

**RYEDALE
DISTRICT
COUNCIL**



Public Document Pack PLANNING COMMITTEE

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Date 9th March 2018

PLANNING COMMITTEE

Tuesday 13 March 2018 at 6.00 pm
Council Chamber - Ryedale House, Malton, North Yorkshire YO17 7HH

Agenda

18 **Late Observations**

(Pages 2 - 40)

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
Senior Customer Services Officer (Place)

Ref: Agendas/Planning/2017/2018

9th March 2018

Dear Councillor

Meeting of the Planning Committee – 13th March 2018

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
Senior Customer Services Officer (Place)

Item Number: 9
Application No: 17/01509/MREM
Parish: Malton Town Council
Appn. Type: Approval of Reserved Matters Major
Applicant: Broadacre Services Limited
Proposal: Erection of 18no. three bedroom dwellings, 34no. two bedroom dwellings and 4no. one bedroom dwellings with associated infrastructure and landscaping (outline approval 14/00429/MOUTE dated 24.03.2015 refers)
Location: Land At Rainbow Lane Malton North Yorkshire
Registration Date: 9 January 2018 **8/13 Week Expiry Date:** 10 April 2018
Case Officer: Gary Housden **Ext:** 307

CONSULTATIONS:

Highways North Yorkshire	Comments
Parish Council	Recommend refusal
Environmental Health Officer	Await response
Lead Local Flood Authority	Await response
Yorkshire Water Land Use Planning	Recommendations and request revised plans
Sustainable Places Team (Environment-Agency Yorkshire Area)	No objection
Vale Of Pickering Internal Drainage Boards	No further comments
Countryside Officer	Await response
NY Highways & Transportation	Recommend conditions
North Yorkshire Education Authority	Await response
Archaeology Section	Recommends condition
Designing Out Crime Officer (DOCO)	Recommend condition
Public Rights Of Way	Await response
National Grid Plant Protection	Await response
NY Highways & Transportation	Await response
Housing Services	Support

Neighbour responses: Mr Robert Stinton, Mrs Nancy Foster, Mr Darryl Butler,

Overall Expiry Date: 12 March 2018

APPRAISAL:

Housing Mix including Affordable Housing

As mentioned earlier in this report the site benefits from planning permission for circa 50 affordable dwellings. This reserved matters scheme for fifty six affordable units complies with the requirements of the outline permission. The provision of the affordable is of particular significance to the Council in the light of the affordable need identified in the Strategic Housing Market Assessment (SHMA). Whilst the Council has successfully delivered against its overall housing figure for the last 5 years this has not been the case in respect of performance against its annual affordable housing target of 75 units per annum. This application is therefore of significance in providing 56 affordable units at the principal town in the district.

The mix of units submitted by Broadacres has followed extensive discussions with the Council's in house People Specialists to deliver a mix of housing to best meet the housing needs of the town and is comprised of four one bedroom quarter houses, thirty four two bedroomed units comprising a mix of terraced and semi-detached houses and bungalows and eighteen three bedroomed houses. The Council's Specialist People Officers comments are appended to this report for Members information.

The overall mix is considered to be acceptable and both Policies SP3 and SP4 of the Ryedale Plan Local Plan Strategy are considered to be satisfied.

Landscape Impact

The site is located on the northern periphery of the town immediately adjacent to the A64. The land rises from the north to the south towards properties in Dickens Rd with Rainbow Lane running along the sites eastern boundary. The site is readily visible from the A64 which in part is elevated above the north eastern corner of the site. The matter of landscape Impact was a consideration in the earlier grant of outline planning permission. Illustrative drawings submitted with the outline application showed an illustrative layout of a mix of flats and houses set in a landscaped setting. The submitted scheme has evolved to meet the affordable housing needs identified by the Council's Specialists since the outline was granted, however the proposal still shows extensive areas of landscaping both within the site and also either side of the required earth bund and acoustic fencing which runs parallel with the A64. The bund and acoustic fence are a significant element of the application and are required in order to mitigate the impacts of noise from the adjacent trunk road on the future residents of the site. At present there is no bund or noise barrier adjacent to the trunk road which means that traffic noise can be heard across the entirety of the site. The landscaping scheme proposes significant planting on both sides of the bund and adjacent to the fenced order to soften its impact over time.

The landscaping scheme has been assessed by the Council's Specialist Tree and Landscape Officer who has suggested a minor revision to the tree planting mix on the earth bund (replacing Alder with Pine) . The internal site planting has also been amended to meet with suggestions made by the Police Designing out Crime Officer.

It is inevitable that the development of this site will have some landscape impact given its location on rising ground adjacent to the northern periphery of the town. The landscaping scheme proposed is however extensive and it is anticipated that in time this will provide an effective screen from the A64 to the north. Policies SP13 and SP16 are therefore considered to be satisfied insofar as they relate to this aspect of the proposal.

Layout/Design Considerations

The access point to the site was specified in the outline planning permission and this shows both vehicular and pedestrian access via Rainbow Lane on the southern side of the site. From this point the site slope away towards the A64. The layout shows its access entering the site heading in a north westerly direction towards the A64. This relatively short section of road (approximately 120 metres in length) has a footway either side. Three small sections of adopted roadway are then shown with a single footway in a brick weave finish, in part to add interest to the scheme and also because a lower hierarchy of road is adequate to meet the needs of fewer dwellings in these parts of the site. Plots 4 to 7 inc. and 44 and 45 are shown with a shared private driveway.

The layout is considered to be Officers to be a logical way of developing the site given its irregular shape and its constraints relating to access and levels. The developer has provided a number of indicative street scenes to give a better understanding of the way that the dwellings will relate to each other when built . Drawings of the individual designs are also attached which have been subject to revisions to incorporate traditional Local details including fascia boards soffits and overhanging eaves. Materials also propose the use of predominantly red multi facing bricks with contrasting black brick panels and profiled concrete tiled roofs. The proposal was subject to pre application discussions and suggestions made by officers have been incorporated into the final design submissions which are

considered to be acceptable in terms of both layout and design. Policies SP16 and SP20 of the Ryedale Plan Local Plan Strategy are considered to be satisfied.

Detailed access matters

Access was a matter considered and approved in principle when the outline planning permission was granted - subject to numerous detailed planning conditions. NYCC Highways officers have assessed the submitted drawings and made a number of comments requiring amendment and further clarification, including construction details, sections, clarification of the details relating to a section of retaining wall and a risk on to the sections of brick weaved adopted highways. Amended Plans and information have been submitted in response to these comments and the final comments of NYCC Highways are awaited. It is anticipated that these views will be reported to Members at the meeting.

Noise

The submitted reserved matters application has been accompanied by a detailed Noise Assessment and also is the subject of further an addendum report following discussions between the applicant's agents and the Council's Environment Specialists. The noise issue is also the subject of a separate Section 73 application to vary conditions numbers 19 and 20 Imposed on the original application relating to noise.

In response the Councils Environment Specialist has made the following observations;

This Section 73 Application has been submitted to vary conditions 19 & 20 attached to the outline permission 14/00429/MOUTE which relate to noise levels for outdoor amenity space and indoor ambient noise levels.

Policy SP20 of the Ryedale Local Plan Strategy (LPS) states that new development will not have a material adverse impact on the amenity of future occupants, including with regard to noise. It goes on to state that developers will be expected to apply the highest standards outlined in the World Health Organisation and British Standards relating to noise. These are summarised below:

- *Bedrooms (night time 23:00 - 07:00) 30 dB LAeq 8hr and individual noise events should not exceed 45 dB LAMAX more than 10 times a night*
- *Living Room (day time 07:00 - 23:00) 35 dB LAeq 16hr*

These limits to be achieved with partially open windows allowing for a sound reduction of 15 dBA And for external amenity spaces:

- *50 dB LAeq 16hr*

Despite significant noise mitigation measures, principally provision of a seven metre perimeter bunding/barrier and 2 metre garden fences, these highest standards can only be achieved in 35 of the proposed 56 dwellings. In 14 of the other dwellings the above standards will be exceeded by 1dB, 6 dwellings by 2dB and 1 dwelling by 3dB.

BS8223:2014 advises that it is desirable that external noise levels do not exceed 50 dB LAeq with an upper guideline value of 55 dB LAeq, which would be acceptable in noisier environments. It also recognises that these values are not achievable in all circumstances where development might be desirable and in such situations development should be designed to achieve the lowest practicable levels. The same British Standard also advises that where development is considered necessary or desirable internal levels may be relaxed by up to 5 dB and reasonable internal conditions still achieved. In the addendum report produced by PDA Acoustic Consultants PK/j001653/2972/01 in reference to their External Noise Level Assessment Report PK/8555/28889/02 shows that the predicted noise levels, both internal and external, for all 56 dwellings will meet the lesser standard detailed above.

If the noise level requirements contained within conditions 19 and 20 of outline permission 14/00429/MOUTE are to be reduced then I recommend that they are done so to meet the predicted noise levels detailed in PDA report PK/J0001653/2972/01 Addendum to Report PK/8555/2889/02.'

Members will note that whilst there are some noise levels exceedances at some parts of the site these are in the order of 1 and 2 dbA - aside from at one location where the measurement is 3dbA above the previously stipulated limit. The applicant's consultant has expressed the view that a 3dbA level would be the minimum increase that the human ear can detect and as such the predicted maximum exceedance

is considered to be minimal on the basis of the further modelling that has been carried out.

Other Amenity Considerations

The site abuts properties in Dickens Road to the south with its approach along Rainbow Lane. Land levels drop away to the north adjacent to the rear gardens of properties in Dickens Rd. Plots 3, 4 and 15 that are adjacent to this boundary are single storey dwellings with the result that there is little if any overlooking possible from these dwellings. Plots 16 to 20 are two storey but these range from between 19 and 36 metres from the nearest part of the site's boundary with the result that there are considered to be no material impacts on the amenities of adjacent residents.

On the eastern boundary the site abuts the Rainbow Equine Veterinary practice. However this matter was addressed at the pre application stage and the properties as now proposed have been sited away from this boundary to minimise any impacts on the future occupiers of the dwellings in this part of the site.

Other Matters

Biodiversity was considered at outline stage. The Council's Specialist considers that the development will enhance the current position in the context of improving the habitat of the site through the large areas of new planting proposed.

Third Party Responses

Comments have been received from 4 local residents. Their full letters/emails can be viewed on the Council's website. In summary the following points have been raised as objections and/or concerns to the proposals;

Not enough services in town to support more dwellings i.e. Doctors dentists
Increased traffic/speeding traffic on Rainbow Lane
Increased noise from more residents
Impact on wildlife
Concern over possible impacts re levels
Query over fencing /proposed boundary treatments

It is considered that some of these matters of principle were dealt with at the outline stage and cannot be re visited now. Other detailed matters have been addressed in the report above.

Malton Town Council object on the following grounds;

1. Inappropriate layout and density
Design visual appearance and materials not in keeping with local character
2. Proposed dwellings incompatible with existing townscape
3. Highways issues due to traffic generation.

Matters relating to traffic generation and density (numbers of dwellings) were considered at outline stage and cannot be revisited at this stage. Other matters relating to the appropriateness of the design, layout and materials have been dealt with in the report above.

In conclusion it is considered that the application as submitted is acceptable and that (subject to the further views of NYCC Highways) the reserved matters scheme is approved.

RECOMMENDATION: **Approval subject to any requirements of NYCC Highways and subject to the following conditions.**

1 The development hereby permitted shall be carried out in accordance with the approved plan(s)

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



Please Ask For: Lesley Fargher
Phone ext: 251
Email: lesley.fargher@ryedale.gov.uk
Date: 5 March 2018

Development Management

17/01509/MREM Erection of 18no. three bedroom dwellings, 34 no. two bedroom dwellings and 4no. one bedroom dwellings with associated infrastructure and landscaping (outline approval 14/00429/MOUTE dated 24.03.2015 refers) on land at Rainbow Lane, Malton, North Yorkshire.

In response to your consultation on the above application I would make the following points:

- This site is one that the Council would want to see deliver the required amount of affordable housing in order to address the District's housing need in line with the Council's housing aims.
- The Council's 2015 Strategic Housing Market Assessment (SHMA) indicates that Ryedale will be required to provide for a net annual affordable housing need of approximately 79 dwellings per annum over the period 2014 to 2035 (based on a 30% affordability threshold) in order to both clear the existing waiting list backlog and meet future arising household need.
- The proposed scheme is for 56 units: 18 x 2bed houses, 16 x 2bed bungalows, 18 x 3bed houses and 4 x 1bed quarter houses. All properties will be designed to the current building regulations and not to fully wheelchair standards. The mix is acceptable to Housing.
- 36 of the units are affordable rent and 20 will be shared ownership. The shared ownership units will be the older peoples lease. The values are as follows: a 2bed house is valued at £160,000, a 3bed house at £180,000 and a 2bed bungalow at £150,000. The tenure mix and values are acceptable to Housing.
- **The scheme provides a good mixture of affordable homes and tenures to meet all needs within the Ryedale District. The scheme will go some way to meeting one of the Council's targets in the Housing Strategy for working closely with Homes England and Broadacres to identify opportunities to bolster affordable housing delivery via the Shared Ownership Affordable Housing Programme.**

Yours sincerely

Kim Robertshaw
Housing Services Manager

UPDATE REPORT – ITEM 11

17/001450/FUL

NORTH YORKSHIRE HIGHWAYS DEPOT KIRKBYMOORSIDE

Members will appreciate that information was outstanding when the Committee Report was prepared in regard to:

- Flood risk and drainage; and,
- Noise and the inter-relationship with the Band Hall.

Flood risk and drainage

The LLFA's views are appended in relation to the Exception Test and whether the site specific flood risk mitigation is acceptable. The LLFA has stated:

'The applicant has planned to mitigate the associated surfacewater flood risk by elevating the property level by 300mm above ground level. Note: It is essential that the applicant applies this 300mm to the 1 in 100 year flood event; it has not been established if this has been accommodated for and should be made apparent. Based on the 1 in 100 year event detailed (300m-900m depth), there may be insufficient mitigation measure to protect the proposed properties for surfacewater flooding.

Should any of the flood incidents occur, and then it is highly likely that there would be restricted access to the properties, especially as there is only one access route. The applicant has suggested that the likely surfacewater runoff depth would be 20mm. It is unclear exactly when this reading was taken and at what stage of the flood event. These factors would need clarifying.

Based on the analysis conducted by the LLFA, it would appear that if a 1 in 30 or 1 in 100 year storm event occurred, there would be heightened risk of surfacewater flood risk to this area and possibly to the proposed development.

It seems unlikely that the applicant is increasing flood risk off site, due them installing permeable areas. Also, considering that the land is currently 100% impermeable then any permeable areas would likely reduce the surfacewater runoff from this site.

It is therefore a recommendation of the LLFA, that the applicant provide further evidence that proves that surface water does not pose a serious risk to the proposed properties as they are currently designed.'

In view of this, it appears that whilst the proposal is not likely to increase flood risk to existing properties, it has not been demonstrated that the proposed dwellings will be safe for the lifetime of this development. Accordingly the Exception Test has not been met, and the proposal is in conflict with para. 102 of NPPG and Policy SP17 of the Local Plan Strategy.

Regarding surface water drainage. The applicants are proposing to drain surface water via soakaways, however the LLFA are not convinced at this stage that this method can work. They have recommended detailed conditions for the discharge of surface water without specifying whether this is to a soakaway or to the mains. Yorkshire Water has confirmed that the mains can accept surface water in principle. Whilst it is not clear whether surface water will be drained via soakaways or to the mains, it appears that a technical solution to this is possible and conditions could be imposed to address this.

Noise

The agent has amended their application to revert to the original layout featuring habitable rooms on the front elevation facing the Band Hall. The revised layout plan is attached. This is unfortunate, especially after Officers engaged with the agent to try and reduce the noise from the Band Hall to the occupiers of the proposed dwellings through the amended layout. Nevertheless, the agent has asked that we determine the scheme with habitable rooms, including a living area, a bedroom, and a study that could also be used as a bedroom facing the Band Hall. Based on the advice of the Environmental Health Officer and the applicant's own Noise Assessment this unmitigated relationship cannot meet the noise standards used by the Local Planning Authority in accordance with Policy SP20 of the Local Plan Strategy. These standards are:

7am-11pm - Habitable rooms (with partially opened windows): 35 dB

11pm-7am – Bedrooms (with windows partially opened): 30 dB

Outside amenity areas: 50dB

At the time of writing this report it has not been confirmed that any agreement for attenuating the noise of the Band Hall has been achieved. The views of the Environmental Health Officer are such that the interrelationship of the proposed residential development and the Band Hall are likely to generate complaints. In addition, there is likely to be a sub-standard level of amenity for the occupiers of the proposed dwellings. Mindful of the Officer concerns in the earlier Committee Report, and the protection afforded under Policy SP11 for community uses such as the Band Hall, Officers cannot support the proposal.

In addition there has also been further letters of objection and photographs submitted by local residents which are attached to this report.

Conclusion

In view of the above, this application is recommended for refusal. Members are advised that before making this recommendation Officers have sought to engage with the agent to establish whether a suitable form of development can be delivered on this site, this has not proven successful.

RECOMMENDATION: REFUSAL

1. The proposed residential accommodation is located in very close proximity to the Kirkbymoorside Band Hall, (which has planning permission for an extension), and is likely to create complaints regarding the noise and operations of the band hall. The Band Hall is an important community facility and a use protected in accordance with Policy SP11 of the Local Plan Strategy. Noise and activities from the Band Room will be likely to have an adverse effect

upon the amenity of occupiers of the proposed residential accommodation which would be likely to generate complaints regarding the Bands' operations. The proposed development is thereby contrary to the requirements of Policies SP11 and SP20 of the Ryedale Plan - Local Plan Strategy.

2. The proposed residential development (including the outdoor amenity area) by virtue of its close proximity to the outer valley side, and the inter-relationship with the Band Hall is not considered to ensure a satisfactory level of residential amenities for occupiers of the proposed dwellings and be contrary to the requirements of Policies SP4 and SP20 of the Ryedale Plan - Local Plan Strategy.
3. It has not been demonstrated that the proposed development has met the requirements of the Exception Test as set out within para 102 of the National Planning Policy Framework 2012 and Policy SP17 of the Local Plan Strategy.

Date: 7 Mar 2018, 13:10

To: Alan Hunter <alan.hunter@ryedale.gov.uk>

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 1:09 PM on 07 Mar 2018 from Mr Brian Bancroft.

Application Summary

Address: North Yorkshire Highways Depot Manor Vale Lane
Kirkbymoorside YO62 6EG

Proposal: Erection of 6no. three bedroom terraced dwellings along
with parking areas and shared amenity space

Case Officer: Alan Hunter
[Click for further information](#)

Customer Details

Name: Mr Brian Bancroft

Address: Little Orchard Manor Vale Lane, Kirkbymoorside, North
Yorkshire YO62 6EG

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

Comments: PLANNING APPLICATION NO 17/01450/FUL

Please accept this submission as an objection to the above application. We would like to see the site improved but have real concerns as have been outlined previously and are on-going.

We would like to re-submit our objections submitted in respect of the previous applications 15/01156/OUT, 15/01156/MOUT and 17/01450/OUT. Our comments remain applicable and valid for this latest application. We would ask that the video and photographic evidence of flash floodings in Manor Vale, previously submitted to Mr Alan Hunter, be brought to the attention of the Planning Committee.

Once again the agent has commented "..... the rare occasions that the carriageway has been subject to exceedance flows, logged by the EA as 2010, the flows are showed on photographs as 20mm" This is incorrect. Serious flash flooding has occurred in 2005, 2007, October 2010, January 2011, December 2015,

January 2016 (on two separate occasions) and May 2016. These floodings have necessitated the attendance of the Fire Services and the Highways Department of North Yorkshire County Council and have resulted in extensive damage to properties (residents being made homeless for up to six months while properties were made habitable again) and have indeed been a threat to life (trapped residents having to be rescued by the Fire Services in an inflatable dingy). These events are well documented and photographic and video evidence are available and irrefutable.

Although amendments have been made to ensure that the proposed dwellings are not vulnerable to flooding from surface water, the residents would be trapped inside their homes with no means of escape. The steps to the top of Castlegate have been suggested as an escape route. It should be noted that access to these steps are from the road and that this will likely not be passable during a flood event as the road provides the main flood flow route. Indeed the actual steps to Castlegate are part of the main flood flow themselves.

It is felt that the elevation of the proposed dwellings will increase the existing flow path making flood water deeper and the flow more rapid and so increase the flood risk to existing properties. I would question how effective permeable gardens and parking areas would be with Manor Vale's history of flash flooding. Would flood water percolate quickly enough? Unfortunately, this application does not acknowledge or seek to remedy the possible effects and increased frequency of surface water flooding to properties downstream or to the surrounding land, post development.

I would also like to comment on the addition to the application of a shared amenity space. It is clear that future residents of the proposed dwellings will get minimal light and no sunshine in their gardens because of the proximity to the outer valley side presumably necessitating another area for rest, relaxation and fresh air. The proposed shared amenity space would be directly adjacent to the road which serves a very well patronized golf course with a popular restaurant and facilities to cater for outside functions. The traffic could no way be considered as light and it is questioned whether the amenity space would be a healthy or safe area. It still would be in close proximity to the outer valley side. Fumes from traffic would make the space very unpleasant and children and pets would have to be constantly supervised because of the danger from passing vehicles. Noise from the Band Room has been dealt with by other objectors but it is still an ongoing, unsolved problem as is the contamination of the site itself. Added to this the insurance premiums on the proposed dwellings in an area of high risk from surface water flooding would be extremely high. I know this only

too well myself as a resident in Manor Vale and would question whether the future residents would even be able to get insurance cover. It has been stated many times that this site is not a suitable area for housing or, in fact, industrial development, because of restricted access.

Brian and Carol Bancroft
Little Orchard
Manor Vale Lane

March 2018

To: Development Management <development.management@ryedale.gov.uk>

Subject: APPLICATION NO 17/01450/FUL

Dear Mr Hunter

I will be uploading comments on the above application today but would be grateful if the Planning Committee could have a sight of these photographs to refresh their memory of what can happen in Manor Vale during flash flooding.

Yours faithfully, Brian Bancroft



NORTH YORKSHIRE COUNTY COUNCIL
BUSINESS and ENVIRONMENTAL SERVICES
LEAD LOCAL FLOOD AUTHORITY
CONSIDERATIONS and RECOMMENDATION



Application No:	17/01450/FUL		
Proposed Development:	Erection of 6no. three bedroom terraced dwellings (site area 0.21ha) - consideration of access, layout and scale		
Location:	North Yorkshire Highways Depot Manor Vale Lane Kirkbymoorside YO62 6EG		
Applicant:	Thomas Crown Associates		
District/Borough:	Ryedale		
FRM Engineer:	Gareth Roberts	LPA Case Officer:	Alan Hunter

Note to the Planning Officer:

In assessing the submitted proposals and reaching its recommendation the Lead Local Flood Authority has taken into account the following matters:

NPPF FLOOD RISK AND RUNOFF CONSULTATION

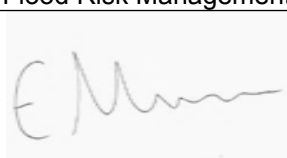
Site Comments

In assessing the submitted proposals and reaching its recommendation the Lead Local Flood Authority has taken into account the following matters:

The following Documents are Notes:

Dudley's Structural & Civil Consultants Flood Risk Assessment, reference 13139, Revision F, dated November 2017 is noted.

RFI: 43298 Risk of Flooding from Surface Water Map - Manor Vale Lane, Kirkbymoorside, YO62 6EG Date: 11/5/17

Date:	06/03/18	Approved by:	Emily Mellalieu Flood Risk Management Team Leader
FAO:	Alan Hunter		
Issued by:	Gareth Roberts		

**LEAD LOCAL FLOOD AUTHORITY
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

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Application No:

17/01450/FUL

MANOR VALE LANE PERCOLATION TEST, Dated 02/03/2018

Dudley's Structural & Civil Consultants Calculations for Surface Water Drainage Attenuation, reference 13139, Revision D, dated November 2017 is noted.

Planning & Design Associates Proposed Drainage Plan drawing, reference KWL/093/03/9, Revision P, dated March 2018 is noted.

Runoff Destination:

The applicant has indicated that they will discharge via infiltration.

It is accepted that the applicant has conducted infiltration testing; however these will need ratifying by a suitably qualified engineer. In accordance with BRE 365 it is essential that the minimum of two trial pits are dug with three consecutive tests for each; this has not been done. It also requested that photographic evidence of the trial pits be submitted

Typical viable infiltration rates for the use of soakaways range from $\times 10^{-4}$ to $\times 10^{-5}$ m/sec, and values that achieve this range must use infiltration as the means of disposal of surface water drainage. Our initial estimate values the infiltration rate at nearly 1×10^{-7} , which would be unacceptable for soakaways. This needs to be confirmed by the developer.

Where infiltration test results differ over the site, the lowest calculated value should be used for all of the proposed surface water drainage.

For infiltration rates at the $\times 10^{-6}$ m/sec range, further details will be required to confirm the feasibility of the use of soakaways due to the low infiltration rates requiring large storage volumes and controls to prevent flooding to the site. Sites with infiltration rates as low as $\times 10^{-6}$ should evaluate the practical aspects of sizing a large attenuation subject to easements and **retain 1m clearance above the groundwater level** of the soil as per the BRE 365 Soakaway Design document. Groundwater levels will need to be established.

Should infiltration prove impractical the applicant does have an alternative discharge point via sewer, which has been agreed in principle with Yorkshire Water.

Flood Risk: The site is located in Flood Zone 1 for fluvial flooding, but at high risk from Surface Water flooding as shown by the Environment Agency's Flood Map for Surface. The "Long Term Flood Risk Map for England – GOV.UK" illustrates a range of flood depths for the proposed development site, these are listed below:

High risk flood event (1-30 year flood event) – Surfacewater levels are likely to be below 300mm.

Medium risk flood event (1-100 year flood event) - there is the possibility of between 300mm and 900mm flood depth.

**LEAD LOCAL FLOOD AUTHORITY
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

Page 3 of 5

Application No:

17/01450/FUL

Low risk flood event (1-100 year flood event) - there is the possibility of between 300mm and 900mm flood depth.

The applicant has planned to mitigate the associated surfacewater flood risk by elevating the property level by 300mm above ground level. Note: It is essential that the applicant applies this 300mm to the 1 in 100 year flood event; it has not been established if this has been accommodated for and should be made apparent. Based on the 1 in 100 year event detailed (300m-900m depth), there may be insufficient mitigation measure to protect the proposed properties for surfacewater flooding.

Should any of the flood incidents occur, and then it is highly likely that there would be restricted access to the properties, especially as there is only one access route. The applicant has suggested that the likely surfacewater runoff depth would be 20mm. It is unclear exactly when this reading was taken and at what stage of the flood event. These factors would need clarifying.

Based on the analysis conducted by the LLFA, it would appear that if a 1 in 30 or 1 in 100 year storm event occurred, there would be heightened risk of surfacewater flood risk to this area and possibly to the proposed development.

It seems unlikely that the applicant is increasing flood risk off site, due them installing permeable areas. Also, considering that the land is currently 100% impermeable then any permeable areas would likely reduce the surfacewater runoff from this site.

It is therefore a recommendation of the LLFA, that the applicant provide further evidence that proves that surface water does not pose a serious risk to the proposed properties as they are currently designed.

Peak Flow Control: If soakaways are to be utilised, peak flow control isn't a consideration. Should infiltration prove infeasible, it has already been agreed in principle that Yorkshire Water would accommodate a discharge of 12.95 l/s (pending design specification).

Volume Control: For Brownfield sites with a minimum 30% reduction in existing peak flow rates, it must also be demonstrated that the designed surface water attenuation also controls the volume of runoff to the greenfield runoff volume for a 1 in 100 year 6 hour storm event.

Micro Drainage calculations are requested to confirm the required Surface water attenuation volume and are to include an allowance for climate change and urban creep. This must be implemented and incorporated into the detail drainage design and account for all impermeable areas of the site.

Pollution Control: Pollution from surface water runoff from the development from parking areas and hardstanding areas should be mitigated against by the use of oil interceptors, road side gullies, reedbeds or alternative treatment systems.

**LEAD LOCAL FLOOD AUTHORITY
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

Page 4 of 5

Application No:

17/01450/FUL

Designing for Exceedance: An exceedance plan is required to show overland flow during an extreme flood event, exceeding the capacity of the proposed drainage system. Mitigation measures should be proposed to minimise the risk of flooding to these properties. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.

Highway Drainage: To be agreed with the Highway Authority.

Climate Change / Urban Creep: A 30% allowance for climate change and a 10% allowance for Urban Creep to be allowed.

Maintenance: Arrangements for the maintenance of the proposed SuDS surface water runoff attenuation features should be submitted to the Local Planning Authority for approval, this maybe subject to a Section 38 agreement with the NYCC Highways department and additionally a Section 104 agreement with Yorkshire Water.

The proposals and submitted documents demonstrate a reasonable approach to the management of surface water on the site. Therefore, the Lead Local Flood Authority recommends that the following **Conditions are attached to any permission granted:**

LLFA C1 - Standard Detailed Drainage Design Condition

Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed.

Reason: To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.

LLFA C3 - Runoff rate, Storage Requirements and Maintenance

Development shall not commence until a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the Local Planning Authority. The flowrate from the site shall be restricted to greenfield runoff rate and/or a minimum 30% reduction of the existing positively drained runoff rate for the 1 in 1, 1 in 30 and 1 in 100 year rainfall events. A 30% allowance shall be included for climate change

**LEAD LOCAL FLOOD AUTHORITY
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

Page 5 of 5

Application No:

17/01450/FUL

effects for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

Reason: To mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere.

LLFA C7 - Exceedance Flow Routes

No development shall take place until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.

Reason: to prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site.

From: Naomi Heikalo
Sent: 07 March 2018 14:20
To: Alan Hunter
Subject: Manor Vale Lane Kirkbymoorside 17/01450/FUL

Dear Alan,

We have studied the Committee report for 13 March. Further to your comment on the outlook for residents in the proposed houses, we consider that the original floor plans provide a more satisfactory living environment for residents with the main living rooms in the front. This is in the light of YES, our acoustic consultants, concluding that, subject to the specified glazing being installed, residents will enjoy adequate internal noise control when the band is rehearsing, providing that their windows are closed.

Please find attached the Floor Plan and Elevations plan which was originally submitted with this application (KWL-093-03-12C). We would like this to replace Drawing KWL-093-03-12E submitted on February 21 which shows the living areas and bedrooms at the rear elevations of the properties.

Kind regards,
Naomi

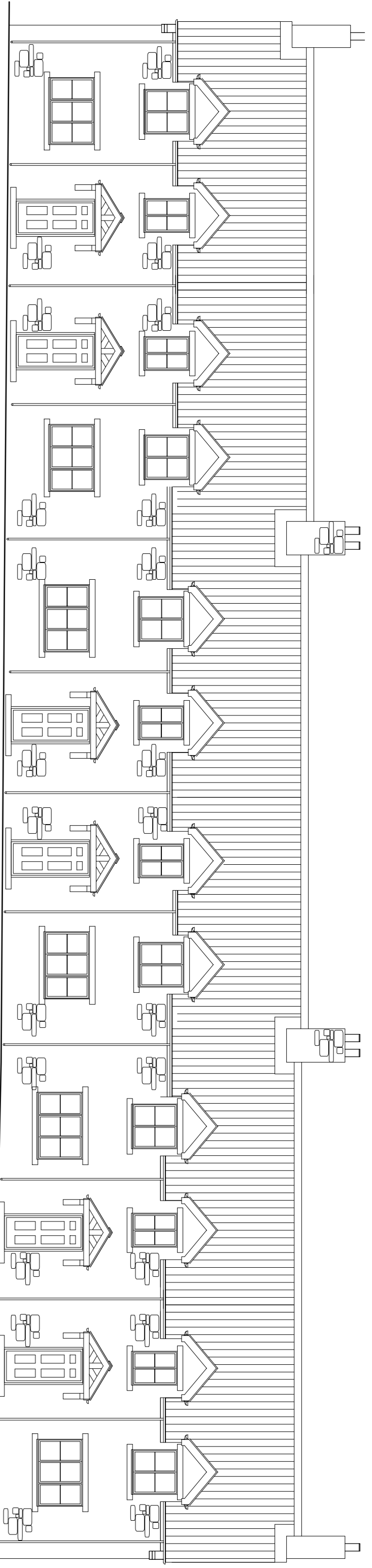


O'Neill
ASSOCIATES
Chartered Town Planning Consultants

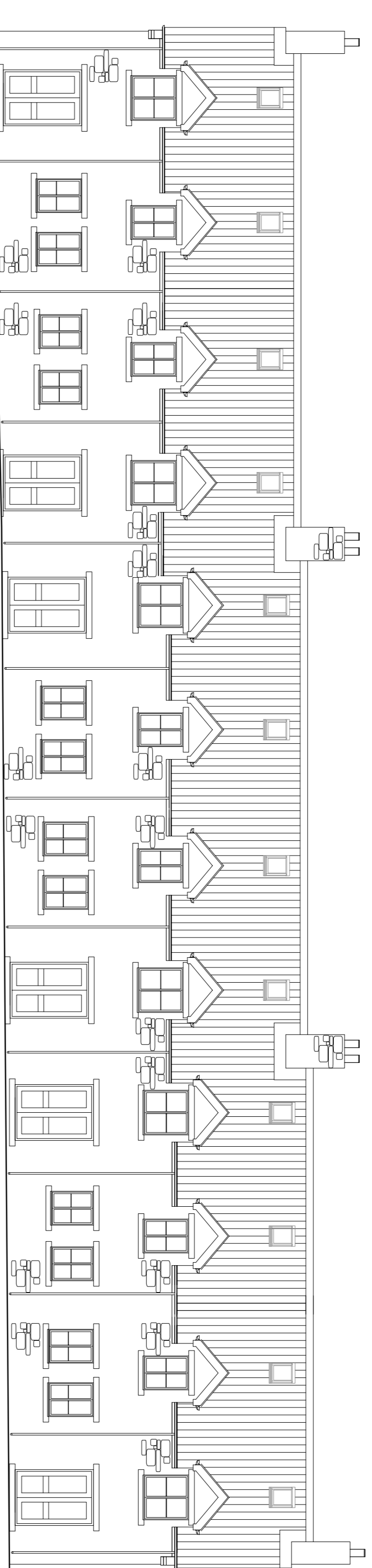
Naomi Heikalo
www.oneill-associates.co.uk

Lancaster House
James Nicolson Link
Clifton Moor
York YO304GR
01904 692313

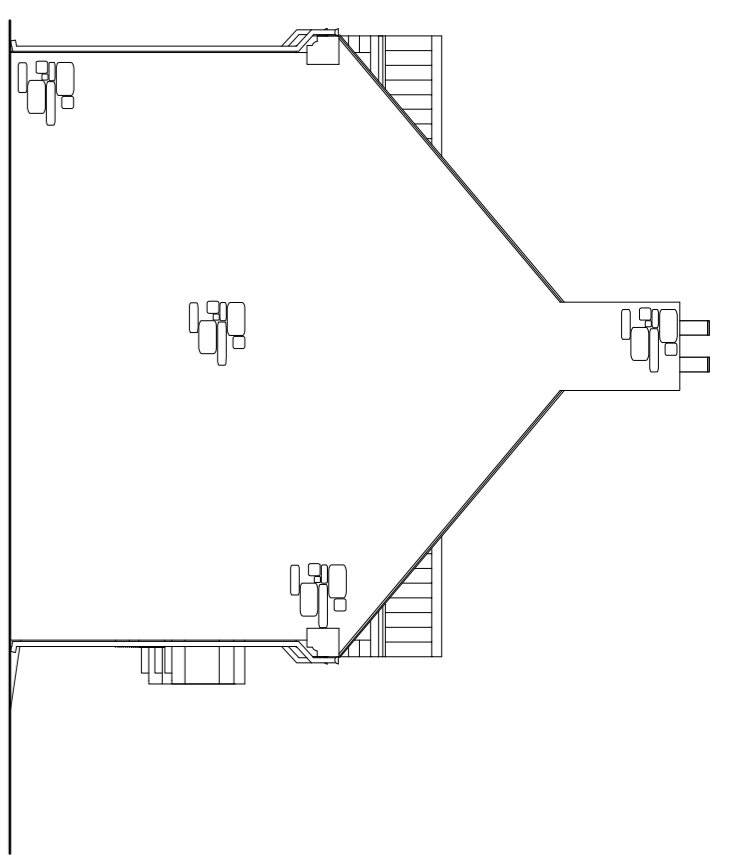
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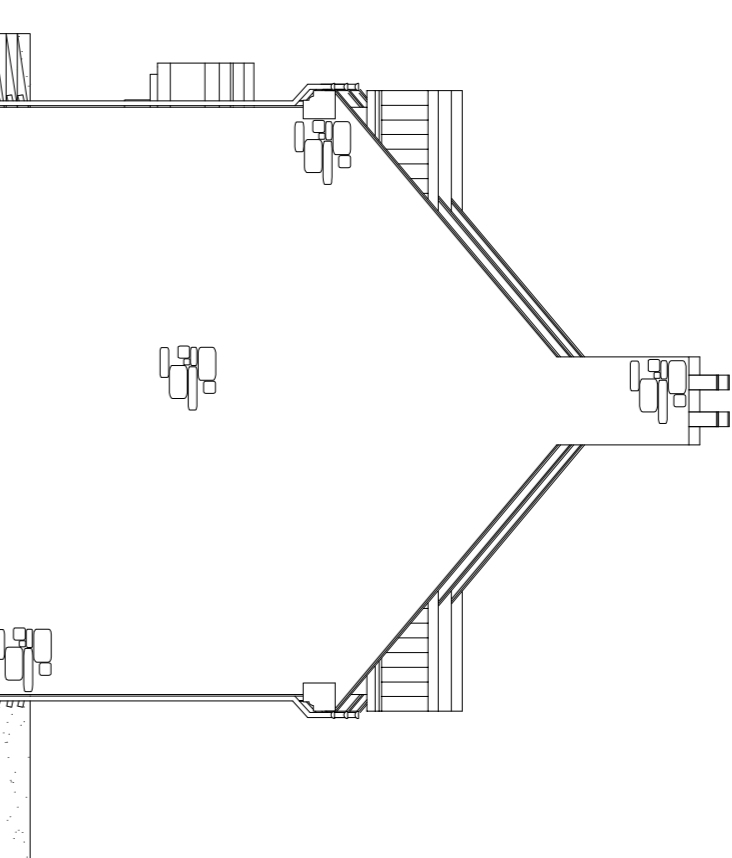
FRONT ELEVATION



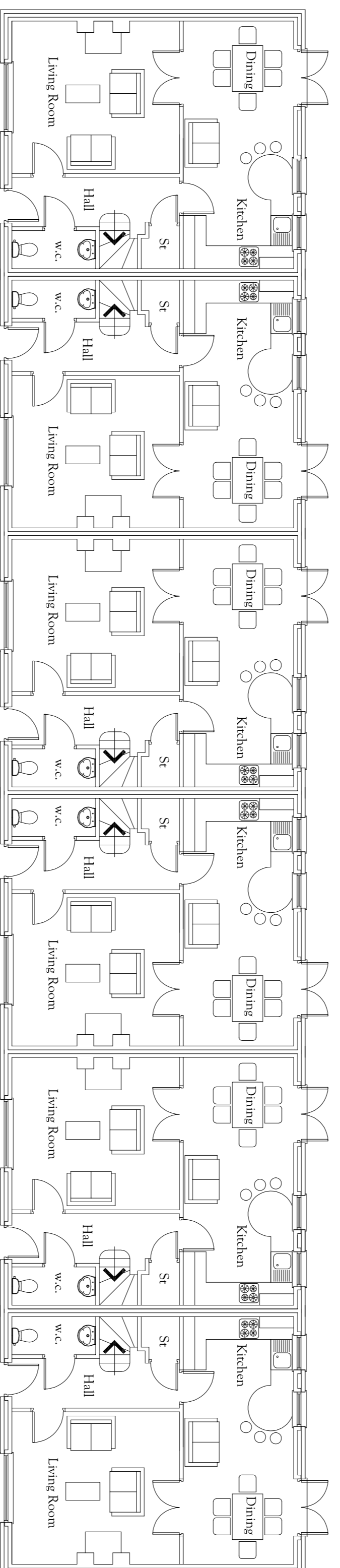
REAR ELEVATION
Elevations 1:100



SIDE ELEVATION

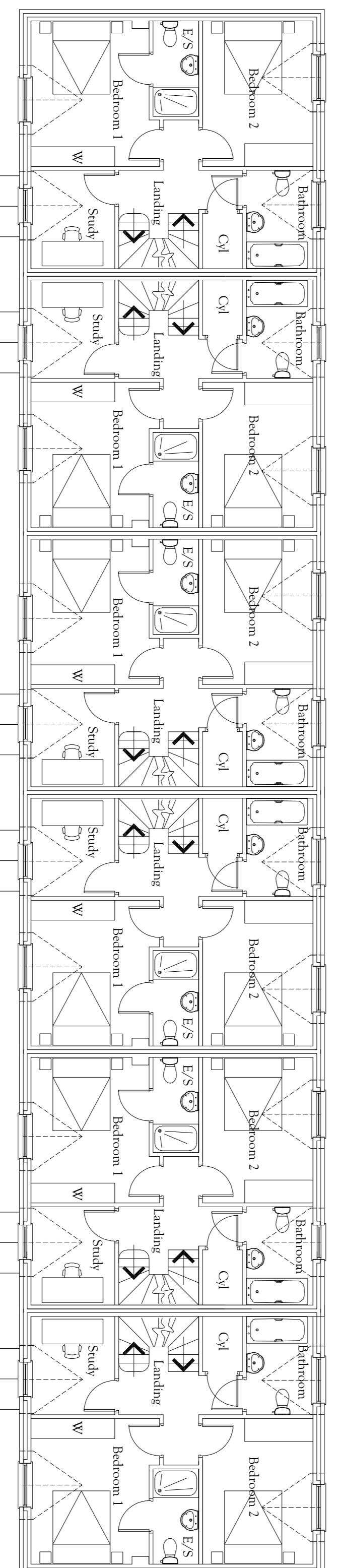


SIDE ELEVATION

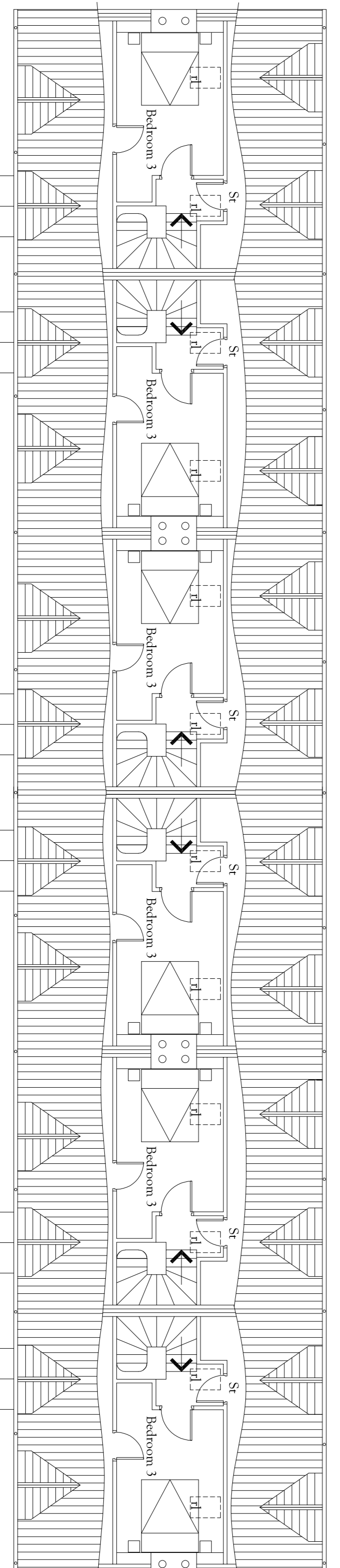


GROUND FLOOR PLAN

Dwelling Size
114.28 sq m / 1230 sq ft



FIRST FLOOR PLAN



LOFT PLAN

Floor Plans Houses 1-3 1:100

PLEASE NOTE:
Measurements from the drawings for construction purposes. All dimensions for fabrication and manufacture must be checked on site. Scheduling of items must be checked & cross referenced with all information available to avoid mistakes when ordering. Any drawing discrepancies must be reported immediately. This drawing is protected by copyright and must not be copied or reproduced without the written consent of The Planning & Design Associates.

WARNING TO HOUSING PURCHASERS
PROPERTY MISDESCRIPTIONS ACT 1991
The above drawings are intended to be used as descriptive information only and do not constitute a contract. The purchaser is advised to read the contract presented by their solicitor under the above act. The contents of this drawing may be subject to change at any time and alterations and variations may occur during the progress of the works without notice at the drawing. Consequently the amount, form, content and dimensions of the finished construction may vary from those shown on the drawings and the purchaser is advised to check the contract for a contract or a warranty.

THE PARTY WALL ACT 1996
The Party Wall Act does not effect any requirement for Planning Permission or Building Regulation Approval for any work undertaken. Likewise, having Planning Permission and/or Building Regulation Approval does not exempt the requirements under the Party Wall Act. The Party Wall Act 1996 gives the owner of the property the right to carry out certain types of work on a party wall or on a wall adjacent to a party wall.
The Party Wall Act comes into effect if someone is planning to do work on a relevant structure for the purposes of the act, party wall (see how you own the wall between two adjoining properties, it covers:
* A wall forming part of only one building but which is on the boundary line between two (or more) properties.
* A wall which is common to two (or more) properties, this includes where someone built a wall and a neighbour subsequently built something leaning up to it.
* A garden wall, where the wall is outside the boundary line (or runs up against it) and is used to support or retain earth, or is a wall between two gardens.
* A garden wall, where the wall is inside the boundary line (or runs up against it) and is used to support or retain earth, or is a wall between two gardens.
* A wall or ceiling of a flat etc.
* Extension near to a neighbouring property.

As with all work affecting neighbours, it is always better to reach a friendly agreement rather than resort to any law. Even when the work requires a notice to be served, it is better to informally discuss the intended work, consider the neighbours comments, and amend your plans (if appropriate) before serving the notices. If there is any doubt please consult planning & design associates or a party wall surveyor.

Rev C 12/10/2017 - Revised to suit new layout
Rev B 25/08/2016 - Revised to suit new layout
Rev A 08/08/2016 - House types revised

The Planning & Design Associates
PLANNING, ARCHITECTURE, INTERIORS, LANDSCAPE
The Chicory Barn Studio,
The Old Brickyards, Moor Lane, Stanford Bridge,
York, The East Riding Of Yorkshire, YO41 1THU.
Telephone 01759 373656
E-mail: info@the-pdassociates.co.uk
website: www.the-pdassociates.co.uk

Client		Project	
Outline Application for Housing Development at Manor Vale Lane, Kirbymoorside		Drawing	
Proposed Dwellings 1 to 6		Date	August 2016
Scale		1:100 @ A1	Drawn PAN
Status		PLANNING	Rev. C
Drawing No.		KWL/093/03/12	

AH

RYEDALE DM

Kirkbymoorside Town Brass Band
50 West End
Kirkbymoorside
North Yorkshire
YO62 6AF

08 MAR 2018

DEVELOPMENT MANAGEMENT



Ryedale District Council
Mr A Hunter, Planning Officer
Ryedale House
Malton
YO17 7HH

6th March 2018

Dear Mr Hunter

Please find enclosed a copy of a letter sent to O'Neil consultancy for the attention of the planning committee with regard to application ref: 17/01450/FUL.

I will add that the submissions relating to this application have highlighted that there may have been some breakdown in communication between the band and YES Consultancy , which is a shame as the consultations between us had been genuinely cooperative. The fact remains though that the band is a marching band and does practice playing and marching, to tidy up its department whilst on parade, on the road outside the bandroom on some practice evenings as and when the need arises. This may happen two or three times a year.

Yours faithfully

John Wright
Band Trustee and Chairman

Tel:

E-mail:



Kirkbymoorside Town Brass Band
50 West End
Kirkbymoorside
North Yorkshire
YO62 6AF

6th March 2018

O'Neil Associates
Lancaster House
James Nicholson Link
Clifton Moor
York
YO30 4GR

Dear Madam,

Thank-you for your recent letter, which we received on the 3rd March along with enclosures.

The band has maintained a long and consistent position of opposing all housing applications made in relation to this site since NYCC ceased its Highways operations there. We have strong fears that residential neighbours so close to our bandroom would find our activities annoying and that new housing there would present problems to and could easily threaten the success of our community and charitable activities in the town. Given that fear I trust that you will appreciate my inability to reply to your letter as you may have hoped.

When reviewing your client's latest housing application, we found it to be much more detailed and convincing in structure. That was a worry to us. Accordingly, in the final paragraph of our objections we recognised that the RDC Planning Committee could be inclined to look more favourably upon your client's latest ambitions. In the event that it did, we asked the Planning Committee to "...put in place a planning restriction to prevent the construction of these houses, until such time as the developer has installed appropriate soundproofing and air conditioning measures to the existing band room..." That remains our position. If housing might ever be in prospect on this site the band would be hoping for the developer to help us to mitigate any potential nuisance to the new residential neighbours.

For now, I feel sure that the band committee would not want to acquiesce to your client's proposal for fixed pane windows and the installation of ventilation/air conditioning systems. In any event I doubt that this would provide a solution to the potential noise and disturbance problem. Denying the band access to fresh air can only ever be a second best measure to mitigate some of the effects of noise emitted from the band hall. Indeed, I see that YES Consultancy "...do not think it would be necessary for any mitigation to be provided in terms of sound insulation of the band hall building..." Accordingly, I feel that for now we must all wait for and be guided by the decision of Planning Committee and its officers who are obliged to consider all of the submissions from all parties.

However, as we have said in the event that housing on the site should become more likely, I will take advice from my elected committee and if necessary the wider band membership.

Yours faithfully

John Wright
Band Trustee and Chairman

cc : Mr A Hunter
Ryedale Planning Department

Tel: 0

E-mail:

THE OWL YAT
MANOR VALE LANE
KIRKBYMOORSIDE
YORK YO62 6EG

Ryedale District Council
Ryedale House
Malton
North Yorkshire
YI17 7HH

For the attention of Alan Hunter – Senior Specialist Officer (Place)

Dear Sir,

RE : APPLICATION NO. 17/01450/FUL

APPLICANT : Thomas Crown Associates

LOCATION : N. Yorks Highways Depot, Manor Vale Lane, Kirkbymoorside YO62 6EG

We refer to the above application.

As we have said so many times before, we are fully supportive of housing on this site and support the application, with **one** important reservation.

As you will see from the enclosed photograph below (Picture 1.), there is no pavement between our house and the road and the plan states there will be a speed hump immediately outside the house. **This is totally unacceptable.** There is already enough vibration with passing traffic, including lorries going to the golf course. The noise would be unbearable and the increased vibrations would cause permanent damage to the property. Also as a professional musician, the only room in which it is possible to have a piano is immediately adjacent to the road and there would be disturbance every time a vehicle went past. As you will also observe, through a problem with water leakage, the road has been dug up over the past few weeks for repair to pipework. The speed hump is proposed immediately over the site of water pipes and as the maintenance crew discovered, also above the gas and other pipes. You will also observe in Picture 1. an access cover to sewerage pipes and waste water which must not be disturbed. This again makes the proposal totally unacceptable.

If it is necessary to reduce speed in this way, a far better proposal is to locate it at the end of the large green hedge beyond the house and before the new proposed site is placed. I refer you to picture no.2.

N.B. It has also come to our notice that a previous application for industrial storage was turned down by the council some time ago and yet that is exactly what the site is being used for! It is a disgusting mess and we feel very strongly that the council should be enforcing this refusal and are wondering why this has not been done. Perhaps you would be good enough to tell us why the applicant is being allowed to flout the law!

(Please see Pictures 3 and 4.)

Yours faithfully

ANJI & MALCOLM DOWSON

(Mr & Mrs M.I. Dowson)



PICTURE 1



PICTURE 2



PICTURE 3



PICTURE 4

**NORTH YORKSHIRE COUNTY COUNCIL
BUSINESS and ENVIRONMENTAL SERVICES**



**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**

Application No: 17/01513/FUL

Proposed Development: Erection of a two bedroom bungalow together with formation of vehicular access for 3 The Chase.

Location: Land Off The Chase Norton Malton North Yorkshire

Applicant: Mr & Mrs S Cass

CH Ref: N/A

Case Officer: Stephen Boyne

Area Ref: 3/96/978

Tel: 01609 780 780

County Road No: U/C

E-mail: Area4.KirbyMisperton@northyorks.gov.uk

To: Ryedale District Council
Ryedale House
Old Malton Road
MALTON
North Yorkshire
YO17 9HH

Date: 6 March 2018

FAO: Joshua Murphy / Karen Hood

Copies to:

Re. amended plan (Drawing No. 17-1222-1 Rev. Feb 2018) as notified by Ryedale DC dated 28 February 2018 :

Note to the Planning Officer:

In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters:

The design standard for the site is Manual for Streets and the required visibility splay is 2.0 metres by 25.0 metres. The available visibility is 2.0 metres by 25.0 metres.

Consequently the Local Highway Authority recommends that the following **Conditions** are attached to any permission granted:

Continued

Signed:

Stephen Boyne

For Corporate Director for Business and Environmental Services

Issued by:

Kirby Misperton Highway Office
Beansheaf Industrial Park
Tofts Road
Kirby Misperton
YO17 6BG

e-mail: Area4.KirbyMisperton@northyorks.gov.uk

**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

Application No:

17/01513/FULA

1. HC-07 Private Access/Verge Crossings: Construction Requirements (REVISED)

Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements

- d. The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details on drawing number 17-1222-1 Rev. Feb 2018 and/or Standard Detail number E6.
- g. Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with details that shall be submitted and agreed with the Local Planning Authority in consultation with the Local Highway Authority in advance of the commencement of the development and maintained thereafter to prevent such discharges.
- h. The final surfacing of any private access within 2.0 metres of the public highway boundary shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

HI-07 INFORMATIVE

You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

REASON

In accordance with policy # and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience

Continued

**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

Application No:

17/01513/FULA

2. HC-11 PEDESTRIAN VISIBILITY SPLAYS

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 visibility splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the major road have been provided. The eye height will be 1.05 metre and the object height shall be 0.6 metres. 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 # and the interests of road safety to provide drivers of vehicles using the access and other users of the public highway with adequate inter-visibility commensurate with the traffic flows and road conditions.

INFORMATIVE

An explanation of the terms used above is available from the Highway Authority

3. HC-16 PARKING FOR DWELLINGS

No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing number 17-1222-1 Rev. Feb 2018. 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 # and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

4. HC-18a PRECAUTIONS TO PREVENT MUD ON THE HIGHWAY

There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal

REASON

In accordance with policy # and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

Continued

**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

Application No:

17/01513/FULA

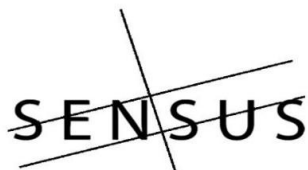
5. HC-24 ONSITE PARKING, ON-SITE STORAGE AND CONSTRUCTION TRAFFIC DURING DEVELOPMENT

Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

- a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
- b. on-site materials storage area capable of accommodating all materials required for the operation of the site.
- c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

REASON

In accordance with policy # and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.



Our Ref: NH/180002-001

Russetts
Kennford
Exeter
Norfolk
EX6 7XY

Your ref: 17/01531/FUL

Date: 05 February 2018

Development Management
Ryedale District Council
Ryedale House
Old Malton Road
Malton
North Yorkshire
YO17 7HH

VIA EMAIL

Dear Ms Bonner,

RE: CHANGE OF USE, ALTERATION AND EXTENSION OF EXISTING DETACHED OUTBUILDING TO FORM A TWO BEDROOM RESIDENTIAL DWELLING TOGETHER WITH ALTERATIONS TO THE DRIVEWAY LAYOUT AT OUTBUILDING AT WATER MEADOWS HALL DRIVE SAND HUTTON MALTON

I write to raise objection to the above planning application on behalf of Mr and Mrs Hamilton, owner and occupier of High Field, Hall Drive, Sand Hutton, York, YO41 1LA.

The applicant's supporting statement states that the proposal relates to an existing brick-built building with timber extensions, which is currently being used as a garage and for domestic storage in association 'Water Meadow'. The building is accessed from Hall Drive and is located outside of the defined settlement limit to Sand Hutton, defined as a non-service/other village in the Ryedale Local Plan Strategy (2013). The application seeks significant extensions to this building including a new flat roof covering in zinc cladding to facilitate use as a dwelling.

The key objections relate to the application relate to the following:

1. Compliance with Policy SP2 (Delivery and Distribution of Housing)
2. Compliance with Policy SP16 (Design) and SP20 (Generic Development Management Issues)
3. Compliance with Policy SP21 (Occupancy Restrictions)
4. Highway Safety and compliance with Policy SP20 and the NPPF
5. Compliance with Policy SP19 (Presumption in Favour of Sustainable Development)

Compliance with Policy SP2 (Delivery and Distribution of Housing)

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Policy SP2 is permissive of the 'Conversion of **redundant or disused traditional rural buildings** and where this would lead to an **enhancement to the immediate setting** for Local Needs Occupancy' (my emphasis).

The emphasis is clearly on allowing conversion in very special circumstances only:

- a) Redundant disused traditional rural buildings;
- b) lead to an enhancement; and
- c) for local needs occupancy (discussed later)

The applicant has failed to identify that the subject building would meet criteria (a). The building is in use as a garage and domestic store and therefore *is not* redundant or disused. 'Traditional' is commonly understood to be a pre-1919 building. Historic England in their 'Adapting Traditional Farm Buildings: best Practice Guidelines for Adaptive Reuse' (September 2017) also provide examples of what a traditional building comprises. In this instance the subject building, albeit in brick, is clearly not traditional or rural. To allow the conversion of a domestic curtilage building to a dwelling under Policy SP2 would set a precedent allowing contrived situations for anyone to apply to convert a shed or garage to a dwelling and therefore it is clear this is an important test that must be satisfied.

The proposal involves significant extension and alterations to a fairly small and low key building which at present reads as an unimposing domestic outbuilding which is not visible in the wider landscape. The proposed size, design and external materials of the proposed dwelling is overly domestic in character and of a scale that would be discordant in this countryside location, visibly pushing the built character out further into countryside, eroding its special quality. The ability to provide landscaping to 'hide' the development does not make an unacceptable development then acceptable. There is also no guarantee that any landscaping would be maintained and managed in perpetuity.

Compliance with Policy SP16 (Design) and SP20 (Generic Development Management Issues)

SP16 states, inter alia, that:

Extensions and alterations to existing buildings will be appropriate and sympathetic to the character and appearance of the host building in terms of scale, form and use of materials and in considering proposals for the alteration, re-use or extension of individual historic buildings the Council will seek to ensure that:

- A building is capable of conversion to the use proposed without the need for extensions or alterations that would be detrimental to its character.
- Proposed extensions and alterations, considered acceptable in principle, that are of an architectural style which complements the traditional character of the main building.
- Appropriate materials and traditional construction methods and techniques are used.

As stated above, the amount of new build, design and external materials is considered to be excessive and of a domestic character which is not appropriate to this sites countryside location.

Compliance with Policy SP21 (Occupancy Restrictions)

Policy S21 relates to the imposition of Occupancy Restrictions (i.e. a planning condition) where a Local Need is identified, in this instance claimed under SP2.

Policy SP21 reads as follows:

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“The following occupancy conditions will be used to ensure that developments are occupied for the purpose for which they are **intended and justified**. This policy will be applied in the following circumstances:

a) Local Needs Occupancy

To meet local housing need in the non-service villages the occupancy of new market housing will be subject to a local needs occupancy condition where this accords with Policy SP2, and will be limited to people who:

- Have permanently resided in the parish, or an adjoining parish (including those outside the District), for at least three years and are now in need of new accommodation, which cannot be met from the existing housing stock; or
- Do not live in the parish but have a long standing connection to the local community, including a previous period of residence of
- over three years but have moved away in the past three years, or service men and women returning to the parish after leaving military service; or
- Are taking up full-time permanent employment in an already established business which has been located within the parish, or adjoining parish, for at least the previous three years; or
- Have an essential need arising from age or infirmity to move to be near relatives who have been permanently resident within the District for at least the previous three years” (my emphasis).

Therefore, Policy SP21 is explicit that the condition should **only** be imposed for developments where their purpose has been justified.

The only evidence to support compliance with SP21 appears to be a reference in the applicants Supporting Statement (page 6) which states that “the Proposal will provide a ‘lifetime home’ for a local couple (the Applicants) who have lived in Sand Hutton for nearly 40 years, have a son who lives in the village and who now wish to move into a more accessible, single storey property. These types of properties are limited in their availability within Sand Hutton village. The proposal therefore accords with the occupancy requirements set out in Policy S21”.

This evidence is clearly anecdotal and is supported by no definitive evidence. i.e. that the applicant has lived in the locality for 40 years, that other properties haven been considered and found to be unsuitable, that single storey development is required due to the nature of any health condition, evidence of property search exercise to show that *if* there is a need for single storey accommodation it can’t be met by the existing housing provision. To assume that approval and imposition of a standard including the SP21 caveats would control this matter is poor Planning as ultimately it would lead to the unnecessary conversion of a building to a dwelling in an unsuitable location.

I therefore request that the application be refused on the basis that the applicant has failed to address the requirements of Policy SP2 and SP21.

Highway safety

The Highway Authority (HA) in its consultation response to this application dated 30 January 2018 has recommended a **refusal** of the application as the existing access does not meet the required standards for visibility splays as set out in Manual for Streets. Due to land ownership the applicant is unable to provide these and therefore approving the development would be permitting further vehicles to existing from a Drive which has insufficient visibility. The HA stress in their response that their advice to the LPA has been consistent and refer to applications 08/00359 (outline) and 12/00042 (reserved matters). Whilst minor changes have been undertaken on the road adjacent to Hall Drive, to try increase visibility at the access, the HA note that these do not have any

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regulatory function and do not increase visibility to the required safety standard as set out in Manual for Streets. It is therefore not considered to be a safe access which can accommodate further development.

Paragraph 32 of the NPPF states that: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". Since the HA's initial response, advising that no additional traffic should be served from Hall Drive, the LPA has approved one additional dwelling. It is considered that any further development would be cumulatively harmful to highway safety.

The response from the HA is a material consideration and we would strongly suggest this is given significant weight in your determination. Additional traffic existing from Hall Drive would have significant highway harm and is contrary to Policy SP20.

Compliance with Policy SP19 (Presumption in Favour of Sustainable Development)

The proposal comprises development in open countryside. It has failed to satisfy the requirements of SP2 and there are no other Local Plan policies that would support a new dwelling in this location. The proposal would also have a landscape harm. It can therefore be concluded to be unsustainable development contrary to the requirements of SP19 and National Policy contained in the NPPF. There is no presumption in favour of approving this application.

In accordance with s.38(6) PCPA 2004 planning applications are to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The meaning of Development Plan policy is a matter of law. The NPPF emphasises that development would be genuinely plan led (§17). The applicant has not put forward any other material considerations that would be sufficient to overcome the fundamental breach of Development Plan policy. Imposing a condition requiring the building to be occupied to meet a Local Need would not be reasonable as the applicant has not demonstrated that a) the proposal complies with SP2 in so far as this is a traditional rural building b) that it would lead to an enhancement of the site and c) that there is any evidenced of a Local Need.

It is therefore recommended that this application be refused.

Yours sincerely

Kelly Grunnill BA (Hons) MSc MRTPI
DIRECTOR

Planning • Architecture • Design

www.sensusarchitecture.co.uk

Registered Address: 7 Main Road, Titchwell, Kings Lynn, PE31 8BB

From: Neil Hamilton
Sent: 02 March 2018 15:14
To: Niamh Bonner
Subject: Planning Ref 17/01531/FUL - Additional Information

Ms Bonner,

I am the owner and occupier of the property affected by the proposed new dwelling covered by the above planning application.

I am aware that you have already been contacted by Kelly Grunnill of Sensus Architecture who is acting on my behalf but thought it worthwhile to provide some supplementary information.

The proposed development references replacing an existing outbuilding, used for storage, with a residential property.

In addition to the information contained within Ms Grunnill's objection letter, it is important to note that the footprint of the proposed dwelling has been considerably enlarged by including in the curtilage two latterly appended, temporary wooden structures.

Namely a greenhouse, together with a large, open-fronted, "lean-to" shed. These two additions, significantly, and artificially, increase the size of the potential development.

I have attached 2 photographs that better demonstrate and highlight this issue for your information and consideration.

Please accept my apologies if you have already taken this into account in your deliberations.

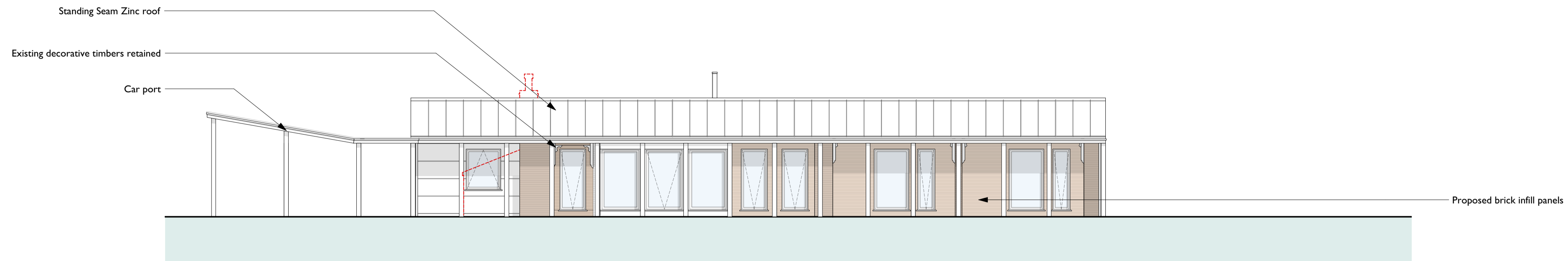
Regards

Neil Hamilton

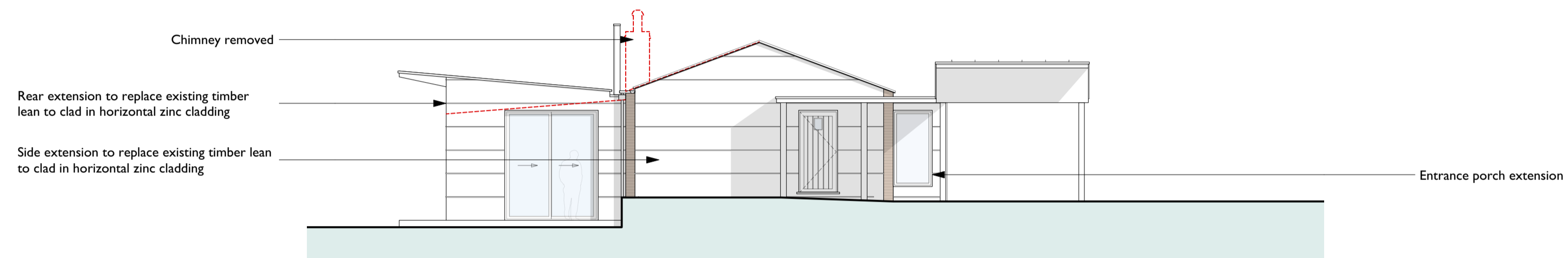




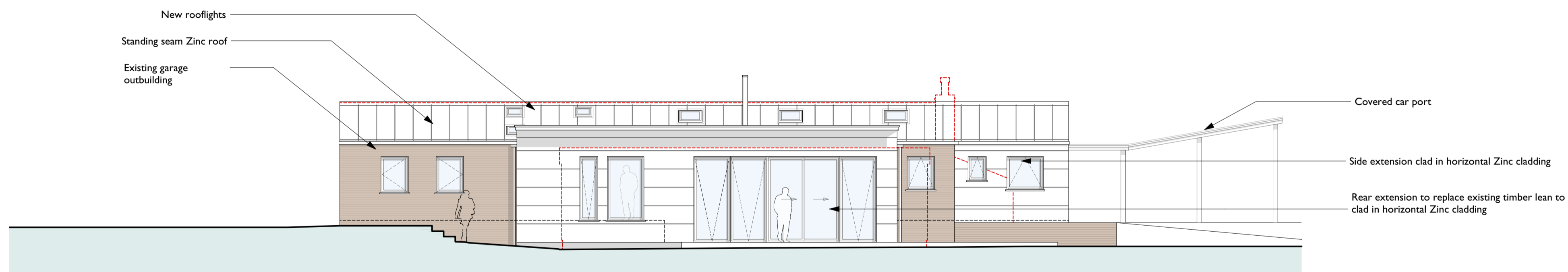
REVISION HISTORY			
REV	DESCRIPTION	DATE	APPROVED
A	West Elevation corrected	05/03/18	-



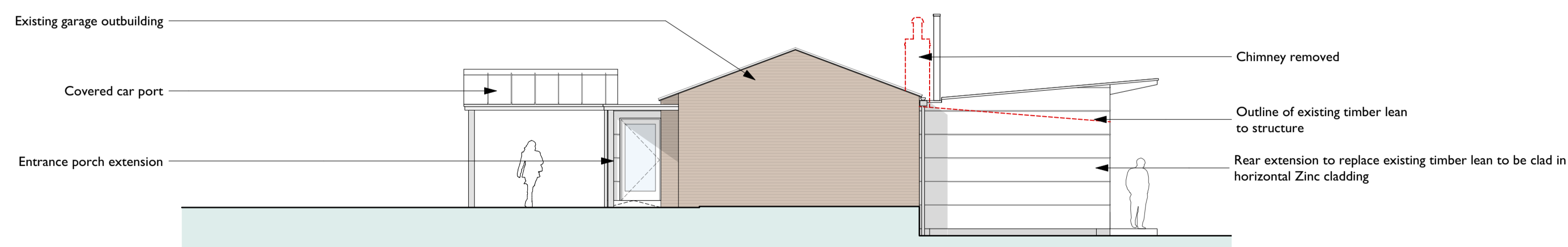
1 PROPOSED SOUTH ELEVATION
Scale: 1:100



2 PROPOSED WEST ELEVATION
Scale: 1:100



3 PROPOSED NORTH ELEVATION
Scale: 1:100



4 PROPOSED EAST ELEVATION
Scale: 1:100



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PLANNING

RIBA WORK STAGE 3

CLIENT

Mr & Mrs Miers

JOB

Sand Hutton

JOB NO.

17017

DRAWING

Proposed Elevations

DRG NO.

303A

SCALE

1:100 @ A1

DRAWN

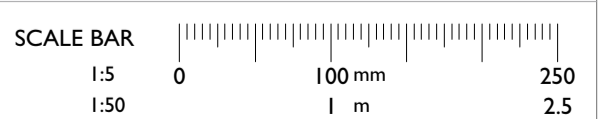
AJ

APPROVED

SW

DATE

13/12/17



All dimensions must be checked on site and not be scaled from this drawing.

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