map and record for the most sensitive areas and an archaeological watching brief for those areas of less significance. They have also advised that some areas can be ruled out due to previous work. On that basis, it is considered that in so far as the archaeological implications, the proposal is plan-compliant in terms of Policy SP12, as the proposed works would lead to enhanced understanding commensurate with the significance of the non-designated heritage asset. As part of commenting on the application they have identified conditions, including the submission of a Written Scheme of Archaeological Investigation, which would be imposed if Members were minded to grant the application.

Foul and Surface Water Management

6.38 The site is within Flood Zone 1, which is in terms of management of flood risk, is the most

suitable flood risk classification, and the site therefore passes the sequential test of ensuring that development occurs in the areas at least risk of flooding. There is still a need to ensure that both foul and surface water management are addressed satisfactorily. In summary, surface water drainage is to be provided through the connection and use of pre-existing land drains. Sustainable drainage systems, where the water percolates into the ground are not feasible based on the ground conditions.

6.39 The Lead Local Flood Authority (LLFA) are satisfied with the proposed means of surface water management and have now confirmed that outstanding matters can be dealt with by condition. These are:

- Finalised drainage layout
- Full micro-drainage calculations
- Schematic layout plan
- Discrepancy with peak flow is it 5l/s or 61/s? and
- Designing for exceedance- ground floor levels above 1 in100 yr event

6.40 The Vale of Pickering Internal Drainage Board, originally objected to the application but since further information has been provided they are satisfied subject to the application of conditions as required by the LLFA. They have also recommended that a Scheme for the Management of Surface Water is prepared at detailed design stage and this will provide for the applicant's drainage consent application, which is required prior to commencement of work.

6.41 Foul water is proposed to be removed by means of the public sewer. Yorkshire Water have confirmed they are satisfied provided only the site's foul water utilises the public sewer, subject to the necessary permissions from Yorkshire Water.

Amenity Matters

6.42 Adverse impacts on residential amenity have been raised by the residents of Firthland Road and Greenlands Road, who would be in close proximity to the application site. A number of responses have been concerned with construction impacts. However, this is a temporary feature, which is capable of being regulated through conditions to reduce the potential for noise and dust during construction. A number of residents who have enjoyed the open fields would, if permission was granted, have a much changed outlook- but Members will be aware that there is no legal right to a view, and private enjoyment of views is not a material planning consideration. Similarly, impacts on property values are also not a material planning consideration.

6.43 The site is proximal to Westgate Carr Industrial Estate, and representations have been made which identify that there would be noise issues experienced by new residents due to activities at the Rosti Automotive enterprise which is to the west of the site. The noise assessment, which considered the full enterprise of Rosti Automotive has been considered by the Environmental Health Officers who are satisfied with the report's observations, conclusions and recommended mitigation for the installation of a 2.5m high bund. Previously raised noise issues concern fans, for which Officers are aware that mitigation measures have been imposed. Rosti Automotive were consulted on the planning application, and they have not made any response regarding whether they consider that the development of the site would conflict with their current, or future operations at the site.

6.44 Odour considerations have been satisfied. Yorkshire Water have a sewerage treatment works on the Westgate Carr Industrial Estate. They have confirmed that they are satisfied with the application of a minimum 200m cordon sanitaire to ensure no adverse amenity impacts, which could prejudice their operations. Environmental Health Officers have not identified any air quality concerns either in terms of adjacent uses, or as a consequence of the development.

6.45 Adjacent residents have raised concerns about the loss of light and overlooking as a result of the scheme, Officers have sought to ensure that there would be an acceptable level of distance from new and existing units on Greenlands Road, thereby ensuring that there would not be a loss of light nor an overbearing effects, and no levels of overlooking would be achieved which would unacceptably

compromise the reasonable living conditions of the residents, as the closest distance between dwellings is c.22 metres.

Education

6.46 Persimmon have identified that they would be prepared to release land for a new primary school. North Yorkshire County Council, as Local Education Authority (LEA), have provided responses to the application setting out the likely impact and potential implications for school places. Based on the proposed revised scheme the development generates, for Pickering Community Infant school, no contribution due to sufficient outstanding capacity. For Pickering community Junior School there is a need for 3.14 new school places. As this is a commuted sum, delivery of this would be considered through the Community Infrastructure Levy Charge. The response from the LEA demonstrates that based on the application's identified impact, there is no resulting need for a new school to be provided. As such the Local Planning Authority is unable to require that land be retained for educational uses through a legal agreement as is not required to mitigate an infrastructure deficit as a result of the development proposed. Persimmon have stated that that they would be prepared to undertake a Unilateral Undertaking to provide land for a new school, it is considered that this has very limited weight in the decision-taking process as a new school is not required to make the development acceptable in planning terms.

6.47 Member's consideration of this application is preceding the conclusion of the Examination of the Local Plan Sites Document (LPSD). In meeting residual housing numbers as part of the Local Plan Strategy, the LPSD has also factored in the infrastructure requirements of that residual requirement. The LEA advised that for the proposed allocations no new school would be required. However, the LEA have advised that if permission is granted for this application, there is a possibility that a new school could be required as a result of cumulative impact. This is however no means certain as pupil numbers have been falling at Pickering. If Members were minded to approve this application whilst the LPA have no means to secure the land for the development of a school, the LEA have said they would be supportive of the land's so identification by the Developer through a Unilateral Undertaking. This is understandable given the lack of available land. However, as part of work to establish the infrastructure delivery requirements of the Ryedale Plan- Local Plan Strategy, it has been confirmed that the combination of CIL receipts, and any other funding streams which may be accessed, can only meet the delivery of one new primary school. This is to be at Norton Lodge, Norton, where the majority of the residual requirement is proposed to be met. This is also to respond to the fact that 50% of the overall housing requirement in the Plan is to be delivered at the Principal Town (Malton and Norton). The LEA have confirmed a new school is needed in Norton on that basis.

6.48 The direct impact of the application has therefore been evaluated. However, if Members are minded to approve this application, the cumulative implications are uncertain. It is not possible of LEA to provide a clear position on what the cumulative impacts are; and whether need for a new school is then generated on one of proposed allocations, and if so whether this would result in significant deliverability issues for the site(s). As such there are potential implications for the deliverability of the Local Plan Sites Document. It further potentially means that infrastructure cannot be delivered in a timely manner at Pickering. This potential for uncertainty weighs against the application, and emphasises the importance of Plan-led growth.

Open space provision

6.49 In respect of Policy SP11- Community Facilities and Services- on-site formal children's place is required on a scheme of this size. Based on applying the policies of the Local Plan Strategy for open space provision and children's play space c. 0.8ha of open space is sought. The overall open space provision is 0.77ha on the revised plans, which is broadly plan compliant. Whilst play space could be distributed through the site, it is better to provide a range of play facilities in a single, larger area. There is a specific area of children's play equipment, with nine items which is to serve a range of ages which is

c.772 m2 in area with fencing around. As such the scheme is between a LEAP and a NEAP. As a result of revising the layout of the scheme, the area of community woodland/POS has been significantly reduced in extent from that originally proposed. The play area, and the habitat/ecological mitigation area are as originally proposed. There is an area of land to the south of the property known as Long Acres, but this is not identified with a specific intended use, and therefore cannot be inferred as public open space. There are other areas of open space to the north which are between dwellings on the site subject to the approval in 2017 and the dwellings on this site (c.06ha within the application site). It is noted that a public footpath system has been shown to extend round the south and western extent of the site, and within that area are areas of informal open space. When assessed these cover c.0.64ha.

Ecology

6.50 The site is predominantly arable farmland and improved grassland. However, the ecological surveys conducted found that the site was of value for a range of biodiversity locally, and that there will be loss of biodiversity if no mitigation, enhancement, creation or restoration of ecological features is undertaken. Members are aware of the statutory responsibility placed on Local Authorities by the NERC Act 2006 (s.40) which states that:

"The public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."

6.51 The following species were found

- 2 Pipistrelle bat roosts and moderate foraging activity along established hedges
- Evidence of badger activity but no Setts
- Long term Barn Owl roosting in existing farm buildings

And there is the habitat of a network of existing field hedgerows and associated hedgerow trees.

6.52 Whilst the Council's Countryside Officer has suggested a series of conditions, if Members are minded to grant the application, he is concerned about the impact on the local Barn Owl population who use the farm buildings which are now to be demolished as a result of the revised scheme. He is also concerned that in complying with the requirements of the Local Highway Authority the as-proposed scheme would result in excessive fragmentation of the hedgerows for access purposes, which would be detrimental to foraging and commuting of the local bat population (both operations would need a license from Natural England). Even with the conditions imposed, based on the currently layout, but with expanded visibility splays, this would result in a significant loss of habitat connectivity. On that basis, it is considered that the as-proposed layout, with compliance of the LHA visibility splays, would be contrary to policies SP14 and SP15. Policy SP15- Green Infrastructure (GI)- seeks to ensure that new developments enhance GI opportunities by protecting, enhancing, creating and connecting wider elements of GI including, amongst other elements hedgerows. So protecting and enhancing biodiversity and wildlife corridors, to minimise fragmentation of habitats, and to help build greater resilience for species. This is also sought by Policy SP14- Biodiversity - which also expects a net gain in biodiversity to be provided as part of new development schemes. For these policies to be satisfied, a layout which achieved maximum hedge retention, with LHA visibility compliance achieved, would need to be demonstrated.

vi) Wider considerations

6.53 References have been made in the representations to the land's status as Green Belt; this is not correct. The land is within the Open Countryside as it is outside the Development Limits. The land is agricultural land and identified within the Agricultural Land Classification as being in Grade 3, which could mean that part of the site is what is described as Best and Most Versatile Land, but the use of such land is balanced with the wider sustainability considerations, principally whether the need for development outweighs the loss of the land, in accordance with Policy SP17. This report seeks to evaluate and report that consideration process.

6.54 The applicants are aware of the CIL charge, and have completed the relevant information. 15% of the money generated through CIL would be given direct to the Town Council, and the remainder spent on key infrastructure provision both in Pickering, and the wider District. This would be in conjunction with NYCC and subject to Member agreement.

6.55 Hydraulic Fracturing is not taking place in the locality of the site. Furthermore it is a minerals matter, which is not within the consideration of the Local Planning Authority.

viii) Conclusions

6.56 The principle of residential use of this site has not been established. The proposed development is neither established by the Development Plan nor the emerging Development Plan. Against the context of a robust housing land supply, and consistent delivery of in excess of the Plan requirement, there is no need to release the site for the proposed use. Acknowledging the proposed housing is a benefit of the scheme, this benefit is tempered by the fact that there is not a clear position regarding the affordable housing delivery. In addition, development of the site would have adverse impacts on the non-designated heritage asset of the historic strip fields, and impacts on habitats of protected species through habitat fragmentation through the loss of hedgerows. There would also be adverse impacts on the setting of Pickering through the impacts on the strip field systems. There are also outstanding matters concerning the accessibility and connectivity of the site for cyclist and pedestrians. The release of the site also raises uncertainties regarding the extent to which infrastructure delivery (education) at Pickering can be met, with the potential capacity to undermine the Plan-making process. Taking account of all the issues, on balance, refusal is recommended.

RECOMMENDATION: Refusal

- 1 The site is not allocated for residential use in the Development Plan nor in the emerging Development Plan. 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, and the emerging Local Plan Sites Document.
- 2 The proposed affordable housing provision, with regard to the 3 and 4 bedroom units, is considered to be unacceptable. Some of the bedrooms are of insufficient size for their expected occupancy, and there is also not a commensurate level of living accommodation relative to the number of proposed bedrooms. As a result, they are therefore considered to be undeliverable. Therefore this is contrary to the provisions of Policies SP3 and SP4 of the adopted Ryedale Plan-Local Plan Strategy.
- 3 The proposal would result in substantial harm and loss of hedgerows and their setting which make up the historic strip fields which are on this site. This would result in substantial harm to the significance of a non-designated heritage asset and the setting of Pickering, contrary to the provisions of Policies SP12, SP13 and SP16 of the adopted Ryedale Plan-Local Plan Strategy.
- 4 The proposed layout does not meet the standards required by the Local Highway Authority in respect of visibility splays. Provision of adequate visibility splays would result in serious habitat fragmentation for bats and barn owls that the ecological surveys have identified inhabit the site. This would be contrary to the provisions of Policies SP14 and SP15 of the adopted Ryedale Plan-Local Plan Strategy.