

**RYEDALE DISTRICT COUNCIL
PLANNING COMMITTEE**

SCHEDULE OF ITEMS TO BE DETERMINED BY THE COMMITTEE

PLANS WILL BE AVAILABLE FOR INSPECTION 30 MINUTES BEFORE THE MEETING

Item Number: 6
Application No: 14/00096/MOUT
Parish: Norton Town Council
Appn. Type: Outline Application Major
Applicant: Thomas Crown Associates Ltd
Proposal: Residential development of 18 no. dwellings following demolition of existing agricultural type buildings (site area 0.54ha)
Location: Agricultural Contractors Welham Road Norton Malton North Yorkshire

Registration Date: 27 March 2014
8/13 Wk Expiry Date: 26 June 2014
Overall Expiry Date: 4 June 2014
Case Officer: Matthew Mortonson **Ext:** 332

CONSULTATIONS:

Public Rights Of Way	Recommend informative
Housing Services	No views received to date
Highways North Yorkshire	Recommend conditions
Parish Council	Recommend refusal
Countryside Officer	Recommend condition.
Sustainable Places Team (Yorkshire Area)	Recommends condition
Highways North Yorkshire	Application unacceptable - two major concerns re link to public highway and drainage
Land Use Planning	Objection
Tree & Landscape Officer	No views received to date
Environmental Health Officer	Recommend conditions
Archaeology Section	No views received to date
Housing Services	No views received to date
Parish Council	Refusal
Land Use Planning	Objection removed, recommend conditions
North Yorkshire Education Authority	Developer contribution required
Property Management	Observations made

Neighbour responses: Mr And Mrs D Slaughter, Mrs R Fiabairn, Mrs Naomi Dale, Mr Howard Keal, Mr Graham Perry, Mr Chris Kirby, Mr And Mrs Andrew Slaughter, Mr Tim Halliday, Patricia . M Greene, Mrs Nichola Scott, Mr David Cooper, Mrs Audrey Watts, Mr And Mrs J Calvert, Mr Robert Lamb, Mr And Mrs J Simpson, Mrs Sharon A Bone, Mrs Joanne Brooks, Mrs Yvonne Fogg, Mrs Karen Scott, Mr Stephen Waudby, Mrs Jeniffer Williams, Mr Michael Watkins, Mrs Gill Coates, Mr John Deacon, Mrs Joanne Clarke, G & J Coates, Mrs Joanne Allen, Judith Bradley, Mr John Williamson,

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SITE:

The application site is situated within the development limits for Norton located approximately 100m to the west of Welham Road and directly to the north of Lakeside Way. The site is roughly triangular in shape measuring 0.514ha (1.27 acres) in size. The site is located in 100% Flood Zone 2, and approximately 95% - 98% Flood Zone 3.

The technical information submitted within the application includes; Planning Statement; Design and Access Statement; Flood Risk Assessment (including Sequential Test and Exception Test); Ecological Assessment; Arboricultural Assessment; Phase 1: Desk Top Study Report; and Archaeological Desktop Based Assessment.

PROPOSAL:

The proposal seeks Outline consent for a residential development of 18 no. dwellings, following the demolition of the existing agricultural style buildings located on site.

HISTORY:

Relating to the Application Site

80/00129/OLD (3/96/270/PA): Erection of a steel framed implement shed at Beck Mills - Approved 31.3.80

83/00128/OLD (3/96/270A/PA): Construction of a toilet block - Approved 19.8.83

Relating to Lakeside Way

91/00083/OLD (3/96/335E/OA) Residential development including provision of public open space, lake, construction of Mill building and access improvements (site area 3.25 HA) at Leopold Nursery and Beck Mill. Approved 21.9.92

POLICY:

National Planning Policy

National Planning Policy Framework
National Planning Practise Guidance

Ryedale Local Plan Strategy

Policy SP1 - General Location of Development and Settlement Hierarchy
Policy SP2 - Delivery and Distribution of New Housing
Policy SP3 - Affordable Housing
Policy SP4 - Type and Mix of New Housing
Policy SP10 - Physical Infrastructure
Policy SP14 - Biodiversity
Policy SP16 - Design
Policy SP17 - Managing Air Quality, Land and Water Resources
Policy SP19 - Presumption in Favour of Sustainable Development
Policy SP20 - Generic Development Management Issues
Policy SP22 - Planning Obligations, Development Contributions and the Community Infrastructure Levy

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CONSULTATION RESPONSES:

The Parish Council have objected to this application. The concerns raised include:

- Overdevelopment of a relatively small site, with insufficient parking leading to more congestion on surrounding streets;
- Vehicular access to the site cutting across a much used safe public footpath;
- Increased flood risk. This site is in the floodplain and any further development would limit the drainage of ground water which is already a problem in the area;
- Impact on sewage system. The Victorian sewers are already at over capacity and any further development puts residents in other areas, especially those living in the vicinity of Church Street, the bottom end of St Nicholas Street and Welham Road at much greater risk of having raw sewage impacting on their property whenever there is a period of heavy rain and the system is under pressure.

In addition a significant number of objections have been received from members of the public. The concerns they raise include:

- The site is located within the flood zone;
- The site and the surrounding area suffers from standing water in times of heavy rainfall;
- The development will increase the risk of flooding elsewhere;
- Surface water run-off will overload the existing drainage system;
- Impact on the local sewage system;
- The development is high density / overdevelopment;
- The development would over dominate existing nearby residential properties;
- Impact on residential amenity of nearby dwellings;
- Concerns regarding increased highway activity, including noise levels and traffic;
- The existing local services (schools, doctors etc) are at capacity;
- The impact on the public footpath network within the area;
- The loss of valued open space;
- Ecology related issues;
- Concerns over the removal of Japanese knotweed;
- Affordable housing provision does not represent 35% of the total development;
- Inclusion / integration of affordable unit into the development;
- The planning history of the site – does the site already have outline planning permission?

APPRAISAL:

The main considerations in the assessment of this application are:

- i) The principle of the development
- ii) Flood related issues and the Site Sequential Test
- iii) Affordable housing
- iv) Site layout and design
- v) Residential amenity
- vi) Highway / Public Right of Way
- vii) Archaeology
- viii) Ecology
- ix) Impact on local sewerage system
- x) Public open space
- xi) Education contribution
- xii) Tree and Landscaping
- xiii) Land Contamination

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The principle of the development

In considering the principle of this development, Policy SP1 (General Location of Development and Settlement Hierarchy) and Policy SP2 (Delivery and Distribution of New Housing) of the Ryedale Local Plan Strategy are relevant. These policies identify Malton and Norton as the principle towns for growth in the District and the main focus for new development and housing within Ryedale. In light of this, the proposed residential development, which is located within the settlement limits for Norton, is considered to be acceptable in principle, subject to compliance with other material considerations.

Members will note that a member of the public has raised concerns that the site may already benefit from outline planning permission. Officers have researched this matter, and it has been identified that Planning Application ref. 3/96/335E/OA (Lakeside Way, Norton) did not include this application site in the approved decision. Therefore, Members are advised that the site does not benefit from any outline planning consent.

Flood related issues and the Site Sequential Test

With respect the Sequential Test, the NPPF forms an important material consideration. Paragraph 101 of the NPPF states that development should not be permitted if the sequential test demonstrates that there are reasonably available sites appropriate for the proposed development in areas with a lower flood probability. The Sequential Test should therefore be applied to proposals for new development.

The National Planning Practice Guidance identifies the aim of the sequential test. It states:

“The Sequential Test ensures that a sequential approach is followed to steer new development to areas with the lowest probability of flooding. The flood zones as refined in the Strategic Flood Risk Assessment for the area provide the basis for applying the Test. The aim is to steer new development to Flood Zone 1 (areas with a low probability of river or sea flooding). Where there are no reasonably available sites in Flood Zone 1, local planning authorities in their decision making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2 (areas with a medium probability of river or sea flooding), applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required”

The starting point in applying the Sequential Test is the Strategic Flood Risk Assessment (SFRA). The submitted FRA for this application has been assessed by the Environment Agency who has recommended conditions to ensure that the development would be safe from flooding. Nevertheless, as the Agency state in their letter dated 19 February 2014, the Sequential Test should be applied to the site to determine if there are other available sites with a lower probability of flooding.

In terms of defining the area to which the Sequential Test should apply, Malton and Norton should be considered as they are the principle towns within the District and form the primary focus for growth (as identified in Policy SP1 and SP2 of the Ryedale Local Plan Strategy). The FRA has considered Strategic Housing Land Availability Assessment (SHLAA) sites for both Malton and Norton, which includes a number of sites both within and outside of the development limits for the town. Officers consider that this approach is acceptable therefore those sites within the FRA have been considered in the assessment of the Sequential Test.

Members will note that the current planning policy position is that the settlement limits identified in the Ryedale Local Plan are in a transitional period where sites outside of the development limits are being considered as part of the Council’s emerging Site’s Allocation Document. This is illustrated by the fact that the Council has recently granted planning permission (for example ref. 10/00977/MFUL

& 10/00899/MOUT) to a number of housing sites which are located outside the development limits of Norton / Malton (the principle towns of the district). The SHLAA also includes numerous sites outside of the current development limits. In light of this, it is considered that sites should not be discounted solely because of their location outside of the identified development limits.

Policy SP17 of the Local Plan Strategy states that:-

“Flood Risk will be managed by:

Undertaking a risk based sequential approach to the allocation of land for new development and in the consideration of development proposals in order to guide new development to areas with the lowest probability of flooding, whilst taking account of the need to regenerate vacant and previously developed sites within the towns. In considering development proposals or the allocation of land, full account will be taken of the flood risk vulnerability of proposed uses and the national ‘Exception Test’ will be applied if required.”

As previously identified, the requirements of Paragraph 101 of the NPPF is to give preference to sites in areas of lower flood probability. In this case, the application site is located within approximately 95% - 98% flood zone 3. This is the zone with the highest probability (1 in 100 or greater annual probability of river flooding). Given the comments identified in the previous paragraph, Officers consider that there are clearly other sites available with a lower flood risk, both inside and outside of development limits of Malton and Norton, that have been discounted within the FRA. Therefore, based on the information within the FRA, Officers consider that there are a number of sites which would be sequentially preferable to the application site as they would direct the development area from the areas of highest flood risk. For this reason, it is considered the Sequential Test has failed to meet the requirements of Paragraph 101 of the NPPF and the NPPG.

Affordable Housing

In considering affordable housing, Policy SP3 of the Ryedale Local Plan Strategy is relevant. This policy identifies the levels of developer contributions that the Local Planning Authority seeks for affordable housing. The policy also states:

“The size, type and tenure of affordable units will be expected to reflect the affordable housing needs in the locality. Affordable housing contributions should comprise of both social and affordable rent tenures as well as intermediate tenure types. Off-site provision in lieu of on-site contributions will only be supported where it is agreed that this is preferable in terms of management arrangements or where there are clear advantages or overriding reasons for contributions in lieu of provision on-site.”

In this case, the proposed affordable units are in the form of 6no. one bedroom units. It has been identified by the Council’s Housing Officers that Norton is in need of this type of accommodation. Therefore, in this case, the affordable housing provisions are considered to be acceptable, subject to further contributions for off-site provision. The Council’s Housing Officers have raised no objections to the layout of the proposal or the location of the affordable units.

Site layout and design

Policy 16 (Design) of the Ryedale Local Plan states that *“To reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings including:*

- *The grain of settlements, influenced by street blocks, plot sizes, the orientation of buildings, boundaries, spaces between buildings and the density, size and scale of buildings.*

Having assessed the layout and form of the proposed development, Officers consider that the proposed layout is reflective of the character of the area, particularly with respect to the development at Lakeside Way. It is considered that, with appropriate detailed design at reserved matters stage, the development could be accommodated on the site without causing any material harm to the character of the area. Therefore, on balance, the impact of the development on the character and appearance of the street scene is considered to be an acceptable one.

Residential Amenity

With respect to residential amenity, concerns have been received in relation to the impact of the proposed development on the existing residential properties within the area. Such concerns include overlooking, overbearing impact and the impact of increased traffic levels through Lakeside Way.

In terms of overlooking and overbearing issues, the impact of the development on the existing amenities of the neighbouring occupiers will largely be dependent on the detailed design and layout of the dwellings. With respect to the traffic related concerns created as a result of the proposal, it is not considered that the development would result in a such an increase that would materially harm the amenities of nearby residents. Therefore, it is considered that the development would not in principle have a significant adverse impact on neighbouring amenities.

In the event that Members are minded to grant approval, the Councils Environmental Health Officers have recommended an informative to restrict the hours of activity during the construction phase of the development.

Highway / Public Rights of Way

NYCC Highway Authority have been consulted on the application. No objections have been received to the proposal subject to conditions. The comments received from the Highway Authority do however identify that as the proposal will increase the number dwellings served off Lakeside Way would be beyond 50, that a dedicated alternative route for emergency service vehicles will be required. The applicant has informed the Local Planning Authority that they have a right of access over the track leading directly from Welham Road to the site which would address this issue. NYCC have however identified that evidence of such rights will need to be provided to the Highway Authority as part of the adoption process of the new estate road.

With regards to the Public Right of Way, NYCC Public Rights of Way Officers have not raised any objections to the proposal. However, it is stated that the developer will need to agree a safe crossing of the road from the PROW with the Highway Authority.

Archaeology

NYCC Historic Environment Team have provided comment upon the archaeological written scheme of investigation (WSI) submitted for the development. It is identified that the document is acceptable in principle therefore the archaeological evaluation may be undertaken. NYCC has stated that this evaluation should be undertaken prior to the determination of the planning application. At this time, this evaluation has not been undertaken. However as the Officer recommendation is one of refusal, it is not considered necessary to require this information prior to the determination of the application.

The further comments of the applicant are, however, being sought on this point.

Ecology

The Council's Countryside Officer has been consulted on this application. The comments received on 15 April 2014 identify that no objections are received to the development subject to the mitigation and

compensation measures identified sections 9 and 10 of the submitted ecological report being carried out.

Impact on local sewerage system

Members are referred to the comments received from Yorkshire Water dated 26 March 2014. This correspondence identifies that Yorkshire Water do not have any objections to the development. Within this correspondence it is identified that the public sewer network does not have capacity to accept any discharge of surface water from the site therefore the use of SUDS is suggested as an appropriate alternative. Yorkshire Water have also advised that a suitable watercourse could be used for the disposal of surface water, such as Mill Beck located to the west of the site.

Public Open Space

The layout provided does not allow for on-site public open space provision, although the applicant is aware of the Council's policy on this matter. Therefore, should Members be minded to approve this application financial contributions will be sought for off-site provision.

Education contribution

NYCC Education Authority has been consulted on the application. Members will be made aware of their comments once these have been received.

Tree and Landscaping

The Councils Tree and Landscape Officer has been consulted on the application, however, no response has been received. Members will be updated on this aspect of the application in the late pages.

Land Contamination

A Phase 1 Desktop Study Report has been submitted alongside the planning application. The Councils Environmental Health Officers have considered this document. A condition has been recommended to ensure further investigations are undertaken into the potential land contamination before any dwelling on the site is occupied, if permission is granted.

Conclusion

Officers consider that there are other sites at the principle towns of Malton and Norton which are preferable to the application site in terms of flood risk and which are capable of accommodating the residential development proposed.

RECOMMENDATION: Refusal

- 1 The proposed development is located within Flood Zones 2 and 3a as identified in the Environment Agency's flood maps. The Local Planning Authority considers that there are sequentially preferable areas of land at Malton and Norton which are located in areas with lower probability of flooding which are capable of accommodating the residential development proposed. The development of this site is, therefore, considered to be contrary to Policies SP17 and SP19 of the Ryedale Plan - Local Plan Strategy.
- 2 Paragraph 101 of the NPPF states that development should not be permitted if the sequential test demonstrates that there are reasonably available sites appropriate for the proposed development in areas with a lower flood probability.

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The National Planning Practice Guidance identifies the aim of the sequential test. It states:

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In this case, the application site is located within 100% flood zone 2, and approximately 95% - 98% flood zone 3a. The Local Planning Authority considers that the Councils SHLAA demonstrates that there are sequentially preferable sites in Malton and Norton (including those located outside of development limits) which are capable of accommodating market led housing in areas of lower risk of flooding. As such the application fails the sequential test and is contrary to the requirements of paragraph 101 of the NPPF and the NPPG.

Background Papers:

Adopted Ryedale Local Plan 2002
Local Plan Strategy 2013
National Planning Policy Framework
Responses from consultees and interested parties