

North Yorkshire Council

Community Development Services

Thirsk & Malton Area Constituency Committee

20 APRIL 2022

23/00091/FUL INSTALLATION OF A REINFORCED CONCRETE WALL FIXED TO EXISTING MASONRY WALL AND FINISHED WITH FACING BRICKWORK AT LAND OFF ST LEONARD'S CLOSE MALTON ON BEHALF OF NORTH YORKSHIRE COUNCIL

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the Report

- 1.1 To determine a planning application for Full Planning Permission for the installation of a reinforced concrete wall fixed to existing masonry wall and finished with facing brickwork at Land off St Leonard's Close, Malton.
- 1.2 The application has been brought to the Area Planning Committee as North Yorkshire Council are the applicants and landowners.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That planning permission be GRANTED subject to conditions listed below.

- 2.1. This application seeks Full Planning Permission for the installation of a concrete wall at Land Off St Leonards Close.
- 2.2. The site is located between Old Maltongate and St Leonards Close, within the Malton Development Limits.
- 2.3. There are no objections from statutory consultees and no responses from third parties or neighbouring properties. The development is considered sustainable and approval is recommended subject to conditions.

23/00091/FUL

Land off St Leonard's Close

**Scale:** 1:750

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Organisation	North Yorkshire Council
Department	Development Management
Comments	Not Set
Date	06/04/23
MSA Number	

3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found here:-
planningregisterdocs.ryedale.gov.uk/planning-documents?SDescription=23/00091/FUL
- 3.2. There is no planning history for this site.

4.0 Site and Surroundings

- 4.1. The application site is located between Old Maltongate and St Leonards Close, with the wall forming the rear boundary to a number of properties on Greengate and Old Maltongate.
- 4.2. The site is located within Malton Development Limits, an Archaeologically Sensitive Area and the Air Quality Management Area.

5.0 Description of Proposal

- 5.1. This application seeks full planning permission for the installation of a reinforced concrete wall fixed to the existing masonry wall and finished with facing brickwork.
- 5.2. The proposal will consist of the erection of a reinforced concrete wall to the front of the existing wall to provide stability, spanning 33.005 metres in length and 2.67 metres in height, finished with facing brickwork and coping stones to match those used in the existing wall.

6.0 Planning Policy and Guidance

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:

- The Ryedale Plan – Local Plan Strategy, adopted 5 September 2013.

Guidance - Material Considerations

- 6.3. Relevant guidance for this application is:

- National Planning Policy Framework 2021
- National Planning Practice Guidance

7.0 Consultation Responses

- 7.1. The following consultation responses have been received and have been summarised below.
- 7.2. **Parish Council:** Recommend Approval
- 7.3. **Ward Member(s):** None received.

7.4. **Consultee:**

Environmental Health – No comments
 Highways – Recommend Conditions
 Public Rights of Way – No comments

Local Representations

7.5. No local representations have been received.

8.0 Environment Impact Assessment (EIA)

8.1. The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

9.0 Main Issues

9.1. The key considerations in the assessment of this application are:

- Principle of Development
- Character and Form
- Highways Impact
- Impact upon neighbouring amenity

10.0 ASSESSMENT

Principle of Development

10.1. The proposed development is adjacent to an existing wall and within the built up area of the Town and the Malton Development Limits. The principle of the proposed development is considered to be acceptable and will ensure that the existing retaining wall is preserved.

The proposed development will result in the footpath being reduced in width to 1.1 metres, however the Local Highway Authority have not raised any objections to this width reduction and it is therefore considered that the development would not have any negative impact on those with protected characteristics under Section 149 of the Equality Act 2010..

Character and Form

10.2. The existing wall is in a poor structural condition and it is therefore proposed to install a reinforced concrete wall to the existing masonry wall, which would be finished with facing brickwork and coping stones to match those used in the construction of the existing wall.

10.3. The height and materials of the new wall would match those of the existing and therefore it is not considered that the proposal would have an adverse impact on the street scene and is acceptable in terms of character and form.

10.4. To ensure an appropriate external appearance a condition is recommended to ensure the use of matching brickwork.

10.5. The proposed development is therefore considered to be in compliance with Policy SP16 (Design) of the Ryedale Plan – Local Plan Strategy.

Highways Impact

- 10.6. The proposal is not considered to have any impact on highways safety or access. The wall will reduce the width of the footpath to 1.1 metres however this is considered to remain a sufficient width for safe use.
- 10.7. The Local Highway Authority have raised no objections to the scheme, subject to the inclusion of a condition requiring the submission of a Construction Management Plan.
- 10.8. The proposed development is therefore considered to be in compliance with Policy SP20 (Generic Development Management Issues) of the Ryedale Plan – Local Plan Strategy.

Impact upon neighbouring amenity

- 10.9. The concrete retaining wall would measure 0.6 metres in depth, with a further 0.1 metre of facing brickwork, resulting in the wall being 0.7 metres closer to the residential dwellings to the west.
- 10.10. This minimal addition is not considered to have any material adverse impact on neighbouring amenity in terms of overbearing effects or loss of light.
- 10.11. The proposed development is therefore considered to be in compliance with Policy SP20 (Generic Development Management Issues) of the Ryedale Plan – Local Plan Strategy.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. The proposed development is considered to be of a proportionate and acceptable design and it is not considered that it would give rise to a significant detrimental impact on neighbouring amenity.
- 11.2. The proposed development is considered to meet the relevant policy criteria set out in Policies SP16 (Design), SP19 (Presumption in Favour of Sustainable Development) and SP20 (Generic Development Management Issues) of the Ryedale Local Plan Strategy and the NPPF.

12.0 RECOMMENDATION

- 12.1 That planning permission be GRANTED subject to conditions listed below.

Recommended conditions:

1. The development hereby permitted shall be begun on or before..

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:

Site Location Plan, drawing number RY18002-APP-XX-XX-DR-B-000001 P1, scanned to file 16.02.2023

Proposed Plan Sections & Details, drawing number RY18002.S.500.051 C1, scanned to file 30.03.2023

Proposed Elevations, drawing number RY18002-APP-XX-XX-DR-B-000120 P1, scanned to file 16.02.2023

CMUD Drawing, drawing number RY18002.A.500.500 P1, scanned to file 16.02.2023

Contractors Compound & Access Plan, drawing number RY18002-APP-XX-XX-DR-B-000040 P1, scanned to file 16.02.2023

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

3. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan.

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. 2 x Technical Approval applications to be submitted – 1 for the temporary works and 1 for the permanent works
2. The parking of contractors' site operatives and visitor's vehicles;
3. Areas for storage of plant and materials used in the constructing the development clear of the highway;
4. Details of site working hours;
5. Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity.

Informative: Applicants are reminded that in addition to securing planning permission other permissions may be required from North Yorkshire County Council as Local Highway Authority. These additional permissions can include, but are not limited to: Technical Approval of Highway Structures. Agreements under Sections 278, 38, and 184 of the Highways Act 1980; Section 38 of the Commons Act 2006, permissions through New Roads and Streetworks Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations and directions).

Further information on these matters can be obtained from the Local Highway Authority. Other permissions may also be required from third parties. It is the applicant's responsibility to ensure all necessary permissions are in place.

4. The materials of the development hereby approved shall be in accordance with the details included on the planning application form/plans unless otherwise agreed in writing by the Local Planning Authority.

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

5. Unless otherwise agreed in writing with the Local Planning Authority, the brickwork proposed for use on the facing wall shall match that used within the existing wall.

Reason: In the interests of good design and in compliance with Policies SP16 and SP20 of the Ryedale Plan – Local Plan Strategy.

Target Determination Date: 24.03.2023

Case Officer: Ellie Hardie, eleanor.hardie@northyorks.gov.uk