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Meeting: Richmond (Yorks) Area Constituency Planning Committee

Date: Thursday, 12th October, 2023

Time: 10.00 am

Venue: Civic Centre, Stone Cross, Northallerton DL6 2UU

Update List

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RICHMOND (Yorks) CONSTITUENCY AREA PLANNING COMMITTEE
SUPPLEMENTARY TO COMMITTEE REPORTS

12th October 2023

<u>Agenda Item</u>	<u>Application number and Division</u>	<u>Respondent</u>	<u>Details</u>
5	23/00085/OUT Hunton	Officer Updates	<p><u>Bus Service – Clarification</u> Both bus services are a book in advance service, with Service 30 being run by The Little White Bus and Service 155 by North Yorkshire Council.</p> <p><u>Existing Footpath – Clarification</u> There is a public footpath (20.38/1/1) which runs along the eastern boundary of the field. Upon visiting the site it is clear that this footpath has been not well used/is not in use. For clarity, the reinstatement of this existing PROW is not essential in making this proposal acceptable. However, it is considered that a merit of the proposed scheme is the proposed connection of this PROW through the development site and on to Wild Hill Lane.</p> <p><u>Existing footpath – Clarification 2</u> The development proposes a new footpath along Wild Hill Lane to adjoin the existing footpath. Please note that the existing footpath ends at the northern point of the entrance into Old Hall so there is a section of circa 45m into the village where there is no formal footpath.</p> <p><u>S106 Legal Agreement – Update</u></p>

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The provision of the footpath connection from the existing PROW to the east through the site will now be secured via S106 legal agreement as it outside the redline.

The Biodiversity Net Gain provision will also now be secured via S106 legal agreement and not by condition. The reason for these changes is also due to these areas being located outside of the red site line as illustrated on the Location Plan but still within the ownership of the applicant, and therefore these cannot be secured by condition. The heads of terms shall require a 20% uplift in habitats units and a 100% uplift in hedgerow units. The planning balance continues to be considered acceptable with this reduced biodiversity uplift.

Conditions Update

Update Condition 1

Biodiversity Net Gain Report (Date December 2022, Updated 01.02.2023) removed from the plans list.

Update Condition 4

The development hereby approved is for ~~up to~~ 15 dwellings only.

Reason for Condition: To ensure the density of development is appropriate for the site size and configuration together with enabling sufficient levels of residential amenity to be protected and created.

Update Condition 9

Condition removed, with Biodiversity Net Gain now being covered in the s106 legal agreement.

Update Condition 15

There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or buildings until full details of the following have been submitted to and approved in writing by the Local Planning Authority: - Vehicular and cycle parking (to include facilities to charge electric vehicles) - Appropriately sized turning heads ~~No part of the development shall be brought into use until~~ **Prior to the construction of any external walls** the vehicle access, parking, manoeuvring and turning areas ~~have been~~ **shall be** constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason for Condition: To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

Update Condition 22

Prior to the erection of **the** external walls, **the materials used in the construction of the** external walls, roof and windows ~~materials~~ shall be submitted to and approved in writing by the Local Planning Authority. A sample of the external wall and roof material shall be made available at site upon request of the Local Planning Authority. The development shall be thereafter be constructed in accordance with the approved materials.

Reason for Condition: For the visual amenity of the development locality.

Update Condition 24

			<p>An Energy Statement and Plans shall be submitted to and approved in writing by the Local Planning Authority prior to erection of any external walls works above existing ground level. The development shall there afterwards take place in full accordance with the approved details and any associated technology for specific plots, installed and made fully functional prior to that plots first occupation. The approved measures shall be retained and maintained in perpetuity unless replaced for a more sustainable system such as lower embodied energy, greater energy generation output etc.</p> <p>Reason for Condition: To improve upon Building Regulations Part L (as of date of decision) as required by Policy CP2 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014.</p> <p>Update Condition 27 The development shall provide a housing mix consisting of: x7 two bedroom, x6 three bedroom and x 2 four bedroom properties. <i>no less than 5 x two bedroom properties; no less than 4 x three bedroom properties; and no more than 4 x four bedroom plus properties. One four bedroom dwelling may be swapped with a 5 bedroom dwelling.</i></p> <p>Reason for Condition: To reserve the rights of the Local Planning Authority with regard to this matter and to ensure the development provides an acceptable housing mix in accordance with adopted local plan policy CP5.</p> <p>Update Condition 29 Prior to the erection of any external walls (excluding construction related boundary treatment) a Boundary Treatment Plan shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall include</p>
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			<p>details of the positions, design, materials and type of boundary treatment to be erected. The boundary treatments shall be completed before occupation of the adjoining dwelling; or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.</p> <p>Reason for condition: In the interests of the appearance of the proposed development and to reserve the rights of the Local Planning Authority with regard to this matter.</p>
6	22/00730/FULL Scorton	Officer Updates	<p><u>Scorton Planning History</u> Paragraph 10.6 details the number of residential permissions granted within or adjacent to Scorton (111). Of these, the largest permission is for 58 dwellings to the west of the village, opposite the petrol station (references 17/00710/OUT and 22/00220/AORM).</p> <p>A further residential application (reference 20/00770/OUT) for 32 dwellings to the south of Scorton and adjacent to the Primary School was refused on 6th February 2023 following a planning committee overturn of the officer recommendation. The reasons for refusal were: number of dwellings excessive for the village and not proportionate; erosion of gap between settlement and harm to villages form and character; highways safety; and too far from services and facilities. This application is currently being considered by the Planning Inspectorate at appeal.</p> <p><u>Assessment</u> The current application is for a significantly smaller number of dwellings than that previously refused.</p>

			<p><u>Recommendation</u></p> <p>As per the committee report, approval continues to be recommended subject to conditions.</p>
7	22/00583/FULL Leyburn		Item has been withdrawn from Planning Committee. The application will not be heard/considered at the 12th October 2023 Planning Committee meeting.
8	22/02741/FUL Appleton Wiske	Petition	134 users of the village shop have signed a petition in support of the application. The Parish Council state that this shows how important the shop is both to the immediate village and the wider hinterland.
		Additional Representation	<p>An additional representation (strongly in support of the application) from a local resident has been submitted. This representation is available to view in full on Public Access, although a summary of the representation is provided below:</p> <ul style="list-style-type: none"> • Refers to four previous planning applications that have been approved that 'have ignored' any resulting impact of parking on the Village Green (i.e. applications 22/0288/FUL; 18/02007/FUL; 15/00758/FUL and 09/0001/FUL) • The lay-by on the opposite side of Front Street to the current shop and post office was created by North Yorkshire County Council on Registered Village Green approximately 25 years ago. • The current proposals are no different from the aforementioned planning applications thus indicating an 'inconsistent approach'. • There are Government proposals proposal to ensure that cash is available to residents within 3 miles of their homes. This will be lost if the post office is no longer available. • If the application isn't approved, it will have a serious impact on residents in Appleton Wiske and surrounding villages none of which have public transport for access to alternative services.

		Additional Agent Comments	<p>The agent (in an email dated 10.10.2023) has raised similar consistency concerns that have been expressed within the above additional representation regarding previously approved residential dwellings granted planning permission. The email is available in full on Public Access, although a summary of the representation is provided below:</p> <ul style="list-style-type: none"> • Reference made to two previous applications where parking on the Registered Village Green was not a reason for refusal: 15/00758/FUL and 09/00011/FUL. • Car parking exists directly outside the site and could be used by the resident of the proposed dwelling.
		Additional Division Member Comments	<p>Councillor Wilkinson (Morton on Swale and Appleton Wiske Division) has made the following additional comments on the application:</p> <p><i>“The village shop and post office is an asset for Appleton Wiske. This much used resource also serves the surrounding villages of Great Smeaton, Hornby, Welbury, Picton and East and West Rounton. The community value greatly their village shop and post office. I wish to add my support for this planning application. I hope that Appleton Wiske shop and post office continue to serve and sustain Appleton Wiske and the surrounding area for many years to come.”</i></p>
9	23/00625/FUL Ainderby Steeple	Environmental Health	<p>Further noise Monitoring took place on the weekend of the 08th and 09th October. The following is a statement of findings from Environmental Health.</p> <p>The weather conditions were not ideal during the day on Saturday, with a strong breeze blowing through the leaves. There was also noise from agricultural work, traffic on the main road, sheep, wasps and birdsong, as well as movements of the occupiers whilst the meter was recording.</p> <p>Many recordings were made throughout the day and into the early evening on Saturday. I have listened to these and on most of the recordings I could hear faint voices, some of adults and some of children playing. The voices sounded</p>

Additional Objections

like they were all from people gathering outside. None of the recordings had the voices as the dominant noise source and I did not hear anything that would suggest a breach of the statutory noise nuisance notice, but it is my opinion that the prolonged nature of the voices gathering outside could have the potential for loss of amenity to the nearby residents when they are in their gardens. The last recording ended at 20:17.

My colleague carried out monitoring along the lanes, later on Saturday night, and reported that the wind had dropped considerably and he witnessed no disturbance from the venue, either from music or from people gathering outside. He did witness vehicle noise on the track, particularly from tyres on gravel. Environmental Health consider this alone does not breach the statutory notice, but it does have the potential to impact on the amenity of residents living closest to the track.

I consider that the issues could be resolved through the effective implementation of the management plan, or possibly by moving the outside space to the far side of the main barn where the building will provide attenuation.

A number of further objections have been received raising direct issues with regard to the application along with concerns about the content of the officer report.

The objection are available in full on public access, but are summarised below:

Severe negative impact on amenity

There is not sufficient intervisibility between passing places

Significant noise disturbance from vehicle movements.

Modelling of the junction is not accurate and the junction is sub-standard.

Members should not be swayed by the lack of enforcement to date as the tests are different.

Noise breakout is still significant despite the building insulation.

Road speeds by taxis have been excessive.
Pods are not made available to the public during events, illustrating that the low noise policy does not work.
There are changes to the east and west elevations of the barn.
There may be as many as 250 people at an event.
The Wedding Fayres only add to the level of disruption.
The new access just moves the problem to other residents.
Proposed passing places will destroy the character of the lane.
The Event Management Plan does not work.
Traffic can still turn left out of the new access and may also use the existing lane.
Passing places are not all wide enough.
Development will impact on the tranquillity of the area.
A new building was effectively needed to facilitate this development as the applicant recently built a new agricultural building.
Complaints to the venue have gone unanswered.
Acoustic report submitted by the applicant is lacking.
Noise from the pods will increase and will result in a loss of amenity.
Routing via Sat Nav simply will not work.
There will be significant impacts for cyclists and horse riders.
Harmful impact on local farming operations.
Impact on wildlife pond off Green Hills lane has been overlooked.
Concern about the impact on badgers.
Condition needed on number of guests.
Condition 7 and 15 need to refer to the red and blue land specifically.
The development fails to meet the requirements of the NPPF as it results in harmful impacts on the environment and the public highway.
The site is not accessible by public transport and is reliant on the private car to the detriment of neighbours and other existing land uses.
Signage will contribute to the harm caused.
The use of third party driveways for passing is not considered acceptable and results in a harmful impact to amenity.

The number of passing places proposed illustrates that the lane is not appropriate for the proposed use.
An injury has been recorded on the 22 July 2023.
Livestock worrying has dramatically increased. In one event 25 ewes in lamb were killed by dogs. Grazing stock will be caused stress all year round. There has also been regular trespassing and littering including balloons which can cause animals to choke and die.
Any restriction to access to the farm to the south of the site could have huge financial impacts on the farm business.
The farm uses very large vehicles including 30,000l capacity tankers that would be unable to manoeuvre if confronted by other vehicles. Legitimate spreading of manure would be very off-putting to wedding guests.
There are now two years worth of evidence that this development is unacceptable.
There are no conditions that can reasonably mitigate the harmful impacts of the development.
This would be the support of one business at the expense of another. The diversification in the provision of pods is supported but this proposal goes too far.
The access will have a harmful impact on character, amenity and wildlife.
The harm caused by the development fails to outweigh the benefits.
A wedding venue is not a suitable development in this location as it replaces agriculture and does not support it.
The volume of traffic and changes to the road results in harmful impact to the character of the area.
Weddings are noisy.
The supporting information in objections, regarding road safety issues has not been given due weight in the planning balance.
The development will result in harm to many categories of road user including vulnerable groups.

Concern is raised with regard to the responsiveness of the operator to complaints and as such the effectiveness of the Management Plan.

The access track should be finished in tarmac as the rolled stone will be noisy. At present the existing track results in noise which causes a loss of amenity and we are more than 350 meters away from the existing track with lots of houses in between. At 230 meters from the proposed road and nothing between the road and our Juliet balcony windows which are kept open on summer nights I am sure we will be disturbed by the noise of the stones moving as vehicles move in and out around midnight.

The transport assessment contains a number of errors

The bund on the access track must go in before the track is open to traffic

Remain concerned that the proposed access track is too close to the badger sett

No objections to the use as a Wedding Venue but object to the new access.

The new track will be a scar on the landscape

Directing traffic towards Warlaby, on a single track lane is absolutely ridiculous. Passing places maybe proposed to be installed but the lane is too narrow for them to be constructed to the required width.

Also, at the suggested positions WL 5,6 & 7, the land at the side of the lane is between 1m and 1.5m higher than the roadway and WL7 is also a field access with a steep incline.

Despite requests there are no assurance from Officers, that our hedges, both above and below ground will be protected. I believe we have the right to be assured of this if approval were to be given and feel that we should have been consulted on this matter.

If members were to decide, to this route being used, I MUST request that a condition be imposed, that passing places must be constructed before any work is started on the new track. Very many lorry loads of stone will be required for the new track, to allow these vehicles to proceed from Warlaby and back without passing places will cause utter chaos.

			<p>Cannot understand how Highways and the Case Officer can conclude that the access is acceptable.</p> <p>Genuine Concern that there is a conflict of Interest for senior staff member at Highways</p> <p>The proposals do not match highways original requirements.</p> <p>There have been 5 accidents at Warlaby Village Cross Roads. Members need to listed to the locals. Accidents are currently limited due to the small amount of traffic using the route.</p> <p>Passing places will encourage fly tipping which is costly for the Council to collect.</p> <p>Passing places will encourage parking of cars which will cause issues. How will parked cars be prevented? With signage? If so this will affect the visual impact on Warlaby lane as well as the parked cars themselves.</p> <p>New access road- some properties on Warlaby Lane will suffer a loss of visual amenity from their home and land with the creation of the new track.</p> <p>Where Green Hills meets Warlaby Lane there is a sharp blind bend and this already causes issues when vehicles meet which will be exacerbated with extra traffic. When vehicles meet they have to reverse back and move over onto the junction to Green Hills track</p> <p>Residents and landowners have had to increase security on Green Hills Lane since the rise of the glamping pods e.g. boundary gates, alarms and CCTV have all been implemented since the rise of the glamping accommodation.</p> <p>Interference with current land use such as equestrian facilities.</p> <p>Horses can be easily spooked by sudden or loud movements and noise which can cause serious safety issue for riders and those involved in caring for the horses.</p> <p>The incompatibility of the venue next to the these facilities is seriously worrying. These residents have heavily financially invested in these facilities, and this may have implications for future saleability.</p> <p>Legal action will be taken from the cattery business upon granting of this application due to the incompatibility of the venue which is causing a disturbance to the business.</p>
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Additional Support

Legal action will be also sought by residents due to nuisance affecting use of their properties.
 There is no reference to controlling the maturity of the landscaping to be implemented.
 Acknowledged through the applicants consultants noise report, the noise from the venue on the route of the PROW **is present and disruptive**, spoiling country walks for the local community.
 Reference to Management Plan-Dogs on site MUST (not should) be left alone in the accommodation or otherwise to prevent nuisance to neighbours. (Could this be added to conditions?)
 Trespassing on land down Greenhills has increased since the pods have arrived.
 It is the uncontrolled noise outside that is most harmful
 Intensification over summer months when residents are also trying to enjoy their outdoor space
 The noise and disruption of the events causes upset to nearby domesticated animals- dogs

Blood sweat and tears that have gone into their beautiful home. The glamping pods are nothing but luxury and the wedding barn the same.
 This is for 15 events a year to be held at their family home.
 Small businesses should be supported, especially farms trying to diversify as the current agricultural climate is very difficult due to EU support being phased out.

Weddings not only benefit the venue owner but also a vast amount of other small businesses and sole traders.
 For the limited disruption to a very small number of very local people, the financial injection into the local community far outweigh this.

		Officer - Additional Condition	<p>Condition The proposed bund detailed on the landscaping plan shall be implemented before first use of the new access. The bund shall be maintained in perpetuity.</p> <p>Reason To protect the amenity of neighbouring occupiers in accordance with Policy E2.</p>
11	20/02047/OUT Snape	Applicant's Agent	<p>Following on from recent correspondence we asked our transport consultant to prepare a plan to show the required visibility splays based on the 85 percentile recorded speeds from the speed survey. You will see this shows splays cutting across neighbouring properties on both sides of the access – not just the neighbour with the pillar.</p> <p>As you will see – this arrangement is highly unlikely to be acceptable to the highway authority as the land within this splay would need to be adopted – and that is beyond the control of my client.</p> <p>I have mentioned previously this is a commercial site that operates without restriction. A combination of HGV's, customer and staff vehicles enter and leave the site daily. While these may not be large numbers at the present time, they will have been considerably higher in the past and could of course be at those levels in the future. This is not a clean sheet of paper and the traffic movements for this proposed housing development must be compared with those that would result from a busy commercial operation. We are proposing a white-lining solution that will both provide enhanced site visibility and by reducing carriageway width will provide natural traffic calming.</p>
		Officer Response	<p>Clearly the option involving third party land would be preferable to the white lining option. However, this option is considered to be not deliverable. The</p>

			alternative white lining option as per the recommendation in the Officer Report is considered acceptable by the Highway Authority.
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