



The Planning Service,  
North York Moors National Park Authority,  
Helmsley,  
York,  
North Yorkshire,  
YO62 5BP.

Our Ref: MD2: 723

Date: 15<sup>th</sup> May 2020

**This matter is being dealt with by Mr Glenn McGill direct dial 07966 066205**

Dear Sir/Madam,

**Re: Planning Application for Change of use to Provide Extension to Car Park; Recladding of Existing Containers; Extension at Side and for Revised Interior Layout (in part) Pursuant to Conditions 1 & 6 of Consent NYM/2016/0816/C, at the Rusty Bike Café, Swainby, North Yorkshire**

We have submitted an application in respect of the above, as discussed pre-application and as agreed in principle.

We have enclosed the following drawing details in addition to this covering letter:

- 1) Existing site layout plan - existing site: 19019 001A;
- 2) Proposed building layout drawing – existing site: 19019 002A;
- 3) Existing site plan: 19019 003;
- 4) Proposed site plan: 19019 004A;
- 5) Existing elevations: 19019 005;
- 6) Proposed elevations: 19019 006A;
- 7) Proposed shed stores: 19019 007.

In addition, we have:

- 8) Completed forms and certificates;
- 9) Provided an OS block plan;
- 10) Submitted a Design and Access Statement; and
- 11) Lodged the appropriate fee.

Please be aware that our client has experienced severe ongoing difficulties as a consequence of the actions of some of his neighbours, whom we are advised use any opportunity to make frequent complaints to several regulatory authorities about the operation of his business, regardless of whether these matters have substance or not. This application endeavours, inter alia, to address parking



problems which have sometimes affected some of these neighbours in the past and is intended to improve the current position which is affecting this legitimate business.

As you will be aware, our client completed a pre-application proposal last October, which did not meet with your full approval, but nevertheless, we and have held detailed discussions from that time leading up to the present, such that our client now feels comfortable about submitting this application, which we are aware is now supported by Officers, in principle.

We trust the details submitted are sufficient for purposes of validation is look forward to hearing from you in this regard in due course.

Yours sincerely,

**Glenn McGill**  
**Director**

# Design Access and Planning Statement: The Rusty Bike, Swainby

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**18th MAY 2020**

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## PRINTING INSTRUCTIONS

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# CHECKING:

Type	<b>PRE-APPLICATION STATEMENT</b>
Client	Mr. John Nelson
Client Reference	The Rusty Bike
Our Reference	MD2_723
Produced by	G. McGill
Checked by	P. Davies
Submitted	18 <sup>th</sup> May 2020

Report checked: Mr. Paul Davies

Report Author: Mr. Glenn McGill

## CONTACT INFORMATION:

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# 1. INTRODUCTION & PURPOSE OF REPORT

- 1.1. This statement has been prepared in support of a planning application for an extension to car park, re-cladding of two existing storage containers, an extension at side of the property and for a revised interior layout. The application has been submitted, in part, to address the requirements of conditions 1 & 6 of consent NYM/2016/0816/C, at the Rusty Bike Café, Swainby, North Yorkshire.
- 1.2 The application is pursuant to a formal pre-application submission submitted in October 2019 and more recent follow up meeting with Officers of the North York Moors National Park Authority. Although support was not entirely forthcoming for the proposals put forward in the original pre-application proposal, agreement in principle was secured as a consequence of the meeting and the subsequent submission of a set of revised sketch drawings. Since these sketches were considered by Officers, our client has commissioned architectural drawings to support this formal application.
- 1.3 The Statement explains the planning background as well as the design principles and concepts that have been applied to the development and demonstrates how the proposed site context has influenced the proposed design of the development and associated access issues proposed by the planning application.
- 1.4 The first main issue, which concerns vehicle parking, is being considered as a consequence of reported parking problems and present parking capacity of the business. The Rusty Bike has turned out to be highly successful and is well supported by a wide range of patrons, hence the need to address this issue.
- 1.5 The second main issue to be considered in this statement, is to explain design of a modest extension of the building as set out in the report.
- 1.6 Thirdly, the report addresses the reasons why the current storage containers, crucial to the operation of the business, will be improved by a design solution which improves their appearance, moving forward.
- 1.7 Finally, the drawings provide a revised internal layout as required by condition 1 of consent NYM/2016/0816/C.

## 2 SITE DESCRIPTION AND LOCATION

- 2.6 The Rusty Bike Café is situated immediately south of the A172, which forms the northern boundary of the North York Moors National Park, within the settlement of Swainby (see Figures 1 and 2).
- 2.2 The café is accessed from Black Horse Lane which intersects the High Street approximately 200 metres to the east.
- 2.3 At the front (south) of the building is a blockwork patio to facilitate parking for users with disabilities (one space). In addition, there is customer seating, tables, lawns, planters, landscaping and bicycle storage for customers.
- 2.4 Access to the small car park serving the business at the rear of the premises is via a narrow entrance to the west of the café building. This presently has capacity for approximately eight vehicles.
- 2.5 The rear car park is hard surfaced in tarmac and enclosed by a steel paling fence, painted black, which is approximately 1.8 metres in height. Beyond this is highway verge comprising a grass strip and two tarmac access roads finished in tarmac which served a previous use (petrol filling station).
- 2.6 To the east is a large detached house whereas to the west lie six semi detached properties managed by a local Housing Association.
- 2.7 The café comprises two adjacent buildings with twin portal frames and twin ridges which are joined together to form a single building. At the front is an entrance door and two windows with steel roller shutters, whereas at the rear, there are two steel roller shutters covering up the entrances when the business is closed. The walls of the unit have a Tyrolean rendered finish, painted with a magnolia masonry paint and the roof covering comprises concrete tiles.





Figure 1: Image Showing Location of The Rusty Bike in Swainby - Top Left Corner (Credit Google Maps)

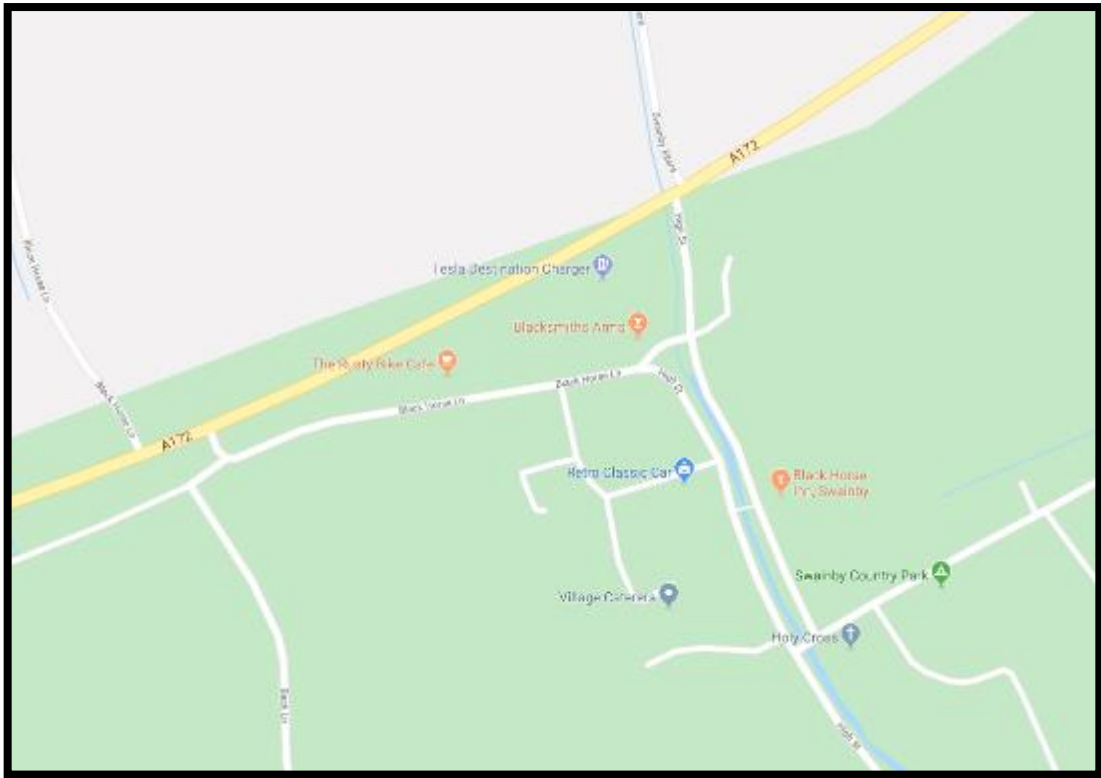


Figure 2: Plan showing Location of The Rusty Bike in Swainby (Credit Google Maps)

## 3 PLANNING AND ENFORCEMENT HISTORY

3.6 We have looked on the Councils website and provided a brief planning history of the property, noting that it includes land adjacent no longer part of the current hereditament as follows:

1. Application [21730197](#) for full planning permission at Stonecross Motors for demolition of existing garage/showroom and erection of replacement car showroom and kiosk - approved conditionally 22/12/98.
2. Application [21730215](#) - for full planning at Short Acre, 18 Black Horse Lane, Swainby for erection of a front porch, bay window and detached building comprising double garage, study and store - approved conditionally 18/04/02.
3. Application [21730197A](#) – for certificate of lawfulness at Swainby Garage, Black Horse Lane for use of land for vehicle sales – refused 15 - 01-2003.
4. Application [NYM/2004/0675/FL](#) – for redevelopment of garage buildings to construct seven dwellings with associated garages at Swainby Garage, Black Horse Lane, Swainby – refused 21/12/04.
5. Appeal in respect of application [NYM/2004/0675/FL](#) – for redevelopment of garage buildings to construct seven dwellings with associated garages at Swainby Garage, Black Horse Lane, Swainby – appeal dismissed 22-07-2005
6. Outline application [NYM/2006/0506/OU](#) – for demolition of existing garage buildings and erection of no.5 dwellings at Swainby Garage, Black Horse Lane, Swainby – refused 14 – 08 – 2006.
7. Appeal in respect of outline application [NYM/2006/0506/OU](#) – for demolition of existing garage buildings and erection of no.5 dwellings at Swainby Garage, Black Horse Lane, Swainby – appeal dismissed 18 – 05 - 07
8. Application [NYM/2010/0972/FL](#) – for change of use of petrol filling station to form 6 no. affordable houses together with alterations on land at Black Horse Lane, Whorlton Swainby – approved subject to S106 Agreement 23 -06 -11
9. Application [NYM/2011/0550/CVC](#) – for discharge of condition in respect of application for change of use of petrol filling station to form 6 no. affordable houses together with alterations on land at Black Horse Lane, Whorlton Swainby – approved 08/11/12.
10. Application [NYM/2013/0684/CU](#) – for change of use from car repair workshop to cycle repair, sales and hire shop on site of former petrol filling station, Swainby garage, Black Horse Lane, Swainby – approved conditionally 30 – 06 - 14.
11. Application [NYM/2016/0816/C](#) – for removal/variation of conditions 3,4,6 & 9 of planning approval NYM/2013/0684/CU to allow lesser restrictions of use within the parameters of Use Classes A1 & A3, extension of opening hours and increase in number of covers together with the submission of lighting details in relation to condition 5 - Approved with Conditions 31/05/18.

## 4 CONSENT & COMPLIANCE ISSUES

- 4.1 Of the applications which relate directly to the present business, the following applications are relevant, as these relate directly to the current business use. The first application was NYM/2013/0684/CU, followed by a second application under reference NYM/2016/0816/CU, for removal/variation of conditions 3,4,6 and 8 and 9 of planning approval NYM/2013/0684/CU. The latter submission was to allow lesser restrictions of use within the parameters of use class A1 and A3, extension of opening hours and increase in the number of covers, together with lighting details, which was approved in 2018.
- 4.2 Since the last application was approved in 2018, there have been a number of reported problems and issues that the Local Planning Authority wishes the applicant to address. The objective of the regulatory authority has been to seek to ensure that the use is implemented in accordance with this consent.
- 4.2 Consent NYM/2016/0816/C is subject to 7 new conditions as follows:
- Condition 1: states that the use will be implemented in accordance with the approved plans, which are provided at Appendix 2;
  - Condition 2: stipulated that the uses shall be carried out with those approved;
  - Condition 3: refers to opening hours;
  - Condition 4: states restrictions on food preparation;
  - Condition 5: is about external lighting requirements;
  - Condition 6: advises that details were needed on parking layout and vehicle manoeuvring;and
  - Condition 7: seeks to prevent a direct access on to the A172, as was the case with previous uses of the premises.
- 4.3 With regard to the requirements of this consent, it is apparent that the use has operated for some time without full adherence to all of the conditions set out above as follows:
- Condition 1: The use has not operated in accordance with the original plans set out at Appendix 2. The main change is that the interior of the building operates ostensibly as a café, and is particularly successful. Any enquiries for the cycle shop are made to the counter. However, bicycles are displayed in this area (on floorspace and on walls the walls).
  - The workshop still operates at the rear of the unit, but because of space pressure, there are presently two metal storage units at the rear of the unit, used for bicycles and components (see below).
  - Condition 2: It is considered that that there are no breaches of planning control relating to condition 2 in terms of use of the property.

- Condition 3: This is an operating condition, which, we understand, has been breached on perhaps a couple of occasions. These were reported to the regulatory authority and we understand that there have been no such breaches since.
- Condition 4: This condition, relating to requirements for food preparation and has been complied with.
- Condition 5: This condition, which relates to external lighting, has been complied with.
- Condition 6: A plan was not submitted, but we can confirm nevertheless that the hard surfaced car park has been formally demarcated by whitelining which is shown on the photographs provided. Since two storage units have since been provided however, this limits vehicle manoeuvring at the present time.
- Condition 7: A boundary fence has been erected, which effectively prevents access to the north adjacent to the A172 on to the highway verge.

4.4 From the above narrative, the operation of the use needs to be addressed in the context of conditions 2 and 6 of consent NYM/2016/0816/C.

4.5 The Local Planning Authority has sent two recent letters to Mr. Nelson, the operator of the business in respect of these conditions and any other conditions that he may wish to vary. The first, issued on 9<sup>th</sup> September 2019, deals with the presence of the containers at the rear of the use and other issues not yet addressed. The second, dated 11<sup>th</sup> October 2019 responds to dialogue between the operator of the business and the Local Planning Authority about the same issues and suggest a way to deal with them.

4.6 Both of these letters formed part of the pre-application proposal and since then, a global solution has been agreed, in principle, for all four planning issues outlined in Section 1 above.

## 5 PROPOSED OPERATION OF THE USE AND DESIGN AND ACCESS CONSIDERATIONS

- 5.1 In order to operate his business as profitably and proficiently as possible and to reduce the prospect of future complaints, Mr. Nelson commissioned the preparation of some architectural drawings to support this submission.
- 5.2 The submitted drawings have been based upon the sketches submitted after the pre-application proposal and the subsequent Officer meeting.
- 5.3 In terms of changes to the internal layout therefore, it is proposed to continue to run the business based upon its current operation by combining the café and bike hire business in the same area at the front of the unit. This makes sense because firstly, it is a successful business, best known as a café by its patrons and it generates jobs and wealth locally for its 20 plus employees and because a separate, dedicated area for bike hire would not make sense under the circumstances, even if that was shown on the original drawings. We are aware that the current use of the space works well and even if it was to change slightly, for whatever reason, it would not likely create any problems as long as the use remained for the activities approved by previous consents.
- 5.4 The rear workshop would be used more effectively if it could also be used to service the kitchen, since there is very limited available space overall. In addition, a small extension is proposed at the side to facilitate additional storage space. The external plan and elevational amendments are minor and do not impinge upon the amenities of the immediate neighbour to the east. The design of the side extension is very simple and proposes a basic monopitch with a door at the front and back and with a connection through to the existing premises.
- 5.5 The car parking issue is proposed to be addressed by extending the available parking space on to the adjacent highway verge adjacent to the A172, which is confirmed to be in the ownership of north Yorkshire County Council. The indicative scheme shows access being provided straight ahead, on to part of the highway verge in line with the east and west limits of the current use. This will make ingress and egress much safer than exists at present and the new layout not only provides additional spaces, but it has been laid out to facilitate easier vehicle manoeuvring in both directions through the current entrance. The extra spaces, which now total 15 no. at the rear plus parking for motorbikes will be enclosed by a low v-notch wooden fence and appropriate landscaping in order to soften the proposed new boundary limits. This planting is shown indicatively on the submitted drawings and the proposed surface treatment is grasscrete" or similar. We have approached NYCC, inter alia, regarding a potential lease of this land and this is a separate but related issue which needs to be addressed prior to implementation.

- 5.6 The owner would like to retain the two storage containers in the longer term in order to properly operate the current business and we are aware that other businesses in the National Park rely on containers. Our solution to the issue is to securely enclose the two containers within an exterior wooden shell in order to minimise their impact, which does not have any material impacts upon residential amenity. Wood is considered to be a suitable material and masks both metal containers within an exterior shell, with a door and false window.
- 5.7 For the sake of clarity, photographs of the present business are provided at Appendix 1.

## 6 CONCLUSION

- 6.1 This brief statement has sought to set address those matters which were subject to conditions 2 and 6 of the previous consent as well as to pose additional solutions which would allow this highly successful business to continue to operate successfully, whilst minimising any adverse impacts. It proposes to do this by suggesting a new internal layout; a small extension at the side of the existing building; the provision of additional car parking to the north of the present use on land owned by the highway authority, screened appropriately and by creating a the perception of a wooden building by encasing both of the current storage units, whilst ensuring that the contents are suitably protected.
- 6.2 We have sought to involve Officers of the regulatory authority in the lead up to this application as well as officials from the Parish Council in order to ensure to minimise potential risk.



# APPENDICES

## Appendix 1: Photographs of the Present Buildings and Environs





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Company registration number: 08263372

NYMNP

30/06/2020

# AMBIENTAL

## ENVIRONMENTAL ASSESSMENT

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### Flood Risk Assessment

Rusty Bike Cafe,  
20 Black Horse Lane,  
Hambleton,  
North Yorkshire  
DL6 3EW

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## Document Issue Record

**Project:** Phase 1 Flood Risk Assessment

**Prepared for:** John Nelson

**Reference:** 5504

**Site Location:** Rusty Bike Cafe, 20 Black Horse Lane, Hambleton, North Yorkshire, DL6 3EW

**Proposed Development:** The existing site is the Rusty Bike Café. It is understood that the development is for the construction of a lean-to timber store and provision of an additional grasscrete parking area. This is considered a 'Minor Development' under the NPPF.

Consultant		Date	Signature
<b>Author</b>	Sophie Isaacs	17/06/2020	
<b>Document Check</b>	Lydia Sayers	19/06/2020	
<b>Authorisation</b>	Steven Brown	22/06/2020	

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## 1. Summary

- 1.1 Ambiental Environmental Assessment has been appointed by John Nelson to undertake a National Planning Policy Framework (NPPF) compliant Flood Risk Assessment (FRA) for the proposed development at Rusty Bike Cafe, 20 Black Horse Lane, Hambleton, North Yorkshire, DL6 3EW.
- 1.2 The existing site is the Rusty Bike Café. It is understood that the proposed development is for the construction of a lean-to timber store and provision of an additional grasscrete parking area. Using plans provided by the client, the area of the proposed timber store is approximately 16.49m<sup>2</sup>.
- 1.3 With reference to the Environment Agency (EA) Flood Map for Planning, the proposed development is located within Flood Zone 2. The proposed development is considered 'Less Vulnerable' under the National Planning Policy Framework (NPPF).
- 1.4 The proposed development is for a lean-to extension to the existing café (commercial use), with a footprint less than 250m<sup>2</sup>. Subsequently, the development could be considered a 'Minor Development' under the National Planning Policy Framework (NPPF) and Flood Risk and Coastal Change PPG.
- 1.5 No EA modelled flood levels have been made available for the proposed site at the time of writing.
- 1.6 Analysis within the report indicates that the proposed extension is in an area of 'Low' risk of pluvial flooding; the site is in an area with '*Potential for groundwater flooding at the surface*'; and no records of sewer flood incidents have been provided within the Hambleton DC SFRA (2017).
- 1.7 The proposal is for a minor development with a footprint of less than 250m<sup>2</sup>, will not create a separate unit and Finished Floor Levels will be set no lower than existing ground levels. As such, it adheres to the EA Standing Advice for Minor Developments.
- 1.8 The increase in impermeable surface areas as a result of the proposed development is considered to be negligible. The proposed grasscrete parking area will be permeable, so will not result in an increase in impermeable areas on site.
- 1.9 In summary:
  - The proposed development is for the construction of a lean-to timber store, as an extension to the existing café, and the provision of an additional grasscrete parking area;
  - The proposed site is in Flood Zone 2 (medium risk);
  - The proposed development is for an extension of the existing (commercial) use and is less than 250m<sup>2</sup> in size, so is considered as a 'Minor Development' under the NPPF;
  - In line with EA Standing Advice for Minor Developments, the proposed extension should be set no lower than existing ground levels of the café;

Following the guidelines contained within the NPPF, the proposed development is considered to be suitable assuming appropriate mitigation (including adequate warning procedures) can be maintained for the lifetime of the development.

Development Description	Existing	Proposed
<b>Development Type:</b>	Existing Rusty Bike Cafe	Proposed development is for the construction of a lean-to timber store and provision of additional grasscrete parking area. Considered a minor development under the NPPF.
<b>Number of Bedrooms:</b>	N/A	N/A
<b>EA Vulnerability Classification:</b>	Less Vulnerable	Less Vulnerable
<b>Ground Floor Level:</b>	Topographic levels within the redline application boundary vary between approximately 77.09m AOD and 77.82m AOD (2m LiDAR data).	In accordance with EA Standing Advice for Minor Developments, proposed development should be set no lower than existing finished floor levels.
<b>Level of Sleeping Accommodation:</b>	N/A	N/A
<b>Impermeable Surface Area:</b>	Most of site is considered impermeable as existing.	Built footprint of proposed lean-to extension is approximately 16.49m <sup>2</sup> .
<b>Surface Water Drainage:</b>	N/A	Proposal is for minor development, so surface water run-off could be discharged via the café's existing drainage system. Proposed grasscrete parking area will provide additional betterment on site.
<b>Site Size:</b>	Approximate redline application boundary is 0.1ha	Same as existing
Risk to Development	Summary	Comment
<b>EA Flood Zone:</b>	Flood Zone 2	
<b>Flood Source:</b>	Fluvial	
<b>1:100 Year Flood Level</b>	N/A	
<b>1:100 Year Flood Level &amp; Climate Change</b>	N/A	No EA modelled flood levels for the proposed site were made available at the time of writing.
<b>1:1000 Year Flood Level</b>	N/A	
<b>Recorded Flood Events in Area:</b>	No	
<b>Recorded Flood Events at Site:</b>	No	EA Historic flood records
<b>SFRA Available:</b>	Yes	Hambleton District Council Level 1 SFRA (2017)
Management Measures	Summary	Comment
<b>Ground floor level above extreme flood levels:</b>	N/A	In accordance with EA Standing Advice for Minor Developments, proposed development should be set no lower than existing finished floor levels.
<b>Safe Access/Egress Route:</b>	Yes	See Section 7
<b>Flood Resilient Design:</b>	Yes	See Section 7
<b>Site Drainage Plan:</b>	Discharge via existing and grasscrete parking area	Proposal is for minor development, so surface water run-off could be discharged via the café's existing drainage system. Proposed grasscrete parking area will provide additional betterment on site.
<b>Flood Warning &amp; Evacuation Plan:</b>	Yes	EA Flood Alert Area
Offsite Impacts	Summary	Comment
<b>Displacement of floodwater:</b>	No	Proposal is for minor development, so should not displace floodwaters.
<b>Increase in surface run-off generation:</b>	Negligible	Proposal is for minor development, so increase in impermeable surface areas considered negligible.
<b>Impact on hydraulic performance of channels:</b>	None	Development should not affect any nearby watercourses

Table 1 Summary of flood risks, impacts and proposed flood mitigation measures.  
 N/A<sup>1</sup> not required for this assessment; N/A<sup>2</sup> data not available.



## 2. Development Description and Site Area

### Proposed Development and Location

- 2.1 The proposed development is located at Rusty Bike Cafe, 20 Black Horse Lane, Hambleton, North Yorkshire, DL6 3EW (Figures 1 and 2).
- 2.2 The existing site is the Rusty Bike Café. It is understood that the proposed development is for the construction of a lean-to timber store and provision of an additional grasscrete parking area. Using plans provided by the client, the area of the proposed timber store is approximately 16.49m<sup>2</sup>.
- 2.3 Under the Flood Risk and Coastal Change Planning Practice Guidance (PPG), a 'Minor Development' is defined as a:  
  
*'minor non-residential extensions: industrial/commercial/leisure etc extensions with a footprint less than 250 square metres.'*
- 2.4 The proposed development is for a lean-to extension to the existing café (commercial use), with a footprint less than 250m<sup>2</sup>. Subsequently, the development could be considered a 'Minor Development' under the National Planning Policy Framework (NPPF) and Flood Risk and Coastal Change PPG.
- 2.5 Topographic levels within the redline application boundary vary between approximately 77.09mAOD and 77.82mAOD (EA's 2m DTM LiDAR data). The topography of the site generally slopes downwards in a north-western direction, and is lowest in the centre of the site, as shown in Figure 3. Topography is shown to decrease north of the A172 road (north of site).



Figure 1 Location Map, identifying the redline application boundary (Source: OS)



Figure 2 Aerial Imagery, indicating redline application boundary (Source: GoogleMaps)

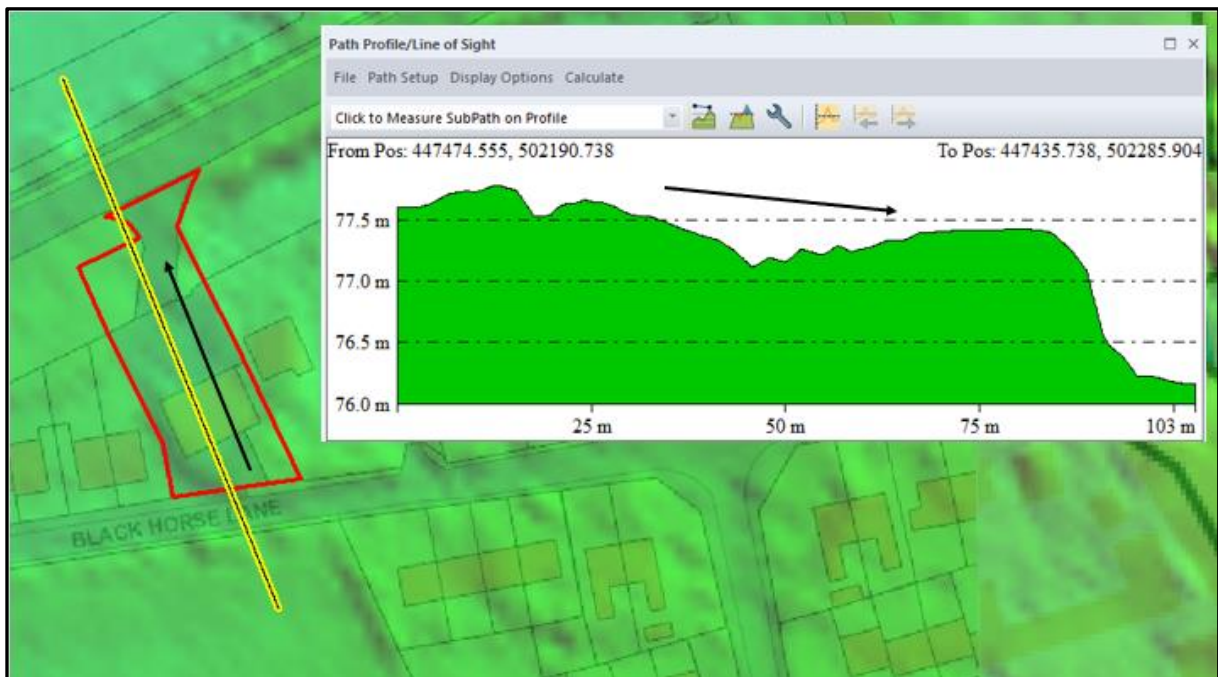


Figure 3 Cross-section of site topography using EA 2m LiDAR, indicated by yellow line. Site shown by redline boundary (Source: EA)

## Vulnerability Classification

- 2.6 The EA Flood Map for Planning (Figure 4) demonstrates that the proposed development lies within Flood Zone 2 with a medium probability of between a 1 in 100 (1%) and 1 in 1,000 (0.1%) of river flooding in any year.
- 2.7 Under Table 2 of the Flood Risk and Coastal Change Planning Policy Guidance (PPG) and the principles of the National Planning Policy Framework (NPPF), the existing site is considered 'Less Vulnerable', due to its

commercial use. The proposed development is for an extension of the existing use, so the NPPF flood risk vulnerability remains the same post-development.

- 2.8 The proposed development is for a lean-to extension to the existing café (commercial use), with a footprint less than 250m<sup>2</sup>. Subsequently, the development could be considered a 'Minor Development' under the National Planning Policy Framework (NPPF) and Flood Risk and Coastal Change PPG.



Figure 2 EA Flood Map for Planning, indicating location of site (Source: EA)

## Geology

- 2.9 The British Geological Survey (BGS) Geology of Britain Viewer indicates that the bedrock underlying the site is part of the Redcar Mudstone Formation, comprising of mudstone (Source: BGS). This formation is considered to be a Secondary (undifferentiated) aquifer (Source: EA; Magic Map online resource. See Figure 5). A Secondary (undifferentiated) aquifer is permeable, supporting water supplies at a local scale and may contribute to base flow of rivers and/or low permeability but with limited groundwater available in fissures or thin geological horizons.



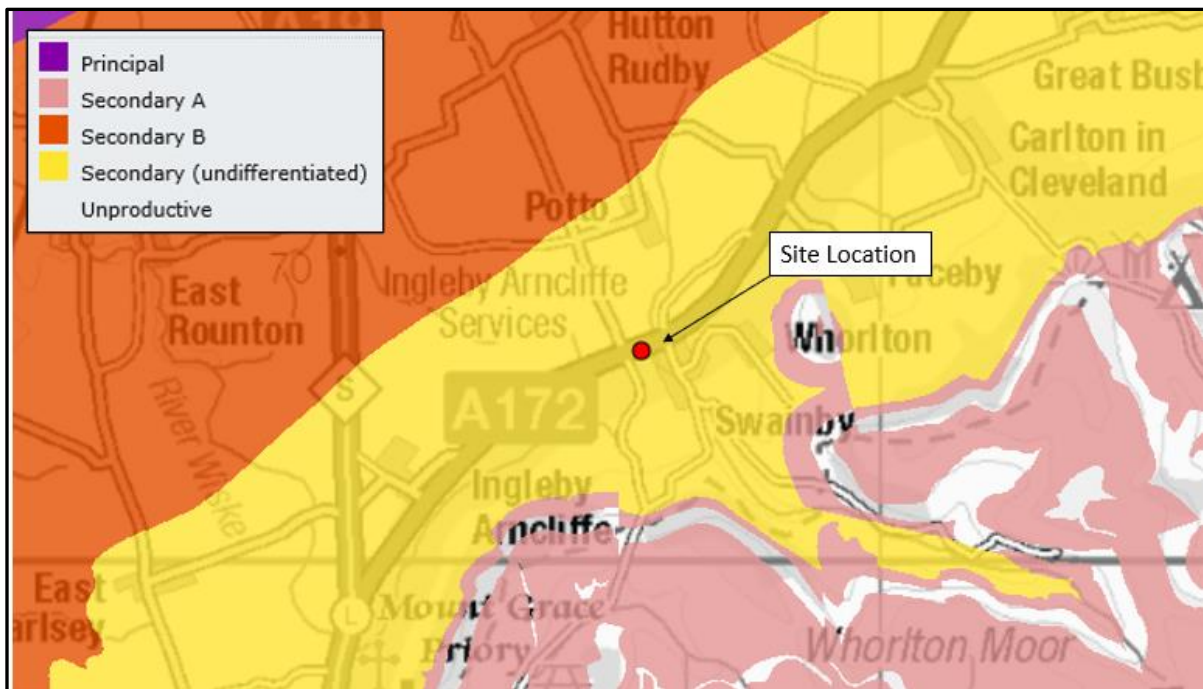


Figure 5 Aquifer Designation Map for Bedrock Geology, indicating location of site (Source: MagicMap)

- 2.10 The British Geological Survey (BGS) Geology of Britain Viewer indicates that the superficial deposits underlying the site are Alluvium, which comprises of clay, silt, sand and gravel (Source: BGS). This formation is a Secondary 'A' aquifer (Source: EA; Magic Map online resource. See Figure 6). A Secondary 'A' aquifer is permeable, supporting water supplies at a local scale and may contribute to base flow of rivers.

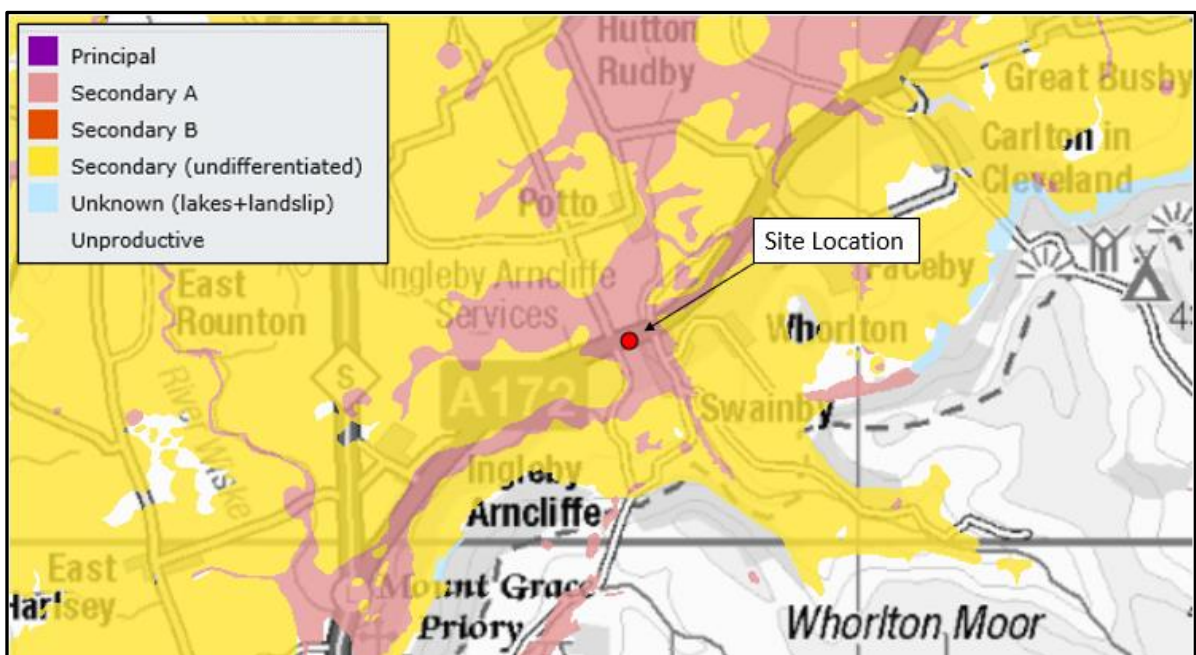


Figure 6 Aquifer Designation Map for Superficial Deposits, indicating location of site (Source: MagicMap)

- 2.11 The site is not within an EA groundwater Source Protection Zone (Figure 7).

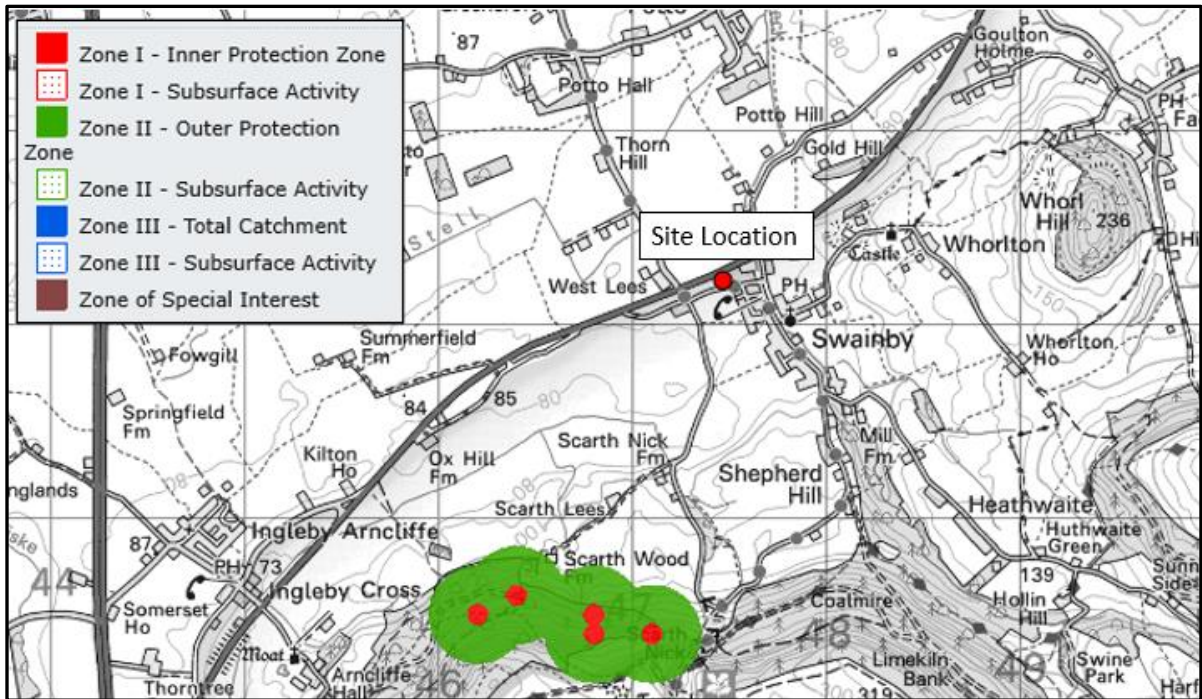


Figure 7 Source Protection Zone mapping, indicating location of site (Source: MagicMap)

### 3. Sequential Test/Exception Test

- 3.1 Under the NPPF, all new planning applications should undergo a *Sequential Test*. This test should be implemented by local planning authorities with a view to locating particularly vulnerable new developments (e.g. residential, hospitals, mobile homes etc.) outside of the floodplain.
- 3.2 The NPPF *Sequential Test: Flood Risk Vulnerability and Flood Zone 'Compatibility' Table* is reproduced below;

Flood Risk Vulnerability Classification		Essential Infrastructure	Water Compatible	Highly Vulnerable	More Vulnerable	Less Vulnerable
Flood Zone	Zone 1	✓	✓	✓	✓	✓
	Zone 2	✓	✓	Exception Test Required	✓	✓
	Zone 3a	Exception Test Required	✓	✗	Exception Test Required	✓
	Zone 3b <i>Functional Floodplain</i>	Exception Test Required	✓	✗	✗	✗

Table 2 The Sequential Test: Flood Risk Vulnerability and Flood Zone 'Compatibility' Table as specified by NPPF.  
 Please note: ✓ means development is appropriate; ✗ means the development should not be permitted.

- 3.3 Using the principles of the Sequential Test outlined above, the proposed development is 'Less Vulnerable' under the National Planning Policy Framework (NPPF). The site is located within Flood Zone 2 (as defined by the EA) and therefore, under Table 3 of the Flood Risk and Coastal Change Planning Policy Guidance (PPG), the proposed development does not require the application of the Exception Test.
- 3.4 It is also noted that Paragraph 164 of the revised NPPF (2019) states the following:
- “Applications for some **minor developments** and changes of use **should not be subject to the Sequential or Exception Tests** but should still meet the requirements for site-specific flood risk assessments.”*
- (Source: NPPF)*
- 3.5 Under the Flood Risk and Coastal Change Planning Practice Guidance (PPG), a 'Minor Development' is defined as a:
- ‘minor non-residential extensions: industrial/commercial/leisure etc extensions with a footprint less than 250 square metres.’*
- 3.6 The proposed development is for a lean-to extension to the existing café (commercial use), with a footprint less than 250m<sup>2</sup>. Subsequently, the development could be considered a 'Minor Development' under the National Planning Policy Framework (NPPF) and Flood Risk and Coastal Change PPG.
- 3.7 The requirements state that a site-specific FRA should be provided for all developments in Flood Zones 2 and 3.

- 3.8 As such, the planning application submitted by the applicant is required to be accompanied by an FRA which shows that the development can be achieved in a sustainable manner, with an overall reduction of flood risk to the site and surrounding area.

## 4. Site Flood Hazards

### Sources of Flooding

- 4.1 The proposed development is located within Flood Zone 2 (medium risk of flooding) and is considered to be 'Less Vulnerable' according to NPPF guidelines. Table 3 summarises the potential sources of flooding to the site:

Source	Description
Fluvial	Flood Zone 2 - Swainby Brook
Surface	Very Low at proposed development, High in surrounding area
Groundwater	'Potential for groundwater flooding to occur at surface'
Sewer	No historic sewer records provided in Hambleton SFRA

Table 3 Summary of flood sources.

### Fluvial

- 4.2 Swainby Brook, an ordinary watercourse, is located approximately 170m east of the redline application boundary.
- 4.3 With reference to the EA Flood Map for Planning (Figure 4), the proposed development lies within Flood Zone 2 with a medium probability of between a 1 in 100 (1%) and 1 in 1,000 (0.1%) of river flooding in any year.
- 4.4 Topographic levels within the redline application boundary vary between approximately 77.09mAOD and 77.82mAOD (EA's 2m DTM LiDAR data). The topography of the site fluctuates and is lowest in the centre of the site, as shown in Figure 3.
- 4.5 Under the Flood Risk and Coastal Change Planning Practice Guidance (PPG), a 'Minor Development' is defined as a:
- 'minor non-residential extensions: industrial/commercial/leisure etc extensions with a footprint less than 250 square metres.'*
- 4.6 The proposed development is for a lean-to extension to the existing café (commercial use), with a footprint less than 250m<sup>2</sup>. Subsequently, the development could be considered a 'Minor Development' under the National Planning Policy Framework (NPPF) and Flood Risk and Coastal Change PPG.
- 4.7 No EA modelled flood levels have been made available for the proposed site at the time of writing.
- 4.8 The proposed minor development has a footprint of less than 250m<sup>2</sup>, will not create a separate unit and Finished Floor Levels will be set no lower than existing ground levels. As such, it adheres to the EA Standing Advice for Minor Developments.



## Surface Water (Pluvial)

- 4.9 The Environment Agency Flood Risk from Surface Water map (Figure 8) shows the proposed development to be within an area of 'Very Low' risk of flooding from surface water, surrounded by areas at 'High' risk. Areas identified to be at 'High' risk have a greater than 3.3% annual risk of flooding from this source.

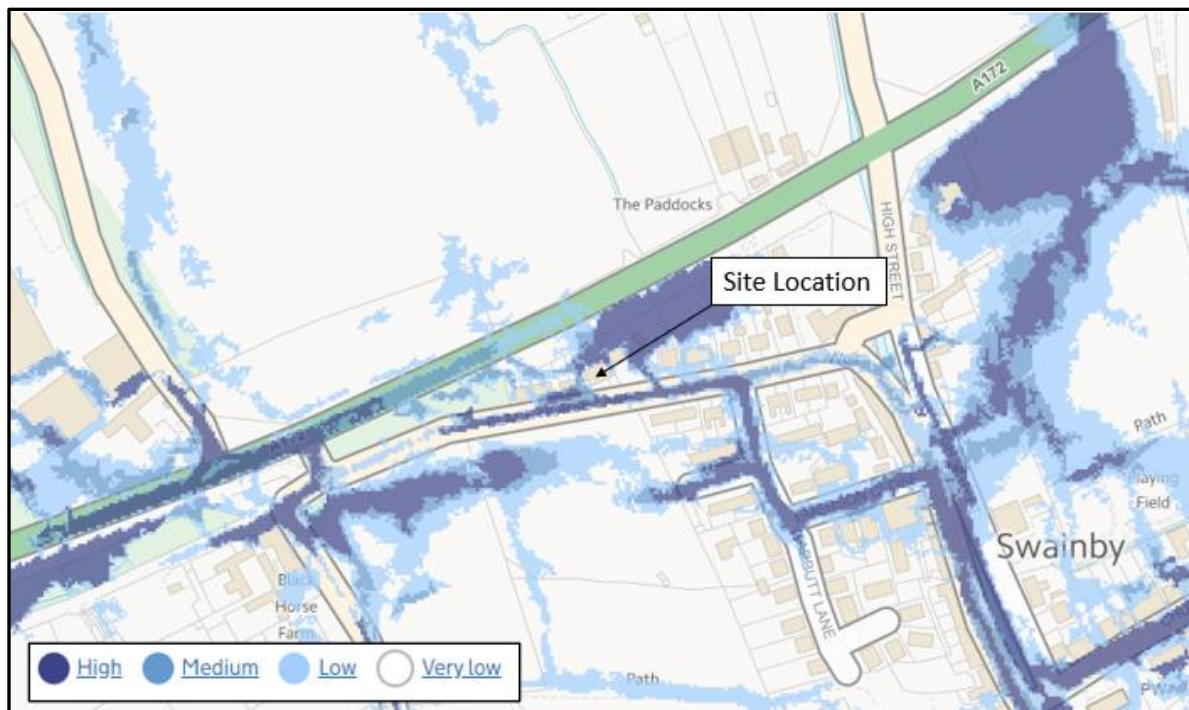


Figure 8 EA Surface Water Flood Risk Map, indicating location of site. (Source: EA)

- 4.10 Ambiental have reviewed the EA Risk of Flooding from Surface Water (RoFSW) dataset, to gain a better understanding of pluvial flood risk to the proposed site.
- 4.11 The site of the proposed extension (shown as blue line boundary) is demonstrated to remain mostly unaffected by surface water flooding in the modelled 1 in 30 year (Figure 9) and 1 in 100 year (Figure 10) pluvial events. During the 1 in 1,000 year event, the site of the proposed extension is shown to be affected by flood depths between 0.15m and 0.30m (Figure 11). As such, the risk of flooding from surface water sources to the proposed development could be considered low.
- 4.12 It is noted that the existing café is shown to remain unaffected by surface water flooding in the modelled 1 in 30 year, 1 in 100 year and 1 in 1,000 year pluvial events. As such, in line with the EA Standing Advice, it is recommended that the Finished Floor Levels of the proposed lean-to extension are set no lower than the existing ground levels of the café, to minimise the risk of flooding from surface water sources in an extreme rainfall event.

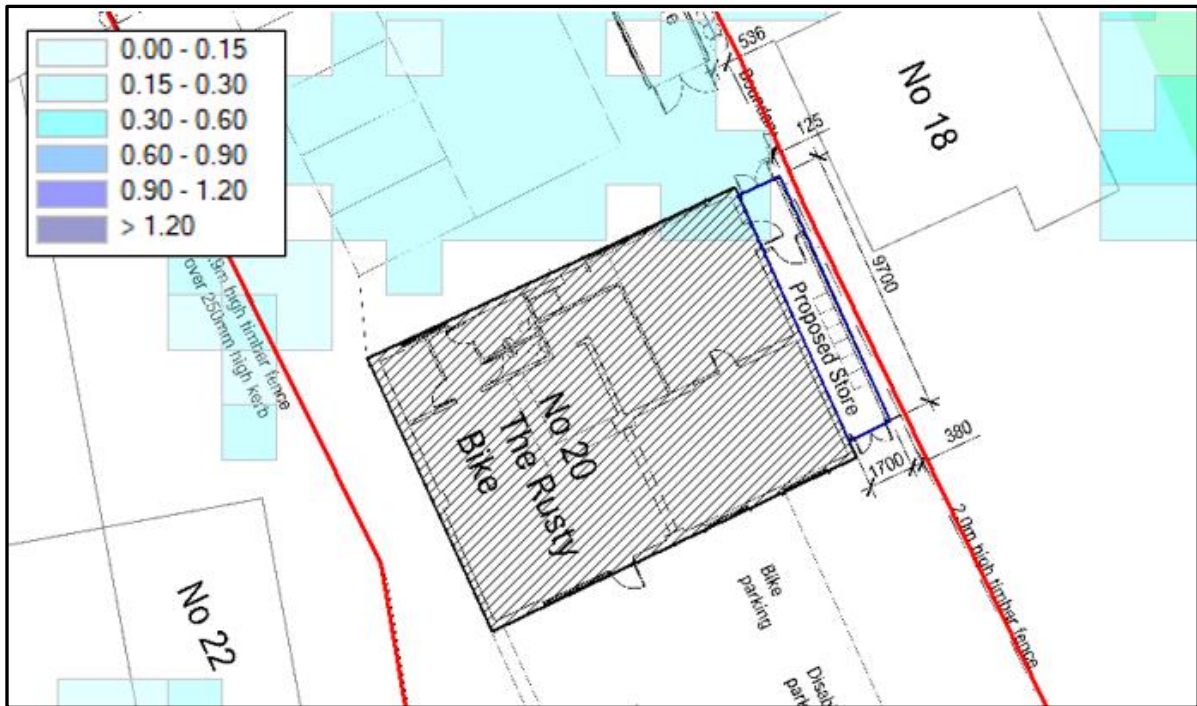


Figure 9 EA RoFSW modelled 1 in 30 year pluvial event, with proposed site plans in background. Site shown by redline boundary; existing café in black; proposed shown by blue line boundary (Source: EA)

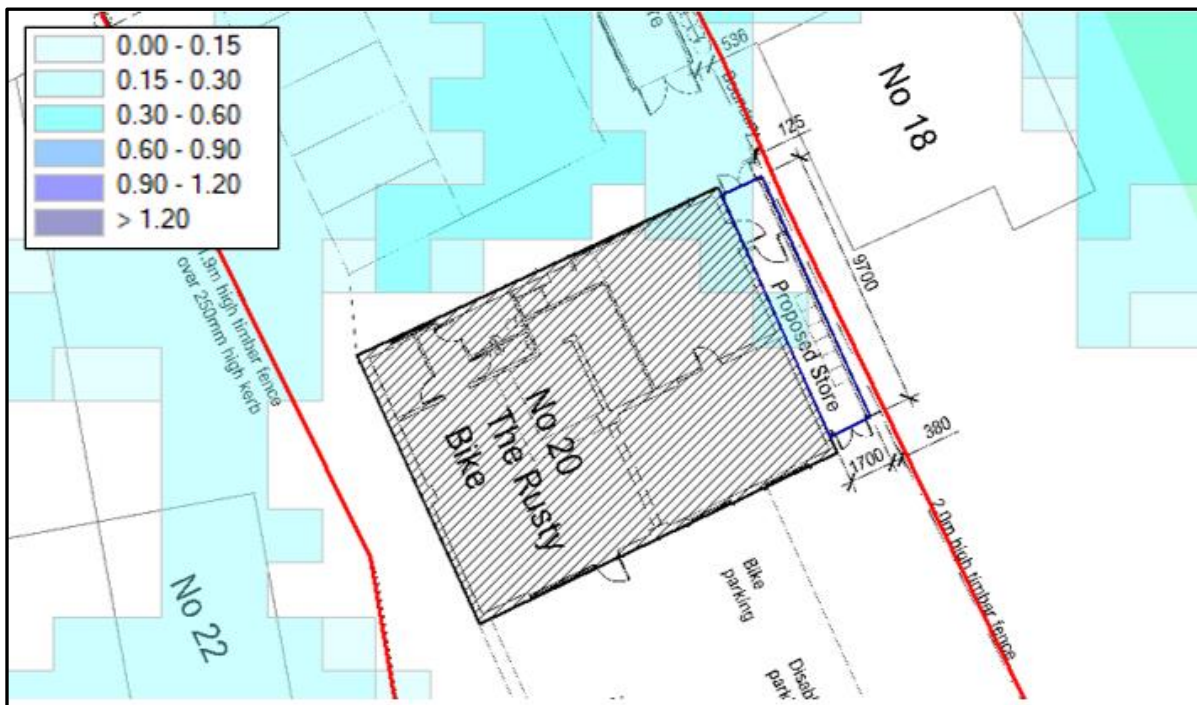


Figure 10 EA RoFSW modelled 1 in 100 year pluvial event, with proposed site plans in background. Site shown by redline boundary; existing café in black; proposed shown by blue line boundary (Source: EA)

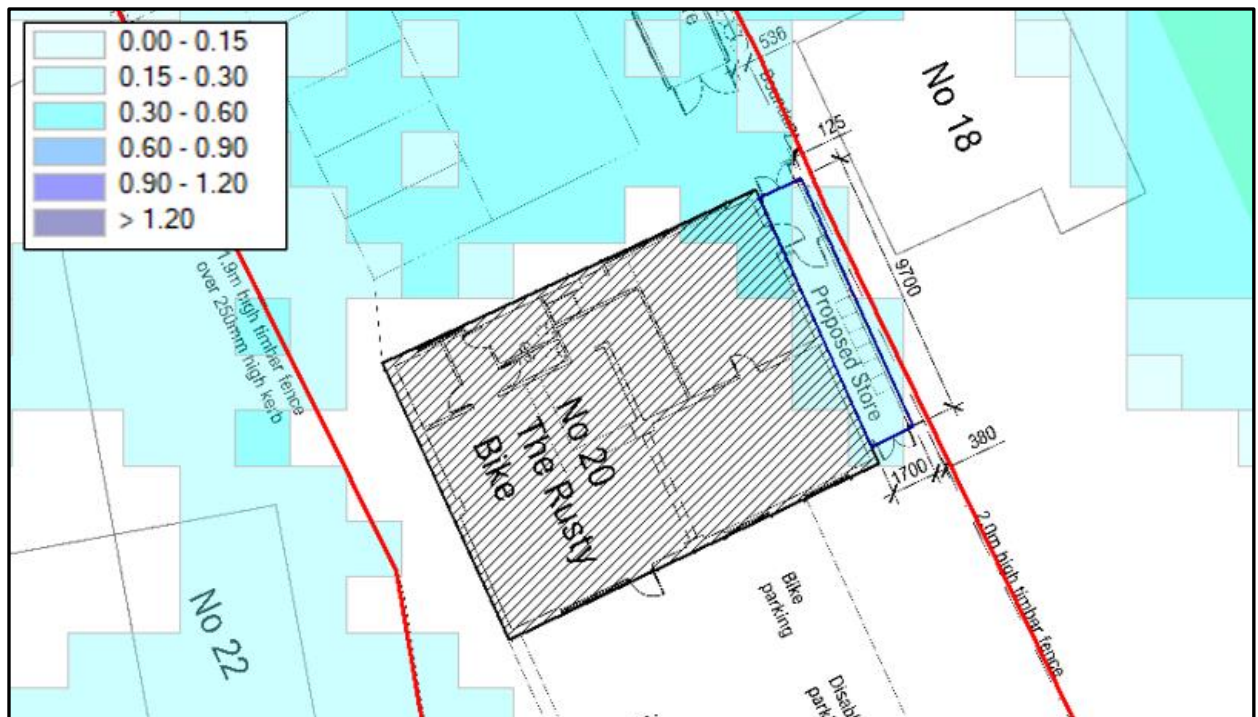


Figure 11 EA RoFSW modelled 1 in 1,000 year pluvial event, with proposed site plans in background. Site shown by redline boundary; existing café in black; proposed shown by blue line boundary (Source: EA)

## Groundwater

- 4.13 The BGS Susceptibility to Groundwater mapping (Figure 12) demonstrates the redline application boundary to be wholly located within an area with 'Potential for groundwater flooding to occur at surface'.
- 4.14 As indicated in Figure 7, the site is not within an EA groundwater Source Protection Zone.
- 4.15 As such, the risk of flooding from groundwater sources to the proposed development could be considered high. Mitigation measures are discussed further in Section 7.



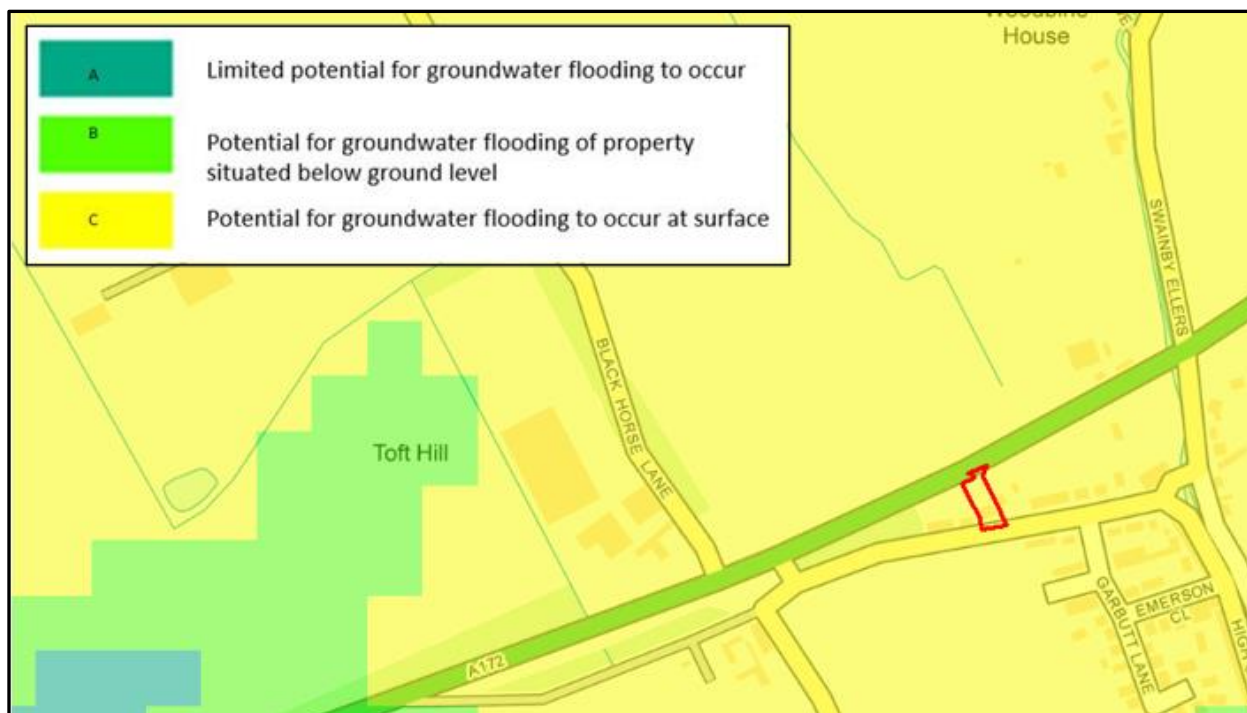


Figure 12 BGS Susceptibility to Groundwater Flooding, indicating site as redline application boundary (Source: BGS)

## Sewer

- 4.16 As stated in the Hambleton District Council Level 1 SFRA (2017), DG5 sewer records were not provided by Yorkshire Water at the time of writing the SFRA report.
- 4.17 Any new sewer connection from the site should be agreed with the local sewer provider and fitted with non-return valves to mitigate the risk of sewer flooding.

## Surface Water Drainage Strategy

- 4.18 In order to mitigate flood risk posed by the proposed development, adequate control measures are required to be considered. This will ensure that surface water runoff is dealt with at its source and the flood risk on/off site is not increased over the lifetime of the development.
- 4.19 The runoff generated will need to be managed in accordance with the National Planning Policy Framework (NPPF 2019) policy, which requires the use of Sustainable Drainage Systems (SuDS).
- 4.20 The existing site is the Rusty Bike Café. It is understood that the proposed development is for the construction of a lean-to timber store and provision of an additional grasscrete parking area. Using plans provided by the client, the area of the proposed timber store is approximately 16.49m<sup>2</sup>. As such, the increase in impermeable surface areas, as a result of the proposed development, is considered to be negligible. The proposed grasscrete parking area will be permeable, so will not result in an increase in impermeable areas on site.

## Records of Historical Flooding

- 4.21 The site and surrounding area do not lie within the historic flood extents provided by the EA Historic Flood Map and Recorded Flood Outlines datasets.

## 5. Probability of Flooding

### Flood Zones

- 5.1 According to the EA Flood Map for Planning, the site is located within Flood Zone 2 (medium risk of flooding).
- 5.2 The EA Flood Map for Planning has been produced in part using a relatively coarse, national scale flood modelling strategy, and in part by detailed modelling. It is important to note that only the potential floodplain is modelled; **the mitigating effects of any flood defences currently in place are not considered.** For reference, the definition of the NPPF flood risk zones is included below.

Zone	Description
1	<b>Low Probability.</b> This zone comprises land assessed as having a less than 1 in 1000 annual probability of river or sea flooding in any year (<0.1%).
2	<b>Medium Probability.</b> This zone comprises land assessed as having between a 1 in 100 and 1 in 1000 annual probability of river flooding (1% – 0.1%) or between a 1 in 200 and 1 in 1000 annual probability of sea flooding (0.5% – 0.1%) in any year.
3a	<b>High Probability.</b> This zone comprises land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%) or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year.
3b	<b>The Functional Floodplain.</b> This zone comprises land where water has to flow or be stored in times of flood. SFRA's should identify this Flood Zone (land which would flood with an annual probability of 1 in 20 (5%) or greater in any year or is designed to flood in an extreme (0.1%) flood, or at another probability to be agreed between the LPA and the EA, including water conveyance routes).

Table 4 Definition of the NPPF Flood Zones. (Source: EA)

### Climate Change on Site

- 5.3 Climate change is likely to increase the flow in rivers, raise sea levels and increase storm intensity. The range of allowances in Table 5 is based on percentiles. A percentile is a measure used in statistics to describe the proportion of possible scenarios that fall below an allowance level. The 50th percentile is the point at which half of the possible scenarios for peak flows fall below it and half fall above it.
- 5.4 The:
- central allowance is based on the 50th percentile
  - higher central is based on the 70th percentile
  - upper end is based on the 90th percentile
- 5.5 So, if the central allowance is 30%, scientific evidence suggests that it is just as likely that the increase in peak river flow will be more than 30%, as less than 30%.
- 5.6 At the higher central allowance 70% of the possible scenarios fall below this value. So, if the higher allowance is 40%, then current scientific evidence suggests that there is a 70% chance that peak flows will increase by less than this value, but there remains a 30% chance that peak flows will increase by more (Source: EA).

5.7 The risk of flooding to the site would therefore be expected to increase following the effects of climate change. The likely increases in peak rainfall intensity would also lead to an increased risk of surface water flooding.

Flood Zone	Essential Infrastructure	Highly Vulnerable	More Vulnerable	Less Vulnerable	Water Compatible
1	Central	Central	Central	Central	None
2	Upper End	Higher Central and Upper End	Higher Central and Upper End	Central and Higher Central	Central
3a	Upper End	Development should not be permitted	Higher Central and Upper End	Central and Higher Central	Central
3b	Upper End	Development should not be permitted	Development should not be permitted	Development should not be permitted	Central

Table 5: Allowance and Flood Zone Table (Source EA)

5.8 The proposed development is classified as ‘Less Vulnerable’ (commercial extension) and is located within Flood Zone 2, in an area at risk of fluvial flooding.

5.9 No modelled flood data has been provided by the EA for the proposed site at the time of writing this Flood Risk Assessment.

5.10 Under the Flood Risk and Coastal Change Planning Practice Guidance (PPG), a ‘Minor Development’ is defined as a:

*‘minor non-residential extensions: industrial/commercial/leisure etc extensions with a footprint less than 250 square metres.’*

5.11 The proposed development is for a lean-to extension to the existing café (commercial use), with a footprint less than 250m<sup>2</sup>. Subsequently, the development could be considered a ‘Minor Development’ under the National Planning Policy Framework (NPPF) and Flood Risk and Coastal Change PPG.

5.12 As such, in accordance with the Environment Agency’s Standing Advice for minor developments, it is recommended that proposed floor levels in the extension are set no lower than existing ground floor levels of the café.

5.13 The Flood Risk and Coastal Change PPG states that the proposed minor development would be *“unlikely to raise significant flood risk issues unless:*

- *They have an adverse impact upon a watercourse, floodplain or flood defences*
- *They impede access to flood defence and management facilities*
- *The cumulation impact of such a development has a significant impact on flood storage capacity or flood flows”*

- 5.14 In comparison to the existing situation, provided that the developer sets floor levels of the proposed extension no lower than ground floor levels of the existing café, there will be no increase in risk to the site post-development.

## 6. Residual Risks

### Identification of Residual Risks

6.1 Residual risks are those remaining after applying the sequential approach to the location of development and taking mitigating actions. Examples of residual flood risk include:

- the failure of flood management infrastructure such as a breach of a raised flood defence, blockage of a surface water conveyance system, overtopping of an upstream storage area, or failure of a pumped drainage system;
- failure of a reservoir; and,
- a severe flood event that exceeds a flood management design standard, such as a flood that overtops a raised flood defence, or an intense rainfall event which the drainage system cannot cope with.

### Defence Breach

6.2 The proposed development is not located in an area benefitting from flood defences, so there is a no residual risk of flooding from breach / overtopping of flood defences.

### Reservoir Failure

6.3 The EA Risk from Reservoir Flooding Map demonstrates that the site is outside flood extents in the event of reservoir flooding.

### Drainage Exceedance

6.4 In the event of drainage failure/exceedance, overland flows would be dictated by site topography. A review of 2m resolution LiDAR data shows topographic levels within the redline application boundary to vary between approximately 77.09mAOD and 77.82mAOD. The topography of the site generally slopes downwards in a north-western direction and is lowest in the centre of the site. Topography decreases north of the A172 road (north of site). As such, it could be considered that any overland flows would be directed towards the A172 road.



## 7. Flood Risk Management Measures

### Flood Risks

- 7.1 The proposed site is in Flood Zone 2, according to the EA Flood Map for Planning.
- 7.2 The existing site is the Rusty Bike Café. It is understood that the proposed development is for the construction of a lean-to timber store and provision of an additional grasscrete parking area. Using plans provided by the client, the area of the proposed timber store is approximately 16.49m<sup>2</sup>.
- 7.3 The proposed development is for a lean-to extension to the existing café (commercial use), with a footprint less than 250m<sup>2</sup>. Subsequently, the development could be considered a 'Minor Development' under the National Planning Policy Framework (NPPF) and Flood Risk and Coastal Change PPG.
- 7.4 No EA modelled flood levels have been made available for the proposed site at the time of writing.
- 7.5 Analysis within the report indicates that the proposed extension is in an area of 'Low' risk of pluvial flooding; the site is in an area with '*Potential for groundwater flooding at the surface*'; and no records of sewer flood incidents have been provided within the Hambleton DC SFRA (2017).
- 7.6 The proposal is for a minor development with a footprint of less than 250m<sup>2</sup>, will not create a separate unit and Finished Floor Levels will be set no lower than existing ground levels. As such, it adheres to the EA Standing Advice for Minor Developments.
- 7.7 The increase in impermeable surface areas as a result of the proposed development is considered to be negligible. The proposed grasscrete parking area will be permeable, so will not result in an increase in impermeable areas on site.
- 7.8 The following mitigation measures are recommended:
- Finished Floor Levels of the proposed extension should be set no lower than existing, in accordance with the EA Standing Advice.
  - Site users/occupants should sign up to the EA Flood Warning Service, if they have not done so already.
  - Any new sewer connection at the site should be agreed with the local sewer provider to ensure there is capacity in the network (to ensure no increased risk); and fitted with non-return valves to mitigate the risk of internal sewer flooding.

### Flood Warning Service and Evacuation Plan

- 7.9 The EA operates a 24-hour telephone service on 0345 988 1188 that provides frequently updated flood warnings and associated floodplain information. Further information can be found on [www.environment-agency.gov.uk/floodline](http://www.environment-agency.gov.uk/floodline). Floodline Warnings Direct is a free service operated by the EA that provides flood warnings direct to occupants by telephone, mobile phone, fax or pager.
- 7.10 The proposed development site is located within an EA Flood Alert Area. As such, it is recommended that the site owner(s) sign up to this service, if they have not done so already.

## 8. Off Site Impacts

### Flood Water Displacement

- 8.1 The existing site is the Rusty Bike Café. It is understood that the proposed development is for the construction of a lean-to timber store and provision of an additional grasscrete parking area. The proposed development is considered a 'Minor Development'.
- 8.2 According to the NPPG, minor developments are unlikely to raise significant flood risk issues unless:
- *They would have an adverse effect on a watercourse, floodplain or its flood defences;*
  - *They would impede access to flood defence and management facilities, or;*
  - *Where the cumulative impact of such developments would have a significant effect on local flood storage capacity or flood flows.*
- 8.3 Given that the proposed extension has a built footprint of approximately 16.49m<sup>2</sup>, it is considered that the displacement generated from the extension should be negligible. Also, the provision of a permeable grasscrete parking area should negate the impact of the increase impermeable areas as a result of the proposed extension.

### Generation of Runoff

- 8.4 In order to mitigate flood risk posed by the proposed development, adequate control measures are required to be considered. This will ensure that surface water runoff is dealt with at its source and the flood risk on/off site is not increased over the lifetime of the development.
- 8.5 The runoff generated will need to be managed in accordance with the National Planning Policy Framework (NPPF 2019) policy, which requires the use of Sustainable Drainage Systems (SuDS).
- 8.6 The existing site is the Rusty Bike Café. It is understood that the proposed development is for the construction of a lean-to timber store and provision of an additional grasscrete parking area. Using plans provided by the client, the area of the proposed timber store is approximately 16.49m<sup>2</sup>. As such, the increase in impermeable surface areas as a result of the proposed development is considered to be negligible. The proposed grasscrete parking area will be permeable, so will not result in an increase in impermeable areas on site.

## 9. Conclusion

- 9.1 Ambiental Environmental Assessment has been appointed by John Nelson to undertake a National Planning Policy Framework (NPPF) compliant Flood Risk Assessment (FRA) for the proposed development at Rusty Bike Cafe, 20 Black Horse Lane, Hambleton, North Yorkshire, DL6 3EW.
- 9.2 The existing site is the Rusty Bike Café. It is understood that the proposed development is for the construction of a lean-to timber store and provision of an additional grasscrete parking area. Using plans provided by the client, the area of the proposed timber store is approximately 16.49m<sup>2</sup>.
- 9.3 With reference to the Environment Agency (EA) Flood Map for Planning, the proposed development is located within Flood Zone 2. The proposed development is considered 'Less Vulnerable' under the National Planning Policy Framework (NPPF).
- 9.4 The proposed development is for a lean-to extension to the existing café (commercial use), with a footprint less than 250m<sup>2</sup>. Subsequently, the development could be considered a 'Minor Development' under the National Planning Policy Framework (NPPF) and Flood Risk and Coastal Change PPG.
- 9.5 No EA modelled flood levels have been made available for the proposed site at the time of writing.
- 9.6 Analysis within the report indicates that the proposed extension is in an area of 'Low' risk of pluvial flooding; the site is in an area with '*Potential for groundwater flooding at the surface*'; and no records of sewer flood incidents have been provided within the Hambleton DC SFRA (2017).
- 9.7 The proposal is for a minor development with a footprint of less than 250m<sup>2</sup>, will not create a separate unit and Finished Floor Levels will be set no lower than existing ground levels. As such, it adheres to the EA Standing Advice for Minor Developments.
- 9.8 The increase in impermeable surface areas as a result of the proposed development is considered to be negligible. The proposed grasscrete parking area will be permeable, so will not result in an increase in impermeable areas on site.
- 9.9 In summary:
- The proposed development is for the construction of a lean-to timber store, as an extension to the existing café, and the provision of an additional grasscrete parking area;
  - The proposed site is in Flood Zone 2 (medium risk);
  - The proposed development is for an extension of the existing (commercial) use and is less than 250m<sup>2</sup> in size, so is considered as a 'Minor Development' under the NPPF;
  - In line with EA Standing Advice for Minor Developments, the proposed extension should be set no lower than existing ground levels of the café;

Following the guidelines contained within the NPPF, the proposed development is considered to be suitable assuming appropriate mitigation (including adequate warning procedures) can be maintained for the lifetime of the development.

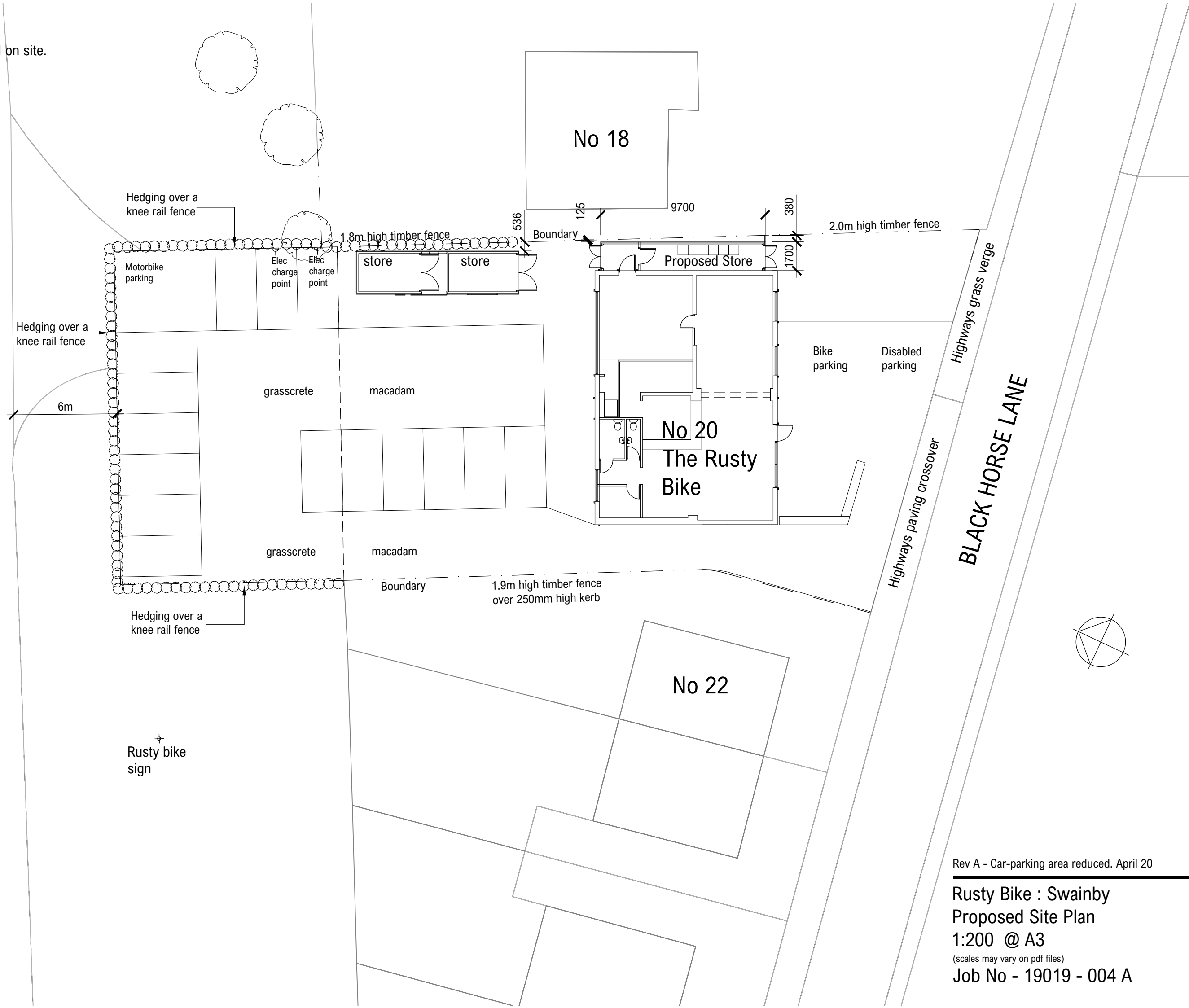
## Site Plans

### Appendix I -

NOTES:  
1. All Dimensions to be checked on site.

A 172

A 172



Rev A - Car-parking area reduced. April 20

**Rusty Bike : Swainby**  
**Proposed Site Plan**

1:200 @ A3

(scales may vary on pdf files)

Job No - 19019 - 004 A