



**YEW TREE
ASSOCIATES**
LAND, TOWN PLANNING &
DEVELOPMENT CONSULTANTS

**Design and Access and
Supporting Planning Statement
For
Erection of Two Dwellings
at
Land To The Rear Of Park View
Finkle Street
Sheriff Hutton
York
for
Mr P Weightman**

25.07.19

01904 488225

www.yewtreeassociates.co.uk



RTPI
Chartered Town Planner

Director
MARK NEWBY Dip T & RP MRTPI
Director
VALERIE NEWBY BA (Hons)

Yew Tree Associates Limited, York Auction Centre, Murton Lane, Murton, York, YO19 5GF
Registered in England & Wales company number 9221926.

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1.0 Introduction

- 1.1 This document is submitted in support of a renewal of a Detailed Planning Application for the erection of 2 No. dwellings at land to the rear of Park View, Finkle Street, Sheriff Hutton, York, North Yorkshire under ref 16/00435/FUL for 2 dwellings, which was granted planning permission on 5th September 2016.
- 1.2 The Town and Country Planning (General Development Procedure) Order 2006 specifically requires applications of this type to be accompanied by a Design and Access Statement to aid the local planning authority's consideration of the proposal. The purpose of this part of the application submission is therefore to provide an assessment and evaluation of the site and proposal along with a review and evaluation of relevant planning policy, giving due consideration to all material planning considerations.

2.0 Site Location and Description

- 2.1 The site is located to the north of Finkle Street, Sheriff Hutton to the rear of the properties Park View and Meadowcroft and comprises a grass paddock. (See Fig. 1 below). The land extends to some 0.29 Ha (0.71659 acres) and access will be taken to the west of Park View.
- 2.2 The site is bounded on all sides by residential development.



3.0 Design and Access Assessment

3.1 Use

- 3.1.1 The proposed use is for residential development of two, two storey dwellings located within the defined development limit for Sheriff Hutton as defined in the Ryedale Local Plan.

- 3.1.2 Sheriff Hutton is identified as being a 'Local Service Centre (Service Village) Town' in The Ryedale Plan – Local Plan Strategy under Policy SP1 which allows for '*Limited small-scale growth to address employment, housing and community requirements*'. In the light of this we submit that the site for three dwellings is therefore considered to be acceptable.

3.2 Access

- 3.2.1 Public transport within the village is provided by regular buses to York and beyond. The village has a primary school, 2No public houses, post office/shop, and a garage and also has its own industrial estate to the south which provides a number of job opportunities.

- 3.2.2 The access to the site is to be via a private drive to the west of Park View, Finkle Street.

3.3 Amount

- 3.3.1 The proposal is for the erection of two detached four bedroom two storey dwellings.

3.4 Scale

- 3.4.1 The existing development adjacent to the site comprises a mix of one and two storey properties in varying designs. The proposed dwellings being of two storeys are considered to be of an appropriate scale for the site.

3.5 Appearance

- 3.5.1 The proposed dwellings are to be two storey and will be of traditional design. The dwellings will be constructed in suitable construction materials i.e. brick and pantiles all of which will be controlled by appropriate planning conditions.

3.4 Layout

- 3.4.1 The layout of the proposed dwellings is we submit appropriately designed to suit the locality.

3.6 Landscaping

- 3.6.1 An appropriate landscaping scheme would be submitted as part of any required planning condition using native species and planting.

4.0 **Planning History**

- 4.1 The planning history of the site is as follows:-

Ref 15/00956/FUL

Erection of 2No. detached five bedroom two storey dwellings with double garages and 1No. detached four bedroom two storey dwelling with attached double garage together with a formation of vehicular access. Withdrawn.

Ref 16/00435/FUL

Erection of 2No. four bedroom detached dwellings with double garages together with formation of vehicular access. Approved 5th September 2016.

5.0 Application Proposal

- 5.1 The proposal is for 2No, two storey dwellings on land to the rear of Park View, Finkle Street Sheriff Hutton. (See Drawing Proposed Layout submitted with the application) and access will be taken via a new private driveway from Finkle Street to the south of the site.

6.0 The Planning Policy Context

- 6.1 The main issue in respect of the proposal is whether the principle of development remains acceptable from a planning standpoint bearing in mind the current planning permission form an identical scheme on the site and to determine this we turn to the Planning Acts.
- 6.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". The development plan for the Ryedale District comprises the policies in The Ryedale Plan – Local Plan Strategy (adopted on 5th September 2013).

Its relevant policies are as follows:-

- 6.3 The Ryedale Plan – Local Plan Strategy 2013
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 SP11 - Community Facilities and Services Provision
Policy SP16 - Design
Policy SP19 - Presumption in Favour of Sustainable Development
Policy SP20 - Generic Development Management Issues

6.4 National Planning Policy Framework

- 6.4.1 The relevant paragraphs and references are:
The National Planning Policy Framework (February 2019) replaces the July 2018 NPPF, first published in March 2012. The Framework does not change the status of an up to date development plan and where an application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2019 NPPF.
The relevant paragraphs are:
Paragraphs 7, 10, 11, Presumption in Favour of Sustainable Development
Paragraph 59, 68 Delivering a Sufficient Supply of Homes
Paragraph 105 Parking
Paragraph 124-132 Achieving Well Designed Places
Paragraph 149 Planning for Climate Change
Paragraph 170-173 Conserving and Enhancing the Natural Environment

7.0 Key Issues

- 7.1 The key issues to be taken into account when assessing this proposal are:
1. Sustainable Development
 2. Principle of Residential Development
 3. Siting, Scale, Design and Effect Upon the Character of the Area
 4. Impact on the Residential Amenity of the Adjoining Neighbours

5. Highway Safety
6. Drainage and Flood Risk
7. Affordable Housing
8. Public Open Space
9. Impact on Nature Conservation and Protected Species
10. Archaeology
11. Community Infrastructure Levy (CIL)

To take each in turn.

7.1.1 Sustainable Development

A number of references are made to the presumption in favour of sustainable development in the NPPF.

7.1.2 At paragraph 7 it states:-

'The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.'

7.1.3 At paragraphs 10 to 11 it states:-

'10. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).

11.... For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'

(Our emphasis)

7.1.4 In The Ryedale Plan – Local Plan Strategy at Paragraph 1.2 of the Introduction to the plan states:-

'1.2 The purpose of the Ryedale Plan is to encourage new development and to manage future growth whilst ensuring that change across the District is based on a presumption in favour of sustainable development.

(Our emphasis)

and at Section 3 Aspirations and Strategy it states:-

'Service Villages

Local Service Centres – Limited small-scale growth to address employment, housing and community requirements.

(Our emphasis)

7.1.5 Further policy support is found at Policy SP19 'Presumption in Favour of Sustainable Development' which states:-

'When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.'

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

· Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or

Specific policies in that Framework indicate that development should be restricted.'

7.2 The Principle of Residential Development

7.2.1 The NPPF under the heading 'Delivering a sufficient supply of homes' the document states at paragraph 59 that:-

'59. To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.'

(Our emphasis)

7.2.2 Paragraphs 67 and 68 state:-

'67. Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of:

a) specific, deliverable sites for years one to five of the plan period 2; and b) specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan.

68. Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:

a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;

b) use tools such as area-wide design assessments and Local Development Orders to help bring small and medium sized sites forward;

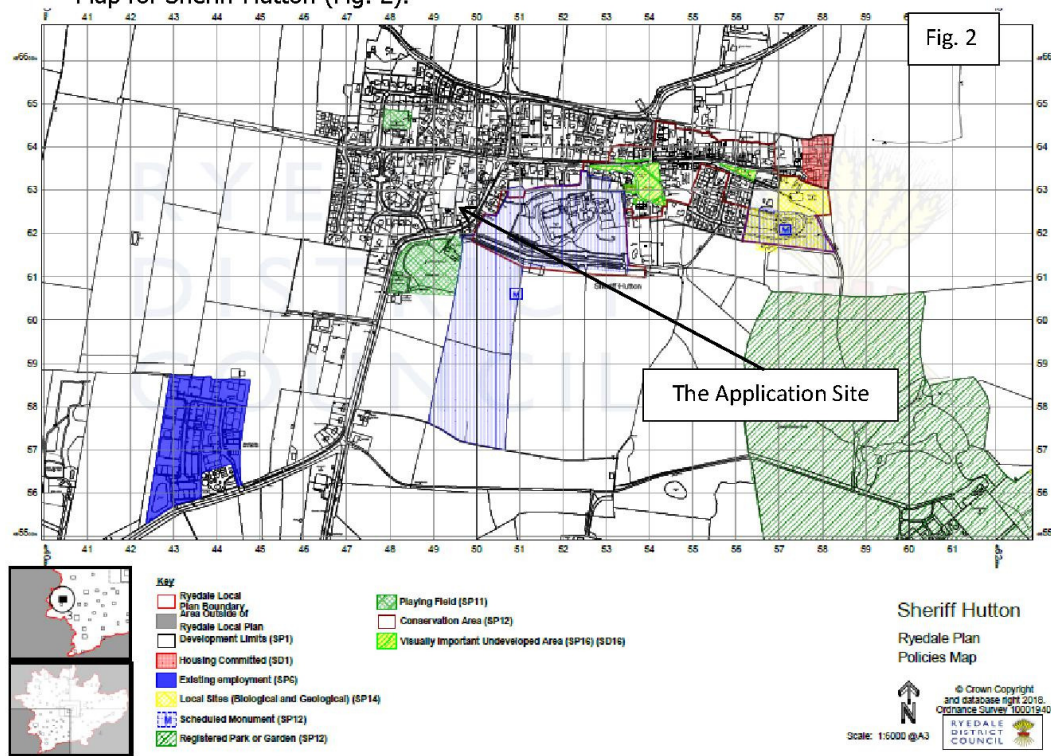
c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; and

d) work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes.'

(Our emphasis)

7.2.3 The Council currently have a demonstrable 5-year supply of housing sites and indeed this site is included within the list of sites which contribute to the supply. We would submit therefore that they will need to continue to grant planning permissions to maintain this position and as such this weighs in favour of this proposal.

7.2.4 The site lies within the current Development Limit as shown on the Ryedale Local Plan Policies Map for Sheriff Hutton (Fig. 2).



7.2.5 Furthermore, Sheriff Hutton has been identified as a 'Local Service Centre' (Service Village) in the Council's Ryedale Plan Core Strategy which was adopted on 5th September 2013 by the Council.

7.2.6 Turning to The Ryedale Plan – Local Plan Strategy already referred to above we find support at Section 3 of the Plan where under its Aspirations and Strategy - Strategy Summary it states:-

'SECTION 3 – ASPIRATIONS AND STRATEGY

The Ryedale Plan – Local Plan Strategy

Place / Role

Service Villages

Service Villages

Local Service Centres –

Limited small-scale growth to address employment, housing and

Approach and Ambitions

- *Limited small-scale housing growth*
- *Protecting and enhancing local community facilities*
- *Support the delivery of projects identified within local Parish Plans'*

(Our emphasis)

7.2.7 We submit as we will show later, that the development will meet the requirements of the above strategy.

7.2.8 At Policy SP1 under the heading General Location of Development and Settlement Hierarchy where it states that:-

*'SP 1 General Location of Development and Settlement Hierarchy
Ryedale's future development requirements will be distributed and accommodated on the basis of the following hierarchy of settlements:*

Principal Town - Primary Focus for Growth

· Malton and Norton (including Old Malton)*

Local Service Centres (Market Towns) – Secondary Focus for Growth

· Pickering

· Kirkbymoorside

· Helmsley

Local Service Centres (Service Villages)- Tertiary Focus for Growth

· Amotherby and Swinton;

· Ampleforth;

· Beadlam and Nawton;

· Hovingham;

· Rillington;

· Sherburn;

· Sheriff Hutton;

· Slingsby;

· Staxton and Willerby;

· Thornton le Dale....'

(Our emphasis)

7.2.9 Policy SP2 also supports the proposal as under the heading 'Delivery and Distribution of New Housing' states that:-

'SP2 Delivery and Distribution of new housing

*The delivery of at least 3000 (net) new homes will be managed over the period 2012-2027.
The sources of new housing that will contribute to the supply of new homes across the District are as follows:*

Malton and Norton

· Housing Land Allocations in and adjacent to the built up area

· Conversion and redevelopment of Previously Developed Land and buildings within Development Limits

· Replacement dwellings

· Sub-division of existing dwellings

· Infill development (small open sites in an otherwise continually built up frontage)

· 100% Rural Exception Sites outside of and on the edge of Development Limits in line with Policy SP3

· Change of use of tourist accommodation (not including caravans, cabins or chalets) where appropriate

Pickering, Kirkbymoorside,

Helmsley, Service Villages

· As above

· 100% Rural Exception Sites outside of and on the edge of Development Limits in line with Policy SP3

· Change of use of tourist accommodation (not including caravans, cabins or chalets) where

Appropriate....

New housing land allocations will be distributed in accordance with the table below and will be made having taken account of the outstanding commitments at each location at the point at which the Local Plan Sites Document is prepared.....

Service Villages

300 (10%) Limited small - scale sites in or adjacent to current Development Limits.

Sites to be distributed as far as possible, amongst all villages in the category'

(Our emphasis)

7.2.10 and at paragraph 4.34 under the heading Type and Mix of New Housing the plan states:-

'4.34 The provision of an appropriate mix and choice of new housing is central to the objective of creating sustainable and balanced communities. The District will need to ensure a range and choice of market housing is provided to respond to changing demographics and market drivers.'

(Our emphasis)

7.2.11 The Plan continues at Policy SP4:-

'SP 4 Type and mix of new housing

Increased housing choice and high quality housing will be provided through :

· New housing development

· The re-use of empty properties

· Improvements and adaptations to existing homes

New housing sites in Ryedale will provide increased housing choice and contribute to the provision of a balanced housing stock.'

(Our emphasis)

7.2.12 We submit that as Sheriff Hutton is identified as a 'Local Service Centre (Service Village)', that it is suitable for accommodating additional housing growth and that site at Finkle Street will assist in satisfying the housing requirements of Sheriff Hutton and as it is appropriately located within the current development limit of the village it can be developed without detriment to the character of the village.

7.2.13 In the light of the above we submit therefore that the principle of development is acceptable and therefore satisfies the policies of the Ryedale Local Plan, Ryedale and Plan and the advice contained in NPPF.

7.3 Siting, Scale, Design and Effect Upon the Character of the Area

7.3.1 Policy SP16-Design of The Ryedale Plan – Local Plan Strategy states:-

'Development proposals will be expected to create high quality durable places that are accessible, well integrated with their surroundings and which:

· Reinforce local distinctiveness

· Provide a well-connected public realm which is accessible and usable by all, safe and easily navigated

· Protect amenity and promote well-being

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:

· Topography and landform that shape the form and structure of settlements in the landscape

· The structure of towns and villages formed by street patterns, routes, public spaces, rivers and becks. The medieval street patterns and historic cores of Malton, Pickering,

Kirkbymoorside and Helmsley are of particular significance and medieval two row villages with back lanes are typical in Ryedale

- The grain of the settlements, influenced by street blocks, plot sizes, the orientation of buildings, boundaries, spaces between buildings and the density, size and scale of buildings*
- The character and appearance of open space and green spaces including existing Visually Important Undeveloped Areas (VIUAs) or further VIUAs which may be designated in the Local Plan Sites Document or in a Neighbourhood Plan. Development proposals on land designated as a VIUA will only be permitted where the benefits of the development proposed significantly outweigh the loss or damage to the character of the settlement*
- Views, vistas and skylines that are provided and framed by the above and/or influenced by the position of key historic or landmark buildings and structures*
- The type, texture and colour of materials, quality and type of building techniques and elements of architectural detail*

The design of new development will also be expected to:

- Incorporate appropriate hard and soft landscaping features to enhance the setting of the development and/or space*
- Contribute to a safe and well connected public realm by respecting and incorporating routes, buildings and views which create local identity and assist orientation and wayfinding; creating public spaces which are safe and easy to use and move through by all members of the community; facilitating access by sustainable modes of travel including public transport, cycling and walking*
- Reduce crime and the fear of crime through the careful design of buildings and spaces*
- Provide, where appropriate, active and interesting public frontages, clearly defined public spaces and secure private spaces*
- Make efficient use of land and to be built at a density which is appropriate to its surrounding context. In general new housing development should not be built below an indicative density of 30 dwellings to the hectare unless this can be justified in terms of the surrounding context*
- Proposals for major development will be expected to include a statement identifying the waste implications of the development and measures taken to minimise and manage waste generated*

7.3.2 Policy SP20 (Generic Development Management Issues) of The Ryedale Plan – Local Plan Strategy states:-

Character

New development will respect the character and context of the immediate locality and the wider landscape/townscape character in terms of physical features and the type and variety of existing uses proposed uses and activity will be compatible with the existing ambience of the immediate locality and the surrounding area and with neighbouring land uses and would not prejudice the continued operation of existing neighbouring land uses

The cumulative impact of new development on the character of an area will also be considered

Design

The design of new development will follow the principles established in Policy SP16. Extensions or alterations to existing buildings will be appropriate and sympathetic to the character and appearance of the existing building in terms of scale, form, and use of materials

Amenity and Safety

New development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence

Developers will be expected to apply the highest standards outlined in the World Health Organisation, British Standards and wider international and national standards relating to noise

New development proposals which will result in an unacceptable risk to human life, health and safety or unacceptable risk to property will be resisted. Developers will be expected to address the risks/potential risks posed by contamination and/or unstable land in accordance with recognised national and international standards and guidance

All sensitive receptors will be protected from land and other contamination. Developers will be expected to assess the risks/ potential risks posed by contamination in accordance with recognised national and international standards and guidance'

- 7.3.3 We submit that the proposal meets all the requirements of the above criteria and some weight should be attached to these policies as they are broadly consistent with the aims of the NPPF.

- 7.3.4 The NPPF paragraph 124 states that:-

'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'

- 7.3.5 Paragraph 127 states that:-

127. Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

- 7.3.6 In the Officer's report on the current planning permission ref 15/00956/FUL to Planning Committee 31st August 2016, it states that:-

'The design of the scheme has taken a more vernacular style, more typical of many properties in Sheriff Hutton' and 'It is considered that the proposed two dwellings would reinforce local distinctiveness by virtue of their location, siting, form, layout, scale and detailed design.'

- 7.3.7 The scheme now submitted is identical to the currently approved scheme and as such in the light of the Officer's previous comments it is considered that it will not have a detrimental adverse effect on the character and form of the area by virtue of its design, layout, scale, external appearance and landscaping. We submit that the proposed scheme therefore complies with and policies SP16 and 20 of The Ryedale Plan – Local Plan Strategy and advice given in NPPF.

7.4 Impact on the Residential Amenity of the Adjoining Neighbours

7.4.1 Paragraph 127 of NPPF states that:-

'f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

7.4.2 Policy SP20 (Generic Development Management Issues) of The Ryedale Plan – Local Plan Strategy states:-

....'Amenity and Safety

New development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence'

7.4.3 Adequate standoff distances will be achieved in respect of the dwellings with no overlooking issues. The proposed development is therefore considered not to cause a significant detrimental impact on the residential amenities of the neighbouring properties in accordance with Policy SP20 (Generic Development Management Issues) of The Ryedale Plan – Local Plan and the NPPF.

7.5 Highway Safety

7.5.1 Policy SP20 (Generic Development Management Issues) of The Ryedale Plan – Local Plan Strategy states:-

'Access, Parking and Servicing

Access to and movement within the site by vehicles, cycles and pedestrians would not have a detrimental impact on road safety, traffic movement or the safety of pedestrians and cyclists. Information will be required in terms of the positioning and treatment of accesses and circulation routes, including how these relate to surrounding footpaths and roads'

7.5.2 These Local Plan policies should be afforded weight as they are broadly consistent with the aims of the NPPF.

7.5.3 In addition with respect to parking, paragraph 105 of the NPPF states that

'If setting local parking standards for residential and non-residential development, policies should take into account:

- a) the accessibility of the development;*
- b) the type, mix and use of development;*
- c) the availability of and opportunities for public transport;*
- d) local car ownership levels; and*
- e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles."*

7.5.4 The dwellings would be served from a proposed driveway to the south of the site which and adequate parking provision has also been provided for within the site.

- 7.5.5 As part of the negotiations on the previous planning application, adequate access was agreed with the North Yorkshire Council Highway Officers in respect of visibility at the site entrance and appropriate conditions were attached the planning permission 15/00956/FUL. These requirements can still be achieved at the site entrance.
- 7.5.6 In addition also during the negotiations on the previous application, it was agreed with NYCC Highways that the minimum required width for the access was 3.1m. We can confirm that there is 3.6m available by proof of Title Deeds to the site.
- 7.5.7 Our view therefore is that the proposal will not adversely impact on the highway network either from an access or parking standpoint and therefore consider that the proposal is acceptable as it accords with policies SP20 of The Ryedale Local Plan- The Local Plan Strategy and Paragraph 105 of the NPPF.

7.6 Drainage and Flood Risk

- 7.6.1 The NPPF paragraph 149 states that:-

'149. Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.'

- 7.6.2 Policy SP17 (Managing Air Quality, Land and Water Resources) of The Ryedale Plan – Local Plan Strategy states:-

'Land resources will be protected and improved by:

· Supporting new uses for land which is contaminated or degraded where an appropriate scheme of remediation and restoration is agreed and in place

· Prioritising the use of previously developed land and protecting the best and most versatile agricultural land from irreversible loss. New land allocations will be planned to avoid and minimise the loss of the Best and Most Versatile Agricultural Land. Proposals for major development coming forward on sites that are not allocated for development which would result in the loss of the Best and Most Versatile Agricultural Land will be resisted unless it can be demonstrated that the use proposed cannot be located elsewhere and that the need for the development outweighs the loss of the resource

Flood risk will be managed by:

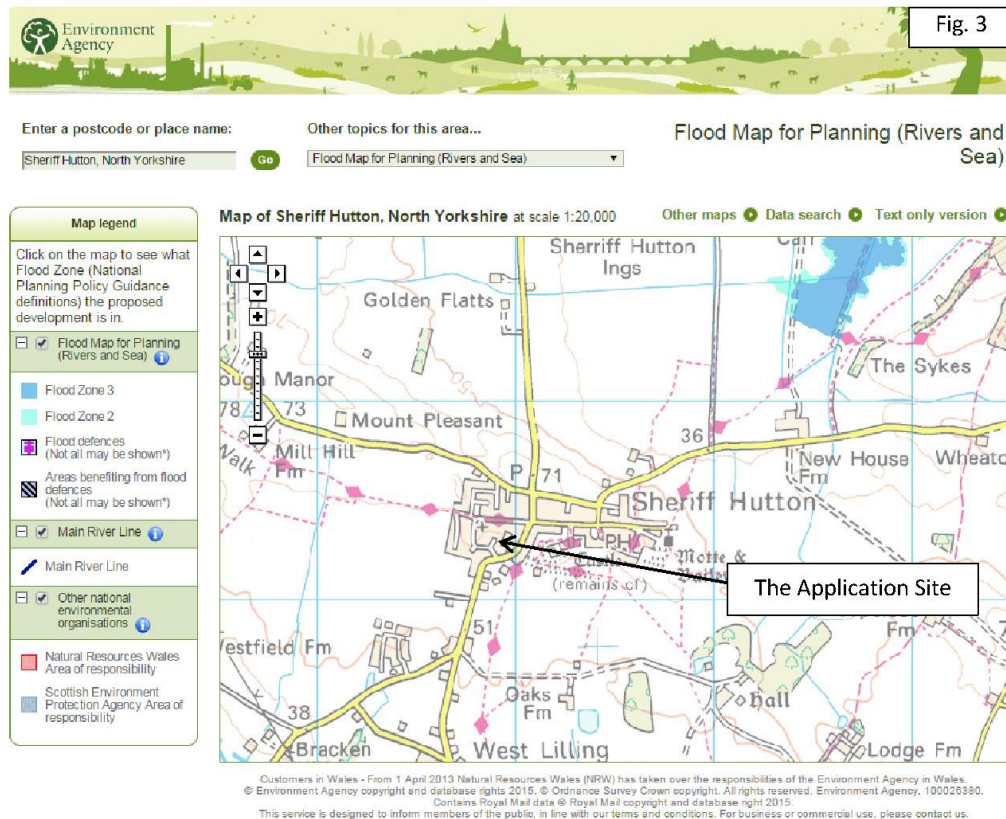
· Requiring the use of sustainable drainage systems and techniques, where technically feasible, to promote groundwater recharge and reduce flood risk. Development proposals will be expected to attenuate surface water run off to the rates recommended in the Strategic Flood Risk Assessment. In addition, major development proposals within areas highlighted as having critical drainage problems in the North East Yorkshire Strategic Flood Risk Assessment (or future updates) as Critical Drainage Areas may, if appropriate, be required to demonstrate that the development will not exacerbate existing problems by modelling impact on the wider drainage system

· Ensuring new development does not prevent access to water courses for the maintenance of flood defences

· 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'

- 7.6.3 The application site is located in Flood Zone 1 as shown on the Environment Agency's Flood Map for Sheriff Hutton (See Fig. 3 below) which is at a low probability of flooding.



- 7.6.4 We understand that there is adequate capacity in both the foul water sewer in the area and that an adequate water supply is also available. In respect of Surface Water, this will either be dealt with by soakaways or stored on site and attenuated to an appropriate level to be discharge to the existing sewers. An appropriate condition was attached the previous approval and we submit that this can be repeated on any subsequent approval of this application.

- 7.6.5 We submit therefore that the proposed development is not at risk from flooding and can be satisfactorily drained and is therefore considered acceptable and in accordance with Policies and the guidance in NPPF.

7.7. Affordable Housing

- 7.7.1 The supporting text to Policy SP3 of the Ryedale Plan states:-

'4.34 Increasing the supply of new affordable homes is a priority in Ryedale in order to address the acute affordable housing need in the District. Securing new affordable housing through the planning system is one of the most effective ways in which this can be achieved.'

;4.40 The Council will aim to secure affordable housing provision on-site, to include a mix of social rented, affordable rent and intermediate affordable tenures that reflects the needs of local communities. The Strategic Housing Market Assessment produced in 2011 suggests'

7.7.2 In addition Policy SP3 follows and states:-

'SP3 Affordable Housing

Where local need exists, the Local Planning Authority will seek the provision of new affordable homes by:

- Negotiating with developers and landowners to secure a proportion of new housing development to be provided as affordable units*
- Supporting Registered Social Landlords in bringing forward wholly affordable schemes within Ryedale's towns and villages*
- Supporting in principle, the release of 'Rural Exception Sites'*

Affordable homes will also be provided in conjunction with landlords through the purchase and repair of existing dwellings, alterations and improvements to the existing affordable housing stock and through the re-use of empty homes.

Affordable Housing from Developer Contributions

The Local Planning Authority will seek the provision of:

35% of new dwellings as affordable housing on-site (in settlements outside West and South West Ryedale) as part of developments of 5 dwellings or 0.2 ha or more'*

7.7.3 The proposal is for 2No dwellings and as such therefore there is no requirement for affordable housing on the site and therefore Policy SP3 of The Ryedale Plan – Local Plan Strategy is not applicable.

7.8 Public Open Space

7.8.1 Policy SP11 (Community Facilities and Services Provision) of the Ryedale Plan states:-

'Proposals for the provision of new community facilities or services will be supported in principle as follows:

Malton and Norton;

Pickering; Kirkbymoorside;

Helmsley

Sites allocated for such uses or as part of a mixed use allocation; expansion and improvement of existing facilities in and outside of Development Limits; provision of new facilities within development limits or outside of Development Limits where the facility is needed and cannot be located within Development Limits or as part of a mixed use allocation.

Service Villages and other villages

Expansion and improvements to existing facilities in or outside of Development Limits; provision of new facilities - within Development Limits, conversion of existing buildings outside of Development Limits or new provision outside of Development Limits where the facility is needed to serve the local area and could not be provided within Development Limits

New or enhanced provision of open space, leisure and recreational facilities will address identified deficiencies set out in Table 3 and be undertaken in line with Local Open Space Standards as set out in Table 4. All new residential development will be expected to contribute to the provision of open space, recreation and leisure facilities. Residential schemes of 15 dwellings or more will be required to include on-site provision of informal amenity space unless it is considered impractical or unfeasible and an off-site contribution is more*

appropriate. On-site formal children's playspace will be sought on residential sites of 50 dwellings or more.'

(Our emphasis)

- 7.8.2 As the site is for less than 15 dwellings no on-site provision is required, however, in the light of the Council's recent introduction of a Community Infrastructure Levy (CIL) on 1st March 2016, an off-site commuted sum will be included in the Council's CIL calculation for the site. We therefore submit that this proposal is in line with Policy SP11 (Community Facilities and Services Provision) of the Ryedale Plan and NPPF.

7.9 Impact on Nature Conservation and Protected Species

- 7.9.1 NPPF paragraphs 170 to 173 relate to conserving and enhancing the natural environment and to impacts of development proposals on protected species planning policy and guidance which is provided by the NPPF and accompanying ODPM Circular 06/2005 "Biodiversity and Geological Conservation- Statutory Obligations and their Impact within the Planning System" in addition to the Habitat Regulations and Bat Mitigation Guidelines published by Natural England.

- 7.9.2 An Extended Phase 1 Habitat Survey was undertaken by Wold Ecology as part of the previous and extant planning approval and this concluded that:-

'The ecological survey concludes that the proposed development is unlikely to impact upon any protected species or associated habitats. However, the report recommends a number of measures which should be adopted to ensure potential adverse impacts to wildlife are avoided:

Wold Ecology does not recommend any further specific bird surveys. However, any trees, shrubs and vegetation to be removed should be cleared outside of the bird nesting season (i.e. clearance should be undertaken between September and February inclusive) or be carefully checked by an ecologist to confirm no active nests are present - prior to removal during the summer period. If nesting birds are found during the watching brief, works will need to stop until the young have fledged.'

- 7.9.3 However, this report expired in October 2016 and is therefore out of date. As such an updated report has been commissioned a copy of which will be submitted on receipt. It is expected however that the findings will remain unchanged and that it will still be the case that the proposed development would not harm any acknowledged nature conservation interests and therefore would not be contrary to the advice contained within the NPPF.

7.10 Community Infrastructure Levy (CIL)

- 7.10.1 The Council introduced CIL on 1st March 2016 and as such the proposal is liable for CIL. An appropriate CIL Forms are submitted with the application which shows we believe a requirement for the sum of £38216.00 to be payable. The applicant/subsequent developer will be content to pay the sum due.

8.0 **Conclusions**

- 8.1 In conclusion, we believe that we have provided a substantive case through not only Central Government's most recent planning policy statements, but also the Council's own planning policies and material considerations we respectfully submit that the proposal is acceptable in all respects and should receive the support of the local planning authority.

SMIN/ YTA 25.07.19