



LAND, PLANNING AND DEVELOPMENT CONSULTANTS

## **Supporting Planning Application Statement**

**For**

**The Erection of 14 Dwellings**

**at**

**Hurrell Court**

**Hurrell Lane**

**Thornton le Dale**

**Pickering**

**North Yorkshire**

**for**

**W&W Estates (Thornton Dale) Ltd**

5.9.14

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## 1.0 Introduction

- 1.1 This statement provides support for a Detailed Planning Application Enquiry for the erection of 14no. dwellings on land at Hurrell Court, Hurrell Lane, Thornton le Dale, Pickering, North Yorkshire.

## 2.0 Site Location and Description

- 2.1 The site is on the eastern side of Thornton Dale and to the east of Hurrell Lane. (See Fig. 1 below). The land extends to some 0.64ha (1.58 acres) and comprises the former Hurrell Court Care Home/Alcohol Rehabilitation Centre, now closed.
- 2.2 The site is bounded to the north and east by existing residential development, to the west by agricultural land and the south a complex of retirement bungalows known as Hurrell Court.



## 3.0 Planning Site History

- 3.1 The site has no relevant planning history.

## 4.0 The Proposal

- 4.1 The proposal shows 14 No new dwellings of mixed tenures on 0.64/1.58 acres of land at Hurrell Court, Hurrell Lane, Thornton le Dale. (See attached drawing ref. no. 1531.5).
- 4.2 A new access road in the same location as the existing access is taken from Hurrell Lane on the western boundary of the site. The dwellings are arranged in a frontage nature forming a small cul-de-sac.
- 4.3 The dwellings comprise 6No 4bed detached/semi-detached type units with garages, 2No 3/4bed detached, 2No 3bed semi-detached, 2no 2bed semi-detached and 2 1bed semi-detached units. This mix is consistent with the Council's Strategic Housing Market Assessment referred to in more detail later under Affordable Housing.
- 4.4 The density of the site follows the typical density of the settlement. There will be a variety of materials for walls and roofs-stone, brick, render and timber, with pantiles and slate used for

roof coverings. Existing boundary treatments will be enhanced and supplemented with good levels of new planting incorporated throughout the site.

## **5.0 The Planning Policy Context**

- 5.1 The main issue in respect of the proposal is whether the principle of development is acceptable from a planning standpoint and to determine this we turn to the Planning Acts.
- 5.2 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 5<sup>th</sup> September 2013).

Its relevant policies are as follows:-

- 5.3 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 SP12 - Heritage  
Policy SP16 - Design  
Policy SP 17 - Managing Air Quality, Land and Water Resources  
Policy SP19 - Presumption in Favour of Sustainable Development  
Policy SP20 - Generic Development Management Issues

## **5.5 National Planning Policy Framework**

- 5.5.1 The relevant paragraphs and references are:  
Paragraphs 11-16 Presumption in Favour of Sustainable Development Ministerial Forward  
Paragraph 17 Core Principles  
Paragraph 39 Promoting Sustainable Transporting  
Paragraphs 47, 49, 50 Delivering a wide choice of High Quality Homes  
Paragraphs 56, 60, 61 and 65 Requiring Good Design  
Paragraphs 94 Meeting the Challenge of Climate Change, Flooding and Coastal Change  
Paragraphs 109 - 125 Conserving and Enhancing the Natural Environment  
Paragraph 159 Plan Making  
Paragraphs 187, 196 and 197 Decision-Taking

## **6. Key Issues**

- 6.1 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. Ground Conditions

## 11. Trees

To take each in turn.

### 6.1.1 Sustainable Development

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

In the Ministerial Forward it states that:-

*'Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.'*

and at Paragraph 14 states:-

*At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking'.*

*For plan-making this means that:*

*●● local planning authorities should positively seek opportunities to meet the development needs of their area;*

*●● Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:*

*—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; or*

*—specific policies in this Framework indicate development should be restricted.<sup>9</sup>*

*For decision-taking this means:<sup>10</sup>*

*●● approving development proposals that accord with the development plan without delay; and*

*●● where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

*—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; or*

*—specific policies in this Framework indicate development should be restricted.<sup>9</sup>*

(Our emphasis)

*Footnote 9*

*For example, those policies relating to sites protected under the Birds and Habitats Directives (see paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion.*

*Footnote 10.*

*Unless material considerations indicate otherwise.'*

### 6.1.2 At paragraph 17 under the heading 'Core Planning Principles' the document sets out 12 planning principles of which the following is particularly relevant namely:-

*'...proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area...'*

(Our emphasis)

6.1.3 In addition, at paragraph 49 it states that:-

*'49. Housing applications should be considered in the context of the presumption in favour of sustainable development...*

6.1.4 The document continues a paragraph 50:-

*'50. To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should: ●●plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities,....)*

(Our emphasis)

6.1.5 Paragraph 50 is reinforced at paragraph 159 under the heading 'Plan Making – Housing' where it states:-

*'159. Local planning authorities should have a clear understanding of housing needs in their area. They should:*

*.....—addresses the need for all types of housing, including affordable housing and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes); and  
—caters for housing demand and the scale of housing supply necessary to meet this demand;...'*

(Our emphasis)

6.1.6 We find further support for the proposal at paragraph 187 which states:-

*'187. Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.*

(Our emphasis)

6.1.7 and at paragraph 197 under the heading 'Determining applications we find further support as follows:-

*'197. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.*

(Our emphasis)

6.1.8 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 Policy SP1 - General Location of Development and Settlement Hierarchy it states:-

*'In all other villages, hamlets and in the open countryside development will be restricted to that:*

*· which is necessary to support a sustainable, vibrant and healthy rural economy and communities or*

*· which can be justified in order to secure significant improvements to the environment or conservation of significant heritage assets in accordance with the National Enabling Development Policy and Policy SP12 of this Plan, or which is justified through the Neighbourhood Planning process'*

(Our emphasis)

- 6.1.9 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.'*

## 6.2 The Principle of Residential Development

- 6.2.1 The NPPF under the heading 'Delivering a wide choice of high quality homes' the document states at paragraph 47 that:-

*'47. To boost significantly the supply of housing, local planning authorities should:*

*●●use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;*

*●●identify and update annually a supply of specific deliverable<sup>11</sup> sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;*

*●●identify a supply of specific, developable<sup>12</sup> sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;*

*<sup>11</sup> To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.*

*<sup>12</sup> To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.'*

(Our emphasis)

- 6.2.2 The Council have only recently confirmed that they have a demonstrable 5-year supply of housing sites although this is in question at present. However, and assuming a 5 year supply exists there will be a need to maintain this position and the Council will require a continuing supply of housing sites particularly as it appears that the housing market is gaining momentum again.

6.2.3 The site lies within the Development Limit as shown on the Ryedale Local Plan Inset Plan for Thornton le Dale (Fig. 2).



6.2.4 It is therefore submitted that as the current use of the site has already established the principle of development by the current use and that as it is surrounded by residential development, that the proposal for the redevelopment of the site for residential use should be considered acceptable in principle.

6.2.5 Turning to The Ryedale Plan – Local Plan Strategy 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)

- 6.2.6 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)

- 6.2.7 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'*

(Our emphasis)

6.2.8 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)

6.2.9 and policy SP4 follows:-

*'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)

6.2.10 Thornton le Dale is identified as a Service Village and therefore the location of development in the settlement accords with Policies SP1, SP2 and SP4 of the Ryedale Plan – Local Plan Strategy. As such the proposal to develop the application site is also in accordance with those policies.

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

6.3.1 Policy SP16 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*

### 6.3.2 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'*

- 6.3.3 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.
- 6.3.4 The NPPF paragraph 56 states the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 6.3.5 Paragraphs 60, 61 and 65 of the NPPF make it clear that decisions should not attempt to impose architectural styles or particular tastes and should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles, should address the connections between people and places and the integration of new development into the natural, built and historic environment and proposals should not be refused for buildings which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design.
- 6.3.6 We believe that the proposed scheme is considered not to 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.

#### 6.4 Impact on the Residential Amenity of the Adjoining Neighbours

- 6.4.1 One of the core planning principles set out in Paragraph 12 of the NPPF states that planning should always seek a good standard of amenity for all existing and future occupants of land and buildings.
- 6.4.2 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'*

- 6.4.3 Standard standoff distances are achieved in respect of all 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.

#### 6.5 Highway Safety

- 6.5.1 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'*

- 6.5.2 These Local Plan policies should be afforded weight as they are broadly consistent with the aims of the NPPF.
- 6.5.3 In addition with respect to parking, paragraph 39 of the NPPF states that when setting local parking standards for residential and non-residential development, local planning authorities should take into account the accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport; local car ownership levels; and an overall need to reduce the use of high emission vehicles.
- 6.5.4 The dwellings would be served from a single new access in a similar position to the existing access on the western boundary of the site. Adequate sight lines and adequate parking provision has also been provided for within the site.
- 6.5.5 We submit 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 39 of the NPPF.

6.6 Drainage and Flood Risk

- 6.6.1 The NPPF paragraph 94 states that local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations. NPPF Paragraph 95 states to support the move to a low carbon future, local planning authorities should plan for new development in locations and ways which reduce greenhouse gas emissions; actively support energy efficiency improvements to existing buildings.
- 6.6.2 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'*

6.6.3 The application site is located in Flood Zone 1 as shown on the Environment Agency's Flood Map for Thornton le Dale which is at a low probability of flooding and as such no Flood Risk Assessment is required.

6.6.4 The foul drainage from the dwellings will be connected into a new drain/sewer and routed around the private roadway which serves the existing dwellings to the south of the site and then connected into the foul sewer via the existing pumped system.

6.6.5 Due to the levels across the site which generally fall from north to south, the surface water and foul drainage from the new dwellings and the highway drainage cannot discharge directly into the existing foul and surface water sewers in Hurrell Lane, The surface water from the road and pavement will therefore be discharged into a small packaged pumping station located in the south east corner of the site and the water will be pumped into the sewer in Hurrell Lane.

6.6.6 The surface water discharge from the site will be regulated by the use of oversized drainage pipework to allow for onsite storage to accommodate 1 in 30 year storm conditions and to ensure that a 1 in 100 year event does not surcharge the site drainage system and can be stored on site without risk to people and property.

6.6.7 We submit therefore that the proposed development can be satisfactorily drained and is therefore considered acceptable and in accordance with Policies and the guidance in NPPF.

#### 6.7. Affordable Housing

6.7.1 Policy SP3 (Affordable Housing) of The Ryedale Plan – Local Plan Strategy states:-

*'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 and 35% of new dwellings as affordable housing on-site with a further additional financial contribution equivalent to a further 5% of provision as part of developments of 5 dwellings or 0.2ha or*

*more in West and South West Ryedale\* ( including Ampleforth, Helmsley\*\*, Hovingham and Sheriff Hutton)*

*Where the on-site contribution does not equate precisely to whole numbers of units, equivalent financial contributions will be sought.*

*Below the threshold of 5 dwellings/0.2 ha, a pro-rated financial contribution will be sought from all new residential development, where this is viable.....*

(Our emphasis)

- 6.7.2 The proposal is for 14No dwellings and therefore there is a requirement for 35% of the dwellings to be affordable i.e. 4.9 dwellings. However, 4No 2bed dwellings are to be provided in line with Policy SP3 which equates to 28.57% provision. The Applicant is prepared to make up the shortfall of the 0.9 of a dwelling by means of a commuted sum which has been calculated and agreed with Kim Robertshaw as:-

*The difference between the open market value (research suggests £160,000) and the value that it would be sold to a housing association. This has been confirmed by Leslie Farguer at Yorkshire Housing as £65,000.*

*Therefore, the amount is 0.9 X (£160k-£65K) = £85,500.*

- 6.7.3 The Applicants are content to pay this sum and as such we submit that the requirements of Policy SP3 are therefore met.
- 6.7.4 In addition however we find support for the affordable and open market house type provision in the North Yorkshire Strategic Market Housing Assessment which states:-

*'Future Need for Affordable Housing*

*1.36 If North Yorkshire were to meet the needs of all households who cannot afford to buy or privately rent a home on the open market<sup>14</sup> it would have to deliver 2,808 affordable dwellings (excluding Selby) each year over the next 5 years. This is shown in the table below. Figure 10: Net Annual Affordable Housing Need (Next 5 Years) – North Yorkshire*

*Net Annual Affordable Housing Need – North Yorkshire & Local Authorities*

									(Total)
218	320	507	260	256	457	790	2,808		

*Source: North Yorkshire SHMA, 2011*

*1.37 In particular, there is currently a shortfall in smaller 1 and 2 bedroom and larger 4 or more bedroom affordable properties across North Yorkshire. The shortage of these property types is making it harder for the authorities of North Yorkshire to meet the housing needs of households who cannot afford to buy or privately rent a home on the open market.'*

(Our emphasis)

- 6.7.5 In light of the above, we therefore submit that the proposal should be considered acceptable under Policy SP3 of The Ryedale Plan – Local Plan Strategy.

## 6.8 Public Open Space

- 6.8.1 We submit that given the size of the site it is not appropriate to provide onsite Public Open Space. However, the applicant is prepared to consider that a financial contribution be made in lieu of such provision to assist the Parish Council with improving existing facilities in the village where appropriate. This can be the subject of a S106 or Unilateral Undertaking.

## 6.9 Impact on Nature Conservation and Protected Species

6.9.1 NPPF paragraphs 109 to 125 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.

6.9.2 As such Ecological Assessment by Access Ecology Ltd has been prepared and this has found:-

### *'Phase 1 Habitat Survey*

*127. All of the habitats and floral species identified on site are common and the site was found to contain limited floral diversity.*

*128. As a result, it is considered that the habitats present on the site do not present a constraint to the proposed development and no further botanical survey is necessary.'*

### *'Controlled Invasive Species*

*135. No evidence of any controlled or invasive species was found during the survey.*

*136. As a result, controlled invasive species do not present a constraint to development.'*

### *'Bats*

*138. The proposals require the demolition of the building identified as containing a bat roost. One species has been identified as roosting on site, common pipistrelle.*

*139. When compared against the guidelines for proportionate mitigation (Mitchell-Jones, A.J. 2004) the site is considered to be of Moderate conservation significance.*

### *Short Term Impacts: Disturbance*

*140. In the absence of mitigation, short-term disturbance impacts on bats from the proposed demolition of the buildings, if carried out at their most vulnerable times of year with no constraint on working hours, and would result in significant detrimental impacts to the bats from likely killing or injury of individual bats, and disturbance of a maternity colony, increase in noise, dust, human disturbance, and vibration disturbance. As a result the short term impact of the demolition is considered likely to be significantly adverse on both individual bats within the roosts as well as on bat populations at the local level.*

*141. It is considered that suitable mitigation (timing and exclusion) together with the provision of compensation would minimise these impacts, but the demolition would still result in an increase in noise, human presence, etc.'*

### *'Long Term Impacts: Roost Loss*

*142. The proposed demolition would result in the destruction of a maternity roost, an annex roost and summer transitional roosts of one bat species (common pipistrelle).*

*'Without mitigation the impact of these losses is likely to be adverse for the population of this species at a local level.*

*144. As previously stated, the Bat Mitigation Guidelines classify buildings such as that at Hurrell Court as of moderate conservation significance. As a result of this the guidelines state the following mitigation / compensation is required;*

*145. "Timing constraints. More or less like for like replacement. Bats not to be left without a roost and must be given time to find the replacement. Monitoring for 2 years preferred." (Mitchell-Jones, A.J. 2004).*

*146. In practice, this means for the demolition to proceed, a suitable alternative roost structure would have to be constructed in close proximity to the current building.'*

### *'Other Protected and Notable Species – Nesting Birds*



152. The site contains suitable features for nesting birds namely trees, hedgerows and the building.

153. As a result, it is recommended that as much of the existing trees and hedgerow habitat as possible is retained, and that the building demolition works are carried out outside of the main bird nesting period (March to August).

154. Where this is not possible, a suitable method statement for the protection of nesting birds would have to be put in place'

*'In order to maintain and enhance the ecological value of the site and in accordance with the aims of The National Planning Policy Framework (NPPF), it is recommended that as part of the new development, suitable replacement bird nest features be incorporated into the final building and landscaping scheme. This should include provision for swallow and other building nesting bird species and suitable habitat and nest boxes for tree and hedgerow nesting birds.'*

- 6.9.3 We submit however, that providing the mitigation measures as recommended in the report are carried out, it will be possible for development to take place without harm to any acknowledged nature conservation interests and therefore would not be contrary to the advice contained within the NPPF.

#### 6.10 Ground Conditions

- 6.10.1 Policy SP17 Managing Air Quality, Land and Water Resources of the Ryedale Plan 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....'*

- 6.10.2 Desk Top Ground Survey has been prepared by Geo Investigate and submitted with the application and concludes that the risks to development of the site are low but recommends:-

*'In light of the Phase 1 desk study findings it is recommended that a Phase 2 investigation including a ground investigation and contamination and gas testing is carried out at the site to establish the actual site conditions and to properly assess the risks from the geology of the site and its historical land use.*

*The Phase 2 investigation should be designed to focus on the potential contaminants highlighted in the CGHM (Figure 1 and Table 4). As the potential for hazardous gas to exist at the site is Low, as opposed to negligible, a gas survey is necessary also.*

*The Phase 2 investigation should comprise boreholes, gas monitoring and contamination analyses to establish the ground conditions across the site.'*

- 6.10.3 As such we submit that subject to a Phase 2 survey and suitable planning conditions attached to any permission, the proposal will meet the requirements of Policy SP 17 of the Ryedale Plan.

#### 6.11 Trees

- 6.11.1 The site contains a number of trees and as such an Arboriculture Report has been prepared by Elliot Consultancy Ltd and submitted with the application. This concludes that a number of trees will be lost as a result of the development, however a suitable landscaping scheme would mitigate their loss. The full recommendations are contained in the report.

**7. Conclusions**

- 7.1 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.

SMN/ YTA 5.9.14