

**Item Number:** 7  
**Application No:** 17/01536/MFUL  
**Parish:** Pickering Town Council  
**Appn. Type:** Full Application Major  
**Applicant:** Persimmon Homes (Yorkshire)(Mr Craig Woolmer)  
**Proposal:** Erection of 28no. four bedroom dwellings, 76no. 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

**CONSULTATIONS:**

**Initial Consultation responses:**

<b>Yorkshire Water Land Use Planning</b>	Recommend conditions
<b>North Yorkshire Education Authority</b>	Comments
<b>Countryside Officer</b>	Comments and recommendations
<b>Vale Of Pickering Internal Drainage Boards</b>	Comments raised with further comments to come
<b>Designing Out Crime Officer (DOCO)</b>	Recommendations
<b>Archaeology Section</b>	Recommend conditions
<b>Environmental Health Officer</b>	recommend condition 17.04.2018 - no further objections with regard to odour
<b>Housing Services</b>	Comments and support
<b>Sustainable Places Team (Environment-Agency Yorkshire Area)</b>	
<b>Yorkshire Housing</b>	Recommends approval
<b>Vale Of Pickering Internal Drainage Boards</b>	Objections
<b>Parish Council</b>	Object
<b>Highways North Yorkshire</b>	Comments
<b>North Yorkshire Education Authority</b>	additional comments
<b>Flood Risk</b>	Recommend conditions
<b>Designing Out Crime Officer (DOCO)</b>	Recommendation

**2<sup>nd</sup> Consultation**

<b>Parish Council</b>	Comments
<b>Public Rights Of Way</b>	Recommend informative
<b>Vale Of Pickering Internal Drainage Boards</b>	Recommend condition
<b>Yorkshire Housing</b>	
<b>Yorkshire Water Land Use Planning</b>	Comments remain the same as previous
<b>Countryside Officer</b>	Recommends conditions
<b>Environmental Health Officer</b>	
<b>Sustainable Places Team (Environment-Agency Yorkshire Area)</b>	
<b>Archaeology Section</b>	Comments as before
<b>Flood Risk</b>	Recommend conditions
<b>Housing Services</b>	Object to the application
<b>North Yorkshire Education Authority</b>	
<b>Highways North Yorkshire</b>	Requires additional information
<b>NY Highways &amp; Transportation</b>	Recommend conditions

### 3<sup>rd</sup> Consultation

<b>Countryside Officer</b>	No objections
<b>Sustainable Places Team (Environment-Agency Yorkshire Area)</b>	
<b>Archaeology Section</b>	Recommend condition and mitigation recording
<b>Housing Services</b>	supports application as now revised
<b>North Yorkshire Education Authority</b>	Comments
<b>Highways North Yorkshire</b>	Recommend conditions
<b>Parish Council</b>	Comments
<b>Designing Out Crime Officer (DOCO)</b>	No further comments
<b>Public Rights Of Way</b>	Recommend informative
<b>Lead Local Flood Authority</b>	Comments remain the same
<b>Vale Of Pickering Internal Drainage Boards</b>	No further comments
<b>Yorkshire Housing</b>	
<b>Yorkshire Water Land Use Planning</b>	
<b>Parish Council</b>	Additional comments

**Neighbour responses:** Mrs S Russell, Mr And Mrs Holtby, Mr Adrian Marshall, L Keld, Mr Simon Welford, Richard Kimmings, Dr Paul Robb, Mr Bruce Corfe, Mrs Kathy Nicol, Mr David Hutchinson, Mr Richard Kimmings, Miss Amanda Fields, Mr & Mrs Lawrence, Mr E J Putniorz,

**Overall Expiry Date:** 16 August 2018

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#### 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 161 dwellings: made up of now 28 (previously 30) no. four bedroom dwellings, 76no. (Previously 75) 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 been initially reduced to 162 dwellings and now reduced by one further unit as part of addressing issues regarding affordable housing provision.

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.

2.3 Members will recall that this application was deferred by Members at the request of the applicant at the 3 July Planning Committee 2018. This was to allow the applicant time to provide further information in support of their application- to address deficiencies in the scheme concerning affordable housing, impacts on strip field hedgerows and provide revisions to the layout to address highway matters. Revised site layout, landscaping and specific unit types have been submitted since that Committee meeting, and a 14 day re-consultation commenced which ended 16 August 2018. This report has therefore superseded the previous report to Members on 3<sup>rd</sup> July 2018, and considers the proposal in full, within the context of the proposed amendments.

The following elements have changed:

In addition to the reduction in the number of dwellings, the scheme incorporates 58 affordable homes (36%) and 9 bungalows (5.6%).

The layout has been revised to reduce the amount of access points through the hedgerows, notably H6 to the east of the site. This has been achieved by the introduction of footpaths up to the private drives which will serve the dwellings accessed from the two adoptable roads which punctuate the hedgerow.

The proposal includes the enhancement of the existing hedgerow through ‘gapping up’ and the introduction of new lengths. In addition, the landscaping proposals feature smaller hedgerows to plot boundaries.

The proposal includes a landscape buffer along the length of the southern boundary comprising trees and shrubs, covering an area of around 0.4 hectares. An area of land has been set aside for wildlife which will include a pond and special habitat for amphibians (hibernacula), and this area covers 0.3 hectares. There is also a barn owl tower which is situated to the east of the proposed pond, close to the site boundary in the ecological mitigation area.

Affordable Housing changes: The provision of the Walden house type as a three bedroom affordable home, and the deletion of previous 3 and 4 bed affordable house types.

Further changes concerning highways matters are:

- Include moving the footpath at the southern boundary to be adjacent to plots 57 to 60;
- Introducing additional raised tables to slow vehicle speeds near plots 57 and 61 to 75;
- Amending the road and bringing footpath links closer to the homes proposed on the eastern boundary of the site, and amending the road which serves plots 135 to 150 to ensure it can be adopted. In making this last change a footpath has been added, to encourage walking.
- The revised landscape masterplan has removed from the verges trees where the stand-off distances that NYCC require cannot be achieved.

### **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.

#### **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) (2018), in particular Paragraphs 11 and 12: 'Presumption in favour of sustainable development', paragraphs 48- 50 inclusive concerning emerging plans, and paragraphs 59 and 73 of the NPPF concerning delivery of housing and housing land supply.

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 in 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 previously 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

5.7 In response to the revisions to the plans after the 3 July Committee the following responses have been received:

- No obstruction either permanent or temporary to the Public Right of Way (to immediate west of site) (NYCC- Public Rights of Way)
- No comments (Designing out Crime Officer)
- Comments and recommendations remain unchanged since May 2018 (Lead Local Flood Authority)
- Proposes a scheme of archaeological mitigation recording is undertaking, and provides the wording for this (NYCC Heritage Services)
- A response of support from the Ryedale District Council Specialist: People (Housing)
- No comments (Vale of Pickering Internal Drainage Board)
- Highways Authority conditions and s.106 agreement on contribution to A170/A169 roundabout.
- NYCC Education identify no contribution, and comments on the identification of land for a school and anticipated future need for places.
- The Town Council made the following comments:
  - Three bedroom three storey home meets demand subject to sufficient living space;
  - Welcome changes to the landscaping in keeping with ecological and heritage benefits;
  - Recognised removal of trees may be unavoidable.
  - Benefits to pedestrians with footpaths and speed calming are welcomed

### 3 Neighbour responses

- Increase in traffic onto Manor Vale remains unacceptable
- Nothing significant has changed
- Harm to bat roosts, with owl mitigation- but would be better if they were left alone
- Concerns regarding non-compliance with conditions on the under construction application;
- Concerns that houses will be too close to noise from the factory.
- Object to development to the rear of the existing properties on Greenlands road. The proposed layout will leave very little room for homes to be built on resulting in the larger proposed homes being so close to our property overlooking into the rear of our home both upstairs and downstairs resulting in the loss of any privacy we currently have, this also applies to our rear garden.
- Still loss of the historic strip field system
- There are other sites much more suitable for development than the land behind Firthland Road. Sites that are not situated next to a large factory, sites that do not require noise mitigation to try and make them habitable, sites that have direct access to main roads and have less impact on the natural environment.

## 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 however seeking to progress the allocation of the site through the Plan-making process.

### **iii) The Housing Land Supply and Housing Requirements**

6.5 National Policy remains clear that the planning system has a critical role in increasing the supply of housing. Paragraph 59 of the revised NPPF states that:

*“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”*



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. The five year land supply position at 31 March 2018 is now calculated and trajectorised. This has resulted in, with the operation of the Local Buffer, between 177 and 200 homes per year- and accordingly the land supply is respectively 6.12 years or 5.42 years-worth of supply. This is a robust level of supply, and is in accordance with the requirements of paragraph 73 of the NPPF "*Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies.*" 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 is now subject to a minded to approve, but at the writing of this report is close to being determined. Officers will provide Members with an update on this at the meeting. The implications of this application are discussed later in the report.

6.9 The extent to which an emerging plan has weight to be attributed as a material consideration is set out in both the previous and now revised NPPF in paragraphs 48-50 inclusive. 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 NPPF states that:

*Local planning authorities may give weight to relevant policies in emerging plans according to:*

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)*

*However in the context of the Framework –and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances 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 plan; and*
- 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. The emerging Local Plan Sites Document is at an advanced stage. 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, and they have made representations concerning their site as part of the Publication of the Plan. 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 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 (36%), 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. Members will be aware that the Principal Specialist: People has previously objected strongly to the application for reasons around issues with the 3 and 4 bed units having bedrooms too small to meet Universal Credit occupancy expectations, and then insufficient living/ground floor space due to the use of three storeys. This has been overcome by the removal of 4 bed affordable units, and converted them into 3 bedrooms unit, by way of the Walden house type. The Principal Specialise People is now supportive of the proposal.

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. Since Members agreed to defer the application, a letter from Broadacres has been provided to the Local Planning Authority by the applicant. They state that they are interested in this application, which they refer to as Firthland Road Phase 2, subject to contract and Board Approval. The dropping of 4 bed units and the Walden 3 bed house type has addressed their concerns about lack of living space and their being no demand for 4 bed dwellings. Whilst it is not a binding contract, it does indicate, alongside the response from the Principal Specialist: People, that Persimmon have taken on board the issues identified with their affordable units, which are now more favourable to Registered Providers, and therefore are capable of delivering affordable housing.

6.14 Returning to the need for the affordable housing, Members will be aware that at the 3 July Planning Committee Members were minded to approve a scheme elsewhere in Pickering which will provide a significant contribution of affordable housing within the Plan period at Pickering. This does temper to a degree the weight in the planning balance the benefit of providing affordable housing through this scheme. However, in making this argument, it is done in the knowledge that there will be a lag time for the delivery of that affordable housing, as a proportion of the market housing will be delivered first. It is not possible at this stage to identify that specifically, as the legal agreement is not finalised to demonstrate the roll-out of delivery. Member may also note that the permission granted at Firthland Road, and that an RP is identified, work has commenced on Phase 1 and this is expected to deliver some affordable dwellings in advance of the site at Whitby Road.

6.15 It is therefore considered that this proposal is capable of delivering 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". The affordable housing contribution of this proposal is therefore to be given significant weight in the decision-taking process.

#### Impact on Highways, Access implications for Pedestrians and Cyclists

6.16 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 they have now made a formal conclusion regarding the proposal in which they seek conditions to be attached, if Members are minded to grant the application.

6.17 Regarding capacity of the network the Local Highway Authority are satisfied that the proposed scheme would not have an unacceptable impact on the operation of the junctions and

surrounding road network. They have stated though that the roundabout has been subject to a number of recent injury accidents. They have, on that basis, sought a contribution for works to improve the operation of the A170/A169 roundabout, through a highway safety scheme. The contribution has been acknowledged by Persimmon and is identified at £22,000. However, it is not clear to Officers as to why this contribution is sought when they have confirmed the acceptability of the scheme in highway terms, and the limited scale of impact. As such it is not considered that a s.106 is capable of being signed for this project and CIL monies would be required to be used to fund such a project- subject to Member agreement.

6.18 The Highway Authority 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.

6.19 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.

6.20 Matters regarding the visibility splays, tree planting and crossing and footway amendments have been addressed in revised plans since the writing of the previous report for Planning Committee. The Highway Authority are satisfied for the crossing of the A170 to be conditioned in principle as a work in the highway to be approved in writing prior to commencement of the development. They have not however indicated where a suitable site will be found for the crossing to be made other than between the junctions of Manor Road and Southgate. The crossing will also need to be in place prior to the occupation of the site. Therefore, subject to the identification, and approval of the details of this crossing, the scheme is now considered to 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. These improved connections will also benefit the existing community. It is also considered that the scheme also complies with SP20- Generic Development Management Issues, which covers access parking and servicing since the concerns raised over the visibility splays have been resolved.

#### Landscape Setting and Form and Character impacts

6.21 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.

6.22 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.

6.23 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.

6.24 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."*

6.25 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.

6.26 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.

6.27 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. In order to balanced visibility with retention of as much hedgerow as possible, Persimmon have responded to this by reducing the number of incursions to the hedgerows. However, 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 such as has occurred in the Mickle Hill Scheme at Pickering. This impact is discussed in greater detail within the heritage section of the report.

6.28 Policy SP13 is concerned with protecting the distinctive elements of the landscape character

of the Vale of Pickering (as a valued local landscape). It is acknowledged that the proposed layout of the site, has sought to strike the balance between retaining the hedgerows, and meeting highway visibility requirements. The proposed layout has reduced the level of fragmentation of the hedgerows, to an acceptable level in ecological connectivity terms, and met highway requirements. But the very presence of the development would result in unavoidable harm to maintaining the ability to read the strip fields, which have already experienced a loss of integrity, within the landscape setting of Pickering. This would be contrary to the aims of Policy SP13.

### Layout and Design

6.29 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.

6.30 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. 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 still 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.

6.31 The general external design of the house-types 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. Comments have been made concerning changes to the distance between properties on the site and Greenlands Road as a result of changes to the roads. However, this has not altered the dwelling's positioning. The road layout changes have occurred within the same area, and so the properties are not set back into the plot. The separation distances are considered to be satisfactory.

6.32 The scheme, now at 161 units, proposes nine units that are bungalows. The Folkstone House Type provides both a semi-detached bungalow format, and a detached bungalow. This conforms to Policy SP4's requirement for at least 5% of dwellings proposed to be bungalows.

6.33 In terms of designing out crime, the Police Designing out Crime Officer, is now satisfied with the scheme.

### Heritage

6.34 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.

6.35 '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 of the settlement, such as the strip fields to the east of Pickering. The level of intactness is important as the field patterns are considered to be more vulnerable to the effects of development.

6.36 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 strong 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 the fields and hedgerows have an 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.

6.37 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 within 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 almost impossible, even if they are retained, because visual relationships and intervisibility between the fields and hedges become lost. This has occurred at Mickle Hill, Pickering. As such, even with the reduction in incursions into the hedgerows 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. These strip fields are significant within the Vale of Pickering. The identified substantial harm to their integrity, setting and therefore significance together with the adverse impact on the setting of Pickering means that the proposal does not accord with the policy expectations of SP12.

6.38 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 are concerned the proposal is plan-compliant in terms of this aspect 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 NYCC 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

6.39 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.

6.40 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 6l/s? and
- Designing for exceedance- ground floor levels above 1 in100 yr event

6.41 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.

6.42 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

6.43 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.

6.44 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.

6.45 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.

6.46 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, and this has not changed in light of the changes to the road layout on the eastern side of the site.

## Education

6.47 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. The LEA have revised their calculations for 161 dwellings. Based on the proposed revised scheme the development generates, for Pickering Community Infant school and Pickering Junior School no contribution due to sufficient outstanding capacity. 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.

6.48 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 previously advised as part of the consideration of this application 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, and this application has not generated any contribution to school places. They have subsequently responded to the re-consultation with the following:

*“at present based on forecast pupil numbers and taking into account existing housing permission and proposed Local Plan Allocations that there is not projected to be sufficient need for school places within Pickering to require a wholly new primary school. However, if the site is approved by RDC Planning Authority NYCC CYPS Officers could support the signing of an appropriate agreement to secure the site for future education use”.*

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 reiterated in their most recent response that 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.

6.49 The direct impact of the application has therefore been evaluated. The LEA is also clear that with existing permissions and proposed allocations there is no need for a school. However, if Members are minded to approve this application, the cumulative implications are less certain. 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, subsequently, on one of proposed allocations, if this application is granted, 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 any benefits of the application, and emphasises the importance of Plan-led growth, but cannot

be identified as being specifically contrary to the development or the emerging plan- because it is not certain.

### 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 (covering children's place space, ecological mitigation and general areas of open space is 1.23ha on the revised plans, which is 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 m<sup>2</sup> 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 (c.0.3ha) remain 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.0.8ha.

### 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 Pipestrelle bat roosts and moderate foraging activity along established hedges
- Evidence of badger activity but no Sett
- 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 The Council's Countryside Officer has recommended a series of conditions. If Members are minded to grant the application, these would be applied. Earlier concerns regarding impacts on barn owls have been addressed through the siting of a barn owl tower. The scheme has also reduced the number of incursions into the strip fields, particularly of note is hedgerow H6, which was considered to be harmful to habitat connectivity. Both the demolition of barns and any removal of hedge would need a license from Natural England, and would be undertaken at a non-sensitive time for the protected species. 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. It is considered that the proposal is now compliant with Policies SP14 and SP15.

### 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. 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 retained to be spent on key infrastructure provision both in Pickering, and the wider District.

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. The proposed housing is a benefit. The provision of 58 units of affordable housing (which is now considered to be deliverable) is a significant benefit. This is however tempered to a degree by the expected delivery of affordable housing at Firthland Road Phase 1, and from the site at Whitby Road. There is considered to be significant harm on the setting and therefore the significance of the strip field systems which are a non-designated heritage asset, and the consequential impacts on the setting of Pickering. The proposal is therefore contrary to the provisions of the Policy SP12, and also SP13 and SP16. From the implications of the emerging plan (which is at an advanced stage) the release of the site also raises uncertainties regarding the extent to which infrastructure delivery (education) at Pickering can be met, with the potential to undermine the Plan-making process. Taking account of all the issues in the round it is considered that, on balance the application should be refused for the following reasons.

### **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 adopted Ryedale Plan - Local Plan Strategy when read as a whole, and the emerging Local Plan Sites Document.
  
- 2 The proposal would result in substantial harm to the 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 harm to the setting of Pickering, contrary to the provisions of Policies SP12, SP13 and SP16 of the adopted Ryedale Plan-Local Plan Strategy.