

Meeting: Richmond (Yorks) Area Planning Committee

Members: Councillors David Hugill, Heather Moorhouse (Vice-Chair), Karin Sedgwick, Angus Thompson, Steve Watson, David Webster (Chair) and Kevin Foster.

Date: Thursday, 10th October, 2024

Time: 10.00 am

Venue: Mercury House, Richmond

Update

4. **21/02719/FUL - Revised details received (March 2023 and April 2024) for reduction in number of proposed dwellings to:- 50 houses, comprising of 15 no. affordable dwellings; 35 no. market houses (including 4 no. self build plots) with open space, highway access and drainage infrastructure and the Provision of Adjacent Land for Community Orchard, Woodland and Wildlife Habitats at Paddocks End, Hutton Rudby - OS Field 2913, OS Field 3700, OS Field 2800 Garbutts Lane, Hutton Rudby, North Yorkshire** (Pages 3 - 10)
- Report of the Assistant Director Planning – Community Development Services

Members are reminded that in order to expedite business at the meeting and enable Officers to adapt their presentations to address areas causing difficulty, they are encouraged to contact Officers prior to the meeting with questions on technical issues in reports.

Agenda Contact Officer:

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Wednesday, 2 October 2024

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<p>Hutton Rudby Neighbourhood Plan</p>	<p>In May, 2016, Rudby Parish Council made an application to Hambleton District Council to designate the combined parishes of Hutton Rudby, Middleton on Leven, Rudby and Skutterskelfe as a Neighbourhood Area, This was approved by HDC on 6th September 2016. The Neighbourhood Plan is still in development and is not at a stage where Officers consider it has any material weight in the determination of planning applications.</p>
<p>Additional Application Document</p>	<p>Following the publication of the Planning Committee agenda, the landowner has submitted the following additional application document that has been uploaded to Public Access.:</p> <ul style="list-style-type: none"> - Archaeological Geophysical Survey (A.G.S.) (ARC/3788/1424: August 2024) <p><u>Summary of the A.G.S.:</u> A magnetic gradient survey of the site was undertaken. The aim of the survey was to help establish the presence (or otherwise), extent, character and relationships and date of any archaeological features within the survey area.</p> <p>The survey identified several anomalies, the majority of which relate to modern materials/objects, agricultural activity and possible natural variations/features. There are a number of anomalies of uncertain origin. Some of these are suggestive of natural features/variations and others could be associated with agricultural activity, drainage features or other modern features/activity but as their cause cannot be determined with certainty the possibility that some anomalies could be related to archaeological features/activity cannot be discounted.</p> <p><u>Officer Commentary:</u> The archaeological survey has not conclusively identified any archaeological features within the site, with the majority of identified anomalies concluded as being the result of modern materials/objects, agricultural activity and possible natural variations/features, although the A.G.S. states that the cause of some anomalies had not been determined with certainty following the survey work undertaken.</p>

Additional Consultation Response (NYC Heritage Services)

Additional Representations – Local Residents

Further to the comments made by the Council’s Principal Archaeologist at paragraph 7.2 of the Officer Report, having considered the aforementioned Archaeological Geophysical Survey (A.G.S.), a subsequent formal written response has been provided (uploaded to Public Access):

“Further to my letter dated 27th June 2024 the applicant has submitted the results of an archaeological geophysical survey. The survey has mainly revealed evidence of former ploughing trends and a series of ephemeral anomalies that are likely to be related to either natural variations in the geology or agricultural features such as field drains. Given that there are no definite archaeological anomalies I would not be looking to make any further recommendations for this site. I have no objection to the proposal and have no further comments to make. It is not necessary to consult us again on this application.”

Officer Commentary:

Based on the results of the submitted Archaeological Geophysical Survey (A.G.S.) (ARC/3788/1424: August 2024), and the positive recommendation received from the Council’s Principal Archaeologist, the proposed development is not considered to have a harmful impact on archaeological remains of any significance, in accordance with the NPPF and Local Plan Policies S7 and E5.

Three representations have been submitted so far during the 10-day reconsultation undertaken on 3rd October 2024, one in support and two objecting. The representations are summarised as follows:

Support:

- The village lacks options housing options.
- The application has been held up for too long.

Objecting:

- The applicant (Broadacres) is looking to take advantage of the formation of the new North Yorkshire Council to obtain planning permission for an application that was not successful in gaining planning permission under the former Hambleton District Council.

Wording Clarification
in the Officer Report:

- There is only one village shop serving the village population....the shop is crowded and parking limited.
- Garbutts Lane is the main thoroughfare through the village and is part of the main road to Stokesley. It is also the main thoroughfare for traffic going to the primary and secondary schools in Yarm form Stokesley and Great Ayton. At present, the road carries too much traffic, including HGVs as well as large farm vehicles.
- No details specified for the four self-build/custom-build properties. The properties could potentially be very large and could dominate the site, destroying wildlife and the views of existing residents.
- There is only a single primary school in Hutton Rudby, which is very popular and oversubscribed. The proposals will only exacerbate the issue of school places and increase issues associated with school parking and overspill into the surrounding roads/verges.
- The development would replaced the existing agricultural/rural character of the site and replaced with housing, which would be visible from the road on the approach to the village due to the rising topography of the site.
- Increased rainfall due to climate changed could result in the flooding of such sites that would make them unsuitable for new residential development.
- The 'slight alterations' being made to the application at subsequent intervals appears to be a ploy on behalf of the applicant to wear down initial objectors of the application and incurring time and monetary costs to the Council and responding local residents.

The wording of the following paragraph (10.100) in the Officer Report has been amended for clarification:

10.100 A submitted 'Community Benefits and Land Management' confirms that a legally binding agreement would ensure that the proposed community use does not change unless otherwise agreed with Natural England, **while features of the Community Land** would be held in Trust, with the Trustees responsible for its management and maintenance. Access to the land would be provided to the woodland path and orchard on a 'permissive basis'.

		<p>Duplicate Condition:</p> <p>Amended References in Officer Report:</p> <p>Amended Recommendation</p>	<p>The following amendments have been made to the recommendation in Section 12.0 of the Officer Report:</p> <p>It is recommended that condition 13 (as per Section 12 'Recommendation') in the Officer Report is not included on any Decision Notice if the Planning Committee resolve to grant planning permission as the requirement for the submission of a Surface Water Management and Maintenance Plan is covered by condition 23 in Section 12 of the report.</p> <p>Paragraph 10.78 and condition 11 (in Section 12) in the Officer Report refer to the maximum surface water discharge rate of 3.5 l/s litres per second. For clarity, the most recent drainage application documents propose a discharge rate of 14 l/s. The Lead Local Flood Authority have considered these documents, and have not objected to the revised discharge rate. Officers therefore consider the amended maximum discharge rate of 14 l/s/ to be acceptable.</p> <p>Notwithstanding the reference to 3.5 l/s in the Officer Report, Members are respectfully asked to consider the proposed surface water discharge rate as 14 l/s and it is recommended that condition 11 is updated (if imposed on any grant of planning permission) to reflect a maximum surface water discharge rate of 14l/s.</p> <p>12.0 <u>RECOMMENDATION</u></p> <p>12.1 A 'minded to grant' recommendation that planning permission be APPROVED, subject to:</p> <p>(1) Receiving written confirmation from Natural England that they consider the proposals to be 'nutrient neutral' and that the Council's Habitats Regulations Assessment has demonstrated that they would be no significant impact on the Teesmouth and Cleveland Coast SPA/Ramsar site.</p>
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			<p><u>(2) Receiving written confirmation from the Council’s Lead Local Flood Authority (LLFA) that they have no objections to the granting of planning permission, subject to the imposition of the surface water drainage-related conditions within Section 12 (‘Recommendation’) of the Officer Report.</u></p> <p><u>(3) No additional material planning issues having been raised following the expiry of the 10 day reconsultation undertaken in relation to the additional/updated technical reports and information submitted recently submitted on behalf of the applicant.</u></p> <p><u>(4) The completion of a Section 106 agreement to secure:</u></p> <ul style="list-style-type: none"> • The on-site affordable (30 per cent) housing provision, including the affordable housing tenure mix; • The self-build/custom-build plots, including the provision and implementation of a Design Code, • The implementation of the on-site Biodiversity Net Gain in Habitat and Hedgerow Units, and its monitoring and maintenance. • A financial contribution <u>of £2,500</u> towards Travel Plan monitoring and, • <u>A financial contribution of £59,241 for education facilities (for primary school expansion places) to be provided, should the education provision not be covered by the Community Infrastructure Levy (CIL)</u> • The long term use of the adjacent land for ‘community use’ and for its future maintenance and management arrangements, <u>and the submission of a schedule of works (and timetable) for the implementation of the Community Land and its various features.</u> • <u>A detailed scheme of all planting, landscaping and physical features in the Community Land, including details of all footways, surfacing, enclosures and gate(s), barrier(s) or any other form of access arrangement to restrict access to the Community Land to pedestrians, wheelchair and mobility scooter users from Langbaurgh Road, the development site or any other access point.</u>

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