

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, 15th June, 2023

Time: 10.00 am

Venue: Ryedale House, Malton

Members of the public are entitled to attend this meeting as observers for all those items taken in open session. Please contact the named democratic services officer supporting this committee, details at the foot of the first page of the Agenda, if you have any queries.

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Agenda

9. **Additional Documents to support Items 5 (22/02862/FUL) (Pages 3 - 12) and 6 (22/01368/FUL)**

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.

Agenda Contact Officer:

Name: Owen Griffiths, Corporate Governance Officer

Tel: 07423663704

Email: owen.griffiths1@northyorks.gov.uk

Wednesday, 7 June 2023

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		<p>Observation</p>	<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>Harmful impact on setting of heritage assets.</p> <p>Officer Note: There is no loss of a designated heritage asset in this case and no identified harm to the significance of a designated heritage asset. The ridge and furrow is considered a non-designated heritage asset and as such should be considered in the Planning Balance.</p> <p>Development proposed fails to meet the requirements of the Building Better Building Beautiful Commission.</p>
<p>Page 4</p>		<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"> 1. The programme and methodology of site investigation and recording 2. Community involvement and/or outreach proposals

Page 5			<p>3. The programme for post investigation assessment 4. Provision to be made for analysis of the site investigation and recording 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation 6. Provision to be made for archive deposition of the analysis and records of the site investigation 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation. B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A). 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. 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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Catherine Ashton

From: Niamh Bonner
Sent: 12 June 2023 11:11
To: Catherine Ashton; Hayley Hunter
Cc: Jill Thompson1; Lily Hamilton1; Owen Griffiths1
Subject: RE: 23 Commercial Street, Norton - Draft Conditions 22-01368-FUL,

Hi there

Please see amended late pages entry for this application. Please disregard the earlier version from Friday.

Kind regards

Niamh

Dear Councillors,

In relation to application reference 22-01368-FUL, 23 Commercial Street Norton, the following update is provided on the late pages.

A request from the Planning Agent (see email below) has been made. The draft conditions were agreed with the Agent prior to the publication of the Committee Agenda, but this minor request seeks to slightly alter the 'trigger points' for Condition 6 (hard landscaping) and Condition 07 (soft landscaping.) This would mean the details secured by these conditions could be provided to the LPA at a later point in the construction phase, but importantly - prior to the commencement of any external works. This would continue to allow the LPA to undertake full consideration of these details, whilst also allowing for the works for the conversion of the building to commence, as this would have no effect on the two identified conditions.

Following review, these are considered minor changes which are acceptable in principle and Members are asked to review the two replacement amended conditions below which would be added to any future decision notice should Members recommend this for approval. The amendment has been indicated in yellow for clarity:

Condition 6: Hard landscaping

Prior to the commencement of the external works of the development hereby approved, unless otherwise agreed in writing with the Local Planning Authority, plans showing details of the proposed hard surfacing treatment for the new access road, pavement and parking areas hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP12, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

Condition 7: Soft landscaping

Prior to the commencement of the external works of the development hereby approved, unless otherwise agreed in writing with the Local Planning Authority, plans showing details of a landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the planting of any trees/shrubs and show any areas to be grass seeded or turfed. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and

positions of all trees and shrubs. All planting seeding and/or turfing comprised in the above scheme shall be carried out during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development hereby approved Policy in accordance with Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy

Furthermore, it is noted that the rear boundary wall proposed should have been included within Condition 8, to secure the final materials of this structure. The amendment has been indicated in yellow for clarity. The Agent has confirmed they are content with this minor amendment and have confirmed the wall will be c1.2m high which is considered suitable.

Condition 8: Materials

Prior to the commencement of the above ground works relating to the cycle store or the approved front/rear boundary walls, or such longer period as may be agreed in writing with the Local Planning Authority, details and samples of the materials to be used on the exterior of the cycle store and the approved front/rear boundary walls shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP12, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

Kind regards

Niamh Bonner
Senior Planning Officer

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From: Graeme Holbeck
Sent: 09 June 2023 09:23
To: Niamh Bonner <Niamh.Bonner@northyorks.gov.uk>
Subject: RE: 23 Commercial Street, Norton - Draft Conditions

Morning Niamh,

I refer to our conversation yesterday regarding the draft conditions. As you're aware, the owners intention is to undertake work on the existing building as a first phase of development. We understand that condition 11 will prohibit their occupancy until the access, car parking and turning areas have been implemented. However, we would propose more flexible wording to conditions 6 and 7 (hard and soft landscaping) to facilitate the proposed approach.

At present, the trigger points for these conditions is

'Prior to the above ground construction of the development hereby approved, unless otherwise agreed in writing with the Local Planning Authority'

In theory, we could therefore exchange letters with the authority to confirm that works to the building can proceed without providing the landscaping detail, which relates to the external works. However, we would suggest some additional wording to clarify this position to state that 'prior to the commencement of the external works.....' or 'other than works to the existing building, prior to the above ground construction of the development.....'

I would be grateful if you could consider the appropriate wording and put it forward in the late papers

I am around this morning if you need to discuss

Thanks

Graeme

Graeme Holbeck

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