

**Item Number:** 13  
**Application No:** 22/00908/73M  
**Parish:** Pickering Town Council  
**Appn. Type:** Major Material Amendment  
**Applicant:** David Wilson Homes  
**Proposal:** Variation of Condition 25 of planning approval 17/01220/MFULE dated 05.10.2018 to allow a change in the height of the landscape buffer for the boundary of the site  
**Location:** Land at Whitby Road Pickering North Yorkshire

**Registration Date:** 3 August 2022  
**8/13 Wk Expiry Date:** 2 November 2022  
**Overall Expiry Date:** 19 October 2022  
**Case Officer:** Alan Goforth **Ext:** 43332

#### CONSULTATIONS:

**Pickering Town Council** 2 metre high planting would not be high enough to provide adequate screening on the border. The height would be more acceptable if at least 2.5 to 3 metres.

**Tree & Landscape Officer** Comments- the trees will reach above 2.5 metres but should have a 12-14cm girth as a minimum.

**Representations (3):** Julian Ludlow, Mr Paul Littlewood, Mr Robert Stradling (all objections)

---

#### BACKGROUND:

The application is to be determined by Planning Committee as a variation to a major development permission. In addition representations received in response to the consultation exercise have raised objections based on material planning considerations.

#### SITE:

The application site extends to approximately 8.58 hectares in total. It is located to the north of properties in Corbie Way and Marshall Drive and to the rear of properties on the eastern side of Whitby Road and High Back Side. The site is within the Town's Development Limits being identified as a housing allocation within the Council's adopted Local Plan Sites Document (2019) under Policy SD5. The site also benefits from the grant of full planning permission for 239 dwellings under planning permission reference 17/01220/MFULE (see planning history below). The site is in the Fringe of the Moors Area of High Landscape Value (AHLV).

It is expected that the final conveyance/occupation on the site will take place in June 2023.

#### HISTORY:

The principal planning permission from 2018 is listed below along with the two Section 73 applications which were approved in 2019 and 2020 respectively.

There have also been three applications for approval of details reserved by conditions relating to conditions numbered 02, 03, 05, 07(i), a, b and (ii) & (iii), a, b and (ii), 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26 and 27 of approval 17/01220/MFULE (ref's 18/01273/COND, 19/00057/COND, & 19/01096/COND).

In addition there have been four applications approved for non-material minor amendments relating to house types; boundary walls and construction materials (ref's 20/00104/AMEND, 20/00849/AMEND, 21/00903/AMEND & 21/01132/AMEND).

19/01060/73AM- Variation of condition 28 of planning approval 17/01220/MFULE dated 05.10.2018 to allow the introduction of hipped roofs to plots 51-52, 125-131, 159-165, 169-176 and 210-215 - substitution of drawing numbers 1655.01 rev. W, 1655.DWB21.01 and 1655.DWB21.02 with drawing numbers 1655.01 rev. A12, 1655.DWB21.01 rev. A and 1655.DWB21.02 rev. A and addition of drawing numbers 1655.H421.01, 1655.H456.01 and 1655.H469.01. APPROVED 05.06.2020.

18/01358/73M- Variation of Condition 28 of approval 17/01220/MFULE dated 05.10.2018 by replacement of Drawing no. 1655.01.Rev W Planning Layout by Drawing no. 1655.01.Rev A2 Planning Layout to allow retention of the existing farm house. APPROVED 20.02.2019.

17/01220/MFULE- Erection of 61no. four bedroom dwellings, 97no. three bedroom dwellings, 65no. two bedroom dwellings and 16no. one bedroom dwellings with associated garaging, parking, amenity areas, open space, landscaping, associated infrastructure and formation of vehicular access. APPROVED 05.10.2018. Permission implemented.

### **PROPOSAL:**

Planning permission is sought for the variation of Condition 25 of planning approval 17/01220/MFULE dated 05.10.2018 to allow a change in the height of the landscape buffer for the boundary of the site.

Condition 25 of planning approval 17/01220/MFULE states:-

*“Before any part of the development hereby approved commences, plans showing details of a landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the planting of trees and shrubs 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 to satisfy Policies SP13, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy”.*

The application proposes that the wording is amended to read as follows:-

*‘The development shall be constructed in accordance with Plans Ref. R-2039-1T; Ref. R-2039-9K; Ref. R-2039-10H; and Ref. 1655.64 POS Cross Section showing details of landscaping, planting, and required earthworks within the development. Notwithstanding the details shown on Plans Ref. R-2039-1T; Ref. R-2039-9K; Ref. R-2039-10H; and Ref. 1655.64 POS Cross Section, the scheme will provide for the planting of trees and shrubs and show areas to be grass seeded or turfed. The submitted plan and the accompanying schedules indicate numbers, species, heights on planting, and positions of all trees and shrubs including existing items to be retained. The height of the landscape buffer located on the site’s southern boundary shall be maintained at a minimum height of 2.5m taken from the finished ground level from the rear plot boundary of the proposed dwellings located on the southern boundary as indicated on Plan Ref. R-2039-1T. All planting, seeding and/or turfing comprised in the above scheme shall be carried out within the first available planting season following the grant of planning permission, and prior to the occupation of the 230th plot. 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'.*

The condition includes reference to the landscape plan drawings submitted alongside the application which are as follows:-

- Landscape Masterplan ref. R/2039/1T, dated Nov 2022
- POS Details ref. R/2039/9K, dated Nov 2022
- POS Details ref. R/2039/10H, dated May 2022
- Cross Section N-N ref. 1655.64, dated 11.04.2022

The landscaping scheme relates to the whole development site although the amendments the subject of this application are specific to the landscape buffer along the southern boundary adjacent to existing properties on Corbie Way and Marshall Drive.

The proposed tree planting would be predominately mixed native species as per the previously approved details. The tree species along the southern boundary would comprise field maple, whitebeam and silver birch interspersed by low level native shrub planting.

The proposed trees along the southern boundary will be planted as Heavy Standard (12-14cm girth) and will be maintained at a minimum height of 2.5 metres above ground level on the southern boundary of the plot.

The wording of the condition is also amended to provide for any required earthworks such as the 1 metre high landscape bund on the southern boundary of the central area of public open space within the site.

The applicant has confirmed that the landscape planting will commence in the first planting season following a grant of permission and completed prior to the occupation of the 230th plot.

## **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 SP13 Landscapes

Local Plan Strategy - Policy SP16 Design

Local Plan Strategy - Policy SP20 Generic Development Management Issues

### The Ryedale Plan - Local Plan Sites Document (2019)

Policy SD2- Residential Land Allocations

Policy SD5- Housing Allocation- Land to the east of Whitby Road, Pickering

### Material Considerations

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (PPG)

## **REPRESENTATIONS:**

The LPA has received 3 representations all of which raise objections to the application. The representations are from the occupants of 33 Corbie Way, Pickering; 29 Marshall Drive, Pickering; and 80 Derwent Road, Pickering.

The objections and concerns are summarised as follows:-

- The landscape buffer strip should mitigate concerns of overlooking and loss of privacy
- The landscape buffer strip should be maintained at a height of not less than 2.5 metres
- The landscape buffer in the southern east section adjacent the recreational area should be 3 metres high to provide privacy for those residents on Marshall Drive.
- Lack of detail in submitted information.

It should be noted that the representations also make reference to the current condition of the landscape buffer strip and its management such as the use of weedkiller or otherwise are not material considerations relevant to the determination of this application.

## **APPRAISAL:**

The principle of the development of this site for this number of units and the housing mix and type has already been established. This application makes no changes of any note to the principle of the development which has already been granted planning permission.

The detailed matters for consideration in relation to this Section 73 application relate to the landscaping scheme (Condition 25) the purpose of which is to enhance the appearance of the development to satisfy Policies SP13, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

The most sensitive aspect of this development relates to how the development of the southernmost plots relate to existing residential properties in Marshall Drive and Corbie Way in light of the change in level.

It is proposed that the wording of the condition is updated to identify the minimum height of the tree planting forming the landscape buffer which runs between the plot boundary and site boundary (delineated by timber fences) at the site's southern extent. The minimum height (2.5 metres) is also shown as an annotation on the Landscape Masterplan drawing to be included in the listed of approved plans.

The landscape buffer will be conveyed to the management company who will be in charge of managing/maintaining the landscape buffer (including at the agreed minimum height) in perpetuity. This also applies to the area of public open space and associated planting and the perimeter bund. The ongoing management strategy provides for 20 visits per calendar year, undertaken once a fortnight in the spring/summer, once a month in autumn/winter. It should be noted that the landscape buffer strip along the southern boundary will also function as a wildlife corridor with no public access. The corridor will be gated as shown on the plans to ensure that it is only accessed by the management company for maintenance purposes.

The proposed trees along the southern boundary will be planted as Heavy Standard (12-14cm girth) to provide a suitable degree of maturity to the landscape buffer. The proposed planting within the landscape buffer comprises native broadleaf deciduous trees which will provide an appropriate degree of screening between the existing dwellings on Marshall Drive and Corbie Way and the new housing without giving rise to any overbearing impacts.

The applicant has confirmed that if permission is forthcoming the further/final landscape planting will be undertaken during the November 2022 to March 2023 planting season.

The recommended condition (number 5 in the list below) identifies the specific landscaping details that the development would need to adhere to. The revised condition provides more certainty and control in respect of the tree species type; height and planting standards and also the timescale for the completion of the landscape buffer.

It is considered that the revised condition shall ensure that the landscape buffer will enhance the appearance of the development and sufficiently safeguard the amenity of existing and prospective residents.

The application has been subject to a comprehensive neighbour notification exercise and there are no objections to the proposed tree species, standards or minimum height as shown on the amended landscaping plans.

The Council's Tree and Landscape Officer has advised on the scheme and has no objections to the amended proposal. The amended proposal and the confirmation of the minimum height of the tree planting also addresses the comments made by the Town Council.

In light of the earlier planning permission it is considered that the landscaping scheme as currently proposed is an enhancement over the earlier approved scheme and would provide suitable mitigation in respect of visual and residential amenity for existing and future occupants.

### Conclusion

Overall officers consider that the revisions to the landscaping scheme are acceptable and that the proposal satisfies the requirements of Policies SP13, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

It is recommended that this Section 73 application is approved subject to the relevant conditions and S106 requirements (as specified the original planning permission Ref 17/01220/MFULE) and the following list of conditions (updated approved plans conditions).

### **RECOMMENDATION:                      Approval**

- 1            The development hereby approved shall be carried out in accordance with the details approved under the discharge of planning conditions references 18/01273/COND, 19/00057/COND, and 19/01096/COND.

Reason: For the avoidance of doubt and to comply with Policies SP1,SP2,SP3, SP4, SP10, SP11,SP12, SP13, SP14, SP15, SP16, SP17, SP18, SP19, SP20 & SP22 of the Ryedale Plan Local Plan Strategy.

- 2            There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 58m; measured along both channel lines of the major road Whitby Road; from a point measured 2.4m; down the centre line of the access road. The eye height will be between 1.05m-2.0m; and the object height shall be between 0.6m-2.0m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:- In accordance with Policy SP20; and in the interests of road safety.

- 3 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing. Once created, these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In accordance with Policy SP20; and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interests of safety and the general amenity of the development.

- 4 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; and to satisfy Policy SP17 of the Ryedale Plan - Local Plan Strategy.

- 5 The development shall be constructed in accordance with Plans Ref. R-2039-1T; Ref. R-2039-9K; Ref. R-2039-10H; and Ref. 1655.64 POS Cross Section showing details of landscaping, planting, and required earthworks within the development. Notwithstanding the details shown on Plans Ref. R-2039-1T; Ref. R-2039-9K; Ref. R-2039-10H; and Ref. 1655.64 POS Cross Section, the scheme will provide for the planting of trees and shrubs and show areas to be grass seeded or turfed. The submitted plan and the accompanying schedules indicate numbers, species, heights on planting, and positions of all trees and shrubs including existing items to be retained. The height of the landscape buffer located on the site's southern boundary shall be maintained at a minimum height of 2.5m taken from the finished ground level from the rear plot boundary of the proposed dwellings located on the southern boundary as indicated on Plan Ref. R-2039-1T. All planting, seeding and/or turfing comprised in the above scheme shall be carried out within the first available planting season following the grant of planning permission, and prior to the occupation of the 230th plot. 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 to satisfy Policies SP13, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 6 The development shall be carried in accordance with the plans approved under planning permission references 17/01220/MFULE dated 05.10.2018, as amended by planning permission references 18/01358/73/AM dated 20.02.2019 and 19/01060/73AM dated 05.06.2020 as further amended by non-material minor amendments reference 20/00104/AMEND, 20/00849/AMEND, 21/00903/AMEND & 21/01132/AMEND and the following list of approved plans:

- Landscape Masterplan ref. R/2039/1T, dated Nov 2022
- POS Details ref. R/2039/9K, dated Nov 2022
- POS Details ref. R/2039/10H, dated May 2022
- Cross Section N-N ref. 1655.64, dated 11.04.2022

Reason: For the avoidance of doubt and in the interests of proper planning.