

Chris Morris

From: Niamh Bonner
Subject: FW: 22-00262-MFUL, housing development Bright Steels
Attachments: Consultation.pdf

From: Niamh Bonner
Sent: 17 February 2023 16:53
To: 'Matthew Groom' <matthew.groom@brierleygroom.co.uk>
Cc: Jill Thompson <jill.thompson@ryedale.gov.uk>
Subject: FW: 22-00262-MFUL, housing development Bright Steels

Dear Matthew

Thank you for your patience whilst I have looked into this, I also wanted to afford some time in case YW wished to reply to my last email yesterday afternoon. I will forward anything further that is received from them.

As you will note from the email trail, YW have confirmed a consultation response was produced for the 2019 application (attached above) although this does not appear to have been received by the LPA and was not available to me in the determination of the previous application. I have attached this for your information and I am sorry for any inconvenience this may cause.

As you will note from the confirmation from YW, there is a requirement for agreements outside of the planning process for any new connection whether direct or indirect into the mains sewers to be undertaken with YW and whilst we will not be applying the YW conditions for the reasons outlined below, the Developer will be required to undertake this agreement under this separate legislation. I have attempted to outline to YW the improvement the scheme would bring in terms of the original historic site drainage arrangements so I hope this proves helpful in due course.

Confirmation of this requirement for this separate agreement would be attached to any approval via an informative.

Kind regards

Niamh

From: Niamh Bonner
Sent: 16 February 2023 13:25
To: 'Jim McGlade' <jim.mcglade@yorkshirewater.co.uk>
Cc: Jill Thompson <jill.thompson@ryedale.gov.uk>
Subject: RE: 22-00262-MFUL, housing development Bright Steels

Dear Jim

Thank you for your email, it is appreciated. I have discussed this with the Planning Services Manager as it is a difficult issue.

Given there is an existing permission which has been issued by the LPA and implemented without the conditions from Yorkshire Water and this application is not seeking alteration to the previously approved drainage details, I think we would question whether it would be 'reasonable' in terms of the tests of soundness of planning conditions outlined within the National Planning Policy Framework to apply a more restrictive condition at this stage on an application which is just altering limits aspects such as windows and brickwork.

Although I completely appreciate Yorkshire Water's position, I believe this would be open to challenge and as there is the fall back position of addressing this through the separate legislation you have indicated, I think we are of the view that recommending an informative to ensure the Agent is fully aware of their separate requirements, and providing him with our correspondence will be the most suitable way of addressing this. I think this will be likely still to be a suitable mechanism to achieve the end goal, of having the further information from the Agent and a drainage scheme which meets with YW's requirements and which will be controlled by the s106 consent. When this is being negotiated I do hope there is some scope for flexibility on this given the overall improvements within the site and the issues faced by the Agent/Developer in the absence of conditions on the first scheme which is regrettable but which was outside of their control.

Kind regards

Niamh

From: Jim McGlade [<mailto:jim.mcglade@yorkshirewater.co.uk>]
Sent: 16 February 2023 09:33
To: Niamh Bonner <niamh.bonner@ryedale.gov.uk>
Subject: RE: 22-00262-MFUL, housing development Bright Steels

Hi Niamh,

Thanks for email and sorry we are not permitted to include S106 connection as part of planning conditions, this is separate legislation from planning under the terms of the Water Industry Act (WIA) 1991. Conditions in both consultations still stand and for the agent/applicant to submit "as built" drainage layout details along with evidence that alternative methods of surface water disposal have been explored under current Building Regulations (2010), and how much surface water is being discharged to public sewer and also connection point to which sewer.

Kind regards

Jim McGlade
Development Control Agent
Developer Services
Pre Development Team

From: Niamh Bonner <niamh.bonner@ryedale.gov.uk>
Sent: 15 February 2023 16:08
To: Jim McGlade <jim.mcglade@yorkshirewater.co.uk>
Subject: RE: 22-00262-MFUL, housing development Bright Steels

Dear Jim

Thank you for your response. I have rechecked our system and cannot find any evidence of this having been received by either our DM team nor myself at the time which is really unfortunate.

It does appear that the Agent may not be aware of the separate requirements for a s106 sewer connection and as noted, significant works have been undertaken now including drainage connections.

The drainage strategy does note that soakaways have been discounted and makes the point that rather than historic arrangement which incorporates significant amount of roofs and a small section of concrete, this application would present a significant reduction of roof areas, together with the use of permeable hard surfacing and planting, therefore significantly reducing the surface water from non-porous surfaces discharging to the sewer. The drainage connection as far as I am aware have now already been constructed.

Given this was a brownfield site with entirely impermeable surfacing with a historic connection to the combined drainage system, I would be grateful if you could consider any flexibility on this one? It does appear that this would

make flood issues highly unlikely and does represent some betterment to the original arrangements. If you were agreeable to this approach, could a drainage condition be reworded on this basis to advise that under separate legislation a S106 sewer connection request should be made or could this be an informative given the drainage arrangements are ultimately therefore controlled by separate legislation.

Kind regards

Niamh

From: Planning Consultation Mailin [<mailto:planningconsultation@yorkshirewater.co.uk>]
Sent: 15 February 2023 13:29
To: Niamh Bonner <niamh.bonner@ryedale.gov.uk>
Subject: RE: 22-00262-MFUL, housing development Bright Steels

Hello Niamh,

Thanks for email and I enclose both 2019 comments and conditions letter emailed back on 4th September 2019 which included comments that drainage details were not acceptable and you have our reply dated 12th April 2022 for the above reference number.

Building regulations stage is too late to get planning conditions relating to drainage approved and developers should ensure conditions are agreed along with drainage layout drawing which can be used for a S106 sewer connection request once planning conditions are formally discharge by our planning drainage engineers. My colleagues will be expecting to see at some stage proposals including restricting the amount of surface water from the site, to prevent any potential flooding problems and as part of the hierarchy of building regulations, that alternative methods of surface water disposal have been looked at, and evidence would be required before considering the option of public sewer network. No S106 connection request will be permitted under drainage conditions have been agreed to.

Kind regards

Jim McGlade
Development Control Agent
Developer Services
Pre Development Team

From: Niamh Bonner <niamh.bonner@ryedale.gov.uk>
Sent: 15 February 2023 11:37
To: Planning Consultation Mailin <planningconsultation@yorkshirewater.co.uk>
Subject: RE: 22-00262-MFUL, housing development Bright Steels
Importance: High

EXTERNAL SOURCE - THINK BEFORE YOU CLICK

Dear Ms Khan

I write in relation to the consultation response provided in light of this scheme. I note that this is an amended scheme to the original approval 19/01059/MFUL dated 22.01.2020. The construction of the site is now well underway as the original scheme has been implemented, with this scheme seeking very limited amendments beyond the original scheme in terms of windows, bricks and the installation of a small drainage channel to prevent surface water running onto the highway. The agent confirmed to me on the 9th February that *“My client confirms the shell is nearly finished with drainage installed. The internals of the building will be starting shortly.”*

The Agent was correct in noting that there was no consultation response from Yorkshire Water on the original scheme, nor the Lead Local Flood Authority, and consequently, we conditioned SW and FW to be to the satisfaction

of an approved building control inspector. In light of the response from YW, I had asked the Agent to provide this information requested within your response of April 2022 and the response below indicates their view that this approach would not be appropriate. I have discussed this internally with senior colleagues and they are also of the view that it would not be reasonable to impose such conditions at this stage given this was not applied on the original permission. The site also introduces new green space and permeable paving throughout in comparison to the previously arrangements which also completely ran to the existing combined sewer, presenting an improvement upon the previous arrangements.

What I would suggest is that the previous condition is reapplied to ensure compliance with building regulations and then if you could confirm whether there are any separate consents etc required for connection to the mains sewers via separate legislation, that I add an informative to the scheme to remind the agent of their own responsibilities in this matter.

I appreciate this is not ideal, but this is quite a difficult situation and I think this presents the best way forward. I am writing this up this week for planning committee on the 28th February 2023. I would be grateful if you could confirm on this point asap. I would be happy to discuss if you wish. My report has a deadline of Monday morning, but I can present information to Members' prior to and at the meeting.

Kind regards

Niamh Bonner | Senior Planning Officer

01653 600666 (43325) niamh.bonner@ryedale.gov.uk

Pronouns: She/her

From: Matthew Groom [<mailto:matthew.groom@brierleygroom.co.uk>]

Sent: 10 February 2023 11:11

To: Niamh Bonner <niamh.bonner@ryedale.gov.uk>

Subject: 22-00262-MFUL, housing development Bright Steels

Hi Niamh

There are no separate agreements with YW. It was all approved as the drawings connecting into a private connection on site. No attenuation or specific flow rates were conditioned.

Regards

Matt

MATTHEW R GROOM

BA(Hons) DipArch RIBA ARB FRSA

t. +44 (0) 01904 794794 m. 07515 357 585

e. matthew.groom@brierleygroom.co.uk



2 Holly Tree House, Harwood Road, Northminster Business Park, York. YO26 6QU
website. www.brierleygroom.co.uk

This e-mail is for the use of the intended recipient(s) only. If you have received this e-mail in error, please notify the sender immediately and then delete it. If you are not the intended recipient, you must not use, disclose or distribute this e-mail without the author's permission. All reasonable precautions have been taken to ensure no viruses are present in this e-mail. We cannot accept responsibility for loss or damage arising from the use of this e-mail or attachments, and recommend that you subject these to virus checking.

Brierley Groom LLP. Registered England, Partnership No. OC344478, VAT No. 973 9541 73
Registered office address: 2 Holly Tree House, Harwood Road, Northminster Business Park, York. YO26 6QU

From: Niamh Bonner <niamh.bonner@ryedale.gov.uk>
Date: Friday, 10 February 2023 at 11:04
To: Matthew Groom <matthew.groom@brierleygroom.co.uk>
Subject: RE: 22-00262-MFUL, housing development Bright Steels

Hi Matt

Thanks for this, I will review this. Just to check, have you had any other separate agreements with YW about entering new flows into the drainage systems?

Kind regards

Niamh

From: Matthew Groom [<mailto:matthew.groom@brierleygroom.co.uk>]
Sent: 10 February 2023 11:00
To: Niamh Bonner <niamh.bonner@ryedale.gov.uk>
Subject: 22-00262-MFUL, housing development Bright Steels

Hi Niamh

My client has implemented the approved drainage scheme from the previous planning application. Yorkshire Water did not impose these conditions previously & therefore it doesn't seem fair to implement them now. Given the retrospective nature of the project I suggest you should give this matter further consideration.

Kind regards

Matt

MATTHEW R GROOM
BA(Hons) DipArch RIBA ARB FRSA

t. +44 (0) 01904 794794 m. 07515 357 585
e. matthew.groom@brierleygroom.co.uk



2 Holly Tree House, Harwood Road, Northminster Business Park, York. YO26 6QU
website. www.brierleygroom.co.uk

This e-mail is for the use of the intended recipient(s) only. If you have received this e-mail in error, please notify the sender immediately and then delete it. If you are not the intended recipient, you must not use, disclose or distribute this e-mail without the author's permission. All reasonable precautions have been taken to ensure no viruses are present in this e-mail. We cannot accept responsibility for loss or damage arising from the use of this e-mail or attachments, and recommend that you subject these to virus checking.

Brierley Groom LLP. Registered England, Partnership No. OC344478, VAT No. 973 9541 73
Registered office address: 2 Holly Tree House, Harwood Road, Northminster Business Park,
York. YO26 6QU

From: Niamh Bonner <niamh.bonner@ryedale.gov.uk>

Date: Friday, 10 February 2023 at 10:25

To: Matthew Groom <matthew.groom@brierleygroom.co.uk>

Subject: RE: 22-00262-MFUL, housing development Bright Steels

Hi Matt

Apologies for the double email. I attach above comments from YW which were attached to the file, I am not sure if you have had the chance to review these as yet?

They are seeking a condition to be attached to secure further details of the SW connection/requirements at the site. However I presume you have these details and could gather together this information for review by YW, given the retrospective nature of the project?

I would ideally like to provide this information asap and address this within my report.

Thanks

Niamh