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Meeting: Richmond (Yorks) Area Constituency Planning Committee

Date: Thursday, 14th March, 2024

Time: 10.00 am

Venue: Council Chamber, Civic Centre, Stone Cross, Rotary Way,
Northallerton DL6 2UU

Update List

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

14th March 2024

Agenda Item	Application number and Division	Respondent	
1	ZB23/00803/OUT Ian Nesbit Aiskew	<p><u>Additional Representations</u></p> <p>Officer Commentary – Despite its date, the YWS representation was not received by the Council until after the publication of the agenda (hence the statement within para. 7.13.of the Officer Report that no YWS representation had been received) Although it is responding directly to the application as originally submitted, the issues regarding surface water and flood risk remain applicable, while the</p>	<p><u>Yorkshire Water Services:</u> A response by YWS (9th May 2023) to the original consultation has been subsequently received by the Council following the publication of the agenda, has been uploaded to Public Access. In summary, YWS stated:</p> <p><i>Water Supply:</i> A supply can be resolved under the provisions of the Water Industry Act (1991)</p> <p><i>Flood Risk & Surface Water Drainage:</i> Although YWS stated that the originally submitted Flood Risk Assessment & Drainage Strategy (rev. 02) ‘requires amendments’, they were stratified that matters of drainage design can be dealt with via condition if outline permission is granted, recognising that surface water from the site is not proposed to be discharged to the public sewer network and thus no assessment of the capacity of the public sewers to receive surface water has been undertaken.</p> <p><i>Foul Drainage:</i> YWS note that the means of foul water disposal has not been properly investigated within the originally submitted FRA & DS, and further information is required. Although the site is relatively remote form the public sewer network (the nearest public sewer being located approximately 255m to the south-west on Jubilee Road), foul water may discharge to the Jubilee Road public foul sewer...A sewage pumping station maybe required for all or part of the site to facilitate a connection to the public sewer network. Peak pumped foul water discharge must not exceed 4.75 litres per second. YWS note that private sewers exist to the west of the site (within the Beaumont Gate development) Should the</p>

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Page 4		<p>recommended conditions (for surface water and foul drainage in particular) remain relevant to the as amended proposals. (NB – YWS were reconsulted on the amended scheme [included revised FRA & DS) but did not respond in relation to this document.</p>	<p>developer wish to utilise these sewer consent form the original developer should eb sought and with YWS to avoid potentially prejudicing any prospective adoption agreement. Have recommended a condition requiring details of the means of foul drainage disposal to be agreed</p> <p>The YWS response includes several suggestions and recommendations for conditions. These are included within the ‘Amended/Additional Conditions’ section below.</p>
		<p><u>Amended/Additional Conditions</u></p> <p>Officer Commentary -</p> <p>Proposed change to the opening hours in condition 4 was suggested by the agent to reflect the 6 hour Sunday trading restrictions and to provide flexibility for future operators.</p>	<p><i>Amended Conditions (Additional wording in bold; deleted wording ‘struck-through’):</i></p> <p><u>Condition 4</u> The opening hours of both the foodstore and café/coffee shop drive thru unit shall be restricted to: Mon-Sat: 07:00 to 22:00, Sun: any 6 hour period between 09:00 to 17:00 18:00.</p> <p>Reason: In order to protect the amenities of local residents, in accordance with Policy E2 of the Local Plan.</p>

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Page 5		<p>Proposed amendment to condition 6 suggested by the agent to dovetail with the requirement for a temporary access within the CMP (condition 10)</p> <p>Incorrect reference to 'dwelling' removed in condition 17.</p>	<p><u>Condition 6</u> The following schemes of off-site highway mitigation measures must be completed as indicated below:</p> <ul style="list-style-type: none"> • Constructing a new access for the development at Bedale Road prior to the first operation of development work commencing on site including installation of a bus stop... <p><u>Condition 17</u> The details to be submitted in accordance with condition no. 2 above (i.e. design/appearance, landscaping, layout and scale) shall demonstrate how all practical and viable measures to provide carbon savings and make prudent and efficient use of natural resources will be implemented for each dwelling. Reason To secure a more sustainable form of development and to meet the expectations of Policy S1 of Local Plan.</p> <p><i>Additional Conditions:</i></p> <p><u>Condition 25</u> No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage , for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority . Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.</p>

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Page 6			<p><u>Condition 26</u> No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works and phasing of the necessary infrastructure, have been submitted to and approved by the Local Planning Authority. The details shall also include the details and locations of fat and grease trap(s) to be installed within the design of the foul drainage system prior to the discharge of any foul water to the public sewer network. Furthermore, unless otherwise approved in writing by the Local Planning Authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works. Reason: To ensure that no foul water discharges take place until proper provision has been made for their Disposal.</p> <p><u>Condition 27</u> The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed. Reason: In the interest of satisfactory and sustainable drainage, in accordance with policy RM3 of the Local Plan.</p>
		<p><u>Amended Recommendation</u></p> <p>Officer Commentary -</p> <p>A written representation/recommendation from the LLFA in relation to</p>	<p>12.1 It is recommended that the Planning Committee is MINDED TO GRANT outline planning permission, with delegated authority given to the Assistant Director of Planning Services to issue outline planning permission with conditions, subject to:</p> <ul style="list-style-type: none"> a. Receiving written representations from the Lead Local Flood Authority (LLFA), Network Rail and the Wensleydale Railway confirming that they have no objections to the proposals (as amended) and, b. Receiving written confirmation that Environmental Health that they are satisfied with the clarification provided by the agent in support of the

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		<p>the revised FRA and Drainage Strategy report (dated August 2023) remains outstanding.</p> <p>Further written clarification has been provided by the agent (email dated 01.03.2024 from Turner Lowe Associates, uploaded to Public Access) Environmental Health have been reconsulted and a written response is awaited from EH to confirm whether that they are satisfied with the clarification provided by the agent in support of the assumptions and conclusions made within the submitted air quality documentation.</p>	<p>assumptions and conclusions made within the submitted air quality documentation.</p> <p>c. The Provision of a Section 106 Agreement.</p> <p>12.2 It is recommended that the conditions referred to in paragraph 12.1 above consist of the recommended conditions within section 12 of the officer report (with the exception of those whose wording has been amended within the update document); the additional and amended conditions within the update document and any conditions subsequently recommended by the LLFA, Network Rail and/or the Wensleydale Railway within their written representations.</p> <p>12.3 The aforementioned Section106 agreement referred to in paragraph 12.1 shall secure:</p> <ul style="list-style-type: none"> i. a financial contribution of £35,000 for the Local Highway Authority to provide a pedestrian ‘zebra’ crossing over Bedale Road ii. a financial contribution of £5,000 to be used by the Local Highway Authority for the monitoring of the Travel Plan. iii. secure arrangements for the management and monitoring of BNG, including securing a financial contribution to be used by the Council to review and monitor BNG over a 30 year period. The financial contribution shall be calculated using the North Yorkshire Council BNG Monitoring Calculator (Rev.1.1) or any later revision.

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Page 8		<p>As the proposed development has been considered by Officers to result in a material increase in the volume and/or character of traffic using a level crossing over a railway, Network Rail and the Wensleydale Railway (as operators of the network) have been formally consulted on the application. Their written representations are awaited.</p> <p>Clarification has been subsequently provided by the Council's BNG Officer regarding the North Yorkshire Council BNG Monitoring Calculator (Rev.1.1) for calculating BNG</p>	

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		review and monitoring contributions.	
2 Page 9	ZB24/00069/FUL Lisa Spencer Exelby	Officer Commentary	<p>Revised block received 11.3.2024.</p> <p>Following the committee site visit the applicant has advised that the previously revised siting of the proposed building would not work within the farmyard due to large vehicles delivering and requiring a turning point.</p> <p>The agent has submitted a revised location plan and block plan. The proposed new sited of the building has been identified to result in less than substantial harm to the setting of the Grade II listed buildings on the site, however it is considered by officers that the agricultural public benefit is considered to outweigh that harm. In conclusion the new siting is considered to accord with Policies S7, E5 and the NPPF</p>
		Recommendation Change	<p>It is recommended that the Planning Committee is MINDED TO GRANT planning permission, with delegated authority given to the Assistant Director of Planning Services to issue planning permission subject to the conditions set out in section 12 of the officer report, amended to take account of the new proposed block submitted and subject to no objections being received after the expiration of the 10 day reconsultation period.</p>

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