

Meeting: Richmond (Yorks) Area Constituency Planning Committee
Date: Thursday, 14th September, 2023
Time: 10.00 am
Venue: Swale Meeting Room, Mercury House, Station Road,
Richmond, DL10 4JX

Update List

Update List - 14 September 2023

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

14th September 2023

<u>Agenda Item</u>	<u>Application number and Division</u>	<u>Respondent</u>	<u>Details</u>
4	22/00136/FULL Richmond	Officer Updates	<p><u>Ward Member Comments – 21/12/2022</u> I remain totally opposed to this application which lies outside the development boundary of Richmond. There is absolutely no need for this site to be developed as there are sufficient sites within the boundary un-developed.</p> <p>This application does not provide the 30% stipulated in the local plan for affordable housing and RDC should be telling all prospective developers that permission will be refused unless they fully comply with this requirement.</p> <p><u>Correction – Hedgerow Removal</u> The extent of hedgerow removal along the Westfield Road boundary has been queried with the agent. They have reviewed this and provided an updated layout plan which identified the extend of hedgerow to be retained along this boundary which is 26m in length. A replacement hedgerow is recommended to be conditioned however this will take several years to mature.</p> <p><u>Planning History Query Response</u> Councillor Parsons requested clarity on why 81 Hurgill Lodge and lodges at Aislabeck Plantation were required to be dug down and this has been duly checked.</p> <p>The plot built out as 81 Hurgill Lodge had various planning permission, the earliest appearing to be 1/92W/349C/OUT (alternative reference 07/00708/OUT) which was approved September 2007. The delegated report considered it acceptable that the</p>

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Agenda Annex

proposed dwelling be the same height as neighbours or slightly higher in line with the prevailing rising pattern.

Another permission was then granted reference 11/00348/FULL, where the application reported the ward member comments that they negotiated “agreed to reduce the height of the dwelling by digging it in, and reducing the width of the frontage”. This was considered acceptable also. Another permission was then granted in October 2012 reference 12/00582/FULL which had a condition requiring the final FFL to be approved in writing.

Planning permission was granted for Aislabeck Plantation for 10 Lodges, reference 02/01107/FULL on 23.09.2003. The application report stated that “...the applicants have reconsidered their approach to the proposed development and have sought to minimise the landscape impact from both the chalets themselves and the access into the site. Omission of several of the chalets and use of an alternative design which is lower in height now means that buildings would be effectively hidden....”.

In both cases it appears that the proposals were amended to reduce visual impact on the landscape in light of local comments and ward member comments; and went on to be considered acceptable to the LPA and approved.

Reference has been made to an appeal decision for Hurgill Lodge Cottage, reference, APPN2723/A/06/2018901 advising that Permitted Development Rights were removed. This appeal has been located and it was dismissed on 16 October 2006. This appeal confirmed that the planning permission included the removal of permitted development rights in order to protect the character of the original unlisted historic building. The Inspector did not dispute this requirement. This supports that Hurgill Lodge buildings/dwellings are an undesignated heritage asset.

Biodiversity Net Gain and Tree Officer Comments

Tree Officer comments were sought in respect to a member of the public's request for a further TPO at the application site. The Tree Officer commented on the latest

arboricultural assessment whom advised the document appeared to be accurate from a desk based review and the recommendations in respect to root protection zones appropriate. They concluded there would be post development pressure to some trees to be retained (group G5).

Irrespective of the above, the amount hedgerow removal along Hurgill Road has been queried with the agent and they have since submitted a revised site plan clarifying that 26m of hedgerow along Hurgill Road will be retained and the rest remove to facilitate the development due to the need for pavement and visibility splays, which is more than previously advised. In turn the Biodiversity Net Gain report is inaccurate in this regard, and therefore, the net gain in respect to hedgerow will be less than 0.94 Hedgerow units (+54.26%) as detailed in the report. It is recommended that the on and off-site biodiversity requirement includes at least a 10% uplift in hedgerow units to be controlled through the S106.

Additional Local Representations

Since the committee report three additional local representations have been received. In addition to the points raised in the Committee Report a local resident raised that their butterfly and moth records for the application are relevant and include nationally scarce and increasingly diminishing species.

Ecology Comments September 2023

The Council's Ecologist considered the Invertebrate Data Response provided by the agent in response the local resident's originally submitted butterfly and moth records. They advised that the data provided by the local representation does not identify anything which requires further surveys or change the mitigation/BNG that is being proposed. The habitats being proposed include locally appropriate native species that will support an assemblage of invertebrates once established. The above detailed further local representation is acknowledged however, no changes to the application is

recommendation, conditions or S106 are recommended, and information provided is considered sufficient to enable a decision to be lawfully made.

Conditions Update

Update Condition 9: Post Development Ground Levels

To update to include a further requirement for site sections as those provided are 'indicative'.

Update Condition 9: Soil Movement to the following wording (changes in bold)

Prior to commencement of any development whatsoever, a Soil Removal **and Importation** Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include the cubic metres of soil which is required to be removed from **and/or imported to** site together with a removal **and/or importation** plan detailing the number of trips required, timing of the trips, highways route and vehicle type/size. There afterwards, the development will take place in complete accordance with the approved Soil Removal **and Importation** Plan.

If no soil removal or importation is required then this shall be confirmed in writing to the Local Planning Authority prior to first commencement of the development hereby approved.

Update Condition 12: Construction Management Plan

Add additional requirement:

7. Boundary Screening including the location, materials and height for the boundaries with 81 Hurgill Lodge and 30A Westfields to be erected prior to commencement and to remain in place until the final boundary treatments are erected.

Update Condition 20: Landscape and Ecological Management and Monitoring Plan (LEMMP)

Add a further bullet point: - Details of replacement hedgerows including Hurgill Road

			<p>Update Condition 30: Reserved Matters</p> <p>Add additional sentence: The first layout reserved matters application shall include an Arboricultural Impact Assessment which demonstrates out how trees T7 and T8 as referenced in the submitted Arboricultural Impact Assessment dated 24/05/2023 and which are subject to Tree Preservation Orders; shall be protected and retained together with not unduly overshadowing the self/ custom build plots/dwellings.</p> <p>Additional Condition A: Boundary Treatments Prior to first occupation of the development hereby approved, details of site boundary treatments and plot boundaries shall be submitted to and approved in writing with the Local Planning Authority. No plot shall be occupied until the approved plot boundary treatment has been erected and/or planted to which it adjoins. All other boundary treatments shall be erected and/or planted prior to occupation of the 22nd dwelling unless an alternative timetable is first approved in writing with the Local Planning Authority.</p> <p><u>Recommendation</u></p> <p>As per the committee report, approval continues to be recommended subject to the above detailed condition updates and biodiversity gain revisions.</p>
5	22/00063/FULL	Local Representations	<p><u>Additional Local Representations</u></p> <p>Since the committee report four additional local representations have been received. In addition to the points raised in the Committee Report the following issues (objections) have been raised:</p> <ul style="list-style-type: none"> - Harm to potable water supply for St. Trinian's Hall Estate and residential properties outside but near to the application site which rely on the watershed and below ground aquifer, from contamination, from the proposed foul water drainage system

- St. Trinian's Hall Estate has a large lake and a pond which is a wildlife habitat which is also fed by the aquifer.
- Th Ecology Report is out of date.

Additional Local Representation Response

The application site is within a Drinking Water Safeguard Zone (Surface Water), but is not within a (Ground Water) Source Protection Zone. Due to this safeguarding zone location and the foul water drainage proposals to discharge to a package treatment plant which then in turn discharges to a drainage field as detailed in the Flood Risk Assessment & Drainage Strategy submitted with the application; the Environment Agency were consulted as the statutory consultee whom advises on the safeguarding of aquifers.

The Environment Agency have duly considered the application and advised that an Environmental Permit may be required in addition to planning permission to made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, addition to planning permission. Exemptions follow strict rules (see <https://www.gov.uk/guidance/discharges-to-surface-water-and-groundwater-environmental-permits>) and it appears this development would not be exempt. The Environment Agency raised no objection, however, even if planning permission is granted any foul discharge will need to meet strict rules and/or apply for an Environmental Permit.

Paragraph 188 of the NPPF (2023) advises that *“The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.”* It is therefore advised that for foul water discharge in this location there is a separate pollution control regimes and therefore we should assume these

			<p>operate effectively for the purposes of ensuring potable water remains safe both on and off-site.</p> <p>The Ecology Report is dated 21st September 2020, with the site survey being carried out on 14th September 2020. The CIEEM Advise Note (on the lifespan of ecological reports & surveys) sets out that reports can remain valid for a maximum of three years. An update on this aspect will be provided verbally at planning committee verbally.</p>
6	21/03001/FUL Romanby	Officer Update	The report for this item has been withdrawn. Following receipt of Counsel Opinion with regard to the application of policy HG4, further consideration is necessary. Additionally, amendments to the layout have proven necessary to meet Highways requirements and further consultation may be necessary.
7 Page 9	20/02047/OUT Snape with Thorp and Bedale	Observation	<ul style="list-style-type: none"> Why should Highways 'give up' some roadway? has this occurred in other Applications? if so, where? this appears to be 'moving the goal posts' to create an answer to the problem. The obvious answer to this problem surely, would be to remove the Cottage [already in the ownership of the Applicant] at the entrance, make the roadway a legal width for the Site, with the required line of sight. Now that a pumping station is included why can the surface water not be disposed to the south rather than the water course in the village. Officer Note: This is understood to cross third party land, not available to the developer and as such was not a deliverable option.
8	22/00127/REM Stokesley	Officer	<p>Conditions: Include in Condition 2 Drawing DRA 120 P1 (this is a garage detail)</p> <p>There is a reference to Humber Civils Drainage Strategy P21042 ENGSTC. However, this was superseded by P21005 14-6-23.</p> <p>Note that the drainage strategy is the same but the layout was updated to the version without the farm track access included.</p>

Highways

No objections subject to the following conditions:

Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority.

The development must only be carried out in compliance with the approved engineering drawings.

Reason for Condition

To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.

No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation.

The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

Reason for Condition

To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.

No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once

			<p>created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.</p>
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			<p>Reason for Condition To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.</p>
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