

**Meeting:** Thirsk and Malton Area Constituency Planning Committee

**Members:** Councillors Joy Andrews, Alyson Baker, Lindsay Burr MBE, Caroline Goodrick (Chair), George Jabbour (Vice-Chair), Nigel Knapton and Malcolm Taylor.

**Date:** Thursday, 18th May, 2023

**Time:** 10.00 am

**Venue:** Ryedale House, Malton

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### **Agenda**

**5(a) Supplementary Paper for 22-02862-FUL**

**(Pages 3 - 10)**

Members are reminded that in order to expedite business at the meeting and enable Officers to adapt their presentations to address areas causing difficulty, they are encouraged to contact Officers prior to the meeting with questions on technical issues in reports.

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**THIRSK AND MALTON CONSTITUENCY AREA PLANNING COMMITTEE**  
**SUPPLEMENTARY TO COMMITTEE REPORTS**

**18 May 2023**

<b>Agenda Item</b>	<b>Application number and Division</b>	<b>Respondent</b>	
	22/02862/FUL  South Otterington	Officer Note re drainage	At the time of writing there remain a number of outstanding questions from the Lead Local Flood Authority with regard to the drainage strategy. Members will be up-dated on this at the meeting.
Page 3		Observation	<p>Additional Objection Summarised below:</p> <p>Development is a large, out of scale, urban style development appears to ignore or contradict the NPPF.</p> <p>Paragraph 170 of the NPPF states: 'Planning policies and decisions should contribute to and enhance the natural and local environment by... protecting and enhancing valued landscapes...'</p> <p>Paragraph 159. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).</p> <p>Officer Note: The application site is in Flood Zone 1 the area at the lowest risk of flooding. Paragraph 176:</p> <p>The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.</p>

Paragraph 78. In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.

Paragraph 200. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Officer Note: There is no loss of a designated heritage asset in this case and no identified harm to the significance of a heritage asset. The ridge and furrow is considered a non-designated heritage asset.

**2023 Government Statements on Development**

Developments are set to be “nature positive” from November onwards. This is clearly not the case here.

'We will build environmentally friendly homes that will not need to be expensively retrofitted in the future, homes with green spaces and new parks at close hand, where tree lined streets are the norm and where neighbours are not strangers.' The Lovell's development does not comply with this aspiration.

The voice of those who stand to gain from development is not heard loudly enough, such as young people. The importance of local participation in planning is now the focus of a campaign by the Local Government Association but this involvement must be accessible to all people.

Where we live has a measurable effect on our physical and mental health: on how much we walk, on how many neighbours we know or how tense we feel on the daily journey to work or school. Places affect us from the air that we breathe to our ultimate sense of purpose and wellbeing. This is a question of social justice too. Better off people experience more beauty than poorer people and can better afford the rising costs of homes. As a nation we need to do this better. Evidence from the Town and Country Planning Association (TCPA), the Royal

			<p>Town Planning Institute (RTPI) and the Green Building Council to the Building Better Building Beautiful Commission all emphasised that the evidence on what people want and where they flourish is remarkably consistent.</p> <p>Officers and Councillors are duty bound to have these factors 'front and centre'. Approving a development that doesn't or only marginally complies would be negligent and irresponsible. Please, side with the residents and NOT with the developers.</p>
Page 5		<p>North Yorkshire Council Archaeologist</p>	<p>There are no objections raised but the following recommendation is made: Should the application be granted consent then I agree that a fuller record should be made of the earthworks prior to development as set out in the heritage statement. This should include an earthwork survey and trial trenching to record the earthworks in plan and in section and to check for any earlier remains beneath. Where trial trenching indicates significant earlier features than a proportionate scheme of archaeological mitigation should be agreed and implemented.</p> <p>The following condition is recommended:</p> <p>A) No demolition/development shall commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:</p> <ol style="list-style-type: none"> <li>1. The programme and methodology of site investigation and recording</li> <li>2. Community involvement and/or outreach proposals</li> <li>3. The programme for post investigation assessment</li> <li>4. Provision to be made for analysis of the site investigation and recording</li> <li>5. Provision to be made for publication and dissemination of the analysis and records of the site investigation</li> </ol>

Page 6			<p>6. Provision to be made for archive deposition of the analysis and records of the site investigation</p> <p>7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.</p> <p>B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).</p> <p>C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.</p> <p>Legislative or Policy Justification: This condition is imposed in accordance with Section 16 of the NPPF (paragraph 205) as the site is of archaeological significance.</p>
		Environmental Health Contaminated Land Officer	<p>I have assessed the Phase 2 Assessment produced by Dunelm Geotechnical and Environmental submitted in support of the above application. The report did not identify any significant contamination during the on-site investigation however because of existing buildings in the southern part of the site intrusive investigation was not possible in this area. In light of this information, the applicant is required to submit a report detailing the findings and recommendations of a Phase 2 site investigation and Risk assessment in this area after the demolition of the structures in this area.</p> <p>Ideally this information should be submitted prior to determination, however, given the nature of the application and the requirement for approval prior to demolition then I would recommend the following conditions in order to secure the investigation and, where necessary, remediation of any contamination on the site.</p>

**Contaminated land conditions**

No development shall be commenced until a Phase 2 assessment of the risks posed by contamination, carried out in line with the Environment Agency's Procedures for Land Contamination Risk Management (LCRM), has been submitted to and approved by the local planning authority for the southern end of the site.

Where contamination is suspected, no development shall be commenced until a Phase 2 assessment of the risks posed by contamination, carried out in line with the Environment Agency's Procedures for Land Contamination Risk Management (LCRM), has been submitted to and approved by the local planning authority.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

**Submission of a Remediation Scheme**

Where contamination is detected, prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

#### **Verification of Remedial Works**

Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

#### **Reporting of Unexpected Contamination:**

In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

The Yorkshire and Lincolnshire Pollution Advisory Group (YALPAG) guidance document, Development on Land Affected by Contamination Technical - Guidance for Developers,



			Landowners and Consultants (Version 11.2 dated June 2020) may assist the developer in providing the correct information.
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