

Planning Application: 17/01449/MREM

Countryside Properties

Appendix B

Information received from Gary Housden, Head of Planning, Ryedale District Council

27th January 2020

Questions posed by the Town Clerk on behalf of Kirkbymoorside Town Council

Information provided by Gary Housden, Head of Planning, Ryedale District Council

The current status of the reserved matters proposal is that Countryside Properties are dealing with the reserved matters application Ref 17/01449/MREM. This reserved application is still outstanding and is the subject of a detailed set of amended plans to both the layout and individual dwelling type designs. The Town Council was re consulted on these plans on 17th January 2020 along with all residents and technical consultees. I do not anticipate that this application will be presented to the District Council Planning Committee for determination until the views of technical consultees are known and all consultation periods with third parties have expired.

I can confirm however that the reserved matters application would be required to be determined by this Council's Planning Committee and of course development cannot lawfully commence on site until all necessary approvals are in place. The outline permission also includes a number of conditions that are required to be discharged before development can take place.

The outline planning permission (granted on appeal) is however the relevant planning permission and the S106 that accompanied it remains in effect. A further S106 is not therefore required in relation to the current reserved matters application.

Question 1.

Q 1. Referring to the Standard Conditions detailed in Annex A (detailed on pages 17 – 20 of the Appeal Decision) Appeal Ref: APP/Y2736/A/14/2217803 Schedule of Conditions, is it accurate to understand that the conditions 1., 2., 6., and 9. (as detailed) should be addressed and submitted to the Local Planning Authority for their approval in writing as 'the reserved matters'?

1. Details of the layout, scale, appearance, access and landscaping (the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission. (17/01449MREM submitted by Gladman Developments Ltd on 15 December 2017).

Landscaping

6. The reserved matters application for landscaping shall include a detailed Open Space and Landscape Masterplan, a planting schedule of the type, number and size of species of trees and shrubs and details of seeding and/or turfing and a programme for implementation of the planting that shall be submitted to the Local Planning Authority for their approval in writing. The Landscape Masterplan shall demonstrate that the landscaping proposals have taken account of and been

informed by the existing landscape characteristics of the site. The landscape planting shall thereafter be laid out and carried out in accordance with the approved Landscape Master Plan and programme.

Open Space

7. The reserved matters layout shall include details of the areas to be laid out as formal Public Open Space (POS) totalling at least 1.5ha and shall include details of the locations within the scheme where the open space shall be sited and when they will be provided. The formal public open provision shall include the following:

- i. A Local Equipped Area of Play (LEAP) of at least 0.04ha to the north western indicative open space and should be fence and include at least five pieces of equipment, two benches and a litter bin. The specific design and layout of this whole area should be submitted to and approved by the Local Planning Authority prior to its construction.
- ii. A play area to the southern section of the indicative open space area constituting a Neighbourhood Equipped Area of Play (NEAP) of at least 0.06ha and have at least 8 pieces of equipment, two benches and a litter bin. The balance of this area should also have a litter bin and a dog bin. The specific design and layout of this whole area should be submitted to and approved by the Local Planning Authority prior to its construction.
- iii. POS which is suitable and available for ball games. The design of this area should be submitted to and approved by the Local Planning Authority prior to the commencement of development.

Amenity

9. As part of any reserved matters application a mitigation scheme for protecting the proposed dwellings from traffic noise will be submitted to and approved in writing by the Local Planning Authority. No residential property shall be occupied until the mitigation measures have been implemented in accordance with the approved mitigation scheme.

The 'live' reserved matters application was first submitted on 13.12.2017 by Gladmans Developments Ltd thereby satisfying the time criteria of conditions 1 and 2 for submission.

The outline pp requires certain elements to be addressed at reserved matters stage – landscaping, aspects of open space and mitigation for traffic noise –conditions 6,7 and 9. Other conditions on the appeal decision trigger the need for approval at different times (ie before commencement of development or prior to occupation of dwellings)

Question 2.

According to the Appeal Decision, is it accurate to understand that prior to commencement of the scheme the developer will need to address the remainder of the conditions in the schedule by application to the Local Planning Authority for their approval in writing?

Yes insofar as the condition has a 'prior to commencement of development' wording. Condition 17 is a 'prior to occupation' condition for example and other conditions are limitations or statements of fact ie Condition 4 limits the development to being no more than 225 dwellings and Condition 20 prohibits buildings and other structures within 3 metres of the water main which crosses the site.

Question 3.

There are a lot of documents associated with this application. Do the documents submitted in 2017 by Gladman Developments Ltd in respect of the same application no 17/01449/MREM have any significance / association with the application now being pursued by Countryside Properties, or

should these be disregarded and the application processed on the basis of consideration of submissions by the new developer?

These plans and details supersede those previously submitted for consideration by Gladman Development Ltd.

Question 4.

Can the Local Planning Authority provide assurance that all conditions stated in the appeal decision will need to be satisfied in order for full planning approval to be granted?

Yes the conditions imposed by the Inspector on the outline planning permission (as set out in the decision letter dated 15.12.2014) will need to be satisfied before development can commence lawfully on site.

You may wish to note that Countryside Homes have already submitted some information in relation to archaeology (Condition 8) and Highways and Transportation (Condition 19). Both of these are currently with the relevant departments Of North Yorkshire County Council for their consideration. I anticipate other technical details to discharge other conditions will be submitted by Countryside Homes in the near future.