



PLANNING COMMITTEE

Wednesday 6 November 2019 at 6.00 pm

Council Chamber - Ryedale House, Malton, North Yorkshire YO17 7HH

Agenda

21 Late Observations

(Pages 2 - 12)

Agenda Item 21

RYEDALE
DISTRICT
COUNCIL



Please Contact: Lizzie Phippard

Extension 43293

Email: lizzie.phippard@ryedale.gov.uk

All Members of the Planning Committee
Council Solicitor
Head of Planning
Planning and Regulation Technical Support Manager

Ref: Agendas/Planning/2019/20

4th November 2019

Dear Councillor

Meeting of the Planning Committee – 6th November 2019

With reference to the above meeting I enclose for your attention the late observations received since despatch of the agenda.

All items for the late observations relate to:

Item 9 - 19/00781/MREM Updated report (Pages 3 – 7)

Item 13 – 19/00922/FUL Conditions and highways response (Pages 8 - 12)

Yours sincerely



Mrs Karen Hood
Planning and Regulation Technical Support Manager

Item Number: 9
Application No: 19/00781/MREM
Parish: Malton Town Council
Appn. Type: Approval of Reserved Matters Major
Applicant: Duchy Homes Ltd (Duchy Homes Ltd)
Proposal: Erection of 40no. dwellings including 3no. five bedroom, 2no. four bedroom, 7no. three bedroom and 10no. two bedroom dwellings with associated garages, parking, amenity areas and landscaping (16/01252/73AM dated 30.01.2017 refers as amended)
Location: Land South Of Westgate Old Malton Malton North Yorkshire
Registration Date: 8 July 2019 **8/13 Week Expiry Date:** 7 October 2019
Case Officer: Gary Housden **Ext:** Ext 43307

CONSULTATIONS:

Building Conservation Officer	Objections and concerns
Flood Risk	Require further information
Designing Out Crime Officer (DOCO)	Comments
Sustainable Places Team (Environment-Agency Yorkshire Area)	Recommend condition
Yorkshire Water Land Use Planning	Recommend conditions
Public Rights Of Way	Recommend informative
Flood Risk	Further information required
Yorkshire Water Land Use Planning	Objection
Vale Of Pickering Internal Drainage Boards	The Vale of Pickering IDB maintains its objection. The Board also supports the LLFA comments.
Highways North Yorkshire	No objection but observations
Malton Town Council	
Yorkshire Water Land Use Planning	No objection

Neighbour responses: David White, Mr Lennart Hendry, Edward Everson, Mr Michael de Rouffignac, Mr Matthew Thompson, Mr Danny May,

Overall Expiry Date: 6 November 2019

INTRODUCTION:

Members are requested to refer to the main agenda papers for Item No.9 to view the Site, Proposal, History, Policy and Consultation on the Original Plans sections of this report.

APPRAISAL:

As mentioned earlier the principle of development has been established by the earlier grant of outline planning permission and the detailed approval of 39 dwellings on the site.

In the case of this further application for approval of reserved matters the following considerations are considered to be relevant.

Impact on conservation area / heritage considerations.
Design matters, layout, Street scene, individual designs.
Housing mix, density
Impact on residential amenity

Impact on trees
Highway considerations
Drainage matters

Impact on conservation area

The Council's Building Conservation Officer had objected to the scheme as originally submitted, raising concerns about a number of issues including the siting and positions of some of the dwellings and ancillary garage positions, individual design details, curtilage treatments and the overall scale of some of the dwellings, particularly on the northern half of the site nearest to Westgate.

Following receipt of those initial comments negotiations took place and the scheme was amended. Although a number of matters had been resolved concerns remained with particular regard to the proportions and sizes of some of the house types. Members will recall that on the northern half of the site the earlier scheme sought to create a new street which had rows of relatively tightly knit dwellings that were generally 'long and low' in profile to reflect the proportions and character of the nearby streets within the designated conservation area.

Further plans and elevations have been submitted which show further amendments to the scheme. These plans show significant changes to the layout and scale of buildings in the northern section of the site in order to address the Building Conservation Officer's concerns. These plans have also been the subject of further re-consultation with technical consultees, the Town Council and third parties. It is of note that the Town Council, who had originally objected to the scheme on a number of grounds including the appearance of the scheme and its impact on the area no longer raise any objection to the application on the basis of the revised plans.

The formal comments of the Building Conservation Officer to the amended plans are set out below:

No Objection

Further to my previous consultation response dated 14th August 2019 I have now had an opportunity to assess the revised plans. The revised plans show the deletion of many of the aspects which I had objection to. The mass and position of many of the buildings has been reduced to better reflect the character of the conservation area. The materials palette has been simplified and the generally the design has been simplified to better reflect a Ryedale vernacular and its edge of village context. My previous consultation responses have stressed the importance of street lighting in this context which should be mindful of its edge of village location and be sensitive and low key. Street names should be on boundary walls and not on dwarf posts if at all possible. The revised plans address my objections to the previous (superseded) proposals and I withdraw my objection.

In the circumstance Policy SP 12 of the Ryedale Plan Local Plan strategy is considered to be satisfied
Design

The overall approach to design is set out in the applicant's Design and Access Statement (DAS) and also the submitted heritage statement. In essence the site is developed in two parts as previously proposed on the earlier reserved matters approval, with a more traditional 'street' format at the entrance to the site from Westgate which opens to a more open layout on the southern landscape of the site which was formerly a paddock. The palette of materials proposed is limited to brick, stone, brick & render and clay pan tile roofs. In total 40 dwellings are proposed comprising 12 basic house types together with two 'special' types on Plots 7&8 (these designs are the same as previously approved under Ref 16/01250/MREM). The Building Conservation Officer is happy with the design approach to the layout, scale and appearance of the dwellings and considers that Policy SP 16 Design is satisfied in this regard.

Housing Mix /Density

The site has an area of 2 hectares, the scheme as submitted equating to approximately 20 dwellings to

the hectare. The mix proposes a combination of two, three, four and five bedroom units, including four single storey dwellings and four affordable units. In total there are 10 No. 2 bed units; 5No. 3 bed units; 22 No. four bed units and 3 No. five bed units proposed. It is considered that the overall mix and density is appropriate to the locality and that there are no sustainable objections to the application on these grounds. Policy SP4 (Type and Mix of Housing) of the Local Plan Strategy is considered to be satisfied.

Impact on residential amenity

The layout of the site provides for adequate curtilage and parking arrangements for the occupiers of the proposed units. Careful consideration has been given to the impact of the proposed dwellings on adjacent dwellings. As before the dwellings proposed on Plots 25 and 26 are single storey only with the gable of Plot 24 moved away from the boundary. Elsewhere back to back distances with other dwellings in Westfold are between 29 and 30 metres with a side to rear distance of 18 metres. These distances are in excess of industry standards and similar to the previously approved layout under Ref 16/01250/MREM. The previously approved layout is appended to the agenda papers for comparison purposes and for ease of reference. This aspect of Policy SP20 of the Local Plan Strategy is considered to be satisfied.

Impact on trees

The siting of dwellings has taken account of the position of significant trees which are located on the southern boundary of the site. Details submitted show protection areas for the trees to ensure that no work or storage of materials occurs within close proximity of the trees.

Highway matters

NYCC Highways have been re consulted and have no objection to the development on the basis of the submitted plans. Details of the estate rail type railing around the open space have been submitted showing access for maintenance vehicles. The area in question is the subject of future maintenance by a maintenance company. The Highway safety aspect of Policy SP 20 are therefore considered to be satisfied

Drainage

Yorkshire Water have no objection to the submitted scheme as the development does not have any affect on the recorded sewer.

Comments of the Lead Local Flood Authority and the Internal Drainage Board are still awaited at the time of writing this report.

Other Matters/ Third party comments

None at time of writing this report other than Malton Town Council who recommend Approval of the application.

In summary the application as amended is considered to accord with policy contained in the adopted development plan and subject to any further requirements of the LLFA and the local IDB approval is recommended.

RECOMMENDATION: Approval subject to the views of outstanding consultees and the following condition

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

OM-01 - Location Plan
OM-001 Rev E - Site Layout

OM-002 Rev D - Street Scenes
OM-003 Rev E - Materials
OM-004 Rev D - Enclosures
OM-005 Rev D - Landscaping & Tree Protection
OM-006 Rev D - Construction Management Plan
OM-007 Rev B - Conservation Plan
OM-016 Rev D - Management Company Plan
OM-201-001 Rev B - Ground Floor Layout
OM-201-002 Rev B - First Floor Layout
OM-201-003 Rev B - Elevations
OM-AFF-001 Rev A - Ground Floor Layout
OM-AFF-002 Rev A - First Floor Layout
OM-AFF-003 Rev A - Elevations
OM-207-001-AS Rev B - Floor Plan
OM-207-002-AS Rev B- Elevations
OM-207-003-OPP Rev A - Floor Plan
OM-207-004-OPP Rev A - Elevations
OM-207-005-AS - Floor Plan
OM-207-006-AS - Elevations
OM-301-001 Rev B- Ground Floor Layout
OM-301-002 Rev B - First Floor Layout
OM-301-003 Rev B- Elevations
OM-310-100 - Floor Plan
OM-310-101 - Elevations
OM-406-001-AS Rev A - Ground Floor Layout
OM-406-002-AS Rev A - First Floor Layout
OM-406-003-AS Rev A - Elevations
OM-406-004-OPP Rev A - Ground Floor Layout
OM-406-005-OPP Rev A - First Floor Layout
OM-406-006-OPP Rev A - Elevations
OM-406-010-OPP Rev A - Ground Floor Layout
OM-406-011-OPP Rev A - First Floor Layout
OM-406-012-OPP Rev A - Elevations
OM-406S-001-AS-Render Rev A - Ground Floor Layout
OM-406S-002-AS-Render Rev A - First Floor Layout
OM-406S-003-AS-Render Rev - Elevations
OM-417-001-AS Rev A - Ground Floor Layout
OM-417-002-AS Rev A - First Floor Layout
OM-417-003-AS Rev A - Elevations
OM-417-004-OPP Rev B - Ground Floor Layout
OM-417-005-OPP Rev B - First Floor Layout
OM-417-006-OPP Rev B - Elevations
OM-417-013-AS Rev A - Ground Floor Layout
OM-417-014-AS Rev A - First Floor Layout
OM-417-015-AS Rev A - Elevations
OM-418-001-AS Rev A - Ground Floor Layout
OM-418-002-AS Rev A - First Floor Layout
OM-418-003-AS Rev A - Elevations
OM-431-OPP-100 - Ground Floor Layout
OM-431-OPP-101 - First Floor Layout
OM-431-OPP-102 - Elevations
OM-431S-AS-100 - Ground Floor Layout
OM-431S-AS-101 - First Floor Layout
OM-431S-AS-102 - Elevations
OM-430-OPP-431V-OPP-100 - Floor Plans
OM-430-OPP-431V-OPP-101 - Elevations

OM-320-431V-430-100 - Floor Plans
OM-320-431V-430-101 - Elevations
OM-430-431V-320-100 Rev A - Floor Plans
OM-430-431V-320-101 Rev A - Elevations
OM-502-001-OPP Rev A - Ground Floor Layout
OM-502-002-OPP Rev A - First Floor Layout
OM-502-003-OPP Rev A - Elevations
OM-502-004-AS Rev A - Ground Floor Layout
OM-502-005-AS Rev A - First Floor Layout
OM-502-006-As Rev A - Elevations
OM-Type G-001 Rev B - Ground Floor
OM-Type G-002 Rev B - First Floor
OM-Type G-003 Rev B - Elevations
OM-Type H-001 Rev B - Ground Floor
OM-Type H-002 Rev B - First Floor
OM-Type H-003 Rev B - Elevations
OM-431S-100 - Ground Floor
OM-431S-101 - First Floor
OM-431S-102 - Elevations
OM-431S-AS-100 - Ground Floor
OM-431S-AS-101 - First Floor
OM-431S-AS-102 - Elevations
OM-DG-001 Rev C - Double Garage
OM-SG-001 Rev C - Single Garage
OM-TG-001 Rev C - Twin Garage
OM-EG-P1-001 - Garage Plot 1
OM-EG-P40-001 - Garage Plot 2
42599/001 Rev H - Drainage Layout
42599/017 Rev C - Flood Routing
42599/014 Rev F - External Works Sheet 1
42599/015 Rev G - External Works Sheet 2
42599/024 Rev B - Pond Details

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

Item Number: 13
Application No: 19/00922/FUL
Proposal: Change of use of Highways Depot (sui generis) to a mixed use of B1 and B8 Uses and removal of 8no. portable containers and cabins as listed on the Building Schedule on Drawing No. KWL/093/03/02 Rev.B Proposed Block Plan & Location Plan
Location: North Yorkshire Highways Depot Manor Vale Lane Kirkbymoorside YO62 6EG

RECOMMENDATION: **Approval**

- 1 The development hereby permitted shall be begun on or before three years from the date of this permission.

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 plans:
 - o Site Location Plan. Plan Ref: KWL/093/03/01. Rev. B.
 - o Proposed Block Plan. Plan Ref: KWL/093/03/02. Rev. B.
Reason: For the avoidance of doubt and in the interests of proper planning
- 3 No more than 50 sqm of B1(a) use floor space and no more than 558 sqm of B8 use floor space shall be provided on the site.

Reason: To satisfy the requirements of Policy SP6 and Policy SP20 of the Local Plan Strategy.
- 4 The B8 use hereby approved shall be limited to use as Antique Dealer Storage.

Reason: In the interests of highway safety and in accordance with Policy SP20 of the Local Plan Strategy.
- 5 The operational vehicle fleet of any business operating from the site shall be restricted to vehicles with an individual, unladen weight of four tonnes or less.

Reason: In the interests of highway safety and in accordance with Policy SP20 of the Local Plan Strategy.
- 6 There shall be no deliveries or collections to and from the B8 use hereby approved at the site, except between 07:00 and 19:00 hours during the weekdays and between 08:00 and 18:00 during weekends and public holidays.

Reason: To protect the amenity of the occupants of nearby properties and to satisfy Policy SP20 of the Local Plan Strategy.
- 7 No part of the development to which this permission relates shall be brought into use until full details of external lighting have been submitted to and approved by the Local Planning Authority. The lighting shall thereafter accord with the approved details.

Reason: In the interests of amenity and biodiversity and to satisfy Policy SP20 of the Local Plan Strategy.

- 8 No materials, crates, waste or other items shall be stacked or stored outside any building on the site without the prior approval in writing of the Local Planning Authority.

Reason: To ensure that the appearance of the area is not prejudiced by the external storage of materials and to satisfy Policy SP20 of the Local Plan Strategy.

- 9 There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

Reason: In the interests of highway safety and in accordance with Policy SP20 of the Local Plan Strategy.

- 10 Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on Drawing Number KWL/093/03/02 Rev.B for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

Reason: In the interests of highway safety and the general amenity of the development and in accordance with Policy SP20 of the Local Plan Strategy.

INFORMATIVE(S)

- 1 You are advised that the development permitted does not include retail sales from the site.

**NORTH YORKSHIRE COUNTY COUNCIL
BUSINESS and ENVIRONMENTAL SERVICES**



**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**

Application No: **19/00922/FUL**

Proposed Development: Change of use of Highways Depot (sui generis) to a mixed use of B1, B2 and B8 Uses and removal of 8no. portable containers and cabins as listed on the Building Schedule on Drawing No. KWL/093/03/02 Rev.B Proposed Block Plan & Location Plan

Location: North Yorkshire Highways Depot Manor Vale Lane
Kirkbymoorside North Yorkshire YO62 6EG

Applicant: Mr Kevin Linfoot

CH Ref:	N/A	Case Officer:	Stephen Boyne
Area Ref:	3/72/7041	Tel:	01609 780 780
County Road No:	Private off U/C	E-mail:	Area4.KirbyMisperton@northyorks.gov.uk

To:	Ryedale District Council Ryedale House Old Malton Road MALTON North Yorkshire YO17 9HH	Date:	31 October 2019
FAO:	Jill Thompson	Copies to:	

Further to my consultation response dated 26th September 2019, I understand that the proposed B2 use is no longer under consideration, and that the B8 use is to be a specific land use, allied to which any operational vehicle is to be restricted to that of 4 tonnes and below (maximum gross weight). The B1 office use is also to be reduced to 50sq. m.

Given that it seems agreement can be reached between the applicant and the local planning authority to secure the development along these lines by way of planning conditions, the local highway authority would raise no objections to the development being permitted on that basis.

Continued

Signed:

Stephen Boyne

For Corporate Director for Business and Environmental Services

Issued by:

Kirby Misperton Highway Office
Beansheaf Industrial Park
Tofts Road
Kirby Misperton
YO17 6BG

e-mail: Area4.KirbyMisperton@northyorks.gov.uk

**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

Application No:

19/00922/FUL

It is recognised that such conditions cannot control the type and amount of vehicles making goods deliveries and collections, but on balance that would be little different to arrangements by other existing users of the lane and the amount of traffic involved would not be regarded as significant.

The following conditions are recommended :

1. HC-06 DISCHARGE OF SURFACE WATER

There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

REASON

In accordance with policy # and in the interests of highway safety

2. HC-12a APPROVAL OF DETAILS FOR SITE WORKS IN THE HIGHWAY

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 in connection with the construction of the access road or building(s) or other works until:

- (i) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority:.
 - a. Provision of a pedestrian route along the whole length of Manor Vale Lane on the east side of the existing carriageway to be lined out with appropriate road markings and symbols at a width of 1.0 metre together with appropriate warning signs and supplementary plates on poles all in accordance with the relevant Diagram Numbers of the Traffic signs Regulations and General Directions (TSRGD) 2016.
- (ii) A programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning Authority in consultation with the Local Highway Authority.

REASON

In accordance with policy # and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

Continued

**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

Application No:

19/00922/FUL

3. HC-12c COMPLETION OF WORKS IN THE HIGHWAY (BEFORE OCCUPATION)

Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number (2) above :

Road markings and traffic signs etc., as described in the quoted condition.

REASON

In accordance with policy # and in the interests of the safety and convenience of highway users.

HI-07 INFORMATIVE

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.

4. HC-15 PARKING SPACES TO REMAIN AVAILABLE FOR VEHICLE PARKING (NON-RESIDENTIAL)

Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on Drawing Number KWL/093/03/02 Rev. B for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

REASON

In accordance with policy # and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.