

Item Number: 7
Application No: 20/00751/OUT
Parish: Pickering Town Council
Appn. Type: Outline Application
Applicant: NHS Property Services
Proposal: Erection of an apartment block comprising 9no. apartments following demolition of existing health clinic - approval sought for access and layout only (site area 0.1 ha)
Location: Pickering Clinic Train Lane Pickering YO18 8DX

Registration Date: 18 August 2020
8/13 Wk Expiry Date: 13 October 2020
Overall Expiry Date: 18 November 2020
Case Officer: Alan Goforth **Ext:** 43332

CONSULTATIONS:

Building Conservation Officer	Some concern regarding large area of parking. This is an opportunity to better enhance the historic built environment and the large area of visible parking is not likely to achieve this
Highways North Yorkshire	Request inclusion of 2 metre wide footway installed at front to facilitate safe pedestrian access/ egress
Environmental Health	No further information required in respect of land contamination
Sustainable Places Team (Environment-Agency)	Recommend condition
Yorkshire Water Land Use Planning	Recommend conditions
Pickering Town Council	No objection but concerned about lacking of parking provision
Representations:	Lynn and Claire McCann, Ms Gillian Williams, Mr Ian Reed, Chris Chapman, Mrs Nichola Taylor-Olsson (all objection)

SITE:

The 0.1 hectare site comprises a part single, part two storey flat roof, brick building with access off Train Lane which runs to the east of the site. The site is within the town development limits. The existing building has a footprint of approximately 360m² and was previously used as a health centre (Use Class D1) which ceased in September 2019 and the building is currently vacant. Train Lane is a single lane road accessed via Potter Hill to the north. There is no vehicular access direct to the A170 to the south. The boundary of the site comprises a stone wall which is approximately 2 metres in height along the northern boundary reducing to approximately 1-1.5 metres in height along the western and southern boundaries. There is a 1.5 metre wide footpath to the front (east) accessed via steps and a ramp.

There is a row of terraces (numbers 1- 6 Train Lane) and associated parking and turning area to the north of the application site and to the west the rear gardens of numbers 1-5 Southfield View extend parallel to the site boundary. To the south west are the rear gardens of numbers 1-3 Coronation Terrace, Southgate and immediately to the south of the application site is a detached, two storey property (Wayside). The terrace of properties fronting Southgate are further to the south. The Grade II listed building 'Gamay' is to the south east and the single storey Ropery House is to the east. Mill House flats are to the north east. Pickering Methodist Chapel is a Grade II listed building and stands to the north west of the site. The boundary of the Pickering Conservation Area runs along the northern boundary of

the site. The majority of the site is within Flood Zone 2 with the north eastern corner and part of the frontage within Flood Zone 3.

HISTORY:

20/00752/OUT- Erection of 4no. dwellings following demolition of existing health clinic - approval sought for access and layout only (site area 0.1ha). UNDER CONSIDERATION.

PROPOSAL:

Outline planning permission is sought for the erection of an apartment block comprising 9no. apartments following demolition of existing health clinic - approval sought for access and layout only (site area 0.1 ha). All other matters (scale, appearance and landscaping) are reserved for a future reserved matters application although illustrative detail is provided in support of the outline proposals.

The proposal is for 3no. 1 bed apartments and 6no. 2 bed apartments and the building would be to a maximum height of three storeys.

The proposed layout shows the proposed apartment block centred in the southern part of the site orientated to face north. The building would have a maximum width of 20.5 metres and maximum depth of 14 metres and an external footprint of approximately 245m².

There would be green space/communal gardens on either side of the building. Vehicular access would be from the north east corner and there would be 9 parking spaces plus two for visitors on the northern part of the site accessed via a 5 metre wide access road that runs to the depth of the site parallel to the northern boundary. There would be a communal secure bike storage facility on the western side of the site. A 2 metre wide footway would be provided to the front, east side of the apartment block running parallel to Train Lane.

In terms of appearance and external construction materials the final details will be confirmed at the reserved matters stage using a material palette based on the surrounding buildings. At outline stage it is proposed that the walls of the apartment block would be either brick or stone and the roof would be either clay pantiles or slate.

The application is accompanied by a Planning Supporting Statement, Design and Access Statement, Highways Supporting Statement, Flood Risk Assessment including Sequential Test, and a Ground Risk Appraisal.

POLICIES:

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning authorities are required to determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. The Development Plan for the determination of this particular application comprises the following:

- The Ryedale Plan- Local Plan Strategy (2013)

The Ryedale Plan - Local Plan Strategy (2013)

Local Plan Strategy -Policy SP1 General Location of Development and Settlement Hierarchy

Local Plan Strategy - Policy SP2 Delivery and Distribution of New Housing

Local Plan Strategy - Policy SP4 Type and Mix of New Housing

Local Plan Strategy -Policy SP11 Community Facilities and Services

Local Plan Strategy - Policy SP12 Heritage

Local Plan Strategy - Policy SP16 Design

Local Plan Strategy - Policy SP17 Managing Air Quality, Land and Water Resources

Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development

Material Considerations

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

REPRESENTATIONS:

The LPA has received a total of 5 representations from local residents (occupants of Wayside and properties on Southfield View and Coronation Terrace) in response to consultation on the application. The objections and concerns can be summarised as follows:-

- Two storey dwellings more suitable
- The existing 3 storey and 2 1/2 storey buildings which are shown in the surrounding area have been there for many years there is no benefit from building another 3 storey building the area up even further
- A high apartment block does not fit with the neighbouring properties on either side of the site
- Loss of privacy- overlooking of rear gardens to rear of Southgate
- Loss of light
- Excessive noise from vehicles
- Increased pollution from vehicles
- Inadequate parking provision
- Increase in traffic and parking pressures on Train Lane
- Each apartment has the potential to have 2 cars attached to it, the parking spaces provided only cover one vehicle for each apartment
- Pedestrian safety
- Tree planting close to neighbouring property
- Flood risk

APPRAISAL:

Principle of development

The site is wholly within the development limits of Pickering. Policy SP1 (General Location of Development and Settlement Hierarchy) sets out a hierarchy of settlements and seeks to focus new development within the Principal Towns, Market Towns and Service Villages. Pickering is a Local Service Centre (Market Town) in the Settlement Hierarchy (Policy SP1) where there are a range of services and facilities and therefore the location is considered to be sustainable and well-integrated given its location within the built-up area of Pickering.

The redevelopment and effective use of previously developed land within development limits is supported by the NPPF (paragraph 117) and also Policies SP2 (Delivery and Distribution of New Housing) and SP17 (Managing Air Quality, Land and Water Resources) of the Local Plan Strategy.

It is considered that, in principle, the proposed development aligns with the strategic aims of the Development Plan and the NPPF in terms of the settlement hierarchy, distribution of new housing and the redevelopment of previously developed land within the town development limits.

Loss of community facility

The proposed development involves the demolition of the existing building which was last used as a health centre/clinic (Use Class D1) but has been vacant since September 2019.

Policy SP11 (Community Facilities and Services) seeks to protect existing local community services and facilities that contribute to the vitality of towns and villages and the well-being of local

communities. The Policy states that the loss/redevelopment of such facilities require applications to demonstrate that:

- there is no longer a need for the facility or suitable and accessible alternatives exist, or
- that it is no longer economically viable to provide the facility, or
- Proposals involving replacement facilities provide an equivalent or greater benefit to the community and can be delivered with minimum disruption to provision.

It is understood that the building is surplus to requirements as the health services previously provided at the site are provided within an enlarged Pickering GP surgery which allows for connected visits for prescriptions, blood tests etc and is just as accessible as the current site, given their proximal locations.

It is considered that the first and third tests stated above are met and the proposed development would not give rise to conflict with Policy SP11.

Design and impact on the form of this part of the settlement and streetscene

The application site is occupied by a part single and part two storey flat roof building which sits between a terrace of two storey dwellings to the north and a two storey detached dwelling to the south. The terrace of dwellings which front Southgate further south increase to 2.5 storeys in height. The building opposite the site is single storey and the Grade II listed building to the south east is 2.5 storeys in height.

The application proposes that a maximum three storey height is imposed on any outline planning permission by way of a suitably worded condition. It is acknowledged that the applicant also points to nearby examples of three and four storey apartment blocks (Mill House) to the north east of the application site. However, the scale and massing of those buildings have been clearly influenced by the Grade II listed former Mill building to which they connect.

The proposed apartment block would stand apart from the collection of apartment blocks at Mill House to the north east and would be flanked by frontage residential development which takes a linear form along the western side of Train Lane. It is considered that an apartment block would not reinforce local distinctiveness in this part of the settlement.

The proposed building would be on the southern half of the site which would create an imbalance in terms of spacing between buildings along Train Lane and would push the bulk of the building to one side of the plot. In addition the plans indicate that it would be orientated to face north and as a result would be side on to Train Lane. This would not result in a positive relationship with Train Lane streetscene.

It is considered that the siting, scale, orientation and spacing are problematic and are not compatible with the site, the streetscene and the grain of this part of the settlement and the development is contrary to the requirements of Policies SP16 and SP20.

Impact on heritage assets

The Conservation Area boundary runs immediately to the north of the application site. In addition there are a number of listed buildings in the vicinity the closest being the Grade II listed Gamay to the south east which is a building associated with the former railway line. The LPA has a statutory duty to have special regard to the preservation of the setting of the listed buildings and the preservation or enhancement of the Conservation Area.

The area is of a mixed and transitional nature featuring housing, civic uses and some commercial uses. The design and appearance of the existing building does not positively contribute to the Conservation Area and the proposed development presents an opportunity to enhance the area.

In principle the removal of the existing building and replacement with a new building has the potential to result in a benefit in heritage terms.

There would be no direct impacts on any heritage assets in the area and the proposed layout and siting of the proposed building is generally sympathetic to the adjacent Conservation Area and nearby listed buildings.

The Building Conservation Officer has not raised any concerns in relation to the scale of the proposed three storey building. The proposed building as shown in the proposed layout would result in any significant of unacceptable impact on views towards or from the Conservation Area or the nearby listed buildings.

The eastern elevation of the apartment block would be 6 metres from Train Lane and the siting of the building does to seek to create a suitable stand off from the Grade II listed building to the south east. It also keeps the proposed building at a distance from the Conservation Area boundary which follows the northern boundary of the application site. However, as a result, a large proportion of the northern half of the site would be hardstanding for the access, parking and turning areas.

The Building Conservation Officer does raise some concern in relation to this aspect of the development. The Building Conservation Officer highlights that this is *“an opportunity to better enhance the historic built environment and the large area of visible parking is not likely to achieve this”*.

It is considered that the proposed layout would result in a level of harm that is ‘less than substantial’ and does not take the opportunity to enhance the setting of the Conservation Area. As required by paragraph 196 of the NPPF any harm should be weighed against the public benefits of the proposal. In this case there would be public benefit from redeveloping a redundant town centre site for residential purposes which currently contains a building which does not current make a positive contribution to the setting of nearby heritage assets. On balance it is considered that the development would preserve the setting of the Conservation Area and nearby Listed Buildings and taking account of the public benefits weighed against the level of harm this does does not amount to a reason for refusal.

Impact on local amenity

As required by Policy SP20 (Generic Development Management Issues), the development should respect the character of the area without having a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings.

This outline application for a three storey apartment block which has ‘scale’ reserved presents difficulties in terms of being able to ensure that existing levels of amenity enjoyed by neighbours will be unaffected.

The proposed layout would have the south west corner of the three storey apartment block within 2 metres of the southern boundary at its closest point which increases to approximately 6 metres at the south east corner of the apartment block. The southern elevation is the longest on the building at 20 metres in length and the floor plans indicate that there would be 15 windows across the three levels on this side of the building.

The number of windows required to serve the 9 apartments combined with the scale and bulk on the southern elevation and proximity to the boundary would be detrimental to residential amenity of the occupants of Wayside to the south of the application site in terms of having an unacceptable overbearing effect and loss of privacy/overlooking. It is acknowledged that the position to the north and angle of the proposed building is unlikely to result in any significant loss of light to Wayside to the south.

In addition windows across three levels in the southern elevation would also facing directly towards the rear of three properties on Coronation Terrace, Southgate and across their rear gardens at distances ranging from 5 – 25 metres.

Due to the scale and mass and proximity to the existing dwelling to the south the building would be imposing and would be likely to give rise to an unacceptable overbearing effect and would result in a level of overlooking which would be detrimental to the amenity enjoyed by the occupants of adjacent dwellings contrary to Policy SP20.

Highways impact

The vehicular entrance would be in the north eastern corner of the site (as existing) and a 5 metre wide access road would be immediate to the parking and turning area in the northern part of the site. Visibility splays at the proposed egress point onto Train Lane are acceptable. There would be 9 parking spaces plus two for visitors to serve the apartment block. In addition communal secure bike storage would be provided on the western side of the site and a condition shall be imposed to secure electric car charging points to encourage the use of sustainable transport.

The highways officer notes that currently pedestrian access is provided to the site via a ramped footway. In light of this the highways officer requested the inclusion of a 2 metre wide footway installed at this section to facilitate safe pedestrian access/ egress. The plans were amended to show a 2 metre wide footpath along the eastern boundary of the site. It is not anticipated that the development would create conditions prejudicial to pedestrian safety.

The building would comprise 6no. 2 bed apartments and 3no. 1 bed apartments. The concerns raised by local residents in relation to parking pressures in the locality and limited on site provision are noted. It is considered that proposed parking provision represents the minimum that could be accepted. However, the site is within a town centre location where local services, facilities and public transport links can be reached on foot or by bicycle. Train Lane is a single lane road with double yellowed lines along the majority of the road. Parking is available along Potter Hill and a pay and display car park off The Ropery to the east of the site. In the absence of any objection being raised by the Local Highway Authority it is considered that the on-site parking provision is not unacceptable and is not a reason to refuse the application.

Taking account of the previous use of the site the proposed development is unlikely to result in an increased number of trips being generated at this location and therefore is unlikely to create conditions prejudicial to the safety of highway users. It is considered that the development complies with Policy SP20 in relation to the highways impact.

Drainage and flood risk

With regard to surface water management the submitted assessment notes that sub-soil conditions may support the use of soakaways although the site is within a Source Protection Zone and therefore such disposal of uncontaminated surface water via infiltration may not be feasible for the entire site. It would not be feasible to discharge to a watercourse. It is anticipated that surface water will be discharge to the public sewerage system (combined sewer in Train Lane)

Yorkshire Water require a restricted rate of discharge to be based on a site surveyed drainage assessment of the existing site layout. On-site attenuation, taking into account climate change, would be required before any discharge to the public sewer network is permitted. In terms of the surface water disposal hierarchy a condition will be imposed on any outline permission that requires the developer to provide evidence to demonstrate that surface water disposal via infiltration/soakaways is not reasonably practical before considering disposal to public sewer.

In terms of flood risk the application site is located mostly in Flood Zone 2 (medium) risk of flooding and partially in Flood Zone 3 (high) risk of flooding. Pickering Beck is approximately 100 metres east of the site. Residential accommodation is considered 'More Vulnerable' according to Planning Practice Guidance (Flood Risk and Coastal Change).

The existing building has floor levels of 31.85mAOD. There are no recorded incidents of flooding of the existing Health Clinic despite some major historic flooding occurring in the immediate vicinity. The

Flood Risk Assessment (FRA) states that the proposed finished floor levels of the new building would be 32.0mAOD and external ground levels around the apartment block would be set 150mm below this at 31.85mAOD which is the same level as the existing building. The FRA concludes that the site is not at significant flood risk and can be considered appropriate in this location.

The footprint of the apartment block would be less than the existing building and site levels would be broadly as existing. This would not result in the loss of any flood storage space and would not increase flood risk elsewhere.

The Environment Agency have no objection subject to a condition to require the development to be implemented in accordance with the FRA and the mitigation measures. Yorkshire Water note that the FRA is acceptable and recommend standard drainage conditions in order to protect the local aquatic environment and Yorkshire Water infrastructure.

The NPPF and Policy SP17 require the LPA to direct development to areas with lowest probability of flooding (a risk based sequential approach). The sequential test should demonstrate that there are no reasonably available (deliverable and developable) sites in the area with a lower probability of flooding that would be appropriate for this type of development. National Planning Policy Guidance classifies the proposed development as a 'more vulnerable' use and, being located partly within Flood Zone 3, an 'exception test' is also required.

The applicant's sequential test focuses on Pickering as the area of search. The sites assessed are not comparable in terms of size, previously developed land or within development limits. The assessment concludes that within the search area there are no alternative sites that are sequentially preferable and appropriate or reasonably available and outside Flood Zone 2 or 3 for this type of development and the application passes the sequential test.

The application is accompanied by a site-specific flood risk assessment (FRA) which informs the 'exception test'. Paragraph 160 of the NPPF states that *'For the exception test to be passed it should be demonstrated that:*

- (a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*
- (b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall'.*

The site is within the development limits of a Service Centre settlement that one of the main areas of focus in housing hierarchy as set out in the Local Plan Strategy (SP1 and SP2). The land is not allocated and the proposal constitutes the development of a windfall site that would contribute towards the Council's housing targets and supported by paragraph 68 of the NPPF (contribution of small and medium sized sites to meeting housing requirements). In addition Policies SP2 and SP17 acknowledge the need to regenerate vacant and previously developed sites within the towns. There are few alternative uses for the brownfield site in this location, other than residential uses, that are less vulnerable uses in terms of flood risk.

The site occupies a sustainable central location in close proximity to transport infrastructure and local services. Furthermore it is considered that the redevelopment of the site and demolition of the existing building has the potential to enhance the setting Conservation Area and the new dwellings would be constructed to modern standards that contributes towards environmental sustainability.

It is considered that the proposed development incorporates a flood resistant and resilient design that is appropriate given its location within Flood Zones 2 and Flood Zone 3. It is considered that the proposed development would give rise to wider sustainability benefits and would not increase flood risk at the site or elsewhere and complies with Policy SP17 and satisfies both elements of paragraph 160 of the NPPF (the exception test).

Conclusion

The principle of the demolition of the existing building and redevelopment of previously developed land within the development limits for residential purposes is in line with Policies SP1, SP2 and SP17 and paragraph 117 of the NPPF.

There are no significant concerns or conflict with policy in terms of the impact on heritage assets, highway safety and flood risk.

However, a three storey apartment block in the position shown in the submitted plans would result in a development which is not sympathetic to the grain of the settlement in terms of siting, scale, orientation and spacing and is contrary to Policy SP16 and SP20. In addition, by virtue of scale, massing and proximity to the southern boundary the building would give rise to an unacceptable level of overbearing effect and would result in a level of overlooking which would be detrimental to the amenity enjoyed by the occupants of the adjacent dwellings contrary to Policy SP20. There are considered to be no compelling arguments or material considerations of sufficient weight to justify a departure from the adopted Development Plan.

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those matters with the applicant's agent. The agent for the applicant has tabled draft amendments which have been the subject of discussions but unfortunately, it has not been possible to resolve the concerns detailed in this report and no formal amendments have been made. The applicant has requested that the application is determined as submitted.

RECOMMENDATION: Refusal

It is considered that the proposed development does not accord with the requirements of Policies SP16 and SP20 of the adopted Ryedale Local Plan Strategy (2013) for the following reasons:-

1. The proposed apartment block, by virtue of siting, scale, orientation, spacing does not relate sympathetically to the form of the settlement and the streetscene and the proposal is therefore considered to be contrary to the requirements of Policies SP16 and SP20 of the Ryedale Local Plan Strategy (2013).
2. A three storey apartment block in the position shown on the plans would result in a development which, by virtue of proximity to the existing dwellings to the south, would be likely to give rise to an unacceptable level of overbearing effect and would result in a level of overlooking which would be detrimental to the amenity enjoyed by the occupants of the adjacent dwellings contrary to Policy SP20 of the Ryedale Local Plan Strategy (2013).

There are no material considerations to outweigh the relevant policies outlined above contained within the Plan that justify a departure from the adopted Development Plan in this case.