

Meeting: Richmond (Yorks) Area Planning Committee

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

Date: Thursday, 11 September 2025

Time: 10.00 am

Venue: The Swale Room, Mercury House, Station Road, Richmond, DL10 4JX

Members of the public are entitled to attend this meeting as observers for all those items taken in open session. Please contact the named democratic services officer supporting this committee if you have any queries.

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The Council operates a scheme for public speaking at planning committee meetings. Normally the following people can speak at planning committee in relation to any specific application on the agenda: speaker representing the applicant, speaker representing the objectors, parish council representative and local Division councillor. Each speaker has a maximum of five minutes to put their case. If you wish to register to speak through this scheme, then please notify Christian Brennan, Democratic Services Officer by midday on 8 September, 2025.

If you are exercising your right to speak at this meeting, but do not wish to be recorded, please inform the Chairman who will instruct anyone who may be taking a recording to cease while you speak.

This meeting is being held as an in-person meeting that is being broadcasted and will be available to view via the following link [Live meetings | North Yorkshire Council](#). Please contact the named democratic services officer supporting this committee if you would like to find out more.

Agenda

1. Apologies for Absence

2. **Minutes for the Meeting held on 14 August 2025** (Pages 3 - 6)
To confirm the minutes of the meeting held on 14 August 2025 as an accurate record.
3. **Declarations of Interests**
All Members are invited to declare at this point any interests, including the nature of those interests, or lobbying in respect of any items appearing on this agenda.
4. **ZB23/01580/MRC - Modification of condition 2 (lodge numbers and height limits) condition 9 (landscaping) and 20 (occupancy) of planning permission 16/02048/FUL (As Amended: amended Application Form [received January, 2025]); Proposed Additional Pitches Plan (H2-210404/4 F), Detailed Landscape Proposals Plan 1 of 2 (H2-210404/1 F) & Detailed Landscape Proposals Plan 2 of 2 (H2-210404/2 F) [received January, 2025]; and amended Nutrient Metric Calculator, amended Habitat Management & Monitoring Plan, Nutrient Neutrality Mitigation Area Plan [received May, 2025]** (Pages 7 - 42)
Report Of The Head of Development Management– Community Development Services
5. **20/00007/FULL - Full planning permission for proposed demolition, extension and refurbishment of existing care home to form 36 bed care home with the erection of two-storey care home with associated access and car parking** (Pages 43 - 68)
Report Of The Head of Development Management – Community Development Services
6. **Any other items**
Any other items which the Chair agrees should be considered as a matter of urgency because of special circumstances.
7. **Date of Next Meeting**
10.00am, Thursday, 9 October.

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:

Christian Brennan, Democratic Services Officer
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Email: christian.brennan@northyorks.gov.uk

Wednesday, 3 September 2025

North Yorkshire Council

Richmond (Yorks) Area Planning Committee

Minutes of the meeting held on Thursday, 14 August 2025 commencing at 10.00 am.

Councillor David Webster in the Chair. plus Councillors Heather Moorhouse, Kevin Foster, David Hugill, Karin Sedgwick, Angus Thompson and Steve Watson.

Officers present: Kate Lavelle (Legal Services), Caroline Walton (Planning Services), Fiona Hunter (Planning Services), Ian Beighton (Highways), Christian Brennan (Democratic Services) .

Copies of all documents considered are in the Minute Book

8 Apologies for Absence

There were no apologies received.

9 Minutes for the Meeting held on 10 July

The minutes of the meeting held on Thursday, 10 July 2025 were confirmed by members and signed by the Chair as an accurate record.

10 Declarations of Interests

There were no declarations of interest.

11 ZD24/00472/FULL - Full planning permission for: 2 x 85 bedroom accommodation blocks with maximum height of 12.5m; two MUGAs; Strength and Conditioning Centre with maximum height of 10.6m; garages/workshops with a maximum building height of 15.0m; and associated external working including hard standing, car parking, circulation including foot and cycle paths and soft landscaping at Marne Barracks, Sanders Way, Catterick Village, North Yorkshire, DL10 7NP by Ministry of Defence, Defence Infrastructure Organisation

Considered :-

The Head of Development Management - Community Development Services sought determination of a planning application for 2 x 85 bedroom accommodation blocks with maximum height of 12.5m; two MUGAs; Strength and Conditioning Centre with maximum height of 10.6m; garages/workshops with a maximum building height of 15.0m; and associated external working including hard standing, car parking, circulation including foot and cycle paths and soft landscaping at Marne Barracks, Sanders Way, Catterick Village, North Yorkshire, DL10 7NP by Ministry of Defence, Defence Infrastructure Organisation.

The Planning Officer presented her report and update list which had been published onto the Council website as item 4a of the agenda pack.

The applicant's agent, Graham Hale spoke in support of the application.

During consideration of the above application, the Committee discussed the following issues:-

- The positive impact that the investment would have in renewing the site.
- That with the additional traffic generated by the site, further investment in the area's infrastructure would be welcomed.
- As the site was not connected to Yorkshire Water's system, was the on site's internal system adequate in meeting the development's demands? Officers responded that this was covered in condition eight of the report but that they would review the system's capabilities.

The Decision :-

That planning permission be GRANTED subject to conditions listed in the report and update report, and completion of a S106 agreement with terms as detailed in Table 1.

Voting Record

A vote was taken and the motion was carried unanimously.

12 Update Report - ZD24-00472

13 ZD25/00054/FULL - Full planning permission for the proposal to create a community bike park in Richmond to enhance outdoor activity provision for young people and families in the area by Proposed Richmond Bike Park with Richmond CIC (Louise Raine)

Considered :-

The Head of Development Management - Community Development Services sought determination of a planning application for the proposal to create a community bike park in Richmond to enhance outdoor activity provision for young people and families in the area by Proposed Richmond Bike Park with Richmond CIC.

The Planning Officer presented her report and update list which had been published onto the Council website as item 5a of the agenda pack.

Councillor Clive World spoke on behalf of Richmond Town Council in support of the application.

The applicant, Louise Raine, spoke in support of the application.

Councillor Stuart Parsons , Member for Richmond, spoke in support of the application.

During consideration of the above application, the Committee discussed the following issues:-

- That a local bike park would benefit younger generations and reduce crime.
- Although there was concern with the road, members were satisfied with the Highways recommendation.
- It was clarified that agreement to divert the public right of way was dealt under different legislation separate to the application.

- Members were pleased that the local neighbourhood crime team had been involved in the process.

The Decision :-

That planning permission be GRANTED subject to conditions listed in the report and completion of a S106 agreement with terms as detailed in Table 1.

Voting Record

A vote was taken and the motion was carried unanimously.

14 Update Report - ZD25/00054

15 Any other items

There were no urgent items of business.

16 Date of Next Meeting

Thursday, 11 September at 10.00am.

The meeting concluded at 10.55 am.

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North Yorkshire Council

Community Development Services

Richmond Area (Yorks) Area Constituency Committee Planning Committee

11th September 2025

ZB23/01580/MRC - Modification of condition 2 (lodge numbers and height limits) condition 9 (landscaping) and 20 (occupancy) of planning permission 16/02048/FUL (As Amended: amended Application Form [received January, 2025]); Proposed Additional Pitches Plan (H2-210404/4 F), Detailed Landscape Proposals Plan 1 of 2 (H2-210404/1 F) & Detailed Landscape Proposals Plan 2 of 2 (H2-210404/2 F) [received January, 2025]; and amended Nutrient Metric Calculator, amended Habitat Management & Monitoring Plan, Nutrient Neutrality Mitigation Area Plan [received May, 2025].

At: Angrove Park, Winley Hill, Great Ayton, North Yorkshire, TS9 6QA

On Behalf Of: Leisure Resorts Ltd.

Report Of The Head of Development Management– Community Development Services

1.0 PURPOSE OF THE REPORT

- 1.1 To determine (as amended) a 'variation/modification of condition' (Section 73) application to vary conditions 2 (lodge numbers and height limits); 9 (landscaping) and 20 (occupancy) of previous planning permission (ref.16/02048/FUL) in order to facilitate proposed amendments to the approved landscaping scheme and to accommodate 35 additional lodges within the Angrove Country Park site.
- 1.2 This application is brought to the Planning Committee at the request of the Divisional Member.

2.0 SUMMARY

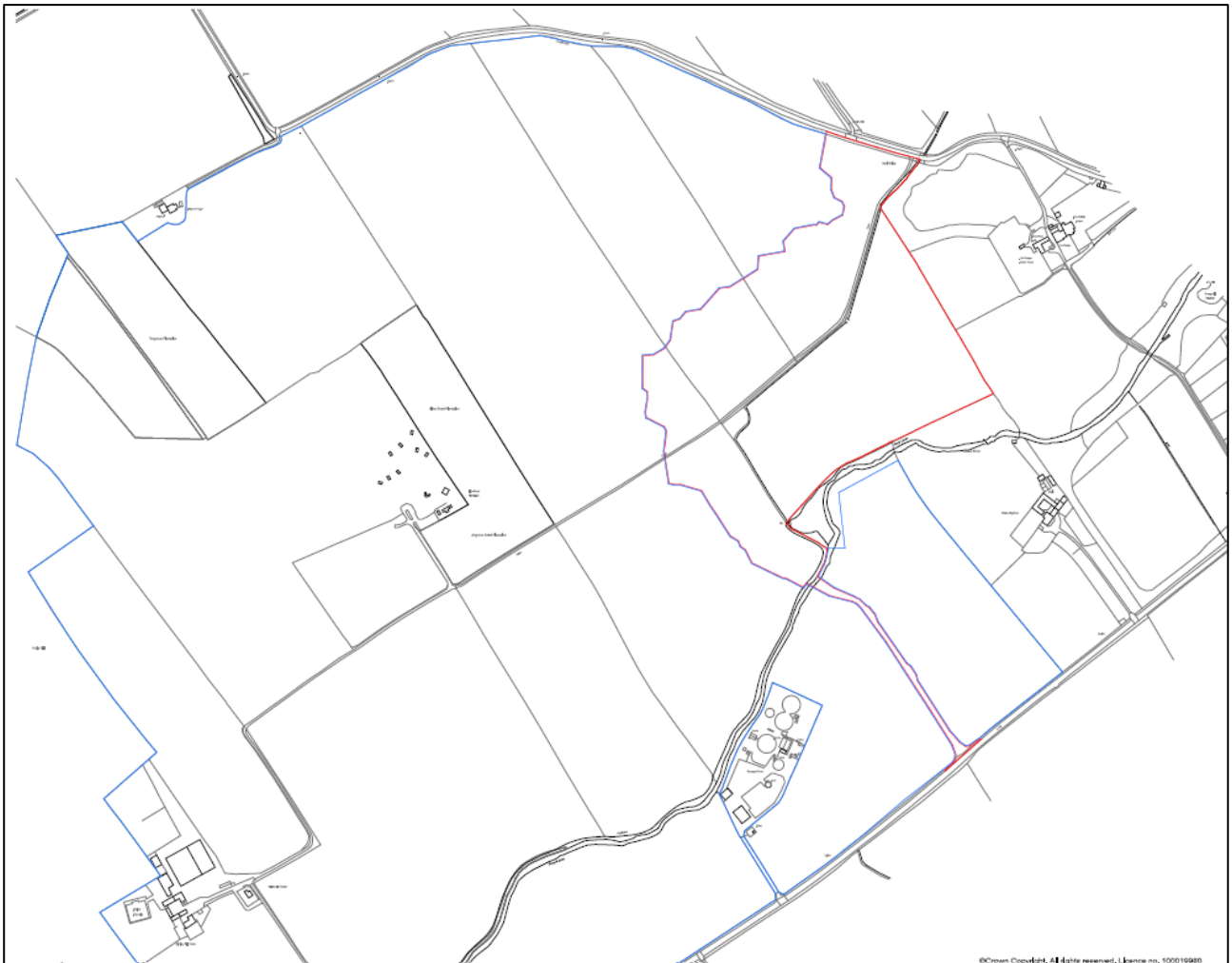
RECOMMENDATION: minded to grant planning permission, subject to:

- (1) Receiving written confirmation that the NYC Footpaths Team have no objections to the development.
- (2) Receiving written confirmation that NYC LLFA have no objections to the wording of the recommended drainage and flood-risk-related conditions within section 12 of this report.
- (3) The completion of a Deed of Variation to make specific reference to the current Section 73 application/reference number and to secure the implementation, retention, monitoring and management of the land to be used for nutrient neutrality off-setting.

(4) The imposition of the recommended planning conditions within Section 12 below.

- 2.1 The (as amended) 'variation/modification of condition' (Section 73) application seeks to amend the wording of conditions 2 (lodge numbers and height limits), 9 (landscaping) and 20 (occupancy) of the original planning permission (ref.16/02048/FUL) in order to facilitate proposed amendments to the approved landscaping scheme and to accommodate 35 additional lodges within the Angrove Country Park site.
- 2.2 Angrove Country Park is an established leisure and holiday accommodation site located between the villages of Great Ayton and Stokesley within the countryside. The site has been subject to several planning permissions which first established, then expanded, the range of holiday accommodation and on-site facilities. The Park currently includes 54 approved holiday lodges within the eastern part of the site, as well as 25 static/touring caravan pitches, camping pods/facilities and a small number of chalets in the western part of the site. The two parts of the site are separated by a woodland plantation. An amended Proposed Additional Pitches Plan (H2-210404/4 F) was submitted in January, 2025 which identifies the positions of 35 additional lodges within the existing site, located within/adjacent to the existing layout of lodges within the eastern part of the Leisure Park site. Two amended Landscape Proposals Plans were also submitted at the same time which have taken on board comments on the landscaping scheme provided by the Case Officer.
- 2.3 Since the original submission the application has become partially retrospective as the provision of concrete bases, the laying of infrastructure and the installation of additional lodges has already been undertaken.
- 2.4 The application has also been amended in May, 2025 through the submission of an amended Nutrient Metric Calculator, amended Habitat Management and Monitoring Plan and amended Nutrient Neutrality Mitigation Area Plan that were submitted to the Council in May, 2025. The amended 'nutrient neutrality' documents reflect the proposed amendment of the off-site 'nutrient neutrality' land from grassland to woodland, in accordance with Natural England advice. The Council have undertaken a revised Habitat Regulations Assessment (HRA) based on the amended documents which Natural England have considered and raised no objections to.
- 2.5 The recommendation is to **grant** planning permission, subject to:
- (3) Receiving written confirmation that the NYC Footpaths Team have no objections to the development.
 - (4) Receiving written confirmation that NYC LLFA have no objections to the wording of the recommended drainage and flood-risk-related conditions within section 12 of this report.
 - (3) The completion of a Deed of Variation to make specific reference to the current Section 73 application/reference number and to secure the implementation, retention, monitoring and management of the land to be used for nutrient neutrality off-setting.

(4) The imposition of the recommended planning conditions within Section 12 below.



3.0 PRELIMINARY MATTERS

3.1 Access to the application documents (via Public Access) can be found here:-

[Planning Documents](#)

3.2 This application (as originally submitted) included proposed layout plans showing a different arrangement of the proposed lodges and landscaping scheme. The latest amended Proposed Additional Pitches Plan (H2-210404/4 F) has been submitted following discussions with the Case Officer to more accurately reflect the existing Leisure Park's layout as well as changes the applicant wished to make regarding the positions/siting of the proposed additional lodges and to the landscaping scheme. A reconsultation exercise was undertaken in January, 2025.

3.3 This application was considered at the 12th December, 2024 Richmond (Yorks) Area Planning Committee. However, the Committee resolved to defer the application (in

accordance with an updated Officer recommendation within the 'Supplementary to Committee Reports' document) in order: "to allow officers time to consider the implications of recent correspondence received from the Council Solicitor (for Planning & Environment) regarding concerns expressed in relation to the appropriateness of a 'Section 73' (variation/removal of condition(s)) application to amend the original planning permission (ref. 16/02048/FUL) as is currently proposed."

3.4 The applicant addressed the procedural issue through the submission of a Section 96A (non material amendment) application. This non material amendment application (ref. ZB24/02419/NMC) was approved under delegated powers by North Yorkshire Council Officers on 24th January, 2025 and has resulted in the following amendments to the original planning permission ref. 16/02048/FUL:

- amended the application to: "Change of use of land to holiday lodge park with associated reception building, solar farm, landscaping and amenity ponds, together with formation and alteration of highway access and internal roads and associated car parking.", and
- amended the wording of condition 2 to: "The development shall provide no more than 54 holiday lodges on site. No lodge hereby approved, including the associated reception building, shall have more than one storey."

3.5 Following the approval of this non material amendment application, the agent submitted an amended application form for this Section 73 application which has included the addition of condition 2 in respect of the conditions that the Section 73 is seeking to vary. To clarify, the amended application form states that it is proposed to vary the wording of condition 2 (as previously amended by the approval of the aforementioned non material amendment application) to permit the proposed increase in holiday lodges to a maximum of 89 units (from an existing approved maximum of 54) A reconsultation exercise (21 days) on this amendment/amended application form was undertaken in January 2025.

3.6 Natural England were reconsulted in June, 2025 following receipt of the aforementioned amended 'nutrient neutrality' documents and the Council's amended Habitat Regulations Assessment.

3.7 The representations received in respect of the original consultation and the aforementioned reconsultation exercises are included within section 7 ('Consultation Responses') below.

3.8 There is a relatively extensive planning history relating to the application site and the Angrove Leisure Park. The planning history related to this application is detailed below:

Western Part of the Angrove County Park Site (land within the 'land-edged-blue' of permission 16/02048/FUL to which the current proposed amendment relates):

- 10/02544/FUL: Change of use of agricultural land to a camp site consisting of 10 pods and a portable shower block and portable toilet block, APPROVED, 04.02.2011.

- 15/01264/FUL: Retrospective application for change of use of agricultural land to a campsite, siting of a steel container, barbeque pod and three camping pods and revised layout of existing campsite (see 10/02544/FUL) including the construction of a pavilion building and other ancillary structures, APPROVED, 02.10.2015.
 - ◆ 15/01264/DCN: Discharge of Conditions (for planning permission 15/01264/FUL) , APPROVED, 29.04.2016.
- 19/02326/MRC: Application for variation of condition No: 2 (approved site layout drawing S236 PL 002 Rev B to allow for the siting of 25no touring and static caravan pitches) to previously approved application 15/01264/FUL for Retrospective application for change of use of agricultural land to a campsite, siting of a steel container, barbeque pod and three camping pods and revised layout of existing campsite (see 10/02544/FUL) including the construction of a pavilion building and other ancillary structures, APPROVED, 28.01.2020.

Eastern Part of the Angrove County Park Site (land included within the 'land-edged-red' of permission 16/02048/FUL to which the current proposed amendment relates):

- 15/02420/FUL: Change of use of agricultural land to holiday lodge park with associated solar farm, landscaping and amenity ponds, formation and alteration of highway access and internal roads, construction of office/hub building and associated car parking, WITHDRAWN, 15.06.2016.
- 16/02048/FUL: Change of use of land to holiday lodge park (54 Lodges) with associated reception building, solar farm, landscaping and amenity ponds, together with formation and alteration of highway access and internal roads and associated car parking, APPROVED, 30.06.2017.
 - ◆ 16/02048/DCN: Discharge of Conditions 3, 4, 5, 6, 7, 8, 9, 10, 11,14, 15, 16, 17, and 18 (for planning permission 16/02048/FUL), APPROVED, 26.01.2018.
 - ◆ 16/02048/DCN01: Discharge of Conditions 4, 19, 20 and 21(for planning permission 16/02048/FUL), APPROVED, 26.01.2018.
 - ◆ 16/02048/DCN02: Discharge of Condition 3 (for planning permission 16/02048/FUL), APPROVED, 08.02.2023.
 - ◆ 16/02048/DCN03: Discharge of Condition 9 (for planning permission 16/02048/FUL), NOT YET DETERMINED.
- 21/01124/FUL: Retrospective application to regularise planning status of reception, administration and cafe block at Angrove Country Park, APPROVED, 24.06.2021.
- 22/02502/FUL: Retrospective construction of a mini golf course, APPROVED, 07.12.2022.
- 23/00010/FUL: Change of use of land for formation of play area to serve existing holiday park, APPROVED, 01.03.2023.
- 23/00050/FUL: Use of land for siting of a lodge style caravan for use as a sales office, APPROVED, 06.03.2023.
- ZB23/02366/FUL: Part retrospective siting of 2 containers with canopy for use for maintenance and storage purposes associated with daily operation of holiday park, APPROVED, 24.01.2024.

- ◆ ZB23/02366/DCN: Discharge of Condition 3 (landscaping) (for planning permission ZB23/02366/FUL), APPROVED, 05.09.2024.
- ZB24/02419/NMC: Application for a non material amendment (description and wording of condition 2) following a grant of planning application 16/02048/FUL, APPROVED, 24.01.2025.

4.0 SITE AND SURROUNDINGS

- 4.1 Angrove Country Park is an established (70 acres / 28.33 hectares) leisure site, involving a range of holiday accommodation and associated facilities, including holiday lodges, camping facilities (including camping domes/pod), static and touring caravan pitches, pavilion building, play area, mini golf course, sales office, as well as reception and café block buildings [bar and restaurant]. Associated with the Park are eight photovoltaic (PV) arrays which have been sited on agricultural land to the north and immediately adjacent to the existing lodges.
- 4.2 Angrove Country Park is located in a countryside location between the A173 (to the south) and Yarm Lane (to the north), approximately 0.6km to the west of the village of Great Ayton and approximately 1.5km to the north-east of the market town of Stokesley. Vehicular access to the Park is via a tarmac road, with a junction onto the A173, which bridges over the River Leven. The land surrounding the Park is predominantly agricultural (the agricultural land to the north is included within the 'land-edged-blue' and thus in the ownership of the applicant) A public footpath (ref.10.57/12/1) passes along the southern boundary of the site, which runs parallel with the River Leven. In terms of the existing holiday accommodation, the Angrove Country Park site is essentially divided in two halves: static/touring caravans and camping facilities in the western side of the site and holiday lodges and associated facilities in the eastern side.

5.0 DESCRIPTION OF PROPOSAL

- 5.1 The 'variation/modification of condition' (Section 73) application (as amended) seeks to amend the current wording of conditions 2 (lodge numbers and height limits); 9 (landscaping) and 20 (occupancy) of previous planning permission (ref.16/02048/FUL) in order to facilitate proposed amendments to the approved landscaping scheme and to accommodate 35 additional lodges within the Angrove Country Park site.
- 5.2 The amended Proposed Additional Pitches Plan (H2-210404/4 F) shows that the proposed additional holiday lodges would be sited (on concrete pads) within and immediately adjacent the established layout of the existing 54 holiday lodges within the eastern part of the site which were granted planning permission in 2017 (ref.16/02048/FUL) The amended Proposed Additional Pitches Plan (H2-210404/4 F) differentiates between the new lodges and the existing lodges on site. All new lodges would be within the existing boundaries of the Park, although the amended application is proposing to utilise a rectangular-shaped area of agricultural land located immediately to the north of the northern boundary of the

Park for the purposes of 'nutrient neutrality'. This area of land is within the 'land-edged blue' (i.e. within the applicant's ownership), outside but adjacent to the application site.

- 5.3 The amended Proposed Additional Pitches Plan (H2-210404/4 F) and the two amended Detailed Landscape Proposals Plans also include alterations and additions to the approved landscaping scheme. During the course of this application, the landscape proposals have been amended to more accurately and practically reflect internal access arrangements. The aforementioned plan shows that three areas of additional mixed native-species woodland planting is proposed adjacent to the central (internal) hedgeline and adjacent to the western lodges within the north-east of the site.

6.0 PLANNING POLICY AND GUIDANCE

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:

Hambleton Local Plan, February 2022, and
North Yorkshire Joint Waste and Minerals Plan, February 2022.

Emerging Development Plan – Material Consideration

- 6.3. The Emerging Development Plan for this site is listed below. It is considered to carry no weight due to the current early stage of plan preparation.

Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:

- National Planning Policy Framework December 2024 (NPPF)
- National Planning Practice Guidance (PPG)

7.0 CONSULTATION RESPONSES

- 7.1 In addition to the original consultation (August 2023), a 10 day reconsultation exercise was undertaken in November, 2024. A further 21 day reconsultation was undertaken in January 2025 in relation to the amended application form submitted by the agent. A specific reconsultation of Natural England was undertaken in June, 2025 with regards to the amended 'nutrient neutrality' documentation and the Council's amended Habitat Regulations Assessment.

Great Ayton Parish Council: The following comments were received from the Parish Clerk in relation to the 10 day reconsultation undertaken in November 2024: "I have been asked to lodge the Parish Council objection on this application due to the overdevelopment,

the changes to the nature of the site and the proposals not being appropriate for the location.”

The Parish Council have made the following comments/observations in response to the original consultation: “Councillors discussed concerns on major increases shown on the plans with condensed areas of lodges. It was agreed that an objection would be made to this application, it was also noted that there were concerns regarding the requested changes to conditions 9 and 20. RESOLVED: Whilst Councillors appreciated the increased tourism for the businesses there was concerns on the increased traffic and additional parking problems in the village. It was agreed that this was overdevelopment of the site and changed the nature of a rural country park.”

Division Member: Cllr. Moorhouse has requested that the application be considered by the Area Planning Committee.

NYC Local Highway Authority (LHA): The following comments were received in relation to the original consultation: No objections to the proposals.

NYC Footpaths Team: No response received. Response requested by 07.09.2025. Any representation received before the Committee will be reported to the Committee during the meeting or prior (depending on when received) as part of the update document.

Ramblers Association: No response received.

NYC Regulatory Services (Environmental Health): The following comments/observations were received in relation to the 10 day reconsultation undertaken in November 2024: Memorandum in reply from: Environmental Health Service This service has considered the potential impact on amenity and likelihood of the development to cause a nuisance, and consider that there will be no negative impact. Therefore the Environmental Health Service has no objections to the application. The following Informative Note (‘Advice for the applicant’) has been attached to the aforementioned representation:

“The applicant will need to ensure the proposed site layout for the increase in statics will meet all spacing requirements as per the conditions that will be issued as part of a new licence being granted for the site. The proposed site layout will be required to meet all minimum separation distances in between each unit and also meet the minimum distance from site boundaries. Further advice can be sought from our Regulatory Support Team. If planning approval is granted, the occupier of the land will be required to obtain a new Caravan Site Licence under the provisions of the Caravan Sites and Control of Development Act 1960. This will be issued subject to certain conditions being met. The applicant will need to contact our Regulatory Support Team on Regsupport@northyorks.gov.uk to obtain the necessary advice and guidance. Further information can also be found on our website: www.northyorks.gov.uk” [if the Committee resolved to approve planning permission, it is recommended that the above informative is added to the Decision Notice.]

The following comments were received in relation to the original consultation: Having considered the potential impact on amenity and likelihood of the development to cause a nuisance, they consider that there will be no negative impact, and therefore have no objections to the application.

NYC Regulatory Services – Contaminated Land (Environmental Health):: The following comments were received in relation to the 10 day reconsultation undertaken in November 2024: “This service has no comments to make in relation to requested changes to conditions 9 or 20 from 16/02048/FUL which do not relate to land contamination.”

NYC Ecologist: The following comments were received from NYC Ecology in relation to the 10 day reconsultation undertaken in November 2024: “...With regards to the ecological impact of the proposals themselves upon local habitats and species, I do not have any concerns to raise. The works are largely retrospective and have been undertaken within the main amenity areas of the site. I would expect to see control measures in place with regards to lighting, particularly where this falls within close proximity to the site boundaries and existing semi natural habitat. The site should utilise the landscaping scheme to incorporate native species planting that will enhance the value of the site for biodiversity providing corridors across the site and connecting with habitats offsite. With regards to nutrient neutrality and the associated HMMP, whilst the HMMP appears to contain habitat creation, establishment and management prescriptions that are appropriate to the habitats proposed. We would defer to Natural England with regards to the accuracy of the applicant’s nutrient budget calculator and how this impacts on the proposed size and type of habitat proposed to allow the scheme to be nutrient neutral. Natural England would also need to approve the associated Habitat Regulations Assessment that relies on the nutrient offsetting land to ensure no adverse effects on the Teesmouth and Cleveland Special Protection Area (SPA) & Ramsar. Once Natural England are satisfied with the proposals for nutrient offsetting, I would recommend that the area of offset land and the works set out within the HMMP are secured via a legal agreement for the lifetime of the development...”

Natural England (NE) : Provided an initial response to confirm that, as originally submitted, the application could have potential significant effects on Teesmouth and Cleveland Coast Special Protection Area & Ramsar, and thus further information is required in order to determine the significance of these impacts and the scope for mitigation and demonstrate that the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered by the LPA, and have therefore stated that the following information is required:

- A Habitats Regulations Assessment
- A Nutrient Budget Calculator for the additional lodges
- A Nutrient Mitigation Strategy for the nutrient net gain

Without this information, NE confirmed that they may need to object to the proposal and have requested to be reconsulted once the aforementioned information has been submitted.

Natural England have been consulted several times since this initial response following the successive submission by the agent of a nutrient budget calculator and associated

documents (including on the agent's submission of the original Habitat Management and Maintenance Plan) and the LPA's original undertaking of a HRA. In response to the reconsultation exercise undertaken in November 2024, Natural England confirmed that they were still seeking amendments to the nutrient budget calculations for the proposed off-site nutrient mitigation and maintained their objection to the application until such appropriate amendments are made.

Following the submission of additional nutrient neutrality documentation (including an updated metric calculator) based on the agent's proposed amendment of the off-setting land from grassland to woodland, and the completion by the Case Officer of a subsequent updated Habitat Regulations Assessment, Natural England confirmed the approval of the Council's latest HRA in July 2025 that they no longer object to the application, subject to the securing of appropriate mitigation as detailed within the updated Habitat Management and Monitoring Plan (HMMP), i.e.:

1. The permanent land use change of 2.35ha agricultural land to woodland (minimum of 100 trees per hectare)
2. The undertaking of all relevant management/monitoring measures as detailed in the HMMP.

Natural England advise that these mitigation measures should be secured by condition and/or planning obligation, as appropriate.

NYC Lead Local Flood Authority (LLFA): The LLFA responded/commented in July 2025 to state that in assessing the proposals they have no comments to make with regards to this 'Section 73' application as the conditions [proposed to be amended/modified] do not relate to the LLFA. Following further correspondence between the Case Officer and LLFA Officers, LLFA clarified that further LLFA comments should be provided, i.e. with regards to whether the recommended drainage conditions (see section 12) are sufficient. Any further LLFA representation received before the Committee will be reported to the Committee during the meeting or prior (depending on when received) as part of the update document.

Northumbrian Water (NW): Made the following comments in May 2025 (repeating the comments NW state that they made in March 2025) confirming that having reviewed the capacities for the Great Ayton Sewage Treatment Works (STW), the STW can accommodate the increase in unit numbers, therefore NW have confirmed that they have no further comments.

Environment Agency: No response received.

Yorkshire Wildlife Trust: No response received.

Local Representations:

- 7.2 An additional detailed representation (as summarised below) was received in relation to the 21 day reconsultation exercise undertaken in January, 2025 and following the Area Planning Committee's (in December 2024) resolution to defer the consideration of the

application (objecting to the proposal) This representation is from the same individual who made representations in relation to the November, 2024 reconsultation summaries below):

- The original application (16/02048/FUL), although illustrative, was supported by a proposed site layout plan, a material consideration when planning permission was approved....the current proposed site layout plan is 'in breach' of the original permission, in respect to several issues:
 - The proposed site layout plan does not show the lodges in clusters of 3 or 4 as per the original permission, with particular intensification of pitches in specific parts of the application site.
 - The proposed layout would leave areas of 'undeveloped area' that would be available for additional lodges as part of a future planning application (to vary condition 20 again)
 - In providing concrete bases for some lodges, the applicant has undertaken unauthorised works... the original permission did not allow for further concrete slabs (as shown on the updated Proposed Site layout Plan)
 - The original permission was granted on the basis that the approved lodges met the legal definition of a caravan, however a number of the existing lodges on site are oversized and do not meet the definition of a caravan, and thus are not in accordance with the original planning permission and therefore unauthorised (in breach of planning control) No information has been submitted with the application to demonstrate that the 'over-sized' lodges meet the legal definition of a caravan, and thus constitute 'buildings' requiring planning permission.

7.3 Two additional representations (as summarised below) were received in relation to the 10 day reconsultation exercise undertaken in November, 2024 (objecting to the proposal):

- Notwithstanding the revised site layout plan and HMMP, their original objections are still valid in light of the revised submission.
- The [variation of condition] application should not allow further lodges to be approved, and the provision of additional lodges should be subject to a separate application.
- Concern that the proposed variation of condition 20 ("occupancy") in particular will allow 'all year round occupancy', resulting in occupation of the lodges as permanent dwellings.
- It is quite clear that the site is slowly evolving into what was originally submitted under returned application 15/02420/FUL.
- A copy of *Court of Appeal Case Law CA-2023-001910 issued 12/10/24*. The respondee states that this decision (in respect to the alteration of an extant permission) essentially confirms the consultee's objections relating to the additional of 35 lodges under the application currently under consideration. The respondee states that the 'Section 73' application should be refused in line with the aforementioned Case Law that clarifies that if a section 73 application is to be granted with the same conditions (as those of the original planning permission), the application should be refused.

7.4 The local representations received and summarised below were all received in relation to the original consultation exercise: A total of 2 local representations were received, both objecting to the proposals (as originally submitted):

- The planning application does not match the proposal description and this is very misleading. The application seeks to “remove” the occupancy restrictions as per condition 20 of the original permission.
- The application seeks to add a 33 additional lodges (increase of 66%), without having to provide any revised supporting documentation as required in line with the required documents which were provided with the original application.
- The application glosses over that only 18 of the additional 33 lodges are in a previously developed area, with a further 15 additional lodges proposed on a previously “undeveloped area”. The existing planning permission was granted based on a revised application after a proposal for 179 Units had been withdrawn as the officer recommendation was for refusal. The reasons for refusal are applicable to the current application, i.e. “Due to its scale and extent, the number of users and associated activity, the proposed development would be an inappropriate form of tourism development and would result in an unacceptable level of harm to the existing tranquil agricultural character of the surroundings, and would contribute to the further urbanisation of the countryside in an ‘Area of restraint’.
- The existing planning permission was granted on the basis that the lodges met the legal definition of a caravan. A number of the “existing” lodges do not meet the criteria as they are oversized and cannot meet this requirement so are in breach of the existing approval. No Structural Calculations, Lifting Plans or Dimensional details have been provided in relation to the “Oversized” Lodges as required to demonstrate that they do in fact meet the legal definition - specifically the “The Mobility Test”. The current application does not provide any detail either to demonstrate that the additional proposed Units will not breach the Legal definition of a caravan.
- The application does not include any detail to ensure the proposed site layout for the increase in statics will meet all spacing requirements and minimum separation distances in between each unit and also meet the minimum distance from site boundaries. The additional 18 lodges which are constructed in between the existing lodges (as indicated on the revised plan) will compromise the spacing requirements. No supporting information has been provided to demonstrate otherwise.
- The additional proposed pitches will also result in further deterioration of the PRoW which runs to Great Ayton and joins onto Yarm Lane. The application offers no contribution to the Endeavour Way as stated in the current plan documents with all proposed allocated sites - “Works will be required towards the provision/development/maintenance of the Stokesley/Great Ayton Cycleway”. The S106 requirement which is in place with the existing approved application to cover the maintenance of the grass verge to a suitable standard for use by pedestrians has also not been complied with.
- The applicant has also closed the cycle route which joins onto Yarm Lane at Bartle Bridge which forces all cycle movement through the PRoW. The Officers Report states under the heading of Highway Safety Section 5.48 that “a cycle link is also proposed onto Yarm Lane, through the existing field access at the north east point of the site.
- It seems that the intention of the applicant is to increase the number of lodges on the site with another 35. The planning application does not detail any research into the

possible negative impact of the expansion, such as with regards to increase in car journeys, pollution and potential adverse impact on the local community and landscape, or what the potential benefit of this proposal might be to the community. I object to this application, unless the applicant can demonstrate that there is no overall negative impact.

8.0 ENVIRONMENT IMPACT ASSESSMENT (EIA)

8.1. The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

9.0 MAIN ISSUES

9.1. The key considerations in the assessment of this application are as follows:

- Principle of Development
- Impact on the Local Economy
- Design, Landscaping and Impact on the Character of the Countryside
- Green Infrastructure
- Ecology and Biodiversity Net Gain
- Amenity
- Highway Safety and Connectivity
- Impact on the Public Right of Way (PRoW) Network
- Flood Risk, Foul and Surface Water Drainage Management
- Nutrient Neutrality
- Heritage
- Other Matters

10.0 ASSESSMENT

Principle of Development

10.1 Local Plan Policy S1 (Sustainable Development Principles) states that the Council will seek to ensure that development makes a positive contribution towards the sustainability of communities, enhances the environment and adapts to and mitigates the impact of climate change. This will be achieved by (amongst other things):

- Meeting development needs through sustainable development that supports existing communities, making effective and efficient use of land, supporting social cohesion, minimising the need to travel and promoting sustainable modes of travel (criterion a.);
- Promoting Hambleton as a recognised location for business by providing a range of employment opportunities that meet local aspirations, including high quality jobs, meeting the needs of new and expanding businesses and recognising the contribution of the rural economy (criterion d.); and
- Protecting and enhancing the high quality natural and historic environment whilst facilitating development in a way that respects and strengthens the distinctive character of the landscape and the form and setting of settlements (criterion e.)

- 10.2 In terms of economic development, Local Plan Policy S3 (Spatial Distribution) states that the Council will (amongst other matters) seek to:
- support the growth and diversification of the rural and agricultural economy, through policies S5 and 'EG7 (criterion i.), and
 - support delivery of the Council's economic priorities to; support existing businesses; secure targeted inward investment; drive growth; ensure vibrant market towns and support business activity (criterion j.).
- 10.3 Local Plan Policy EG7 (Businesses in Rural Areas) states that employment generating development will only be supported in locations outside the main built form of a defined settlement (in the settlement hierarchy) where it involves (amongst less relevant other matters):
- the expansion of an existing business where it is demonstrated that there is an operational need for the proposal that cannot physically or reasonably be accommodated within the curtilage of the existing site (criterion a.); or
 - other proposals specifically requiring a countryside location (criterion d.).
- 10.4 Policy EG7 also states that where new or replacement buildings are required, where possible they should be in close proximity to an existing group of buildings and the siting, form, scale, design and external materials of the new buildings should not detract from the existing buildings nor the character of the surrounding area.
- 10.5 Angrove Country Park is an established holiday leisure park offering a range of holiday lodge and camping facilities as well as a related range of leisure facilities, including mini golf, restaurant/café and play area. The Park is located between Stokesley and Great Ayton in a countryside location, as defined by Local Plan Policy S5 (Development in the Countryside), which defines any land or settlement outside of the 'existing built form' of any defined settlement in the 'settlement hierarchy' (of Policy S3) as being part of the countryside.
- 10.6 As the proposed expansion of an existing business in a countryside location, the proposals would benefit from the 'in principle' support of Local Plan Policies S1 (criterion d.); S3 (criterion I & j) and EG7 (criterion a & d) as well as criteria a. and c. of paragraph 88 of the NPPF that state that planning decisions should enable the sustainable growth and expansion of all types of businesses in rural areas and enable sustainable rural tourism and leisure developments which respect the character of the countryside.

Impact on the Local Economy

- 10.7 As per Local Plan Policy S1 stated above, the Local Plan seeks to promote Hambleton as a recognised location for business by providing a range of employment opportunities that meet local aspirations, including high quality jobs, meeting the needs of new and expanding businesses and recognising the contribution of the rural economy (criterion d.)
- 10.8 At the request of the Case Officer, the applicant and agent have provided the following information (received and uploaded to Public Access by the Council in December, 2024)

about the anticipated economic benefits (including employment opportunities) of the proposed development:

"In terms of economic benefits, I refer to "Pitching the Value - 2019 Economic Benefit Report: Holiday Parks and Campsites England" by the UK Caravan and Camping Alliance. This report provides a breakdown of onsite and offsite visitor expenditure and the estimated number of jobs created/supported per pitch on a regional basis. For Yorkshire on site expenditure suggests that each pitch supports 0.15 FTE roles, irrespective of whether or not the pitch is privately owned or hire fleet. In terms of off site expenditure a privately owned pitch is estimated to support 0.11 FTE jobs and a hire fleet pitch will support 0.13 FTE jobs. The GVA generated by the off site expenditure will support more jobs in the local area. An analysis of the figures provided within the report suggest that 35 privately owned pitches would likely generate annual visitor expenditure of circa £713,000 and a further £400,000 is likely to be generated annually by way of the GVA generated by the development, supporting in the region of 13 FTE roles both on and off site. In terms of the development itself and the expected impact for Leisure Resorts would enable them to employ new staff on site for the following roles:

- *2 x Housekeepers*
- *2 x Maintenance Staff*
- *Receptionist/ Administrative Assistant*
- *Additional restaurant staff*

Existing roles within the wider Leisure Resorts remit will be extended across the company, these roles include:

- *Sales Manager*
- *Ownership Manager*

The development process will enable Leisure Resorts to engage local contractors and businesses for construction, utilities installation and marketing whilst building on the visitor capacity of the site will generate footfall for a range of local businesses as Angrove Visitors use local restaurants (not just the G & T House), local pubs, local leisure and recreational businesses (golf, horse riding) as well as local services (shops, supermarkets, butchers greengrocers etc, taxis)."

- 10.9 The proposed development would involve the provision of an additional 35 holiday lodges within the leisure park site and represents a substantial expansion of the existing rurally-based business with local economic and job-related benefits. The proposed development would therefore have the support of criterion d. of Local Plan Policy S1 in this regard, which is to be afforded moderate benefit in the overall planning balance.

Design, Landscaping and Impact on the Character of the Countryside

- 10.10 Local Plan Policy E1 (Design) states that all development should be high quality.... integrating successfully with its surroundings in terms of form and function... reinforcing local distinctiveness and...a strong sense of place. As such, development will be supported where the design is in accordance with the relevant requirements of Policy E1 (amongst other less relevant considerations): Responding positively to its context...drawing key characteristics from its surroundings...to help create distinctive, high quality and well-designed places (criterion a.); Respects and contributes positively to local character, identity and distinctiveness in terms of form, scale, layout, height, density, visual appearance/relationships, views/vistas, materials and native planting/landscaping (criterion b.)

- 10.11 Local Plan Policy E7 (Hambleton's Landscapes) states that the Council will protect and enhance the distinctive landscapes of the District by supporting proposals where (amongst other less relevant considerations) it: considers the degree of openness and special characteristics of the landscape (criterion a.); and, protects the landscape setting of individual settlements, helping to maintain their distinct character and separate identity (criterion e.)
- 10.12 The existing Park is located within a predominantly rural (agricultural) landscape situated between the settlements of Stokesley and Great Ayton, although the site is also within the wider rural landscape within the north-east of the Plan Area that extends south and eastwards to the North York Moors National Park. Wider views of the Angrove Park site are generally restricted due to topography and landscaping features, including woodland plantations within and adjacent to the Angrove site.
- 10.13 In terms of closer range views, the site is setback from the A173 to the south, while existing intervening trees sited along the bank of the River Leven mean that public views of the existing lodges and buildings within the Angrove Country Park site are limited from the A173 and vantage points further to the south. Views from the west of the site are effectively screened by the Angrove and New Shed tree plantations, while views from the east are screened by the bordering trees to the Grange and belts of planting on the north side of the A173.
- 10.14 The Public Footpath (ref.10.57/12/1) located adjacent to the River Leven provides views of the Angrove Park site, including the eastern side of the Park which contains existing holiday lodges. While the addition of 35 lodges into this area of the site would be visually apparent from viewpoints along the Public Footpath, any additional (negative) impact on the users of the Public Footpath's enjoyment of the PROW and appreciation of the countryside is considered to be modest, given that the existing holiday lodges would be sited within or immediately adjacent to the existing holiday lodges and within the envelope of the Park.
- 10.15 The north-east element of the Angrove site is approximately 160m to the south of Yarm Lane. Due to this distance and the topography of this part of the site (the north-east element of the site is the highest part of the Park), there is the potential for the proposed additional 18 lodges within this area to be visible from vantage points from Yarm Lane, looking southwards, although such vantage points are likely to be very limited. The proposed landscaping scheme (as per the amended Proposed Additional Pitches Plan and Detailed Landscape Proposals Plans) show a substantial area of mixed species tree planting to the northern boundary, which would help to screen views from Yarm Lane, particularly as the planting starts to mature, further limiting views of the proposed development from viewpoints outside of the Angrove site.
- 10.16 The established layout of the existing 54 holiday lodges within the north-east of the site is non-linear with the lodges situated around a series of curved access tracks and ponds, with an undeveloped area of grassland within the north-east corner of the former field boundary

within which the existing holiday lodges sited. This layout would successfully facilitate the siting of additional lodges within it without appearing over-developed, while the aforementioned undeveloped grassland area would be a natural and congruous extension to the existing lodge layout that would be contained within the field boundary and the existing envelope of the Angrove site more generally. This is an important consideration as it means that the proposed lodges can be assimilated within the natural boundaries of Angrove Park without requiring any breakout into the agricultural land beyond, avoiding the negative impacts this would have on the character and appearance of the countryside.

10.17 No details have been provided regarding the design of the proposed additional lodges, although condition 3 imposed on the original planning permission (ref.16/02048/FUL) required a 'site-wide, lodge design code' for the lodges to be submitted to and approved by the LPA, including the details of external materials, associated decking and window & door types/profiles. This design code condition was duly discharged (for a second time) in February, 2023 (ref. 16/02048/DCN02). This approved design code approved the use of timber cladding, dark exterior window frames and wooden doors, timber decking and dark roofing. This approved design code included the following details:

(i) Exterior walls of lodges - would be timber (cedar) cladding, or a textured wood-grain effect non-timber cladding (as per the submitted manufacturer's brochure), non-white in colour. Photographic examples provided within the design Code document. The submitted sample photographs show a range of different timber and timber effect cladding of various different colour finishes

(ii) Windows and doors - dark window frames and timber doors would be used.

(iii) Decking - Non-slip timber or timber-effect decking (photographic examples provided within the design Code document)

(iv) Roofing - dark-coloured roofing would be utilised for the lodges. The submitted sample photographs show a light-weight, undulating light and dark grey tile.

10.18 It is recommended that if this application is approved, a condition is imposed requiring the additional lodges to comply with this approved design code in order to ensure that the design of the additional lodges integrate well with the layout and appearance of the existing lodges. Subject to the above recommended condition, the proposals are considered to comply with Local Plan Policy E1 in this regard.

10.19 Overall, while it is considered that the proposed development would have a neutral impact on views and the character of the wider landscape, there is the limited potential for localised views to be negatively impacted by the proposed development, primarily from Yarm Lane (to the north) and the Public Footpath 10.57/12/1 (to the south), although the proposed landscaping scheme would help to mitigate the visual impact from views from Yarm Lane in particular. This negative impact on the local landscape would be contrary to criteria a. of Local Plan Policy E7 as set out above, and is considered to carry minor weight in the overall planning balance.

Green Infrastructure

- 10.20 Policy E4 (Green Infrastructure) states that the Council will seek to protect existing green infrastructure and secure green infrastructure net gains by, amongst other things, incorporating green infrastructure features as integral parts of a development's design and landscaping, while also enhancing links and functionality between the site and any surrounding or adjacent areas of green infrastructure.
- 10.21 The application site, and the Angrove Country Park more generally, is sited within an area designated in the Local Plan as Green Infrastructure Corridor. The existing trees and hedgerows within the site and on the site boundaries are part of the existing green infrastructure network within the local area providing habitat links. The proposed landscaping scheme (as shown on the amended Proposed Additional Pitches Plan and Detailed Landscape Proposals Plans) would help to strengthen the green infrastructure within the site through the planting of separate areas of new mixed (native) species planting adjacent to the existing hedgerow and tree lines within the site. Overall, the proposed development is considered to comply with the requirements of Local Plan Policy E4.

Ecology and Biodiversity Net Gain

- 10.22 Policy E3 (The Natural Environment) states that direct or indirect adverse/negative impacts on SINCs, European sites (SACs and SPAs), and SSSIs should be avoided and will only be acceptable in specific circumstances in detailed in Policy E3. Policy E3 also states that a proposal that may harm a non-designated site or feature(s) of biodiversity interest will only be supported where (inter alia) 'significant harm' has been avoided (i.e. an alternative site), adequately mitigated or compensated for as a 'last resort' (criterion a.)
- 10.23 In accordance with the Environment Act (2021) and the NPPF, Policy E3 is clear that all development is expected to demonstrate the delivery of a net gain in biodiversity or Biodiversity Net Gain (BNG), with paragraph 6.46 of the supporting text stating that the latest DEFRA guidance and relevant metric tool should be used to demonstrate compliance with the policy.
- 10.24 A detailed Ecological Appraisal Report (EAR) was submitted with the original application (ref. 16/02048/FUL). The EAR concluded (amongst other matters) that:
- The site contained minimal habitat for wildlife with the exception of areas of deciduous woodland and tree lines found at several locations throughout the site.
 - The River Leven to the southern boundary is considered to be a wildlife corridor for species moving through the area.
 - The proposed development with appropriate planting linking the site to the Leven would potentially result in an increase in habitat within the area, and a subsequent increase in the species diversity present within the site.
 - The holiday accommodation with associated planting and landscaping could provide positive (biodiversity) gains.

- A potential minor negative impact on brown within the site (due to the increased disturbance associated with this type of development) was identified, however there are still large areas within the farm where the population can be maintained.

- 10.25 The applicant has chosen not to submit a new or updated EAR with this 'Section 73' application. However, it is clear from the nature of the site and the character/extent of the proposed amendments to the approved scheme that the fundamental conclusions and recommendations of the EAR remain relevant to the consideration of this 'variation of condition' application. Based on the findings/conclusions of the aforementioned EAR in conjunction with NYC Ecology representations as detailed in the 'consultations' section above, it is concluded that the proposed amendments are unlikely to have an unacceptable impact on any important or Protected Species and habitats, subject to conditions, including the requirement for any additional lighting required to adhere to the lighting scheme approved through the discharge of condition 4 of the original permission which is considered to be an appropriate minimalist approach to external lighting that would prevent excessive lighting spill and light pollution that could potentially affect Protected Species (e.g. bats).
- 10.26 In terms of Biodiversity Net Gain (BNG), Section 73 ('variation of condition') applications are exempt from the mandatory 10 per cent net gain requirements where the original planning permission was applied for or granted before 12 February, 2024, which is the case for this application, i.e. the original planning permission ref. 16/02048/FUL was granted planning permission on 30th June, 2017. Notwithstanding this, paragraph 187(d) of the NPPF does state that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks. There are clear (if unquantified) ecological enhancements resulting from the development overall as a result of the additional planting and landscaping features that form part of the current proposals which are considered to meet the requirements/expectations of the NPPF in this regard.
- 10.27 Overall, the proposals would meet the relevant requirements and expectations of Local Plan Policy E3 and the NPPF in terms of the conservation and protection of ecology and with regards to unquantified gains in BNG.

Amenity

- 10.28 Policy E2 (Amenity) of the Local Plan expects all proposals to maintain a high standard of amenity for all users/occupiers as well as for occupiers/users of neighbouring land and buildings, particularly those in residential use. This is echoed in criterion c. of Policy E1 which requires proposals to achieve a satisfactory relationship with adjacent development and not to have an unacceptable impact on the amenities or safety of future occupiers, for users and occupiers of neighbouring land and buildings or the wider area or creating other environmental or safety concerns. In order to achieve this 'high standard of amenity', E2 states (amongst other less relevant matters) that proposals will be required to ensure: adequate availability of daylight/sunlight without suffering from the significant effects of overshadowing...(criterion a.); physical relationships that are not oppressive or overbearing

and will not result in overlooking causing loss of privacy (criterion b.); no significant adverse impacts in terms of noise...(criterion c.); and that adverse impacts from various sources (i.e. dust, obtrusive light and odour) are made acceptable (criterion d.);

- 10.29 There are also a number of isolated residential properties within the locale of the Angrove Country Park site. These include: The Grange (165m); East Angrove (155m); Angrove House (620m); Angrove North Farm (690m), and Beatle Bridge (425m). The nearest residential properties are over 100m away from site and the additional lodges would be viewed and experienced within the context of the established Park. Therefore, any additional impacts resulting from the proposals on the amenities of local residents in terms of privacy and noise/disturbance impacts would be relatively minor, particularly when the established and additional planting is accounted for.
- 10.30 The conditions of the original permission do not allow for the existing lodges to be used as anything other than holiday accommodation, thus there are no existing lodges within the eastern part of the Park used as a permanent or primary place of residence. This is an important material consideration when considering the impacts on the amenities of existing lodge owners and patrons within the Park. While the proposals would result in a reduction in existing space between some of the existing lodges, given the relatively generous existing space between these lodges, and the semi-staggered, non-linear layout, it is considered that the lodges can be successfully incorporated within/adjacent to the existing lodge layout in the eastern part of the Park without raising any significant or unacceptable amenity issues with regards to existing lodge owners and patrons, particularly when the 'holiday-use' nature of the occupancy of the existing lodges is taken into consideration.
- 10.31 Overall, the proposals would therefore be in accordance with the relevant criteria of Local Plan Policy E2.

Highway Safety and Connectivity

- 10.32 Policy IC2 (Transport and Accessibility) states that the Council will seek to secure a safe and efficient transport system...accessible to all and that supports a sustainable pattern of development. As such, development will only be supported where it is demonstrated (amongst other less relevant considerations) that:
- the development is located where it can be satisfactorily accommodated on the highway network, including where it can be well integrated with footpaths, cycle networks and public transport (criterion a.);
 - highway safety would not be compromised and that safe physical access to be provided to the proposed development from footpath and highway networks (criterion e.)
 - adequate provision for servicing and emergency access is to be incorporated (criterion f.), and
 - appropriate provision for parking is incorporated...(criterion g.)
- 10.33 The Angrove Country Park site is accessed via a new junction and access road created as part of the development as originally approved, while an emergency access to the site is provided to the north via Yarm Lane. A Transport Statement was submitted with the original application (ref. 16/02048/FUL). The applicant has chosen not to submit a new or updated

Transport Statement with this 'Section 73' application. However, the access and junction works that were approved by the original permission have been complete. In terms of highway safety and amenity, the main issues to consider relate to the impact of the increase in traffic movements on the strategic and local road networks as well as the provision of sufficient on-site parking.

- 10.34 While the provision of an additional 35 lodges would inevitably increase traffic movements during AM and PM peak times, it is considered that the relative capacities of the local and strategic road networks (including the A172 and the A19 [approximately 11km to the west]) would be capable of accommodating the additional generated traffic flows without creating any additional significant highway flow/congestion and safety issues.
- 10.35 The amended the amended Proposed Additional Pitches Plan shows parking provision adjacent to some additional lodge proposed, although it is not clear from this layout plan whether all the additional lodges would have adjacent parking provision or whether an unspecified number of the additional lodges would utilise the existing designated parking areas within the wider site. It is therefore recommended that a parking plan is provided (via condition) if this Section 73 application is approved to confirm/ensure that there is sufficient on-site parking for the additional lodges through its lifetime.
- 10.36 A formal recommendation from the Local Highway Authority (LHA) has been received, raising no objections to the proposals. Although the LHA have not recommended any conditions are imposed, there are highway-related conditions imposed on the original permission that have subsequently been discharged that are of relevance to the proposed amended scheme, if approved. These include the approved: wheel washing facilities and Travel Plan conditions, while it is also recommended that updated Construction Traffic Management Plan and Construction Phase Management Plan are also imposed.
- 10.37 Therefore, subject to the condition requiring the submission of a parking plan for the additional lodges, it is considered that the proposals would not compromise or have an unacceptable impact on highway safety, provide sufficient on-site parking and ot have a severe impact on the road network, thus complying with the relevant criteria of Local Plan Policy IC2 and requirements of the NPPF.

Impact on the Public Right of Way (PRoW) Network

- 10.38 Policy IC3 (Open Space, Sport and Recreation) states that the Council will seek to protect and enhance open space...in order to support the health and well-being of local communities, stating (in relation to public rights of way) that a proposal will be supported where it demonstrates that (*inter alia*): the routes of any rights of way and their associated amenity value will be protected or, where this is not possible, the affected routes can be diverted with no loss of recreational or amenity value (criterion h.) Policy IC2 (Transport and Accessibility) states that the Council will...support a sustainable pattern of development that is accessible to all, where it (*inter alia*): seeks to retain, and where relevant, enhance existing rights of way (criterion c.) In addition, Policy E4 (Green Infrastructure) that the Council will seek to protect existing green infrastructure...by requiring development

proposals to (*inter alia*): take opportunities to protect and enhance the public right of way network, avoiding unnecessary diversions and through the addition of new links (criterion f.)

- 10.39 The impact of the proposed amendments on views from the Public Footpath (ref.10.57/12/1) adjacent to the River Leven is considered in the 'Design, Landscaping and Impact on the Character of the Countryside' section above. However, the proposed additional lodges and amended landscaping within the site would not result in any physical obstruction (either temporary or permanent) of the Public Right of Way network. Subject to receiving confirmation from the NYC Footpaths Team that they have no objections to the proposals, the proposed amendments would therefore accord with the aforementioned criteria of Local Plan Policies IC2, IC3 and E4.

Flood Risk, Foul and Surface Water Drainage Management

- 10.40 Policy RM2 (Flood Risk) states that the Council will manage and mitigate flood risk by (amongst other less relevant considerations):
- avoiding development in flood risk areas...(criterion a.);
 - requiring flood risk to be considered for all development commensurate with the scale and impact of the proposed development and mitigated where appropriate (criterion c.), and
 - reducing the speed and volume of surface water run-off as part of new build developments (criterion d.)
- 10.41 Policy RM3 (Surface Water and Drainage Management) of the Local Plan states that a proposal will only be supported where surface water and drainage have been addressed such that it complies with the following requirements (amongst others not considered relevant to the proposals):
- surface water run-off is limited to the site's existing greenfield run-off rate (criterion a.), and
 - where appropriate, sustainable drainage systems (SuDS) are to be incorporated having regard to the latest version of the North Yorkshire County Council Sustainable Drainage Systems Design Guidance...with arrangements made for its management and maintenance for the lifetime of the development (criterion b.)
- 10.42 Paragraph 173 of the NPPF states that a sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding, i.e. located development in available alternative locations with less of a flood risk. This includes fluvial and surface water flooding. The flood risk Exception Test also applies to certain development classifications that pass the Sequential Test but cannot be located in lower-risk areas. Holiday caravans and camping are classed as a more vulnerable use.
- 10.43 Policy RM1 (Water Quality, Supply and Foul Drainage) states that a proposal will only be supported where it can be demonstrated that (amongst other matters): there is no adverse impact on, or unacceptable risk to, the quantity or quality of water resources, both surface water and groundwater...(criterion a.).

- 10.44 In respect to fluvial flood risk, the EA's flood maps show that the location of the proposed additional lodges would be within Flood Zone 1 (at the lowest risk of fluvial and coastal flooding) Although the site's existing vehicular access passes briefly through Flood Zones 2 & 3, alternative escape routes are available to the north of the site (e.g. access onto Yarm Lane) However, the application site does contain some areas that are prone to surface water as per the Environment Agency's surface water flood risk map, although based on the latest proposed site layout plan, the vast majority of additional lodges would not be directly affected by surface water flooding. As part of the application site is located within Flood Zones 2 and 3, both Policy RM2 and the NPPF require that a sequential approach to site section has been undertaken, i.e. demonstrating that there are no 'sequentially preferable' alternative sites available for the proposed development at lower fluvial and surface water flood risk than the site.
- 10.45 In respect to fluvial flood risk, the EA's flood maps show that the location of the proposed additional lodges would be within Flood Zone 1 (at the lowest risk of fluvial and coastal flooding) Although the site's existing vehicular access passes briefly through Flood Zones 2 & 3, alternative escape routes are available to the north of the site (e.g. access onto Yarm Lane) However, the application site does contain some areas that are prone to surface water as per the Environment Agency's surface water flood risk map, although based on the latest proposed site layout plan, the vast majority of additional lodges would not be directly affected by surface water flooding. As part of the application site is located within Flood Zones 2 and 3, both Policy RM2 and the NPPF require that a sequential approach to site section has been undertaken, i.e. demonstrating that there are no 'sequentially preferable' alternative sites available for the proposed development at lower fluvial and surface water flood risk than the site. No sequential test or exceptions test information has been submitted with the application. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise. An important material consideration in the case of this application is that the additional development is taking place within the context and boundaries of the established Park site, with no changes to the approved access arrangements. With the exception of the existing access, the additional development would avoid areas of fluvial flood risk (Flood Zones 2 and 3), with minor exceptions avoid areas of higher surface water flood risk. This is considered to be an important material consideration that in the case of this application would take precedent over the failure to demonstrate that the site has passed the sequential and exception tests as required by Policy RM2 and the NPPF.
- 10.46 It is recommended that all lodges to be sited within parts of the application site prone to surface water flooding should have floor levels no less than 300mm above the existing ground level. This recommendation is considered relevant to the provision of additional

lodges as set out in the current proposed amendments, and it is recommended that if the Committee resolves to grant planning permission, that a condition is attached to require the floor levels of lodges within areas prone to surface water flooding to be at least 300mm above ground level and shall be of a design that allows surface water to flow underneath each relevant lodge in order to prevent flooding elsewhere on the site.

- 10.47 A Flood Risk & Drainage Assessment and associated plans were submitted with the original application (16/02048/FUL) that stated that surface water for the approved holiday lodge development could be directed to watercourse (i.e. River Leven) via an existing drainage ditch which runs through the application site with surface water attenuation provided by a series of on-site ponds, while foul sewerage was to be to the mains (combined) sewer which leads directly to the foul water treatment plant located to the south-west of the site.
- 10.48 While the amended proposals would increase both surface water and foul flows as a result of the provision of the additional lodges, the principles of the foul and surface water drainage strategies (as detailed within the Flood Risk and Drainage Assessment (FRDA) submitted with the original application) are still considered to be appropriate and the most sustainable means of drainage available for the development. The Proposed Additional Pitches Plan includes additional ponds which the agent has confirmed could be used to provide additional surface water attenuation for the proposed development, however subject to agreeing the precise details of the additional surface water scheme and any on-site attenuation (by condition) the proposal would be in general accordance with the drainage principles as detailed within the aforementioned FRDA and would not compromise the existing (as approved) surface water and drainage schemes for the existing lodges. Northumbrian Water have confirmed that there is sufficient capacity at the local Sewage Treatment Plant to accommodate the additional foul flows of the proposed development. The location and soil composition of the site means that controlled discharge to watercourse is considered to maintain the most sustainable means of surface water disposal for the development, particularly as the amended Proposed Additional Pitches Plan shows that two additional ponds would be created in the east of the site which, if necessary, have the potential to facilitate additional on-site surface water attenuation.
- 10.47 The NYC Lead Local Flood Authority (LLFA) have been consulted on the application and have responded stating that they have no comments as the 'Section 73' application does not relate to any amendment/modification of conditions relevant to the LLFA. While this Section 73 is not seeking to remove or vary/modify the drainage-related conditions (5 and 6) of the original planning permission (which have already been complied with and discharged as relevant in relation to the original permission), it is evident that the proposals involving 35 additional lodges would lead to additional surface water and foul flows. While the drainage principles as set out in the 'Flood Assessment' submitted with the original permission remain applicable (including discharge of surface water to watercourse [River Leven] and the discharge of foul drainage to Northumbrian Water's foul sewer, it is important that it is demonstrated that the existing (approved) or an improved surface water drainage scheme is capable of sustainably accommodating the existing surface water flows in accordance with North Yorkshire Council's Sustainable Drainage Systems Design Guidance, as well as

ensuring that an appropriate surface water management and maintenance scheme is submitted to and approved by the Local Planning Authority. These matters can be ensured by condition and recommended conditions in these regards have been duly included in the 'recommended conditions' section (section 12) below. The LLFA have confirmed that they will review the contents and acceptability of the aforementioned flood risk conditions to ensure that they are acceptable and are able to provide a sustainable surface water drainage scheme for the development. Any response received prior to the Committee will be reported to the Committee (depending on when the response is received) either during the meeting or prior to it as part of the update document.

- 10.48 Overall, and subject to the aforementioned conditions, the proposals are considered to comply with the relevant criteria of Local Plan Policies RM1, RM2 and RM3 with regards to flood risk and surface water drainage, and while it has not been demonstrated that the development has passed the sequential and exceptions test (as required by Local Plan Policy RM2 and the NPPF), there are considered to be material considerations based on the established site and siting and floor levels of the built development within it that would avoid any material adverse flood risk impacts (subject to conditions) that would take precedence in the determination of this application in these specific policy requirements in respect of this development.

Nutrient Neutrality

- 10.49 In March 2022 Natural England announced that the Teesmouth and Cleveland Coast Special Protection Area (SPA) was being adversely impacted due to the level of nitrogen being discharged into the River Tees catchment. This affects all proposals for additional overnight accommodation, i.e. dwellings, within the Tees catchment. The Conservation of Habitats and Species Regulations 2017 (as amended) require any development that may have an adverse impact on the SPA to be subject to a Habitat Regulations Assessment/Appropriate Assessment. LPAs can only approve a project if they are sufficiently certain it will have no negative effect on the habitat site's condition.
- 10.50 As confirmed in Natural England's advice, high concentrations of nutrients in the water can cause phytoplankton and opportunistic macroalgae blooms, leading to reduced dissolved oxygen availability. This can impact sensitive fish, epifauna and infauna communities, and hence adversely affect the availability and suitability of bird breeding, rearing, feeding and roosting habitats. The proposed development has the potential to increase the total nitrogen within the Tees catchment and add to the current exceedance, thus having a significant impact on the SPA.
- 10.51 A revised Nutrient Budget Calculator (metric) has been submitted during the course of the application based on the amended nutrient off-setting proposals discussed below), confirming that there would be a neutral nitrogen load as a result of the development. This would mean the proposed development would be 'nutrient neutral'.
- 10.52 Taking into consideration the concerns of Natural England with regards to the previous nutrient off-setting proposals involving grassland 'improvement', the applicant has proposed

to off-set the calculated positive nitrogen load of the proposed development by planting woodland in a 2.35ha area of agricultural land within the applicant's ownership (immediately to the north of the Angove Park site) This area of land would be kept out of agricultural use for the lifetime of the development and suitably managed and maintained during this time. A revised Habitat Management and Maintenance Plan (HMMP) has subsequently been submitted as part of the application which includes details regarding its implementation, management and maintenance.

- 10.53 The LPA (as the Competent Authority) has undertaken an updated Appropriate Assessment (AA) in relation to the implications of the proposed development on the Teesmouth and Cleveland Coast SPA. Natural England have been consulted on this and have raised no issues with the Council's AA and have removed their objections to the proposals, subject to the Council securing the permanent land use change of 2.35ha agricultural land to woodland (minimum of 100 trees per hectare) and the applicant undertaking of all relevant management/monitoring measures as detailed in the HMMP. This would be secured through a Deed of Variation of the Section 106 Agreement completed in relation to the original permission.
- 10.54 Subject to the agreement of the details of the aforementioned Deed of Variation to secure the provision and future management/maintenance of the proposed off-set woodland area in accordance with the completed Metric and the revised HMMP, the proposed development would be 'nutrient neutral' and would meet the requirements and expectations of Policy E3 of the Local Plan with regards to the impact on ecology.

Heritage

- 10.55 Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990 places a duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features or special architectural or historic interest which it possesses, whilst section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 10.56 The requirement to preserve, and where possible, enhance heritage assets (which includes Conservation areas and listed buildings) is a requirement of the NPPF as well as Policy E5 (Development Affecting Heritage Assets) of the Local Plan, which specifically states that a proposal will only be supported where it ensures that, (amongst other considerations not relevant to the current proposals) 'those features that contribute to the special architectural or historic interest of a listed building or its setting are preserved.' (part i.) This builds on Policy S7 (the Historic Environment) which states that Hambleton's Heritage Assets will be conserved in a manner appropriate to their significance.
- 10.57 In terms of archaeology (a Non-Designated Heritage Asset), the Council's Principal Archaeologist has not chosen to comment on this Section 73 application. However, he did make observations in relation to the original application which are considered to still hold relevance in relation to the determination of the current application. Although he confirmed

that there are no recorded archaeological remains within the application site (based on a Historic Environment Record search), he was aware of 'known remains within the vicinity, and therefore considered the site to have 'archaeological potential', with the potential for the site to contain hitherto unknown archaeological remains, although the previous use of the site for modern agriculture would reduce its archaeological potential. While he considered that the nature of lodges is likely to cause a minimal amount of ground disturbance' (which would reduce the potential archaeological impact), certain elements of the proposals could have a negative impact on any archaeological features, including service installation or the laying of hardstanding features, which are also relevant to the current proposals.

- 10.58 The Council's Principal Archaeologist has therefore recommended that a scheme of archaeological mitigation be undertaken, and a condition (condition 8) was duly imposed on the original permission requiring a Written Scheme of (Archaeological) Investigation (WSI) to be submitted to and approved by the Local Planning Authority. An acceptable WSI was subsequently submitted to the Council and discharged on 08.02.2023. In order to appropriately protect and record any potential archaeological remains within the site, it is recommended that if approved, a condition should be imposed requiring any subsequent groundworks associated with the provision of the additional lodges to be undertaken in accordance with the aforementioned approved WSI.
- 10.59 Subject to the imposition of the aforementioned archaeological condition, the proposed development does not raise any additional heritage issues or concerns and would accord with the requirements and expectations of Local Plan Policies S7 and E5 as well as the NPPF.

Other Matters

- 10.60 The original planning permission (ref.16/02048/FUL) was approved planning permission subject to the completion of a Section 106 agreement (signed and completed on 29 June 2017) which secured the future maintenance of the highway verge between the public footpath and Low Green to a suitable standard for use by pedestrians. The Section 106 requires annual maintenance so this covenant on the owner remains extant and would remain relevant to the amended scheme subject to the current 'variation of condition' application. If the Committee resolves to approve planning permission, it is recommended that the issuing of planning permission is conditional on the prior completion of a Deed of Variation to amend the existing Section 106 to make specific reference to the current application and reference number so that the aforementioned covenant still applies to the owner should the amended scheme be implemented.
- 10.61 The Case Officer is aware of concerns expressed by some existing lodge owners on the Angrove Country Park site regarding the impact that the additional lodges would have on the ambience of the Park, and a feeling that the additional lodges, if approved, would erode the existing 'Park character' that they bought into. Issues of amenity and landscape impacts as a result of the additional 35 lodges has been considered in separate sections of this report, however issues relating to the changes to the 'character' and 'feel' of the Park and how this would affect the enjoyment of existing lodge owners and patrons is not a material planning

matter and would need to be considered/addressed outside of the planning process between the Park owners and the concerned lodge owners/patrons.

- 10.62 It has been expressed in consultation/reconsultation responses submitted by local residents that the proposal is 'in breach of the original planning permission' for a number of reasons (see paragraph 7.2 above). It is important to clarify that a Section 73 permission is a new planning permission in its own right, that involve material (minor) amendments to the originally approved permission. Every Section 73 application needs to be considered on its own merits and the proposed amendments must be in accordance with the original application's description. While the proposals involve the installation of 35 additional lodges, this is within the context of the existing established Angrove site which already includes 54 approved holiday lodges within the eastern part of the site, as well as 25 static/touring caravan pitches, camping pods/facilities and a small number of chalets in the western part of the site and various additional facilities. 35 additional lodges and additional landscaping within this context (located within the existing, established boundaries of the Park) would not constitute more than a minor material amendment to the original planning permission and would not be contradictory to its (as amended) description.
- 10.63 Another expressed concern in the representations submitted by local residents is with regards to the lodges not meeting the definition of a caravan (as defined within the Caravan Sites Act 1968), i.e. due to their size and lack of mobility. The acceptability or otherwise of the proposed additional lodges (as per the dimensions and layout as shown on the submitted amended Proposed Additional Pitches Plan) need to be considered through the determination of the current planning application in relation to relevant Local Plan and national planning policy and guidance. For the purposes of the consideration of this Section 73 application therefore, it makes no material difference whether the proposed lodges fall within the definition of a caravan or not.
- 10.64 A local resident has also made reference in their representation to case law that he considers pertinent to the consideration of this Section 73 application, i.e. *Court of Appeal Case Law CA-2023-001910 issued 12/10/24*. This case law clarifies that if a section 73 application is to be granted with the same conditions as the original planning permission, then the application should be refused. While this matter is acknowledged, it is important to state that if Members resolve to grant planning permission for this Section 73 application as submitted, then there would be varied/modified conditions attached, e.g. condition 2 which would now include reference to the amended Additional Pitches Plan. Therefore, the Section 73 permission would not be granted with the same conditions as the original permission and the aforementioned case law would have no consequential relevance to the decision.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 The proposed additional lodges would have positive benefits to the local economy and result in a sustainable expansion of an existing rural business according with the relevant

criteria of Local Plan policies S1, S3 and EG7. This should be afforded moderate positive weight in the Planning Balance.

- 11.2 In terms of design and landscape character impacts, the proposed amendments are not considered to have an adverse impact on wider landscape views or the existing character of this part of the countryside more generally, according with the relevant parts/criteria of Local Plan Policies E1 and E7 in these respects. This is afforded a neutral weighting in the Planning Balance.
- 11.3 While the proposed development would have a negative impact on a limited number of localised views of the development within its landscape setting, this adverse impact is afforded minor negative weight in the Planning Balance having taken into consideration the screening effects of the landscaping scheme.
- 11.4 The amended proposals would comply with the relevant Local Plan policies regarding green infrastructure, ecology, amenity, PROW impact, highway safety/amenity, nutrient neutrality, and heritage. Overall, these matters are afforded a collective neutral weighting in the Planning Balance.
- 11.5 While the development is considered to meet most of the relevant criteria of Local Plan Policies RM2 and RM3 with regards to flood risk and surface water drainage (afforded neutral weight in the Planning Balance), the failure to demonstrate that the development has passed the sequential and exception tests is contrary to the requirements of criterion a. of Local Plan policy RM2 and the NPPF. There are however considered to be material considerations based on the established site and siting and floor levels of the built development within it that would avoid any material adverse flood risk impacts (subject to conditions) that would take precedence in the determination of this application in respect of these specific policy requirements for this development.
- 11.2 The moderate positive benefits of the proposed development to the local economy would outweigh the minor localised harm to specific local views of the development. It is therefore recommended that planning permission is granted, subject to the requirements listed in section 12 below.

12.0 RECOMMENDATION

12.1 MINDED TO GRANTED PLANNING PERMISSION, subject to:

- (5) Receiving written confirmation that the NYC Footpaths Team have no objections to the development.
- (6) Receiving written confirmation that NYC LLFA have no objections to the wording of the recommended drainage and flood-risk-related conditions within section 12 of this report.

(3) The completion of a Deed of Variation to make specific reference to the current Section 73 application/reference number and to secure the implementation, retention, monitoring and management of the land to be used for nutrient neutrality off-setting.

(4) The imposition of the recommended planning conditions within Section 12 below.

Conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be undertaken in accordance with the following plans:

- a. Proposed Additional Pitches Plan (H2-210404/4 F)
- b. Detailed Landscape Proposals Plan 1 of 2 (H2-210404/1 F)
- c. Detailed Landscape Proposals Plan 2 of 2 (H2-210404/2 F)

As per the aforementioned plan, the development shall provide no more than 89 holiday lodges on site, and no more than one sales enquiry office. No lodge hereby approved, including the sales enquiry office and associated reception building, shall have more than one storey.

Reason: In order that the development is undertaken in a form that is appropriate to, and compatible with, the character and appearance of its surroundings as a whole, in accordance with the Local Plan Policies S1, E1 and E7.

3. All additional holiday lodges and sales enquiry office as well as all associated decking hereby approved that are sited within parts of the application site prone to surface water flooding as shown on the Environment Agency's surface water flood risk maps at the time of their installation shall have floor levels no less than 300mm above the existing ground level and shall be of a design to allow surface water to flow underneath each relevant lodge/unit.

Reason: To ensure that the additional holiday lodges that not adversely affected by surface water flooding and to prevent fan potential additional flood risk elsewhere on the site from surface water displacement, in accordance with Local Plan Policies RM2 and RM3.

4. Prior to the first use of any the additional lodges hereby approved, a parking plan for the additional lodges shall be submitted and approved in writing by the Local Planning Authority. The parking plan shall make provision for suitable on-site parking for a minimum of two vehicles per additional lodge. Thereafter, the additional lodges shall be occupied in

accordance with the approved parking plan, and the areas within the site designated for parking for the additional lodges shall be kept available for their proposed use without obstruction at all times during the lifetime of the development.

Reason: To ensure that there is sufficient on-site parking provision for the additional lodges, and that the parking areas are available for use in relation to the development at all times, in accordance with Local Plan Policy IC2.

5. The additional lodges hereby approved to be installed on-site shall be done so in accordance with the site-wide, lodge design code as previously approved by the Local Planning Authority through the discharge of condition 3 of planning permission ref. 16/02048/FUL on 08.02.2023.

Reason: To ensure that the design and appearance of the additional lodges are in keeping and appropriate to the existing Angrove development, in accordance with Local Plan Policies E1 and E7.

6. Prior to the first use of any the additional lodges hereby approved, details of any external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall adhere to the requirements and principles as set out in the lighting scheme approved by the Local Planning Authority through the discharge of condition 4 of planning permission ref. 16/02048/FUL on 26.01.2018, and shall include include details of: the lighting model and specifications; the number and locations of all external lighting; the angle of installation (where applicable); and details of measures/features to avoid light spill. All external lighting installed in relation to the development shall be in accordance with the approved external lighting scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason To avoid unnecessary light spill and light pollution to the detriment of ecology and the rural character of the countryside, in accordance with Local Plan Policies E1, E3, and E7.

7. Any additional groundworks associated with the provision of the additional lodges hereby approved shall take place/commence in accordance with the Written Scheme of Investigation approved by the Local Planning Authority through the discharge of condition 8 of planning permission ref. 16/02048/FUL on 08.02.2023. The additional lodges shall not be first used/occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the aforementioned approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure that the approved Written Scheme of Investigation is adhered to in order to suitably protect and record any archaeological remains within the site, in accordance with local Plan Policies S7, E5 and the NPPF.

8. Unless otherwise approved in writing by the Local Planning Authority, the development shall be undertaken and implemented in accordance with the Construction Environmental Management Plan (CEMP) approved by the Local Planning Authority through the discharge of condition 10 of planning permission ref. 16/02048/FUL on 08.02.2023.

Reason: To ensure that biodiversity is offered protection during the construction of the development in accordance with Local Plan Policy E3.

9. Unless otherwise approved in writing by the Local Planning Authority, the relevant landscape management and monitoring and other requirements as set out in the Landscape and Ecological Management Plan (LEMP) approved by the Local Planning Authority through the discharge of condition 10 of planning permission ref. 16/02048/FUL on 08.02.2023, shall be adhered to.

Reason: In order to satisfactorily mitigate the visual appearance of the development and deliver biodiversity benefits in accordance with Local Plan Policies E1, E3 and E7.

10. Unless otherwise approved in writing by the Local Planning Authority, and prior to the commencement of any additional groundworks or construction traffic movements associated with the approved development, wheel washing facilities shall be provided on site in accordance with the wheel washing facilities approved by the Local Planning Authority through the discharge of condition 14 of planning permission ref. 16/02048/FUL on 08.02.2023. These facilities shall be retained on site and be kept available and in full working order until the completion of the development.

Reason: To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety in accordance with Local plan Policy IC2.

11. Unless otherwise approved in writing by the Local Planning Authority, the development shall be operated and occupied as applicable in accordance with the Travel Plan for the site approved by the Local Planning Authority through the discharge of condition 15 of planning permission ref. 16/02048/FUL on 08.02.2023.

Reason: To establish measures to encourage more sustainable non-car modes of transport in accordance with Local Plan Policy IC2.

12. There shall be no additional delivery of the approved lodges to site until details of measures to maintain the free flow of traffic on the highway network have been approved in writing by the Local Planning Authority in consultation with the Highway Authority and the development shall thereafter be carried out and operated in accordance with the Construction Traffic Management Plan. The measures shall include but not be limited to: (a) Details of the routes to be used by HCV construction traffic; (b) Traffic Management Plan; and (c) Parking / Storage areas.

Reason: In the interests of the safety and convenience of highway users, in accordance with Local Plan policy IC2.

13. There shall be no additional delivery of the approved lodges to site until a Construction Phase Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the development shall thereafter be carried out and operated in accordance with the Construction Phase Management Plan. The Plan shall include arrangements for the following: (a) Protection of carriageway and footway users at all times during demolition and construction; (b) Erection of hoardings, security fencing and scaffolding on/over the footway & carriageway; (c) Protection of contractors working adjacent to the highway; (d) Removal of materials from site; (e) Delivery of materials and plant to the site; (f) Loading/unloading of materials and plant; (g) Storage of materials and plant; (h) Parking of contractors vehicles; and (i) Programme for the works.

Reason: To avoid interference with the free flow of traffic and to secure safe and appropriate access and egress to the site in the interests of safety and convenience of highway users and the amenity of the area, in accordance with Local Plan Policy IC2.

14. There shall be no access or egress between the highway and the application site at the approved emergency access by any vehicle save in an emergency. The access shall be maintained in a safe manner which shall include a means of locking to allow emergency use but prevent unauthorised use and approved by the Local Planning Authority in writing. For clarity emergency use shall be defined as use by emergency vehicles or unforeseen circumstances which prevent vehicles from using the main access for a period of time. In the latter circumstances a plan for traffic management, approved in writing by the Local Planning Authority in consultation with the Highway Authority shall be employed.

Reason: In the interests of both vehicle and pedestrian safety and the visual amenity of the area, in accordance with Local Plan Policies E7 and IC2.

15. Prior to the occupation of any of the additional lodges hereby approved, details shall be submitted to and approved in writing by the Local Planning Authority to confirm the number of lodges that will be retained by the park and restricted in their occupation for holiday letting purposes only. No occupier of those lodges shall use any of the retained units for more than 12 weeks in any single calendar year.

Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation and can thereby contribute to the economy without undue demands local schools and services.

16. Prior to the occupation of any holiday unit hereby approved that forms part of the remainder of the additional lodges units not identified under the condition directly above, a scheme for the promotion of holiday letting of those units shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall make provision for

the holiday letting of those units and shall specify the manner in which holiday letting will be promoted to potential purchasers. This scheme shall be implemented in full and continuously so long as any lodges are on the site.

Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation and can thereby contribute to the economy without undue demands local schools and services.

17. The development must comply with the following requirements that: (1) the holiday lodges shall be occupied for holiday purposes only; (2) the lodges shall not be occupied as a person's sole, or main place of residence; (3) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation and can thereby contribute to the economy without undue demands on local schools, social and health services etc.

18. Based on the landscaping areas and species details on the Proposed Additional Pitches Plan (H2-210404/4 F), Detailed Landscape Proposals Plan 1 of 2 (H2-210404/1 F) & Detailed Landscape Proposals Plan 2 of 2 (H2-210404/2 F), and also incorporating the principles and details of any landscaping specified within the wording of condition 9 of the original planning permission (ref.16/02048/FUL) that have not yet been fully undertaken, a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs shall be submitted to and approved by the Local Planning Authority within 3 months of the date of this permission. The development shall not be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situated within the site have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

Reason: To ensure that the landscaping is appropriate with regards to the context of the existing development and its rural surroundings and to secure its appropriate implementation, in accordance with Local Plan Policies E1 and E7.

19. Prior to the first use of any of the additional 35 lodges hereby approved, the approved drainage strategy, pond design and micro drainage calculations shall be updated and submitted to and approved by the Local Planning Authority. The aforementioned updated plans and calculations shall demonstrate how the existing or an improved sustainable surface water drainage scheme for the whole site will be able to sustainably accommodate and discharge surface water for the development in accordance with sustainable drainage principles and the recommendations contained within North Yorkshire Council's Sustainable Drainage Systems Design Guidance or any subsequent updated document. Where an

improved sustainable surface water drainage scheme is demonstrated to be required, the improvement works (including all attenuation features) shall be completed in accordance with the updated details and plans and be fully operational prior to the first use of the 35 lodges hereby approved.

Reason: To ensure that an appropriate surface water drainage system is installed in relation to the development, in accordance with Local Plan Policies RM2 and RM3.

20. Within one month of the date of this permission, a management and maintenance scheme for the surface water drainage scheme shall be submitted to the Local Planning Authority. Once the scheme is approved by the Local Planning Authority, the surface water drainage scheme for the site shall be managed and maintained in accordance with the approved management and maintenance scheme for the operational lifetime of the development.

Reason: To ensure that an appropriate management and maintenance scheme for the surface water drainage scheme is implemented for the development, in accordance with Local Plan Policies RM2 and RM3.

21. All foul flows from the development shall discharge to the Northumbrian Water combined sewer at manhole 0001.

Reason: To ensure that foul flows from the development are sustainably disposed of, in accordance with Local Plan Policy RM1.

Target Determination Date: 11th July 2022

Case Officer: Ian Nesbit – ian.nesbit@northyorks.gov.uk

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North Yorkshire Council

Community Development Services

Richmond Area (Yorks) Area Planning Committee

11TH SEPTEMBER 2025

20/00007/FULL - Full planning permission for proposed demolition, extension and refurbishment of existing care home to form 36 bed care home with the erection of two-storey care home with associated access and car parking

At: Morris Grange Nursing Home, Middleton Tyas, Richmond, DL10 6NX

On behalf of: Mr Houghton

Report Of The Head of Development Management– Community Development Services

1.0 PURPOSE OF THE REPORT

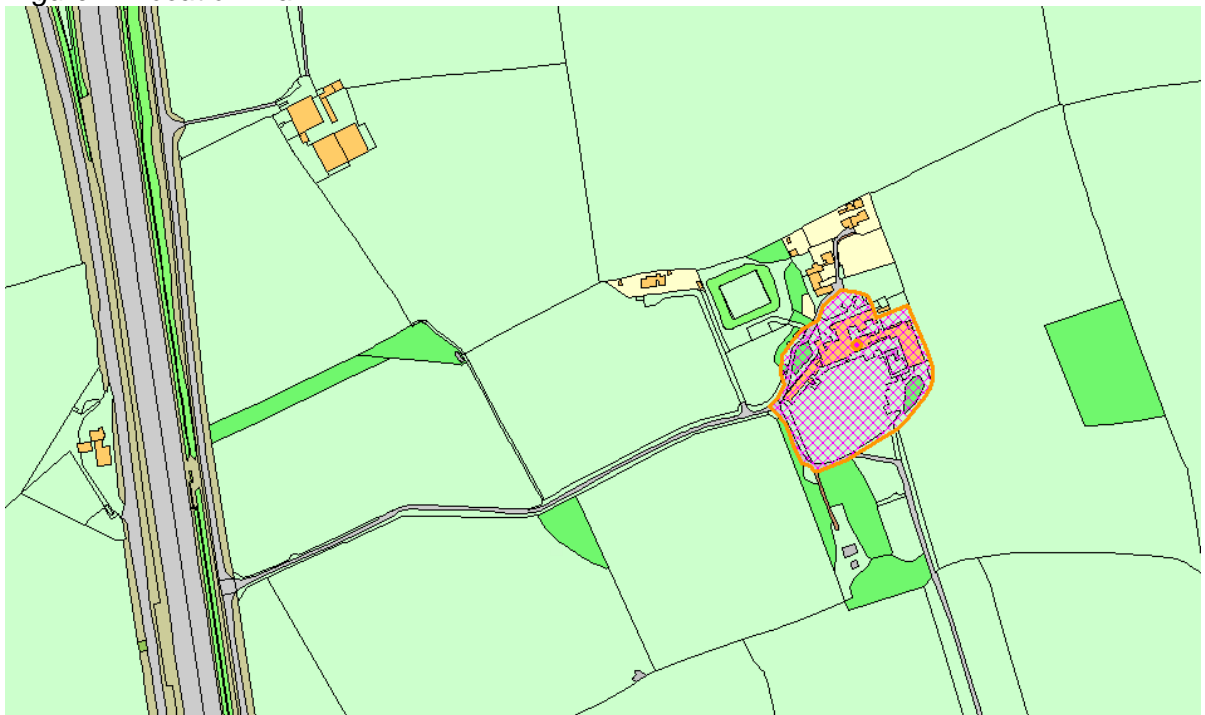
- 1.1. To determine a planning application for Full planning permission for proposed demolition, extension and refurbishment of existing care home to form 36 bed care home with the erection of two-storey care home with associated access and car parking at Morris Grange Nursing Home Middleton Tyas Richmond.
- 1.2. This application is brought to the Planning Committee due to significant material planning considerations in respect to new care dwellings in the countryside. The application was also requested to be referred to committee by the ward member.
- 1.3. This application was previously considered by planning committee 10th October 2024 and resolved to GRANT planning permission subject to the LLFA advising they have no objection (subject to or not subject to condition(s) and no new material representations having been raised, and subject to prior completion of a S106 agreement and conditions as listed in the committee report and update list together with the following additional requirements listed below, delegated to the Head of Development Management:
 - S106 Heads of Term for passing places.
 - S106 Head of Term requiring residential properties to have free access via Scurrah House Lane in perpetuity.
 - Condition limiting cafes uses to the residents, residents' visitors, staff and external contractors engaged to undertake work on site.
- 1.4. The applicant subsequently submitted a revised site plan to include two passing places along the existing east-west access track and a statement explaining that they are unable to facilitate free access via Scurrah House Lane in perpetuity via the access track which runs north/south. Therefore, the application is brought back to planning committee for a new resolution.

2.0 SUMMARY

RECOMMENDATION: That planning permission be **GRANTED** subject to S106 agreement and conditions as listed in the Committee Report and updated below, delegated to the Head of Development Management.

- 2.1 The proposed development at Morris Grange Nursing Home includes the demolition, extension, and refurbishment of the existing care home to establish a 36-bed facility. Additionally, a new two-story building is proposed to be constructed, consisting of 13 apartments designed for individuals in need of care. The development also includes associated access improvements and the provision of car parking.
- 2.2 Morris Grange Nursing Home is located in an isolated rural setting near Middleton Tyas, Richmond, North Yorkshire. The site is surrounded by agricultural land with nearby settlements including Scotch Corner and Middleton Tyas. The care home complex is currently vacant, having last operated with 71 beds before being closed in 2016.
- 2.3 The existing building re-use and extension elements of the application complies with Policy CP8. The new build element partially conflicts with Policies CP4 and CP8, however, is considered acceptable due to a building in the same position and scale recently being demolished, overall reduction in the number of residents, proportionate expansion of a care home and the ability to share staff and services. Therefore, the principle of development is considered acceptable.
- 2.4 The C2 care use, would need to be secured by condition and for the new build block by S106 agreement in addition.
- 2.5 All technical matters are found to be acceptable subject to conditions.

Figure 1: Location Plan



3.0 PRELIMINARY MATTERS

- 3.1. Access to the case file on Public Access can be found here:- [Planning Documents](#)
- 3.2. This application was previously considered by planning committee 10th October 2024 and resolved to GRANT planning permission subject to the LLFA advising they have no objection (subject to or not subject to condition(s) and no new material representations having been raised, and subject to prior completion of a S106 agreement and conditions as listed in the committee report and update list together with the following additional requirements listed below, delegated to the Head of Development Management:
- S106 Heads of Term for passing places.
 - S106 Head of Term requiring residential properties to have free access via Scurrah Lane in perpetuity.
 - Condition limiting cafes uses to the residents, residents' visitors, staff and external contractors engaged to undertake work on site.
- 3.3. However, the applicant subsequently confirmed in a statement that they are not willing enter into a S106 agreement to allow residents access to Scurrah House Lane via the north-south route. Therefore, the application is brought back to planning committee for a new resolution.
- 3.4. The applicant states that there are no existing legal rights of access for residential property owners or any other parties to use the road that runs north/south within the site. Objectors have raised concerns over this, stating that they have had use of the access for a number of years. This may be the case but rights of access to this road are a Civil matter and therefore not a planning consideration. It is the applicant's intention to limit the use of this road to activities directly connected to the care facility. They state that allowing unaffiliated individuals to use the road would compromise the primary purpose of the site and could negatively impact its functionality. It is intended to reserve access to the proposed care apartments only. To make access arrangements clear, the applicant is also proposing a signage strategy to direct traffic appropriately.
- 3.5. The applicant confirms that they are including two passing places along the east-west access. It is considered the access arrangements are suitable for both the proposed development and residential dwellings which share the west-east access.
- 3.6. The remainder of this report has been updated throughout including incorporating the 10th October 2024 update list/Supplementary report. In addition, the report has been updated to take into account the NPPF 2024 published 12th December 2024.
- 3.7. The scheme originally submitted in 2020, sought permission for a 50 bed care home, with the construction of a three story close-care apartment building of 23 apartments. The scheme has remained undetermined whilst awaiting a bat survey. In May 2024 an amended scheme and bat survey was submitted, seeking permission for a smaller scale development of a 36 bed care home and a two-story apartment block comprising of 9 single bed and 4 two-bed apartments for residents in need of care. This forms the current application.

Historical Context

- 3.8. An Historical O.S. map (of 1928) indicates that Morris Grange was previously used as a 'Sanatorium for children'. Extensions to the sanatorium were approved in 1960. By 1962 it was referred to as a 'handicapped persons home' when further alterations were approved. Further extensions and a warden's flat were approved in 1966. In 1971 planning permission was refused for conversion of disused outbuildings into flats, as it was considered that the proposed development would result in a substandard increase in the use of the existing vehicular access to the trunk road to the detriment of the safety and convenience of all

highway users. A further proposal in 1971 for conversion of existing property to houses and flats was also refused for the same reason. In the period 1972/3 planning permissions were granted in relation to plans for the conversion of disused cottages, stables, granary etc. to dwelling houses/flats (to the north side of the Morris Grange complex).

- 3.9. When the care home was operational it provided accommodation for up to 71 residents in their own rooms. The care home went into administration in 2016 and was purchased by the current owners in May 2019, with a view to the current proposed total refurbishment and redevelopment of the site.
- 3.10. The site has extensive planning history dating between 1987 and 1999, however, is not considered relevant to the determination of this current application.
- 3.11. There is a live application, reference ZD24/00489/FULL, for 4 x 3 bedroom care homes to the south of the existing building.

4.0 SITE AND SURROUNDINGS

- 4.1. Morris Grange is a well-established care home, unoccupied since 2016 and purchased by the current owners in 2019. Whilst there is a small group of dwellings to the north of the care home, these were established through the conversion and adaptation of former cottages, outbuildings/stables originally associated with Morris Grange. An agricultural worker's dwelling (Ash House) is located to the north-east of the care home, built with justified agricultural need as a replacement dwelling, as a result of the widening of the A1 Trunk Road to the west. The northern boundary of the care home complex (to the east of the entrance and parking area, is defined by mature trees being conifer types to the west side and deciduous trees to the east side behind the small private care home garden on the north-eastern side of the main entrance to the premises. The closest dwelling is Stable Cottage, which is two-storey and has first floor windows that look out onto the conifer trees.
- 4.2. This *enclave* of dwellings and care home form an isolated group, some distance from any existing established village or town (*as defined in the Adopted Local Plan*), with no direct access to local services. Morris Grange has two vehicular accesses to the site (one from the west and north alongside the A1 Trunk Road from Middleton Tyas; and the other one from the south, off Scurragh House Lane). There is a Public Right of Way passing through the grounds to the south of the care home, running east-west.
- 4.3. The proposals relate to the whole of the former Morris Grange Care Home and garden grounds, (excluding an area of open land).
- 4.4. Development has commenced on site without permission, therefore, some elements of the proposal are retrospective.

5.0 DESCRIPTION OF PROPOSAL

- 5.1 These proposals relate to the proposed redevelopment of the existing single storey, former Morris Grange Care Home, including demolition, extension and refurbishment of the existing buildings, to form a 36 bed care home, together with the erection of a two-storey apartment building of 13 apartments for those in need of care with associated access and car parking.
- 5.2 The submitted Design and Access statement advises that the earlier Morris Grange Care Home was a 71-bed property which was at the end of its useful life needing considerable modifications and updates to be useable in the current Care Home market.
- 5.3 The proposal also includes a new two-storey apartment building to the eastern boundary of the site. This is sited where there was a similar scale building which was demolished. The

new building would include the ground floor area built into the natural slope of the site accommodating 3 of the apartments at lower ground floor level to the south and the remaining 10, above at ground floor level. 9 flats are to be single bedroom and 4, two-bedroom apartments. Parking for residents and visitors car parking would be located adjacent to and within the old basement area of the now demolished building.

- 5.4 The remaining single storey building is proposed to be reconfigured to allow for 36 new care home bedrooms that meet modern standards with wider corridors and larger bedrooms/bathrooms. Previous additions, such as conservatories are to be removed and the overall design of the existing building, rationalised. Bedrooms are reconfigured to face south, into the garden. In the main, external alteration are minimal, mostly comprising of relocation of windows and replacement roofing and rendering. A new entrance area takes the place of an existing flat roofed extension with a new entrance lobby, small café for visitors and a new kitchen and laundry. New roofing would be of red-pantiles to match the existing with matching render wall and locally sourced quoin detailing. Doors and windows will be replaced with white UPVC double glazing with black soffits, fascia and rainwater goods.
- 5.5 Externally to the front of the building, new car parking and driveways will be surfaced in tarmac with existing gravelled car parking at the front of the care home retained. A new turning area will allow delivery and refuse vehicles to turn and retrace their route to the main road. Passing spaces will be added to the half kilometre long drive way. A drop-off / pick-up and ambulance area will be provided adjacent to the front entrance.
- 5.6 A minimum of 16 car parking spaces will be provided at the entrance area – 1 per 8 residents (5), 1 for a professional visitor and up to 10 for staff. The mature garden area to the south of the Care Home will remain. Gardens will be made accessible to able bodied and wheelchair residents. The proposal would be accessed via Scuragh Lane, with a secondary access via the pre-existing road that runs east-west. The east-west road is used by private residences to the north of the site. The scheme proposes the inclusion of two passing places along the east-west road to assist with the flow of traffic. A track runs north/south which is intended for access to the care apartments only.
- 5.7 The proposal would comply with Part M building regulations & would be DDA compliant, apart from the preexisting corridors constrained by existing structures within the central 'old house' part of the existing building.

6.0 PLANNING POLICY AND GUIDANCE

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:

- Richmondshire Local Plan 2012-2028 Core Strategy, adopted 2014
- Saved Local Plan Policy 23 of the Richmondshire Local Plan 1999-2006
- The Minerals & Waste Joint Plan 2015 – 2030 adopted 2022

Emerging Development Plan – Material Consideration

- 6.3 North Yorkshire Council is preparing a new Local Plan; however, it is at too early a stage to be a material planning consideration.

Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:

- National Planning Policy Framework 2024
- National Planning Practice Guidance
- National Design Guide 2021

7.0 CONSULTATION RESPONSES

7.1. The following consultation responses have been received and have been summarised below.

7.2. Parish Council:

- Residents object to the apartment element of the proposal until confirmation is provided on their use. - Case Officer comment: *The apartments are to be used as use class C2 care home accommodation.*
- Apartments may result in increase in traffic
- Addition of café will attract more visitors, traffic and delivery vehicles
- The proposed passing places on the access road should be conditioned
- Concern raised over felling of trees which may require permission.
- There is no provision of cycle storage
- Overlooking of Hunters End and East Cottage in particular
- Foul drainage issues – septic tank at full capacity, inadequate pipework and existing approved developments not yet completed
- High water table and fields flood – surface water will need to be carefully controlled to avoid further flooding
- Width of road on proposed roundabout – inadequate for delivery, emergency and refuse vehicles
- Concern over intention to limit north/south access to care home traffic only
- Highlight the existing of the Public Right of Way on the site and the need for it to be maintained.

They further commented in response to the revised access proposals raising the following concerns:

1. The provision of passing places on the east west road into the care home and residential properties at Morris Grange.

2. The erection of signposts at locations around the care home and roads leading to it and the residential properties.

3. The applicant stating they cannot provide free access to the site via the road from Scurragh House Lane (the north south road). Residents, through the Parish Meeting, have the following comments regarding these proposals:

1. The provision of two passing places on the east west route are welcomed.

2. Examples provided by the applicant of signposts are those currently placed at the road entrances and do not relate to the proposal.

3. The applicant states it is “unnecessary and unreasonable” to allow residents free access to the north south route to Scurragh House Lane. The only explanation offered in correspondence dated 24 January 2025 is regarding safety and volume of traffic and also stating there is an alternative route. Residents have had access to this route for over the statutory 20 years provided in legislation and wish this situation to remain.

4. Residents have provided the following justification for having access to Scurragh House Lane:

The first choice of access/exit route for all residents of the properties on the 'Morris Grange' site, is the lane which leads down to the new service road.

However, it is convenient to sometimes be able to use the route via Scurragh House Lane.

A couple of years ago, a tree fell across the lane which leads to the service road, completely blocking it, so we had to use the SHL route.

Also, when we get a lot of snow, it tends to build up at the junction of the lane and the service road, making it impassable.

However, there is no such problem via the SHL route.

We have all had unrestricted use of this route historically and it would be a very welcome, neighbourly gesture, if the new owners allowed us to continue, and one which I'm sure all would all be grateful for.

7.3. **Division Member(s):** request that application is heard at committee.

7.4. **Highway Authority:** No objections subject to condition.

7.5. **Highways England:** No objection

7.6. **Police Architectural Liaison Officer:** Site lies within an area with low crime and disorder levels. Recommend to applicant that CCTV and key code access should be use to increase security of residents and vehicles.

7.7. **Local Access Forum:** The proposals do not appear to include arrangements for cyclists to access the development and we expect there may be shift workers who can cycle to the care home. All large places of employment should provide secure cycle parking and changing rooms for those opting for sustainable transport, but we do not see such facilities on the plans, so we advise these be included.

7.8. **Yorkshire Water Services:** A 90mm MDPE water main crosses the site near Stable Cottage, which should not be affected by the proposals. The three water mains in the adjacent field should not be affected by any work connected with this development. The developer may need to speak to the owner of Ash House to get an approximate location of the recorded private supply pipe, which feeds the property. The pipe is likely to run in the verge/grass along the parking area to the front of the current Nursing Home and prior to any excavation works, recommend that the pipe is located by conducting a site survey. NOTE: With reference to the relevant Site Access Deeds associated with the adjacent reservoir, Yorkshire Water shall have right of access at all times, with or without vehicles, subject to contributing to maintenance of the access road. From the submitted information, private

facilities will be utilised for the disposal of both foul and surface water from the site. As there is no public sewerage infrastructure near the site, we have no comments to make in this regard.

- 7.9. **Environment Agency:** No objection to the proposal, subject to condition.
- 7.10. **Ecologist:** Appropriate surveys have been completed and a single day roost used by very small numbers of Common Pipistrelle bats was located behind the soffits. While all bat roosts are protected by law, day roosts like this are of lower conservation significance and their loss can be mitigated by standard measures (in this case, installation of suitable bat boxes during the refurbishment). On this basis, the proposed development complies with the Favourable Conservation Status test set out in the Conservation of Habitats & Species Regulations 2017.

We recommend a Condition to comply with the recommendations set out in section 6.1 of the bat survey report.

A protected species mitigation licence will need to be obtained from Natural England, so it is important that the applicant liaises with their ecologist.

- 7.11. **Environmental Health:** Having considered the potential impact on amenity and the likelihood that the proposed development will cause a nuisance to neighbouring properties, I consider that the impact will be low. Conditions relating to contamination, noise/dust during construction and artificial lighting are recommended.
- 7.12. **LLFA:** No objection subject to conditions.

Local Representations

- 7.13. **Ramblers:** Ramblers note that a public right of way crosses the access road. It should be always kept unobstructed and useable for walkers including during any construction works.
- 7.14. Summary of 9 representations received including 2 reiterating their original objections still stand when consulted on the scheme as originally proposed (where comments made are material planning considerations) – all documents and full details can be viewed using the link at the beginning of this report :

OBJECTIONS/COMMENTS:

Parking provision and access

- Question adequacy of proposed parking/loading and turning
- Proposed turning circle seems inadequate for delivery and waste vehicles
- Parking areas will need to be of porous material to allow drainage to trees
- Insufficient parking provision for staff, residents and visitors
- Lack of garage or cycle storage facilities
- Lack of warden/staff parking

Vehicular access to the nursing home, reservoir and private residences

- Yorkshire Water require access at all times to the reservoir and this is the only access for 6 existing private dwellings sharing the access with Morris Grange which needs to be kept clear for access
- Intensification of use of access(es)
- Poor infrastructure – access surface is poor having deteriorated as the nursing home previously expanded, especially unsuitable for HGVs
- Request nursing home use Scurragh House Lane for HGV access

- What are the plans for the south access off Scurragh House Lane
- Concerned about traffic speed, both during construction works and afterwards – roads regularly used by local residents, walkers and cyclists
- Need for passing places/safe refuge for pedestrians

Impact of construction traffic on privately maintained road

- Concerned construction traffic will damage this privately maintained road

Ecology

- Concerns about the amount of tree felling that took place in Spring 2020
- Lack of ecology survey – bats in existing buildings? / Great Crested Newts?
- Clarification on which trees are to be retained?
- Additional tree planting/landscaping would help to assimilate new three storey building and compensate for recent tree felling

Foul Drainage and Flood risk

- Lack of foul drainage details, current foul drainage system for Morris Grange does not work and has not been serviced for many years
- Lack of flood risk assessment and surface water disposal

Renewable Energy Provision/Carbon Savings

- No evidence of use of renewable energy provision, ie solar panels

Housing mix conflict with Policy 5

- Housing mix conflict with Policy CP5 of the Local Plan

Sustainability of the location

- Location not sustainable conflict with Policies CP3 and CP4 of the Local Plan

Impact on Neighbours

- Shared boundaries with neighbours – loss of privacy - how will privacy be maintained?
- Impact of extra traffic and noise on existing private residents

Other Issues

- Medical waste storage should be well away from neighbouring residential properties and public areas
- Changing the name from Morris Grange to White Oaks is an issue for some local residents and suggest that a 'Morris Grange Cottages' signpost is erected at the top of the lane on the A1 access road

8.0 ENVIRONMENT IMPACT ASSESSMENT (EIA)

8.1. The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

9.0 MAIN ISSUES

9.1. The key considerations in the assessment of this application are:

- Principle of development
- Rural Sustainability
- Employment
- Design Appearance and Impact on the Countryside

- Impact on Neighbours
- Access and Parking Arrangements
- Foul Drainage
- Flood Risk
- Renewable Energy Provision – Climate Change Mitigation
- Trees
- Ecology
- Type of Residential Occupancy/ Tenure and Affordable Housing Provision
- BNG
- Other Issues Raised
- The Public Sector Equality Duty
- Section 106 Agreement

10.0 ASSESSMENT

Principle of the Proposed Development:

Definition of Current Use:

- 10.1 Morris Grange is a well-established care home (albeit presently vacant), located in an isolated rural location, not adjacent to or within any defined existing settlement, the nearest being the small village of Moulton over 1km to the south-east. The care home is surrounded by agricultural land, with Scotch Corner and Middleton Tyas located to the north. Based on the evidence of the 1928 O.S. Map and subsequent planning history; and as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended), the current authorised use for the Morris Grange Care Home site is as a Class C2 – Residential Institution (Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres).

Principle of Development:

- 10.2 There is an identified need for mixed types of accessible housing accommodation and care for older persons with a range of needs (*Strategic Housing Market Assessment, Richmondshire District Council, Final Report, 2019*). Therefore, the proposed housing mix would meet the expectations of Policy CP5 of the Local Plan.
- 10.3 To secure the use as C2 opposed to C3 (normal residential) for the new build flats, occupancy restrictions are required to be secured by a Section 106 Agreement. This would require each unit to have at least one occupant in need of care, and set out a definition of the minimum care requirements and services available. One family member may live in the units, and/or carer in the two bedroom units.
- 10.4 The works to the existing building are clearly supported by Policy CP8 which supports the re-use of buildings including extensions which complements the character of the main building. Likewise, this is also supported by paragraph 84 of the NPPF which states that “Planning decisions should avoid the development of isolated homes in the countryside unless...the development would re-use redundant or disused buildings and enhance its immediate setting”. The principle of the development in respect of the existing building is thus compliant with Adopted Local Policy and National Policy/Guidance.
- 10.5 In respect to the new build element (13 flats) Policy CP8 supports the expansion of rural business. However, whilst this care home planning unit is rurally based, it not a business that requires a rural location. Policy CP4 sets out that development should be adjacent to a settlement’s Development Limit or ideally within them. This site is not within or adjacent to a settlement limit.

- 10.6 There are, however, material considerations which indicate the new build element should be allowed. Firstly, as recently as 2016 there was an existing building of similar scale where the new build block is proposed. CP8 2h) supports replacement buildings of a similar scale and appropriate design which would achieve a more sustainable development than by conversion. In this circumstance, it appears the building was demolished to facilitate the new build block. Secondly, it is the sensible, proportionate expansion of a care home where they can share staff and services such as meals, medical support, personal care together with social and other activities for residents wellbeing. Thirdly, the planning unit used to house 71 residents and the current proposal will reduce this number to 22 residents. Therefore, overall, the operational phase will require less vehicle trips than if the existing building is simply refurbished and re-opened. Paragraph 89 of the NPPF states that “decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable. The use of previously developed land should be encouraged where suitable opportunities exist”. Having regard to these material considerations, it is considered that the new build block is also acceptable in principle.

Employment

- 10.7 The application states that the proposals would require a staff of 36 people. This level of employment would support the local economy and would meet the expectations of Policy CP7 a) of the Local Plan in this regard.

Design, Appearance and Impact on the Countryside

- 10.8 Policy CP3 a) and paragraph 129 of the NPPF support development that promotes the efficient use of land. Policy CP4 3a) states that proposals should not impact adversely on the character of the landscape. Policy CP12 a) Supports development that conserves and enhances the plan area’s natural assets. This is reflected in paragraph 187 of the NPPF. Policy CP13 supports schemes that provide high quality design and this is reflected in paragraph 135 of the NPPF. The single storey elements and central two-storey element of the proposals, for the most part would retain the existing mix of materials of stonework and render, with extensions constructed with sympathetic low pitched hipped tiled roofs to complement the style and mass of the existing building. It is clear that there are later additions to the eastern side of the complex where the red pantile roofs retain their bright colour, whereas on the older part of the complex the red pantile roofs have toned down over time and are much darker. The proposed extensions, including the proposed care home apartment building, are intended to be built of buff brickwork with red clay pantiles to match existing. All windows and doors would be white upvc with black soffit fascias and rainwater goods.
- 10.9 The 2 storey building, as seen in views from the south would be no more visible than the building it replaces in views from the public roads and footpaths in the area from some distance away; whereas the existing two-storey and single storey buildings tend to blend in with the surrounding landscape and are partially screened by the mature trees around the grounds. Given the established complex of buildings, the 2 storey building in this location would not significantly change the appearance of the site as viewed in the landscape from the east and south; furthermore, views from the west would be less impactful due to the topography of the land which tends to undulate away to the west, with the A1 at a much lower level, and with the proposed building set back towards the eastern boundary with the mature garden trees to break up its appearance.

- 10.10 The proposed use of brickwork would be non-traditional for this rural area, however, given the overall mass of this building, traditional stonework or render could create a stark and austere appearance. The use of buff coloured bricks, would match those already there and complement the existing stone single storey elements of the complex to the west.
- 10.11 The majority of the complex would have a similar appearance to the existing, with the previous two-storey eastern wing replaced with a detached 2-storey building. Whilst the building would be seen in the landscape, it would not be significantly harmful and would not be contrary to the expectations of Policies CP3, CP4, CP12 and CP13 of the Local Plan and the above NPPF paragraphs

Impact on Neighbours

- 10.12 Policy CP3 1c) supports proposal that protect amenity. Policy CP4 states that proposal should not cause significant adverse impact on amenity. These policies are reflected in paragraph 135 f) of the NPPF. Concerns have been raised over potential overlooking from the care home apartment building to the existing dwellings to the north. The 2 storey building is proposed to be set out on the south-eastern side of the complex, furthest away from the private residential properties and behind the main building. Due to the digging down of the ground floor, the top of the new first floor windows will be below the existing buildings ridge line prevent any overlooking. As such, the proposals meet the expectations of Policies CP3 and CP4 with regards to the impact on neighbours in terms of outlook and overlooking.
- 10.13 The other elements of the proposal are essentially rebuilding of the care home to modern standards. Currently, bedrooms do face north towards the neighbour dwellings, however, this will be at a lower density with the proposed floor plan (i.e. less residents facing north).

Access and Parking Arrangements

- 10.14 Policy CP3 1c) supports proposal that promote the safety of the population. Policy CP4 3e) states that schemes should not cause significant adverse impact on highway safety. This is reflected in paragraph 116 of the NPPF which states "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios". The application proposes that for the main access to development will be via Scurragh Lane to the west of the site. There is a secondary south-north access road. Two passing places are proposed for the east-west road which is currently shared with residential properties, and this arrangement would be maintained.
- 10.15 The second access which runs north/south would be used exclusively for the development. Historically, residents have advised that this track has been used for access to residential properties to the north, however it is the intention of the application to no longer provide this route. Concerns by the Parish and residents have been received, explaining that this access has been available to them for a number of years and so their right to access it is enshrined in law. This is a civil matter for the landowner and those deriving any benefit from the access to assert and is not a planning consideration. Given the proposed number of care home rooms/apartments are less than those previously used during the homes last operation, the use of the western access would be no more intensive than when the care home was previously operational. Furthermore, the proposed passing places would help vehicles pass each other on the east-west road. Parking provision has been made available on both sides of the care home complex. The Local Highway Authority, having been consulted on the most recent changes to the access arrangements east/west and north/south, and are satisfied that the proposal would not jeopardise the safety of the highway. There being no objections to the proposal, subject to conditions to ensure that the

parking and turning areas are laid out as approved prior to the site being brought back into use. The Local Access Forum have raised concern that no specific provision has been made for the use of bicycles and their storage. If planning permission is to be granted to this proposal, the details of storage provision for bicycles could be secured by planning condition. The proposals accord with the expectations of Policies CP3 and CP4 of the Local Plan and paragraph 116 of the NPPF in this regard.

- 10.16 Concerns have been raised by local residents that the access roads are privately maintained and unadopted. They are concerned that access for existing residents is not restricted and that the roads are maintained. The applicant has noted that these are shared accesses and maintenance is a shared responsibility. The applicant has stated a willingness to discuss operational aspects of the use of the accesses (such as delivery times) with residents. These are private issues between the existing residents and the owner of the care home and not Planning matters. Furthermore, it is noted the number of residents is less than if the care home re-opened following a refurbishment.
- 10.17 Given the rural location, the proximity of local residents to the site and the shared access arrangements, it is recommended that hours of operation for construction traffic and works on site should be restricted by planning condition in the interests of local residential amenity.

Flooding and Drainage

- 10.18 Policy CP3 supports sustainable development which promotes the natural drainage of surface water mitigating the effects of flash flooding. Policy CP2 expect all new development to be steered away from flood risk areas and be designed to minimise flood risk on-site and elsewhere. This is reflected in paragraph 170 and 181 of the NPPF. The site is in Flood Zone 1, with a Low risk from surface water flooding. An acceptable Flood Risk Assessment has been submitted. The applicant notes that the site has superficial deposits of Glacial Till indicating infiltration is unlikely to be feasible, however, a condition requiring infiltration testing / ground investigation is recommended before soakaways are ruled out. The applicant has proposed drainage to a nearby beck, to the south of the site, via a field drain. The LLFA are satisfied with this if infiltration is not feasible and have no objections with the scheme as a whole.
- 10.19 A drainage survey (CCTV survey) of the existing drainage network has been undertaken. The brownfield run off rate has been calculated at 75.2 l/s. The applicant has proposed a discharge rate of 37.6 l/s via a flow control device.
- 10.20 It is considered the drainage arrangements meet the expectations of Policy CP3 of the Local Plan and the relevant paragraphs of the NPPF.

Foul Drainage

- 10.21 There is no mains drainage within or nearby the site. However, there is a private shared foul drainage network within the site, associated with the existing development and nearby private dwellings. The flood risk assessment report, submitted with the application, states that further investigation should be undertaken to confirm the flood risk from any private drainage within the vicinity of the site. Neighbours have raised concerns that the existing drainage system does not have the capacity to cope with the additional foul drainage that would be associated with the proposed scheme and there are fears that there would be overflow and pollution as a result. The treatment of sewage from the extended development of the site is an important issue, and the Local Authority will need to be satisfied that this has sufficient capacity, including sufficient free board and maintenance programme to avoid becoming overloaded. There is sufficient land within the site for the applicant to provide a separate sewage treatment package plant for the detached close-care apartment block and

this would certainly reduce the pressure on the existing drainage system. The applicant has advised that he is content to present a scheme for disposal of foul drainage to the Council as a condition of the grant of planning permission, together with a maintenance strategy. This would meet the expectations of Policy CP3 of the Local Plan.

Renewable Energy Provision – Climate Change Mitigation

- 10.22 Policy CP2 expects development to make carbon savings and adapt to climate change through design, construction and layout of buildings and associated open spaces. Paragraph 161 of the NPPF states that the planning system should support and help shape places in ways that encourage reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure. No specific details have been submitted for renewable energy provision or enhancement over Part L of Building Regulations at this stage, however, if planning permission is granted, then there would be a requirement for the applicant to provide details of proposed carbon savings/climate change mitigation measures in association with the proposals. This can be secured through a planning condition and would accord with the expectations of Policy CP7 of the Local Plan in this regard. These steps would accord with the expectations of Policy CP2 of the Local Plan and paragraph 161 of the NPPF in this regard subject to a condition requiring an Energy Strategy be submitted to and approved in writing by the Local Planning Authority.

Trees

- 10.23 Local Policy CP3 supports application that promotes the protection of biodiversity. Local Policy CP12 supports development that conserves and enhances the significance of the plan area's natural assets. Paragraph 187 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment. Trees on site are not formally protected by a tree preservation order and are not within a designated conservation area. The tree report submitted with the application identified that 1% of the trees (that were removed) were unsuitable for retention, for reasons of sound arboricultural management, regardless of the proposed development; and some required removal due to serious, irremediable structural defects, were dead; in decline because they are diseased or are suppressing better quality trees. 52% of the trees were considered to be of high value in terms of their high quality and value in terms of arboricultural, landscape, and culture, and are in such a condition to make a substantial contribution, being a minimum of 40 years old. 33% of the trees were considered to be of moderate value, being a minimum of 20 years old; and 14% of low value, being smaller trees that could easily be replaced. The report recommends that the high value trees should be retained, protected and incorporated into the design where possible.
- 10.24 Prior to the submission of the planning application to the Local Planning Authority, arboricultural works and selective felling was undertaken. Concerns were raised by local residents, but having reviewed the extent of work undertaken, at the time, it was identified that the felling was undertaken without harm to the trees identified as being high in value, and the matter was not pursued further by the Local Planning Authority.
- 10.25 Having regard to the arboricultural report, the applicant has advised that further felling may be required during demolition and constructions works, as identified in the report. They have confirmed that work on site would be carried out in accordance with these recommendations and the British Standards specified in the report, and the applicant is content to accept a condition regarding this, as well as any additional landscaping requirements as part of a grant of planning permission. This accords with the expectations of Policies CP3 and CP12 of the Local Plan and paragraph 187 of the NPPF.

- 10.26 The proposals for the redevelopment of the site have regard to the existing mature planting within the grounds, and the report includes protection measures for the identified retained trees during the development. It is therefore considered that whilst there are some high value tree specimens within the grounds, these are not imminently at risk of harm from the proposed development, and it is not considered necessary to make a Tree Preservation Order in this case.

Ecology

- 10.27 Local Policy CP3 supports application that promotes the protection of biodiversity. Local Policy CP12 supports development that conserves and enhances the significance of the plan area's natural assets. Paragraph 192 of the NPPF states plans should protect priority species. The submitted arboricultural report acknowledges the potential for habitats hosting species within the grounds and the applicant has stated that where possible, mature and healthy tree specimens will be maintained as per the recommendations in the arboricultural report and the recommendation to contact the Natural England Batline in the case of any works to or disturbance of bat habitats has been noted by the applicant and this would be included within construction site documentation.
- 10.28 A subsequent Bat Activity Survey has been submitted, demonstrating that appropriate surveys have been completed and a single day roost used by very small numbers of Common Pipistrelle bats had been located behind the soffits. While all bat roosts are protected by law, day roosts like this are of lower conservation significance and their loss can be mitigated by standard measures (in this case, installation of suitable bat boxes during the refurbishment). On this basis, the proposed development complies with the Favourable Conservation Status test set out in the Conservation of Habitats & Species Regulations 2017 and Local Policy CP3 and CP12 and paragraph 192 of the NPPF.

Type of Residential Occupancy/Tenure and Affordable Housing Provision

- 10.29 With regards to the proposed 13 care home apartments, there is a requirement for a affordable homes contribution under Policy CP6. Specifically, it was found in the decision of the High Court in Rectory Homes Limited v SSHCLG and South Oxfordshire District Council [2020] EWHC 2098 (Admin), that extra care developments within Use Class C2 are not exempt from providing affordable housing solely by virtue of falling within that use class. The decision highlights that in determining whether affordable housing will be required the focus should be on the relevant development plan policies rather than which use class the proposed development falls within. As the Richmondshire Local Plan does not rely on use class to define dwellings, an affordable housing contribution would be required from the proposed care home apartment units.
- 10.30 The application site does however, qualify for vacant building credits, an incentive by central government aimed at encouraging the use of brownfield sites for new development and in doing so the NPPF paragraph 65 allows contributions to affordable housing to be reduced proportionately. This applies where a vacant building is brought back into any lawful use or is demolished to be replaced by a new building or buildings, developers are to be offered a financial credit in the form of Vacant Building Credit ('VBC').
- 10.31 The NPPF footnote explains that the contribution should be reduced by the equivalent of the existing gross floorspace of the existing buildings. This does not apply to vacant buildings which have been abandoned.
- 10.32 It is important to consider whether the site has been abandoned. The courts have held that, in deciding whether a use has been abandoned, account should be taken of all relevant circumstances, such as:

- Whether the building has been made vacant for the sole purposes of re-development; and
- Whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development.

10.33 The care home had been in administration since 2016, and was purchased by the applicants in May 2019 and so it is clear that the site had not been made vacant for the sole purposes of re-development and no planning permission exists for the same or substantially the same development as existing. Officers are content that the site has not been abandoned. It therefore falls to assess whether the land is brownfield in order that VBC can apply.

10.34 In this instance the Gross Internal Floor Area of the building being brought back into use, is larger than the new GIFA proposed. Therefore, the scheme is eligible for a 100% affordable housing credit, with no affordable housing required.

Other Issues Raised:

10.35 Electricity supply has been raised as a concern by local residents. For a development of this relatively small scale, and for a site which already has a supply from its previous use, it is considered reasonable to rely on the site operator to secure this with a provider.

10.36 Concerns have been raised about the prospective change of name from Morris Grange Nursing Home to White Oaks Care Village. The applicant has advised that the change of name is not yet confirmed. However, this is not a material planning consideration.

10.37 The Police Architectural Liaison Officer has suggested that medical supplies be kept secured. This is not a material planning consideration, although the applicant has advised that they would be kept safe and secure at all times and the applicant is happy to discuss this further with the relevant Officer.

10.38 The use of the café has been raised. The café is a small facility facing northwards towards an access and parking area. It is not considered likely to be a desirable facility for the public whom are not visiting a resident or staff member. However, a condition limiting the use of the café in terms of who may use it was requested by members at committee on 10th October 2024 and has been added to the list of condition at the end of this report.

The Public Sector Equality Duty

10.39 There is a requirement for the Council to show that it has complied with the statutory duty under Section 149 of the Equality Act 2010 to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age; disability; gender reassignment ; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation. There is no reason why the proposed development would prejudice anyone with the protected characteristics as described within this paragraph. Older persons should benefit from the development.

Biodiversity Net Gain

10.40 Planning Permissions in England are deemed to be granted subject to the general Biodiversity Gain Condition as set out by Schedule 7A, paragraph 13 of the Town and County Planning Act 1990 (TCPA) as amended by Schedule 14, Part 2, paragraphs 13, 14 and 15 of the Environment Act 2021. This is a pre-commencement condition, in such circumstances where major applications are made valid on or after 12th Feb 2024.

10.41 This application was made valid on 30/03/2020 and so is not required to provide Biodiversity Net gain, nor is it beholden to the aforementioned pre commencement condition. Instead a landscaping condition is recommended to supplement the existing biodiversity on site.

S106 Legal Agreement

10.42 The following Heads of Terms have been agreed with the applicant for this application.

Table 1	
Category/Type	Term
Occupancy and use	To restrict the use of the C2 Integrated Retirement Community Units to Use Class C2 of the Town and Country Planning Use Classes Order 1987 as amended or any replacement of such Order at any time;
	To restrict Occupation of the C2 Integrated Retirement Community Units to Qualifying Persons and any cohabitee, spouse, or dependant of a Qualifying Person;
	Prior to Occupation to procure the services of a Registered Service Provider which might be the Owner / Operator or a third party to operate and have an office at the Property
Care services	To ensure that a Health Assessment is undertaken for each Qualifying Person on or before Occupation to identify the level and type of care and other support and assistance they require
	On or before Occupation to put in place a Care and Wellbeing Plan for each Qualifying Person which shall be reviewed and updated on a regular basis to ensure the Qualifying Person continues to receive the most appropriate level and type of care and support as their needs change
	To make available on reasonable request of the Council evidence to show that its commitments in terms of Qualifying Person Assessments and Care and Wellbeing Plans are being met provided that such evidence shall not breach confidentiality commitments or obligations to the Qualifying Person
	At all times to provide the minimum level of care wellbeing and support services set out in the Care and Wellbeing Package
	To make arrangements for such additional care and support services as may be required over and above the Care and Wellbeing Package, either on its own or through a Registered Service Provider or through a combination of services to be provided by the [Owner / Occupier] and Registered Service Provider subject to the payment of additional fees by the Qualifying Person on commercial terms to be agreed and further subject to the right of that Qualifying Person to procure such additional care and support from their chosen provider. [Owner / Occupier] and Registered Service Provider subject to the payment of additional fees by the Qualifying Person on commercial terms to be agreed and further subject to the right of that Qualifying Person to procure such additional care and support from their chosen provider
Variations	A clause to allow variations to be agreed in writing with the Council. This allows flexibility for unseen circumstances whilst still securing the C2 use.
Signage Strategy	Prior to the first occupation of the development, the signage as shown on the plan labelled Site Plan - Access and Signage

	Strategy Drawing Number 150_05 revision P2 shall be installed unless alternative signs are first approved by the LPA.
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- 10.43 It is considered that the above S106 Heads of Terms are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and as such complies with the Community Infrastructure Levy (CIL) Regulations 2010. Definitions of terms used with the Heads of term table are listed in *Appendix B - Section 106 - Definitions relating to Use, Occupancy, and the provision of Care Services* at the end of this report.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 The authorised use of the site is as a nursing home. It presently does not meet current care standards, with room sizes being sub-standard. The application proposed to re-use the existing building to provide a care home with 36 bedrooms and a new two-story building consisting of 13 apartments designed for individuals in need of care (9 single bed and 4 two-bed apartments). 36 employees would be required to operate the care home.
- 11.2 The principle of development is considered acceptable with partial compliance with the Adopted Development Plan and NPPF, and material considerations supporting the new build element.
- 11.3 Affordable housing is not required on site as the proposal benefits from a vacant building credit. Occupancy and tenure of the care home apartments can be secured through the Section 106 Agreement.
- 11.4 The new building would be visible in the landscape, but the design and materials finishes would ensure that its appearance would not be significantly harmful to the character and quality of this rural landscape, subject to being satisfied on the appropriateness of new materials for the detached care home apartment building, and this would not be contrary to the expectations of Policies CP3, CP12 and CP13 of the Local Plan.
- 11.5 There would be no significant adverse impact on neighbour amenity or privacy as a result of the proposed development, and the access and parking arrangements would have no adverse impact on neighbour amenity or highway safety. This accords with the expectations of Policies CP3 and CP4 of the Local Plan in this regard.
- 11.6 Adequate provision can be made for foul drainage and surface water run-off, which can be secured by planning condition. This accords with the expectations of Policy CP3 of the Local Plan in this regard.
- 11.7 Details of renewable energy provision and climate change mitigation can be secured by planning condition. This accords with the expectations of Policy CP2 of the Local Plan.
- 11.8 Adequate provision can be made for the retention and protection of identified valuable specimen trees during the development and for additional landscaping, the details of which can be secured by planning condition. This accords with the expectations of Policies CP3 and CP12 of the Local Plan in this regard.
- 11.9 Adequate provision can be made for the protection of protected species prior to and during the development, together with appropriate mitigation measures. This can be secured by planning condition and separately dealt with by any necessary wildlife license through Natural England.

11.10 Overall, the proposals accord with the requirements and expectations of the relevant Spatial Principles and Core Policies of the Richmondshire Local Plan Core Strategy, and with the relevant sections of the National Planning Policy Framework and the national Planning Practice Guidance.

12.0 RECOMMENDATION

12.1. That planning permission be GRANTED subject to S106 agreement and conditions as listed in the Committee Report.

Recommended conditions:

Condition 1 Approved Plans

The development hereby permitted shall be carried out precisely in accordance with the approved drawings and particulars as set out below, together with any conditions attached to this approval which may require any variation thereof:

- a) application form and certificates
- b) site Location plan ref. 05
- c) Arboricultural Tree Constraints Assessment Of Trees At Morris Grange, Middleton Tyas, Richmondshire 20th February 2020
- d) Flood Risk Assessment February 2020
- e) Design & Access Statement
- f) Drainage plan, connectivity survey and support photographs
- g) Site Plan – Access and Signage Strategy 150_05 Rev.P2
- h) Apartment elevations 1 AL(0)230
- i) Apartment elevations 2 AL(0)240
- j) Apartment ground floor plan AL(0)200
- k) Apartment ground floor plan AL(0)210
- l) Apartment ground floor plan AL(0)220
- m) Proposed apartment types AL(0)205
- n) Refurbishment plan AL(0) 100 Rev K
- o) Bat and Bird Scoping Survey March 2024
- p) Bat Activity Survey Report May 2024
- q) Non-mains drainage proposals dated 23rd June (Ref. 210618/MCW2145)
- r) Signage board elevations 310_11 rev. P1

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2 Use class (Compliance)

The site shall not be used for any purpose other than for the provision of residential accommodation and care to people in need of care that is hereby approved, and no other use, including any use within the same class C2 as defined by the Town and Country Planning (Use Classes) Order 1987, as amended (or any order revoking and re-enacting that Order with or

without modification) and notwithstanding the terms of any Development Order that shall be carried out without the formal consent of the Local Planning Authority.

Reason: Any use other than that approved might be detrimental to the amenities of nearby property and be unsuitable within a rural area and thus contrary to Local policy and the NPPF.

Pre-Commencement / any further works

Condition 3 Construction Management Plan (Approval Required)

No further development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works, details on the control of noise and dust during construction.

Reason: In the interest of public safety and amenity.

Condition 4 Materials (Approval required)

No materials shall be used in the construction of the external surfaces of the development hereby permitted until details of such materials (with samples as appropriate) have been submitted to and approved in writing by the Local Planning Authority.

Reason: 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.

Condition 5 Contamination – Characterisation & Remediation Strategy (Approval required)

No development (other than demolition and site clearance works) shall take place until the steps in Sections A and B below are undertaken:

A: CHARACTERISATION: With specific consideration to human health, controlled waters and wider environmental factors, the following documents shall be submitted to and approved in writing with the Local Planning Authority (as necessary) to characterise the site in terms of potential risk to sensitive receptors:

- Preliminary Risk Assessment (PRA or Desk Study)
- Generic Quantitative Risk Assessment (GQRA) informed by an Intrusive Site Investigation
- Detailed Quantitative Risk Assessment (DQRA)
- Remedial Options Appraisal

Completing a PRA is the minimum requirement. DQRA should only be submitted if GQRA findings require it.

B: SUBMISSION OF A REMEDIATION & VERIFICATION STRATEGY: As determined by the findings of Section A above, a remediation strategy (if required) and verification (validation) strategy shall be submitted in writing to and agreed with the Local Planning Authority. This strategy shall ensure the site is suitable for the intended use and mitigate risks to identified receptors. This strategy should be derived from a Remedial Options Appraisal and must detail the proposed remediation measures/objectives and how proposed remedial measures will be verified.

The actions required in Sections A and B shall adhere to the following guidance: LCRM (Environment Agency, 2020); BS10175 (British Standards Institution, 2011); C665 (CIRIA, 2007).

Further guidance is provided in the document Development on Land Affected by Contamination, Technical Guidance for Developers, Landowners and Consultants, Yorkshire and Lincolnshire Pollution Advisory Group, version 11.2 June 2020.

Reason: To mitigate risks posed by land contamination to human health, controlled water and wider environmental receptors on the site (and in the vicinity) during development works and after completion.

Disclaimer: Irrespective of any involvement by this LPA, the responsibility to address contaminated land issues, including safe (re)development and secure occupancy, resides entirely with the Landowner/Developer of the site (NPPF Para 197).

Condition 6 Infiltration Testing (approval required)

Development shall not commence until infiltration testing for soakaways have been completed in accordance with BRE 365 and test results have been submitted to the Local Planning Authority. If infiltration is not feasible, a scheme restricting the rate of development flow runoff from the site must be submitted to and approved in writing by the Local Planning Authority. The flowrate from the site shall be restricted to greenfield runoff rate and/or a minimum 30% reduction of the existing positively drained runoff rate for the 1 in 1, 1 in 30 and 1 in 100 year rainfall events. A 45% allowance shall be included for climate change effects and a further 10% for urban creep for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

Reason: To ensure the site is properly drained, to determine surface water destination and to prevent flooding to properties

Compliance conditions

Condition 7 Trees (compliance)

Before any further materials are brought onto the site or any further development is commenced, the developer shall implement the approved tree protection measures within section 5 of the hereby approved AllAboutTrees- Arboricultural Tree Constraints Assessment – dated 20th February 2020. Specifically, the fencing and ground protection measures in line with the requirements of British Standard BS 5837: 2012 shall be installed.

The developer shall maintain such fences and ground protection until all development the subject of this permission is completed unless an alternative phasing timetable is first agreed in writing with the Local Planning Authority.

Reason: In the interests of good arboricultural practice and ensuring existing trees are adequately protected from works associated with the development.

Condition 8 Land and water contamination (compliance)

The development permitted by this planning permission shall be carried out in accordance with the non-mains drainage proposals dated 23rd June 2021 (Ref. 210618/MCW2145) including the following specific mitigation measures:

- The Biological Rotating Contractor treatment plant complies with BS EN 12566
- All foul water drainage from the proposed development will enter the sewage treatment plant for treatment
- All clean surface water from the proposed development will be excluded from entering the sewage treatment plant (it may be discharged directly to the pond)
- The field drain into which the treated sewage effluent will be finally discharged is not seasonally dry (i.e it has year round flow, apart from during periods of drought or unusually prolonged dry weather).

Reason: The Humber River Basin Management Plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery. The proposal could lead to a deterioration of, or prevent recovery of, the receiving waterbody (GB104027069160 – part of the Scorton Beck from source to River Swale catchment) which currently has Poor status under the Water Framework Directive, by causing an unacceptable release of pollutants into surface water.

Condition 9 Construction work (compliance)

Noisy construction works audible outside the site boundary shall only take place between the hours of 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturdays and at no time at all on Sundays and Bank Holidays.

Reason: In the interest of public safety and amenity.

Condition 10 Noise – loading/ unloading of vehicles (compliance)

No loading or unloading of vehicles shall take place on the site except between the hours of 07:00 and 19:00 on Monday to Friday and 07:00 and 13:00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.

Reason: To prevent an increase in background sound levels and protect the amenity of any residents

Condition 11 Ecology (compliance)

The development shall only be carried out in accordance with the recommendations (including the timing of such works) specified in section 6.1 of the hereby approved bat survey report.

Reason: This condition is necessary to ensure that ecology and biodiversity present on and around the application site are given adequate protection and mitigation measures forming part of the approved scheme are implemented in full as part of the development.

Condition 12 Landscaping (compliance)

Prior to first occupation of the development or the erection of the external wall of the new build block hereby approved a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include: boundary treatments, plants (planting plans; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/densities when planted), planting and installation schedule/timetable and maintenance details.

The landscaping and boundary treatment shall seek to improve biodiversity of the site.

The boundary treatments and landscaping shall thereafter be installed and planted in accordance with the approved schedule/timetable. The boundary treatments shall be retained and maintained in perpetuity unless replaced like for like.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding seasons following the development being brought into use or the completion of the development (whichever is the sooner); and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory landscaping and boundary treatment scheme of delivered.

Pre-Occupation

Condition 13 Crime prevention (approval required)

Prior to first occupation of the development or the erection of the external wall of the new build block, full written details of proposed crime prevention measures shall be submitted to and approved in writing by the Local Planning Authority. The approved crime prevention measures shall be incorporated into the development and completed prior to the nursing home and close-care building being brought into use and thereafter retained.

Reason: In the interests of crime prevention.

Condition 14 Lighting (approval required)

Prior to first occupation of the development here approved, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. All lighting shall be shielded to prevent glare or any threat to highway safety or detriment to amenity. All lighting fixtures shall be installed at an angle to prevent light emitting directly above the horizontal plane unless otherwise first agreed in writing by the Local Planning Authority. Only such approved external lighting shall be installed and shall be operated in accordance with the approved details.

Reason: In the interest of amenity.

Condition 15 Part L Energy (approval required)

Prior to first occupation of the development or the erection of the external wall of the new build block hereby approved, an Energy Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Energy Strategy shall detail measures to result in meaningful improvement over Part L of Building Regulations. The development will then be built entirely in accordance with the approved Energy Strategy and any technologies incorporated maintained and retained in perpetuity unless replaced with equipment which has high sustainability credentials such as being more energy efficient.

Reason: To ensure the proposal is sustainable and to meet the requirement of Policy CP2 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014.

Condition 16 Contaminated Land Condition: Completion (Approval required)

Prior to the first occupation of the development hereby permitted the following documents shall be submitted to and approved in writing by the Local Planning Authority.

A: REMEDIATION & VERIFICATION: Remediation (if required) and verification shall be carried out in accordance with an approved strategy. Following completion of all remediation and verification measures, a Verification Report must be submitted to the LPA for approval.

B: REPORTING OF UNEXPECTED CONTAMINATION: All unexpected or previously-unidentified contamination encountered during development works must be reported immediately to the LPA and works halted within the affected area(s). Prior to site works recommencing in the affected area(s), the contamination must be characterised by intrusive investigation, risk assessed (with remediation/verification measures proposed as necessary) and a revised remediation and verification strategy submitted in writing and agreed by the LPA.

C: LONG-TERM MONITORING & MAINTENANCE: If required in the agreed remediation or verification strategy, all monitoring and/or maintenance of remedial measures shall be carried out in accordance with the approved details.

The site shall not be taken into use until remediation and verification are completed. The actions required to be carried out in Sections A to C above shall adhere to the following guidance: LCRM (Environment Agency, 2020); BS10175 (British Standards Institution, 2011); C665 (CIRIA, 2007).

Further guidance is provided in the document Development on Land Affected by Contamination, Technical Guidance for Developers, Landowners and Consultants, Yorkshire and Lincolnshire Pollution Advisory Group, version 11.2 June 2020.

Reason:

To mitigate risks posed by land contamination to human health, controlled water and wider environmental receptors on the site (and in the vicinity) during development works and after completion.

Condition 17 Bicycle Storage (Approval required)

Prior to first occupation of the development hereby approved, details of secure covered bicycle storage for staff and visitors shall be submitted to and approved in writing by the Local Planning Authority. The approved bicycle storage shall be provided Prior to first occupation of the development hereby approved, and there afterwards be retained and maintained.

Reason: To facilitate sustainable transport movements and in the interests of human health.

Condition 18 access and parking (compliance)

No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users have been constructed in accordance with the details approved in writing by the Local Planning Authority and as shown on Drawing Number AL (0) 500 Revision B.

Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

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

Condition 19 Foul Water (Approval required)

No part of the scheme hereby permitted shall be occupied until a sustainable drainage scheme for foul drainage from the site has been submitted to and approved in writing by the local planning authority. The sustainable drainage scheme shall be retained, managed and maintained for the lifetime of the development in accordance with a management and maintenance plan which shall be submitted to and approved in writing by the local planning authority.

Reason for Condition: To prevent pollution of the water environment.

Condition 20 café use (compliance)

The cafe created as a result of the development hereby approved shall only be used by care home residents, their visitors and care home staff members only.

Reason: To preserve the amenity of nearby dwellings.

Informative

During and following the construction of the hereby approved scheme, the adjacent Public Right of Way shall be maintained unobstructed, offering a clear and safe route for walking, and in a condition suitable for walking.

Reason: For the safety and unobstructed use of the Public Right of Way.

Target Determination Date: 11.09.2025

Case Officer: Jonathan Smith, jonathan.smith1@northyorks.gov.uk

Appendix A - Section 106 - Definitions relating to Use, Occupancy, and the provision of Care Services

<p>Care and Wellbeing Package</p>	<p>Means the minimum level of care wellbeing and support services that the Owner / Operator is required to provide to each Qualifying Person at a cost to be agreed between the Owner / Operator and the Qualifying Person and includes the following:</p> <ul style="list-style-type: none"> • Provision of at least 2 hours a week of Care Services, as defined in this agreement; • Access to care or other member of staff on site 24 hours a day to provide an immediate response in an emergency; • The provision of 24-hour security, including detection and call systems; • On-site delivery of the Regulated Activity of Personal Care by a Care Quality Commission Registered Service Provider to those who need it (subject to a separate contract) provided that this does not affect the right of the Qualifying Person to choose their own care provider; • A regular review and update of the Care and Wellbeing Plan to ensure care and support needs are met; • Access to daily meals to Occupiers who need them – which can be taken in one of the Communal Facilities or the Occupier’s Unit; • Access to and use of the Communal Facilities; • Access to pre-arranged activities and classes to encourage health and wellbeing and to promote social interaction; and • Access to such further wellbeing and support staff and services as may be required from time to time, which might include domestic support (such as cleaning, laundry, ironing, making beds); housekeeping; property maintenance; shopping; assistance with correspondence, personal and business affairs; companionship; pet care; and arranging transport services.
<p>Care and Wellbeing Plan</p>	<p>Means an individual plan prepared for each Qualifying Person on or immediately following Occupation based on the findings of the Health Assessment, which is regularly reviewed, and its findings implemented to ensure that the Qualifying Person continues to receive an appropriate level and type of care and support as their needs change</p>
<p>Care Services</p>	<p>Means the care services provided to each Qualifying Person as part of the Care and Wellbeing Package, which may include any or all of, but are not confined to, the following:</p> <ul style="list-style-type: none"> • Provision and delivery and / or preparation of meals, drinks, and snacks • Advice on food hygiene, nutrition, and menu planning • General health advice including encouragement to undertake physical and cognitive activity • Regular welfare calls and wellbeing checks such as blood pressure • Collection of prescriptions and benefits • Chaperone service to attend clinical and other appointments • Advice on activities to encourage health and wellbeing and promote social interaction, and supervision of such activities • Diabetes management • Use of on-site transport services for external activities and appointments • Hospital discharge support • Organised rehabilitation following a hospital visit or health event • Assistance with getting into and out of bed and dressing • Assistance with personal hygiene activities • Administration of / prompting to take / supervision of medication • Assistance with eating and drinking <p>For the avoidance of doubt the Regulated Activity of Personal Care is organised and paid for as part of a separate contract between the Qualifying Person</p>

	and their chosen Registered Service Provider, depending on the individual needs of each Qualifying Person.
Care Quality Commission (CQC)	Means the independent regulator of health and social care services in England or any successor body or organisation
Communal Facilities	Means (1) the Health and Wellbeing Facilities (which may include but are not restricted to hydrotherapy pool, sauna, steam room, gym, exercise rooms, and treatment rooms) and (2) the Other Communal Facilities (which may include but are not restricted to restaurant, bistro and bar, meeting rooms, hobbies room, lounge and hair salon) to be provided in conjunction with the C2 Integrated Retirement Community Units as part of the Development to be made accessible to visiting members of the public in accordance with the provisions to be agreed between the [Owner / Operator] and the Local Planning Authority
Health Assessment	Means an assessment of the health care and wellbeing needs of potential residents to be undertaken on or before occupation of a C2 Integrated Retirement Community Unit by an appropriately qualified person and which is used to determine an appropriate Care and Wellbeing Plan for the Qualifying Person; and any further health assessment to be undertaken when the Care and Wellbeing Plan is reviewed
Occupation	Means the occupation of the Development or any part thereof for use as an Integrated Care Community in accordance with the provisions of Class C2 of the Town and Country Planning (Use Classes) Order 1987 as amended and Occupy and Occupied shall be construed accordingly
Qualifying Person	Means an assessment to be undertaken by the [Owner / Operator] prior to exchange of contracts to ensure that occupation of each C2 Integrated Retirement Community Unit is restricted to Qualifying Persons and any cohabitee, spouse, or dependant of a Qualifying Person only
C2 Integrated Retirement Community Unit	Means a unit within Use Class C2 to be constructed pursuant to the Planning Permission and C2 Integrated Retirement Community Units shall be construed accordingly. For the avoidance of doubt any guest accommodation provided as part of the Planning Permission is not a C2 Integrated Retirement Community Unit
Registered Service Provider	Means a body registered as a service provider under Chapter 2 of the Health and Social Care Act 2008 (or any comparable register established under any statutory system replacing that chapter) in respect of at least the provision of Personal Care as defined by the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 or any modification or amendment or substitution thereof
Transport Services	Means the transport services to be provided by the [Owner / Operator] for the use of Occupiers, their guests and staff as agreed with the Local Planning Authority
Use Class C2	Means the use defined as C2 in Part C of Schedule 1 of the Town and Country Planning (Use Classes) Order 1987 as amended) or other such successor legislation