



PLANNING COMMITTEE

Tuesday 13 January 2015 at 6.00 pm

Council Chamber, Ryedale House, Malton

Agenda

18 **Late Observations**

(Pages 2 - 9)

Agenda Item 18

RYEDALE
DISTRICT
COUNCIL



Please Contact: Mrs Karen Hood
Extension 386
Email: karen.hood@ryedale.gov.uk

All Members of the Planning Committee
Council Solicitor
Head of Planning & Housing
Development Manager
Managing Development Team Leader

Ref: Agendas/Planning/2014/2015

9 January 2015

Dear Councillor

Meeting of the Planning Committee - 13 January 2015

With reference to the above meeting I enclose for your attention the late observations received since despatch of the agenda.

Yours sincerely



Mrs Karen Hood
Managing Development Team Leader

Enc

GH
Recommends
Conditions

Mr Gary Housden
Ryedale District Council
Development Control
Ryedale House
Old Malton Road
Malton
North Yorkshire
YO17 7HH

Our ref: RA/2014/129810/03-L01
Your ref: 14/00947/MFUL

Date: 08 January 2015

RYEDALE DM

- 9 JAN 2015

DEVELOPMENT
MANAGEMENT

9/1/15 - cm.

Dear Mr Housden

ERECTION OF 37NO. ONE BEDROOM APARTMENTS. 20NO. TWO BEDROOM APARTMENTS, 5NO. THREE BEDROOM DWELLINGS WITH UNDERCROFT PARKING, PRIVATE AND COMMUNAL AMENITY AREAS, LANDSCAPING, ALTERATION TO EXISTING VEHICULAR ACCESS AND ERECTION OF STREET FRONT COMMERCIAL UNIT WITH ONE BED STUDIO ABOVE – ATS EURO-MASTER, 25 - 27 COMMERCIAL STREET, NORTON, MALTON, NORTH YORKSHIRE YO17 9HX

Thank you for consulting us on this application which we received on 4 December 2014, and for the supplementary information we received on 24 December 2014.

FLOOD RISK

Our previous comments and conditions in relation to flood risk remain unchanged and are still applicable. For ease of reference, these are repeated below.

Environment Agency position

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the flood risk assessment by Yew Tree Associates, dated 20 August 2014 submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition

The development permitted by this planning permission shall only be carried out in accordance with the approved flood risk assessment (FRA) by Yew Tree Associates, dated 20 August 2014 and the following mitigation measures detailed within the FRA:

1. Finished floor levels are set no lower than 20.5m above Ordnance Datum (AOD).
2. The flood proof / resilience measures as detailed in Chapter 6 are incorporated into the development.
3. Undercroft car parking is to be provided in accordance with the FRA and drawing No.YEW-277-015 10 and shall allow the free ingress/egress of possible future flood flows

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Environment Agency
Coverdale House Aviator Court, York, North Yorkshire, YO30 4GZ.
Customer services line: 03708 506 506
www.gov.uk/environment-agency
Cont/d..

Reason

1. To reduce the risk of flooding to the proposed development and future occupants.
2. To reduce the impact of flooding to the proposed development and future occupants.
3. To ensure that the proposed development does not displace possible future flood flows onto others.

DRAINAGE**Environment Agency position**

The proposed development will only be acceptable if a planning condition is included requiring the following drainage details.

Condition

No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- A 30% reduction in the discharge of surface water run-off (to include detailed calculations)
- details of where the site currently drains to and where it is proposed to drain to
- sufficient attenuation and long term storage at least to accommodate a 1 in 30 year storm. The design should also ensure that storm water resulting from a 1 in 100 year event, plus 30% to account for climate change, and surcharging the drainage system can be stored on the site without risk to people or property and without overflowing into the watercourse
- details of how the scheme shall be maintained and managed after completion

Reason

To prevent the increased risk of flooding, both on and off site.

Advice to LPA – emergency response procedures

The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. This extends to the provision of a Place of Safety. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The Planning Practice Guidance (paragraphs 057 and 058) advises that LPAs consult with their emergency planning officers regarding any planning applications which have implications for emergency planning and suggests the local planning authority will need to ensure that evacuation plans are suitable through appropriate planning conditions or planning agreements

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their

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2

decisions. You should satisfy yourselves that the emergency procedures (including provision of a place of safety, if appropriate) listed are suitable and proportionate to the scale and vulnerability of the development.

LAND CONTAMINATION

Having reviewed the additional information submitted we consider the conditions we previously recommended are no longer necessary. The proposed development is on the Ampthill Clay / Kimmeridge Clay which is designated an Unproductive Aquifer. Surface water drainage will be discharged to sewer with the exception of areas of hardstanding which will comprise permeable paving. An intrusive site investigation has been completed which indicates that the risk to groundwater and surface water receptors from land contamination is likely to be low. However, there are parts of the site (such as areas currently occupied by buildings) that have not been investigated. We therefore recommend inclusion of the following condition.

Environment Agency position

We consider that planning permission could be granted for the proposed development as submitted if the following planning condition is included as set out below.

Condition

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons

Land contamination may exist in areas of the site that have not been subject to intrusive site investigation; for example beneath existing buildings. This condition is recommended to ensure that any unexpected contamination encountered during the development works is appropriately investigated and remediated.

If you need clarification or further advice please contact me on the details below.

Yours sincerely

Mrs Beverley Lambert
Sustainable Places – Planning Advisor

Direct dial 01904 822510
Direct fax 01904 822649
Direct e-mail bev.lambert@environment-agency.gov.uk

End

3



YorkshireWater

GH

RYEDALE DISTRICT COUNCIL

No objection in principle

- 9 JAN 2015

Land Use Planning
Yorkshire Water Services Ltd
Midway
Western Way
Halifax Road
Bradford
BD6 2LZ

Head of Planning Services
Ryedale District Council
Ryedale House
Malton
YO17 0HH

DEVELOPMENT
MANAGEMENT
9/1/15 - LM

Tel: (01274) 691111

Fax:

For telephone enquiries ring:
Z Fayyaz on (01274) 692072

Your Ref: 14/00947/MFUL
Our Ref: Q015061

E-mail Zaffer.Fayyaz@yorkshirewater.co.uk

9th January 2015

Dear Sir/Madam,

ATS Euromaster 25 - 27 Commercial Street Norton Malton - Drainage foul and surface water

Further to recent communications regarding the site drainage.

Yorkshire Water has no objection in principle to:

- i) The proposed separate systems of drainage on site and off site.
- ii) The proposed amount of domestic foul water to be discharged to the public combined sewer.
- iii) The proposed amount of curtilage surface water to be discharged to the public combined sewer (at a restricted rate of **twenty (20) litres/second**).
- iv) The proposed points of discharge of foul and surface water to the public sewer.

as submitted on drawing YEW-277-015 02 (revision D) dated 06/01/2015 that has been prepared by The Planning and Design Partnership.

The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0345 120 84 82, fax 01274 303 047) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

No land drainage to be connected / discharged to public sewer.

Yours faithfully

Zaffer Fayyaz
Planning & Development

c.c. "Noel Dobson" <noel.dobson@the-pdp.co.uk>, <gary.housden@ryedale.gov.uk>,
<colin.douthwaite@ryedale.gov.uk>

Registered Office Yorkshire Water Services Limited Western House Halifax Road Bradford BD6 2SZ
Registered in England and Wales No. 2366682 www.yorkshirewater.com



Awarded for excellence

Item Number: 12
Application No: 14/01293/73A
Location: Steam and Moorland Garden Centre, Malton Road, Pickering North Yorkshire, YO18 7JW

AMENDED CONDITIONS

Please note that the reasons for the variation of the conditions is that following the granting of the original planning permission, the Ryedale Plan - Local Plan Strategy was adopted.

- 1 The development hereby permitted shall be begun on or before 27 August 2017.

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004
- 2 Before the development hereby permitted commences, samples of all the external materials proposed, shall be submitted to and approved in writing by the Local Planning Authority.

Reason:- To ensure a satisfactory external appearance and to satisfy the requirements of Policy SP16 of the Ryedale Plan - Local Plan Strategy.
- 3 No external lighting shall be provided unless with the prior written approval of the Local Planning Authority.

Reason:- In order to protect the character of the area and to satisfy Policy SP16 of the Ryedale Plan - Local Plan Strategy.
- 4 The existing portacabin shall be removed from the site following the first occupation of the building hereby approved.

Reason:- In order to protect the character of the area and to satisfy Policy SP16 of the Ryedale Plan - Local Plan Strategy.
- 5 The ground floor of the building hereby approved shall only be used as a garden centre for the display and sale of the following categories of goods:
 - (i) Pot and bare rooted plants, ornamental fruit bushes and trees, seeds/bulbs, vegetable and bedding plants, ornamental and fruit trees, cut flowers;
 - (ii) Garden requisites such as composts, fertilisers, weed killers/disinfectants, spray equipment, netting, cloches, plant supports;
 - (iii) Gardening and greenhouse tools and equipment;
 - (iv) Gardening protective clothing and footwear;
 - (v) Garden pond liners, pumps and equipment, pebbles, aquatic plants, fish and fish food;
 - (vi) Fencing, path and patio construction materials such as gravel, paving slabs, edging materials;
 - (vii) Garden furniture and ornaments such as seating, umbrellas, barbecue and barbecue fuel, bird tables, feeders and bird feed;

(viii) Incidentals such as gardening books and videos, cards, artificial flowers, small animal feed (e.g. rabbit food); and

(ix) Natural and artificial Christmas trees, Christmas decorations, table decorations, Christmas cards.

The ground floor of the building and land shall not be used for any other purpose (including any other purpose in Use Class A1 of the Schedule of the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument re-voking or re-enacting that Order with or without modification).

Reason:- In order to comply with the National Planning Policy Framework, as the site is in open countryside where current planning policy would not normally permit general retail uses.

- 6 Unless otherwise agreed in writing by the Local Planning Authority, no part of the site outside any building shall be used for the storage or display of any goods or materials subject to that agreed under condition 11.

Reason:- To ensure that the appearance of the area is not prejudiced by the external display and storage of materials.

- 7 Unless otherwise agreed in writing by the Local Planning Authority and prior to development commencing the level, type and extent of frosted glazing at first floor level to the north facing elevation shall be submitted to and agreed in writing with the Local Planning Authority and thereafter retained in perpetuity.

Reason:- In order to protect the amenities of nearby properties as required by Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 8 The cafe use hereby approved shall remain as an ancillary feature associated with the garden centre currently known as The Steam and Moorland Centre. It shall not be sold or let off separately from the garden centre and shall only be open for customers when the garden centre is open for business.

Reason:- To ensure that the development remains ancillary to the garden centre use and complies with Paragraph 28 of the NPPF

- 9 The premises shall not be used for the sale of hot food for consumption off the premises.

Reason:- To ensure that the development remains ancillary to the garden centre use.

- 10 The first floor of the premises hereby approved shall only be used for a purpose included in Use Class A3 of the schedule to the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument re-enacting that Order.

Reason:- In order to comply with the requirements of Paragraph 28 of the NPPF – Supporting a prosperous rural economy.

- 11 Unless otherwise agreed in writing by the Local Planning Authority and prior to the commencement of development, a scheme for the storage and display of goods outside of any buildings to include:-

1. Location(s);
2. Layout;
3. Height;

4. Landscaping; and
5. Any other matters considered to be of relevance

shall be submitted to and approved in writing by the Local Planning Authority.

Reason:- To ensure that the appearance of the area is not prejudiced by the external storage of materials, and to comply with SP16 of the Ryedale Plan – Local Plan Strategy.

- 12 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigate works, or the depositing of material on the site in connection with the construction of access road or building(s) or other works until:

i) The details of the required highway improvement works, listed below, have been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

The required highway improvements shall include:

Provisions of carriageway centre white line hatching, 900mm in width with 1 in 50 lead in tapers. To start from point 100 metres south of the garden centre across centre line and terminate at a point 100 metres north of nursery (Rogers) access centre line. Hatching to be absent across each access entry point.

Both carriageway lanes shall be a minimum of 3 metres when completed clear of central hatching and re sited edge of carriageway line.

The above and associated marking required are as indicated in the Traffic Signs Regulations and General Directions 2002 (Hatching diagram No's 1040.2 and 4040.6 metre line, 3 metre gap, 100mm wide. Arrow Diagram No 1014, 2 No 6 metre arrows on each approach 30m and 84m before start of taper. Slow diagram No 1024, Lettering 2.8 metres high 1 on each approach. White uni- directional road studs.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

- 13 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

- Red Line Site Plan received by the Local Planning Authority on 9 February 2010;
- Site Layout Plan received by the Local Planning Authority on 9 February 2010;
- Drawing 2225-201 Proposed Plans and Sections received by the Local Planning Authority on 25 November 2014
- Drawing 2225-202 Proposed Elevations received by the Local Planning Authority on 25 November 2014

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