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NYMNPA

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smith&love
PLANNING CONSULTANTS

Planning Department
North York Moors National Park
The Old Vicarage
Helmsley
York
YO62 5BP

Our ref: JAME159
BY EMAIL ONLY

Dear Sir / Madam

**PROPOSED SINGLE STOREY REAR EXTENSION TO CONVENIENCE STORE TO FORM
ADDITIONAL HOLDING STOCK AREA AND SINGLE STOREY REAR EXTENSION TO POST
OFFICE BUILDING TO FORM ADDITIONAL STAFF ROOM
12 – 14 MAIN STREET, EAST AYTON, SCARBOROUGH, YO13 9HL**

This full application comprises a single storey rear extension to convenience store to form additional holding stock area and rear single storey extension to post office building to form additional staff room on behalf of our client James Hall & Co. An application has been submitted via the Planning Portal (ref no. PP-09979556) and payment has been made directly by our client.

The application is accompanied by the following drawings:

- Proposed Plans Drwg ref. 473/02/P4
- Existing Plan Drwg ref. 473/01/P2
- Location Plan

Site Description

The application site measures 0.3ha is located to the south of Main Street. The site comprises a single storey Spar convenience store and associated petrol filling station, and separate Post Office. The store is set back slightly from the road behind a parking area, and the petrol filling station is adjacent to the road. The Post Office is located to the rear of the application site.

Parking on site is located to the front and side of the store and the delivery area and plant equipment is located to the rear of the store. Access to the site is gained from separate access and egress points on Main Road. The site is located within a mixed-use area with dwellings surrounding the site the east and a village hall with associate cricket ground occupying the site adjacent to the south. A number of facilities are located directly opposite the site to the north including a pharmacy and a takeaway. A café is located directly adjacent to the site to the west.

Part of the site is located in Flood Zones 2 and 3 but the majority of the site is located within Flood zone 1. There are no listed buildings within a close vicinity of the site but the site is located within the East and West Ayton Conservation Area.

Proposal

The application comprises a single storey rear extension to the convenience store to accommodate an additional holding stock area. The extension means the store will be able to accommodate a butcher's counter and new deli preparation area. The plant area will not alter, but the existing plant will be replaced with more efficient and quieter plant. An extra condenser is proposed to the rear of the Post Office. The delivery area will remain in the same place. Please see the Proposed Plan for further information (drawing ref: 473/02/P4).

The existing gross internal floorspace is 504.52 sqm and the proposed gross internal floorspace is 578.46 sqm. Therefore, the extensions comprises 73.94sqm. The net sales area is reduced slightly by 13 sq m.

The proposed materials comprise brickwork to match existing and stained timber vertical boarding to match the existing convenience store and post office.

As well as creating local construction jobs, four new long term employment opportunities will be created as a result of the proposed extension. The butchers will require 2 no. full time and 2 no. part time employees.

Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 refers to the development plan as a whole and requires planning applications to be determined in accordance with the plan, unless material considerations indicate otherwise. In this case the development plan comprises the North York Moors National Park Local Plan adopted in July 2020.

The site is located within the defined settlement of East Ayton without allocation or designation but forms part of the East and West Ayton Conservation Area as defined on the North York Moors National Park Authority Map.

Development Plan

North York Moors National Park Authority Local Plan

The following policies are relevant to this proposal:

Strategic Policy A – The Authority will presume in favour of development that is sustainable.

Strategic Policy B – In the settlement hierarchy, East and West Ayton is defined as a larger village, where development should be supported by providing employment opportunities and new facilities and services for the immediate and wider locality.

Strategic Policy C – Seeks to maintain and enhance the distinctive character of the National Park in quality and design terms. The Council will support high quality design that will make a positive contribution to the local environment and incorporates good quality construction material and designed to reflect and complement the architectural character and form of the original building.

Strategic Policy I – Seeks to ensure that development which affects the historic environment should make a positive contribution. Development should conserve heritage assets and their setting in a manner appropriate to their significance.

Strategic Policy K – Development which promotes and protects existing businesses by providing flexibility for established rural businesses to diversify and expand will be supported.

Policy BL8 – Supports new retail development, professional and financial and food and drinks services within the main built up area of larger villages.

West and East Ayton Conservation Area Appraisal

The West and East Ayton Conservation Area Appraisal was adopted in June 2014 and covers a significant part of Ayton. The site is located in the West and East Ayton Conservation Area.

As stated in the Conservation Area Appraisal (CAA), the West and East Ayton Conservation Area has the following attributes;

- The character of the different areas of the Conservation Area varies substantially depending on the predominant period of development and the location. Main Street, and the east side of Castlegate, Yedmandale Road and the west side of Hall Garth Lane have more dense, urban character with pavement-edge development.
- The predominant use of the buildings within the designated area is residential, but there are also a number of commercial buildings, community buildings and educational uses.
- Within the Conservation Area there are 21 Listed Buildings and structures.
- The predominant materials for the earlier buildings are local stone for the external facades and either red clay pantiles or grey slate for the roof coverings. There are examples on some of the late nineteenth or early twentieth century buildings within the designated area of the use of red brick, render or half timbering.

In addition, the CAA makes reference to the petrol filling station area within East Ayton and states the following:

“This area contains the recently refurbished petrol filling station which now incorporates a convenience store and the Post Office. The shop and post office have been designed in a contemporary style using natural materials. To the west is Walkers Fish Restaurant and this building has also been recently refurbished. The 1930s Walkers building which fronts Main Street makes a positive contribution to the architectural character of the Conservation Area as it displays the characteristic detailing of the period that complements other buildings of that era. Whilst the flat roofed extensions to the rear and the filling station forecourt detract from the appearance of the Conservation Area, given their central location and prominence it is considered logical to include them in the extended boundary in order to seek to ensure that future change and development respects and enhances the street scape.”

National Planning Policy

Paragraph 11 of the National Planning Policy Framework contains a presumption in favour of sustainable development. For decision taking this means permission should be granted where the policies which are important for determining the application are not out-of-date, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Section 7 of the NPPF seeks to ensure the vitality of town centres and adopts a town centre first approach for main town centres uses which includes retail development.

Paragraph 82 of the Framework states planning policies and decisions should recognise and address the specific locational requirements of different sectors.

The general perspective from the NPPF is that planning should proactively drive growth and support sustainable economic development. It also states that planning should make effective use of land by reusing land that has been previously developed and sets out a presumption in favour of sustainable development. The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth and also promote a strong and competitive economy.

With regards to heritage matters paragraph 189 of the NPPF states that “In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”

Paragraph 190 states that “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal”.

In terms of considering the potential impacts of development on heritage assets the NPPF at Paragraph 193 states that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”.

Assessment

Principle of Development

The Spar store lies within the settlement of East Ayton on Main Road. It has operated for a number of years and is an established facility in the locality providing a top-up shopping facility for local residents and passers-by.

The proposal comprises two small-scale rear extensions of just 73 sqm together to create additional stock holding area and staff room. The gross floorspace would increase from 504.52 sqm to 578.46sqm. The proposal does not result in the increase of the net sales area of the existing store.

Policy BL1 supports new retail development including food and drink services within the main built-up area of larger villages. Therefore, the application is in accordance with Policy BL8 of the North York Moors National Park Local Plan.

Heritage Impact

The site is located within the West and East Ayton Conservation Area. Strategic Policy I seeks to ensure that developments which affect the historic environment should make a positive contribution and development should conserve heritage assets and their setting in a manner appropriate to their significance.

The West and East Ayton Conservation Area Appraisal describes the Conservation Area and its attributes. These include the wide variety of building types, sizes, difference of roof lines and eaves heights and chimneys with the buildings being built from traditional materials but highlights more modern buildings are made from red brick and timber.

The proposed extension comprises two single storey rear extension to an existing convenience store and Post Office will only be seen within the immediate vicinity of the site and within the context of existing buildings. The existing store is set back from the road as such views of the extension from outside of the site will be limited.

The proposal does not make a negative contribution to the aesthetic significance of the conservation area as it will be in keeping with the existing convenience store. Red brick and timber is proposed for the extensions therefore conserving and enhancing the materials used within the West and East Ayton Conservation Area.

In conclusion, the proposal would not result in an adverse impact on the Conservation Area and as such conserve the assets in accordance with Strategic Local Planning Policy I and paragraph 189 of the NPPF.

Design

Strategic Local Plan Policy C sets out design principles which new development must adhere to. The application site lies within a mixed-use area. The proposed single storey extensions have been designed to reflect the existing convenience store to ensure the appearance reflects the local vernacular. The extension will be constructed of materials which match the existing store including red brick and vertical timber boarding.

This proposal extends to store by 73.94 sqm and the design is compact and self-contained within the existing external footprint, while allowing additional facilities to be provided on site. Customers will not be able to see the extensions from the front of the store and it will fit in well with the existing single storey building.

As a consequence, the proposed site layout, design and appearance of the development accords with Strategic Local Plan Policy C.

Summary

This application proposes a single storey rear extension to the Spar convenience store to form additional holding stock area, relocation of external plant area and rear single storey extension to the Post Office building to form additional staff room at 12 – 14 Main Street, East Ayton.

The principle of development is acceptable and accords with Local Plan Policy BL8. The extension is completely in scale with its surroundings and will provide additional holding stock area which will enhance the facilities on site and the new deli and butchers counter will offer for customers visiting the store a wider product range, in accordance with Strategic Policies B, C and I.

It has been demonstrated that the proposed extension would not result in an adverse impact on the Conservation Area and would conserve the assets in accordance with Strategic Local Planning Policy I and paragraph 189 of the NPPF.

On this basis the proposal is in full accordance with the development plan and as a result should be supported.

If you have any queries please contact me. I look forward to the application being validated in the coming days.

Yours Sincerely

Abigail Kos

FLOOD RISK ASSESSMENT

PROPOSED SINGLE STOREY REAR EXTENSION TO EXISTING CONVENIENCE STORE TO FORM ADDITIONAL STOCK HOLDING AREA AND SINGLE STOREY EXTENSION TO EXISTING POST OFFICE TO FORM STAFF ROOM

SPAR, 12- 14 MAIN STREET, EAST AYTON, YO13 9HL

1.0 DESCRIPTION

- 1.1 The site currently comprises an existing modern SPAR retail store, Post Office and petrol filling station facilities with car parking located on the through road of Main Street, East Ayton. There are a mix of commercial and residential uses adjacent the site.



Existing SPAR store, Post Office, petrol station forecourt and car park, Main Street, East Ayton

Source: Google maps 2016

2.0 PROPOSAL

- 2.1 The proposal is for the construction of a single storey extension to the existing SPAR convenience store which also provides a petrol filling station for an additional stock holding area and for a single storey extension to the existing Post Office to form an additional staff room on the site which is located on Main Street, Easy Ayton. The premises provide commercial retail facilities for the village and surrounding areas. The two proposed extensions are shown at Figure 1 and in relation to the existing buildings on site. Together the extensions amount to an increase of 73.94 sq.metres.

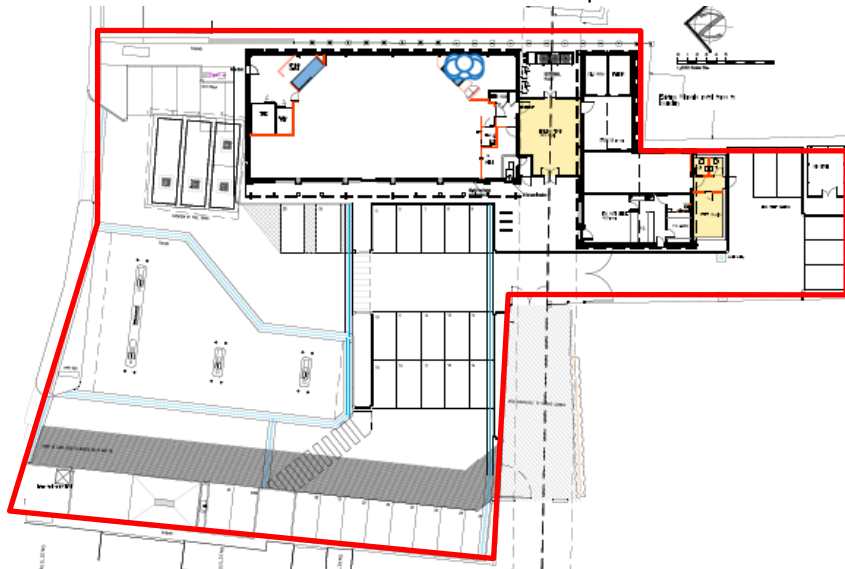


Figure 1. Proposed site layout plan showing site of extensions in yellow and site boundary

Source: HWL proposed site plan 03 P4

3.0 FLOOD RISK

3.1 This Flood Risk Assessment (FRA) has been produced for the proposed use having regard to the flood risk for the location, the classification of the proposed use for retail use as a less vulnerable use and advice within the NPPF and Environment Agency Standing Advice for minor extensions. Reference in preparing this FRA has also been made to the Joint North Yorkshire County Council/North Yorkshire Moors National Park/City of York, Strategic Flood Risk Assessment (SFRA) October 2016, the North York Moors National Park Level 1 SFRA November 2017, and to local Flood Risk Management advice.

3.2 The following forms of flood risk are relevant to the site:

Flood Risk from Rivers and Surface Water

3.3 The Government mapping service shows the existing retail buildings on site lying within an area ranging from low risk to high risk from river flooding arising from the nearby River Derwent and from surface water flooding. The two proposed extensions lie within both the mapped low risk to high risk areas (flood zones 1, 2 and 3) for these sources of flooding shown on Figure 2 below:

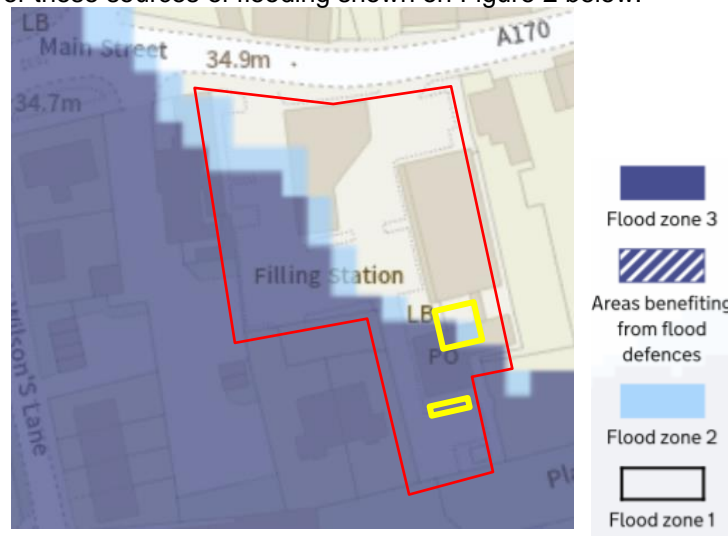


Figure 2: Flood risk from rivers and surface water Source: flood-warning-information.service.gov.uk 2021

3.4 Flood Risk from Surface Water

3.3 Surface water flooding occurs where high rainfall events exceed the drainage capacity in the area and can lead to serious flooding of property and/or from sewer flooding. The Government mapping service does not show the existing retail buildings to be within any areas of mapped surface water flooding as demonstrated on Figures 3 to 6 below:



Figure 3: Surface water – extent of flooding in all zones

3.4 The depth of the surface water assessed is shown on the following maps for low, medium and high risk zones with the areas and depth of water shown:



Figure 4: Surface water depth – low risk areas



Figure 5: Surface water depth – medium risk areas



Figure 6: Surface water depth – high risk areas

Sources figures 3 to 6: flood-warning-information.service.gov.uk

Flood Risk From Rivers

- 3.5 The more detailed Government mapping service, Figure 7, shows the locations of the two extensions (area indicated in yellow) to be within the Low or Medium Zone for Flood Risk from the River Derwent as shown on the map below although. There is no data available on the depth of flooding for East Ayton from the historic overtopping of the River Derwent that is known to have historically occurred.



Figure 7: Extent of flooding from rivers or sea

Source: flood-warning-information.service.gov.uk

Strategic Flood Risk Assessment and flood events

- 3.6 The most up to date SFRA with information relating to East Ayton has been found within the North York Moors National Park Level 1 SFRA November 2017. The relevant findings are set out below and at figure 8:

W&E Ayton (Figure 44)

Previous Flood Events and Their Extent - More recent flooding incidents occurred in 1990, 1999, 2000 and 2002. The outlines of the fluvial flooding in spring 1999 and autumn 2000, which were as a result of the Derwent overtopping flood defences are included on the EA HFM.

Floodplain Delineation and Flood Risk In and Around the Settlement - The functional floodplain (FZ3b) was defined using EA FZ3 in the absence of more detailed modelled layers (e.g. 5% AER). FZ3a was delineated from FZ3b within the settlements and where it overlaps with roads and buildings.

Within the study area the settlement is located within FZ1, FZ2, and FZ3a. FZ3a is located in close proximity to the River Derwent (with FZ3b located outside the settlement to the north).

Areas which may be susceptible to SW flooding are largely located within the spatial extent of FZ3, or are away from the main settlement. The proportion of the settlement which is located within the study area is considered to be at low risk from GW flooding based upon the ASTGWF map.

Sensitivity to Climate Change - There is no specific climate change allowances for the settlement.

Based upon the current flood risk, local topographic conditions, and following the qualitative method outlined in the SFRA, the settlement is predicted not to be sensitive to climate change.

Source: NYMNP Level 1 SFRA November 2017

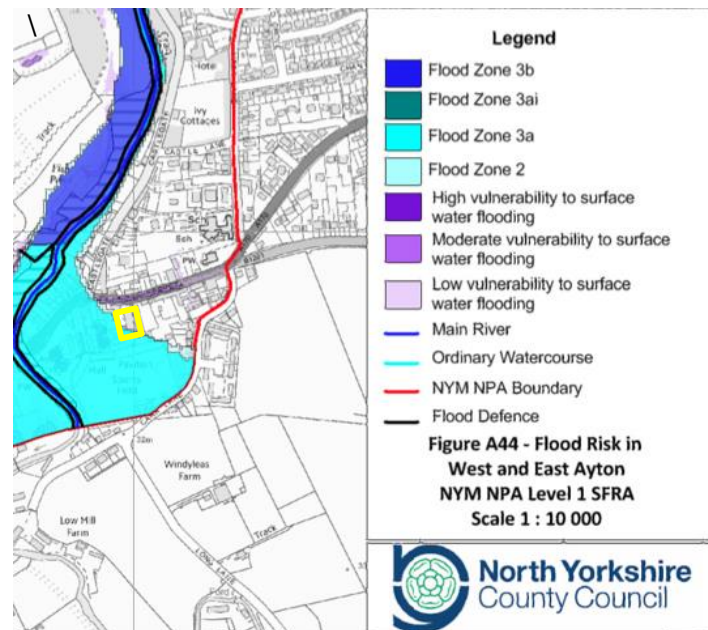


Figure 8: Plan showing figure 44 from NYMNP Level 1 SFRA November 2017

Flood Risk from Other Sources of Flooding

- 3.7 Due to the location of the site, there are no reservoirs in or around the area that would give rise to the residual risk of the possibility of flooding from catastrophic reservoir failure. No risk to the area from sea or groundwater flooding is mapped although the possibility of groundwater flooding due to local geology is possible.

4.0 FLOOD RISK POLICY AND GUIDANCE

- 4.1 Paragraphs 167 and 168 of the NPPF (July 2021) requires a site-specific flood risk assessment for proposals in zones 1, 2 and 3 and defines minor developments which are not to be subject to the flood risk sequential or exception tests. Further advice is set out with the accompanying NPPF Practice Guidance.
- 4.2 Flood Risk Assessments are to identify flood risk for a site and where appropriate, to show that the proposed development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning.
- 4.3 In accordance with the NPPF, North Yorkshire Moors National Park have carried out a Strategic Flood Risk Assessment which was updated in 2017. This follows the recommendations of the Environment Agency and NPPF practice guidance particularly in relation to flood risk assessments.
- 4.4 Flood risk zones are defined as:

Flood Zone	Definition
Zone 1 Low Probability	Land having a less than 1 in 1,000 annual probability of river or sea flooding. (Shown as 'clear' on the Flood Map – all land outside Zones 2 and 3)
Zone 2 Medium Probability	Land having between a 1 in 100 and 1 in 1,000 annual probability of river flooding; or land having between a 1 in 200 and 1 in 1,000 annual probability of sea flooding. (Land shown in light blue on the Flood Map)
Zone 3a High Probability	Land having a 1 in 100 or greater annual probability of river flooding; or Land having a 1 in 200 or greater annual probability of sea flooding. (Land shown in dark blue on the Flood Map)
Zone 3b The Functional Floodplain	This zone comprises land where water has to flow or be stored in times of flood. Local planning authorities should identify in their Strategic Flood Risk Assessments areas of functional floodplain and its boundaries accordingly, in agreement with the Environment Agency. (Not separately distinguished from Zone 3a on the Flood Map)

source: Planning Practice Guidance 2021

- 4.5 The vulnerability of the proposed development for the small extensions to an existing retail site is defined as a less vulnerable use as set out below:

LESS VULNERABLE

- Police, ambulance and fire stations which are not required to be operational during flooding.
- Buildings used for shops; financial, professional and other services; restaurants, cafes and hot food takeaways; offices; general industry, storage and distribution; non-residential institutions not included in the 'more vulnerable' class; and assembly and leisure.
- Land and buildings used for agriculture and forestry.
- Waste treatment (except landfill* and hazardous waste facilities).
- Minerals working and processing (except for sand and gravel working).
- Water treatment works which do not need to remain operational during times of flood.
- Sewage treatment works, if adequate measures to control pollution and manage sewage during flooding events are in place.
- Car parks.

source: Annex 3 NPPF July 2021

- 4.6 For the type of development proposed there is no requirement for the flood risk sequential test or exception test as demonstrated on the table below:

Flood Zones	Flood Risk Vulnerability Classification				
	Essential infrastructure	Highly vulnerable	More vulnerable	Less vulnerable	Water compatible
Zone 1	✓	✓	✓	✓	✓
Zone 2	✓	Exception Test required	✓	✓	✓
Zone 3a †	Exception Test required †	✗	Exception Test required	✓	✓
Zone 3b *	Exception Test required *	✗	✗	✗	✓ *

Key:

✓ Development is appropriate

✗ Development should not be permitted.

source: Planning Practice Guidance 2014

- 4.7 In relation to minor development, the Environment Agency prepared Flood Risk Standing Advice for Local Authorities in determining planning applications and to assist developers. The following follows the advice set out at <https://www.gov.uk/guidance/flood-risk-assessment-standing-advice - advice-for-minor-extensions>
- 4.8 Minor development within paragraph 168 of the NPPF (July 2021) is classed as householder development, small non-residential extensions (with a footprint of less than 250m²) and changes of use except for changes of use to a caravan, camping or chalet site, or to a mobile home or park home site, where the sequential and exception tests should be applied as appropriate.

5.0 EXISTING AND PROPOSED SURFACE WATER DRAINAGE

- 5.1 The current site and buildings, which also comprises a petrol filling station, is drained to the mains surface water system.
- 5.2 The two proposed single storey extensions are to be constructed on areas which are currently non permeable surfaced areas within the site of the existing convenience store, petrol filling station and post office. The extensions will generate no further increase on the amount of rainwater generated or directed to the existing surface water drainage and will continue to drain to the existing surface water drainage system.

6.0 PROPOSED FLOOD RISK RESISTANCE AND RESILIENCE MEASURES

- 6.1 From the above information and maps, the site of the proposed extension to the existing post office extension is shown on some flood risk maps as being within zone 3, at high risk of flooding from the River Derwent with the store room extension predominantly within zone 1 (low risk) and on the very edge of zones 2 (medium risk) and 3 (high risk). However, all the proposed development should be treated as within the high risk zone on a precautionary basis with the following applicable to both extensions proposed on site.
- 6.2 The proposed development is classed as a 'low vulnerability' use. Accordingly, the following flood risk measures should be incorporated into the scheme and the operation of the business on the site:
- **Safe access and egress** – the proposed extensions are set above the existing car park ground level. Doors giving immediate access to outside areas are provided within both extensions with further egress routes from the buildings available within the existing premises to areas on site or immediately adjacent which are outside of any mapped flood risk zone.
 - **Minimise flood risk damage and ingress of water** –The extensions will be sited at a higher level than the existing ground levels. It is recommended that to minimise disruption to the building in the event of any flooding, that electrical services and sockets within the extensions are installed above 600mm from ground level.
 - **Flood warnings and alerts** – There are no Environment Agency operated emergency flood warning system and flood alert system in the area. Should these become available it is recommended that the business signs up for such warnings and alerts.
 - **Other protection measures** – this includes having a business flood plan. Advice and a template "Would your business stay afloat? A guide to preparing your business for flooding" is available at the link which provides advice and actions, equipment and the preparations that can be taken to make sure that the business and personnel are as well prepared as possible for any flooding event:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/410606/LIT_5284.pdf