

UPDATE REPORT – ITEM 11

17/001450/FUL

NORTH YORKSHIRE HIGHWAYS DEPOT KIRKBYMOORSIDE

Members will appreciate that information was outstanding when the Committee Report was prepared in regard to:

- Flood risk and drainage; and,
- Noise and the inter-relationship with the Band Hall.

Flood risk and drainage

The LLFA's views are appended in relation to the Exception Test and whether the site specific flood risk mitigation is acceptable. The LLFA has stated:

'The applicant has planned to mitigate the associated surfacewater flood risk by elevating the property level by 300mm above ground level. Note: It is essential that the applicant applies this 300mm to the 1 in 100 year flood event; it has not been established if this has been accommodated for and should be made apparent. Based on the 1 in 100 year event detailed (300m-900m depth), there may be insufficient mitigation measure to protect the proposed properties for surfacewater flooding.

Should any of the flood incidents occur, and then it is highly likely that there would be restricted access to the properties, especially as there is only one access route. The applicant has suggested that the likely surfacewater runoff depth would be 20mm. It is unclear exactly when this reading was taken and at what stage of the flood event. These factors would need clarifying.

Based on the analysis conducted by the LLFA, it would appear that if a 1 in 30 or 1 in 100 year storm event occurred, there would be heightened risk of surfacewater flood risk to this area and possibly to the proposed development.

It seems unlikely that the applicant is increasing flood risk off site, due them installing permeable areas. Also, considering that the land is currently 100% impermeable then any permeable areas would likely reduce the surfacewater runoff from this site.

It is therefore a recommendation of the LLFA, that the applicant provide further evidence that proves that surface water does not pose a serious risk to the proposed properties as they are currently designed.'

In view of this, it appears that whilst the proposal is not likely to increase flood risk to existing properties, it has not been demonstrated that the proposed dwellings will be safe for the lifetime of this development. Accordingly the Exception Test has not been met, and the proposal is in conflict with para. 102 of NPPG and Policy SP17 of the Local Plan Strategy.

Regarding surface water drainage. The applicants are proposing to drain surface water via soakaways, however the LLFA are not convinced at this stage that this method can work. They have recommended detailed conditions for the discharge of surface water without specifying whether this is to a soakaway or to the mains. Yorkshire Water has confirmed that the mains can accept surface water in principle. Whilst it is not clear whether surface water will be drained via soakaways or to the mains, it appears that a technical solution to this is possible and conditions could be imposed to address this.

Noise

The agent has amended their application to revert to the original layout featuring habitable rooms on the front elevation facing the Band Hall. The revised layout plan is attached. This is unfortunate, especially after Officers engaged with the agent to try and reduce the noise from the Band Hall to the occupiers of the proposed dwellings through the amended layout. Nevertheless, the agent has asked that we determine the scheme with habitable rooms, including a living area, a bedroom, and a study that could also be used as a bedroom facing the Band Hall. Based on the advice of the Environmental Health Officer and the applicant's own Noise Assessment this unmitigated relationship cannot meet the noise standards used by the Local Planning Authority in accordance with Policy SP20 of the Local Plan Strategy. These standards are:

7am-11pm - Habitable rooms (with partially opened windows): 35 dB

11pm-7am – Bedrooms (with windows partially opened): 30 dB

Outside amenity areas: 50dB

At the time of writing this report it has not been confirmed that any agreement for attenuating the noise of the Band Hall has been achieved. The views of the Environmental Health Officer are such that the interrelationship of the proposed residential development and the Band Hall are likely to generate complaints. In addition, there is likely to be a sub-standard level of amenity for the occupiers of the proposed dwellings. Mindful of the Officer concerns in the earlier Committee Report, and the protection afforded under Policy SP11 for community uses such as the Band Hall, Officers cannot support the proposal.

In addition there has also been further letters of objection and photographs submitted by local residents which are attached to this report.

Conclusion

In view of the above, this application is recommended for refusal. Members are advised that before making this recommendation Officers have sought to engage with the agent to establish whether a suitable form of development can be delivered on this site, this has not proven successful.

RECOMMENDATION: REFUSAL

1. The proposed residential accommodation is located in very close proximity to the Kirkbymoorside Band Hall, (which has planning permission for an extension), and is likely to create complaints regarding the noise and operations of the band hall. The Band Hall is an important community facility and a use protected in accordance with Policy SP11 of the Local Plan Strategy. Noise and activities from the Band Room will be likely to have an adverse effect

upon the amenity of occupiers of the proposed residential accommodation which would be likely to generate complaints regarding the Bands' operations. The proposed development is thereby contrary to the requirements of Policies SP11 and SP20 of the Ryedale Plan - Local Plan Strategy.

2. The proposed residential development (including the outdoor amenity area) by virtue of its close proximity to the outer valley side, and the inter-relationship with the Band Hall is not considered to ensure a satisfactory level of residential amenities for occupiers of the proposed dwellings and be contrary to the requirements of Policies SP4 and SP20 of the Ryedale Plan - Local Plan Strategy.
3. It has not been demonstrated that the proposed development has met the requirements of the Exception Test as set out within para 102 of the National Planning Policy Framework 2012 and Policy SP17 of the Local Plan Strategy.