

SECOND FURTHER ADDITIONAL STATEMENT

**PROPOSED NEW SINGLE STOREY DWELLINGS ON LAND TO THE SOUTH OF
BROOKFIELD, MALTONGATE THORNTON DALE YO18 7SD**

PART 1

The objectors have responded to the revised application documents submitted on 20 May 2020. The first part of this Statement seeks to clarify inaccurate statements and misleading observations made regarding the amended proposal.

Mr & Mrs Neale in their email of 8 June 2020 state:

*“Example2) it is stated (By Andrew Moseley & Associates) of Brookfield and Dale Cottage parking that it
'would revert to parking on-street on Maltongate as per their original arrangements'*

This contradicts Mr. Forster's statement re planning NYM2015/0919/FL written on 18-09-2016 to Hilary Saunders which states

'At no time has it ever been necessary for the occupants of either Dale Cottage or Brookfield to park on Maltongate excepting temporarily and for short periods only. There has always been more than adequate space within Brookfield both before and after the construction of Brookfield Gardens.'”

Mr and Mrs Neale are correct. The statement by Andrew Mosely & Associates is misleading. I apologise for not having noticed this in his report and making an appropriate correction. I have checked the report again and can find no further errors.

In order to clarify the issues raised regarding the Highways Supporting Statement I have been requested by Andrew Mosely & Associates to include the following statement:

Transport and Highways

Based on nationally accepted thresholds (DfT Guidance) no Transport Statement is required to accompany a planning application for any development less than 50 dwellings. Therefore the Highways Supporting Statement was prepared on behalf of the applicant to ensure a robust planning submission.

Based on nationally accepted averages, a single house generates 0.8 movements per peak hour, with an average of 5 movements per day per dwelling inclusive of all movements for visitors etc.

This level of movement is already occurring with the extant use that would be offset by that of the proposed. This is therefore negligible and could not be considered a material change, clearly not requiring further mitigation than that already proposed by the applicant.

With a negligible change in traffic there would not be any increase in conflicting manoeuvres be these vehicular or sustainable modes, however the development provides mitigation with a dedicated vehicle turning area (capable of accommodating delivery vehicles) for the benefit of all existing residents on the 'cul-de-sac', thus providing an improvement on the existing situation.

The suggestion that reversing fire tender movements to Roxby Road may be unsafe is simply erroneous as this is such a rare occurrence and there is ample space for a vehicle to turn within the site.

There is limited change to the TRO 'proposals' on Maltongate in the vicinity of Brookfield and Dale Cottage.

The proposals are considered to be in line with all local, regional and national policies given the development is considered sustainable and with a negligible change in traffic movements.

Therefore in line with the NPPF criterion the development proposal does not result in a severe impact on highways capacity nor upon road safety and therefore there are no highways grounds for refusal.

In their email of 1 June 2019 Mr & Mrs Wardle express the following opinion in relation to the proposed conversion of the existing outbuilding which currently comprises 2 garages:

"..... Mr. Forster is again doing another turnaround by stating that the existing garages for Brookfield and Dale Cottage will no longer serve as such. Are we really expected to believe that they will now be storage units and 1 garage for dwelling 1 and only parking spaces for dwelling 2."

The following is clear from the plans:

a) Garage for New Dwelling 1

This is a single garage with access via the existing double doors. It is clearly shown to be allocated to Dwelling 1.

b) Storage for Brookfield

This comprises 3 compartments, non-of which is sufficiently large to accommodate a vehicle even if one could access the building through the single door.

c) Storage for Dale Cottage

Although this comprises a single space which is large enough to accommodate a vehicle, such vehicle would have to access the through a single door. The left hand (facing the building) door would have a wall constructed of 100mm concrete blockwork on the interior, the door being retained to the exterior in order to maintain the symmetry of the building.

Any Planning or Listed Building Consents granted will be enforceable by NYMNP.

Ms R Teasdale and Family in their email of 1 June 2020 make the following statements:

“The number of vehicles travelling down Brookfield Gardens — both residents, visitors and also delivery vans has increased such that there is an unacceptable amount of noise and disruption every day”

It is well known that the number of deliveries by van have increased exponentially during lockdown. There is likely to be a reduction as the country reverts to normal.

Ms Teasdale goes on to say:

“The notion of two more houses in this space, bringing potentially another 4 cars is inconceivable. There is simply not room for 2 houses, gardens and parking spaces. We do not believe that this development is sustainable nor does it put forward innovative or alternative forms of transport.”

Although, in my Further Additional Statement (Amended) dated 10 June 2020, I address the accuracy of the Applicant’s drawings in response to a comment made by Mr and Mrs Neale, Ms Teasdale is not the only objector to raise this issue again. Ms Brown does so in virtually identical terms. Mr and Mrs Sharples also comment. Accordingly it is worthy of a full and detailed explanation.

1. The original Topographical Survey was commissioned in 2005 and formed the basis upon which the following applications were made in connection with the development of Brookfield Gardens: NYM/2005/0397/LB, NYM/2005/0398/FL, NYM/2006/0084/FL and NYM/2006/0085/LB.
2. The buildings constructed and alterations to the landscaping accord with the plans submitted.
3. The survey was updated in November 2014 to take account of the changes which were the development of Brookfield Gardens and it was then used as the basis for Application Nos. NYM/2015/0054/FL and NYM/2015/0055/LB which were submitted on 20 January 2015. This was for the alteration of the outbuilding to form 2 garages.
4. Again, the alterations and extension to the building and the new landscaping accord with the plans submitted.
5. It was further updated to take account of the changes to the outbuildings recorded above and as used as the basis NYM/2015/0919/FL which was submitted on 14 December 2015.
6. It is now being used in connection with the subject application and the recently submitted Listed Building application.

7. The use of a Topographical Survey is essential to any Planning Application of this nature, otherwise there would truly be doubt over the accuracy of the plans particularly in relation to the height and position of the proposed buildings.

The submitted and accurate scale plans clearly show that Ms Teasdale is mistaken. The proposals per the drawings will fit, as shown, onto the site.

The question of sustainability has already been fully examined and requires no further comment.

The transport aspects of this proposal are addressed in the Highways Supporting Statement dated 18 May 2020 by Andrew Mosely and Associates.

My final quotation from Ms Teasdale's Objection is:

"From the safety point of view, there is already no room for any vehicle to turn and exit safely. This has meant delivery vehicles reversing onto Roxby Road at speed, resulting in several near misses with pedestrians.

There would be no access for any emergency vehicle and the whole area is potentially a safety hazard rather than one that improves overall accessibility. The inclusion of the proposed development will decrease road safety for all users and in our opinion make accessibility far worse."

This point is incorrect and has been fully addressed in the revised proposals.

Ms S Brown and Ms D Croot in their letter of 8 June 2020 make the following comments:

"You cannot squeeze this much into this area, despite what the plans and measurements say."

This mirrors the comment made by Ms Teasdale and my response is the same.

"This is a clear attempt to circumvent Highways comments submitted prior to these amended plans which were to recommend refusal on the grounds of there being access to more than 5 dwellings."

This is incorrect. The revised plans are the result of a meeting held at the offices of NYMNPA and attended by Mrs H Saunders (Planning Team Leader NYMNPA), Mr S Boyne (Case Officer North Yorks CC Highways), Andrew Moseley (Andrew Moseley Associates) and myself on behalf of the Applicant. All relevant factors were taken into consideration.

"..... The proposal is for another 4 cars for the two houses which is simply unworkable given the small area of the site. There is simply not enough space for two houses, gardens, 3 parking spaces AND a turning area, despite the design and layout. I urge Members to consider the cramped conditions proposed. Is there room for all this AND a turning area?"

This matter has been addressed in my response to the same point raised by the Teasdale family as noted above. Please refer to Drawing No 2E and my explanation of the value of a Topographic Survey.

“Is there adequate space for access for emergency vehicles?”

Please refer to my response above to Ms Teasdale, Drawing No 2E and my commentary in the Further Additional Statement (Amended) dated 10 June 2020:

“Some points of clarification may be required regarding the “Communal service vehicle turning area”.

- a) It is intended that there will be no parking of vehicles allowed within this area.
- b) The area will be demarcated by use of edgings and a surface which will differentiate it from the existing road. Details are to be the subject of further discussion with the planning authority and will be confirmed by way of a condition on any consent granted.”

“The report by Andrew Moseley Associates states that there is a “low volume of traffic flow on Roxby Road” This is completely untrue under normal circumstances. Might I suggest that if traffic surveys were conducted during Lockdown, then traffic flow would indeed have been low as no-one was allowed to travel.

I confirm that Andrew Moseley Associates carried out the traffic survey prior to lockdown, mid-week and during normal traffic conditions.

Mr and Mrs R Sharples in their letter of 4 June 2020 make the following comments:

“Are vehicles, particularly lorries and vans allowed to reverse onto a main carriageway from an unadopted lane?”

This is not necessary as the proposals enable vehicles to turn around within a specifically designated area. Please refer to Drawing No. 02E.

“Another major concern is the access restrictions for emergency service vehicles.”

Following the meeting with NYCC Highways at the offices of NYMNPA we are satisfied that all appropriate requirements have been met.

“How would a number of vehicles attending an incident jointly gain access to a property on Brookfield Gardens, particularly in light of the future possibility of even more residents and service vehicles using the lane?”

Fortunately, such occurrences are rare, however any emergency vehicle will usually be parked as necessary in the circumstances to deal with the incident in hand. There is more than sufficient space available.

We suggest that this planning application is an example of attempting as the old saying goes ' to get a quart into a pint pot'.

This point has been addressed in connection with the Teasdale Family objection together with that of Ms Brown and Ms Croot.

A number of objectors raise the point of congested parking on Maltongate. May I remind them that parking permits for the main car park which a very short walk away may be acquired from NYMNPA. These permits are available to residents of the National Park. They are applicable for the car park nearest to your home and cost a very reasonable £17.50 per year from the date of issue.

PART 2

Cheryl Ward Planning Consultancy has again been appointed by objectors Ms S Brown and Ms D Croot in order to assist them with their objections. The second part of this Statement seeks to address its shortcomings in general terms.

On the first page of her letter dated 12 June 2020, Ms Ward states that the views expressed therein are those of her client which have already been fully expressed to NYMNPA and yet she reiterates them whether factually accurate or not.

The opinions expressed are at odds with those of the Authority's Conservation Officer and do not take into account the lack of any regular pattern of housing layout in the traditional areas of Thornton Dale despite the fact that this is one of the key factors giving the village its great charm.

The views expressed relating to Highways are at odds with those expressed by the Highways Case Officer at the meeting which was held at the offices of NYMNPA which is referred to above in relation to comments made directly by her clients.

When making a contrary case she appears to take no account of the fact that the proposals are supported by NYMNPA Draft Local Plan which will be formally adopted by the Authority at its Annual General Meeting on 27 July 2020.

In my opinion Ms Ward's testimony is inconsistent and I do not believe that further response would serve a useful purpose.

PART 3

I respect that the views of the objectors differ from those of the Applicant. Since all aspects of the application have now been thoroughly discussed and it is unlikely that there will be a consensus of opinion between us, may I suggest that we now simply allow the matter to proceed to determination.

PART 4

Members of a Planning Committee serve the public interest and we understand that they may be subject to intense lobbying on occasion and that they should take account of the views expressed.

However, they should not favour any person, company or group, nor put themselves in a position where they appear to do so.

It would benefit transparency if, prior to the decision-making process, any member who has been lobbied by or held discussions with any person, persons or group in connection with these applications would make a public declaration to this effect.

Graham W Forster
For and on Behalf of The Applicant

24 June 2020