

Ref: MP/3975/01(26May21)RyedaleDC

Ryedale District Council  
Development Management  
Ryedale District Council  
Ryedale House  
Malton  
YO17 7HH



26 May 2021

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990  
SECTION 73 APPLICATION FOR THE AMENDMENT OF CONDITION 2 (APPROVED PLANS) AND  
CONDITION 16 (SPOIL DEPOSITION) OF PLANNING PERMISSION 18/00622/MFUL  
RAVENSWICK HALL, YOUNG BANK LANE, KIRKBYSMOORSIDE, YO62 7LT

Peacock + Smith have been instructed to prepare and submit an application under s73 of the Town and Country Planning Act 1990 (as amended) to vary the approved plans listed under condition 2 of planning permission 18/00622/MFUL at Ravenswick Hall, Kirkbymoorside.

The application is made to reflect an amendment to the approved lake and associated disposition of spoil outside the floodplain and will also necessitate a slight amendment to condition 16 to update the drawing references contained therein.

This submission comprises the following details:

- Covering letter (this letter);
- Flood Risk Assessment, prepared by JBA Consulting;
- Lake Spoil Deposition plan ref RHP-RLD-08-XX-SK-L-002 Rev P3, dated 14/5/2021
- Lake Sections drawing ref RHP-RLD-08-XX-SK-L-001 Rev P3, dated 15/5/2021
- Phase 2 - Landscape Masterplan ref 5686-99-101 Rev L, dated 14/5/2021

The requisite application fee of £234.00 has been paid via the Planning Portal.

The Site

The application site relates to Ravenswick Hall and its grounds, situated approximately 1km north-east of Kirkbymoorside. Ravenswick Hall is a recently constructed property on the site of a former house set within grounds of approximately 76ha. The Hall and its wider estate and buildings is essentially a new country estate, which includes many elements that are present in a traditional historic landscape, incorporating a principal house, walled gardens, stores, garden follies, staff accommodation and landscaped grounds including a boating lake.

Relevant Planning Context

Planning permission was granted on 25<sup>th</sup> January 2016 (LPA reference 15/01163/FUL) for the demolition of Ravenswick Hall and the erection of a replacement ten-bedroom country house and associated buildings. This represented 'Phase 1' of the overall development and has been subject to subsequent applications for the variation of conditions.

Planning permission was subsequently granted on 26<sup>th</sup> September 2018 (LPA reference 18/00622/MFUL) for 'Phase 2' of the overall development, which comprised:

*'Erection of a palm house and garden outbuildings within a walled garden, formation of a boating lake with depositing of resulting spoil evenly on adjacent land and erection of an associated boat house, formation of moon lakes, erection of a brick and stone bridge and 2no. timber bridges over the River Dove, formation of a fenced deer park and associated site landscaping.'*

It is planning permission 18/00622/MFUL for the Phase 2 proposals to which this current s73 application relates.

#### The Proposals

This application relates to planning permission 18/00622/MFUL and seeks to vary condition 2 (approved plans) to secure amendments that have been made to the boating lake and associated spoil bunds. As shown on the accompanying plans and drawings, these amendments comprise:

- Increase in size of the lake by 15 metres on its southern/south-western edge and by 30 metres to the north;
- Creation of a new embankment to the east of the lake outside the area at risk of flooding using the spoil from the construction of the lake.

As set out in the accompanying Flood Risk Assessment, prepared by JBA Consulting, the proposed extension to the lake will not be excavated any deeper than the current bed level of the lake and the new embankment will not raise any levels of areas within flood zones 2 or 3.

Condition 2 of the planning permission reads as follows (with an asterisk denoting those plans to be substituted by virtue of this application):

*The development hereby permitted shall be carried out in accordance with the following approved plans:*

*Site Location Plan ref. 3975, dated June 2018*

*Proposed Site Plan ref. 5766/03B, dated June 2018*

*Outbuildings- Site Plan and Kitchen Garden Store ref. 5766/60B, dated May 2018*

*Plan and Longitudinal Section ref. P450063-WW-XX-XX-DR-S-100 Rev P1, dated 24.05.18*

*\*Lake Spoil Deposition 1 of 1 ref. RHP-RLD-08-XX-DR-L-SK-002, dated 20.04.16*

*Lake & Moon Pool Sections 1 of 1 ref. RHP-RLD-08-XX-DR-L-SK-001, dated 20.04.16*

*\*Phase 2 - Landscape Masterplan ref. 5686-99-101 Rev G, dated 07.06.2018*

*Main Bridge ref. 5766/10A, dated 24.04.18*

*Boathouse Floor Plans ref. 5766/20A, dated April 2018*

*Boathouse Elevations ref. 5766/21A, dated April 2018*

*Palm House Plan and Side Elevations ref. 5766/40A, dated April 2018*

*Palm House Elevations ref. 5766/41A, dated April 2018*

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

In light of the above, the following plans accompany this submission to replace those noted with an asterisk above:

- Lake Spoil Deposition plan ref RHP-RLD-08-XX-SK-L-002 Rev P3, dated 14/5/2021
- Lake Sections drawing ref RHP-RLD-08-XX-SK-L-001 Rev P3, dated 15/5/2021
- Phase 2 - Landscape Masterplan ref 5686-99-101 Rev L, dated 14/5/2021

In addition, as a result of the substitution of the drawings, we also request condition 16 to be amended as follows:

*'The spoil material shall be spread over the adjacent field as shown on Lake Spoil Deposition plan ref. RHP-RLD-08-XX-SK-L-002 Rev P3, dated 14/5/2021 so as to follow the final contours shown on the Phase 2 - Landscape Masterplan drawing ref 5686-99-101 Rev L, dated 14/5/2021.*

*Reason: In the interests of amenity.'*

In light of the amendments proposed, we are also seeking to confirm that the proposals are not in breach of condition 10 attached to planning permission 18/00622/MFUL, which reads:

*'There must be no raising of ground levels within flood zone 3 and all spoil is to be removed from the floodplain and deposited outside of flood zones 2 & 3 (as shown on the submitted plans).*

*Reason: To ensure that there is no loss of flood storage and that flood flows are not displaced onto others.'*

#### Relevant planning policy

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Ryedale District Council's statutory development plan comprises the Local Plan Strategy (adopted in September 2013). The NPPF (2019) is an additional material policy consideration. This section highlights the policies relevant to the proposed changes.

#### Ryedale Plan - Local Plan Strategy

Policy SP16 (Design) seeks to ensure that development proposals create high quality durable places which are accessible and well integrated with their surroundings. Of relevance to this proposal, the policy aims to reinforce local distinctiveness and that the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings.

Policy SP17 (Managing Air Quality, Land and Water Resources) is relevant to this application as it sets out how flood risk will be managed, including the attenuation of surface water run-off from development proposals, demonstrating that major development proposals within areas highlighted as having critical drainage problems will not exacerbate existing problems, ensuring new development does not prevent access to water courses for the maintenance of flood defences and undertaking a risk-based sequential approach in the consideration of development proposals in order to guide new development to areas with the lowest probability of flooding.

#### The National Planning Policy Framework (NPPF)

The NPPF sets out the Government's planning policies for England and how these should be applied. The latest revisions to the document were published in February 2019.

Chapter 12 of the NPPF deals with achieving well-designed places, and paragraph 127 states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>46</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Section 14 of the NPPF deals with meeting the challenge of climate change, flooding and coastal change, and paragraph 155 notes that "inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere."

#### Planning considerations

This application is made to vary condition 2 of planning permission 18/00622/MFUL to reflect an extension to the approved lake and associated disposition of spoil outside the floodplain.

The amendments proposed in this application, therefore, are limited to flood risk considerations and, to a limited extent, design considerations.

In respect of flood risk, the accompanying flood risk assessment, prepared by JBA Consulting, confirms that the extension to the boating lake should not impact on fluvial flood risk, and it is likely to encourage the lake/river interaction and encourage floodplain storage within a flood event.

The construction of the embankment to the east of the lake is outside of EA flood zones 2 and 3. It will not lead to any raising of land within the flood zones, and therefore will not increase flood risk.

The flood risk assessment concludes that there is a negligible risk from either surface water or groundwater flooding from the development proposed in this application.

In terms of design, the amended plans show an extension to the boating lake within the landscaped grounds. It is considered that the proposals maintain a design consistent with the approved application and represents a high standard of design which is sympathetic to the local landscape character in terms of its scale and appearance, complying with local and national policies.

#### Summary and conclusion

In summary, the proposals to amend conditions 2 and 16 of planning permission 18/00622/MFUL to vary the approved plans in order to reflect an amendment to the approved lake and associated disposition of spoil outside the floodplain are considered to be in accordance with Ryedale District Council's Development Plan and the NPPF, and there are no other other material considerations which may have changed significantly since the original grant of permission.

In light of the above, therefore, we respectfully request that planning permission be granted for the proposed amendments without delay.

We trust that you have the required information to validate and progress the application. However, should you have any queries or require any further information, please do not hesitate to contact me on the details above.

Yours faithfully



MICHAEL POWELL

Encs.