

**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: 7
Application No: 14/00947/MFUL
Parish: Norton Town Council
Appn. Type: Full Application Major
Applicant: Mr Paul Sedman
Proposal: Erection of 37no. one bedroom apartments. 20no. two bedroom apartments, 5no. three bedroom dwellings with undercroft parking, private and communal amenity areas, landscaping, alteration to existing vehicular access and erection of street front commercial unit with one bed studio above
Location: ATS Euromaster 25 - 27 Commercial Street Norton Malton North Yorkshire YO17 9HX

Registration Date: 5 September 2014 **8/13 Week Expiry Date:** 5 December 2014
Case Officer: Gary Housden **Ext:** 307

CONSULTATIONS:

Building Conservation Officer	No objection
North Yorkshire Education Authority	Contribution required
Archaeology Section	Recommends condition
Highways North Yorkshire	Recommend conditions
Parish Council	Recommend refusal and additional comments
North Yorkshire Police Architectural Liaison Officer	Comments re: cycle stores, boundary treatments and demarcation of private amenity space.
Land Use Planning	Conditional support
Sustainable Places Team (Yorkshire Area)	Recommend conditions
Environmental Health Officer	Recommend Conditions
Tree & Landscape Officer	Recommend conditions
Countryside Officer	Confirms proposed landscaping acceptable recommend condition

Neighbour responses: Sophie Tasker, Mr Keith Nicholson, Simon Jones, Sarah Munro, Sheila And Brian Atkinson, Miss Cherry Potter, Mr Darron Callender, Mr Andrew Douthwaite, Mrs Janet Douthwaite, Mrs Jackie McGibbon, Lee Halsteal, J Wasley, Z M Rea, Julie Parker, Miss Rosie Wardale, Mrs Angela Wardale, Mr Roger Wardale, Mrs Vivienne Nicholson, Mrs Gaynor Johnson, Miss P Simpson, Mrs C J Miers, The Occupier, Hassan - Shoraka, Kenneth Sedman, Brenda Sedman, N Abbey, T Jones, Karen Horton, Miss Katy Sterriker, Mr Paul Kendrew, J Moody, Mr A Pickard, Mr L Armstong, Jean Fisher, Mrs Power, Mr D Brockless, Alison Tuer, Mr J Cook,

Overall Expiry Date: 9 January 2015

PLANNING COMMITTEE

13 January 2015

Introduction

Members will recall that this application was deferred at the December 2014 meeting of the Planning Committee following receipt of an objection relating to the land ownership certificate that had been submitted with the application.

A correct Certificate 'B' has been submitted by the applicants agent on 15 December 2014 and the period for submission of any further comments arising from the notice served on landowners did not expire until 5 January 2015.

A copy of the earlier committee report is attached for ease of reference, together with the proposed plans. Members are, however, requested to refer to the December agenda information relating to the additional detailed supporting documentation which accompanies the application.

Members will note from the earlier committee report that some technical issues were outstanding at the time that the agenda for the December meeting was prepared, and these matters are addressed below.

Highway Safety Parking/Issues

The level of on-site parking provision shown on the amended plans (76 spaces in total) is in line with the requirements of the Highway Authority and no objections are raised. The on-site 'estate road' layout is also confirmed as acceptable in principle, although a permeable surface to any potential adoptable area is a method of drainage that currently NYCC Highways would not be prepared to adopt.

Following these comments, an amendment to the proposed drainage of the intended adopted roadway has been submitted in order that the internal roadway can be considered for adoption. In the light of the sensitivity over drainage issues relating to this site and the locality, both the Environment Agency and Yorkshire Water have been advised of this amendment and Members will be advised if any further comments are made. It is of note, however, that to date both drainage bodies have no objection to the proposal subject to the detailed conditions listed at the end of this report.

Noise

A further noise impact assessment was received from Dragonfly Consulting prior to the December 2014 meeting which has been appraised by the Council's Environmental Health Officer. The report identifies the principle sources of noise as being the adjacent railway line to the north and traffic noise from Commercial Street to the south. In conclusion, the report states that with appropriate ventilation and glazing, the internal noise levels within habitable rooms would meet acceptable levels under current planning guidance. The Environmental Health Officer considers that a noise attenuating banner is also required along the northern boundary in order to provide additional noise attenuation to outside areas at this part of the site and conditions are recommended to control these aspects of the scheme.

Archaeology

NYCC Historic Environment Team have confirmed that the trial trenching report submitted by MAP on behalf of the applicant has revealed Romano-British deposits of at least regional significance on parts of the site. A scheme of archaeological mitigation is, therefore, recommended with the following detailed conditions imposed if planning permission is granted.

Condition

A) No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording

2. *Community involvement and/or outreach proposals*
3. *The programme for post investigation assessment*
4. *Provision to be made for analysis of the site investigation and recording*
5. *Provision to be made for publication and dissemination of the analysis and records of the site investigation*
6. *Provision to be made for archive deposition of the analysis and records of the site investigation*
7. *Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.*

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Secured-by-Design

Members will recall that the detailed comments received from the Police Designing Out Crime Officer had identified some detailed security issues relating to the layout (comments reported with the Late Pages to the December 2014 meeting).

A revision to the layout and design of Units 1 and 2 has been received which addresses the issues relating to the security of these particular units. The dwellings shown as Units 1 and 2 have been re-designed to show a revised layout and design have been reduced from four-bedroomed to three-bedroomed units with increased boundary enclosure heights. This amendment, together with an appropriate planning condition is considered to be acceptable.

Impact on the Conservation Area

The Council's Building Conservation Officer considers that the amendments to the scheme, (which show a general reduction in the heights of the tallest buildings, together with amendments to Units 1 and 2 and the 'closing-up' of the gap on the Commercial Street frontage) demonstrate that the scheme clearly enhances the character of the designated Conservation Area. The duty under Section 72 of the Act is therefore satisfied and permission is supported subject to detailed conditions relating to materials and external details and finishes.

Developer Contributions

Affordable housing contributions are set out in the December 2014 committee report.

Other contributions are:-

- Public Open Space; an off-site contribution of £79,500
- Primary School Contribution of £84,975

All of these will be secured by a Section 106 Agreement if planning permission is granted.

Comments from Parish Council and Third Parties

The objections of Norton Town Council were appended in full in respect of this application and the issues raised have been addressed in the officer report.

Since the agenda was produced for the December 2014 committee meeting, objection letters from 7No. local residents raising objections in relation to parking/access issues; density/increasing number of units proposed; possible overlooking of undeveloped land to the east; flooding; potential adverse impact on Norton town centre; inappropriate design and the probability of adverse ground conditions in the locality.

An additional 15No. letters of support have been received (5 of which are signed but without an address) who welcome the re-development of the site for the scheme proposed.

Full copies of the correspondence received can be viewed on the Council's website.

Most of the issues raised, insofar as they are material to this case, have been already addressed in the original officer report, with those outstanding considered in this update report.

It is considered, therefore, that there are no other outstanding material planning issues in relation to this application and subject to any further detailed comments from the Environment Agency and/or Yorkshire Water, the application is recommended for approval subject to the following conditions and the satisfactory completion of a Section 106 Agreement relation to developer contributions.

RECOMMENDATION: Approval subject to conditions and the completion of a S106 Agreement relating to Affordable Housing, Public Open Space and Education Contributions

1 The development hereby permitted shall be begun on or before .

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

2 Before the development hereby permitted is commenced, or such longer period as may be agreed in writing with the Local Planning Authority, details and samples of the materials to be used on the exterior of the building the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP16 and SP20 of the Ryedale Plan Local Plan Strategy.

3 Prior to the commencement of the development hereby permitted, the developer shall construct on site for the written approval of the Local Planning Authority, a one metre square free standing panel of the external walling to be used in the construction of building. The panel so constructed shall be retained only until the development has been completed

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

4 Prior to the commencement of the development, details of all windows, doors and garage doors, including means of opening, depth of reveal and external finish shall be submitted to and approved in writing by the Local Planning Authority

Reason: To ensure an appropriate appearance and to comply with the requirements of Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy

5 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, unless the following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

(1) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:

- (a) the proposed highway layout including the highway boundary
- (b) dimensions of any carriageway, cycleway, footway, and verges
- (c) visibility splays

(d) the proposed buildings and site layout, including levels

(e) accesses and driveways

(f) drainage and sewerage system

(g) lining and signing

(h) traffic calming measures

(i) all types of surfacing (including tactiles), kerbing and edging.

(2) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:

(a) the existing ground level

(b) the proposed road channel and centre line levels

(c) full details of surface water drainage proposals.

(3) Full highway construction details including:

(a) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths

(b) when requested cross-sections at regular intervals along the proposed road showing the existing and proposed ground levels

(c) kerb and edging construction details

(d) typical drainage construction details.

(4) Details of the method and means of surface water disposal.

(5) Details of all proposed street lighting.

(6) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.

(7) Full working drawings for any structures which affect or form part of the highway network.

(8) A programme for completing the works.

The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.

Reason:- In accordance with Policy and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

- 6 No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation.

The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the Highway Authority before the first dwelling of the development is occupied.

Reason:- In accordance with Policy and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

- 7 No part of the development to which this permission relates shall be brought into use until the carriageway and any footway/footpath from which it gains access shall be constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation.

The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the Highway Authority before any part of the development is brought into use.

Reason:- In accordance with Policy and to ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of prospective users of the highway.

- 8 There shall be no movement by construction or other vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until that part of the access(es) extending 20 metres into the site from the carriageway on the existing highway has been made up and surfaced in accordance with the approved details and/or Standard Detail number A1 and the published Specification of the Highway Authority. All works shall accord with the approved details unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority. Any damage during use of the access until the completion of all the permanent works shall be repaired immediately.

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.

- 9 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing YEW-277-015 02 Rev C. 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 interests of safety and the general amenity of the development.

- 10 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.

11 During construction works, there shall be no:

- (a) Light Goods Vehicles exceeding 3.5 tonnes
- (b) Medium Goods Vehicles up to 7.5 tonnes
- (c) Heavy Goods Vehicles exceeding 7.5 tonnes

permitted to arrive, depart, be loaded or unloaded on Sundays or a Bank Holiday, nor at any time, except between the hours of 07:30 to 16:30 on Mondays to Fridays and 09:00 to 13:00 on Saturdays.

Reason:- In accordance with Policy and to avoid conflict with vulnerable road users.

12 Unless otherwise approved in writing by the Local Planning Authority, there shall be no HCV's brought onto the site until a survey recording the condition of the existing highway (Commercial Street - for 25 metres either side of the access centre line) has been carried out in a manner approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason:- In accordance with Policy and in the interests of highway safety and the general amenity of the area.

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

- (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
- (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.

The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

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

14 Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:

- (i) the appointment of a travel co-ordinator
- (ii) a partnership approach to influence travel behaviour
- (iii) measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site

- (iv) provision of up-to-date details of public transport services
- (v) continual appraisal of travel patterns and measures provided through the travel plan
- (vi) improved safety for vulnerable road users
- (vii) a reduction in all vehicle trips and mileage
- (viii) a programme for the implementation of such measures and any proposed physical works
- (ix) procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

The Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the Travel Plan.

Reason:- In accordance with Policy and to establish measures to encourage more sustainable non-car modes of transport.

- 15 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason:- In the interest of satisfactory and sustainable drainage.

- 16 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority.

Reason:- To ensure that the development can be properly drained.

- 17 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason:- To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

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

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

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

Reason:-

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

- 19 Prior to any of the dwellings hereby approved being brought into use, the developer shall make available the details of the Flood Evacuation Plan and contact details for the Emergency Helpline to future residents as set out in Appendix 2 of the Flood Risk Assessment submitted by Yew Tree Associated dated 20 August 2014.

Reason:- To ensure that residents are made aware of the intended safe exit from the site in a flood event.

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

The scheme shall also include:

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

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

- 21 The applicant shall carry out a hydrogeological risk assessment to determine:

- The nature and extent of any land contamination present on the site
- The depth and seasonal range of groundwater levels within the superficial drift
- The level of risk to the River Derwent arising from the proposed development
- Appropriate mitigation measures designed to reduce any unacceptable risk to the river, to acceptable levels.

Reason:- To ensure risks to surface water and groundwater receptors from the proposed development are adequately understood and controlled.

- 22 The applicant shall produce a construction environmental management plan including working practices and methodologies that will minimise the risk of mobilising any contamination present in the subsurface, and introduction of other pollutants during the construction phase of the development.

Reason:- To ensure that risk to the water environment is managed during the construction phase of the proposed development.

- 23 A) No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
1. The programme and methodology of site investigation and recording
 2. Community involvement and/or outreach proposals
 3. The programme for post investigation assessment
 4. Provision to be made for analysis of the site investigation and recording
 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 6. Provision to be made for archive deposition of the analysis and records of the site investigation
 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).
- C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- 24 Prior to the commencement of the development a drawing showing the trees to be retained, and the alignment and design of protective fencing to be afforded to those tree to be retained immediately to the north of the site shall be submitted to the Local Planning Authority for approval in writing. The approved fencing shall be erected prior to the commencement of the development and shall remain in situ until its completion.
- Reason:- To ensure that the long-term health of the trees to be retained immediately to the north of the site boundary is not compromised as a consequence of development, in the interests of visual amenity, and in accordance with Policy SP13 of the Ryedale Plan - Local Plan Strategy.
- 25 The landscaping proposals annotated on drawing No. CSN L1 dated August 2014 shall be implemented in its entirety within the first available planting season (Nov ' March) If within a period of five years after planting any tree or plant is removed, dies or becomes, in the opinion of the Local Planning Authority, seriously damaged, defective or diseased, another tree or plant of the same species and size as that originally approved shall be planted at the same place, within the next planting season, unless the Local Planning Authority gives its written consent to any variation.
- Reason: To enhance the development and in accordance with Policy SP13 of the Ryedale Plan - Local Plan Strategy.
- 26 All ecological measures and/or works shall be carried out in accordance with the details contained in section 10 of the Ecological Assessment for site at 25 -27Commercial St, Norton (MAB July 2013) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.
- 27 Conditions as required by the Environmental Health Officer in respect of noise attenuation of the proposed dwellings and site boundaries.

- 28 Ground investigation/remediation condition as recommended by the Environmental Health Officer.
- 29 The development hereby permitted shall be carried out in accordance with the following approved plan(s):.

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

INFORMATIVES:

- 1 In imposing condition 05 above, it is recommended that before a detailed planning submission is made, a draft layout is produced for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to avoid abortive work. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.
- 2 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.
- 3 There shall be no site clearance, demolition, excavation or depositing of material in connection with the construction of the development until proposals to make a Traffic Regulation Order for 'no waiting at any time' along the whole length of the new estate road have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved details shall, at the applicant's expense, undergo the legal process required. Subject to the successful completion of this legal process, the measures will be implemented at the applicant's cost prior to the development being brought into use.

NOTE: Any non-standard design specification or installation proposed may require the payment of a commuted sum to the Highways Authority as part of any Section 38 Agreement under the Highways Act 1980 entered into for infrastructure to be adopted. This is to cover for extra-ordinary maintenance and re-building costs over the lifetime of such works.

Background Papers:

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