

Meeting: Richmond (Yorks) Area Constituency Planning Committee
Date: Thursday, 9th November, 2023
Time: 10.00 am
Venue: Council Chamber, Civic Centre, Stone Cross,
Northallerton DL6 2UU

Update List

Update List - 9 November 2023

(Pages 3 - 16)

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Richmond (Yorks) Constituency Area Planning Committee
Supplementary to Committee Reports

9th November 2023

Agenda Item	Application number and Division	Respondent	
Page 3	ZB23/00938/FUL Brompton		<p><u>Amended Plan/Drawing</u> Since the publication of the agenda, a revised Bund Sections plan (ref. NTH-PH3-006 Rev.B) has been submitted, dated 06.11.2023, and available to view via Public Access.</p> <p><i>Commentary/Clarification:</i> The revised plan (superseding ref. NTH-PH3-006 Rev.A) seeks to rectify a discrepancy in the originally submitted plan which incorrectly annotated the overall height of the acoustic fence and bund structure as being 8 metres, rather than 7 metres.</p> <p>For clarity, the Case Office has contacted Environmental Health and provided them with a copy of the amended plan. The Environmental Health Officer has responded by email (dated 07.11.2023) to confirm that her latest response/recommendation had been based on a bund height of 4 metres and an acoustic fence height of 3 metres (as had been stated within the submitted application documents), therefore (notwithstanding the annotation error on NTH-PH3-006 Rev.A), Environmental Health have confirmed that they have already considered the impact of the bund/acoustic fencing at an overall height of 7 metres.</p>
			<p><u>Additional Conditions</u> The aforementioned EH response (dated 07.11.2023) made reference to recommended noise-related conditions that were not included within Section 12 of the Officer Report. Along with the conditions recommended within Section 12 of the Officer Report, it is also recommended that the following conditions (as worded below) are also imposed, should the Committee resolve to approve planning permission:</p>

Condition 19

Prior to the first occupation of any of the residential dwellings hereby approved, the bunding and acoustic fencing shall be completed in accordance with approved plans NTH-PH3-006 Rev.B (Bund Sections Plan) and 154200/8001 Rev.A (Landscape Proposals Plan) Once completed, the bund and acoustic fencing shall be retained and maintained throughout the lifetime of the development as approved, unless otherwise agreed in writing by the Local Planning Authority. All seeding, tree and hedgerow planting on the bund structure shall be undertaken in accordance with the requirements, including timescales, as required by condition 14.

Reason: To ensure that suitable noise mitigation is implemented prior to the occupation of residential dwellings and maintained for the lifetime of the residential development, in accordance with Policy E2 of the Local Plan.

Condition 20

Prior to the commencement of the development, a noise mitigation and attenuation scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the details of all noise mitigation and attenuation measures to be implemented within the development to ensure that none of the following noise criteria are exceeded for each approved residential property:

- (a) Bedrooms - 30dB LAeq,8hr / 35dB LAeq, 16 hr
- (b) Living rooms - 35dB LAeq,16 hr
- (c) Dining Rooms - 40dB LAeq,16hr
- (d) Individual Noise Events (no more than 10 times a night) -45 dB LAmax
- (e) External Amenity Areas - 50dB LAeq, 16hr

The noise mitigation and attenuation measures within the approved noise mitigation and attenuation scheme shall be implemented prior to occupation of any of the dwellings hereby approved and shall be maintained as approved thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the future residents by reason of undue external noise, in accordance with Policy E2 of the Local Plan.

Condition 21

Within two months of the first occupation of the 38th dwelling, a validation test shall be carried out in relation to a representative sample of approved properties during daytime and night-time hours and the results of the testing and the details of any additional noise mitigation and attenuation measures required to meet the specified noise criteria within condition 20 above submitted to the Local Planning Authority for approval in writing. Any additional noise mitigation and attenuation measures approved in writing shall be fully implemented in accordance with the approved details within two months of the written approval being issued by the Local Planning Authority.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the future residents by reason of undue external noise, in accordance with Policy E2 of the Local Plan.

Amended Condition (Condition 11)

The agent has requested that Condition 11 and/or its wording is reconsidered, particularly reference to the previous application and the Designing Out Officer's report. The following rewording of condition 11 is recommended:

"Prior to occupation of any part of the development a scheme shall be submitted to, and approved in writing, by the Local Planning Authority detailing how Designing Out Crime principles will be implemented. ~~the recommendations of North Yorkshire Police Designing out Crime Report Ref No: 011-1-2022 dated~~

			22.06.2022 in relation to application 21/02227/FUL will be incorporated into the scheme. The development shall be implemented in accordance with the approved scheme. plans.
			<p><u>Amended Recommendation (additional and amended wording underlined):</u></p> <p>12.1 That planning permission be GRANTED subject to:</p> <p>i) the Conditions set out below (as well as any recommended by the LLFA <u>and Environmental Health (Ground Contamination)</u> in any subsequent responses):</p>
Page 5	ZB23/01079/REM Aiskew		<p><u>Clarification on the Proposed Amendments to the Affordable housing Tenure Mix:</u> Since the publication of the agenda, the agent has confirmed that it is proposed to also amend the Section 106 agreement (by Deed of Variation) in relation to the affordable tenure mix.</p> <p>The Section 106 agreement current requires an affordable housing tenure mix for the development to consist of 30 per cent <u>affordable rented properties</u> and 70 per cent shared ownership properties.</p> <p>The proposed amendment to the Section 106 would consist of the provision of 30 per cent <u>social rented properties</u> and 70 per cent shared ownership.</p> <p>The Council's Head of Housing Management and Landlord Services has confirmed that the proposed amendment from affordable rent tenures to social rent tenures for 70 per cent of the affordable dwellings proposed is acceptable.</p>

			The proposed amended tenure mix would still meet an identified need for rented affordable properties within the local area, and therefore the proposed amendment to the Section 106 agreement is considered to be in accordance with Policy HG3 of the Local Plan.
6	22/00047/OUT Scotch Corner	Application Comments	<p><u>Middleton Tyas Parish Council – 28.03.2022</u></p> <p>The site of the proposed development is a disused hotel/lodge which has been left empty for many years. The Council are in favour of re-development on this site to visually improve the area and is our preferred location for development of roadside services. Re-development on the west side of the A1 is preferable to extending the existing Moto and Euro Garages services towards residential houses and Middleton Tyas village on the east side of the A1.</p> <p>We are concerned about the increase in litter the drive through restaurants will bring. Therefore, would like to see a strategy put in place by the developers to deal with this issue, to include weekly litter picking around the site.</p> <p><u>Local Representations</u></p> <p>Points not summarised in the Committee Report listed below:</p> <ul style="list-style-type: none"> - The large number of traffic movements with be logistically difficult for the trade park businesses - Security conflict with the trade park businesses - Insurance premiums will increase - Why is Scotch Corner being changed into a out of town shopping park - Water supply is already problematic - Vermin from new food uses - Will cause massive mess and upheaval during construction works - Will harm success of current adjacent business's

Officer UpdatesScotch Corner Improvements

Paragraph 4.4 of the Committee Report sets out an update to Scotch Corner Improvement delivery programme will be provided if available. Highways England has confirmed that the Scotch Corner improvement as detailed in the associated Development Consent Order, if approved, could take place as early as April 2024 and late as 2028 depending on whether the works take place west to east, or vice versa.

In the event the Development Consent Order is refused, the works for Scotch Corner could still be undertaken following a S278 application.

Highway's England Assessment of the current Application

Highways England has advised the following:

- Traffic movement assessments are based on a late June, early July 2022 Traffic Survey at Scotch Corner
- Highways England have assessed three applications cumulative which is this application, the B8 application (22/00787/OUT) to the west and the live McDonalds application (22/00402/OUT) to the north. They have found that Scotch Corner is **within** capacity if all three of these permissions are approved and built without any improvements to Scotch Corner
- Capacity is considered to be a junction's ability to meet 90% demand within an average flow hour
- A traffic light on Scotch Corner was fixed in June 2023
- There will be no signage on the A1 signposting this specific development

Questions Raised at the Planning Committee Site Visit

Highways England have advised that no Off-Site Highways Improvement Works are necessary to facilitate this development. However, clarity was sought at the Planning Committee Site Visit what works are required by the implemented Designer Outlet Centre approval reference 14/00687/FULL and when these must take place. It is considered reasonable to set this out for background information.

Condition (8) of 14/00687/FULL requires all off-site highways works to be completed prior to first occupation. This includes the Scotch Corner Development Consent Order works including widening of Middleton Tyas Lane & facilities for pedestrians and cyclists between Middleton Tyas Lane and the site. It also requires other off-site Highways works beyond those detailed in the Development Consent Order application.

This condition of the permission has been amended by amendment approvals 18/00068/NMA and 19/00061/NMA but still requires the approved of-site highways works to be delivered pre first use of the development. 19/00061/NMA, removed the requirement for part (d) of the condition which had previously required the A1(M) south bound Middleton Tyas slip road to three lanes.

Condition 8 of Planning Permission 14/00687/FULL as amended requires:

No work shall commence in relation to the following highway works until details of those works have been approved in writing by the Local Planning Authority and no part of the development shall be brought into use until such highway works have been constructed in accordance with the approved details:

a) the approved site access from the Blue Anchor Roundabout, adopting the findings of the independent Stage 2 Road Safety Audit in accordance with HD19/15;

b) the approved signalised junction from the site to the A6108 which shall include connection to the signal controller system at Scotch Corner junction, including approved signal management systems (e.g. MOVA and SCOOT) adopting the findings of the independent Stage 2 Road Safety Audit in accordance with HD19/15;

- c) the approved amendments to the A6108 between Scotch Corner Roundabout and the Blue Anchor Roundabout adopting the findings of the independent Stage 2 Road Safety Audit in accordance with HD19/15 including improvements to the bus stops;
- d) the approved amendments to Scotch Corner roundabout and its slip roads and widening of Middleton Tyas Lane as shown in principle on drawing no. 2560.104B adopting the findings of the independent Stage 2 Road Safety Audit in accordance with GG119; and,
- e) the approved facilities for pedestrians and cyclists between Middleton Tyas Lane and the site based upon drawing no 2560.26A 2560.33.C and drawing no 2560.31 adopting the findings of the independent Stage 2 Road Safety Audits in accordance with HD19/15.
- f) a programme for the completion of, and the methodology of, the construction for the proposed works.

Condition – End

Drawing 2560.104B is provided as Appendix C.
 Drawing 2560.26A is provided as Appendix D
 Drawing 2560.31 is provided as Appendix E

Assessment

Biodiversity Net Gain

Biodiversity net gain is recommended to be secured by condition and may require an off-site solution(s). This could either be off-site land secured by the applicant/developer or biodiversity credits. In the case of the former a S106 may be required, however, there is a real possibility of credits being available prior to commencement given that reserved matters need to be first agreed.

Impact to Neighbouring Uses

There are existing vehicle related business' to the west and south of the application site. National Highways and NYC Highways have not objected to safety of capacity of Barracks Bank or existing or proposed access points within the locality from this development.

In relation to security and vermin control, this can be satisfactory addressed through the reserved matters application(s) and conditions. There is no evidenced connection between the new uses and these discouraging customers of the adjacent business.

There is a residential caravan site to the south beyond the lorry/trailer business to the south. Environmental Health have not raised an objection due to noise, vibration, light or overlooking to this site.

Recommendation

As per the committee report, approval continues to be recommended subject to conditions listed in the report and the additional condition listed below.

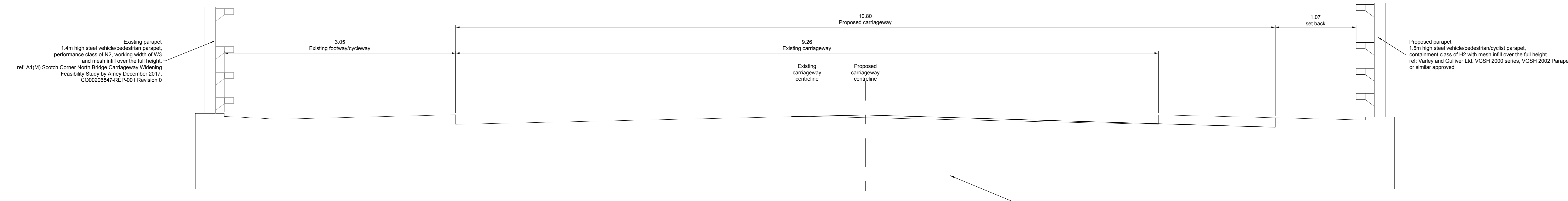
Condition – Biodiversity Net Gain

Prior to commencement of development a Biodiversity Net Gain Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate how a net gain lift of 10% can be achieved for all habitat types including hedgerows. The scheme shall include:

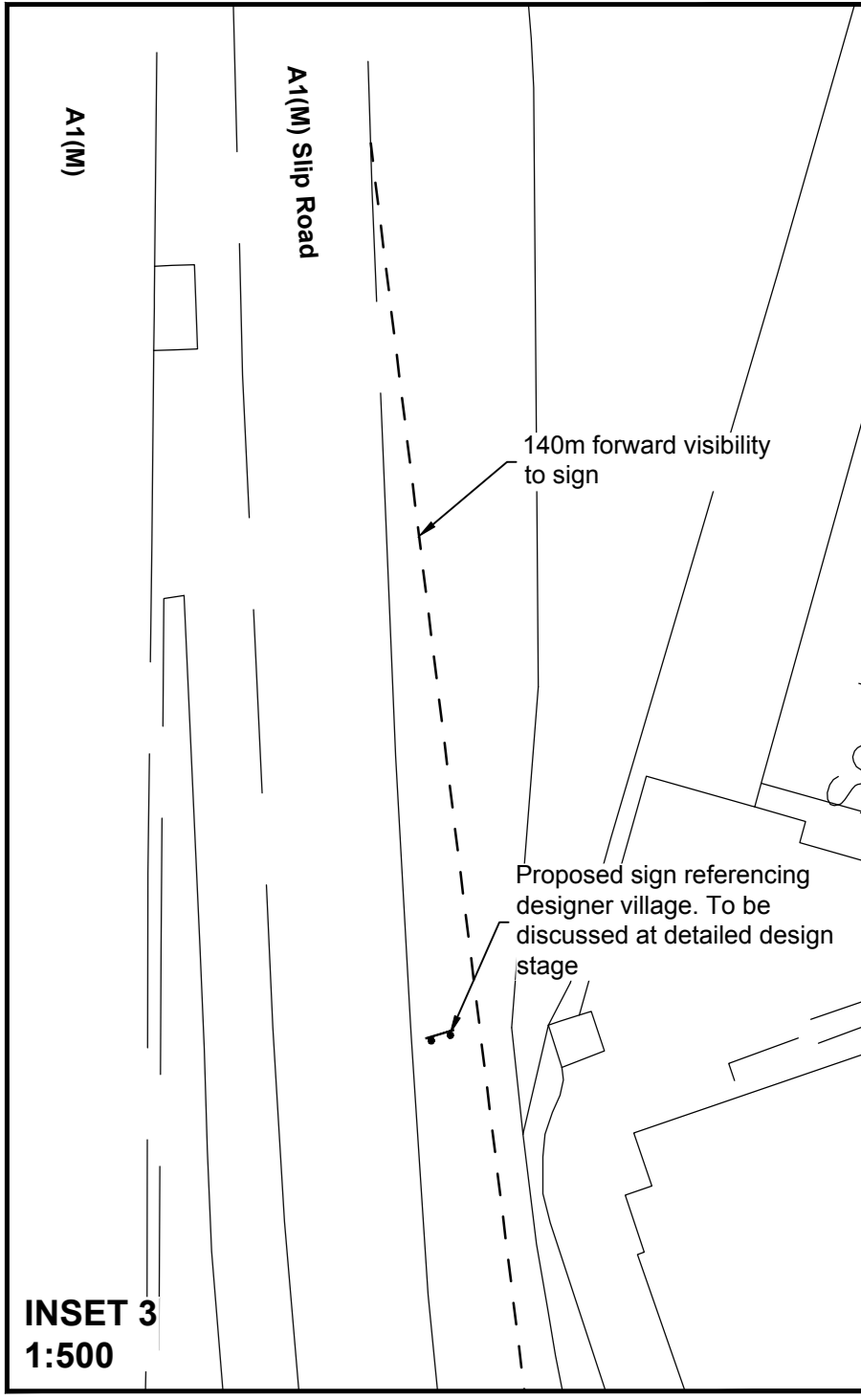
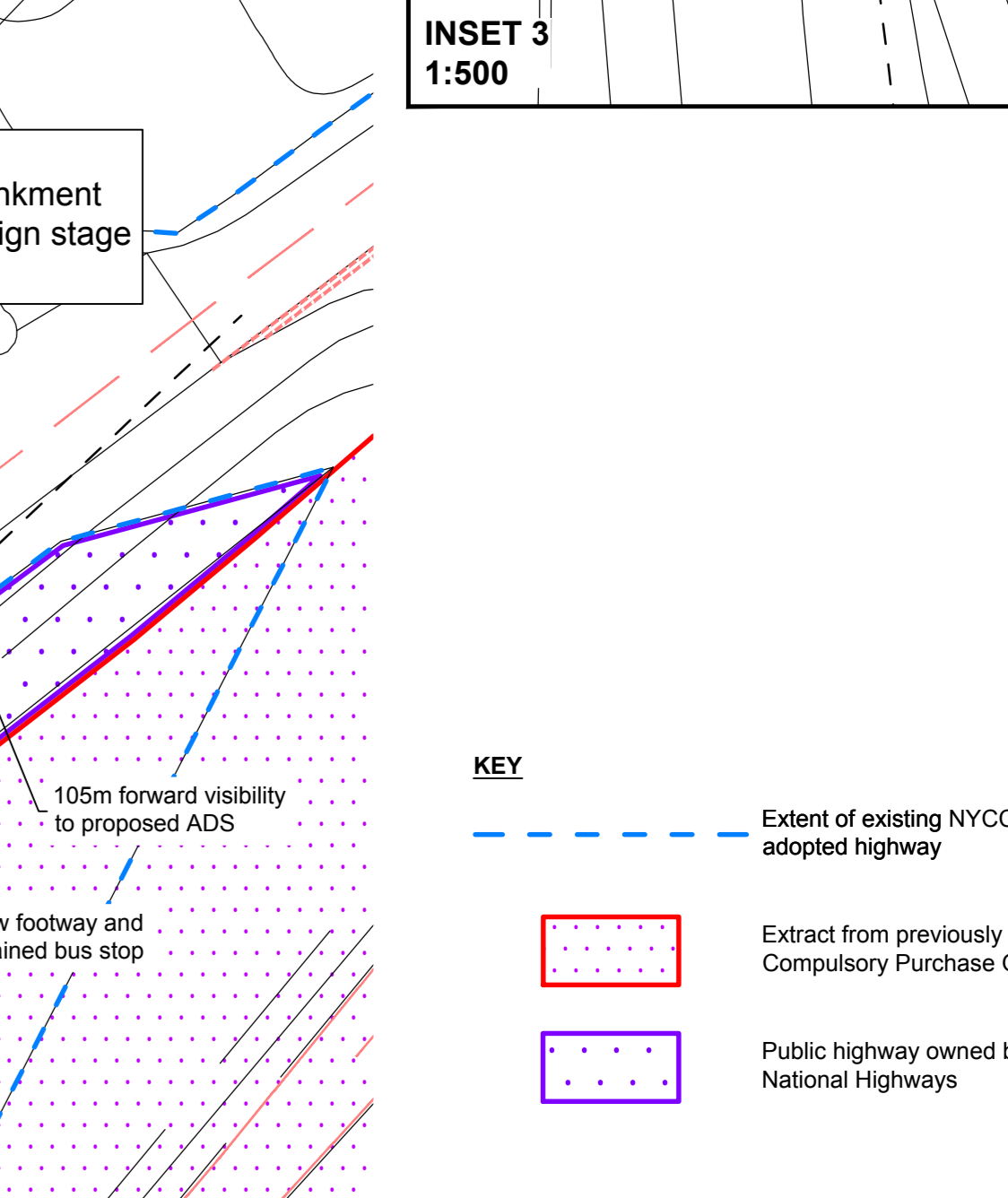
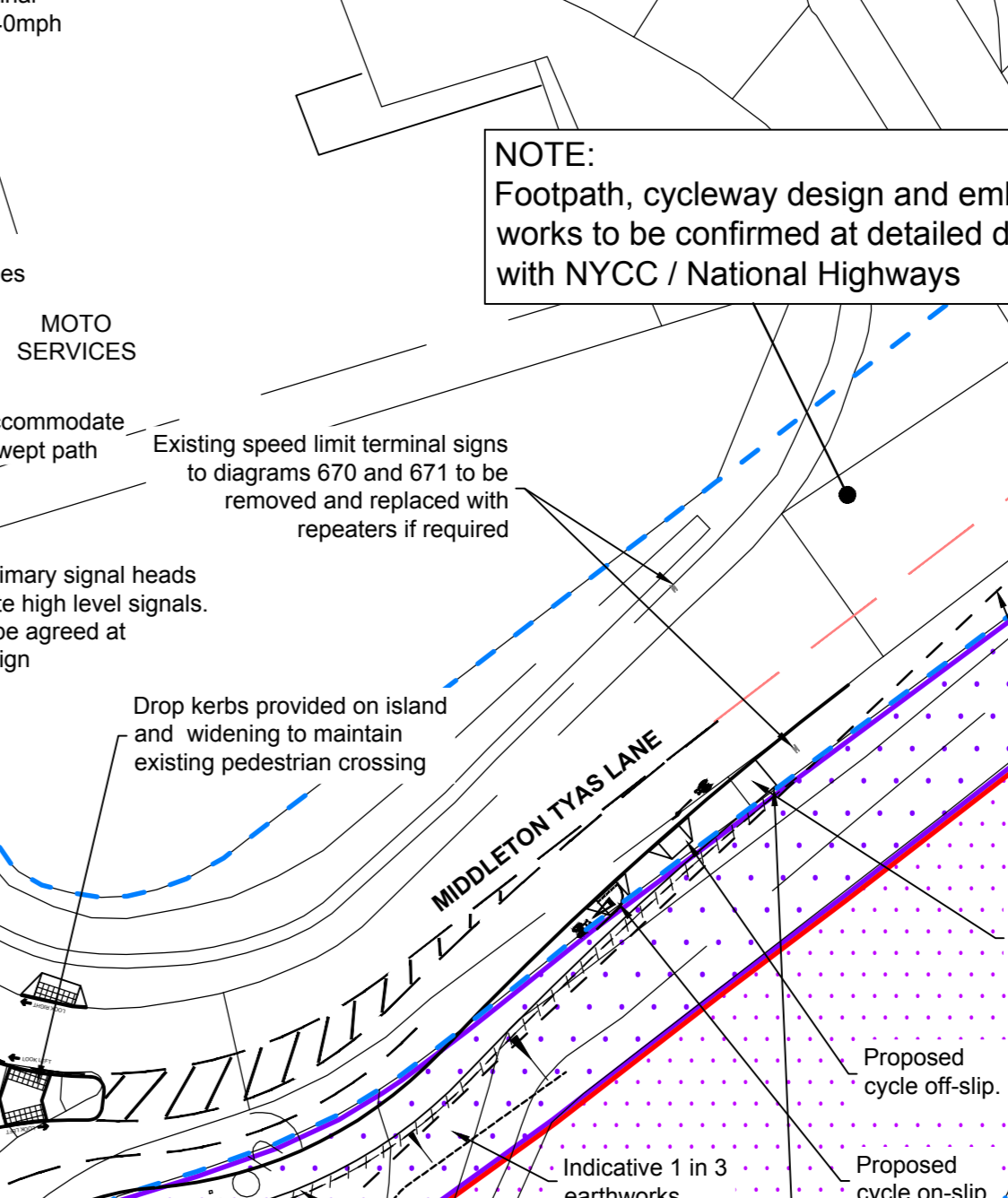
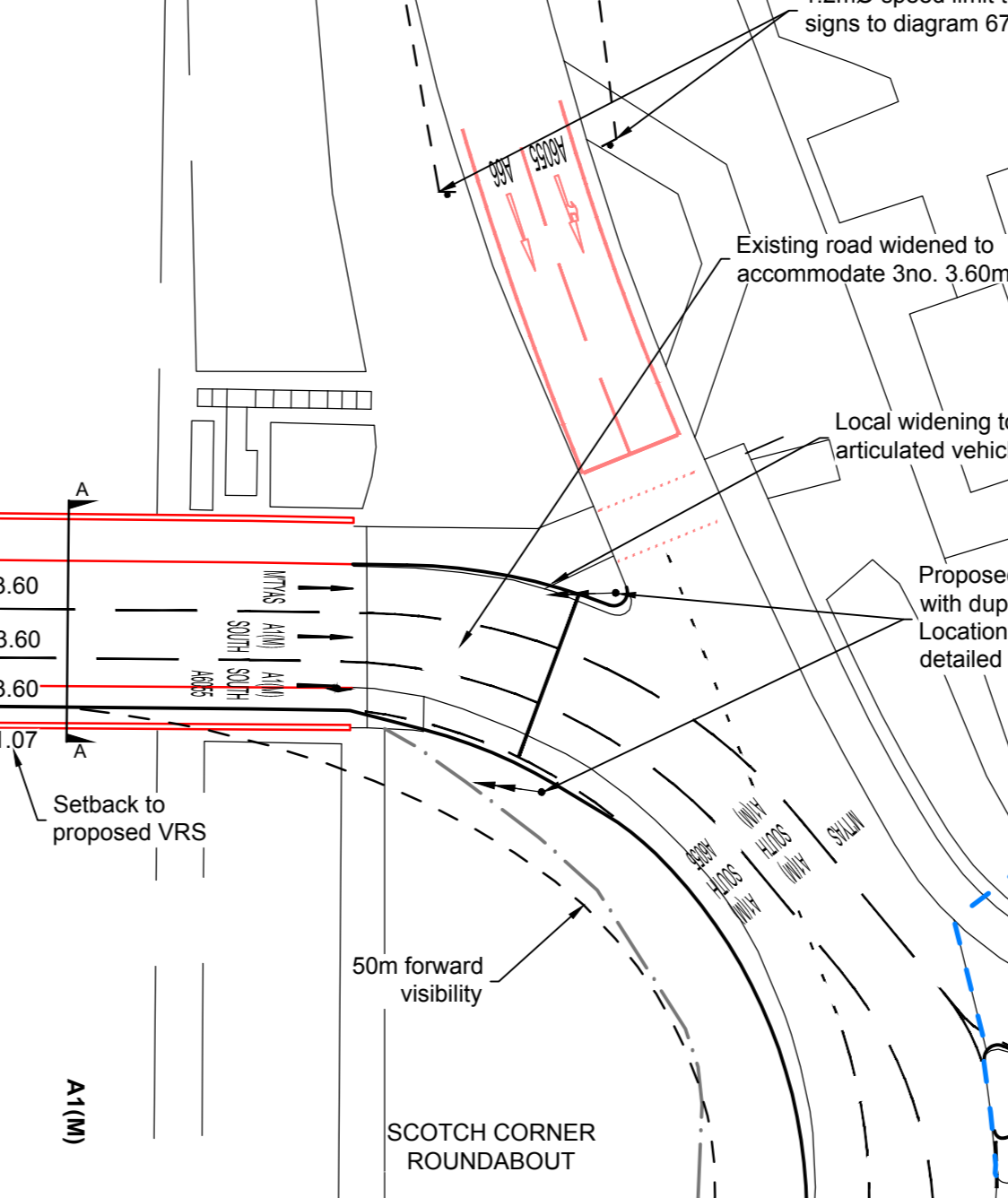
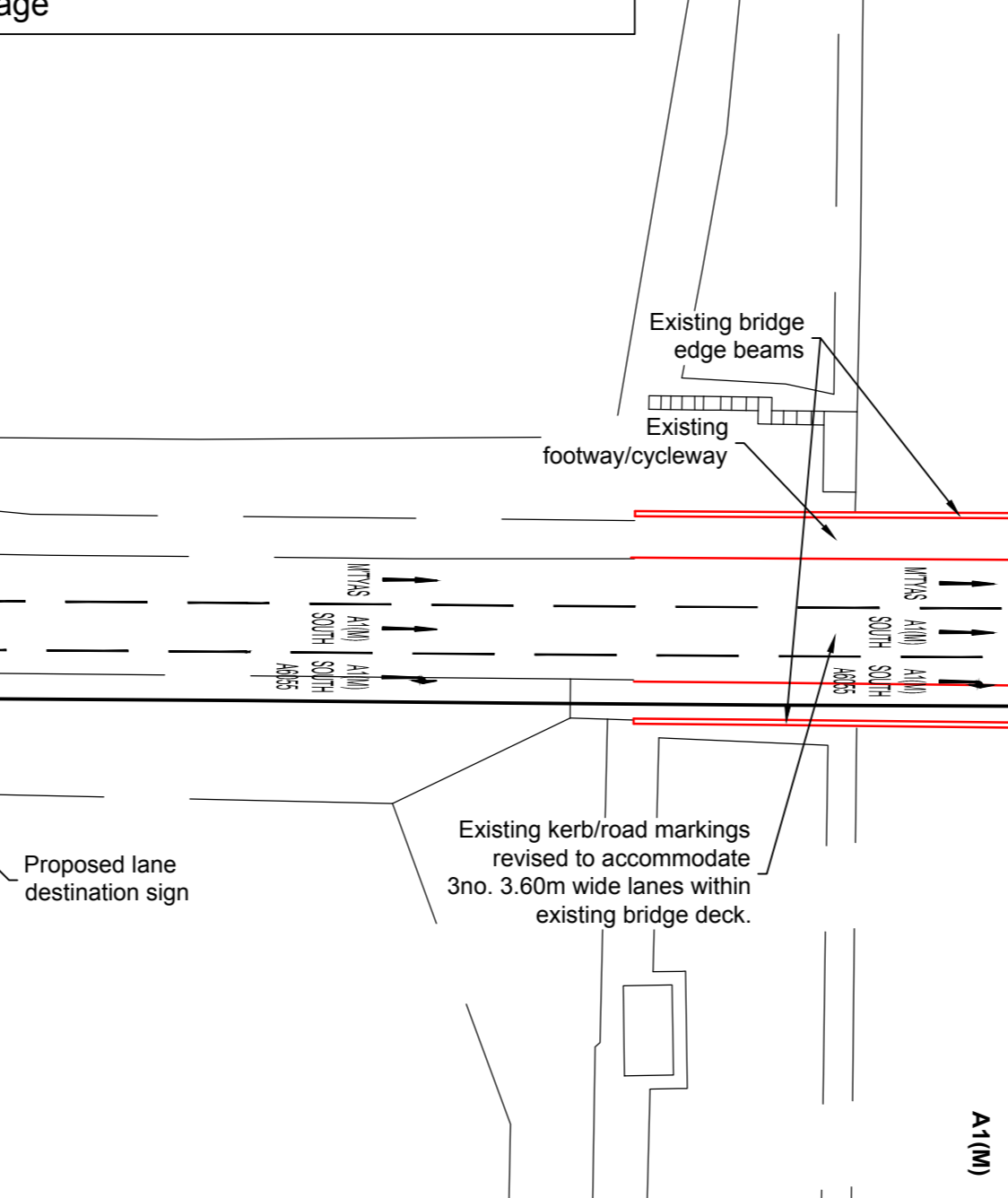
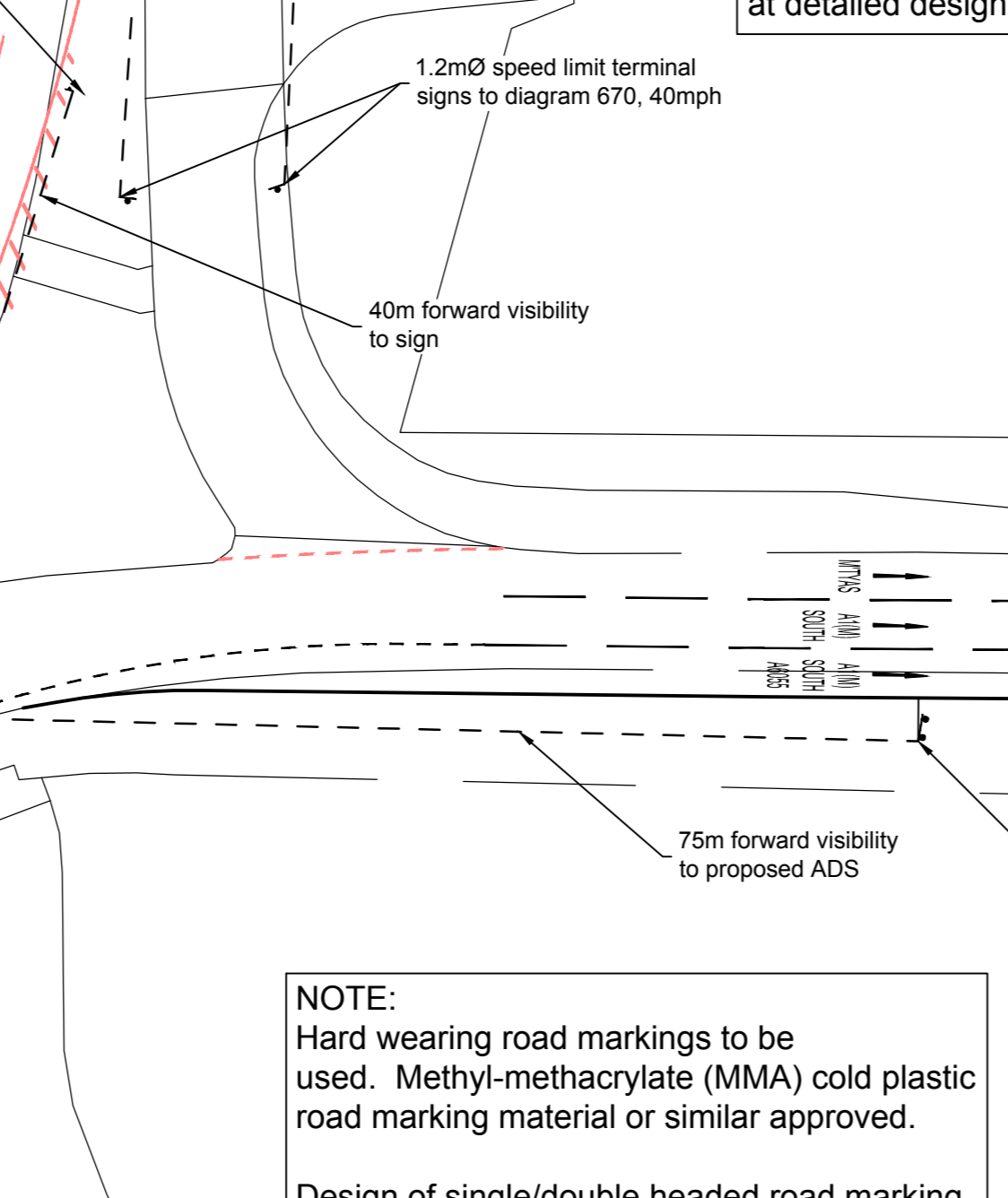
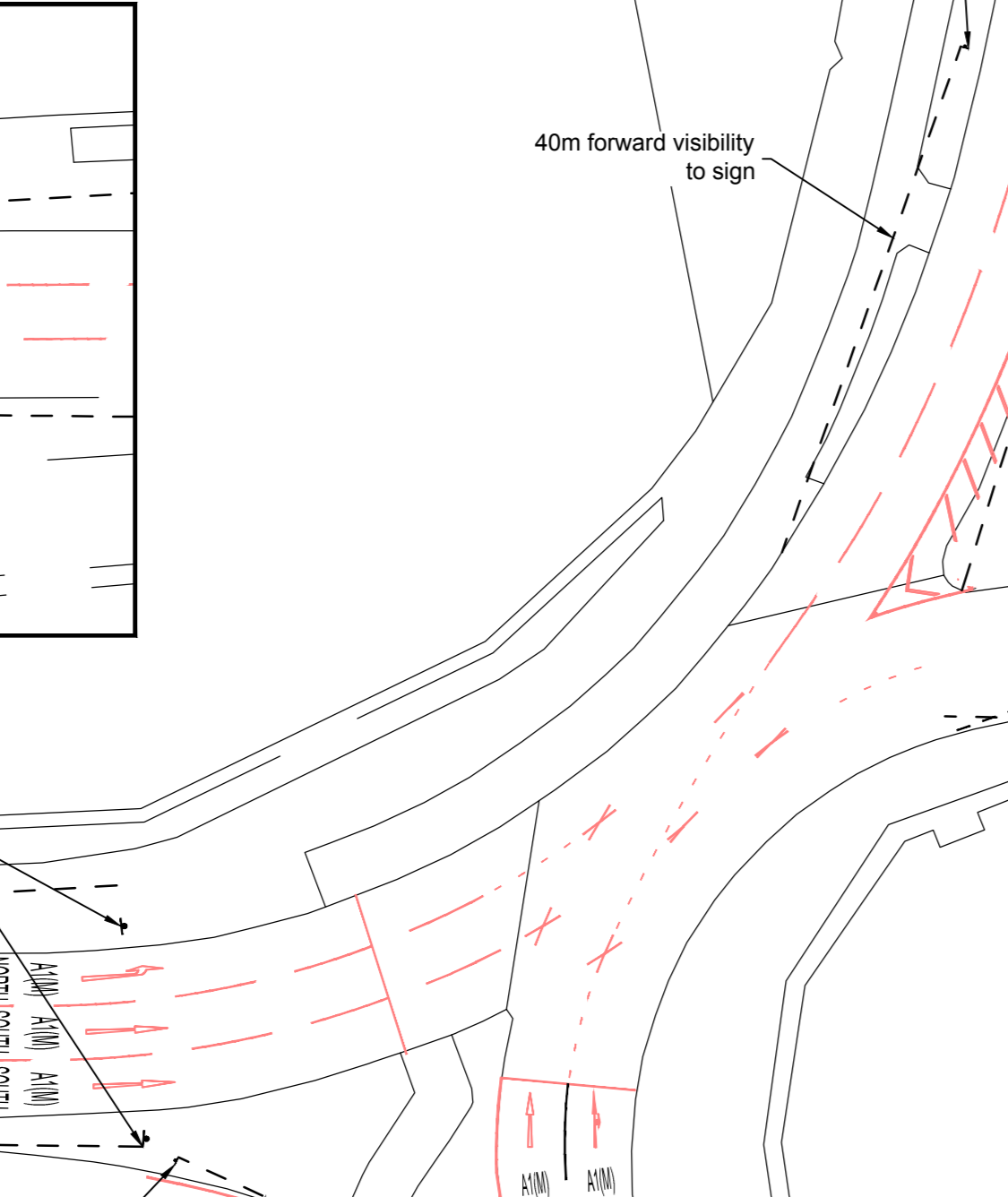
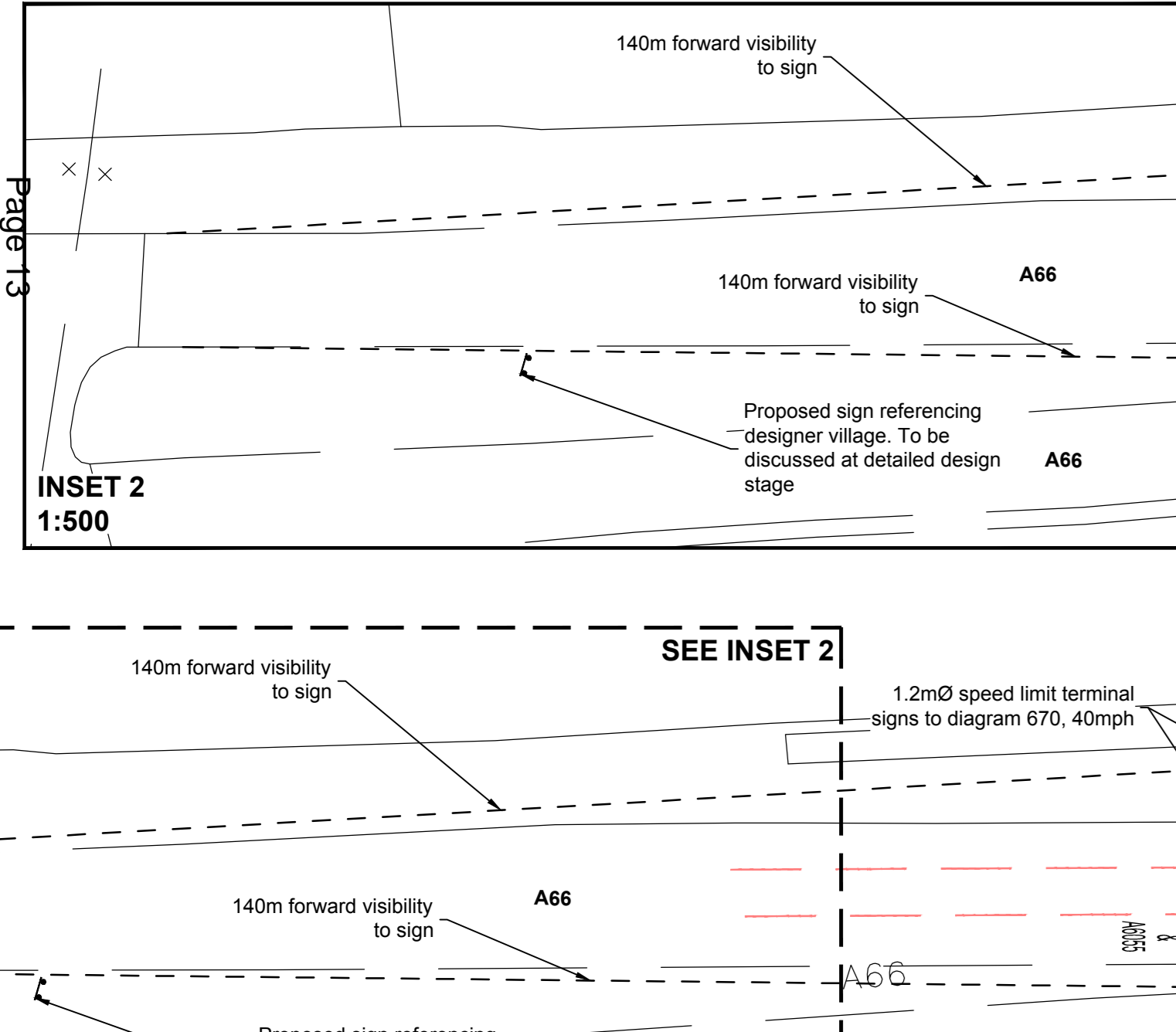
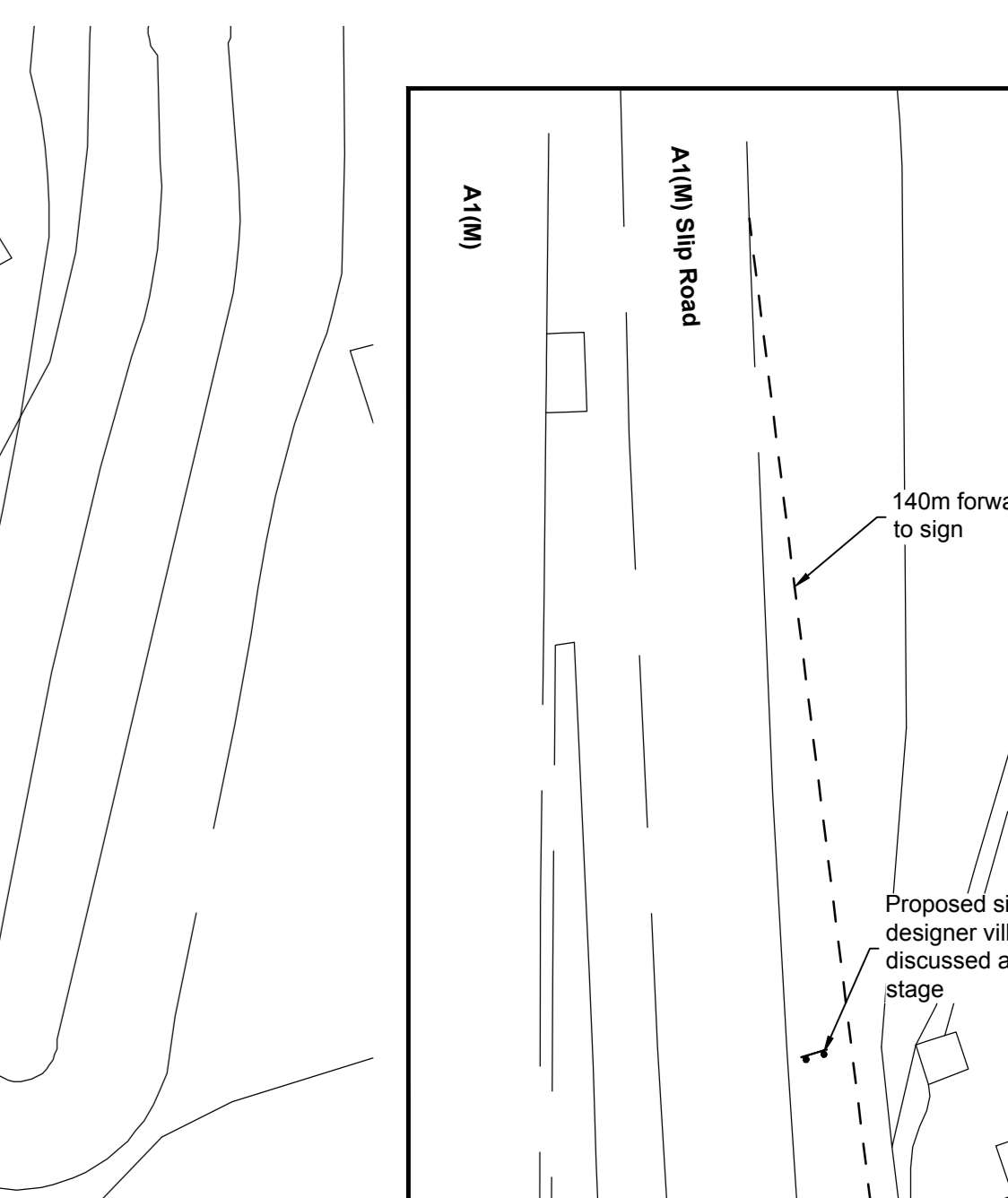
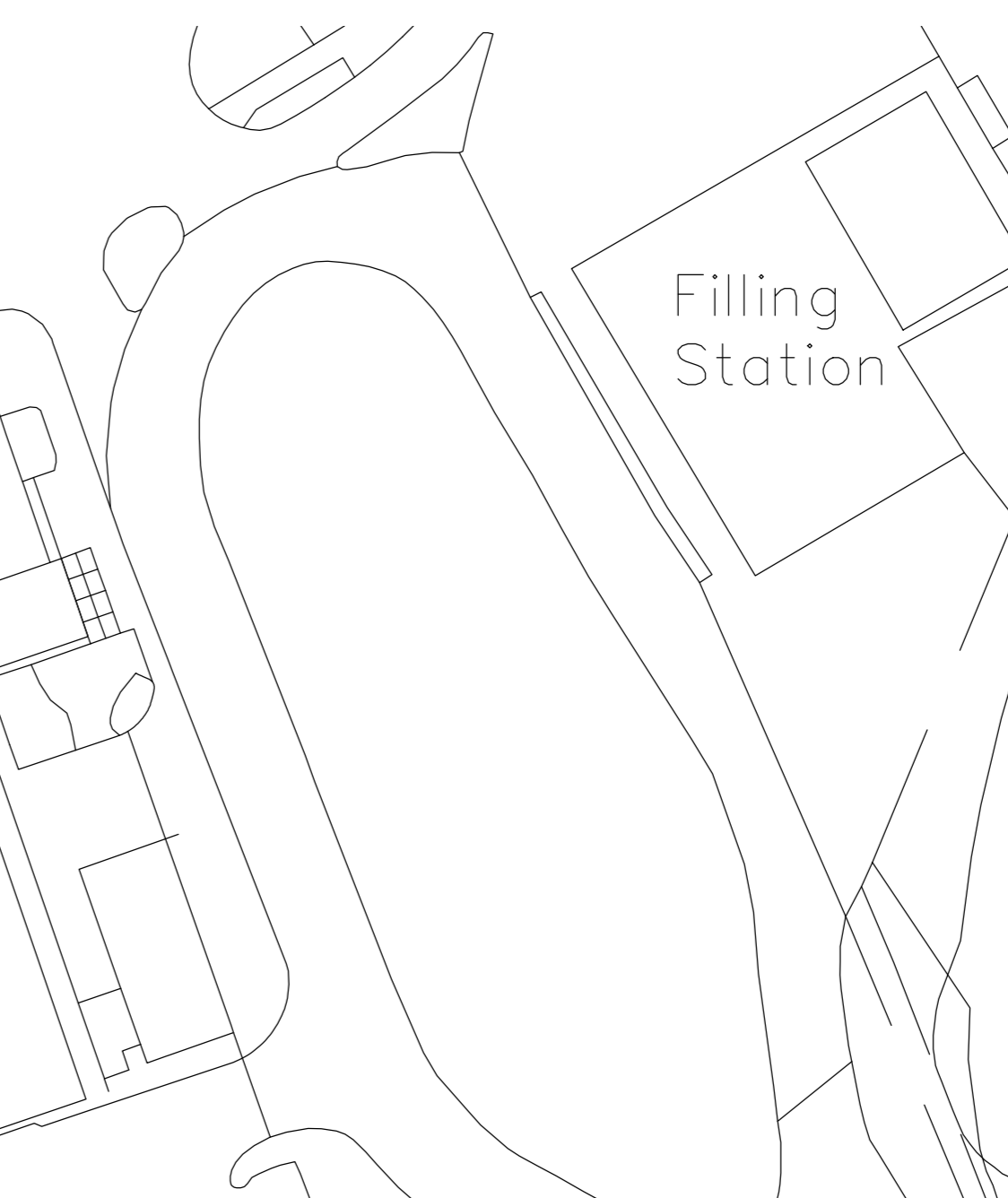
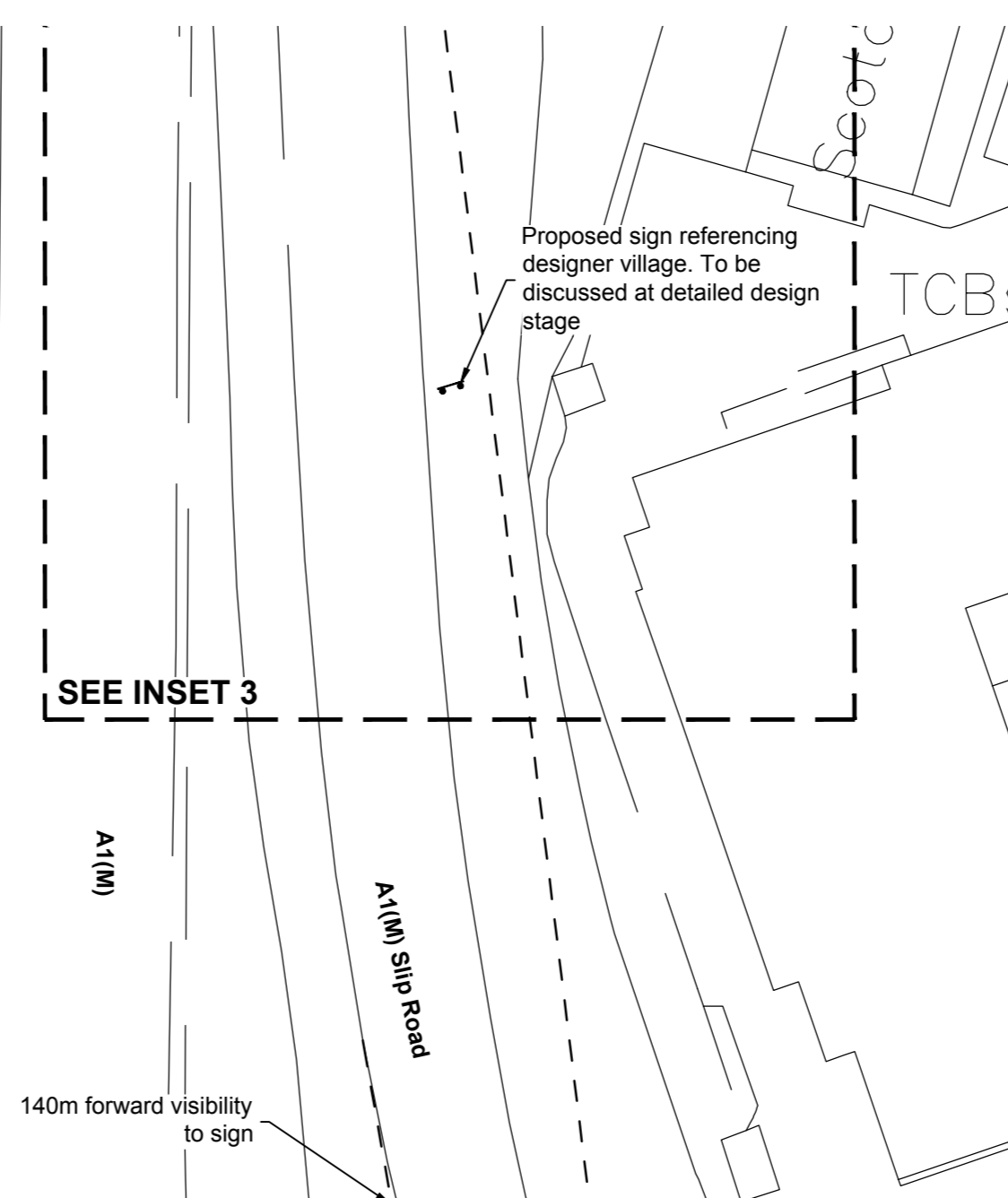
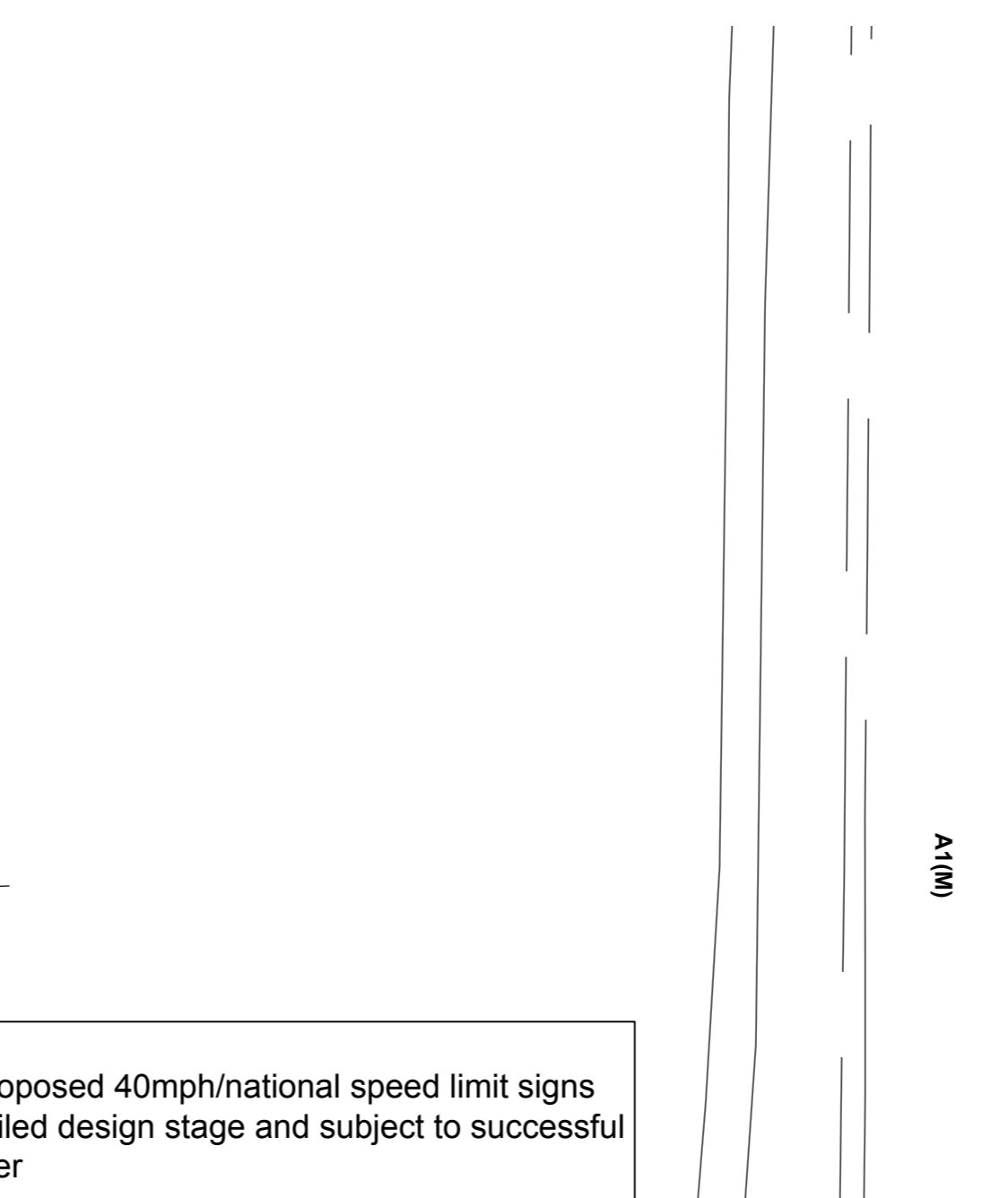
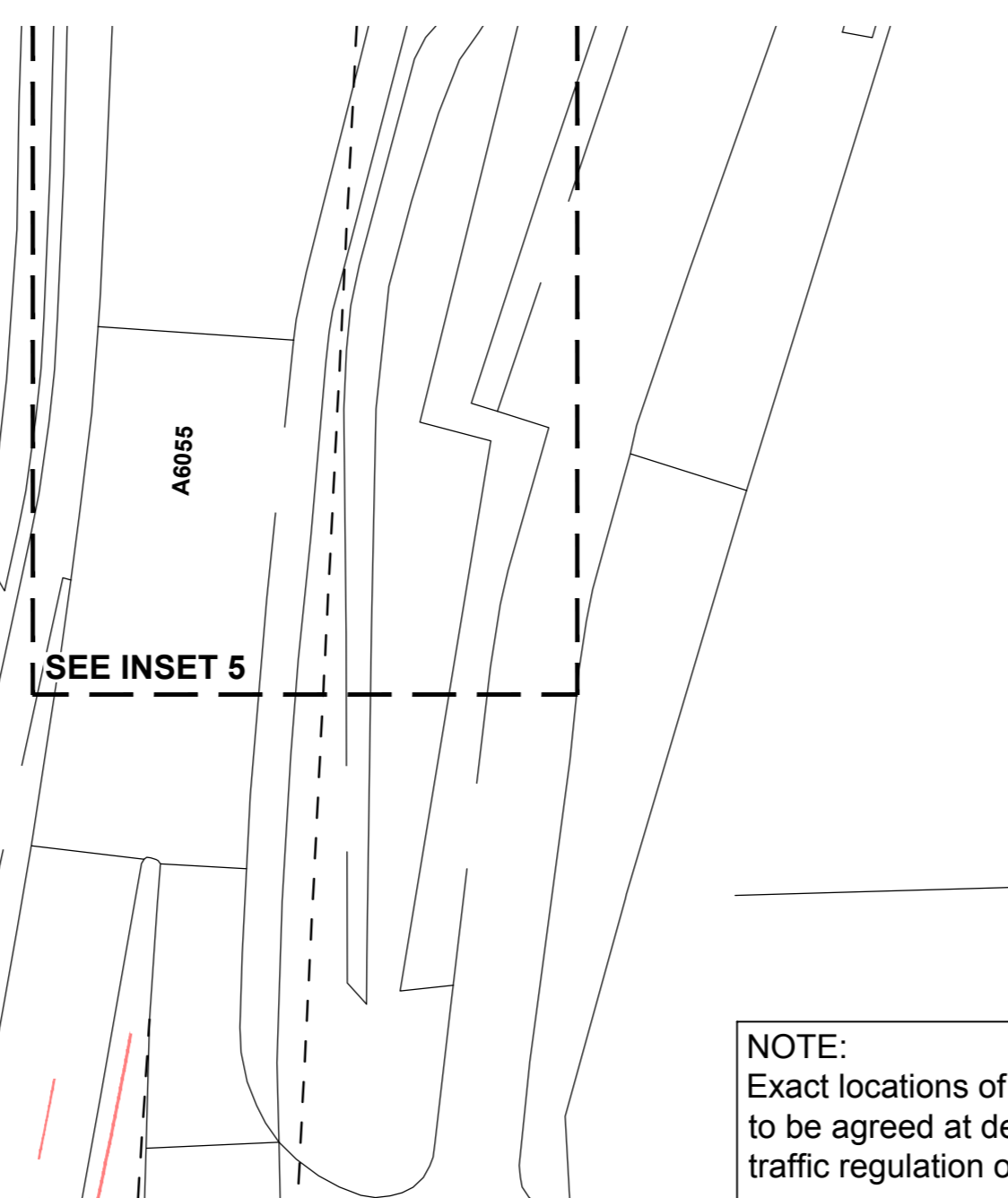
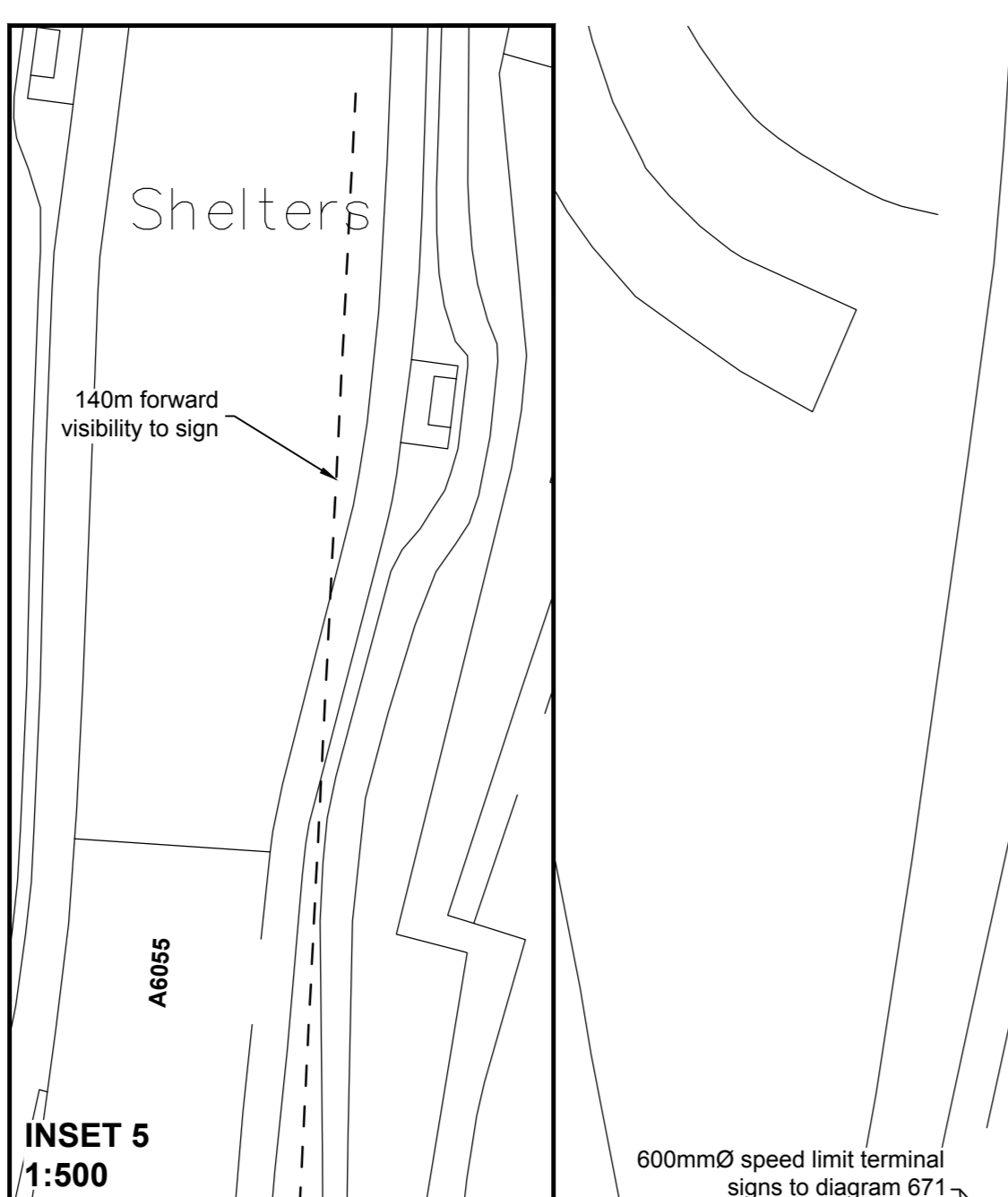
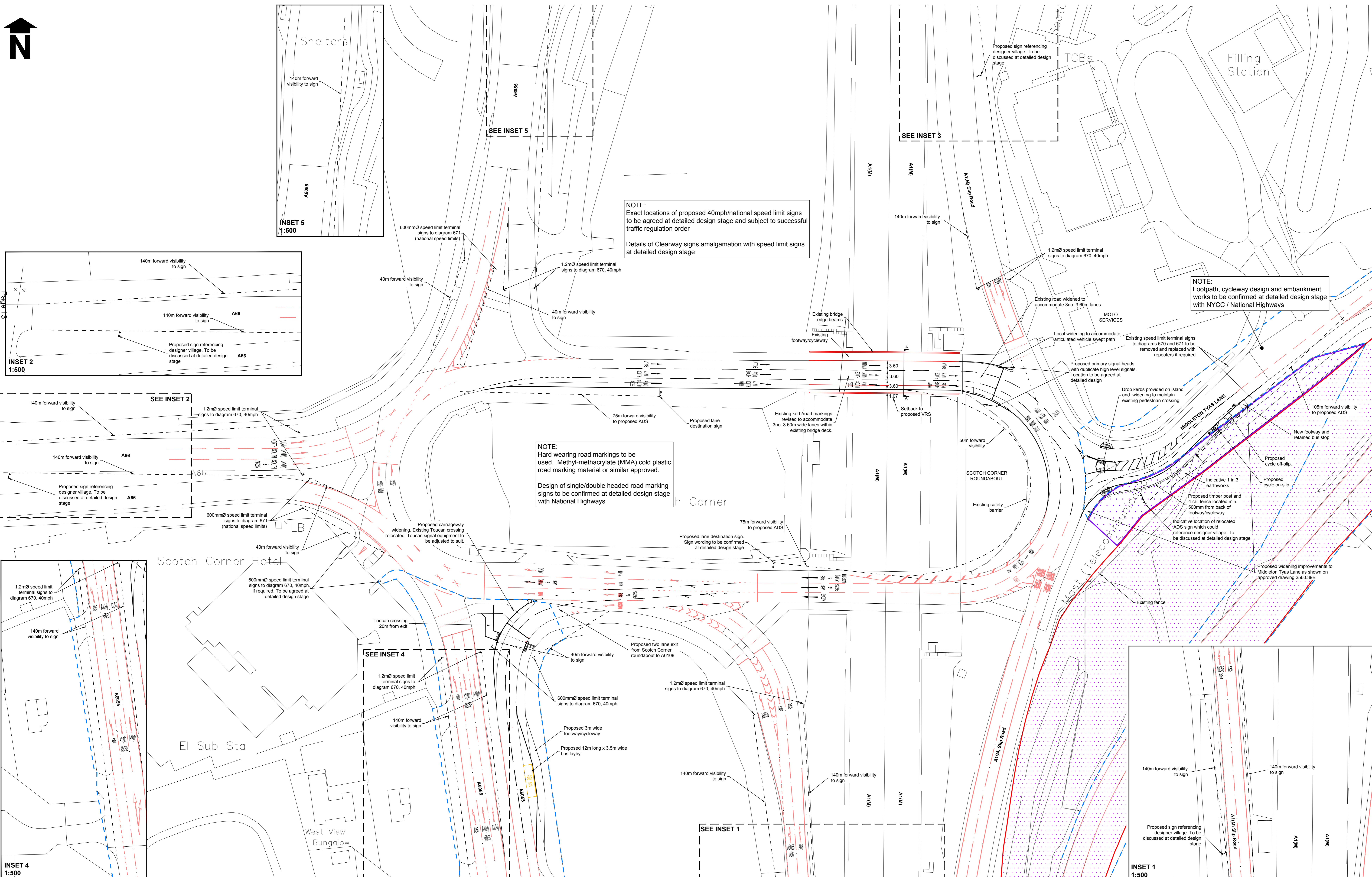
- A. Evidence that suitable Biodiversity Credits have been secured and paid for; OR
- B. An on and/or off-site scheme together with any necessary permissions to deliver the scheme including:
 - Phasing and timetable for delivery
 - 30 years upkeep and monitoring
 - Mechanism for 30 years of funding

The development shall take place in complete accordance with the approved details including the 30 years retention, upkeep and monitoring.

			Reason: to secure a biodiversity net gain in accordance with the National Planning Policy Framework paragraph 174.
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INDICATIVE TYPICAL SECTION A-A SECTION THROUGH NORTH BRIDGE DECK SHOWING CARRIAGEWAY WIDENING
1:20



KEY

- Extent of existing NYCC adopted highway
- Extract from previously published Draft Compulsory Purchase Order (March 2006)
- Public highway owned by National Highways

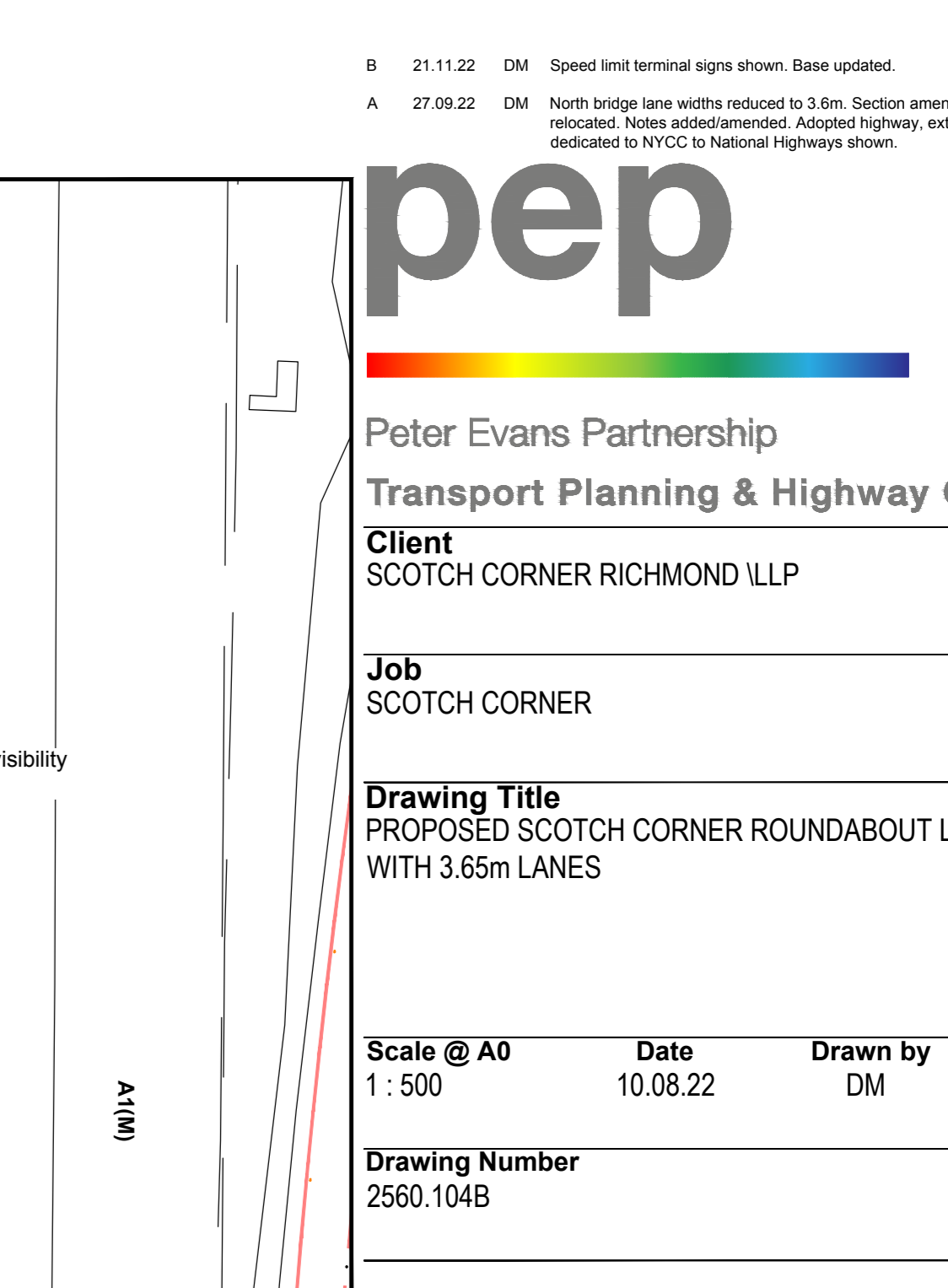
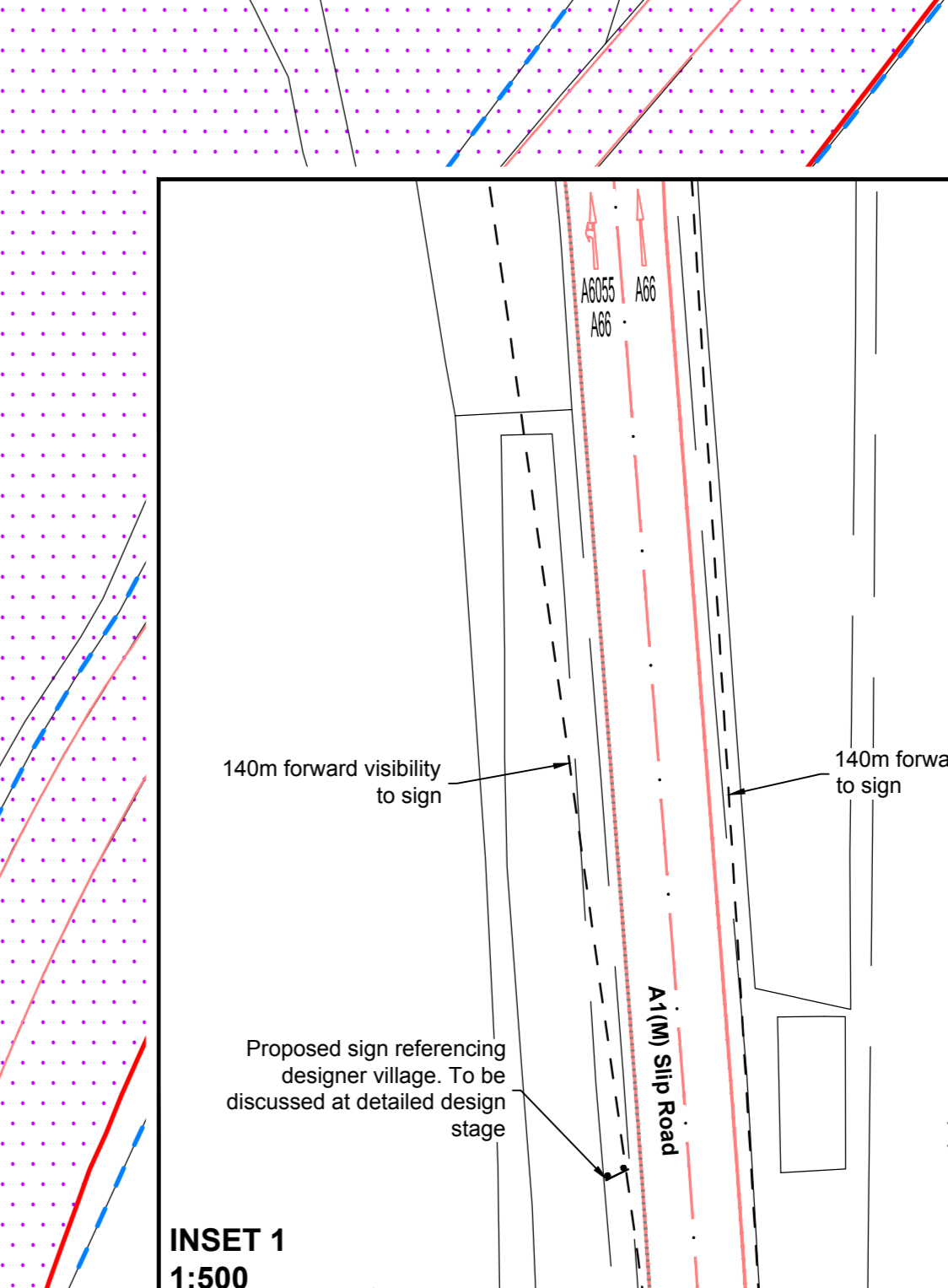
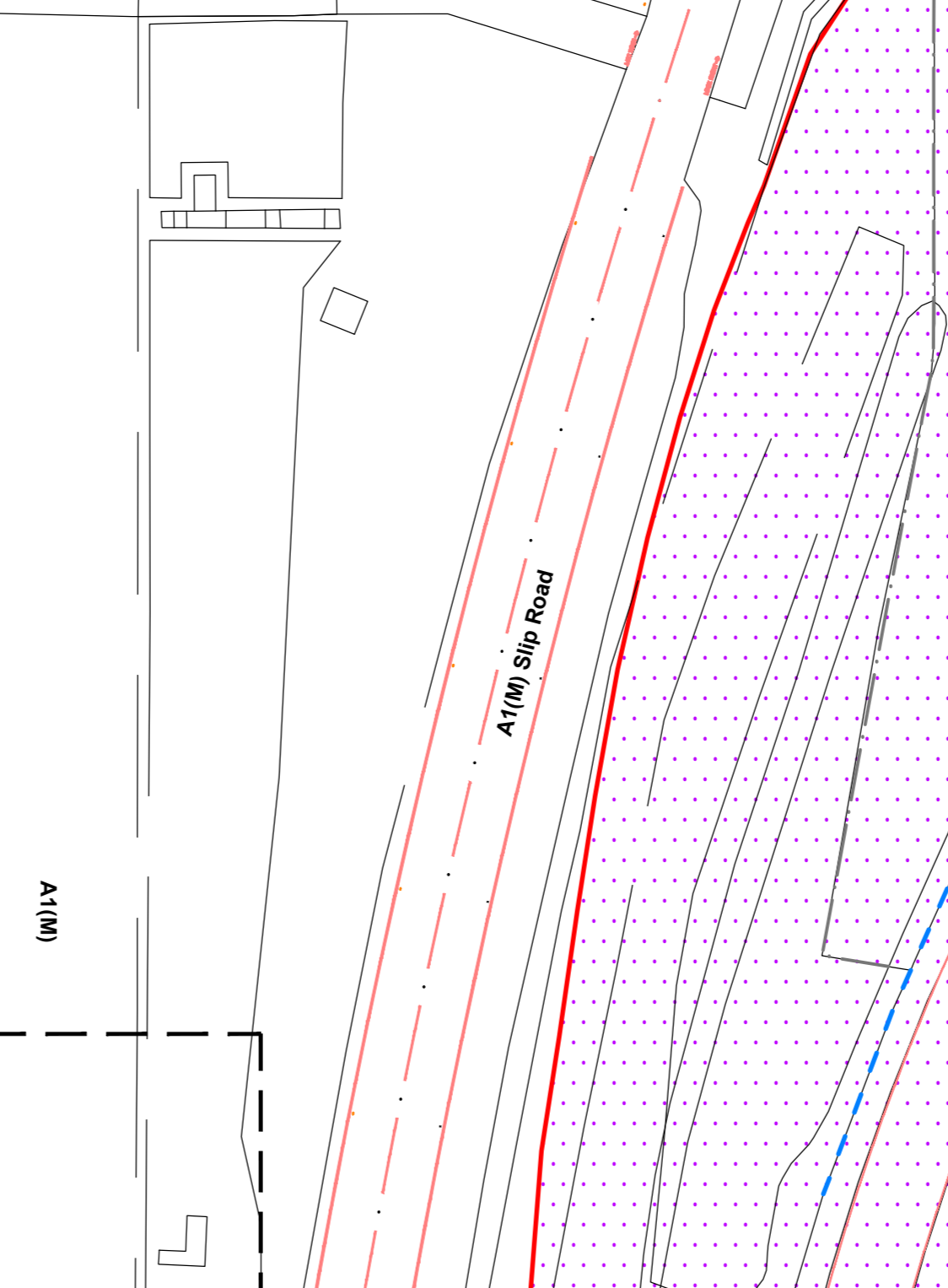
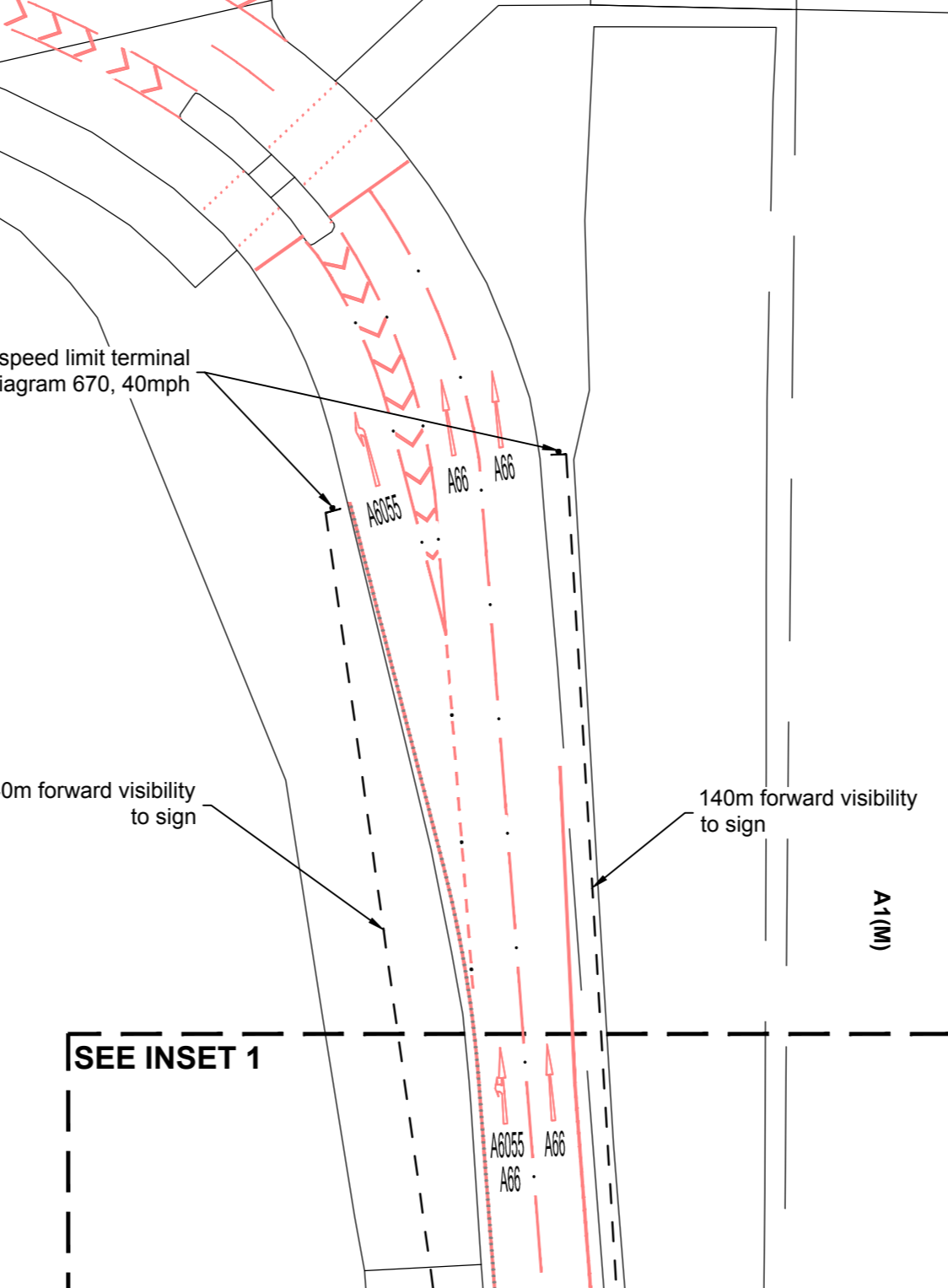
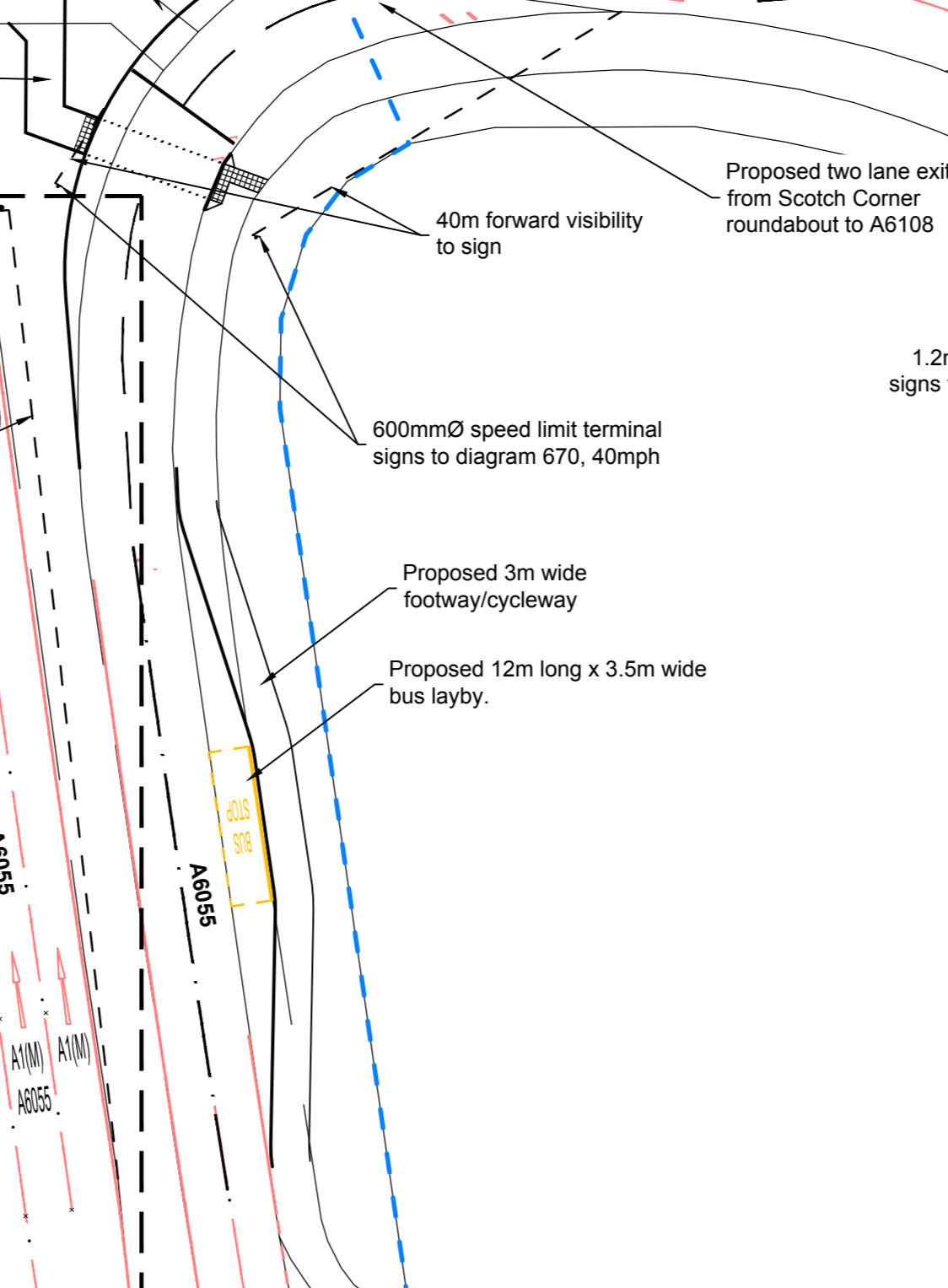
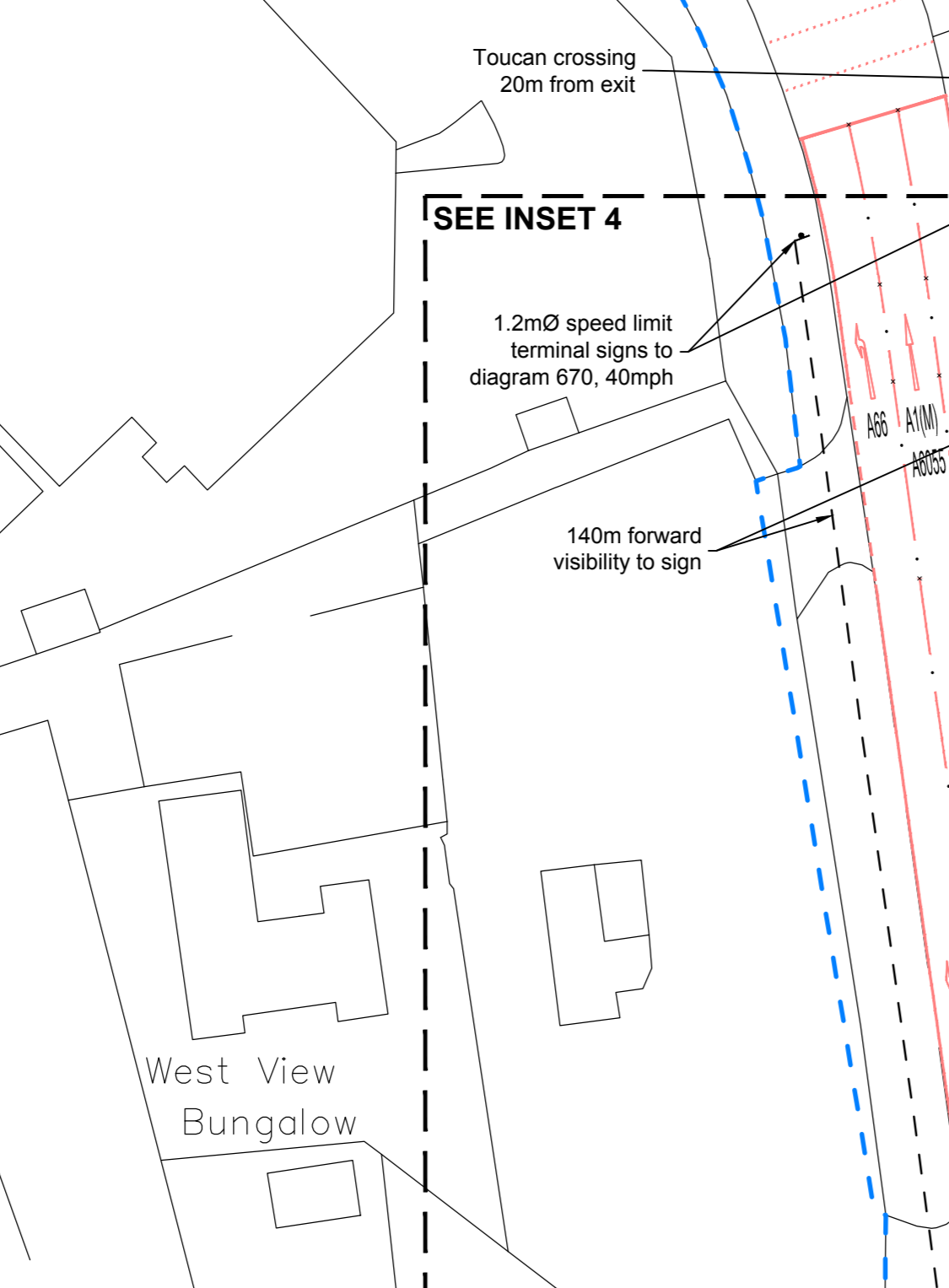
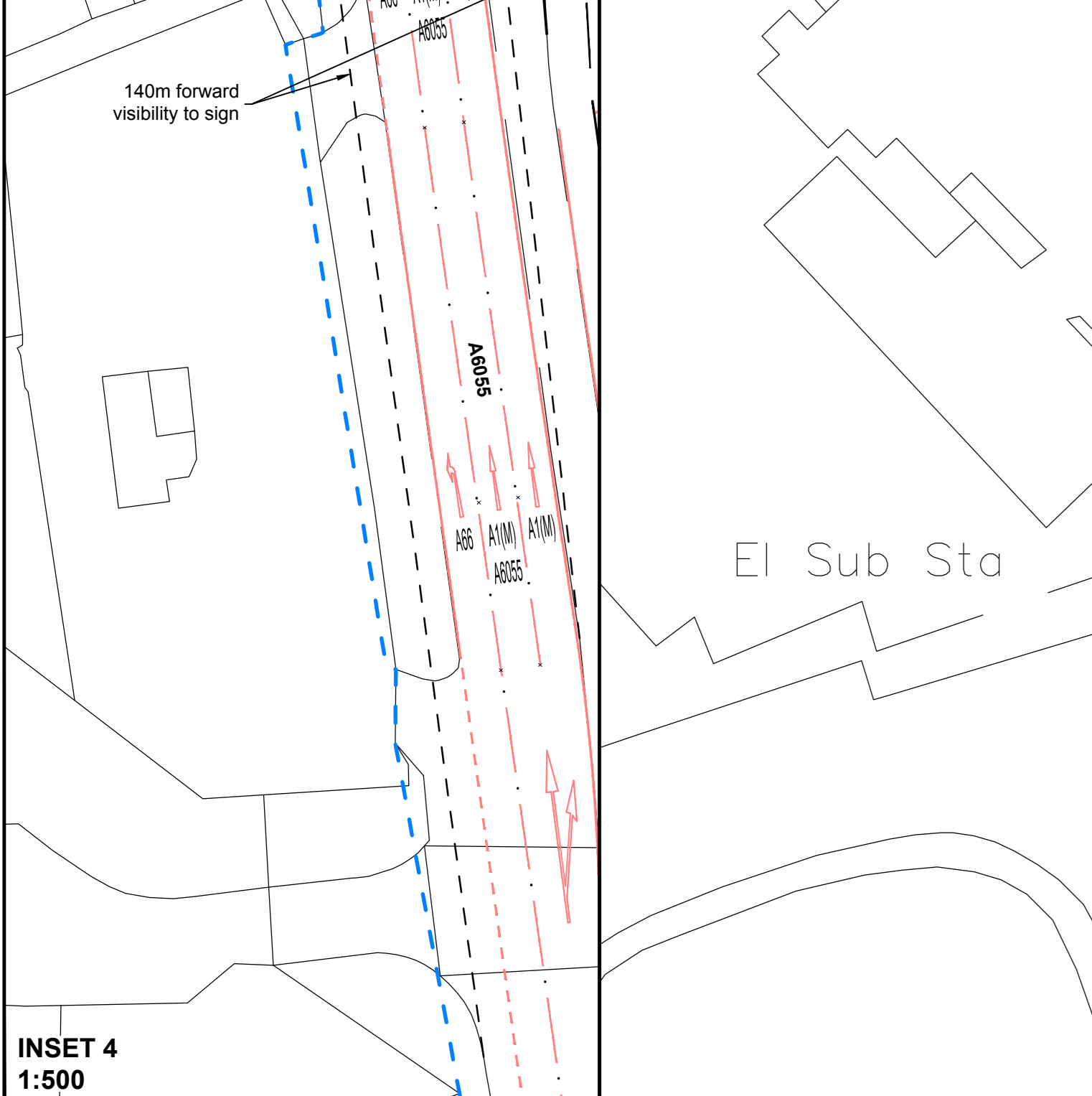
pep
Peter Evans Partnership
Transport Planning & Highway Consultants

Client
SCOTCH CORNER RICHMOND LLP

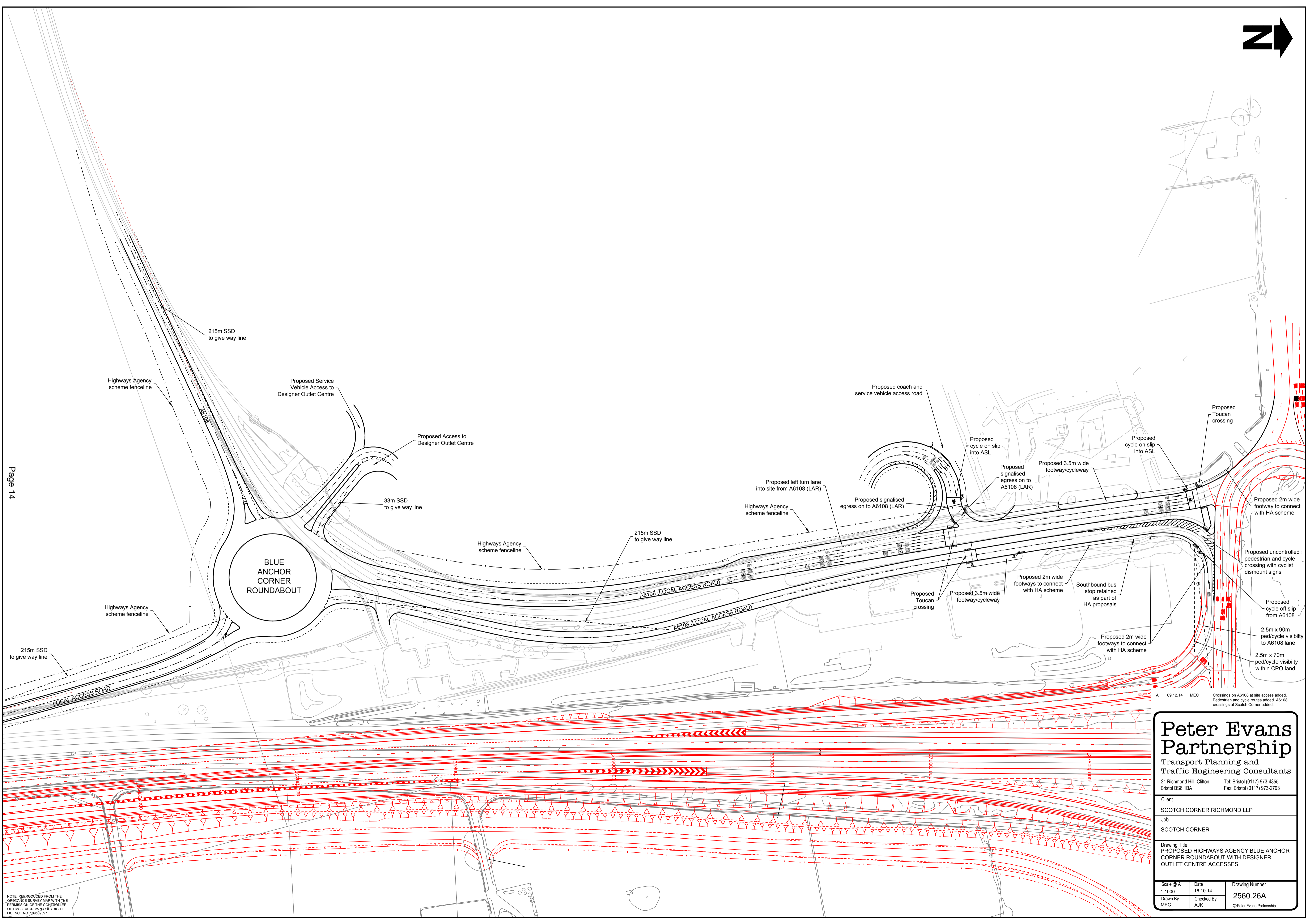
Job
SCOTCH CORNER

Drawing Title
PROPOSED SCOTCH CORNER ROUNDABOUT LAYOUT WITH 3.65m LANES

Scale @ A0 1:500	Date 10.08.22	Drawn by DM	Checked by AJK
Drawing Number 2560.104B	Issue Status		



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A 09.12.14 MEC Crossings on A6108 at site access added. Pedestrian and cycle routes added. A6108 crossings at Scotch Corner added.

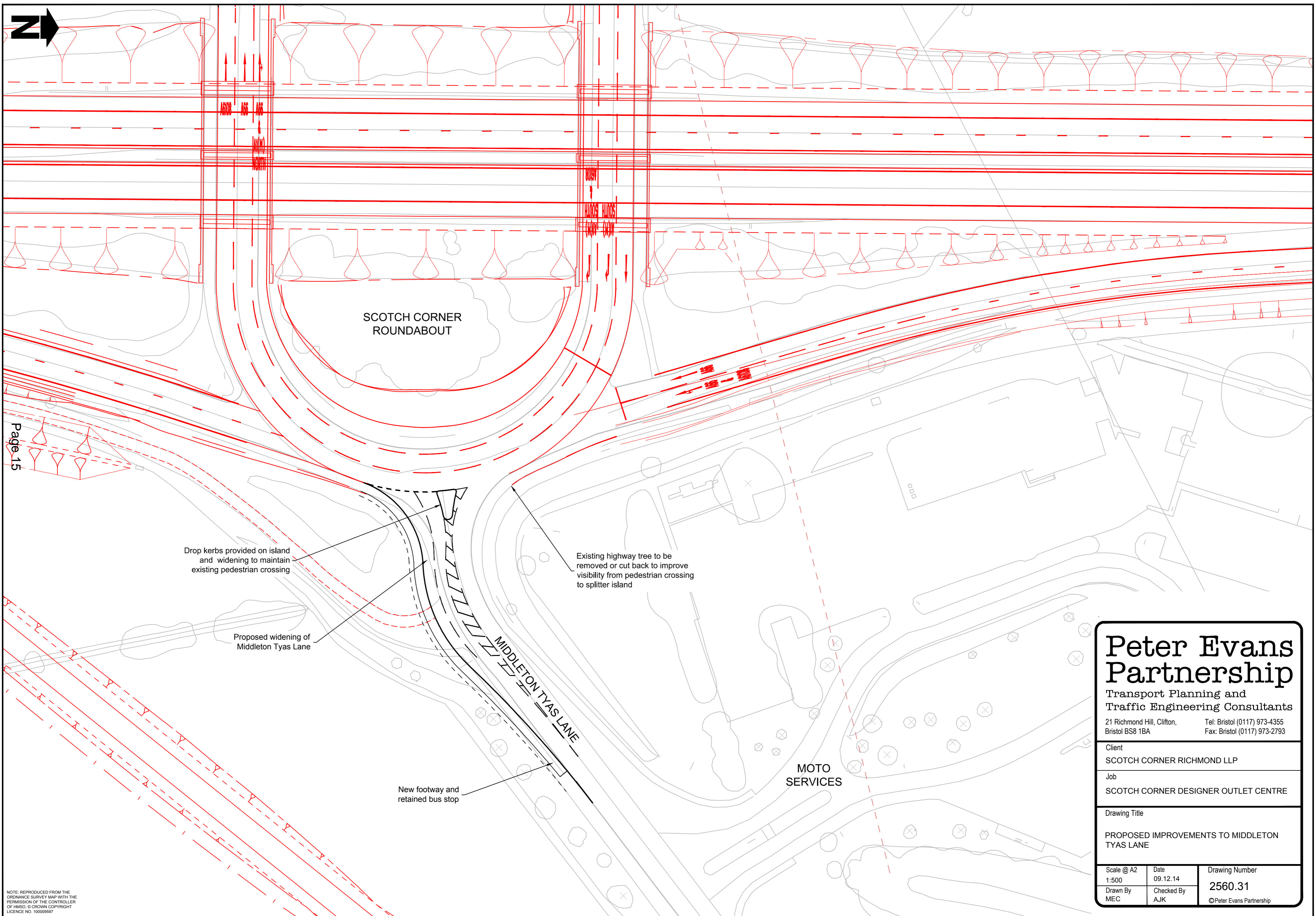
Peter Evans Partnership
Transport Planning and
Traffic Engineering Consultants
21 Richmond Hill, Clifton, Bristol BS8 1BA
Tel: Bristol (0117) 973-4355
Fax: Bristol (0117) 973-2793

Client
SCOTCH CORNER RICHMOND LLP

Job
SCOTCH CORNER

Drawing Title
PROPOSED HIGHWAYS AGENCY BLUE ANCHOR CORNER ROUNDABOUT WITH DESIGNER OUTLET CENTRE ACCESSES

Scale @ A1 1:1000	Date 16.10.14	Drawing Number 2560.26A
Drawn By MEC	Checked By AJK	©Peter Evans Partnership



SCOTCH CORNER ROUNDABOUT

MIDDLETON TYAS LANE

MOTO SERVICES

Drop kerbs provided on island and widening to maintain existing pedestrian crossing

Proposed widening of Middleton Tyas Lane

New footway and retained bus stop

Existing highway tree to be removed or cut back to improve visibility from pedestrian crossing to splitter island

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Peter Evans Partnership

Transport Planning and Traffic Engineering Consultants

21 Richmond Hill, Clifton, Bristol BS8 1BA
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Client
SCOTCH CORNER RICHMOND LLP

Job
SCOTCH CORNER DESIGNER OUTLET CENTRE

Drawing Title
PROPOSED IMPROVEMENTS TO MIDDLETON TYAS LANE

Scale @ A2 1:500	Date 09.12.14	Drawing Number 2560.31
Drawn By MEC	Checked By AJK	©Peter Evans Partnership

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