

North Yorkshire Council

Richmond (Yorks) Area Constituency Planning Committee

Minutes of the meeting held on Thursday, 8th February, 2024 commencing at 10.00 am at Civic Centre, Stone Cross, Rotary Way, Northallerton.

Councillor David Webster in the Chair, plus Councillors Bryn Griffiths (as substitute for Councillor Stuart Parsons), David Hugill, Heather Moorhouse, Angus Thompson, Steve Watson and Bryn Griffiths

Officers present: Bart Milburn, Planning Manager, Peter Jones, Development Manager - North, Fiona Hunter, Development Management Team Leader, Frances Maxwell, Jonathan Smith, Harriet Westwood and Mark Henderson, Senior Flood Risk Engineer, Heather Lagan, Flood Risk Engineer and Sarah Holbird, Democratic Services Officer.

Apologies: Councillor Stuart Parsons and Karin Sedgwick.

Copies of all documents considered are in the Minute Book

84 Apologies for Absence

Apologies noted (see attendance details/see above).

85 Minutes for the Meeting held on Thursday, 11 January 2024

The minutes of the meeting held on Thursday, 11 January 2024 were confirmed and signed as an accurate record.

86 Declarations of Interests

Councillors Bryn Griffiths, David Hugill, Heather Moorhouse, Angus Thompson and Steve Watson declared that they had been lobbied in respect of item 4 on the agenda in that they had received emails direct from objectors on the matter.

Councillor David Hugill made a transparency statement indicating that he was the holder of a Natural England licence and had newt ponds on his land.

Planning Applications

The Committee considered reports of the Assistant Director Planning – Community Development Services relating to applications for planning permission. During the meeting, Officers referred to additional information and representations which had been received.

Except where an alternative condition was contained in the report or an amendment made by the Committee, the condition as set out in the report and the appropriate time limit conditions were to be attached in accordance with the relevant provisions of Section 91 and 92 of the Town and Country Planning Act 1990.

In considering the report of the Assistant Director Planning – Community Development Services regard had been paid to the policies of the relevant development plan, the National Planning Policy Framework and all other material planning considerations. Where the Committee deferred consideration or refused planning permission the reasons for that decision are as shown in the report or as set out below.

Where the Committee granted planning permission in accordance with the recommendation in a report this was because the proposal is in accordance with the development plan, the National Planning Policy Framework or other material considerations as set out in the report unless otherwise specified below. Where the Committee granted planning permission contrary to the recommendation in the report the reasons for doing so and the conditions to be attached are set out below.

87 22/02907/FUL - Application for the construction of 23 dwellings at OS Field 9021, Cross Lane, Burneston, North Yorkshire for Loxley Homes (Burneston) Ltd

Considered:-

The Assistant Director Planning – Community Development Services sought determination of a planning application for the construction of 23 dwellings at OS Field 9021, Cross Lanes, Burneston for Loxley Homes (Burneston) Ltd.

David Blythe spoke objecting to the application.

Parish Councillor Linda Nugent spoke on behalf of Burneston Parish Council objecting to the application.

The applicant's agenda, Jonathan Saddington, spoke in support of the application.

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

- Concerns in relation to the construction traffic using the proposed entrance to the development. It was confirmed that possible alternatives were being explored but that the access proposed is satisfactory.
- The potential for traffic issues at peak periods and for consideration to be given to limiting vehicle movements at peak flow in the morning and afternoon in the construction management plan.

The decision:-

That planning permission be **GRANTED** subject to the conditions detailed in the report, the additional condition below and satisfactory prior completion of a S106 legal agreement to deliver a policy compliant 30% affordable housing.

Voting Record

A vote was taken and the motion was declared carried unanimously.

Amended Conditions

Condition 14 - A construction management scheme shall be submitted to and agreed in writing with the Local Planning Authority before works commence. The scheme shall detail what steps shall be taken to mitigate emission of noise, lighting, dust and vibration from the site impacting on existing noise sensitive premises.

This is to include details of:

- the siting of materials and machinery, staff welfare facilities, office location, staff/contractor parking,
- construction site traffic movements including deliveries, to take into account school drop off times
- hours of site operation
- siting of any lighting provision, type and controls
- how dust emissions will be reduced, monitored and managed.
- Details of any piling to take place including duration and equipment type to be used.
- How machinery, equipment and earth works will comply with the British Standards BS 5228-1:2009 Code of practice for noise and vibration control on construction and open sites, Part 1 : Noise
- In circumstances where vibration is a potential source of impact it is anticipated that an appropriate vibration / screening survey or prediction report be proposed and details submitted.
- Details of the community engagement arrangements will be in place throughout ground preparation and construction phases.

Reason: to prevent nuisance to nearby residents.

Condition 17 – Prior to commencement the access to the site at both St Lamberts Drive and Manor House Walk must be set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:

- The crossing of the highway verge and/or footway must be constructed in accordance with the approved details and/or Standard Detail number A1 and the following requirements.
 - Any gates or barriers must be erected a minimum distance of 10 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
 - Provision to prevent surface water from each plot discharging onto the existing or proposed highway must be constructed and maintained thereafter to prevent such discharges.
 - The final surfacing of any private access within 10 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
 - Measures to enable vehicles to enter and leave the site in a forward gear.
- All works must accord with the approved details.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

Additional Condition

Condition 21 – The Development shall be built in accordance with the submitted designs. The flowrate from the site shall be restricted to a maximum flowrate of 7.1 litres per second, split along 3 discharge locations. A 45% allowance shall be included for climate change and an additional 10% allowance for urban creep for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change plus urban creep critical storm event.

Reason: To ensure the development is built to the submitted drainage design; to prevent the increased risk of flooding and; to ensure the provision of adequate and sustainable means of drainage in the interests of amenity.

88 ZD23/00612/OUT - Outline Planning Permission with all Matters Reserved for 12 No Dwellings using previously approved plans at Land at Blewhouse Lane, Finghall, North Yorkshire for Mr and Mrs Blackburn

Considered:-

The Assistant Director Planning – Community Development Services sought determination of a planning application for outline permission with all matters reserved for 12 no dwellings using previously approved plans at Land at Blewhouse Lane, Finghall for Mr and Mrs Blackburn.

Sue Sweet spoke objecting to the application.

Parish Councillor Dawn Gelder submitted a written statement on behalf of Constable Burton and Finghall Parish Council objecting to the application, which due to exceptional circumstances was read by the Democratic Services Officer.

Councillor Karin Sedgwick submitted a written statement as Division Member in support of the application, which was read by the Democratic Services Officer.

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

- The lack of technical reports submitted with the application meaning statutory consultees have been unable to accurately comment on the proposal.

The decision:-

That planning permission be **REFUSED**.

Voting Record

A vote was taken and the motion was declared carried unanimously.

Reason:-

The Committee agreed with the reasons for refusal put forward by the Planning Officer as stated below:-

1. The application is a major development seeking permission for more than 9 dwellings on a site of over 0.5ha. Surface water flooding has occurred at the south of the application site at the indicative access point. No Flood Risk Assessment or indicative drainage strategy has been submitted and it is therefore not possible to assess whether the new residents would be at risk of flooding or whether the development would increase flood risk off site. The application therefore conflicts with the requirements of Policy CP3 of the Richmondshire Local Plan 2012-2028 Core Strategy; and paragraph 173 of the National Planning Policy Framework 2023.
2. The application seeks the development of a 0.93ha field bounded by hedges and trees, with a beck running through the southern most part of the site and therefore has several natural features which are likely to provide habitats for wildlife and potentially protected species. No Ecological Assessment, Protected Species Survey(s) or Biodiversity Reports have been submitted and therefore there is insufficient information to ascertain any locally significant negative impacts to wildlife, protected species or biodiversity. This

conflicts with the requirements of The Conservation of Habitats and Species Regulations 2017; Policy CP4 of the Richmondshire Local Plan 2012-2028 Core Strategy; and paragraph 180 and 186 of the National Planning Policy Framework 2023.

3. The application site is boarded by trees and hedges and no information has been provided to determine the quality if these features together with whether they can be retained or need to be removed to facilitate the proposal. This conflicts with the requirements of Policy CP4 of the Richmondshire Local Plan 2012-2028 Core Strategy; and paragraphs 180 and 186 of the National Planning Policy Framework 2023.
4. The application is a major development seeking permission for more than 9 dwellings on a site of over 0.5ha and no affordable housing has been proposed. This conflicts with the requirements of Policy CP6 of the Richmondshire Local Plan 2012-2028 Core Strategy which requires 40% of the units to be affordable; and paragraph 66 of the National Planning Policy Framework 2023.
5. The application is a major development seeking permission for more than 9 dwellings on a site of over 0.5ha and no public open space is proposed. This conflicts with the requirements of Policy CP11 of the Richmondshire Local Plan 2012-2028 Core Strategy which requires public open space provision in line with the recommendations of Fields in Trust Guidance for Outdoor Sport and Play Beyond the Six Acre Standard England 2020. The development also conflicts with paragraph 8 of the Nation Planning Policy Framework 2023.

89 23/00085/OUT - Outline Planning Application (with All Matters Reserved Except Access) for the Erection of 15 No. Residential Dwellings at Land Off Wild Hill Lane, Hunton, North Yorkshire for Rob H Roberts, B Lockey and C Lockey

Considered:-

The Assistant Director Planning – Community Development Services sought determination of a planning application for outline permission (with all matters reserved except access) for the erection of 15 no residential dwellings at Land off Wild Hill Lane, Hunton for Rob H Roberts, B Lockey and C Lockey.

Mark Newsam spoke objecting to the application.

Parish Councillor Wendy Knight spoke on behalf of Hunton Parish Council objecting to the application.

Councillor Tom Jones submitted a written statement as Division Member objecting to the application, which was read by the Democratic Services Officer.

The applicant, Hugh Roberts, spoke in support of the application.

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

- The proposed drainage scheme and how this will control the flow of water from the site together with concerns regarding the outflow pipe being covered by water during any flooding events.
- The hydro break and how this will operate.
- The pedestrian links to the village to ensure safe walking to local amenities.

The decision:-

That the Committee was minded to **APPROVE** outline consent for 15 dwellings with details of appearance, landscaping, layout and scale to be reserved; subject to the conditions, as amended listed in the report with delegated authority to the Head of Planning in consultation with the Chair and Vice Chair to agree a condition to provide a footpath linking the development to the village and prior completion of a S106 agreement for affordable housing, public open space and a primary school contribution.

Voting Record

A vote was taken and the motion was declared carried unanimously.

Amended Conditions

Condition 1 – In accordance with 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 certificate
- (b) Local Plan (Drawing no. 3333-DEN-ZZ-XX-DR-A-1001
- (c) Proposed Site Plan (Drawing no. 3333-DEN-ZZ-XX-DR-A-1000)(in relation to access position only)
- (d) Ecological Statement Update (Dated 10.08.2023)
- (e) Drainage Strategy by Andrew Moseley Associates (21620-DS-002 Rev 1, Date May 2023)
- (f) Drainage Technical Note by Andrew Moseley Associates (21620-Wild Hill Lane, Hunton, Date 16.07.2023)
- (g) Site Access Design (Drawing no. AMA/21620/SK005)
- (h) Site Access Design and Carriageway Widening (AMA/21620/SK004 Rev B)
- (i) Report on a Geophysical Survey OSA Report No. OSA22EV29 (November 2022)
- (j) Preliminary Ecological Appraisal (PEA) Survey Report (dated 25th October 2022)
- (k) Environmental Assessment Report Phase 1 (Dated 21.11.22)
- (l) Highways Supporting Statement (Dated 19.12.2022)

Reason: To ensure the development is carried out in accordance with the approved particulars and plans.

Condition 4 – Maximum number of dwellings

The development hereby approved is for 15 dwellings only.

Reason: To ensure the density of development is appropriate for the site size and configuration together with enabling sufficient levels of residential amenity to be protected and created.

Condition 5 – Drainage Design

With the layout reserved matter application a Drainage Strategy and Plans (for both foul and surface water drainage) shall be submitted to and approved in writing with the Local Planning Authority which accord with standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document). Principles of sustainable urban drainage shall be employed wherever possible. The Strategy and Plans shall be designed to/include:

- A. Restrict the combined (foul and surface water) flowrate from the site, with discharge

rates to be agreed.

- B. Incorporate an allowance for climate change effects and urban creep for the lifetime of the development, a rates to be agreed.
- C. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event.
- D. Treatment system for all surface water flows from parking areas and hardstanding through the use of road side gullies, oil interceptors, reedbeds or alternative treatment systems. Roof water shall not pass through the treatment scheme.
- E. Exceedance Flow Plan
- F. Phasing of the development and phasing of drainage provision, where appropriate.
- G. A detailed maintenance and management regime for the drainage system including: drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development.
- H. Telemetry systems to ensure any drainage blockages or systems failures are identified and dealt with in a timely manner.

No part of the development shall be brought into first use until the approved drainage strategy has been delivered in full and in a working condition or in accordance with the approved phasing. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

Reason: To mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere.

Condition	6	-	Outfall	Destination
Prior to commencement of development micro drainage calculations and plans for the off-site drainage system shall be submitted to and approved in writing with the Local Planning Authority. The details shall demonstrate that the system can accommodate flows from the development in the 1 in 100 year rainfall event, plus an allowance for climate change and urban creep, at rates to be agreed.. The information shall include details of all pipes and manhole covers.				

Furthermore, development shall not commence until all off-site permissions and agreements have been secured to enable discharge of surface and foul water from the development in perpetuity to the sewer located in Greenacres to the north of the application site.

Reason: To ensure there is an outfall connection which can accommodate flows from the development.

90 Any other items

There were no urgent items of business.

91 Date of Next Meeting

10.00 am, Thursday, 14 March 2023 (venue to be confirmed, either the Civic Centre, Stone Cross, Rotary Way Northallerton or Mercury House, Station Road, Richmond)

The meeting concluded at 12.05 pm.