

Item Number: 6
Application No: 20/00328/FUL
Parish: Malton Town Council
Appn. Type: Full Application
Applicant: Mr Nigel Delaney (Impact Living)
Proposal: Change of use and alteration of basement of former mill to form 3no. one bedroom flats, a support facility and stores together with new entrance gates for vehicular and pedestrian access
Location: The Basement The Cornmill Railway Street Malton North Yorkshire YO17 7NT

Registration Date: 19 June 2020
8/13 Wk Expiry Date: 14 August 2020
Overall Expiry Date: 3 August 2021
Case Officer: Niamh Bonner **Ext:** 43325

CONSULTATIONS:

Malton Town Council	No objection
Highways North Yorkshire	No objections
Housing Services	No objection
Public Rights Of Way	Comments
Environmental Health	No objection
Yorkshire Water Land Use Planning	
Building Conservation Officer	No objection
Head Of Emergency Planning	Comments
Flood Risk	Recommend refusal
Designing Out Crime Officer (DOCO)	No comments
Sustainable Places Team (Environment-Agency Yorkshire Area)	Remove objection, recommend condition.

Representations:

SITE:

The Cornmill is a Grade II listed former cornmill and warehouse, within the Malton Conservation Area. It is located to the eastern side of Railway Street, adjacent to the river which flows to the south of the site.

The majority of the property has been converted into flats, which are run by Impact Living. Their supporting statement notes they are a *"national not for profit organisation, based in Yorkshire, that provides housing and support services to the most vulnerable in society. IPS has a proven track record in turning underused, or derelict properties/buildings into suitable supported accommodation with "on site" support and security services in Bradford, Sheffield and now Malton....IPS was approached by Yorkshire Housing in July 2017, as they were looking to dispose of 'The Cornmill' in Malton due to a change in their business model. The request was made that IPS keep the remaining social housing clients and then use the building to house individuals from the local area who are in need of care, support and supervision, to assist them to learn to live independently.... 'The Cornmill' consists of 34 self-contained residential apartments: 6 x 2 bedroom apartments and 28 x 1 bedroom apartments in the YO17 area of Malton, North Yorkshire."*

The site is located within Flood Zones 2 and 3 as defined by the Environment Agency and within a red ground water protection zone. This also falls within the Town Development Limits and adjacent to the

Town Centre Commercial Limits. Parking is available to the rear of the building, which is to the east.

The site levels vary along the principle western elevation and the rear eastern elevation. Along the eastern elevation, the lower ground floor level where the flats are proposed has been referred to as a 'basement' within the application form by the Agent and consequently in the description. Presently, this lower ground floor level is only accessible via doors within the eastern elevation and this access route is actually generally level with the ground levels at that point (using only a minimal internally located ramp for access.) A photo of this will be available for members to view during the photo presentation.)

The provided section indicates that internally, the floor level of the lower ground floor is just approximately 0.12m lower than the ground level outside from which access is presently gained to the east.

The Agent has latterly confirmed on the 23rd December 2020 that "*the lower ground floor, which has been referred to as a basement in the past because part of the storey now is below the ground level on the Railway Street side, was in fact constructed and built as a normal ground floor and attach old photos for reference. Obviously over time the bridge over the River Derwent has been reconstructed, together with the surrounding levels and external stair configuration added later.*"

The Agent has confirmed that there are 4 other flats within the same lower ground floor level of the site already present.

PROPOSAL:

The application seeks planning permission for the change of use and alteration of basement of former mill to form 3no. one bedroom flats, a support facility and stores together with new entrance gates for vehicular and pedestrian access.

This would include fairly limited external alterations to the building, to include the blocking up of an existing doorway and amendments to existing windows to provide appropriate escape windows on the eastern elevation, together with the installation of 2no. high level windows on the northern elevation. All new windows would be timber.

Amendments to the proposed plans were made during the determination of this proposal. Following an initial objection from the Housing Officer due to a lack of natural light and ventilation to the bathrooms, the internal layouts were reconfigured to provide both kitchen/living rooms and bedroom with natural light, ventilation and means of escape, with bathrooms having mechanical ventilation.

Access to Flats A and B would be provided by internal access from the ground floor level on the western side of the building. Originally, Flat C would have been accessed via a level access door on the western elevation. However, the Agent also confirmed that the revised plans "*illustrated a further staircase down to the Lower Ground Floor for access to Flat C and the Support Facility internally, where alternative external access is available to the latter. Therefore from a flood point of view residents can escape internally, via the stairs to the upper level, to a position of safety.*" The original door proposed was subsequently removed from the lower ground floor level on the eastern elevation

The gates to the northern boundary of the site would be galvanised metal, powder coated in black, with a decorative sign noting "*Cornmill 1802.*" This would include electric vehicle gates and a personnel gate with a height of 2.1m.

This application is before Member's of Planning Committee due to the objection from the North Yorkshire County Council's Lead Local Flood Authority in line with the Council's Scheme of Officer Delegation.

HISTORY:

There is a very detailed planning history at the site, the following is considered the most relevant to the current application:

20/00329/LBC: External and internal alteration of basement of former mill to allow conversion to form 3no. one bedroom flats, a support facility and stores together with new entrance gates for vehicular and pedestrian access. Pending Consideration – associated application to this application currently being considered.

21/00944/FUL: Subdivision of 1no. two bedroom flat to form 2no. one bedroom flats to include the installation of 1no. additional window. Pending Consideration.

98/00772/FUL: Change of use of part of basement area of former mill to form two flats and a store (amended details to approval 98/00054/FUL dated 17.03.98) Approved.

98/00054/FUL: Change of use of part of basement area of former mill to form 3 flats. Approved.

94/00048/OLD: 3/83/688B/FA Change of use and alteration of Corn mill/Storage building to form restaurant/retail flat and a flat at basement level; a coffee parlour/retail and 3 flats at ground level; 7 flats at first floor level; 6 flats at both second and third floor levels and 3 flats at fourth floor level. Approval.

APPRAISAL:

The main considerations in the assessment of this application are:

- i) Principle of the Development
- ii) Character and Form and Impact upon the Listed Building
- iii) Amenity, including Residential Amenity
- iv) Access and Highway Safety
- v) Flood Risk
- vi) Other Matters including Consultation Responses.

i. Principle of the Development

Policy SP1 (General Location of Development and Settlement Hierarchy) of the Ryedale Plan, Local Plan Strategy identifies Malton as the ‘Principle Town’ where “*Housing and Employment Growth*” is supported.

Section 3 of the Ryedale Plan, Local Plan Strategy (Aspirations and Strategy) notes the Local Planning Authority will support “*the delivery of new homes and to substantially increase the delivery of affordable housing; The Ryedale Plan – Local Plan Strategy encouraging an appropriate mix and type of housing that will meet local housing needs and requirements of all in the community.*”

Policy SP3 Affordable Housing notes in para 4.33 that “*Households in affordable housing need are those who lack their own housing or who live in unsuitable accommodation and cannot afford to meet their housing needs in the housing market. Ryedale has an acute need for affordable housing.*”

Policy SP4 (Type and Mix of New Housing) notes support for “*The reuse of empty properties.*”

The proposed units for conversion would add to the existing 34 unit offer within the site. It is considered that the service provided by Impact Living is undoubtedly of great value to the local area. The support offered to young people who may be more vulnerable or who have experienced periods of difficulty in securing safe accommodation is considered to be particularly valuable. This proposal would help to fulfil the need for a specific accommodation type in the District and address a shortfall in stock.

In principle, subject to the full consideration of the other aspects below, this proposal is considered to be in accordance with Policies SP1, SP2, SP3 and SP4 of the Ryedale Plan, Local Plan Strategy.

ii) Character and Form and Impact upon the Listed Building

It is considered that the proposed amendments to the Listed Building as outlined above are limited and generally acceptable, together with the installation of gates to the northern boundary of the site. A separate listed building application (20-00329-LBC) has been submitted. This was not considered necessary as part of the scheme of delegation to bring before members for a decision.

The Council's Building Conservation Officer confirmed no objection to the proposed development on the 20th August 2020. Upon informal consultation due to amendments to windows, she confirmed no formal re-consultation was necessary. Appropriate conditions to relate to new materials/new openings will be recommended.

However it is not considered that this proposal would result in harm to the character of the Grade II Listed Building nor impact upon the character of Malton Conservation Area.

iii) Amenity, including Residential Amenity

It is not considered that this proposed change of use for 3no. additional residential flats would have any undue impacts upon residential amenity of existing occupiers of the Cornmill, as it would relate to further development being undertaken by Impact Living who provide an overall management service.

It is also not considered that this would relate to any harm to the occupiers of surrounding non-residential buildings to the north, east or west.

As noted, the Council's Senior Environmental Health Officer in the Housing Team had provided a consultation response noting she objected in principle to the application on the 28th August 2020, noting "*As there is no natural light or ventilation to the bedrooms and limited living space there are concerns that the flats may not comply with the requirement of the Housing Act 2004.*" The amendments to the plans, outlined in the proposal section above were made and the EHO was reconsulted. They noted in a response dated 10th September: "*That's much better, can I have clarity as the lighting levels and air changes relating to the ventilation to the bathroom and kitchen.*"

The Case Officer confirmed to the Senior EHO in an email dated 10th September 2020 that "*I can certainly find out if they know the lux levels of the internal fittings at this stage and advise them that this is something you would be looking at when assessing the property, with higher illumination levels preferred, however internal lighting levels are not a material planning consideration for us.*" It was also confirmed that the ventilation of the kitchen and bathroom was "*not material in planning terms but I agree that if it is possible to secure a better result at this stage it is worthwhile raising with the agent. I will therefore ask them to comment on the bathroom/kitchen ventilation.*"

This request was passed to the Agent. It was not immediately responded to as some fundamental work in relation to the flood risk of the site was being undertaken. When the review of flood risk was completed, this request for information was flagged up again to the agent. In response, they confirmed the following in an email dated 19th November 2021: "*In respect to the EHO comments we can confirm that the lighting levels will generally have a higher lux level (low energy fittings) with mechanical ventilation installed to the kitchen and bathroom areas and natural light to bedroom and living areas.*"

This was provided to the Senior Housing EHO for comment and she confirmed this to be acceptable in an email dated 7th December 2021.

Additionally, it is considered that the inclusion of the gates, which are considered by Impact Living as being likely to improve safety and security, may provide an overall enhancement to the site.

The Council's Environmental Health Officer (not sitting in the Housing Team) confirmed no objection to this proposal.

iv. Access and Highway Safety

As noted, the application includes a vehicular and pedestrian gated access to the rear courtyard area from Carpenters Yard to the north as confirmed in their Design and Access Statement “*to improve safety and security for young people.*”

The Local Highway Authority were consulted in relation to this proposal and confirmed no objection to the proposed development.

The North Yorkshire County Council Public Rights of Way Team provided an informative, which relates to the public footpath outside of the application site to the north.

v. Flood Risk

As noted, the site is predominantly located in Flood Zone 3 according to the Environment Agency’s Flood Map for Planning, with the proposed flats in that highest zone. The application is for a change of use of the lower ground floor to residential dwellings, which is considered to be a ‘more vulnerable’ use class according to the EA Guidance. This has been established as the LPA are interpreting this as not being ‘basement development’ (which would be ‘highly vulnerable’) for the reasons outlined in the proposal section above. This is notwithstanding the original description of the development but has been established following the site visit and additional incoming information from the Agent.

Discussions have been undertaken with North Yorkshire Building Control who have acknowledged that it is not a standard basement. They have noted that when considering the various aspects of such a project under a potential future application for building regulations approval, they would have to take a case by case assessment to determine which regulations are most appropriate on a non standard building such as this. Now due to the omission of doors on the eastern elevation (an improvement in terms of flood risk) it would likely be viewed as a basement for Part B ‘means of escape’ purposes whereas otherwise – had the doors remained it may have been appropriate to adopt the standards for above ground structure. This is noted and it is considered that usually, removing openings from any level of a dwelling would not change its status from when it was built. The Building Control Officer noted that other elements of regulatory compliance, such as parts C and F, may be satisfied in a more similar fashion to that of an above ground structure but that all aspects would be reviewed against the regulations as part of any future application

The agent confirmed that on the 21st January 2021, 3 no. occupied lower ground level flats were evacuated and flooded and consequently, the matter of flood risk has been considered extremely seriously by Officers over the last 12 month period, as will be clearly demonstrated within this section.

Environment Agency

The EA originally objected on the 9th July 2020 due to the submitted Flood Risk Assessment (Waller and Partners June 2020) needing to further consider the flood risks posed by the development. The EA pointed out in this response “*The submitted documents repeatedly refer to the proposed flats as ‘basement flats’ but they appear to be at ground level. If the proposed flats are basement flats. ie below ground level then we object in principle as this is inappropriate in flood zone 3.*”

Further negotiation was undertaken and a revised Flood Risk Assessment was submitted (Rev A September 2020) The EA confirmed they objected due to further information being needed on climate change. It was also highlighted in this response some other concerns they had, in relation to aspects including the definition of a basement, overland flow (requesting the Lead Local Flood Authority are consulted) structural stability, tanking, and emergency escape (requesting the Emergency Planners are consulted.)

A final revised Flood Risk Assessment (23rd December 2020) was submitted, together with an additional response from the Agent dated 23rd December 2020 to respond to the five aspects identified above. It was confirmed that the lower ground floor was constructed and built as a normal ground floor level and not a basement. It was also confirmed that the Agent has a structural consultant and they are in

“constant dialogue” with the Local Authority Building Control Team. It was also confirmed an accredited tanking system would be installed and would extend up the walls to prevent water ingress in a flood risk situation. Furthermore it was confirmed that the means of escape would be via the new internal stairs onto Railway Street and with this means of escape, it is not reliant on escape windows. It was confirmed the development and all proposed works would be undertaken to the Local Authority Building Control Standard.

The EA maintained their objection on the 21st January 2021 and additional information was submitted. On the 10th August 2021 the EA confirmed that they were able to remove their objection “*due to the recent update to the climate change allowances.*” They noted that the proposed development will only meet the National Planning Policy Framework’s requirements in relation to flood risk if the following planning condition is included. This condition required accordance with the submitted Flood Risk Assessment (Rev A dated 23th December 2021) to ensure that a number of key elements are adhered to. This includes very stringent requirements:

- *The apartments are only to be accessed from the upper ground floor level on railway street and there is to be no access from the adjacent car park.*
- *The proposed window cill level is to be set at 19.6mAOD*
- *The flood proof / resilience measures detailed in Section 3.08 are to be incorporated into the development especially the following details*
- *The lower ground floor shall be fully tanked with the tanking extending up the walls to a minimum level of 20.1mAOD*
- *The windows shall be water tight and the bottom of any opening lights shall be above 20.1mAOD*
- *There shall be non-return valves on the foul drainage connections to the apartments and office.*

The condition requires that these mitigation measures are to be fully implemented prior to occupation and retained and maintained thereafter throughout the lifetime of the development. It is considered that adherence to this condition presents a practical way of limiting potential flood risk at these proposed units.

The agent has also confirmed that the other existing ground floor flats are also due for a programme of upgrades, including tanking and retrofitting of non-return valves, which is positive.

North Yorkshire County Council Emergency Response Team.

As recommended by the Environment Agency, North Yorkshire County Council’s Emergency Response Team were consulted in respect of this proposal. They noted the following on the 27th April 2021:

“The proposed developments at The Cornmill Railway Street Malton North Yorkshire YO17 7NT lies entirely within a flood warning area for the River Derwent and classed as at Medium Risk of river flooding meaning each year the postcode area YO17 7NT has a chance of flooding between 1% & 3.3% (Flood Warning Information Service). Its lies entirely within the EA records for historic flooding, and is on District Council and EA record as having flooded during the storms affecting North Yorkshire in 2015. No support-grant claim recorded for this property in respect of this period.

The property sits within a Low Risk area for surface water flooding (sometimes known as ‘Flash Flooding’ or SWF) meaning each year, this area has a chance of flooding of between 0.1% and 1%. (Surface Water Risk). However, it is unlikely to be reliable for a local area and very unlikely to be reliable for identifying individual properties at risk. Historical information of surface water shows little evidence of SWF within 20m of this property.

It would be good business continuity and contingency planning for the site owner (Impact Living) to develop simple whole building procedures and advice as a part of their responsibilities, and duty of care towards their tenants

They should include advice to all occupants to:

- *Sign up to the appropriate EA Flood Warning, for this area*
- *Have a detailed, resilient and regularly practised evacuation plan in place (reviewed annually) enacted on warnings received.*
- *Have a place to go to if evacuation is extended or unable to return to the property.*

The Resilience and Emergencies Team can advise on the content of any Business Continuity plan, in order to support the owner as a part of its duties under the CCA 2004.”

The Agent submitted a Flood Emergency Response Plan to the LPA (dated 12th May 2021) which indicated the actions that should be taken in the event of a pending flood event to be annually updated. This was supported by a Flood Action Matrix. This is considered to be a rigorous document that has been informed and shaped by the recent flooding in January 2021. This will be attached in the annexing. These documents will be conditioned for annual review and for future tenants to sign up to the Flood Action Matrix prior to occupation of the flats.

North Yorkshire County Council Lead Local Flood Authority

As also recommended by the EA, North Yorkshire County Council’s Lead Local Flood Authority were consulted as part of this proposal, although this would not usually trigger their consultation due to it not forming a ‘major application.’ The initial response from the LLFA was received on the 21st January 2021 and it noted *“Although the proposed development is defined as minor by the LLFA, the LLFA wishes to make it clear that they object to the proposed development and conversion of a basement to residential flats in an area of high flood risk. Further reference should be made to the vulnerability table in the NPPF which also states that a highly vulnerable development should not be permitted within a high risk flood zone. The LLFA therefore recommend refusal of this application.”*

The LLFA was reconsulted due to the submission of additional information. This included the Flood Action Matrix, the Cornmill Flood Emergency Response Plan, the Existing Site Plan updated to show Drainage, a Flood Timeline (showing the events during the January 2021 flood) and a Drainage Report. The information confirming the lower ground level status of the proposed area for conversion was also provided.

The LLFA confirmed on the 29th September 2021 that *“despite the applicant submitting the additional information detailed above, the vulnerability classification and the flood zone designation of the proposed location is not altered. The proposed development is still highly vulnerable being located in Flood Zone 3. Basement development should not be permitted in a high risk flood area, regardless of how much resilience is put in place.”* The LLFA were unable to remove their previous objection.

Sequential and Exception Tests

As noted, there is a disconnect between how Officers and the LLFA view the status of this lower ground floor level. The lower ground floor level as noted is presently only accessible through level access via the eastern elevation to the courtyard carpark, although the rear western wall of this historic building does fall below the street level of the western side on Railway Street. The flat’s outlook from the kitchen/living room and bedrooms are generally level onto the eastern car park. .

As noted above, discussions have been undertaken with North Yorkshire Building Control who have acknowledged that it is not a standard basement. They have noted that when considering the various aspects of such a project under a potential future application for building regulations approval, they would have to take a case by case assessment to determine which regulations are most appropriate on a non standard building such as this. Now due to the omission of doors on the eastern elevation (an improvement in terms of flood risk) it would likely be viewed as a basement for Part B ‘means of escape’ purposes whereas otherwise – had the doors remained it may have been appropriate to adopt the standards for above ground structure. This is noted and it is considered that usually, removing openings from any level of a dwelling would not change its status from when it was built. The Building Control Officer noted that other elements of regulatory compliance, such as parts C and F, may be satisfied in a

more similar fashion to that of an above ground structure but that all aspects would be reviewed against the regulations as part of any future application

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 defined in the Strategic Flood Risk Assessment for the area provide the basis for applying the Test. In carrying out the Sequential Test, the Local Planning Authority is expected to look at the presence and suitability of land in the lowest form of flood risk classification for the development proposed (in this instance residential development). The Local Planning Authority would seek to understand why such land has not been considered first in terms of reasonable availability.

It is noted that the services provided at The Cornmill, including the provision of supported accommodation for young people, are of significant social value and provide an important service locally. This benefits people who may be experiencing difficulty in their personal circumstances. The Housing Manager at Ryedale District Council confirmed that the other supported accommodation in the District includes Derwent Lodge (14 rooms) and the Ryedale YMCA (14 rooms). It is therefore considered that this extension to an existing specialist form of accommodation could only be likely to be offered at very limited locations. It is therefore considered that this passes the sequential test.

In terms of the 'Exception Test' as outlined within para. 160 of the PPG, the following aspects should be demonstrated:

- (a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- (b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

As noted, for the reasons outlined above, in terms of point a, it is considered that this development provides clear sustainability benefits to the District. Furthermore, this is not the approval of standalone market housing flats. A key aspect in this is the overall management of the site by Impact Living, who are also a registered charity. The flats would form part of the overall accommodation managed on site by this provider, who have a specific Housing Manager, with seven named staff members listed on the Flood Emergency Response Plan Document. In the event of a flood, there is now a clear process to be followed, with the evacuation of any residents, their relocating to a safe location and preventative steps to be taken.

In terms of point b, it is considered that the physical elements conditioned by the EA condition will be positive in protecting the proposed accommodation. It is also acknowledged that the access would be taken from the upper ground floor level at Railway Street. The Flood Risk Assessment notes that Railway Street is above the 1:1000 year defended modelled floor level, concluding that the proposed accommodation "*can be accessed or evacuated in a major flood event.*" The EA have been able to confirm that they are able to withdraw their earlier objection with the proposal subject to the inclusion of this condition.

It is therefore considered that this proposal, subject to the relevant conditions, would be safe for its lifetime, taking account of the vulnerability of its users.

This proposal has been very carefully considered by Officers and whilst it not a common situation to approve residential accommodation in Flood Zone 3, the site specific situation here is a very different context. This accommodation will meet an important and specific housing need in Ryedale for people who may be more vulnerable and this is given significant weight, together with the physical works that will render the development less likely to be affected by flood water egress that can be controlled by planning condition. Furthermore, there is a co-ordinated management team who have a programme in place to deal with a flood event, as detailed within the Flood Risk Emergency Response Plan and the Flood Action Matrix, which will be conditioned for annual review.

vi. Other Matters including Consultation Responses.

It is noted that Malton Town Council confirmed that they recommended approval of this scheme on the

1st October 2020. No responses have been received from occupiers of neighbouring properties. The Policy Designing Out Crime Officer confirmed in a response dated 28th July 2020 that “*having reviewed the accompanying documents and drawings, together with additional information obtained from Impact Living and local Police supervision, I have no comments in relation to Designing Out Crime.*”

Therefore subject to condition, the proposed change of use is considered to be acceptable with regards to both Local and National Planning Policies, including Policies SP1, SP2, SP3, SP4, SP12, SP16, SP17, SP18, SP19 and SP20. The recommendation is therefore one of approval.

RECOMMENDATION: Approval

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 The development hereby permitted shall be carried out in accordance with the following approved documents/plan(s):

Site Location Plan (Drawing no. 4770/01)
Proposed Plan and Elevations (Lower GF Conversion) (Drawing no. 4770/07 Rev C)
Existing/Proposed Ground Floor Plan - including Sections (Drawing no. 4770/08 Rev A)

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

3 Unless otherwise agreed in writing with the Local Planning Authority, prior to their installation, full details, including 1:10 cross sectional drawings of any new doors/windows at the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance within this Grade II Listed Building, in accordance with Policies SP12 and SP16 of the Ryedale Plan, Local Plan Strategy.

4 Unless otherwise agreed in writing with the Local Planning Authority, all new infill brickwork required on the eastern elevation shall exactly match that used in the construction of the host building.

Reason: To ensure a satisfactory external appearance within this Grade II Listed Building, in accordance with Policies SP12 and SP16 of the Ryedale Plan, Local Plan Strategy.

5 Unless otherwise agreed in writing with the Local Planning Authority, The development shall be carried out in accordance with the submitted flood risk assessment (ref 7993 dated 23 December 2020 revA) and the following mitigation measures it details:

- The apartments are only to be accessed from the upper ground floor level on Railway Street and there is to be no access from the adjacent car park.
- The proposed window cill level is to be set at 19.6mAOD
- The flood proof / resilience measures detailed in Section 3.08 are to be incorporated into the development especially the following details
- The lower ground floor shall be fully tanked with the tanking extending up the walls to a

minimum level of 20.1mAOD

- The windows shall be water tight and the bottom of any opening lights shall be above 20.1mAOD
- There shall be non-return valves on the foul drainage connections to the apartments and office.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons:

- To ensure safe and dry access to the proposed development
- To reduce the risk and impact of flooding to the proposed development and future occupants
- In accordance with the requirement of Policy SP17 of the Ryedale Plan, Local Plan Strategy.

- 6 Unless otherwise agreed in writing with the Local Planning Authority, prior to the occupation of the 3no. additional flats, the proposed occupiers shall confirm to the owner/manager in writing that they will abide with requirements of the Flood Action Matrix. The approved Flood Evacuation Plan and Flood Action Matrix shall be reviewed annually by management of The Cornmill in accordance with the Environment Agency Guidance

Reason: In the interests of the safety of the users of the site and to satisfy the requirements of Policy SP17 of the Ryedale Plan - Local Plan Strategy.

Informative: The Applicant should also sign up to Environment Agency Flood Warnings. Their attention is drawn to the information contained within the consultation responses of both the Environment Agency and the North Yorkshire County Council Emergency Planning Team

INFORMATIVE(S)

- 1
- i) There is a Public Right of Way or a 'claimed' Public Right of Way within or adjoining the application site boundary - please see the attached plan.
 - ii) If the proposed development will physically affect the Public Right of Way permanently in any way an application to the Local Planning Authority for a Public Path Order/Diversion Order will need to be made under S.257 of the Town and Country Planning Act 1990 as soon as possible. Please contact the Local Planning Authority for a Public Path Order application form.
 - iii) If the proposed development will physically affect a Public Right of Way temporarily during the period of development works only, an application to the Highway Authority (North Yorkshire County Council) for a Temporary Closure Order is required. Please contact the County Council or visit their website for an application form.
 - iv) The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as an alternative route has been provided by either a temporary or permanent Order.
 - v) It is an offence to obstruct a Public Right of Way and enforcement action can be taken by the Highway Authority to remove any obstruction.

vi) If there is a "claimed" Public Right of Way within or adjoining the application site boundary, the route is the subject of a formal application and should be regarded in the same way as a Public Right of Way until such time as the application is resolved.

vii) Where public access is to be retained during the development period, it shall be kept free from obstruction and all persons working on the development site must be made aware that a Public Right of Way exists, and must have regard for the safety of Public Rights of Way users at all times.

Applicants should contact the County Council's Countryside Access Service at County Hall, Northallerton via CATO@northyorks.gov.uk to obtain up-to-date information regarding the exact route of the way and to discuss any initial proposals for altering the route.