

**RYEDALE DISTRICT COUNCIL
PLANNING COMMITTEE**

SCHEDULE OF ITEMS TO BE DETERMINED BY THE COMMITTEE

PLANS WILL BE AVAILABLE FOR INSPECTION 30 MINUTES BEFORE THE MEETING

Item Number: 6
Application No: 15/01109/MFUL
Parish: Kirkbymoorside Town Council
Appn. Type: Full Application Major
Applicant: Rack Systems (Engineering) Ltd (Mr Richard Field)
Proposal: Erection of factory building with associated offices and staff facilities together with car parking and section of access road.
Location: Land West Of Kirby Mills Road Kirkby Mills Kirkbymoorside

Registration Date: 25 September 2015 **8/13 Week Expiry Date:** 25 December 2015
Case Officer: Rachel Smith **Ext:** 323

CONSULTATIONS:

Environmental Health Officer	No objection subject to condition
Land Use Planning	Conditions to be added
Flood Risk (Stuart Edwards)	Comments made
Highways North Yorkshire	Conditions recommended
Parish Council	Supports application
Tree & Landscape Officer	Recommend conditions
Economic Development	Support
Sustainable Places Team (Yorkshire Area)	Maintains objection
Lead Local Flood Authority	Points remain unresolved and further comments made
Land Use Planning	No objection subject to conditions

Neighbour responses: Mr And Mrs Simon Wilson,

Overall Expiry Date: 4 January 2016

Members will be aware that this application was brought before them at Planning Committee on 22 December 2015, where the decision was one of Approval delegated to the Head of Planning & Housing subject to the resolution of the flood risk objection with the Environment Agency. The Environment Agency had objected to the development because part of the site lies within Flood Zone 2 and part in Flood Zone 3b.

Despite lengthy negotiations with the Environment Agency and the applicants, it has not to date been possible to resolve the outstanding objection. The Council takes flood risk seriously, however the particular aspects of this case are such that further consideration is required. The application is therefore referred back to Committee for determination.

As detailed previously, permission is sought to allow an extension of the operations of Rack Systems who are situated to the immediate north of the site. The expansion is essential to the business to take account of existing orders. The business currently employs approximately 50 people, but hope to take on further staff. For operational purposes, it is necessary for the building to be closely aligned to the existing one. It is therefore considered that the site and the proposal are strategically important.

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In this case the key issue revolves around the identification within Flood Zone 3 as to whether any part of the proposed development lies within Flood Zone 3b (functional flood plain), where only water-compatible uses or essential infrastructure can be permitted or whether any part of the development lies within Flood Zone 3a (where flooding is highly probable) BUT where 'less vulnerable' uses are appropriate. An industrial use is one example of a 'less vulnerable' use.

The SFRA is a strategic document (the accompanying plan is produced at a scale of 1:8000) and as such, there is a lack of precision when considering its application to the exact boundaries of sites on-the-ground. It is also noted that the area of the building that is indicated to fall within Flood Zone 3b is shown on submitted drawings to be the highest part of the site, which further raises doubt about the exact position of the flood zone boundaries. In addition, the application site is significantly higher than the lane which runs adjacent to the River Dove. Para 10.4.8 of the SFRA goes on to acknowledge that there is a potential over-estimation of the flood zones within Kirkbymoorside.

In these particular circumstances, it is considered that there is sufficient doubt with regard to the location of any part of the proposed building within the functional flood plain for Members to consider deviating from National Planning Guidance. Nevertheless, the developer will still need to demonstrate that the building is safe by submitting a revised Flood Risk Assessment to deal with site specific issues.

If Members resolve to accept that the development does not impinge on the functional floodplain designation, the Environment Agency (EA) have indicated that they will not maintain their objection in relation to this issue, subject to a robust Flood Risk Assessment relating to detailed matters of on-site mitigation.

The application has commissioned further FRA work which will be available for further consideration and consultation with the Environment Agency prior to the meeting. It is anticipated that Members will be updated on the Late Pages or at the meeting.

RECOMMENDATION: To Follow in the light of the receipt of further flood risk information and responses from the Environment Agency

Background Papers:

Adopted Ryedale Local Plan 2002
Local Plan Strategy 2013
National Planning Policy Framework
Responses from consultees and interested parties