

North Yorkshire Council

Richmond (Yorks) Area Constituency Planning Committee

Minutes of the meeting held on Thursday, 14th March, 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, Yvonne Peacock (as substitute for Councillor Heather Moorhouse) and Karin Sedgwick.

Officers present: Bart Milburn, Planning Manager, Ann Rawlinson, Development Manager (West & Enforcement), Ian Nesbit, Senior Planning Officer, Frances Maxwell, Solicitor (Business and Environmental Services), Stephen Loach, Principal Democratic Services Officer and Sarah Holbird, Democratic Services Officer.

Apologies: Councillors Heather Moorhouse, Stuart Parsons, Angus Thompson and Steve Watson.

Copies of all documents considered are in the Minute Book

92 Apologies for Absence

Apologies noted (see above).

93 Minutes for the Meeting held on 8 February 2024

The minutes of the meeting held on Thursday, 8 February 2024 were confirmed and signed as an accurate record.

94 Declarations of Interests

There were no declarations of interest.

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 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.

95 Application for Outline Planning Permission with some matters reserved (to consider access) for proposed construction of Class E foodstore and Class E/Sui Generis Cafe/Drive-Thru together with access, car parking, servicing, landscaping and associated works. at Land South West of Cowling Garth 91, Bedale Road, Aiskew

Considered :-

The Assistant Director Planning – Community Development Services sought determination of a planning application for outline planning permission with some matters reserved (to consider access) for proposed construction of Class E foodstore and Class E/Sui Generis Cafe/Drive-Thru together with access, car parking, servicing, landscaping and associated works. at Land South West of Cowling Garth 91, Bedale Road, Aiskew for Mr Keith Nutter.

Christ Utley spoke objecting to the application.

Michael Chaloner M.SC spoke on behalf of Aiskew & Leeming Bar Parish Council objecting to the application.

The applicant, Keith Nutter, spoke in support of the application.

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

- The visibility splay from the access and what mitigation measures are being put in place to increase the visibility.
- The carbon saving proposals for the site, including the number of electrical vehicle charging points being provided.
- The ongoing maintenance of the proposed acoustic fencing.

The Decision :-

- (a) That the Planning Committee is **MINDED TO APPROVE** outline planning permission, with the conditions, as amended, set out in paragraph 12 of the report, the additional conditions set out below and any conditions subsequently recommended by the Lead Local Flood Authority, Network Rail/and or the Wensleydale Railway with delegated authority given to the Assistant Director of Planning Services to issue conditional outline planning permission, subject to:
- (i) Receiving written representations from the Lead Local Flood Authority (LLFA), Network Rail and the Wensleydale Railway confirming that they have no objections to the proposals (as amended) and,
 - (ii) Receiving written confirmation from Environmental Health that they are satisfied with the clarification provided by the agent in support of the assumptions and conclusions made within the submitted air quality documentation.
 - (iii) The provision of a Section 106 Agreement to secure:
 - a financial contribution of £35,000 for the Local Highway Authority to provide a pedestrian 'zebra' crossing over Bedale Road

- a financial contribution of £5,000 to be used by the Local Highway Authority for the monitoring of the Travel Plan.
- secure arrangements for the management and monitoring of BNG, including securing a financial contribution to be used by the Council to review and monitor BNG over a 30-year period. The financial contribution shall be calculated using the North Yorkshire Council BNG Monitoring Calculator (Rev. 1.1) or any later revision.

(b) That the reserved matters application be considered by the Richmond (Yorks) Area Constituency Committee.

Voting Record

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

Amended Conditions

Condition 4 – The opening hours of both the foodstore and café/coffee shop drive thru unit shall be restricted to:

Mon – Sat: 07:00 to 22:00

Sun: any 6 hours period between 09:00 to 18:00

Reason: In order to protect the amenities of local residents, in accordance with Policy E2 of the Local Plan.

Condition 6 – The following schemes of off-site highway mitigation measures must be completed as indicated below:

- Constructing a new access for the development at Bedale Road prior to the first operation of development including installation of a bus stop.

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 – Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site. A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site. Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

Reason: To ensure that the design is appropriate in the interests of the safety and convenience of highway users.

Condition 17 – The details to be submitted in accordance with condition no. 2 above (i.e. design/appearance, landscaping, layout and scale) shall demonstrate how practical and viable measures to provide carbon savings and make prudent and efficient use of natural resources will be implemented.

Reason: To secure a more sustainable form of development and to meet the expectations

of Policy S1 of Local Plan.

Additional Conditions

Condition 25 – No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.

Condition 26 – No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works and phasing of the necessary infrastructure, have been submitted to and approved by the Local Planning Authority. The details shall also include the details and locations of fat and grease trap(s) to be installed within the design of the foul drainage system prior to the discharge of any foul water to the public sewer network. Furthermore, unless otherwise approved in writing by the Local Planning Authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure that no foul water discharges take place until proper provision has been made for their disposal.

Condition 27 – The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

Reason: In the interest of satisfactory and sustainable drainage, in accordance with policy RM3 of the Local Plan.

Condition 28 – Prior to the first operation of the development and based on the relevant recommendations within the submitted Noise Impact Assessment (dated March 2023), the details and specifications of the acoustic fencing, including height(s) and location(s), shall be submitted to and agreed in writing by the Local Planning Authority. The acoustic fencing shall be fully installed in accordance with the approved details and specifications prior to the first operation of the development. Once completed, the acoustic fencing shall be retained and maintained in situ and as otherwise approved for the lifetime of the development.

Reason: To ensure that a high level of amenity is maintained for the occupants of adjacent and nearby residential properties in accordance with Policy E2 of the Local Plan.

96 Application for a steel portal framed agricultural grain store at Bromakin Grange (Raine), Exelby, Bedale, North Yorkshire, DL8 2EX

Considered :-

The Assistant Director Planning – Community Development Services sought determination of a planning application for a steel portal framed agricultural grain store at Bromakin Grange (Raine), Exelby, Bedale, North Yorkshire, DL8 2EX for Mr Jonathan Weighell.

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

- The impact of the proposed building on the surrounding listed buildings.

The Decision :-

That the Planning Committee is **MINDED TO GRANT** planning permission, with delegated authority given to the Assistant Director of Planning Services to issue planning permission subject to the conditions, as amended below, set out in section 12 of the report and subject to no objections being received after the expiration of the 10 day reconsultation period.

Voting Record

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

Amended Condition

Condition 2 – The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) Site Plan licence no 100059532 received 11/03/2024, Proposed elevations 4267-01, 4267-02, 4267-03, 4267-04 received 15/01/2024.

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

97 Any other items

There were no urgent items of business.

98 Date of Next Meeting

10.00 am, Thursday, 11 April 2024 (venue to be confirmed, either County Hall, Northallerton or Mercury House, Station Road, Richmond)

The meeting concluded at 11.15 am.