

Item Number: 9
Application No: 20/00876/FUL
Parish: Pickering Town Council
Appn. Type: Full Application
Applicant: Mr Paul McCay (Wilf Ward Family Trust)
Proposal: Erection of buildings to rear, new shopfront and garage doors and change of use, alteration and internal remodelling of existing flats and some demolition of existing buildings including rear bungalow to form a Community Hub to include 2no. supported two bedroom Step-Down flats and 1no. one bedroom flat for either short stay family visits or assisted living support staff, Cafe, Rebound/Sensory room, Hydrotherapy Pool, Transition Space, Multi Use Spaces and Sensory Garden
Location: Greystones Cafe 126 Eastgate Pickering North Yorkshire YO18 7DW
Registration Date: 6 October 2020
8/13 Wk Expiry Date: 1 December 2020
Overall Expiry Date: 30 November 2020
Case Officer: Rachael Balmer **Ext:** 43357

CONSULTATIONS:

Pickering Town Council	Have no objections to these plans on the whole but are concerned about the lack of parking provision provided
Building Conservation Officer	Responded only to the Listed Building Consent Application
Environmental Health	<p>I have read the submitted statement. I have no concerns with regard to the Hydro pool plant and the kitchen extract as mitigation procedures are in place to control noise levels so as not to impact on the nearest sensitive receptor. As you have noted the applicants are requesting that should proposals in the larger application be acceptable the noise levels from the ventilation/extract and plant be subject to discharge of a condition for the acoustic assessments of the completed detailed designs and review undertaken by an appropriately qualified acousticians with mitigating features submitted to RDC for consideration and comment/approval as appropriate. Whilst I can understand the reluctance to employ the services of an noise consultant at this stage, any decision on the application would normally be subject to satisfactory noise levels. For clarification the noise levels based on The World Health Organisation recommendations. Living room resting 35dB LAeq 16hr Sleeping bedroom night time 30 dB LAeq 8hr The average building fabric should, with window slightly open give an Attenuation of 15dB we would be require levels of not in excess of 50dB LAeq during the hours of 07:00hrs - 23:00hrs and 45 dB LAeq during the hours of 23:00hrs - 07:00hrs measured at the curtilage of the nearest noise sensitive receptor.</p>
Highways North Yorkshire	No objection recommend conditions
Vale Of Pickering Internal Drainage Boards	Initial Objection
Yorkshire Water Land Use Planning	Recommend conditions
Vale Of Pickering Internal Drainage Boards	The Board would be happy to have the same conditions as requested by Yorkshire Water. Subject to Yorkshire Water accepting surface water discharge the

Board would have no further comment. In the event that Yorkshire Water do not accept surface water discharge into the sewer system and other means of discharge are required, we would then need to be consulted further.

Representations:

Mrs Rosie Welbourn,

1.0 SITE:

1.1 Greystones comprises a currently vacant café (with kitchen storage area to rear) with garden area to the rear and three residential units which comprise:

- A single storey bungalow to the rear providing a holiday let accommodation, which is independently accessed from the café;
- At first floor one is a self-contained one-bed flat, accessed by a stairway to the eastern side of the carriage door.
- At first floor is a three bedroom flat which is above the café area, and which is accessed from the rear of the building (and via the ground floor).

The entire complex has been unoccupied since around 2017. The garden area comprises areas of hardstanding, lawn, raised beds and pond. The site is contained by a rubble stone wall, either rendered or capped with pantile coping.

1.2 It is two storey in height at the front, but this is only achieved to the rear by dormers. The principal building has undergone extensive alterations to the rear and provides a mix of roof profiles to the rear. It is also constructed in a number of built materials, with the frontage being coursed limestone with pantile roof. UPVC windows are installed in most of the property. To the rear is a mixture of brickwork, render, and reconstituted stone blocks. The building is, measured from the original rear wall of the original property, c.30 metres in depth.

1.3 There is a carriage door which is to the left of the main building which provides the sole access to the rear of the site. This is mentioned in a listing description, but is not part of 125 Eastgate, but in past would have been, based on the differences in the stonework.

1.4 The site is within the Pickering Conservation Area., and covers an overall area of just over 0.1 hectares. It is c.66 metres in depth and the site dog-legs round the Pocklington Carpets site (west) and is therefore wider at the rear than the front. Around a third of the site area is already built upon. The property adjoins 125 Eastgate which is a Grade II Listed Building. To the west, and partly adjoining is the former Bus Depot, which is now Pocklington Carpets. To the rear of the property are properties on Outgang road, and cul-de-sacs off that also face onto the rear of the site: The Newlands (nos. 1-3), and the rear of 1 and 2 New Dawn Cottages (123 Outgang Road). The properties of Barnsdale House no.11 and Sunnyview no.15 Outgang Lane are directly to the rear of the site. The property was in the former Town centre commercial Limits in the former Ryedale Plan. It is not a primary shopping frontage, but is close to a range of commercial premises as well as residences.

1.5 There are no other environmental or flood risk designations. Whilst this is not usually a material planning consideration, unless it has a policy implication, the property is subject to a covenant which means the site cannot be sold off into separate units.

2.0 PROPOSAL:

2.1 The proposal is multi-faceted, and is to be managed by Wilf Ward Trust who own the site, and involves the following elements:

- Café; in the ground floor frontage and coffee yard to immediate rear, with
- Community hub area;

At first floor:

- 2no. supported two bedroom step-down* flats each with rear terrace; and
- 1no. one bedroom flat for either short stay family visits or assisted living support staff, which is connected to the front step-down unit via doorway;

With ground floor facilities of:

- Rebound/sensory room;
- Hydrotherapy Pool with changing areas and plant room;
- Multi-use spaces/separate office and physio-treatment room; and
- Sensory Garden; all to the rear and connected by transitional space/corridor.

*step -down is a term for supportive and rehabilitative healthcare given to a patient recuperating from an illness or intervention, who is regaining autonomy.

The general form of the building follows that of the existing, where structures are focused on the western side of the site, but the key difference is extending beyond the original form with single storey buildings the farthest building will be the hydrotherapy pool.

It represents a change of use because the current use of buildings is mixed, and therefore sui-generis (of its own class) and this proposal too would form a sui-generis use.

To create these spaces/facilities would involve the following works:

- Partial demolition of the extensions and building to the rear (the bungalow).
- Erection of new buildings to rear for the sensory room/hydrotherapy pool/changing areas and mixed use areas. All are interconnected by means of a single storey height corridor which has areas of glazing, with the specific rooms being accessed from the corridor and a transitional space which will utilise hoists to move people if required, and which can give access outside.
- Change of use, alteration and internal remodelling of existing flats to provide the accommodation sought
- Frontage elements include new shopfront and replacement garage doors and windows- all in painted timber.

2.2 The proposed extended building's footprint would be close to 600 sq. metres, which is close to two thirds of the overall site area. In terms of the scheme's dimensions:

- The two storey element will attain a maximum height of 7.1 metres, which is c.0.8m lower than that of the main, frontage building. It extends out from what would have been the original rear wall by c.28 metres, which is two metres less than the overall length of the existing buildings, but increases the two storey element by c.24 metres.
- The single storey elements are punctuated by two buildings - the sensory rebound room and the pool area itself is two storey. These attain maximum heights of 5.2 metres to the ridge and 3.2 metres to the eaves (Sensory rebound room) and 4.7metres to the ridge and 3.1 metres to the eaves (Pool area).
- The single storey transitional spaces and changing areas are a maximum of 3.1 metres in height.

2.3 The pool area would have a partly pitched roof, to provide double height to the pool area, with the sensory room also having a fully pitched roof using pantiles. The flat and shallow pitched roof areas which make up the bulk of the rear elements, and connect these areas to the main building are to be in light grey on rear elevation of existing building and copper green (majority) Glass Reinforced Plastic. There is the re-use of the existing external terrace area, and a further terrace area to serve the rearwards step-down unit. The buildings to the rear are to use aluminium and aluminium composite frame for windows and doors. The proposed wall treatments involve copper effect cladding at first floor level of the rear extension, with the use of random rubble stone with coursing where required with bagged lime mortar pointing. The transitional spaces, which link the different areas utilise aluminium frames and glazing. The room which provides the physio area (with unit 2 terrace above) is clad in vertical Rockpanel cladding, and this is used on the pool glazed areas. The sensory rebound therapy room is to

utilise reclaimed facing brickwork and the two storey element of the pool also utilises this approach, with the single storey elements using copper cladding and timber effect cladding.

2.4 Parking provision for vehicles proposes no.4 spaces, and they are already used (but not in conjunction with any specific property). They cannot be used solely by a particular property as they are currently within the public highway. During the application's consideration the red outline was extended to include the cobbled area to the front which is proposed to be used by the facility to provide parking for one of residences (self-contained flat) and dropping/collecting users of the facility. The applicant has indicated that they will seek a 'step-up order' to bring this into their ownership. There will be no.7 bicycle racks in total for staff and visitors to use. Just outside the building is a bus stop. This serves the 128 service which runs along the A170 and provides a predominantly hourly service from Helmsley to Scarborough and back, and the Coastliner Service 840 which goes to Malton (York and Leeds) from Whitby via Pickering and vice versa runs regularly throughout the day. Across the road is a long stay car park- Eastgate Car Park.

2.5 The café and communal spaces would be available from 7:30- 18:30 within the week, and 9:00 to 14:00 on Saturdays. It would not operate on Sundays. It may be used by clubs, for hire, between 17:00 and 20:00 weekdays and 9:00 to 14:00 on Saturdays. It may also open to clubs on Sundays.

2.6 Proposed employees would be 12, comprising 3 full time and 9 part time- with FT equivalent being 6 with 4-5 staff at any one time.

2.7 Foul drainage is to enter the mains sewer. Details about the draining of the hydrotherapy pool and the disposal of Chlorine have been provided- and Yorkshire Water comment on these. Surface water drainage is also via mains sewer, but is described on the form as 'presumes an attenuated system'.

2.8 The application has also been submitted with a Listed Building Consent application for works to the carriage door, and internal cart doors which attach to 125 Eastgate and Advertisement Consent to display hording boards and signage. These are described in the history. As they are considered in their own right, through specific consent regimes these have been approved under delegated powers. But an informative was added to ensure that it was made clear that these proposals were considered in the context in which the consents were sought, and do not infer a view on this current planning application which is now before Members.

3.0 HISTORY:

3.1 20/00966/LBC External and internal alterations to existing street front double door garage (part of the 125 Eastgate listing) to include replacement softwood garage doors to allow conversion to a one bedroom first floor flat- approved 19/11/20.

3.2 20/00944/ADVD Display of 2no non-illuminated vinyl graphics on plastic backboard fascia signs and 2no. non-illuminated wall mounted vinyl graphics on plastic backboard hoarding signs on front elevation -approved 19/11/20.

3.2 An appeal was lodged and approved in 2009 for the use of uPVC windows.

3.3 There is planning history which relates to works that pre-date local government reorganisation (the extensions to the rear and potentially the formation of the current flat which would become unit 1), and then for the formation of the bungalow in the 1980/90s which is subject to an occupancy condition as a holiday let.

3.4 No further relevant planning history.

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 Policies Map (2019)
The Local Plan Sites Document (2019)
The Yorkshire and Humber Plan (Regional Spatial Strategy)- York Green Belt Policies (YH9 and Y1)

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

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

Policy SP1 General Location of Development and Settlement Hierarchy
Policy SP2 Delivery and Distribution of New Housing
Policy SP4 Type and Mix of New Housing
Policy SP7 Town Centres and Retailing
Policy SP11 Community Facilities and Services
Policy SP12 Heritage
Policy SP14 Biodiversity
Policy SP15 Green Infrastructure Networks
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

Material Considerations:

National Planning Policy Framework (NPPF) (2019)
National Planning Practice Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990
1990 c. 9 Part I Chapter VI Special considerations affecting planning functions
s.66 General duty as respects listed buildings in exercise of planning functions.
s.72 General duty as respects conservation areas in exercise of planning functions.

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 responded that they have no objections to these plans on the whole but are concerned about the lack of parking provision provided.

5.3 In terms of representations from interested parties, one response was received from an adjoining property owner who is to the south of the property. Their concerns are:

- What is the level of noise we can expect to hear from the plant room and air source heating system? The position of the louvres for the hydrotherapy pool is very close to our boundary wall and therefore our garden. We are concerned about the noise that will be projected into our garden, which is a space that ourselves and our young children really value using and was a big part of our decision to buy this house. Reading the noise impact statement we can see that the impact of the noise has been considered to the Eastern and Western boundaries but makes no reference to how it will impact us on the Southern boundary.

- Loss of privacy from being overlooked, in particular from the new terrace which is positioned facing directly into our garden and house. We feel the amount of glass to the gable end where the new terrace is can only mean we are to be overlooked.
- The plans have the existing boundary wall at a height measurement of 1.5 metres. From our side the wall measures at 1.9 metres, if 1.5 is correct it seems far too low as anyone of an average height could simply peer straight over. If 1.5m is not correct, does this mean the developers intend to raise the ground level? If so what impact will this have on the stone wall?
- In terms of design we feel there is too much glass used in the development, particularly south facing and at significant height. We feel the site appears overdeveloped with such an array of buildings and is a drastic change to the current set up.

6.0 APPRAISAL:

6.1 The key considerations are considered to be:

- i) The principle of the Change of Use;
- ii) Access, Parking and Accessibility
- iii) Residential amenity (Privacy/Massing/Noise)
- iv) Surface Water and Foul Drainage Considerations
- v) Heritage and Design Considerations
- vi) Site-Specific Sustainability Considerations

i) Principle of the Change of Use

6.2 The site is within the Development Limits of Pickering, one of the District's largest settlements, and is therefore compatible within the general spatial approach to development as identified in Policy SP1. It proposes a mixed use scheme, it includes a café and community hub (these uses being more aligned to public, town centre uses, and represent similar uses to the current use of the building. In combination with the sensory garden they would comply with Policy SP7 (Town Centres and Retailing). It would also align with the overall aspirations of Policy SP11, which is around the protection and enhancement of community facilities. This policy also supports, in principle, the conversion of buildings for community uses.

6.3 Policy SP11 also supports in principle new community facilities within Development Limits. The sensory/rebound space, physio and hydrotherapy pool will be for visitors of the accommodation or specific individuals which would be, essentially, used on a more individual basis, but one that Officers consider would be very much complementary to an accessible, town centre location. Referrals could be made from GPs, and the wider community would be able to access these facilities. They would represent community facilities. The Wilf Ward Trust has identified in their supporting submissions that whilst the facility might have limited interest from a commercial aspect (as a rehabilitation service), the organisation is aware of a number of individuals who would be able to utilise the facilities, as well as the wider community in light of Covid-19. Such facilities are not currently available in the Ryedale area.

6.4 The residential accommodation is in principle forming three residential units, but these are not considered to be self-contained residential dwellings in a C3 use. They are part of a wider scheme and subject to specific management and to provide temporary supported accommodation. Therefore, they are not considered to be subject to Policy SP2 requirements. Nevertheless, they are certainly not in conflict with the objectives of that Policy, given their location within the Development Limits of Pickering. Their purpose is more akin to the objectives of Policies SP4/SP11, which is to provide, ultimately, an increased choice of housing in the District, to meet the needs of the residents of Ryedale (SP4) and to provide a specialist facility for the community of Ryedale and the surrounding area (SP11) to better meet the needs of those individuals and their families, who for a time, need extra support in the lives.

6.5 The scheme is, therefore, compliant in principle with Policies SP1, SP2, SP4, SP7 and SP11 in relation to the use of the site for the purposes identified in the description of development.

ii) Access, Parking and Accessibility

6.6 The proposal incorporates a diverse range of uses and this will result in different access needs depending on the users themselves, and the timeframe that they will be using the services.

6.7 The site's location, in the view of Officers, demonstrates an excellent level of sustainable travel choices, being adjacent to the intersection with two regular bus routes which serve a number of key settlements in Ryedale from a number of directions, and with connections to key settlements outside of the District too. The location is also very well connected to the town centre for the café and community hub use, to support linked trips. It is noted that no.7 bike storage spaces are to be provided for staff and visitors.

6.8 The step-down residential accommodation is not expected to be used by individuals who are in a position to drive. But they may well have carers or family members who do have a vehicle, and the temporary accommodation flat could also generate sustained parking at times. There is also the practical need to consider whether residents may have bulky items to transport.

6.9 It also noted that it is just across the road from a public car park which will be utilised by staff who are, by virtue of distance and timing may be unable to utilise cycling or buses. It is recognised by Officers that use of cars and having proximal drop off points will be important for some individuals using the therapeutic facilities. The car park will be important for those who are bringing individuals to use the therapy experience. The agent has set out how the drop off would work.

6.10 Parking in the proposed scheme is provisionally capable of being achieved at the front of the property, on a cobbled area. The removal of the cobbles is proposed to improve the surface of the parking area. During the course of the application's consideration this frontage area has been incorporated into the red outline. Notice has been served on the Local Highway Authority, since the land is within the ownership and control of the Local Highway Authority. This was done to recognise in the planning process of the planning unit, that this area could be utilised. However, to legally undertake this, and in a procedure which separate to the planning process, is the use of a 'stop-up order'. Which effectively removes an area from the public highway, and so can be used to make the spaces only available for those using the facilities.

6.11 The Local Highway Authority have stated that they have no objections to the proposals. They also have no objection to the removal of the cobbles and re-surfaced in tarmacadam. They are, however, unable to designate the area of land to the front of the application site for the sole use of users of the facilities (they describe use of applicant and guests). But, they do make reference to the requesting of a stopping-up order for the land from the Department of Transport, which would, if successful bring that area in to the ownership of the applicant. They suggest conditions on the specification of the resurfacing of the cobbled area and an informative in that regard, and a Construction Management Plan.

6.12 Members will be aware that some concerns were raised about the levels of parking by the Town Council. There is no means of exerting any planning control on the use of the frontage for parking. Officers advise, however, that the site demonstrates excellent sustainable transport choices, which will provide clear opportunities for non-reliance on the private car. Furthermore, the Local Highway Authority have raised no objections to the scheme and its operation. They have done so in the clear knowledge of the absence of being able to control, via the planning process, the use of the land to the front for parking solely for the facility. Therefore, there are no highway grounds for refusing the application on the basis of not securing that element of frontage parking. There is a means to secure this area for the scheme's use, which is likely to be sought by the application but it is a process which takes place outside of the planning system, and therefore cannot be conditioned. For convenience it would be helpful to have the parking specifically available, and users will not be excluded from using the spaces, but because of the public car parking available, this will be the primary source of parking provision on the site. The residential accommodation is also under the management of applicant, and so are in effect the parking arrangements- if required, can be agreed prior to any occupation.

6.13 Policy SP20 is concerned with, amongst other matters, ensuring that appropriate levels of parking are provided, and that in the circulation space accessibility is provided for all. The design and layout has considered these aspects.

6.14 Both as a destination, and place of residence, it is important that there is appropriate access, and accessibility to the site, and that would normally include some designated parking provision. There is proximal provision, but not specifically at this time within the control of the applicant. This lack of control may change in due course, but the application must be considered on the basis that it may not be brought under the applicant's control. Although the Local Highway Authority have no objections to the application, and are happy for the cobbles to be removed, providing a more stable surface for users.

6.15 Considering the provision of alternative designated parking within the red outline, would not be a sustainable approach, nor one which enhanced the area. To do so would not be in the interests of promoting sustainable travel choices, and considering the impacts on the street scene and the character and appearance of the Conservation Area. It would also undermine the character and ambience of the internal circulation spaces within the outside café and raise implications for the sensory garden.

6.16 It is considered that on the basis of the above considerations, on balance the proposal satisfies the requirements of Policy SP20.

iii) Residential amenity (Privacy/Massing/Noise)

6.13 The former residences were used either on a temporary basis or in connection with the café. The proposed residential units, being on the floor above have a reasonable degree of separation from the café and community hub. These uses will also not occur in antisocial hours. The two step-down units each have terrace area which whilst not being truly private spaces (as they could be viewed from the café area); they are nevertheless separated from public areas. They will provide the ability for a resident to gain access the outside, and obtain the physical and psychological benefits from being able to do so. It is considered that the uses of the proposal will operate whilst providing acceptable levels of residential amenity for the proposed users of the scheme, which is a requirement of Policy SP20, which seeks to ensure compatibility between different uses.

6.14 There has been one objection to the scheme in relation the loss of privacy an adjacent property considers they would be subjected to. They are living in a property which adjoins the southern boundary of the site. By way of context, the dwelling is on the frontage of Outgang Road, and so there are the rear curtilages of both properties in-between. The objection identifies loss of privacy concerning three aspects. The first is general overlooking of the dwelling house and garden area by changing floor levels of the buildings and use of glazing, and levels in the garden area, and the third concerns the proposed additional roof terrace.

6.15 The southern elevation of the hydrotherapy pool is the most sensitive in this regard, as this faces the objector's garden and property, with all other elevations behind it. In terms of the glazed elements the submitted plans show that there are two small upper level windows, which could be conditioned to be obscure glazed to protect the privacy of the occupants of the rooms. The hydrotherapy pool area is glazed, floor to ceiling, and the pool is recessed but is also subject to vertical Rockpanel cladding slats which will obscure users of the pool, and naturally impede views from the building. This glazed area is also at its closest point 19.5 metres from the rear projecting gable of number 11 Outgang Lane, and would be c.34 metres to the rear elevation of property of number 15 Outgang Lane. The proposed pergola area is also on this southern elevation but is c.28 metres from the rear elevation of property number 15 Outgang Lane, and is not proposed with solid canopy- and so not a space for seating. As such, is not considered that glazed areas of the building would result in a loss of privacy for any of the surrounding residents.

6.16 The levels of the site, in connection with the sensory garden and the heights of the existing walls were also identified as being a source of overlooking by the objector. The agent has confirmed that whilst there will be some re-grading will occur on the site, the ground levels are to remain broadly the same. They also specify that no levels are changing proximal to the walls. The wall heights do vary

across the site, but based on the case Officer's own height the southern boundary is around 1.5m which is just her eye level, and that the wall is very likely to be higher on the other side. The agent has stated that the walls are to be repaired where necessary and may be subject to some form of coping, which is absent from the southern boundary wall. The gardens will be publically accessible, but within the context of being used/appreciated within the wider use context of the building. Therefore there is a degree of management which would be exercised by the applicant in the event of individuals making efforts to look over into the neighbouring properties. It is not considered that there would be a material diminishment of residential amenity generated by activity in the sensory garden and the limited ability to overlook the garden or the rear elevations of the properties would not result in an unacceptable loss of privacy or cause a level of disturbance which would be contrary to Policy SP20.

6.17 The objection also relates to the presence of the terrace area of Unit 3, which is a new feature, and is at first floor level. The other terrace is pre-existing in the current arrangement and has operated without concern for some time. Measuring the distance from the end of the new terrace area to the rear wall of nos.11 and 15 Outgang Lane is a distance of over 60 metres. That space is also punctuated by the roofs of the sensory/ rebound room and the hydrotherapy pool. Whilst not blocking views, these would disrupt views to lower ground (the garden area) area of number 15 Outgang Lane. The presence of these features, and involving that degree of distance, it is considered by Officers to represent a situation whereby there would be no material loss of privacy to any residential accommodation. Also, that much of the garden area would also not be overlooked to a materially significant degree. Back to back rear elevations in new housing schemes would be expected to be a minimum of c.20 metres distance to ensure no direct overlooking- this is three times that distance. Therefore by virtue of the distance from surrounding dwellings, property orientation and/or lack of windows on elevations would result in no unacceptable levels of overlooking experienced by any residence.

16.18 The proposed building's heights and orientation within the site, relative to surrounding properties would not result in any overbearing effects for the surrounding residential properties.

16.19 The levels of noise generated by the pool have been raised a concern by one of the properties adjoining the site. Noise can be significant residential detractor, and it is important that noise implications are explored in sufficient detail. The scheme will be generating noise from plant in three areas:

- o Ventilation/Extraction for the café kitchen;
- o Plant for Combined and Heat and Power facility for the hydrotherapy pool;
- o Air Source heat pumps which will heat and provide hot water for the scheme sited on the roof of the third step-down unit.

16.20 It is important that noise levels are broadly understood at the consideration and determination of an application. The reason for this is to ensure that in the imposition of any conditions stipulating any standards, there is a clear means of delivering any mitigation and that it is within confines of the scheme as approved to achieve that without modification. The Council's Environmental Health Officer responded initially with an objection to the application stating that insufficient information has been provided to ascertain noise levels across the site and beyond.

16.21 The applicant has not yet chosen the precise type of equipment, nor undertaken a detailed noise impact assessment on the site for that reason. They have requested that a condition is imposed which seeks to submit detailed acoustic assessments and any mitigation measures in due course. However, they are of a clear understanding about where the equipment will be sited, an understanding of the type of equipment they will be using, and have obtained technical specifications for the probable equipment they will be using to inform an assessment on probable noise levels and mitigation measures. This information was made available to the Council's Senior Environmental Health Officer and they have responded. Their response is summarised in relation to each element.

16.22 The kitchen extractor is positioned in a broadly similar location to the existing facility- but is two metres further away from the properties to the east. The Senior Environmental Health Officer has no objections to this proposed arrangement.

16.23 The Pool Combined Heat and Power (CHPU) unit and Heat Recovery Unit (HRU) are the noisiest elements of the Pool. Both are housed in a plant room: a building of blockwork and brick with

insulation and insulation in the roof. The CHPU would operate at 49dB, and the HRU between 52.4 and 67.7dB but housed within a building of those fabrics, be significantly and acceptably attenuated. For both elements it is the louvres which represent the 'weakest point', although it is their correct application which helps to reduce the sound of air movements, and provide mitigation. The louvres are positioned so that it is as far as possible from any resident units, with the air handling louvres facing onto and directing any intake and exhaust air towards the unused areas and blank elevations of the carpet warehouse. The specification of the louvres is such that they are in excess of minimum requirements for their operation. The Senior Environmental Health Officer is also satisfied with the specifications and mitigation measures proposed.

16.24 The final component is the Air Source Heat Pumps (ASHP) fans and condensers which are positioned on the recessed flat roof element of the two storey part of the scheme- screened by the pitched standing seam copper roof to the east and to the south. They will be above the residential accommodation, and face onto the carpet warehouse building, which is higher. Acoustic screens/fencing is proposed to the northern elevation to direct and absorb the noise. Their anticipated operation is likely to be between 38 and 42 dB. This is a level of noise which in the day time, Officers consider would be broadly comparable to background levels given its urban location in a rear garden area. The most sensitive receptor in relation to this noise generation is the occupants the residential units of the scheme itself, rather than more distanced residences.

16.25 The Senior Environmental Health Officer has not objected to the proposal, but has commented on the approach, and has nevertheless cautioned that "any decision on the application would normally be subject to satisfactory noise levels". This is correct. It is important that Members are in a position to understand the potential levels of noise generated by the facility; how this noise may travel and how it can be mitigated through attenuation. It is an aspect which goes to the principle of the development. It therefore cannot be conditioned to achieve a certain standard without sufficient evidence that that level of attenuation can be theoretically achieved. It is possible, however, that a scheme or conditions could be amended through a s.73 variation of condition application to allow the siting of equipment to be adjusted or other mitigation measures to be employed to achieve the required standard.

The Senior Environmental Health Officer has advised "For clarification the noise levels based on The World Health Organisation recommendations. Living room resting 35dB LAeq 16hr Sleeping bedroom night time 30 dB LAeq 8hr The average building fabric should, with window slightly open give an Attenuation of 15dB we would be require levels of not in excess of 50dB LAeq during the hours of 07:00hrs - 23:00hrs and 45 dB LAeq during the hours of 23:00hrs - 07:00hrs measured at the curtilage of the nearest noise sensitive receptor".

16.26 The noise levels are within the applicant's capacity to control, and it is within their interests to ensure they are as attenuated - in the sense that they are within the applicant's land and they can made adjustments and have a choice over the equipment they choose. The noise levels are not expected to be an issue for surrounding residential properties, given the considerable distances involved. The most sensitive receptor, in the view of Officers, are the occupants of the step-down accommodation as they are right underneath the source of the noise.

16.27 The indicative noise levels are well below the 50dB and 45dB thresholds (prior to attenuation). The figures provided could theoretically be attenuated to being as low as 23dB but could be as high as 27dB, and higher still if the build fabric is not as attenuating. What is not currently known is whether the build fabric is capable of attenuating the noise enough to satisfy the actual operational noise to the 30dB night-time requirement (the most stringent), whilst maintaining natural ventilation through a partially open window. It is also not clear how the mass of the carpet warehouse might influence noise.

16.28 The applicant has sought agreement that noise levels from the ventilation/extraction and plant be subject to discharge of a condition. For the acoustic assessments to be subject of the completed detailed designs and a review undertaken by an appropriately qualified acousticians with mitigating features submitted to the LPA for consideration and comment/approval as appropriate.

16.29 For the kitchen extraction and pool plant, the measures are identified, and noise levels are capable of being well attenuated. But for the air source heat pumps officers do not have a complete picture regarding levels of noise, but we have some general parameters which, in the view of Officers could be subject to a pair of suitably stringent noise conditions. The first would require a maximum acceptable dB value and then a further condition (pre-commencement in operation) which requires a detailed noise assessment and which gives a degree of flexibility as to how mitigation measures could be achieved. The ability to assess the noise is helped by the fact that the general massing of the two storey element of the building, and the carpet warehouse is already there and can be used to inform any assessments, primarily in relation to noise traveling, prior to its demolition.

Condition 1:

"The scheme hereby approved shall not exceed 30dB LAeq measured at the most sensitive receptor between the hours of 11pm and 7am."

Condition 2:

"Prior to the commencement of development, including demolition, the precise details of the air-source heat pumps, kitchen extraction and pool plant (CHP and HRU) to be used in the development, shall be subjected to a detailed noise assessment, undertaken by a suitably qualified acoustic expert, and the proposed mitigation measures outlined in commensurate detail. That assessment shall be submitted, and approved in writing by the Local Planning Authority, and shall be implemented in full."

This is to ensure that levels of noise generated by the scheme are to policy-compliant levels. As set out in Policy SP20 of the Ryedale Plan- Local Plan Strategy which states that: "Developers will be expected to apply the highest standards outline in the World Health Organisation, British standards and wider internal and national standards relating to noise".

6.30 Officers appreciate that this is a balanced judgement but it is considered to be a reasonable approach in the circumstances of the site, the development proposed and its location within the town.

iv) Surface Water and Foul Drainage Considerations

6.31 A significant proportion of the site is already subject to hardstanding, but this will increase with the extensions and walk ways round the sensory garden. The Vale of Pickering Drainage Board were consulted, and originally objected to the scheme on the basis of inadequate drainage designs, they also sought details that Yorkshire Water will accept the surface water attenuated discharge.

6.32 Yorkshire Water advised that they are not objecting to the scheme but that further information that is required can be provided by condition. This, in summary, covers two key aspects:

- The developer is proposing to discharge surface water to the public sewer however, sustainable development requires appropriate surface water disposal, via the drainage hierarchy. Developers must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer. Only as a last resort, and upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, curtilage surface water may discharge to public sewer. Surface water discharges to the public sewer must have a minimum of 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event
- That the emptying of the pool will need to be controlled in rate (2lt/s) into the Public Sewer, if this is the only means of disposal.
- The following points should be addressed:

- i) evidence should be submitted to show that other than discharge to public sewer means of surface water disposal have been considered and why they have been discounted
- ii) evidence of existing impermeable areas positively draining to the public sewer is required to prove rate of discharge
- iii) While the drawing indicates surface water from the site draining to the public sewer no discharge rates have been provided. The drawing needs to indicate the proposed discharge rate from the whole of the site, subject to points 1 and 2 above

6.32 The Vale of Pickering IDB are happy to have the same conditions as requested by Yorkshire Water. Subject to Yorkshire Water accepting surface water discharge the Board they would have no further comment. In the event that Yorkshire Water do not accept surface water discharge into the sewer system and other means of discharge are required, we would then need to be consulted further. It is clear that in principle the removal of surface water may well ultimately need to be via the public sewer. But there is a clear approach to be undertaken to demonstrate what alternatives have been considered, and what measure can be employed to reduce pressure on the public sewer. The proposed conditions, and what they seek to achieve, will ensure that the resulting development complies as fully as possible with applying a sustainable approach to drainage. This would be in accordance with Policy SP17, which seeks to protect water resources, ensure appropriate treatment of foul water discharge, and promote sustainable treatment of surface water from a site.

v) Heritage and Design Considerations

6.33 The site adjoins a Grade II listed building, no.125 Eastgate, and Listed Building Consent considered the implications of the development on the historic fabric of this building. This concerned the replacement of the carriage doors, and provision of internal cart doors. All other works are not considered to impact on historic fabric. These are within the ownership of no.126, which is not listed, but when the stonework is examined, they were formerly associated within no.125. The carriage door lintel is within the Listed Description. The existing door is a modern replacement and so does not constitute historic fabric, therefore the Building Conservation Officer has accepted the principle of replacement. She was concerned by the initial appearance of the door which involved the insertion of top lighting. Her concerns were raised with the agent, and the scheme was duly revised to include solid frontage doors.

6.34 Accepting that a Listed Building is protected in both exterior and interior, when reading the listing description, it is clear that the frontages of the properties along this part of Eastgate are of historic and architectural note. There is also a need to consider the impact of the development on the setting of no.125 Eastgate. The extensions and development to the rear will not undermine the form of no.125, or its legibility within the street scene, and in relation to how it is viewed to the rear. No.125 is very built-up. No changes are proposed on this elevation of the site. The frontage is to be clad to the exterior of 126, concerning the proposed shop front, it is replicating other frontages in the locality and better reflecting the use of the building. It will also enhance the frontage of the building, which has been somewhat unsympathetically altered in the past.

6.35 The site is wholly within the Pickering Conservation Area. The Local Planning Authority is required to give special attention to the desirability of preserving or enhancing the character or appearance of that area. A statement of significance which sets out the various elements of significance that make up the Pickering Conservation Area (focusing in the general area of the site) has been provided, and aligned to this, an impact statement of the proposed scheme on the significance of the Pickering Conservation Area.

6.36 An objection has raised concerns regarding the scale of the overall building relative to the size of the curtilage. It is considered by Officers that this is a scheme which has very much sought to utilise the space available to the fullest extent. This is understandable. It is a highly accessible, proximal location to the town centre. There is already development at depth and that has been the case for a significant period of time. There have been conversions of outbuilding to dwellings and a range of outbuildings in a range of build fabrics and scales within this area of the Conservation Area. The overall form of the building is concentrated on the western elevation to make use of the bulk and massing of the

former Bus Depot (now a carpet warehouse and shop). This is, Officers view, as a logical approach to take concerning the massing of the building, and reflects the current build approach. The building does then extend out into rear in relation to the pool and sensory/rebound room.

6.37 In response to this further extension, the design incorporates a range of roof profiles and materials which reflect the different forms that the extensions take. The overall form of the building has been to utilise the two storey elements closest to the existing built up area, whilst having some elements of the build: the sensory room and the pool area to have traditional pitched roofs in pantile. This is a design reference to the range of outbuildings and other buildings which exist in these rear spaces of the properties on Eastgate and Outgang Road. It is these roof pitches which would be seen from any public vistas or indeed properties on Outgang Road. The use of the flat roof elements and mixtures of roof heights and materials will bring a sense of change to the rhythm of the building, and break down any sense of bulk and massing which would have been present if the structures had been more uniform in appearance, i.e. treated with fully pitched roofs. It is considered that on balance the siting, layout and form of the scheme would not result in an over-development of the site which compromises the space unduly. The materials are also considered acceptable in principle, but would be subject to a condition to ensure that their precise appearance is acceptable. The glazing is used to break up the ground floor spaces, and the materials are mixture of both traditional and modern, but are not obtrusive, reflect both newer and older elements on the scheme.

6.38 In principle, given the existing build context the erection of buildings within the rear area of the site is considered to be acceptable in respect of the character and appearance of the Conservation Area, and the impact would be neutral. The garden area will be important to provide a sense of space and 'softening' around the site, and this is likely to involve the planting of some smaller tree species, suitable for the size of the sensory garden, and this would be considered as part of a landscaping and planting condition, alongside the external ground surfaces. As such the proposal complies with policy SP12 which seeks to ensure that the significance of designated heritage assets is preserved, and where possible enhanced. Accordingly, it is considered that the scheme complies with Policy SP16, which in principle seeks to:

- Reinforce local distinctiveness;
- Provide a well-connected public realm which is accessible and usable by all, safe and easily navigated; and
- Protect amenity and promote well-being.

vii Site-Specific Sustainability Considerations

6.39 The proposal does not raise any significant ecological implications. The buildings involved in the demolition are relatively modern and do not represent optimal habitat for roosting bats or birds. The sensory garden will provide ponds (replacing those already present) and mixed planting which will be both favourable habitats and food sources for wildlife. As such it is considered that the proposal complies with SP14 in relation to conserving and enhancing biodiversity. It also provides accessible open spaces, which are designed to stimulate the senses in what would have otherwise been an inaccessible area, and would therefore present a form of Green Infrastructure, and this would be supported by the overall objective of Policy SP15, which is to enhance green infrastructure in all forms.

6.40 The proposal will enhance the build fabric of existing buildings, reduce energy consumption in those areas, and in conjunction with the new buildings and their means of heating and ventilation will be utilise more sustainable forms of heating - as a low carbon technology where they take heat energy from air and convert it into heat for heating and hot water. For the pool, it proposes a combined heat and power (CHP), with a heat recovery unit facility (HRU) which will be a significantly more efficient use of any electricity requirements. The use of air source heat pumps, as well as CHP and HRU are a means of reducing overall energy usage, and therefore carbon emissions. It is considered that the proposal complies with the policy approach of SP18, which seeks to reduce energy usage and employ low carbon and renewable technologies.

Conclusion

6.41 This proposal represents a very sustainably located community facility within one of the District's largest settlements. Areas of concern have been addressed concerning statutory consultees, and conditions recommended to be imposed in this regard. Evidence had been provided the applicant, and evaluated by Officers which demonstrates that the proposal is compatible with adjacent land uses. The elements of the use are plan compliant in principle, and conditions can be imposed to ensure wider plan compliance. Policy SP19 (Presumption in Favour of Sustainable Development) states that "planning applications which accord with the policies in this Local Plan...will be approved without delay, unless material considerations indicate otherwise". Furthermore, no material considerations have indicated that this approach is not justified. As such this application is recommended for conditional approval.

RECOMMENDATION: Approval

1. The development hereby permitted shall be begun on or before ^IN;

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

2. The development hereby approved shall be carried out in accordance with the following submitted plans:

Proposed Site Location Plan and Block Plan with Roofs WWEP 101-3-C

Proposed Roof Plan WWEP 104-3-C

Proposed First Floor Plan WWEP 103-3-B

Proposed Ground Floor Plan WWEP 102-3-D

Drainage Layout WWEP 950-3-A (but see also conditions 7 and 8)

Proposed Elevations and Site Sections 1 of 5 WWEP-121-3-C

Proposed Elevations and Site Sections 2 of 5 WWEP-122-3-B

Proposed Elevations and Site Sections 3 of 5 WWEP-123-3-B

Proposed Elevations and Site Sections 4 of 5 WWEP-124-3-B

Proposed Elevations and Site Sections 5 of 5 WWEP-125-3-B

Reason: To ensure compliance with Policy SP1 General Location of Development and Settlement Hierarchy; Policy SP2 Delivery and Distribution of New Housing; Policy SP4 Type and Mix of New Housing; Policy SP7 Town Centres and Retailing Policy SP11 Community Facilities and Services; Policy SP12 Heritage; Policy SP14 Biodiversity; Policy SP15 Green Infrastructure Networks; 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; and Policy SP20 Generic Development Management Issues.

3. The scheme hereby approved shall not exceed 30dB LAeq measured at the most sensitive receptor between the hours of 11pm and 7am.

Reason: This is to ensure that levels of noise generated by the scheme are to policy-compliant levels. As set out in Policy SP20 of the Ryedale Plan- Local Plan Strategy which states that: "Developers will be expected to apply the highest standards outline in the World Health Organisation, British standards and wider internal and national standards relating to noise".

4. Prior to the commencement of development, including demolition, the precise details of the air-source heat pumps, kitchen extraction and pool plant (CHP and HRU) to be used in the

development, shall be subjected to a detailed noise assessment, undertaken by a suitably qualified acoustic expert, and the proposed mitigation measures outlined in commensurate detail. That assessment shall be submitted, and approved in writing by the Local Planning Authority, and shall be implemented in full.

Reason: This is to ensure that levels of noise generated by the scheme are to policy-compliant levels. As set out in Policy SP20 of the Ryedale Plan- Local Plan Strategy which states that: “Developers will be expected to apply the highest standards outline in the World Health Organisation, British standards and wider internal and national standards relating to noise”.

5. The area of highway identified for resurfacing to the front of 126 Eastgate, Pickering must be constructed in accordance with the approved details and Standard Detail number E50 rev A (cross section only) m and the following requirements.

All works must accord with the approved details.

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

Informative:

Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The ‘Specification for Housing and Industrial Estate Roads and Private Street Works’ published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council’s web site:

https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification_for_housing___ind_est_roads_street_works_2nd_edition.pdf .

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

6. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:
 1. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
 2. the parking of contractors’ site operatives and visitor’s vehicles;
 3. areas for storage of plant and materials used in constructing the development clear of the highway;
 4. details of site working hours;
 5. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity, in accordance with Policy SP20 of the adopted Ryedale plan-Local Plan Strategy

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

Reason: In the interest of satisfactory and sustainable drainage, in accordance with Policy SP17 of the adopted Ryedale Plan- Local Plan Strategy

8. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the

Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Furthermore, if, subject to points a and b above, the discharge of surface water is to a public combined sewer, the details shall include the frequency and rate of discharge of water arising from the hydrotherapy pool if that discharge is also to combined sewer.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage, in accordance with Policy SP17 of the adopted Ryedale Plan- Local Plan Strategy

9. Prior to their application, samples and details of all external finishes (as listed below) of the development hereby approved shall be submitted to, and approved in writing, by the local planning authority, and the so-approved materials used in the scheme hereby approved:

Copper effect GRP roof

Copper effect wetted wall cladding;

Pantile;

Timber cladding;

Facing brick;

Rockpanel Cladding;

Colour of the render;

Detailed specification of windows and doors and balcony details;

Details of the paint colour and finish to any frontage timber work, including the carriage doors.

Reason: To ensure that the materials are sympathetic in their appearance to the host building, and the character and appearance of the Pickering Conservation Area, in accordance with Policies SP12 (Heritage) and SP16 (Design) of the adopted Ryedale Plan- Local Plan Strategy.

10. A 1m freestanding sample panel shall be constructed of the proposed stonework, showing the proposed stone, its coursing, pointing and mortar mix. This shall be approved in writing by the Local Planning Authority and shall be so constructed on the development hereby approved.

Reason: To ensure that the materials are sympathetic in their appearance to the host building, and the character and appearance of the Pickering Conservation Area, in accordance with Policies SP12 (Heritage) and SP16 (Design) of the adopted Ryedale Plan- Local Plan Strategy.

11. Prior to being brought into first use the external ground surface treatments shall be both identified on a plan and any samples submitted to and approved in writing, and thereafter so applied.

Reason: To ensure that the materials are sympathetic in their appearance to the host building, and the character and appearance of the Pickering Conservation Area, in accordance with Policies SP12 (Heritage) and SP16 (Design) of the adopted Ryedale Plan- Local Plan Strategy.

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

Reason: To enhance the appearance of the development hereby approved, and its contribution to the character and appearance of the Pickering Conservation Area, in accordance with Policies SP12 (Heritage) and SP16 (Design) of the adopted Ryedale Plan- Local Plan Strategy.

INFORMATIVES

- 1 On-site attenuation, taking into account climate change, will be required before any discharge to the public sewer network is permitted. For further information, the developer should contact our Developer Services Team: telephone 034 120 84 82 (option 1) or email technical.sewerage@yorkshirewater.co.uk

If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), they should contact our Developer Services Team (telephone 0345 120 84 82, email:

technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the Code for Adoption as supplemented by Yorkshire Water's requirements.

For such discharges from public and/or commercial etc. swimming pools, a trade effluent consent - that may be conditional and place a restriction on the rate of discharge to public sewer - may be required. The developer is advised to contact Yorkshire Water's Industrial Waste Section (telephone 0345 1242424) about any such proposal.

