

Meeting: Richmond (Yorks) Area Constituency Planning Committee

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

Date: Thursday, 13th June, 2024

Time: 10.00 am

Venue: Brierley Room, County Hall, Northallerton, DL7 8AD

Members of the public are entitled to attend this meeting as observers for all those items taken in open session. Please contact Stephen Loach of Democratic Services (contact details below) if you have any queries.

Recording is allowed at Council, committee and sub-committee meetings which are open to the public. Please give due regard to the Council's protocol on audio/visual recording and photography at public meetings. Anyone wishing to record is asked to contact, prior to the start of the meeting, the named democratic services officer supporting this committee. We ask that any recording is clearly visible to anyone at the meeting and that it is non-disruptive.

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:

a speaker representing the applicant,
a speaker representing the objectors,
a parish council representative
and the local Division councillor.

Each speaker has a maximum of three minutes to put their case. If you wish to **register to speak** through this scheme, then please notify Stephen Loach of Democratic Services (contact details below) **by midday on Monday 10th June 2024** 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 11th April 2024** (Pages 3 - 10)
To confirm the minutes of the meeting held on 11th April 2024 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. 20/00892/OUT - Outline Application with Some Matters Reserved for 3 No Commercial Units, Associated Parking and Access - Land North Of Green Howards Road, Richmond North Yorkshire (Pages 11 - 24)

Report of the Assistant Director Planning – Community Development Services

5. ZD24/00080/FULL - Full Planning Permission for Change of use of Unused Garage Workshop to Tills / Retail area of Petrol Filling Station Including Alterations to Front Elevation (Retrospective) - Penny Petroleum Scorton Road Brompton On Swale Richmond North Yorkshire DL10 6AB (Pages 25 - 36)

Report of the Assistant Director Planning – Community Development Services

6. ZB24/00968/MRC - Application for Variation of a Conditions 2 (Roadway Construction Detail - minor changes to specifications) 10 (Provision of Passing Places - provision of passing places delayed)and 11 (New access construction details modified) following Grant of Planning Permission 23/00625/FUL - Sedgefield House Ainderby Steeple Northallerton DL7 9JY (Pages 37 - 50)

Report of the Assistant Director Planning – Community Development Services

7. ZB23/01649/FUL - Construction of four detached bungalows (as amended - amended site location plan Rev.B; additional/amended drainage information and Indicative Technical Plan Rev.K) - Land to west of Smithy Green, Hornby Road, Appleton Wiske. (Pages 51 - 78)

7(a) Update List - June 2024 (Pages 79 - 86)

8. Such other business as, in the opinion of the Chairman should, by reason of special circumstances, be considered as a matter of urgency

9. Date of Next Meeting

10.00am, Thursday, 11th July 2024 - venue to be confirmed

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:

Stephen Loach, Principal Democratic Services Officer

Tel: 01609 532216

Email: steven.loach@northyorks.gov.uk

Wednesday, 5 June 2024

North Yorkshire Council

Richmond (Yorks) Area Constituency Planning Committee

Minutes of the meeting held on Thursday 11th April 2024 commencing at 10.00 am at Mercury House, Richmond.

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

Officers present:-

Bart Milburn, Head of Development Management, Peter Jones - Development Manager (North), Fiona Hunter, Development Management Team Leader, Ian Nesbit, Senior Planning Officer, Frances Maxwell, Solicitor (Business and Environmental Services), Stephen Loach, Principal Democratic Services Officer

Apologies: Councillors Karin Sedgewick.

Twelve Members of the public and one representative of the press were present.

Copies of all documents considered are in the Minute Book

99 Apologies for Absence

Apologies noted (see above).

100 Minutes for the Meeting held on 14th March 2024

The minutes of the meeting held on Thursday, 14th March 2024 were confirmed and signed as an accurate record.

101 Declarations of Interests

Councillor Angus Thompson declared a pecuniary interest in respect the application for Full Planning Permission for the Construction of 92no Residential Dwellings with Associated Access, Landscaping and Associated Infrastructure on Land North of Caxton Close, Brompton On Swale.

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.

102 ZB23/01932/FUL - Application for change of use from existing public house to dwelling at the Horseshoe Inn, West Rounton, DL6 2LL

Considered :-

The Assistant Director Planning – Community Development Services sought determination of a planning application for planning permission for change of use from existing public house to dwelling at the Horseshoe Inn, West Rounton, DL6 2LL for Mr S. Taylor. The application was brought to the Planning Committee due to the level of local interest in the application.

Mary Weastell of Rountons Community Interest Group spoke objecting to the application.

David Richards of Rountons Parish Council spoke objecting to the application.

Divisional Councillor Annabel Wilkinson spoke objecting to the application.

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

- Proposals from the local community to develop the public house as a community hub
- The registration of the property as a property of community value
- The benefits of community facilities.

The Decision :-

That planning permission is **REFUSED** for the reasons set out below:

1. The proposal would result in the loss of a community facility and would therefore fail the requirements of Local Plan policy IC4 and Policy S3.

2. The proposal would result in less than substantial harm to the Grade II listed building through the proposed loss of the public house. No public benefit can be identified and as such the proposed development would fail the requirements of Local Plan Policy E5 and section 16 of the NPPF.

Voting Record

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

103 ZB23/01933/LBC – Application for Listed Building consent for Ground Floor alterations at the Horseshoe Inn, West Rounton, DL6 2LL

Considered :-

The Assistant Director Planning – Community Development Services sought determination of a planning application ref. ZB23/01933/LBC Listed Building consent for Ground Floor alterations at Horseshoe Inn, West Rounton, DL6 2LL for Mr S. Taylor.

It was noted that the report to Committee contained the wrong date (14th April 2024), therefore, the decision of the Committee would need to be a “minded to” decision, allowing the decision to be delegated to the Assistant Director of Planning Services to issue the planning permission within a suitable timeframe in accordance with the date of the report.

Mary Weastell of Rountons Community Interest Group spoke objecting to the application.

David Richards of Rountons Parish Council spoke objecting to the application.

Divisional Councillor Annabel Wilkinson spoke objecting to the application.

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

- Concerns that the approval of the application would remove items that clearly defined the Grade II Listed Building as a public house.
- Heritage matters that had resulted in the registration of the property as a property of community value
- Issues around re-instating the property should the local community succeed in defining this as a community facility.

The Decision :-

That the Planning Committee is **MINDED TO REFUSE** planning permission with delegated authority given to the Assistant Director of Planning Services to implement the decision, in line with the details highlighted above, on the grounds that the proposal would result in less than substantial harm to the Grade II listed building through the proposed alterations to the ground floor of the building, with no public benefit able to be identified and as such the proposed development would fail the requirements of Local Plan Policy E5 and section 16 of the NPPF.

Voting Record

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

104 ZB23/01649/FUL - Construction of four detached bungalows at land to West of Smithy Green, Hornby Road, Appleton Wiske for Clarion Homes Ltd

The Assistant Director Planning – Community Development Services sought determination of a planning application for planning permission for the construction of four detached bungalows at land to West of Smithy Green, Hornby Road, Appleton Wiske for Mr S. Taylor. This application was brought to the Planning Committee at the request of the Divisional Member.

Derek Partington – Vice-Chair, Appleton Wiske Parish Council spoke objecting to the application.

Divisional Councillor Annabel Wilkinson spoke objecting to the application.

Steve Hesmondhalgh - AMS Chartered Town Planners and Development Consultants and agent for the applicant spoke in support of the application.

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

- Concerns regarding the access road for the development being located in Flood Zone 2 and there being a need for a flood evacuation plan.
- The potential visual impact on the area, specifically on the Grade II listed St Mary's Church
- The possibility of further development being considered at that location should this be granted.

The Decision :-

That the Planning Committee **DEFER THE APPLICATION** for consideration at a subsequent meeting of the Committee to allow the response of the Lead Local Flood Authority to be considered and to assess the depth of water likely to be found on the access in a worse case scenario; together with an alternative access through the route of the PROW to be investigated to the access road proposed for the development.

Voting Record

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

105 ZD23/00683/FULL - Full Planning Permission for Ground floor side extension to provide a larger dining / kitchen, plus the amendment of the vehicular parking to the front of the property at 13 Moorside Road, Richmond

The Assistant Director Planning – Community Development Services sought determination of a planning application for full planning permission for Ground floor side extension to provide a larger dining / kitchen, plus the amendment of the vehicular parking to the front of the property at 13 Moorside Road, Richmond. The applicant is a senior officer (Corporate Director/Assistant Director/Head of Service or equivalent) of the Council and has a pecuniary interest in the outcome of a planning application and, as specified under Section 9, para 9.3 (vi) of the Constitution, this application was therefore brought to planning committee for determination.

The Decision :-

That planning permission be **GRANTED** subject to the conditions listed in paragraph 12 of the report.

Voting Record

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

106 21/00797/FULL - Full Planning Permission for the Construction of 92no Residential Dwellings with Associated Access, Landscaping and Associated Infrastructure - Land North of Caxton Close, Brompton On Swale

The Assistant Director Planning – Community Development Services sought determination of a planning application for full planning permission for the construction of 92no residential dwellings with associated access, landscaping and associated infrastructure on land North of Caxton Close, Brompton on Swale. This application was referred to planning committee by Officers due to raising significant material planning considerations in relation to the scale and location of development.

It was noted that the report to Committee contained an error in the site layout plan, therefore, the decision of the Committee would need to be a “minded to” decision, allowing the decision to be delegated to the Assistant Director of Planning Services to issue the planning permission within a suitable site layout plan, appropriate to all involved, in place.

Alice Hall of Persimmon Homes spoke in support of the application.

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

- The proximity of the designated play area and kick-about area to existing properties.
- The provision of 40% affordable housing within the development
- Concern that the term kick-about area had unfortunate connotations that would be detrimental to use of the community area outlined

The Decision :-

That the Planning Committee is **MINDED TO GRANT** the application subject to the consultation period for the amended location plan having expired with no new material representations having been raised, subject to a S106 agreement, subject to the conditions as listed in the Committee Report and as updated below and subject to the replacement of the term “kick-about area” with “community open space” within the relevant conditions, with the implementation of the decision delegated to the Assistant Director of Planning Services

Voting Record

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

Updated Conditions

Condition 2 Approved Plans

Replace (b) with: “Location Plan, BOS-PH2-000 dated 07.04.22”

Condition 5 Drainage Management & Maintenance

Replace Text with:

No development shall take place until a drainage management and maintenance scheme has been submitted to and approved in writing by the Local Planning Authority.

The plan shall include:

- a watercourse/ ditch management and maintenance plan for its entire length within the application site.
- 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.

The approved drainage management and maintenance scheme shall be adhered to in perpetuity.

Reason: To prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage system.

Condition 7 Finished Floor Levels

Replace with:

Levels and south-eastern boundary

Treatment prior to commencement of any development whatsoever existing and proposed site levels, external and finished floor levels and a south boundary treatment scheme for the site boundary to the south of the Kickabout Area as detailed on approved plan Planning Layout – ref. BOS-PH2-001, rev. P shall be submitted to and approved in writing to the Local Planning Authority. These shall include a single north-south section through the eastern half of the site through the Kickabout Area as detailed on approved plan Planning Layout – ref. BOS-PH2-001, rev. P.

There afterwards, the development will take place in complete accordance with approved levels. The approved boundary treatment shall be installed prior to commencement of plots 57 to 61 or the pumping station and thereafter retained in perpetuity.

Reason: To ensure that neighbours do not experience an unacceptable sense of enclosure or overlooking together with reducing the visual and landscape impact of the development.

Condition 11 Open Spaces

Word substitution: replace “solid path” with “crushed stone path”.

Condition 13 Contamination

Replace Text with:

Prior to commencement of development a contamination remediation and verification strategy shall be submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include a timetable for the implementation and completion of the approved remediation measures. Prior to first occupation a verification report shall be submitted to and approved in writing with the Local Planning Authority unless another time is first agreed in writing with the Local Planning Authority within the remediate strategy.

The contamination remediation and verification strategy shall include a scheme to deal with:

1. During the ground investigations work, Boreholes TP12 and TP 16 encountered made ground. Pit TP12 revealed a previously used animal pit which must be suitably treated ahead of starting work on site.

2. Within 400m south of the proposed development perimeter are three areas of decommissioned landfill sites, capped and closed by 2005, with some gas control measures currently in place. As gases can migrate over time appropriate precautionary

measures are required to minimise the risk to future occupants of the development with Amber 1 protection.

Reason: To deal with contamination on site for the future health of residents and the environment.

107 Any other Urgent business

There were no urgent items of business.

108 Date of Next Meeting

10.00 am, Thursday, 9 May 2024 (venue to be confirmed, either Stonecross, Northallerton or Mercury House, Station Road, Richmond)

This page is intentionally left blank

North Yorkshire Council

Community Development Services

Richmond (Yorks) Area Constituency Planning Committee

13 June 2024

**20/00892/OUT - Outline Application with Some Matters Reserved for 3 No
Commercial Units, Associated Parking and Access
At Land North Of Green Howards Road, Richmond North Yorkshire
On behalf of Mr David Eeles**

Report of the Assistant Director Planning – Community Development Services

1.0 PURPOSE OF THE REPORT

- 1.1 To determine a planning application for outline planning permission with details of access, appearance, layout and scale for 3 commercial units, associated parking and access on land north of Green Howards Road, Richmond North Yorkshire.
- 1.2 The application has been referred to planning committee following an accepted “call-in” request by the ward member. The reasons they raised are harm to open spaces, the northern boundary of Richmond and the development being visible from many locations around the settlement.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That planning permission be GRANTED subject to conditions listed in section 12 and the completion of a S106 agreement with terms as detailed in Table 1.

- 2.1. The application is for outline planning permission with matters relating to Access, Appearance, Layout & Scale sought at this stage and landscaping being the only matter reserved for agreement at a later stage.
- 2.2. The site is located within/adjacent to Richmond and within The Richmond Conservation Area, where Bolton Crofts abuts the Gallowfields Trading Estate to the north of the town. The site is sloped from south rising northwards.
- 2.3. The proposal seeks to deliver a modest amount of high-quality single storey business accommodation in an area that adjoins a trading estate.
- 2.4. It is considered that the proposal would not be harmful to The Richmond Conservation Area nor setting of the town and that economic development in this location would be acceptable and in accordance with the Central Richmondshire Spatial Strategy & Local Plan Policy CP4.



Fig 1: O.S Site Location Plan

3.0 PRELIMINARY MATTERS

- 3.1. Access to the case file on Public Access can be found here:
[PUBLIC ACCESS DOCUMENTS](#)
- 3.2. The proposal has been subject to some relatively minor amendments during the course of the application, including revisions to the parking layout and reductions in plot sizes and the floor area. In general terms though, the spirit of the scheme has not changed, which has sought to deliver 3 small, high-quality business/workshop buildings, totalling just under 1000 sq m of floor space overall.
- 3.3. The planning register shows no record of any other planning applications for this site.

4.0 SITE AND SURROUNDINGS

- 4.1. This 0.39ha site is located on the western edge of the northernmost tip of the Richmond Conservation Area (RCA). The land is set as agricultural (grazing) land and forms the northwestern edge of the area known as Bolton Crofts. Gallowfield's Trading Estate (GTE) is to the west. Residential estates lie to the south west and south east.
- 4.2. Access to the site is via a track at the eastern edge of the GTE. At present this leads to a vehicle repair shop to the rear of the car dealership that sits in a prominent position on Green Howards Road.
- 4.3. Once on this track, access into the site itself would be taken via what is claimed to be a private road, which at present is unused and in disrepair. From Green Howards Road, this appears to serve little purpose other than providing a field access. At its northern end, the private road is more clearly defined, where it connects into Borough Road within the GTE, next to the telecommunications mast. This is probably due to a small garage / workshop, which accesses its premises at this end of the track.

5.0 DESCRIPTION OF PROPOSAL

- 5.1. This application seeks to secure Outline Planning Permission for the erection of three commercial units & associated parking & access. Matters relating to access, appearance, layout & scale are sought at this stage, with landscaping being the only matter reserved for agreement at a later stage.
- 5.2. The existing private road would be upgraded to provide an access route into the site and the three new buildings would front onto this, facing towards the industrial estate. Sizewise, the units would comprise two "double" 342m² units (split into two) and one single occupancy unit, measuring 222m². Parking would be to the front of the units, in-between them and the upgraded private road. To the immediate rear/east of the proposed units lies around 0.5Ha of the open space, which is also within the applicant's ownership. As part of the proposal, it is proposed that indigenous trees planted on this land, which would soften the western edge of the open space by screening the GTE from eastwards positions.

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 2023
- National Planning Practice Guidance
- Richmond Conservation Area Appraisal & Management Proposals (Draft) (RCAAMP)

7.0 CONSULTATION RESPONSES

7.1. As the scheme has been subject to a number of revisions, consultations have been sent out on three occasions, most recently at the end of February this year. Consequently, some consultees have responded more than once. The following summary sets out the most recent & relevant comments received to date.

7.2. **Parish Council:** The committee has not changed its mind since earlier consultations and continues to object on the grounds of highway access. It agrees with the objections raised by Yorkshire Water and the Civic Society. The early responses raised that the very poor access/egress onto Green Howards Road which is a narrow road with blind hill crests. It is also considered to be a detrimental loss of a green field site.

7.3. **Division Members:** Object as they believe that the development would have a very negative impact on the open space which forms the boundaries to the north of Richmond. It would be very visible from all of the towns vantage points and would be visible from just about everywhere. They are also concerned about vehicles travelling to and from the site via Darlington Road, Gilling Road, Hurgill Road and Quarry Road in particular.

7.4. **NYC Economic Development Team:** Endorse the application as the Gallowfields Trading Estate is in relatively high demand with properties coming onto the market relatively infrequently. The proposal would contribute towards the council meeting its economic growth objectives and would provide additional opportunity for new businesses to relocate to the district or retain economic growth in the area by providing of high-quality employment space within a highly desirable business location.

7.5. **NYC Environmental Health:** has no objections to the proposal as any adverse impacts would be unlikely, due to the size of the units proposed, the location and distance to nearest residential receptors.

7.6. **NYC Highways:** No objection, subject to the imposition of conditions.

7.7. **The Ramblers:** As there is no impact upon any existing Public Rights of Way, we have no comment to make.

7.8. **Yorkshire Water:** Has no objections to the proposal, subject to the imposition of conditions.

Local Representations

- 7.9. In total, three local representations have been received, 1 of these objects to the proposal, whereas the other two have submitted some advice regarding the private road.
- 7.10. Comments have also been received from local interest groups The Civic Society, who object to the proposal and the Richmond Business & Tourism Association who are in favour. A summary of all of these comments is provided below, however, please see website for full comments.
- 7.11. Support:
- **Richmond Business & Tourism Association:** Fully supports the proposal, as it would greatly improve the appearance of the perimeter of the GTE.
- 7.12. Objections:
- The **Civic Society** strongly object to this development as it would remove part of a substantial area of mostly open ground which rises above the north side of the town, providing viewpoints over Richmond. This land also provides a backdrop to views from high points within Richmond such as The Castle Keep and is an important characteristic of this historical market town and its development. In addition, Green Howards Road is already narrow and unfit for some of the large vehicles which use it. To make another access point on this thoroughfare could be problematic.
 - One resident objects on the basis that the proposal would reduce the amount of green space which overlooks the town. Also, Green Howards Road is too narrow for commercial vehicles and lorries which currently use it, and the development would exacerbate the situation and create further hazards for pedestrians.
- 7.13 Neutral
- Two nearby business owners have wrote in to advise that whilst they have no objections to the construction of the new units, they would like assurance that their existing rights of access along the route of the road would remain, post-development.

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
- Effect on the Character and Appearance of the RCA
- Highways Matters
- Ecology & Wildlife

Other Matters:

- Sustainability
- Flood Risk, Drainage & Ground Conditions
- Amenity
- S106 Agreement
- Equality

10.0 ASSESSMENT

Principle of Development

- 10.1. The application site lies outside but adjacent to the development limit of Richmond at its western edge. Policy CP4 sets out that should be in, or if deliverable opportunities do not exist within, adjacent to the settlement's Development Limits. There are no live applications within or adjacent to Richmond for commercial development at the current time. There are two planning permissions granted since 2020 for the redevelopment of existing employment land (ZD23/00385/FULL and ZD23/00282/FULL) within the town.
- 10.2. The Councils Economic Development Team have advised that they had enquiries from a number of prospective end-users, who are attracted to the prospect of having a high-quality employment space with what they consider to be a desirable business location. The design & size of the units proposed are considered to meet a specific need locally.
- 10.3. It is considered that even if there a couple of sites within Richmond, that both these and this site could be developed due to the demand for floor space. For the foregoing reasons it is considered that the development location complies with CP4 paragraph 2.a.
- 10.4. Policy CP4 sets out further requirements for new development, of particular relevance to the proposal are criterion:
 - 1(d) development to meet the social economic needs of the local community.*
 - 1(e) is proportionate to the existing settlement size and local service provision; and*
 - 2(b) proposals should be (i) accessible and well related to existing facilities*
 - (ii) within the capacity of existing infrastructure.*
- 10.5. The proposal would meet a requirement in this location that has been identified by the Economic Development Team and as such, it would meet an economic need of the local community by way of providing additional job opportunities. In terms of size, its relatively small scale of five modestly-sized units are considered to be proportionate, as such a scale would not give rise to any highway or any other infrastructure issues, as is demonstrated later in this report.
- 10.6. Therefore, with all of the above in mind, it is considered that proposal is acceptable in principle and accords with the adopted development plan.

Heritage

- 10.7. The application site lies within the northern part of the Richmond Conservation Area, it is also adjacent to eastern edge of the GTE. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving and enhancing the character and appearance of a Conservation Area.
- 10.8. The Central Richmondshire Spatial Strategy (CRSS) states that support will be given for development which strengthens and sustains Richmond within its significant environmental and infrastructure constraints. In this regard, the CRSS states that support should be given to employment development at GTE which promotes an appropriate range of non-town centre uses that are complementary to Richmond town centre, encourages reduced heavy goods vehicle movements, protects and enhances the setting and views of the historical heritage of the town, its landscape setting and other significant environmental assets and which limits further expansion to the northeast of Racecourse Road.
- 10.9. The character of this particular location within the Conservation Area is described in the draft RCAAMP as "mostly open fields" with a "boundary that appears arbitrary in several areas." The RCAAMP explains that the significance of this area lies almost exclusively in its openness and largely to it being at a significantly higher level than Richmond's historic town

centre. This openness can be experienced in different ways from a number of locations. There are a number of elevated viewpoints around Bolton Crofts from where you can “look down” upon the town. Conversely, Bolton Crofts also provides a “green backdrop” when “looking up and out” from the town, into the open countryside.

- 10.10 The draft RCAAMP notes that there are the “Modern estate incursions into the open space” and that it is in “close proximity to the GTE which partly compromises this section of the RCA”. It then explains that the GTE presents “a prominent element in the landscape with conspicuous buildings which certainly impact on the quality of the setting of the designated area”. Consequently, the RCAAMP states that “...the significance of this part of the Conservation Area lies almost exclusively in its openness and it is important that this is retained right up to the edge of the trading estate.”
- 10.11 It is clear that one of the main reasons that the draft RCAAMP seeks to prevent further incursions into this section of the RCA is in order to preserve its green and open nature, which is what gives this part of the RCA its special characteristic. However, the proposal provides an opportunity to reduce some of the harm caused by the GTE. This would be achieved as a result of the proposed units being positioned in front of the GTE, which would actually reduce its visual prominence. The high-quality design of the units and their use of natural materials, such as stone, along with the significant amount of planting that would then be planted along the northeastern edge of the RCA would significantly improve the quality of the setting of this part of the RCA. A visual impact assessment submitted as part of the application, considers whether the proposal would be readily visible from a variety of locations around the town and satisfactorily demonstrates that it would not be visually prominent. A series of “before & after” visualisations help to demonstrate the visual impact.
- 10.12 The proposal would run counter to recommendations of the RCAAMP by developing a field in the Bolton crofts area. However, for the reasons set out above it is considered that there will be an enhancement to the overall Conservation Area. A key component of achieving this visual improvement would be the establishment of the landscaped plantation to the rear of the application site. It would therefore be important to ensure that this would be adequately managed moving forward, which would be able to be achieved by the applicant entering into a s106 legal agreement to establish a management company that would adequately maintain this land in perpetuity.
- 10.13 The development will be visible from Richmond Castle tower/keep. It is considered that its adjacency to an existing industrial estate, single storey, modest design and good quality materials results in negligible harm to this important viewpoint. Otherwise, the site is not considered to be prominent from medium or longer viewpoints.
- 10.14 Taking all of the preceding paragraphs together, whilst it is unequivocal that the proposal would not fully preserve this specific part of the RCA, it would nevertheless present an opportunity to enhance the wider areas appearance, including views from afar. For these reasons, the pragmatic approach that is recommended would be to accept that the positive benefits arising would outweigh the less than substantial harm that would occur. In doing so, the proposal would achieve the objectives of the Framework and Policies CP3, CP4 and CP12 in this regard.

Highways Matters

- 10.15 Having fully considered the proposals, the Local Highway Authority does not have any objections to the proposal. Having acknowledged concerns raised about the potential increase in vehicular movements to and from the GTE, Highways are satisfied that the surrounding road network would not be adversely affected by what would be a relatively small increase to the amount of traffic that already visits the GTE. The new access road and parking provision to the units would also be satisfactory.

- 10.16 The only concern raised by highways has been with regards to the visibility splay requirements, where the new access road would tie into Green Howards Road (see figure 3). Part of the westward visibility splay would cross third party land (the access track to the immediate left on figure 3) which the applicant has no control over. To this end, the applicant has successfully negotiated with the landowner in order to maintain a degree of control over the land in question. To ensure there is certainty and security over such an arrangement, it would be necessary for the applicant and the third party to enter into a s106 with the Council and any grant of planning permission would need to be conditional upon that agreement being entered into.
- 10.17 In addition to the above, it is important to remember at this juncture that comments have also been received from two individuals who claim to have access rights to the current private road and are seeking re-assurance that these would remain, should the scheme proceed. This is not a material planning consideration and is a civil matter.
- 10.18 The initial plans submitted showed the northern end of the new access road terminating with parking spaces running across its head, which would have prevented any through access. However, this arrangement has been revised during the consideration of the proposal and whilst the submitted plans do not show the entire length of the private road being upgraded, they now also do not show any restrictions / gates / barriers that would prevent access. To ensure that such an arrangement is achieved, it would be necessary to impose a condition to agree such matters.
- 10.19 Subject to the above requirements, the current proposal (as amended) would be acceptable from a highways perspective and would therefore accord with Policy CP3 of the Local Plan in this regard.

Amenity

- 10.20 The proposal is considered to be of a high-quality design, which as explained earlier in this report would assist in the visual enhancement of the eastern edge of the GTE. It would have no direct impact upon the interests of neighbouring business uses, and no neighbouring business occupiers/owners have objected to the public consultation. There are also no residential properties in the vicinity that would be materially affected by the proposal, which therefore accords with the priorities of CP3 which relate to amenity.

Flood Risk, Drainage & Ground Conditions

- 10.21 The application site lies in an area categorised as Flood Zone 1 and as such, there is only a low probability of flooding occurring. As the proposal is under 1000m² nor is there any requirement for a scheme of sustainable drainage to be formally agreed in advance by the Lead Local Flood Authority. However, given the sloped nature of the site and being just under 1,000sqm it is recommended to control the final drainage scheme by condition.
- 10.22 Notwithstanding the above, Yorkshire Waters observations have highlighted the fact that a public water main crosses the site which must be kept clear from development. The most recent submissions show that this will be satisfactorily achieved. In terms of wastewater, Yorkshire Water have recommended conditions be imposed to ensure that surface water run-off or foul water discharges take place until proper provision has been made for their disposal. Subject to these measures, it is considered that the proposals can comply with the requirements and expectations of Policy CP2 of the Local Plan.

Ecology & Wildlife

- 10.23 Policies CP3 and CP4 seek to support developments that promote biodiversity and avoid adverse impacts in this regard. The submitted Biodiversity Net Gain Assessment show that the site is dominated by a semi-improved neutral grassland field, with a small area of young plantation woodland lying to the north. Post Development, the assessment shows that the proposal would deliver a net gain of at least 10.53%. However, the full habitat creation,

enhancement and ongoing management details would be a matter considered separately in a detailed management plan, which is recommended to be included in the S106 agreement. This would allow Ecology Officers the opportunity to give detailed consideration of the final detail of the proposed enhancements prior to their implementation. Provided such measures are put in place, the proposal has the potential to bring positive benefits to biodiversity in the area and would accord with RLPCS Policies CP3 & CP4 in this regard.

Sustainability

- 10.24 There is no detail submitted with regards energy efficiency or carbon savings. However, as a modern development with no obvious site constraints, there should be no reason why it ought not to be capable of exceeding the requirements of Part L of the Building Regulations as required by Policy CP2. As such, it would be reasonable to impose a condition requiring submission of an energy statement for approval at the reserved matters stage. On this basis, the proposal is considered to generally accord with RLPCS Policy CP2 in this regard.

S106 Legal Agreement

- 10.25 The following Heads of Terms have been agreed with the applicant for this application:

Category/Type	Contribution	Amount & Trigger (note triggers are subject to change post committee)
Visibility Splay to be kept free of obstruction in perpetuity.	Splay provision	Prior to first occupation of the development
Delivery and Maintenance of landscaped plantation in perpetuity.	Scheme and Delivery	Prior to first occupation of the development
Biodiversity Net Gain	Scheme	Prior to works above existing ground level
Biodiversity Net Gain	Monitoring Fee	£3,040 prior to first occupation of the development
Legal Agreement Monitoring	Monitoring Fee	£280 prior to commencement of development

- 10.26 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.

The Public Sector Equality Duty

- 10.27 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.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. The proposed development has a number of benefits, chiefly the economic development of providing 3 high quality small business units next to an existing employment area and thus facilitating new job creation. The Councils Economic Development Team have advised that

are often approached by prospective end-users and this proposals meets the needs identified.

- 11.2. The proposal also presents a unique opportunity to improve the appearance of the eastern edge of the Gallowfields Trading Estate on the outskirts of Richmond. This location in particular has long been identified as being harmful to character and appearance of the Richmond Conservation Area, which abuts the boundary of the trading estate. Whilst it is accepted that the development itself would be within the RCA, the design of the buildings proposed along with a scheme of landscaping would soften and green this location, reducing the visual prominence of the trading estate. As such, the proposal would not preserve the appearance of the RCA but it would enhance it, which would be of benefit.
- 11.3. Due to the landscaping aspect of the proposal, it would create a defensible edge to the trading estate helping to resist further development eastwards.
- 11.4. Whilst concern has been raised in relation to highways capacity and safety, highways have not objected and do not consider the cumulative impact to be so serve as to warrant refusal. Harm to neighbouring land users is considered to be negligible.
- 11.5. Subject to conditions and S106 agreement the development is considered to accord with the adopted development plan when considered as a whole.

12.0 RECOMMENDATION

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

Recommended conditions:

1. 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) Planning Application Forms and Certificates.
 - b) SVY 00 – Location Plan & Block Plan
 - c) PP01 Rev G – Proposed Floor Plans in site.
 - d) Proposed Elevations dated 17/01/24
 - e) PP 01 Rev G – Proposed Floor Plans in Site
 - f) PP04 Rev C – Proposed Roof Plan
 - g) PL00 PDA – Heritage & Economic Statement
 - h) PL10 – Visual Impact Assessment
 - i) Biodiversity Net Gain Assessment 7492 by E3 Ecology Ltd

Reason: To confirm the basis and terms of the outline planning permission.

2. Application(s) for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years beginning with the date of this permission. Thereafter, the development must be begun no later than the expiration of two years from the final approval of the reserved matters.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended.

3. Approval of the landscaping of the development (hereinafter called "the reserved matter") shall be obtained from the Local Planning Authority in writing before the

development is commenced. The detailed landscaping design shall be based upon the principles set out on the approved plans and in the approved Biodiversity Net Gain Assessment.

Reason: To reserve the rights of the Local Planning Authority with regards to these matters and ensure a high-quality layout.

4. The development must not be brought into use until the access to the site has been 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 must be constructed in accordance with the approved details as shown on Drawing Number PP 01 Rev G and Standard Detail Number E60 Revision B (Construction Depths Only) and the following requirements:

- Any gates, bollards or barriers must be erected a minimum distance of 15 metres back from the carriageway of the existing public highway and must not be able to swing over the existing public highway.
- The final surfacing of any private access within 6 metres of the boundary with the public highway must not contain any loose material that is capable of being drawn on to the existing public highway.
- Details of measures necessary to prevent surface water from the site discharging onto the existing highway must be agreed with the Planning Authority in consultation with the Highway Authority before work starts on site. The measures should then be constructed in accordance with the approved details and maintained thereafter to prevent such discharges. 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.

5. There must be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility of 90 metres measured along both nearside channel lines of Green Howards Road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times. The provision and retention of the Visibility Splay to the west will need to be secured by means of a Section 106 Agreement.

Reason: In the interests of highway safety

6. 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 approved plan Drawing Number PP 01 Revision G and Standard Detail Number E60 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.

7. No development must commence 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:

1. The parking of contractors, site operatives and visitors vehicles clear of the Public Highway.
2. Areas for the storage of plant and materials used in constructing the development clear of the Public Highway.
3. Wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent Public Highway.

Reason: In the interest of public safety and amenity.

8. No building or other obstruction including landscape features shall be located over or within 3 metres either side of the centre line of the public water main i.e., a protected strip width of 6 metres, that crosses the site. Furthermore, no construction works in the relevant area(s) of the site shall commence until measures to protect the public water supply infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. If the required stand-off or protection measures are to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken.

Reason: In the interest of public health and maintaining the public water supply

9. Prior to development above existing ground level a surface water drainage scheme shall be submitted to and approved in writing with the Local Planning Authority. The approved system shall be delivered in full prior to first use of the development hereby approved.

If discharge to public sewer is proposed, the information shall include, but not be exclusive to:

- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
- ii) the means of discharging to the public sewer network at a rate not to exceed 3.5 litres per second.

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

10. 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. 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)

11. If contamination is found or suspected at any time during development that was not previously identified, all works shall cease, and the local planning authority shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken, or the development, occupied until an investigation

and risk assessment carried out in accordance with the Environment Agency's Land contamination: risk management (LCRM), has been submitted to and approved in writing by the local planning authority. Where remediation is necessary, a scheme for the remediation of any contamination shall be submitted and approved by the local planning authority before any further development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.

Reason: In order to ensure that risks from land contamination to future users of the land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 12 Prior to the commencement of the development, excluding ground levelling works, a scheme setting out how carbon savings are to be delivered with reference to the extent that this will exceed Building Regulation Requirements along with an explanation of why this is the maximum level that would be feasible and viable for this particular proposal, shall be submitted to and approved in writing by the Local Planning Authority. The development shall there afterwards take place in full accordance with the approved details and any associated technology for specific buildings or car parking areas, installed and made fully functional prior to that building/areas first use. The approved measures shall be retained and maintained in perpetuity unless replaced for a more sustainable system which is more energy efficient.

Reason: To secure a more sustainable form of development and to meet the expectations of Policy CP2 of the adopted Local Plan Core Strategy.

- 13 No materials shall be used in the construction of the external surfaces of the development hereby permitted until details (with brick and roof material(s) samples as necessary) of those materials have been submitted to and approved in writing by the Local Planning Authority. The materials shall be used as approved in the construction of the development. There afterwards the approved materials shall be retained unless replaced like for like.

Reason: In the interests of the appearance of the proposed development and conservation area.

- 14 All pointing of stonework shall be undertaken with a lime/cement/sharp sand mix in proportions of 1:1:6 and then brush finished.

Reason: In the interests of the appearance of the proposed development.

- 15 All guttering and downpipes shall be black in colour and be maintained as such thereafter for the lifetime of the development.

Reason: In the interests of the appearance of the building.

- 16 Details of any external lighting to be used on the site shall first be submitted to, and approved in writing by, the Local Planning Authority prior to its installation. The information shall include a layout plan with beam orientation and schedule of equipment in the design (luminaire type, mounting height, aiming angles, and luminaire profiles) and shall detail any measures to be taken for the control of any glare or stray light arising from the operation of artificial lighting.

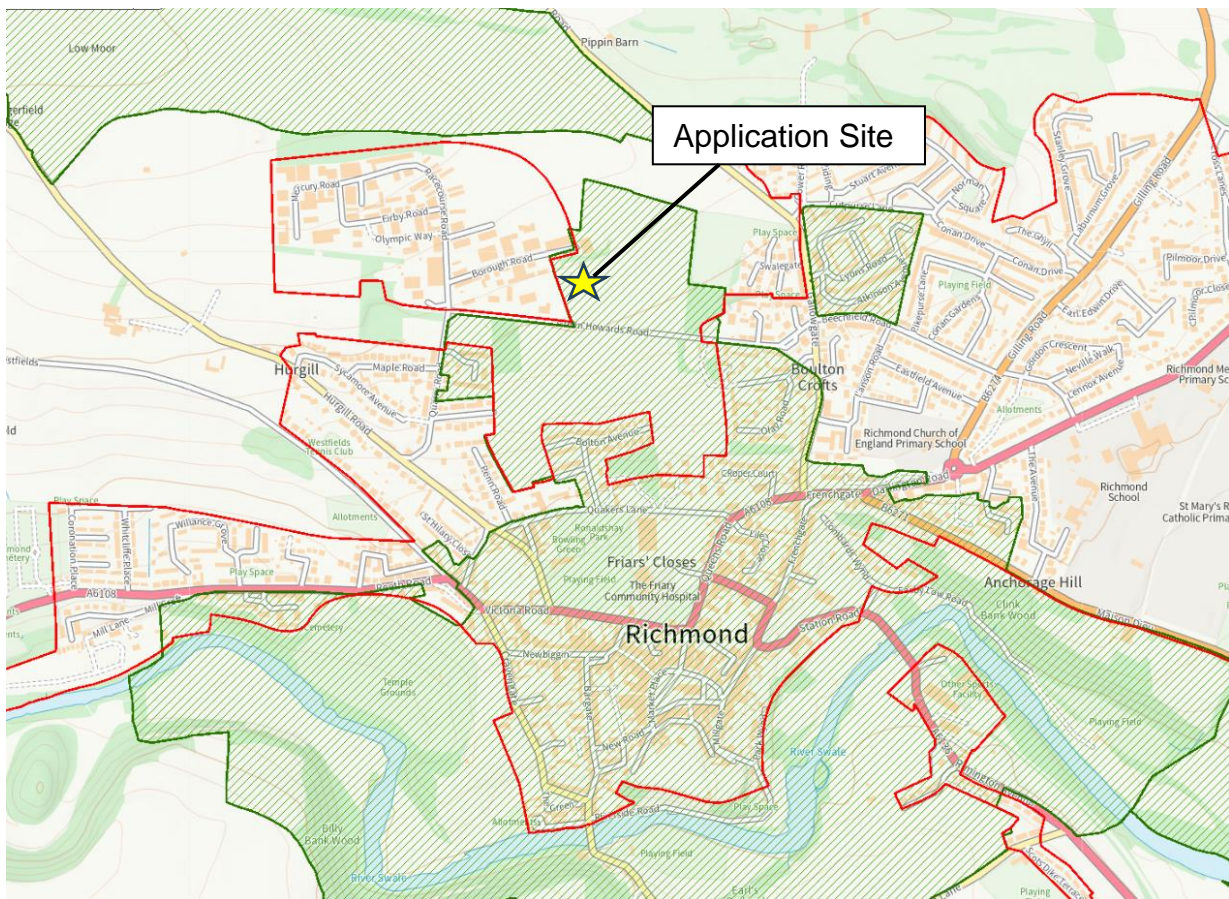
Thereafter the artificial lighting shall be installed, operated and maintained in accordance with the approved scheme. Changes to any element of the lighting scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the changes taking place.

Reason: To reserve the rights of the Local Planning Authority in this matter and in the interests of amenity, ecology and minimising light pollution.

Target Determination Date: 01.03.2021

Case Officer: Jamie Reed Jamie.reed@northyorks.gov.uk

Appendix A – Development Limits and Conservation Area



Key

- Redline – Richmond Development Limit
- Green Hashed Areas – Conservation Area
- Yellow Star – application site position

North Yorkshire Council

Community Development Services

Richmond (Yorks) Area Constituency Planning Committee

13 June 2024

ZD24/00080/FULL - Full Planning Permission for Change of use of Unused Garage Workshop to Tills / Retail area of Petrol Filling Station Including Alterations to Front Elevation (Retrospective)

At Penny Petroleum Scorton Road Brompton On Swale Richmond North Yorkshire DL10 6AB

On behalf of Vicky Hennessey

Report of the Assistant Director Planning– Community Development Services

1.0 PURPOSE OF THE REPORT

- 1.1. To determine a planning application for Full Planning Permission for Change of use of Unused Garage Workshop to Tills / Retail area of Petrol Filling Station Including Alterations to Front Elevation (Retrospective) on land at Penny Petroleum, Scorton Road, Brompton On Swale, DL10 6AB.
- 1.2. This application is referred to Planning Committee following a request from the Catterick Village & Brompton-on-Swale Division Member. The ward member raised the loss of post office and low parking provision for a convenience store.

2.0 SUMMARY

RECOMMENDATION: That planning permission be GRANTED subject to conditions listed below.

- 2.1. The application site is located on the outskirts of the village of Scorton and occupies a prominent position adjacent to the junction between Scorton (north and east) and Bolton On Swale (south). The site has been a filling station for a number of years and this use continues. Part of the building was previously used for servicing and MOT is no longer in use after the previous business owners retired.
- 2.2. The application (now retrospective) seeks Full Planning Permission for a change of use of this particular part of the building to form a larger retail space, along with alterations made to the shop front (doors, windows and parapet roof detail). Customer car parking is located to the western side of the building and staff car parking to the rear.
- 2.3. There is both Local and National Planning Policy support for the growth of existing businesses and reuse of existing buildings. Whilst the site address is Brompton On Swale, the site is located on the edge of Scorton which is a Primary Service Villages and within the Central Area of Richmondshire as set out by Spatial Principle SP2 of the Richmondshire Local Plan. Such locations are considered to have a key role in supporting larger towns nearby by providing a range of goods and services more locally. The proposed change of use would contribute to the growth of the local economy, as well as providing a small

amount of additional employment. Other key issues include impact on neighbour amenity and highway safety, as well as drainage and design.

- 2.4. A number of objections have been submitted as part of the formal consultation process, raising some of the aforementioned material Planning issues. However, a significant concern raised by local residents is that of the potential impact of the development proposals on Scorton Village Shop and Post Office. Notwithstanding the objections received, competition between businesses is not a material Planning consideration that can be afforded weight in the overall assessment of the application, particularly given the size of the floor area concerned, which falls below the 500sqm required in order to trigger a full Retail Impact Assessment.
- 2.5. Subject to conditions to control hours of operation and deliveries; lighting and noise from external plant and car parking provision, the proposals are considered to be in accordance with the expectations of Spatial Principles SP1, SP2 and SP5 of the Central Richmondshire Spatial Strategy, and Policies CP3, CP4 and CP7, CP9 and CP13 of the Local Plan, the National Planning Policy Framework.

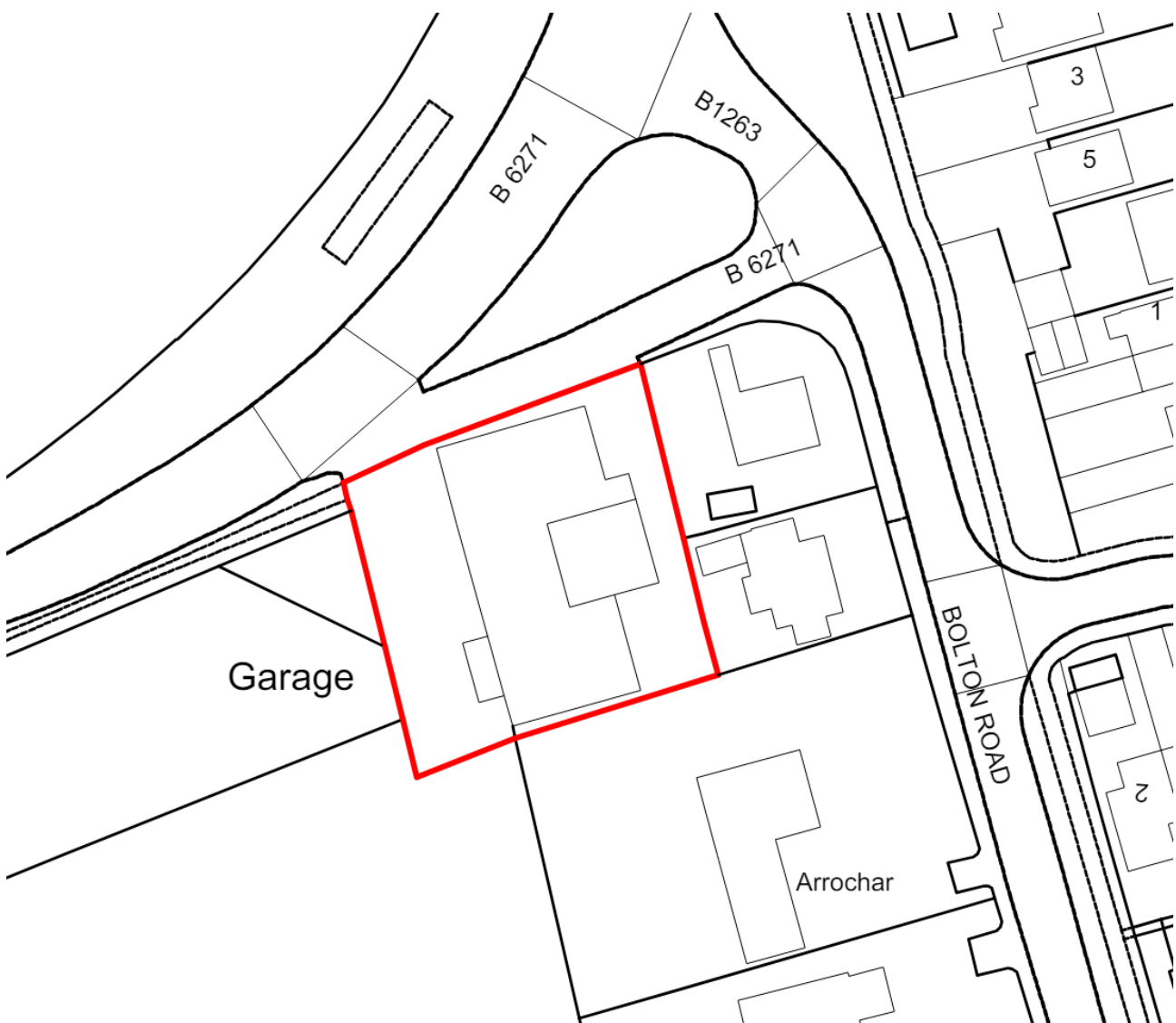


Figure 1: Location Plan

3.0 PRELIMINARY MATTERS

- 3.1. Access to the case file on Public Access can be found here:- [public access documents](#)
- 3.2. The proposed scheme is now retrospective and alterations to the shop front and internal layout of the building have already been carried out.
- 3.3. This application does not include details of signage and this will be dealt with separately. The diesel tanks shown in the application documentation is not being considered as it falls outside the scope of the description of development. They will need to be submitted separately.
- 3.4. There is an extensive planning history relating to the garage business, however, there are no recent applications or decisions that are relevant to the consideration of this application for a change of use.

4.0 SITE AND SURROUNDINGS

- 4.1. The existing filling station occupies a prominent site on the edge of Scorton and is located on the east side of the road towards the southern end of the village. The application site falls outside of the designated Conservation Area and there are existing residential properties located to the south and east and open fields to the west. In 2019, Outline Planning Permission was granted for up to 58 no. dwellings on land immediately to the north and on the opposite side of the road to the application site.
- 4.2. The application site is located outside of the main village centre and approximately 0.4km from the nearest public house and shop/Post Office, which are located on the western side of the village green. Bolton On Swale Church of England School is located to approximately 0.2km to the south of the application site and Brompton On Swale Village Shop and Post Office is approximately 3.5km away (west).

5.0 DESCRIPTION OF PROPOSAL

- 5.1. This application seeks Full Planning Permission for change of use of part of the existing premises, formerly used as a garage workshop, to a retail area as well as associated external alterations to the frontage.
- 5.2. The existing tills and retail area have been relocated in order to provide a larger retail space and a wider range of products, amounting to approximately 175sqm. A WC has also been provided for customer use, as well as a meeting room, kitchen and rear fire exit. The area that was previously used for tills and retail space has now become storage (in connection with the shop) and the applicant sets out that this storage area could be let out in the future to a business tenant. However, the merits of this would need to be considered as part of a separate planning application, should the applicant wish to pursue this.
- 5.3. The application sets out that previously, the business employed 4 no. full time equivalent staff (FTE) and as a result of the proposed change of use, this would increase to 7 no. FTE. Proposed hours of opening are 06:00-23:00, including Sundays and Bank Holidays.
- 5.4. Car parking is provided to the western side of the building within the application site boundary, with a total of 5 customer spaces including an 1 accessible space. The existing car wash remains in situ and operational and staff car parking to be located to the rear of the building. Timber close boarded fencing (2.4m in height) has been erected to conceal the existing above ground diesel tanks, located to south western corner of the site.

- 5.5. The external alterations proposed have mainly involved the front elevation and the replacement of timber workshop doors and a PVCu double glazed window with powder coated aluminium shop fronts and automatic doors. Alterations to the roofline have also been carried out, with the removal of a masonry parapet and installation of a powder coated verge fitted to the roof slope.
- 5.6. Some new signage; external plant serving refrigeration units (western side of building) and an above ground diesel tank have been installed, but do not form part of this application for Full Planning Permission. Subject to details of the required signage, plant and tank, a separate application for Full Planning Permission will be required, as well as Advertisement Consent (depending on the details of what the applicant intends to and has already installed).

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

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

- 6.3. Relevant guidance for this application is:

- National Planning Policy Framework
- National Planning Practice Guidance

7.0 CONSULTATION RESPONSES

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

- 7.2 **Parish Council:** Scorton Parish Council would like to bring the following comments to the attention of the Officers and Planning Committee members:

Parish Councillors expressed concern that there have been two retrospective planning applications on this site and the approach that has been taken by the developer in relation to re-development of the site. Additionally, we were consulted by the Licensing Department months prior to receiving the change of use application. Councillors were unable to make a decision about the licensing application, as the area for selling alcohol currently isn't a retail premises.

Please note a number of discrepancies within the planning application:

- Over ground diesel storage tanks. These appear on the planning application as existing, however these are new and have not been on any planning applications.

- Car parking. The current on-site parking has been significantly reduced by the inclusion of the new diesel tanks.
- Signage (5.1 on Access Statement). This states that the exact details of the signage are not known, nevertheless there is a new sign above the existing retail shop and the canopy has new, illuminated, wrap-around signage, resulting in obtrusive, artificial light disturbance and pollution to adjacent properties and inappropriate in a rural setting. Furthermore, there have been changes to the illuminated prices sign within the site.
- Contamination. The application states that there is no contamination on site – can this be accurate? The site has been used as a bus garage and automotive garage since the 1950s.
- Foul sewage. The application indicates that this will be via the main sewers, however foul sewage is by septic tank and the application adds that there will be additional toilets. Councillors question the capacity of the septic tank.
- No changes to the rear and side (4.1 on Access Statement). Councillors dispute this.
- Retail refrigeration. We note the plans include extensive provision for freezers and chillers within the proposed retail space. We ask for clarification about the external cooling units, as these are not indicated on the plans.
- Possible separate let or storage space. Please can we seek more information about this, as this will impact on parking and pedestrian/vehicular access to an already busy junction.
- Pedestrian access. Councillors have major worries about pedestrians crossing the B6271. This is a difficult location to cross safely.

The Scorton Post Office & Shop has been serving customers for many decades. This is an established family business; Shailendra & Versha even provided a delivery service during COVID which was a lifeline for vulnerable people during lockdown.

Scorton Village Store is at the heart of our community, centrally located and where people meet and catch up. Scorton is a caring village with sheltered housing, care homes and many elderly and vulnerable residents who rely on the Post Office and Shop. Additionally, many residents and small local businesses rely on the banking and postal services provided, particularly those without access to private transport.

Due to the above technical concerns and the potential impact on the Scorton Village Store & Post Office, councillors are not in a position to support this application.

- 7.3 **Division Member(s):** Concern in respect of the loss of post office and low parking provision for a convenience store. There is a lot of public concern for this application.
- 7.4 **NYC Environmental Health:** No objections, subject to conditions relating to external plant and equipment; loading and unloading of vehicles and limiting hours of operation to 07:00 – 22:00 Monday to Saturdays, and 08:00-21:00 on Sundays and Bank Holidays. In addition, a condition relating to lighting in order to prevent light pollution is recommended.
- 7.5 **NYC Local Highway Authority:** No objections, subject to a condition to ensure the car parking areas are constructed in accordance with the approved drawing.

Local Representations

- 7.6 56 local representations have been received of which 3 are in support and 53 are objecting. A petition with 243 signatures was also submitted against the proposals. A summary of the comments is provided below, however, please see website for full comments.
- 7.7 **Support:**
- This will support the village massively

- The village needs more choice and all local business supported, not one shop should have the monopoly.

7.8 **Objections:**

- Scorton doesn't need a supermarket
- Damaging to the existing village shop and post office, which is a small family run business
- Not accessible to many elderly people
- Overdevelopment in a rural setting
- Neon signage, more suited to an urban area and harmful to dark night skies
- Busy road junction where parking is already an issue, particularly for children if crossing the road
- Application states 8 car parking spaces but only 5 shown and won't always be available if tanks being filled or car wash in use
- Disturbance to local residents
- Pollution (alcohol sold until late hours)
- Impact on the character of the village
- There is a restrictive covenant on all property restricting the sale of alcohol
- Antisocial behaviour
- Opening hours are too long and will lead to disturbance of residents
- Attract more traffic from outside the village
- HGV manoeuvring on and off site is already a problem
- Sale of alcohol could reduce footfall in nearby public house(s)

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
- Local Economy and Employment Opportunities
- Highway Safety
- Residential Amenity
- Foul and Surface Water Drainage
- Contamination
- Design
- Other Matters

10.0 **ASSESSMENT**

Principle of Development

- 10.1. This application proposes a retrospective change of use of part of the existing buildings on site from MOT/ Servicing to retail at the former Coates Garage, between Scorton and Brompton On Swale. Whilst the filling station function of the business continues to operate, the site is now under new ownership and MOT and servicing of cars is no longer offered, leaving the area of the building previously taken up for this purposes unused. Changes to the shop front and internal arrangements have already been carried out and although a small retail offer was available previously, a larger area of approximately 175sqm has now been created, along with 5 no. customer car parking spaces (including one accessible space) and 3 no. staff car parking spaces to the rear.

- 10.2. The village of Scorton is classed as a Primary Service Village within SP2 of the Adopted development Plan (ADP) and as such, aims to provide services that supplement those found in larger towns. Spatial Policy SP2 places emphasis on maintaining existing or new services, including providing a good range of community facilities and services (including food shops and associated employment). Spatial Principle SP5 of the Local Plan supports development within main employment locations (as listed in the policy) but also supports “small scale development elsewhere to meet local needs”.
- 10.3. In order to “develop and sustain the economy of Richmondshire”, Core Policy SP7 of the ADP, in line with SP5, supports the sustainable growth of sectors such as retail and sustaining small and medium sized enterprises that encourage new and existing businesses to grow, whilst safeguarding the unnecessary loss of valued facilities and services.
- 10.4. There is therefore clear policy support for schemes that ensure continued economic use and growth outside of main centres and in particular, reuse of buildings that are no longer needed for their former purpose (subject to other technical matters being satisfactorily addressed). Core Policy CP3 of the Plan specifically encourages the re-use or adaptation of existing buildings and this scheme seeks to reuse part of an existing building with a small amount of external adaptation.
- 10.5. A large number of objections have been received as part of the consultation process which, amongst other things, focus on the potential impact of the proposed retail business on the existing Village Shop and Post Office located within the centre of Scorton. As previously stated, SP2 encourages a range of services and whilst there are clearly some similarities (in terms of products and services offered), Core Policy CP9 supports retail developments outside of town centres that are below 500sqm where they are of a scale appropriate to the function of the settlement, serve the day to day needs of the immediate locality and would support the rural economy. Whilst potential competition between the two businesses is of concern to the existing business and local residents, competition in itself is not a material Planning consideration that can be afforded a great deal of weight and there is no policy requirement for a Retail Impact Assessment for a change of use of this scale.
- 10.6. Overall, it is considered that there is policy support for the scheme, both in terms of Local and National Planning Policy that meets the expectations of Spatial Principles SP2, SP5 and SP7, Core Policies CP3, CP4, CP7 and CP9 of the Local Plan and paragraph 90 of the National Planning Policy Framework (NPPF) (2023).

Local Economy and Employment Opportunities

- 10.7. The application states that the facility currently employs a total of 4 no. full-time equivalent persons, and that the proposal will employ a total of 7 no. full-time equivalent persons, thus creating 3 no. additional full-time equivalent jobs. The impact of the proposal in employment opportunity terms therefore is positive. In addition, the change of use would allow an existing business and local fuel/retail facility to sustainably redevelop, in accordance with the expectations of Policies SP1, SP2 and SP5 of the Central Richmondshire Spatial Strategy, and Policies CP3, CP4 and CP7 of the Local Plan in this regard.

Highway Safety

- 10.8. As previously stated, the site has operated as a filling station (and previously a servicing/MOT garage) and the general layout of the forecourt would not change as part of this proposal. However, local concerns have been received relating to potential increase in traffic at the junction; access to the shop on foot and the practicalities of manoeuvring around the site during a delivery to the shop or filling station or if the car wash is in use.
- 10.9. Further to formal consultation with the Local Highway Authority (during which time these concerns were brought to the direct attention of the LHA), the 8 no. parking spaces provided in total (5 no. customer spaces; 3 no. staff spaces) are considered to meet current parking

standards. This is because the retail space is considered as a “neighbourhood shop”, as opposed to a “small supermarket” in terms of highway parking standards. The applicant has been able to confirm the approximately number and frequency of retail deliveries and that there would be 1-2 no. tanker deliveries of fuel per month. During fuel deliveries, the forecourt is cordoned off and closed during this time with each delivering taking approximately 30-40 minutes to complete. The shop remains open during this time so this means that customers not arriving at the shop on foot have to park elsewhere.

- 10.10. There are other unrestricted areas just outside the site for customers to use and given that fuel deliveries usually take place between 06:00-0800hrs (outside of typical “rush-hour” periods), it is not envisaged that indiscriminate car parking elsewhere would occur that would lead to a “severe” highway safety impact, which is the test set out in paragraph 115 of the NPPF. It is likely that some potential spends will be lost as some customers choose not to visit the shop when they cannot secure adjacent parking.
- 10.11. Providing parking spaces are constructed in accordance with the submitted drawing, the LHA have been consulted on the additional information and do not consider that the development would lead to a “severe” adverse impact on highway safety grounds, as set out in the NPPF.

Residential Amenity

- 10.12. The application proposes opening hours of 06:00-23:00 (inclusive of Sundays and Bank Holidays), however, Environmental Health expressed some concern around these, recommending a condition to limit hours of operation to 07:00 – 22:00 Monday to Saturdays, and 08:00-21:00 on Sundays and Bank Holidays. Subject to this condition, as well as conditions relating to external plant and equipment; loading and unloading of vehicles and lighting, Environmental Health have confirmed no objections to the application. Given the former use as a vehicle MOT/Serviceing facility and scale of proposed development, it is not considered that the proposed change of use would lead to an unacceptable loss of amenity to nearby dwellings, in line with CP3 and CP4 of the Local Plan.
- 10.13. As part of the internal fitting out of the retail area and refrigeration units installed, external plant has been added to the western side of the existing building. As set out in paragraph 5.6, this application does not include details of external plant (neither in the application details nor the description) and therefore it has not been possible for Environmental Health to assess noise from such equipment or potential disturbance to nearby residential properties. Whilst it is unlikely that a full Noise Impact Assessment would be required, full (retrospective) details will need to be submitted as part of a further formal application for Planning Permission.
- 10.14. For the convenience retail use, it would benefit from having external plant and machinery so they can cool and store perishable goods. There is a risk that planning permission for external plant and machinery may be refused and they would have to reduce their offer.

Foul and Surface Water Drainage

- 10.15. The application relates to a change of use and alterations to frontage, but a WC would be provided as part of the internal alterations. Whilst the application incorrectly refers to the site being connected to mains drainage, the applicant has since confirmed that foul and surface water drainage is to an existing septic tank and has been asked to provide a non-mains drainage assessment. However, given that there would be minimal increase in terms of capacity needed (and that any upgrade that is required would need to be formally considered by Building Control), it is considered that the continued use of the existing septic tank is acceptable.

Contamination

- 10.16. The area of the existing building that is the subject of the proposed change of use was previously used in association with the garage and so it is likely that contamination within that area will be present, as pointed out by Scorton Parish Council. However, the proposed retail use is not considered to be a “vulnerable end user” and as such, Environmental Health have not raised any concerns or recommended specific conditions in this regard.

Design

- 10.17. As part of the proposed change of use, alterations to the existing shop front have also been carried out, including a rendered finish to the external walls; the installation of a window; and a new automatic door in place of the previous timber workshop sliding doors. There is also a new window with “night pay draw”; infill panel at a low level and the former parapet has been removed and replaced with an aluminium verge. All windows and doors are now powder coated aluminium. In design terms, the changes are considered appropriate in this context, within a relatively modern, functional, commercial building that falls outside of the designated Conservation Area. The scheme is therefore not considered to be at odds with the expectations of CP13 of the Local Plan with regards to design and appearance.

The Equality Act 2010

- 10.18. Under Section 149 of The Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions: (i) eliminating discrimination, harassment and victimisation; (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age (normally young or older people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
- 10.19. Level access is provided into the retail area and accessible car parking is provided to the western side of the building, in line with current highway safety parking standards. As an enlargement to an existing shop, there is no overt reason why the proposed development would prejudice anyone with the protected characteristics, as described above.

Other Issues

- 10.20. As pointed out previously, the proposed change of use has already been carried out and the retail area is in use. This has been done entirely at the applicant’s own risk and has not in any way prejudiced the Officer assessment or recommendation. However, as well as the completion of the retail area, other changes have also been carried out, such as the installation of above ground diesel tanks and external plant, as well as the display/replacement of illuminated advertisements on and around the forecourt. These changes require separate Planning Permission and/or Advertisement Consent.
- 10.21. For the avoidance of any doubt, this application relates to the change of use of part of the existing building and physical alterations to the shop front only, as set out in the application description and shown on the submitted plans. Matters such as external lighting, plant, advertisements, signage materials and the installation of diesel tanks have not been formally assessed. The Council’s Enforcement Team have raised this with the applicant and application(s) to include all other unauthorised development/works have been invited and will be assessed on their own merits, with the benefit of full plans/details and consultation.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. Out of concern that the increased retail space proposed might have a detrimental impact on the existing shop and Post Office in the village of Scorton, a number of local residents have

raised objections to this application. There are some key differences between the two businesses, such as banking services provided as part of the Post Office function in the Village Shop, but it is likely that similar products are or could be sold in both locations, including delivery/courier services (as are often on offer in filling stations elsewhere). Residents are concerned that this may lead to customers choosing the convenience of the filling station, particularly where similar products and services are provided by the shop and that this could potentially lead to its closure (which would mean loss of other services that are not easily found elsewhere).

- 11.2. The objections regarding competition with the existing Village Shop and Post Office are acknowledged. However, the proposed floor area falls below the policy threshold whereby a retail assessment can be required and there are no policy reasons to either refuse Planning Permission or to control the type of goods and services provided, as in this case, competition in itself is not a material Planning consideration that can be afforded weight in the decision making process.
- 11.3. In terms of principle, the proposed change of use to create a larger retail area would support the future operation of the filling station, as well as small-scale employment and economic growth, which is supported by the ADP and National Planning policy. The proposals would make use of an existing building with only a small number of external changes to the frontage in order to accommodate the internal layout proposed. The proposals would not have a significant adverse impact on neighbour amenity or existing drainage infrastructure. Notwithstanding local concerns raised, adequate car parking and safe access/egress is provided, without having a significant adverse impact on highway safety.
- 11.4. Overall, the proposals meet the requirements and expectations of Spatial Principles SP1, SP2 and SP5 of the Central Richmondshire Spatial Strategy, and Policies CP3, CP4 and CP7, CP9 and CP13 of the Local Plan, and the National Planning Policy Framework.

12.0 RECOMMENDATION

- 12.1. That planning permission be GRANTED subject to conditions listed below.

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:

- a) Application form and certificate
- b) Location Plan ref. 101
- c) Existing and Proposed Front Elevation and Floor Plans ref. 101
- d) Existing and Propose Site Plan ref. 102

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 Provision of Parking (compliance)

Within one month of this decision, parking areas shall be constructed in accordance with the details approved on Drawing Number 102. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times, except during deliveries of fuel to tanks located to the south western corner of the site.

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

Condition 3 Loading and Unloading

No loading, unloading or idling of delivery vehicles associated with the retail area hereby approved 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 protect the amenity and quality of life of nearby residents.

Condition 4 Hours of Operation

The opening hours of the retail space shall be restricted to the hours of 07:00 and 22:00 on Monday to Saturdays, and 08:00 to 21:00 on Sundays and Bank Holidays.

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

Condition 5 Lighting

Within 3 months of the date of this decision, a lighting scheme containing the following details shall be submitted to and approved in writing by the Local Planning Authority:

- manufacturers details;
- level of luminosity;
- position and height of lighting on the building/lighting column;
- method of down lighting.

Only the approved lighting shall be installed and any other lighting shall be removed within 8 months from the date of this decision notice.

Reason: In the interests of visual & neighbour amenity

Condition 6 Use

This permission is for a change of use from Servicing/MOT to retail relates to the former garage/workshop area of the building only.

Reason: In the interests of highway safety and neighbour amenity and to reserve the rights of the Local Planning Authority in these regards.

Condition 7 Diesel Tanks

This permission excludes the siting of diesel tanks and adjacent screening/ boundary.

This permission excludes any external plant and machinery.

Reason: Falls outside the description of development and insufficient details provided for plant and machinery.

Target Determination Date: 10.04.2024

Case Officer: Caroline Walton, Caroline.Walton@northyorks.gov.uk

North Yorkshire Council
Community Development Services
Richmond (Yorks) Area Constituency Planning Committee

13th June 2024

ZB24/00968/MRC- Application for Variation of a Conditions 2 (Roadway Construction Detail - minor changes to specifications) 10 (Provision of Passing Places - provision of passing places delayed)and 11 (New access construction details modified) following Grant of Planning Permission 23/00625/FUL

At: Sedgefield House Ainderby Steeple Northallerton DL7 9JY

For: Stuart Tweddle

Report of the Assistant Director Planning – Community Development Services

1.0 PURPOSE OF THE REPORT

- 1.1 To determine a planning application amendments to conditions attached to planning application, reference 23/00625/FUL which was for proposed change of use of agricultural and amenity building including alterations to west elevation to a wedding venue with associated parking facilities and new access on land at Sedgefield House, Ainderby Steeple, Northallerton, North Yorkshire on behalf of the Assistant Director – Planning
- 1.2 This application is brought to the Planning Committee as the proposals have generated significant local interest and the original application was determined by the Planning Committee.
- 1.3 The application was considered by Planning Committee on the 12 October 2023 and was approved subject to a number of conditions.
- 1.4 The current application seeks to amend Condition 2, Condition 10 and Condition 11 of the 23/00625/FUL consent in order to regularise minor changes to the access and in order to allow operation of the venue for a temporary period whilst the approved passing places are constructed.
- 1.5 It should be noted that this is not an opportunity to review the permission as a whole, only to determine the application based on the proposed changes to the permission.

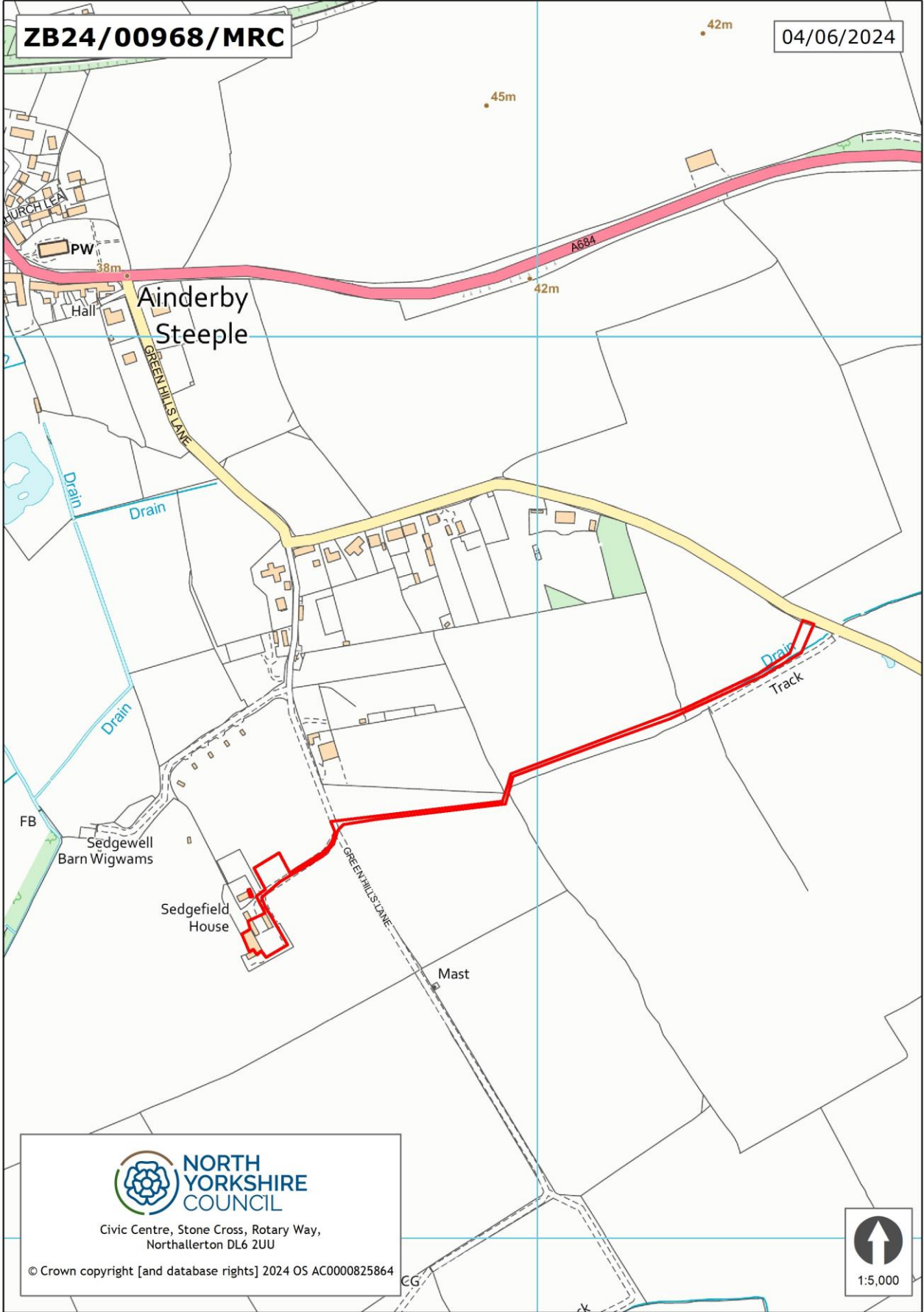
2.0 SUMMARY

RECOMMENDATION: That Planning Permission be **REFUSED** for the reasons set out in section 12 of this report.

- 2.1 The original application was for the change of use of buildings on the site to form a wedding and events venue along with the formation of a new access from the highway network to the east of the application site. The application also proposed the formation of passing places on

Ashcroft / Warlaby Lane and on Greenhills Lane within the extent of the highway. The applicant proposes 15 weddings through the year along with 4 marketing events. This limit is subject of a condition set out in section 12 of the report.

- 2.2 The applicant seeks to amend condition 2 (drawings etc) of the 23/00625/FUL permission, in order to regularise the make up of the new access road, across the field from Ashcroft / Warlaby Lane. This is a very minor change which does not result in any significant change to the appearance, finish or width of the access.
- 2.3 The applicant seeks to amend Condition 10 and 11 in order to allow the operation of the business, in the absence of the passing places on Warlaby Lane / Ashcroft and Greenhills Lane, for a temporary period whilst the passing places are constructed in line with a Section 278 highways agreement.
- 2.4 This raises serious questions regarding highway safety along with the amenity of road users and potentially the residential amenity of nearby occupiers.
- 2.5 The applicant in their submission has included an assessment of the Highway impact of the proposed amendments along with a plan to mitigate any harmful impact.
- 2.6 It is considered that the lack of the provision of the passing places as set out in the permission, reference 23/00625/FUL results in a severe impact on highway safety and that this harm is not adequately mitigated by the proposed traffic management set out in the applicant's supporting statement.



3.0 PRELIMINARY MATTERS

3.1 Access to the case file on Public Access can be found here

[Documents for Case](#)

3.2 Planning History

- 10/02248/APN - Application for Prior notification for the construction of a steel portal agricultural storage building – Granted October 2010.
- 12/00382/FUL - Proposed extension to existing dwelling – Granted April 2012.
- 17/00597/FUL - Change of use of agricultural land to site of 3no. camping pods with associated car parking – Granted May 2017.
- 17/01379/FUL - Change of use of agricultural land for the siting of 6no camping pods with associated access and car parking – Granted September 2017.
- 19/00775/FUL - Change of use of domestic outbuilding to farm office and amenity building and associated works in conjunction with existing camping site – Granted June 2019.
- 20/01831/FUL - Proposed change of use of domestic outbuilding to amenity building and siting of 5 camping pods in conjunction with existing camping site with new sewage package treatment plant – Granted October 2020.
- 21/02219/FUL - Single storey extension to the west elevation and two storey extension to the east elevation of the dwellinghouse – Granted November 2021.
- 21/02352/FUL - Construction of an agricultural building for the storage of hay and straw, animal feed, fertiliser, machinery and the handling of stock – December 2021.
- ZB23/01360/FUL –Change of Use of domestic extension to mixed use for domestic use and holiday let at Sedgfield House. Currently under consideration.
- 22/00690/FUL - Proposed change of use of agricultural and amenity building including alterations to west elevation to a wedding venue with associated parking facilities - amended information received 3 November 2022 – Withdrawn.
- 23/00625/FUL - Proposed change of use of agricultural and amenity building including alterations to west elevation to a wedding venue with associated parking facilities and new access along with the formation of passing places on the highway subject to report received on 22 August 2023.- Approved 13 October 2023.

4.0 SITE AND SURROUNDINGS

4.1 The site is located to the south of Ainderby Steeple within farmland on the edge of the curtilage of the farmhouse. The site is accessed via Warlaby Lane (also known as Ashcroft) or Greenhills Lane and then via an unmade private road to the farm. The land rises up from the tarmac road and the farm buildings stand in a slightly elevated position and are visible at some distance from the main road between Ainderby Steeple and Northallerton. The private access is also a public right of way which leads from Greenhills Lane to a number of routes to the south including access to Warlaby Village.

- 4.2 Recent permissions have granted the siting of a total of 14 camping pods on site. These are set within the surrounding farmland to the north of the current application but can be booked by a party attending the proposed development. Further to this the site has also benefited from a change of use of a former agricultural building, to amenity and office space associated with the use of the camping pods.
- 4.3 The existing building complex comprises a small single storey former agricultural building across a courtyard from a similar larger building that benefits from an existing permission as an 'amenity building'. Both are old brick buildings of agricultural origin. A second much larger agricultural building, developed under agricultural permitted development rights (ref: 10/02248/APN) has been converted to a non-agricultural use beyond the scope of the agricultural prior notification for use as an events venue.

5.0 DESCRIPTION OF PROPOSAL

- 5.1 This application seeks to make amendments to the approved scheme under reference 23/00625/FUL which granted permission to hold events and weddings including non-resident guests, in the larger agricultural building and the smaller building directly adjoining, granted consent for amenity purposes in 2019.
- 5.2 The permission allows 15 events plus 4 additional wedding fayre type events to be held through the year. The majority of these events will take place on Saturdays with guests typically arriving between 11.00 and 13.00 on the day of the event. All events will finish by midnight with the last guests leaving no later than 00.30. It is proposed that the venue can accommodate up to a maximum of 140 guests although it is understood that there will be no more than 100 guests in total at most events. A wedding ceremonies licence has previously been granted by North Yorkshire County Council.
- 5.3 Condition 2 states:
The permission hereby granted shall not be undertaken other than in complete accordance with the following drawings:

Proposed Block Plan - received on 15 March 2023
Proposed Passing Places - received on 27 April 2023
Proposed additional Planting plan for access - received on 15 March 2023
PR701 New Junction Detail - received 15 March 2023
Roadway construction detail - received 15 March 2023
PR313 - Proposed Floor Plans - received 15 March 2023
PR314 Proposed Elevations - received 15 March 2023

The application seeks to amend the Roadway Construction Detail.

- 5.4 Condition 10 states:
No part of the development must be brought into use until the following scheme of off-site highway mitigation measures has been completed as indicated below:

Provision of 8 no. passing places on Ashcroft and Green Hills Lane in accordance with the information contained within the document "Highway Statement Proposed Wedding Venue Green Hills Lane, Ainderby Steeple".

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.

A programme for the delivery of the scheme must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site. The off-site highway works must be completed in accordance with the approved engineering details and programme.

The applicant seeks amendment of the condition to allow the development to be brought into use, for a temporary period, whilst the passing places are installed.

5.5 Condition 11 states:

No part of the development must be brought into use until the access and parking areas for all users have been constructed in accordance with the details shown on drawings 'Proposed Access Road to Sedgewell Barn' and 'Site Plan Sedgewell Barn'. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

5.6 The application proposes minor changes to the construction drawings and section for the access road. These changes have no impact on the appearance of the completed access.

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 adopted February 2022.
Minerals and Waste Joint Plan, adopted 2022

Emerging Development Plan - Material Consideration

6.3 The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

7.0 CONSULTATION RESPONSES

7.1 The following consultation responses have been received and are summarised below:

7.2 Ainderby Steeple Parish Meeting - This has been a divisive planning application for our community for which vehicular access has been one of the main issues. The main application was approved (retrospectively) in October 2023 with the condition that improvements to the narrow lanes serving the site would be completed before any further events were to be held. Unfortunately, this work has suffered delays, so has still not been completed, and the applicant now has a full schedule of summer bookings. The Planning Authority has allowed the venue to operate for the last two years without taking effective enforcement action and has frankly lost all credibility with the local residents who have been adversely affected. Whilst as a Parish Meeting we do not object to this variation, as only a minority are against it, we do wish to see it resolved and the conditions implemented rapidly to protect the amenity of the residents along Green Hills and Warlaby Lane who continue to be inconvenienced by the Council's failure to take effective enforcement action.

7.3 Warlaby Parish Council -

7.4 Environmental Health – No objections. This service has considered the potential impact on amenity and likelihood of the variation to cause a nuisance and consider that there will be no negative impact.

This is because the variation relates to the provision of passing places on the public highway and is not related to Environmental Health matters. Therefore, the Environmental Health Service has no objections to the application.

7.5 Highway Authority – The public highway in the vicinity of the site is a narrow, single carriageway that varies in width between 2.7m and 3.5m and currently has no formal passing places. As part of the planning application reference 23/00625/FUL the applicant proposed to provide a number of passing places to mitigate the potential conflict with other vehicles using the road and this led to condition 10 of the decision with implementation to be prior to any part of the development being brought into use. The work has been delayed and whilst there is a commitment from the applicant to construct the passing places, there is no confirmed timescale and events are planned at the venue in the meantime.

In the Highway Statement submitted with this application there are three reasons cited for the delay in construction of the passing places which are as follows:

- i. The delay in receiving approval of the detailed designs of the passing places by the highways officers.
- ii. Once those approvals had been obtained, the delay by Tim Speed Consulting in submitting the Section 278 Request form to highways officers.
- iii. The highways officers losing that Section 278 Request form.

The Local Highway Authority does not accept responsibility for the delay. Details such as the width and location of passing places were already approved in principle by the Local Highway Authority before planning permission was granted and rather than approving further details, the Local Highway Authority provided the applicant's highway consultant with the necessary construction and signage specifications in early November 2023 so that an application could be made for a Section 278 agreement that is needed before works in the highway can be carried out. That application for the agreement was received by North Yorkshire Council in mid-April 2024 and at the time of writing this a draft S278 agreement is in place.

In part 2.8 of the Highway Statement, it is stated that "Assuming that all inbound vehicle movements associated with the wedding venue arrive westbound on Warlaby Lane and all outbound movements leave eastbound, it can be seen that there is a potential maximum of only eleven times when a vehicle associated with the venue may conflict with an existing vehicle movement" but in Appendix B of the statement, arriving guests are directed to travel southwards on Greenhills Lane and then eastwards, passing the existing dwellings along Warlaby Lane (Ashcroft) on the way to the venue. The statement relies on a traffic survey from January 2023 taken in the vicinity of the new site access but this survey is unlikely to have included the existing vehicle movements associated with the dwellings that predominantly use Greenhills Lane. The proposed routing potentially increases the chances of a vehicle associated with the venue and a vehicle associated with the existing houses meeting on Greenhills Lane and/or Warlaby Lane.

Consequently, the Local Highway Authority recommends that planning permission is REFUSED for the following reason:

The Planning Authority considers that the public highway leading to the site is of insufficient width to accommodate the increase in traffic without damage to the carriageway and verges of the highway and loss in amenity value.

7.6 HSE – Part of the site is within the major pipeline hazard zone and as such the web app should be consulted.

Officer note: The matter of the pipeline and the relationship to the new access was dealt with through the original application and it is considered that the proposed changes set out in the current application do not change the consideration of this issue.

Local Representations

7.7 Objections.

- The highway is narrow
- There are no existing formal passing places on the route
- Impact on local business traffic
- Will result in traffic chaos in the vicinity
- There is still no timescale for the implementation of the passing places
- Consider it unlikely that the passing places will ever be installed
- The requirements of the conditions were clear and have not been met
- It is not clear that an agreed scheme of works has been agreed with the Highway Authority pursuant to the S278 agreement
- There is no new evidence in the submission only a reiteration of traffic flow data, the impact of which officers previously considered could only be mitigated through the formation of the passing places
- The conditions attached to the permission were for the benefit of local residents and users of the highway
- Any temporary acceptance of this situation may lead to the passing places never being implemented
- The applicant has had 7 months to comply with the conditions
- Local calculation of traffic movements are double those of the applicant
- If approved, this would result in non-compliance with Condition 6 which seeks development in accordance with the event management plan
- The access track is unfinished and unsightly
- It is claimed that the lack of passing places has already resulted in an accident
- NYC has a duty of care to residents, visitors and leisure users
- Wedding bookings should not have been accepted until after the passing places were implemented
- The access has been built using the wrong sub-base and the entrance is concrete and not tarmac
- Proposed one way routing is not acceptable
- Results in loss of amenity to residents and more generally in the locality
- It should be remembered that there is no limit on vehicles coming to the site
- Condition 18, the formation of a bund to protect from car lights, has yet to be completed

8.0 ENVIRONMENT IMPACT ASSESSMENT (EIA)

8.1 This development is not Schedule 1 or 2 development and is not considered to require an Environmental Statement.

9.0 MAIN ISSUES

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

- Principle of development
- Design
- Impact on residential amenity
- Impact on the character, appearance and amenity of the area
- Matters pertaining to Highway Safety

10.0 ASSESSMENT

Principle of development

- 10.1 The principle of development is established by the earlier permission under 23/00625/FUL. An application under S73 of the Planning Act must only assess the changes to the proposals and is not an opportunity to review the wider decision.

Design

- 10.2 The application proposes a change to the cross section of the access road. This does not result in any significant change to the appearance of the access, over and above the original approval. The proposed changes to the conditions result in no significant change to the appearance of the development or its impact on the character or appearance of the area. The amendments to the make-up of the access are considered to be acceptable in this instance.

Impact on residential amenity

- 10.3 Policy E2 requires that a high standard of amenity is provided and maintained for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use. Part c) requires that development results in no significant adverse impacts in terms of noise including internal and external levels, timing, duration and character.
- 10.4 The proposed development is in proximity to nearby residential properties located in a rural area with low background noise levels, the open nature of the surrounding landscape offers little potential for noise absorption.
- 10.5 The proposed operation of the business in the absence of the passing places could lead to additional loss of amenity over and above that assessed in the 23/00625/FUL scheme, through additional traffic accessing the site from Ainderby Steeple, where the intention in the approved scheme is for all traffic (as far as is reasonably possible) to access the site from the Warlaby village junction direction, via Warlaby Lane.
- 10.6 The majority of the traffic will use the route during the day only, as most traffic will still depart the site toward Warlaby Village and as such will not result in any additional impact over and above that previously assessed, during the evening.
- 10.7 Officers consider that this additional daytime impact is limited and will only be for a relatively short time, whilst the passing places are completed.
- 10.8 It is considered, on balance, that the additional traffic passing these properties does not result in a significant loss of amenity and is acceptable in the short term.

Impact on the character, appearance and amenity of the area

- 10.9 Policy E7 states that the Council will protect and enhance the distinctive landscapes of the district. A proposal will be supported where it: a. takes into consideration the degree of openness and special characteristics of Hambleton's landscapes; b. conserves and, where possible, enhances any natural or historic landscape features that are identified as contributing to the character of the local area; c. conserves and,

where possible, enhances rural areas which are notable for their remoteness, tranquillity or dark skies; d. takes account of areas that have been identified as being particularly sensitive to/or suitable for certain forms of development; e. protects the landscape setting of individual settlements and helps to maintain their distinct character and separate identity by preventing coalescence with other settlements; and f. is supported by an independent landscape assessment where the proposal is likely to have a detrimental impact on the landscape

10.10 The introduction of additional road users in the vicinity and the formation of the proposed access and passing places have an impact on the amenity of the area. The principle of the new passing places was accepted in these terms, in the original approval in terms of their design and appearance.

10.11 The current application must be assessed in terms of the use of the highway in the absence of the passing places.

10.12 Warlaby Lane / Ashcroft is a single track lane, mainly used by agricultural and local traffic. There are few passing opportunities in the absence of the proposed passing places. Representations in the original application highlighted the use of the lane, by cyclists, walkers and horse riders. One observation, reported in the original officer report, stated;

Neighbourhood observations of the present use of Warlaby Lane during Saturday September 2nd and Sunday 3rd.

Walkers and runners 30 and 33

Cyclists 8 and 38

Horses and riders 8 and 0

Cars and vans 3 and 13

It can be seen that vehicle movements only account for 6.1% on Saturday and 5.4% on Sunday. The main current users of Warlaby Lane use it for leisure and any further increase in traffic will hamper their enjoyment and will increase the risk of accidents. It is one of the few local routes that we can all enjoy without much disturbance. The inclusion of the proposed passing places will only increase volume and speed of traffic as it will become a shortcut from Ainderby Steeple to Newby Wiske reducing the Amenity Value for all

10.13 It is clear that there are difficulties associated with these user groups at present and operation of the wedding venue in the absence of the passing places will clearly exacerbate these issues.

10.14 Arrivals to weddings are likely to result in a degree of change to the enjoyment of these road users, late night use by those exiting an event will have far less impact on those other user groups as they would be less likely to be using the route.

Matters pertaining to Highway Safety

10.15 Policy IC2 of the Local Plan looks at matters of Transport and Accessibility and new development will only be considered acceptable, providing inter alia, the following matters are demonstrated:

- it is located where the highway network can satisfactorily accommodate the traffic generated by the development and where the development
- can be well integrated with footpath and cycling networks and public transport;
- it seeks to minimise the need to travel and maximise walking, cycling, the use of public transport and other sustainable travel options, to include retention, where relevant, and enhancement of existing rights of way;

- highway safety would not be compromised and safe physical access can be provided to the proposed development from the footpath and highway networks;
 - adequate provision for servicing and emergency access is incorporated; and
 - appropriate provision for parking is incorporated
- 10.16 The applicant has submitted a new Highway Statement in support of the proposed amendment to conditions.
- 10.17 The new access road across the field has been constructed and as such can be utilised by the development in accordance with Condition 9 and 11 of the approved scheme.
- 10.18 The time scales for the S278 agreement and delays in getting the legal agreement in place for the construction of the passing places have been cited by the applicant as the reason for the need for the current application to amend the conditions.
- 10.19 It is understood that the application for and advertising of the temporary Road closure is estimated to take a minimum of four weeks, noting that the S278 agreement will need to be signed for a minimum of a week before the Road Closure can happen.
- 10.20 The applicant has a contractor in place who estimates the works to construct the passing places to be 10 to 15 working days.
- 10.21 Based on this information it is anticipated that in a worse case the passing places would be constructed by the end of the summer. All parties are currently working together in order to reduce this time-frame to a minimum in a hope that only two events will take place, before the passing places are completed.
- 10.22 The Highway Statement sets out survey work undertaken in January 2023 which surveyed traffic movements of Warlaby Lane over two, seven day periods. Survey work was also carried out, of vehicles associated with the wedding venue on Saturday 16th and 23rd July and the 13th and 20th August 2022. This showed the total inbound movements to be 52 and the total outbound to be 41. The difference in number accounted for by those staying on-site overnight.
- 10.23 The peak flows were between 12pm and 1pm with 17 movements inbound; 7pm and 8pm with 13 inbound (associated with arrivals for the evening event) and 28 movements between 11pm and 12.30am.
- 10.24 Correlating these figures with “normal” day time traffic movements, it is clear that it is in-bound traffic movements during the day and early evening that are most likely to result in a harmful impact on road safety, whilst the outbound evening traffic is far less likely to come into direct contact with other road users, although this eventuality can clearly not be discounted.
- 10.25 The applicant’s consultant considers that if all arrival traffic approaches from the west and all departing traffic leaves to the east the chances of cars meeting is limited and concludes that “there would be an insignificant number of potential opposing vehicle movements on Warlaby Lane”.
- 10.26 In response to the Highways Consultation response, the applicant states “In the fifth paragraph of the Highways Consultation Response dated 3rd June 2024, reference is made to paragraph 2.8 of the Highways Statement 2, noting that the paragraph did state “Assuming that all inbound vehicle movements associated with the wedding venue arrive westbound on Warlaby Lane and all outbound movements leave

eastbound, it can be seen that there is a potential maximum of only eleven times when a vehicle associated with the venue may conflict with an existing vehicle movement.” There are currently two informal passing places on Green Hills Lane to the south of the widening near its junction with the A684. The Green Hills Lane/Warlaby Lane junction acts as a passing place. There are ten informal passing places between that junction and the newly constructed access to the wedding venue. And so, there are more passing opportunities on the Highway Statement 2 Appendix B inbound route to the wedding venue via Green Hills Lane and north-western part of Warlaby Lane than on the inbound route stated in paragraph 2.8 of Highway Statement 2.

- 10.27 The applicant has provided (Appendix B of the Transport Statement) directions to be provided to guests setting out routing to the site to mitigate the impacts of the lack of the passing places. In effect this seeks to create an informal one way system for events, whereby guests approach the site via Ainderby Steeple and leave via Warlaby.
- 10.28 Observations by local residents suggest that the number of vehicles visiting the site is greater than that observed through the on-site survey work. Officers are minded that the number of incidents of vehicles meeting is likely to be relatively limited. However, the matter of concern is what happens in this eventuality in the absence of the passing places. This is a narrow road and the possibility of a number of cars having to reverse to allow for an agricultural implement (for example) to pass is relatively high and the consequences of this relatively onerous. Road speeds are low and it seems unlikely that this would result in an accident of any severity. However, owing to the nature and form of the road, this could result in a reverse of some distance, before a passing location can be found.
- 10.29 This scenario is not considered to be acceptable and is considered to be detrimental to the amenity of road users. Officers have considered other forms of traffic management to further mitigate the identified risks but the length and narrowness of the route is not considered conducive to normal traffic management practices like traffic lights and would be likely to cause more difficulties than they resolve.
- 10.30 The mitigation in place at this time, comprises information sent to those staying in the camping pods along with information sent to the Wedding Couple and also set out on the company website. Traffic signs have been erected on the site advising drivers of the direction of exit toward Warlaby village.
- 10.31 It is considered that the proposed relaxation of the conditions, to allow the continued operation of the site in the absence of the passing places, will lead to an adverse impact on the condition of the highway and a loss of amenity to users of the highway.
- 10.32 It is considered that the proposed amendments fail to meet the requirements of policy IC2 as in the absence of the passing places the development will not be located where the highway network can satisfactorily accommodate the traffic generated by the development.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 The main, determining issues in the consideration of the proposed amendments are the impact on road safety and the amenity of road users.
- 11.2 It is considered that the additional impact on residential amenity for a relatively short period is acceptable.

- 11.3 Whilst traffic numbers on the lane are low by any assessment, the proposed operation of the wedding venue in the absence of the passing places is still considered to result in an unacceptable scenario for road users as it is likely that vehicles will need to reverse for considerable distances to allow vehicles to pass. It is considered that this scenario is not acceptable, even if the instances are limited and temporary, pending the installation of the passing places.
- 11.4 The Highway Authority is of the view that the additional traffic, in the absence of the passing places, will result in damage to the Highway.
- 11.5 The issues of delays in dealing with the S278 agreement, in and of themselves are not considered material to the determination of the planning application.

12.0 RECOMMENDATION

That Planning Permission be **Refused** for the reasons set out below:

1. The proposed amendment to Conditions 10 and 11 will result in a harmful impact on the amenity of road users in the vicinity of the application site as it is likely that traffic will be forced to reverse in order to allow on-coming vehicles to pass. On this basis the proposals are considered to fail to meet the requirements of policy IC2.
2. Owing to the width of the road and the additional traffic using it, as a result of the development, it is likely that the development will lead to damage to the highway and the highway verges. The proposals fail to meet the requirements of policy IC2 as in the absence of the passing places the development will not be located where the highway network can satisfactorily accommodate the traffic generated by the development.

Target Determination Date: 05.07.2024

Case Officer: Mr Peter Jones peter.jones@northyorks.gov.uk

This page is intentionally left blank

North Yorkshire Council

Community Development Services

Richmond (Yorks) Area Constituency Planning Committee

13th June 2024

ZB23/01649/FUL - Construction of four detached bungalows (as amended - amended site location plan Rev.B; additional/amended drainage information and Indicative Technical Plan Rev.K)

At: Land to West of Smithy Green, Hornby Road, Appleton Wiske

On behalf of: Clarion Homes Ltd

Report of the Assistant Director Planning – Community Development Services

1.0 PURPOSE OF THE REPORT

- 1.1 To determine a planning application for four bungalows on land to the west of Smithy Green in Appleton Wiske.
- 1.2 This application is brought to the Planning Committee at the request of the Divisional Member (Morton-on-Swale & Appleton Wiske).
- 1.3 The application was considered and deferred at the April Richmond (Yorks) Area Constituency Planning Committee (held on 11th April) 2024), for further consideration of matters pertaining to flood risk and access.
- 1.4 It is recommended that planning permission be granted subject to conditions and the completion of a Unilateral Undertaking (UU) to secure the implementation and maintenance (for a minimum period of 30 years) of the off-site Biodiversity Net Gain (BNG).

2.0 SUMMARY

RECOMMENDATION: That planning permission be **GRANTED**, subject to the completion of a Unilateral Undertaking by the applicant and the conditions as recommended within section 11 below.

- 2.1. The application (as amended) is seeking full planning permission for the construction of 4 bungalows on the western edge of the village of Appleton Wiske, adjacent to the built form of the settlement. The proposed bungalows would consist of: two 2 bedroom units and two 3 bedroom units.
- 2.2. The proposed development would be located outside but adjacent to the main built form of the village with the site adjacent to the existing residential curtilages of properties to the north and east of the site. A carefully-considered landscaping scheme (as amended) and the provision of single storey properties would ensure that the proposed development would not result in a harmful impact on the existing character of the western edge of the village or the rural character of the countryside to the west and south.

- 2.3. The site is located adjacent to, and to the west of, the churchyard of the Grade II Listed St. Mary's Church. An existing line of mature trees along part of the western boundary of the churchyard provides an effective screen between the church (and its churchyard) and the land to the west, while the church/churchyard is already surrounded on three sides by buildings. The proposed development is considered to have a neutral (not harmful) impact on the setting of the listed church, although 'less than substantial harm' is considered to be caused to ridge and furrow features within the site (a Non-Designated Heritage Asset).
- 2.4. The proposed development would not raise any significant or unacceptable issues with regards to ecology, highway safety, amenity, drainage and land contamination and would result in an acceptable and policy-compliant design and net gain in biodiversity. The provision of four single storey properties, half of which would be two bed units, would help meet the identified need within the Plan Area for smaller, single storey properties, which has been given moderate weight in the planning balance.

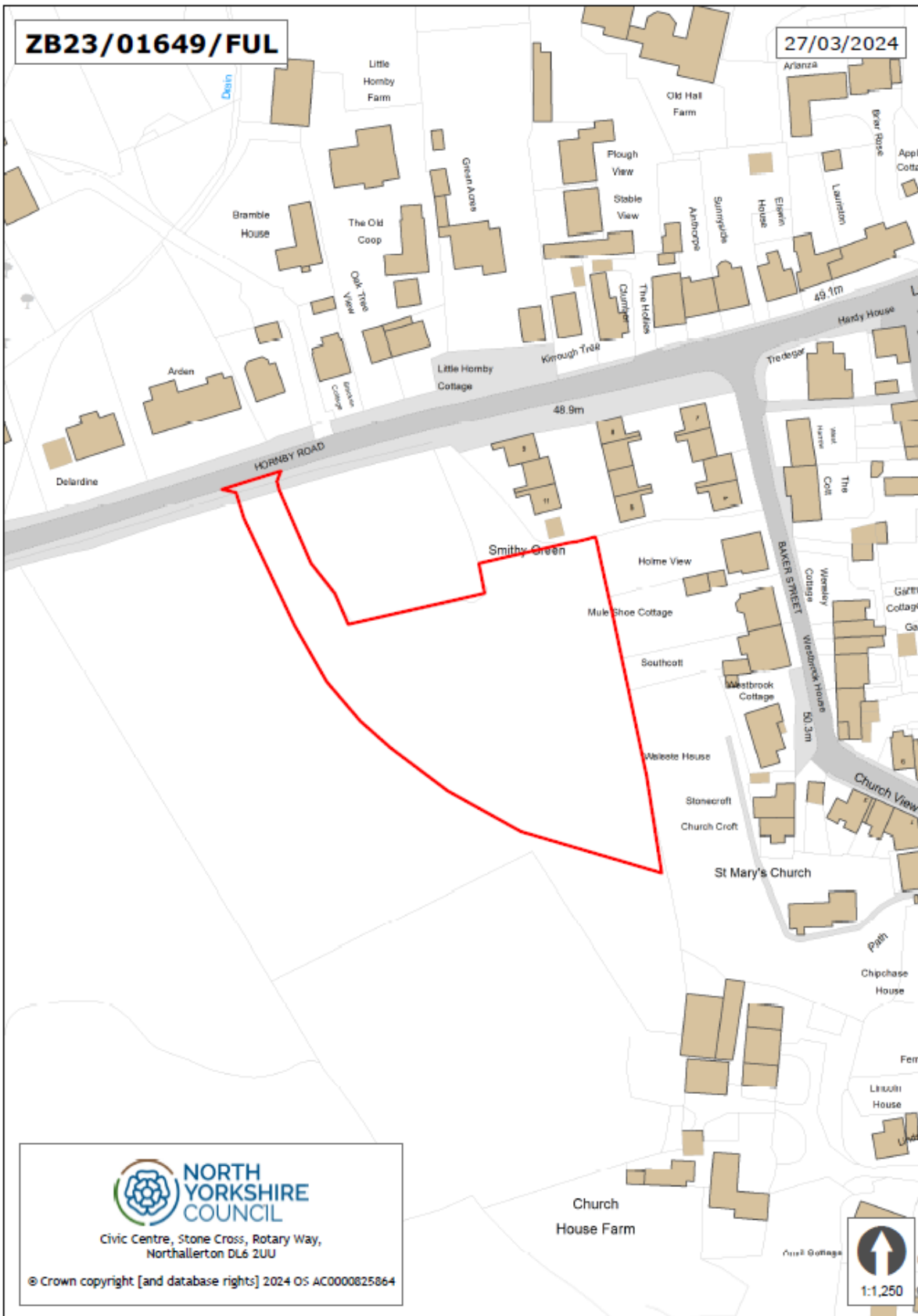
Update from April Committee:

- 2.5. The application was considered and deferred at the April Richmond (Yorks) Area Constituency Planning Committee (held on 11th April) 2024), for further consideration of matters pertaining to flood risk and the access.
- 2.6. The matter of flooding has been subsequently discussed with the Lead Local Flood Authority (LLFA) who agree that the proposed buildings themselves are in Flood Zone 1 and are above the highest known flooding scenario in the locality. As such, it is considered that flooding will not impact on the proposed homes themselves (including their respective curtilage areas).
- 2.7. The LLFA had raised concerns about overland flow in case of exceedance. In short, a question of what will happen to water in an extreme flood event, where the on-site attenuation overfills and runs down the hill. The concern being the possibility of flood water being directed toward the two new homes at the bottom of the hill, on the road-side (i.e. Pasture House and Ryegrass House)
- 2.8. In order to seek to address the outstanding flood risk concerns (as raised by the LLFA, see paragraph 7.3 below) the agent has subsequently submitted the following amended plan and additional clarification:
- Drainage Strategy Plan (Rev. P4): This amended plan includes further clarification regarding the flood exceedance routing showing north-western and south-western flows across the site to the adjoining agricultural land to the west of the site. The plan also includes the site spot levels for the proposed access road as well as finished floor levels for all four bungalows as shown on amended version P2.
 - Email from the applicant's Drainage Engineer dated 15th May 2024 (within which the aforementioned amended plan was attached): In response to the LLFA's latest representation, the applicant's Drainage Engineer has clarified that the two new houses to the north of the application site (Pasture House and Ryegrass House) are approximately 750mm higher than the low point of the application site to the west, where the amended Drainage Strategy Plan shows exceedance flows would go. In addition (and by keeping ground levels effectively the same as the existing), flows across the site would end up in the same location, although the Drainage Engineer concludes that the proposed attenuation scheme would result in a betterment, with underground attenuation meaning that the risk of exceedance being minimal. Clarification has also been provided regarding why the specific diameter of surface water pipe and hydrobrake is proposed to be used contrary to the sizes (diameters) recommended within NYC LLFA guidance.

- 2.9 The LLFA have subsequently submitted a further consultation response confirming that should the development be built as per the proposed design (including the imposition of the recommended mitigation measures within the FRA) as well as the provision of a suitably-sized culvert over the watercourse, the proposed development should not increase flood risk on or off the site (see paragraph 7.3 of this Report for more details)
- 2.10 At the 11th April Planning Committee Meeting, Members requested that an alternate site access along the route of the Public Right of Way be investigated due to the potential impediment of the ingress and egress of emergency services vehicles (in time of emergency) and the risk of the presence of flood water across the proposed site access. This request was subsequently passed onto the agent who, in order to seek to address Members' concerns, has suggested that the existing fenced boundary (within the land-edged-blue of the application and thus within the applicant's ownership) at the point of the Public Right of Way is extended in width with a moveable boundary treatment installed. This would allow an alternative emergency access to the site within Flood Zone 1 and the agent would be amenable to the imposition of a condition to require this to be provided (subject to condition) should planning permission be granted. This issue is considered in more detail at paragraph 10.48 below.
- 2.11 Additional information has been provided by Appleton Wiske Parish Council, including photographs showing standing water on the lower part of the proposed access route and raise significant concerns about the legitimacy of the Environment Agency Flood Risk mapping, both in terms of surface water and river flooding from the River Wiske.
- 2.12 Officers consider that the risk to the dwellings themselves is negligible owing to the relative height of the development above the known flooding in the vicinity. The precise Finished Floor Levels (FFLs) of the proposed dwellings are shown on the amended Drainage Strategy Plan (Rev.P4). It has been further confirmed by the agent that the site levels are not proposed to be changed within Flood Zones 2 or 3, while the two new houses on the roadside would not affect any exceedance flows. There is therefore considered to be no issue in terms of flood displacement and containment. The issue of potential direction of surface water toward the two properties on the roadside has now been addressed and the LLFA have raised no objections within their latest representation.
- 2.13 The residual issue is that of the road access within Flood Zone 2 and whether or not this issue is sufficient to warrant a refusal of the application. The proposed site access will be in Flood Zone 2, however depth of flooding will be less than 300mm.
- 2.14 It is recognised that there is frequently standing water in the corner of the field and that this would at times impose on the use of the access. However, owing to the site levels and likely depths of flooding in this locality it is considered that this is not such an onerous issue that it is likely to prevent the ingress and egress of vehicles or to warrant a recommendation for refusal. In particular, when it is considered that, in extremis, there is an alternative existing pedestrian access via the Public Right of Way onto the road and into the village, which is entirely in Flood Zone 1, with the potential to secure (by condition) an emergency vehicular access to the site adjacent to the route of the existing PROW by installing a moveable boundary treatment within the northern boundary of the site adjacent to Hornby Road.

ZB23/01649/FUL

27/03/2024



3.0 PRELIMINARY MATTERS

- 3.1. Access to the case file on Public Access can be found here:- [Documents for ZB23/01649/FUL](#)
- 3.2. There is no recent/relevant planning history related to the application site. However, the following planning history is related to the recently erected two dwellings to the north of the site:
- 19/00834/OUT: Outline application with details of access (all other matter reserved) for the construction of two dwellings, APPROVED, 28.06.2019.
 - 19/00834/DCN: Application to discharge conditions 10, 11 and 12 of permission 19/00834/OUT, DISCHARGED, 19.05.2020.
 - 20/02642/FUL: Application for construction of a stone built four bedroom detached dwelling with a double garage (plot1), APPROVED, 01.07.2021.
 - 20/02643/FUL: Application for the construction of a stone built four bedroom dwelling with a double garage. (plot2), APPROVED, 01.07.2021.
 - 22/00564/DCN: Application to discharge conditions of permission 20/02642/FUL, UNDETERMINED.
- 3.3 During the course of the application, and following correspondence received from the owner of an adjacent property to the north of the site (who was concerned that part of the residential curtilage was included within the application site), a slight amendment has been made to the 'land-edged-red' in order to ensure that the application site relates to land wholly within the applicant's ownership, as intended. In addition, several revised and additional application documents and plans have been submitted by the agent, including: a photomontage of the development including its landscaping (as viewed from the west, looking eastwards); a percolation report; revised hydraulic calculations; a Surface Water Drainage Maintenance and Management Schedule; and successive amended Drainage Strategy Plans (the latest being Rev.P4) These documents have been uploaded to Public Access.

4.0 SITE AND SURROUNDINGS

- 4.1. The application site measures approx. 0.51ha and is located towards the north west end of Appleton Wiske on the southern side of Hornby Road. Immediately to the north of the site is a road-fronting development of two dwellings (Pasture House and Ryegrass House) which first gained approval in 2019. These are substantially complete and have subsequently been advertised as for sale online. The approved site plan for these dwellings shows a boundary fence is to be constructed on the southern boundary of the plots. This makes up the northern boundary of the application site. To the north east of the application site is a mature Oak tree which is the subject of Tree Preservation Order 15/00002/TPO_2. To the east is the graveyard relating to St Mary's Church, a Grade II listed building. Two public rights of way run through the site, one directly from Hornby Road to the north and one from the west. Both of these rights of way lead to St Mary's Church and are shown on the 1850s Ordnance Survey mapping. To the west and south is the remainder of the field which is in the ownership of the applicant. The northern portion of the site which links to Hornby Road and is designated as the access point lies within Flood Zone 2.
- 4.2. Appleton Wiske is categorised as a secondary village in Policy S3 of the Hambleton Local Plan. This is reflective of the level of services available in the area. As is the case in many villages the historical linear pattern has given way over time to small pockets of in-depth development, for example at Hunters Ride and Prospect View. The village hosts a variety of house types both traditional and modern with the majority finished in either red brick or render.

5.0 DESCRIPTION OF PROPOSAL

- 5.1. This application (as amended) seeks full planning permission for the construction of 4 detached bungalows. The four dwellings will be made up of two 2 bedroom and two 3 bedroom bungalows. Access is to be taken from Hornby Road to the west of the two new roadside-fronting dwellings. A turning head is to be provided on the eastern end of the development. A pedestrian footpath is to be provided within the site. It should be noted that there is no public footpath on Hornby Road at the site entrance. The footpath starts at the north side of Hornby Road 80m to the east at the dwelling known as Kirrough Tree. The use of the Public Right of Way would reduce this distance to 36m. Pedestrian access to Baker Street/Front Street can also be gained via the Public Right of Way which runs through St Mary's Church grounds.
- 5.2. The 2 bedroom dwellings will be L-shaped and at the widest points will measure 8.11m by 12.93m with an overall height of 5.38m and floor area of 87.5sqm. The 3 bedroom dwellings will be T-shaped and at the widest points will measure 11.24m by 14.23m with an overall height of 5.43m and floor area of 119.5sqm. The dwellings will be finished in brick with pantile.

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 of no weight due to the current early stage of plan preparation.
- The North Yorkshire Local Plan

Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:
- National Planning Policy Framework
 - National Planning Practice Guidance
 - National Design Guide
 - Housing SPD

7.0 CONSULTATION RESPONSES

Consultation took place for this application in August 2023 (expiring in September 2023) A subsequent 10 day reconsultation took place in April 2024 on some of the amended/additional plans and information referred to in paragraph 3.3 above. The following consultation/reconsultation responses have been received and have been summarised below:

- 7.1 Parish Council: The Parish Council wishes to see the application refused on the following grounds:
- Local housing need as identified through the Neighbourhood Plan process has been met 3 times over by approvals under the Interim Policy Guidance.
 - The site is of historical and archaeological importance due to the presence of a Holloway and archaeological finds such as a Roman coin.
 - An Archaeological Assessment is required.
 - The site is prone to flooding.

NB – The Parish Council provided additional documents and photographs ahead of the 11th April Planning Committee, including photographs showing areas of flooding and details of archaeological finds found.

- 7.2 Divisional Member(s): No representations submitted in relation to the original consultation, however Cllr. Wilkinson has submitted the following comments following the 11th April Planning Committee Meeting:
- Supports both the Parish Council and the residents of Appleton Wiske in opposing the application.
 - No one knows an area as well as the residents and the local Parish Council. Such knowledge, that historic information is invaluable and much appreciated, especially in relation to a planning application such as this.
 - The site is unsuitable for building due to flooding.
 - The field is very popular with dog walkers. From St Marys Church the path crosses the field and leads to a stile at the opposite corner, where it meanders on to further fields. However, part of the field is not able to be used for walking due to the level of the water table, it floods.
 - The site contains heritage assets. Detailed information has been submitted from the Parish Council regarding both the flooding and archaeological finds. Please note the ridge and furrow within the site as they will be disturbed.
 - Appleton Wiske has seen a high number of residential planning approvals in recent years. This site was assessed for development by Hambleton District Council in 2015 and deemed unsuitable on grounds of visual impact from Hornby Road towards the Grade 2 listed St Mary's church. To develop this site would alter the form and character of the village.
 - A decision was deferred at the Planning meeting on 11th April as the Planning Committee discussed the grave concern that the entrance to the proposed site floods. Such flooding would greatly impact the access for residents to their homes and most notably for the Emergency Services.

- 7.3 Lead Local Flood Authority (LLFA): Having been originally consulted, the LLFA requested additional information and alterations to the proposed drainage scheme, including the provision of the results of percolation testing. Responding to the reconsultation, the LLFA have requested further information from the applicant, specifically relating to the diameter of the surface water pipe and hydrobrake and in respect to the flood exceedance route/site levels. LLFA have been reconsulted on the application. The LLFA were reconsulted on the amended DSP (P4) which has sought to address the LLFA's outstanding concerns, and a further LLFA response has been submitted providing their 'final closing comments', confirming that the proposed dwellings would be located outside of flood risk areas because they would be located in a topographically higher part of the site. The LLFA also acknowledge that the submitted FRA includes flood-risk mitigation, including the provision of a Flood Evacuation Plan and raised Finished Floor Levels. The LLFA have confirmed that should the development be built as per the proposed design (including the imposition of

the recommended mitigation measures within the FRA) and the provision of a suitably-sized culvert over the watercourse, the proposed development should not increase flood risk on or off the site.

- 7.4 NYC Principal Archaeologist: Have not commented formally on the application.
- 7.5 Footpaths (PROW Team): There is a public right of way within the application site. The Council's PROW Team have stated that if the development will physically affect the Public Right of Way then a Public Path Order or Diversion Order will be required. In response to the reconsultation, the PROW Team have stated that they are pleased that the public footpath has been considered within the amended plans but note the intention to plant hedgerows alongside the boundaries of plots two, three and four. Any enclosed corridor, particularly the section between plots two and threes. Require the public footpath to have a minimum width of three metres. Any hedges or trees would require regular maintenance by the landowner to ensure no encroachment occurred and the developer or their successors would be responsible for the ongoing maintenance of any boundaries.
- 7.6 Local Highway Authority: No objection subject to conditions.
- 7.7 Internal Drainage Board (Sware and Ure): Have confirmed that consent from the Board is required in order to discharge surface water to the watercourse. The discharge rate will need to be restricted to 1.4ls/ha or the existing greenfield scenario.
- 7.8 Teesside International Airport: No aerodrome safeguarding objection either to the original consultation or the reconsultation.
- 7.9 Yorkshire Water Services (YWS): In response to the original consultation, YWS noted that there is a 300mm diameter public foul sewer recorded to cross the site, stating that it is essential that the presence of this infrastructure is taken into account in the design of the scheme, and that it may not be acceptable to raise or lower ground levels over the sewer and we will not accept any inspection chambers on the sewer to be built over, nor new trees planted within 5 metres of the public sewer. In this instance, a stand-off distance of 3 (three) metres is required at each side of the sewer centreline and it may not be acceptable to raise or lower ground levels over the sewer, nor to restrict access to the manholes on the sewer. In this instance, it would appear that the public sewer is unlikely to be affected by building-over proposals. YWS therefore have no objections to the proposals and recommend a condition to secure the details of the drainage scheme.

In response to the reconsultation exercise (April 2024), YWS have again confirmed that they have no objection in principle to the amended drainage details submitted (i.e. as per the amended Drainage Strategy Plan (Rev. P2)) based on: the proposed use of separate systems of drainage; the point of foul water connection to the 300mm diameter foul water public sewer to the north of the site; and the proposed surface water proposed to be drained to watercourse. If planning permission is granted, YWS recommend that the following conditions (as summarised) are imposed:

- The use of separate systems of drainage on and off site.
- The development shall be carried out in accordance the amended Drainage Strategy Plan, unless otherwise agreed in writing by the Local Planning Authority.

- 7.10 The Ramblers: Responding to the reconsultation, The Ramblers have stated that while they welcome the retention of the existing public footpath along its existing route (including the area of grassland underfoot) and its segregation from estate traffic, they have raised concerns about the potential 'significant loss of amenity for pedestrians' should the development be approved. The proposed development should be conditional on: boundaries to segregate the public footpath from adjacent properties; the maintenance of a

3 metres width of the enclosed path between plots 2 and 3; and ensuring clearly defined responsibility for future maintenance of the route and the boundary hedgerows.

Local Representations

- 7.11 Responding to the original consultation, 10 local representations were received in total, 6 of which objected and 4 considered neutral. The issues raised are still considered relevant to the proposals as subsequently amended. A summary of the comments is provided below. However, please see website for full comments.

Objections:

- The address is misleading and should be west of Baker Street.
- Impact on properties on Baker Street.
- Drawings are not dimensioned.
- The site is prone to flooding and development will add to issues on Hornby Road.
- The site has historical value as part of an earlier settlement.
- 30 planning applications have been granted in recent years.
- The village has no bus service.
- Too much development for the village.
- Impact on view of listed church from public right of way.
- Further disruption during another construction (over 3 years)
- No footpath on Hornby Road.
- Highway safety.
- The height of the bungalows should be lower than those approved on the road fronting dwellings which are too high.

Neutral:

- Hedgerow is important for wildlife and field is a hunting ground for birds.
- Trees on site should be preserved.
- The Public Right of Way should be preserved as is.
- The developer has included land which was sold as part of the road fronting development.

- 7.12 Following reconsultation, an additional representation has been received, objecting to the proposals. The issues raised within the response are summarised below:
- The location of the proposed site access will have an adverse impact on the running of the adjacent holiday cottage/let business.(including affecting repeat bookings)
 - If planning permission is approved, it is hoped that any conditions preventing construction vehicle parking on the roadside will be enforced.

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:

- Location and Principle of development
- Affordable Housing and Housing Mix
- Design and Impacts on the Landscape/Countryside and the Settlement's Setting/Character
- Heritage
- Ecology and BNG
- Amenity

- Flood Risk and Surface Water Drainage Management
- Highways Impact
- Impact on the Public of Way (Public Footpath)
- Impact on Trees and Green Infrastructure.

10.0 ASSESSMENT

Location and Principle of Development

- 10.1 The Hambleton Local Plan (hereby referred to as the 'Local Plan') includes a series of 'strategic policies' that sets strategic targets and directs the distribution of future development within the plan area to meet the identified housing and employment needs for the plan period (2014-2036) Policy S2 (Strategic Priorities and Requirements) states that housing provision within the 22 year plan period (2014-2036) of the Local Plan will be at least 6,615 (net) new homes, made up of both market and affordable units. This equates to approximately 315 homes per year within the plan area.
- 10.2 Policy S2 also confirms that the housing strategy, including the aforementioned housing targets, will be achieved through development that has already happened, existing commitments (i.e. extant planning permissions) and a series of allocated sites. Policy HG1 (Housing Delivery) sets out the specific housing site allocations, although to clarify, the application site is not part of any Local Plan site allocation.
- 10.3 Policy S3 (Spatial Distribution) sets out the Local Plan's strategy for the focus and spatial distribution of development across the Plan Area, with the main focus of housing growth within the Plan Area's defined Market Towns and 'limited development' accommodated within the defined 'Service Villages' and 'Secondary Villages' (as identified within the 'settlement hierarchy' of the policy) reflective of their size, character and range of services/facilities. Identified 'Small Villages' are expected to accommodate 'limited development' to help address affordable housing requirements and to support social, economic and social sustainability. Appleton Wiske is identified as a 'Secondary Village' within the settlement hierarchy of Policy S3.
- 10.4 Although (as mentioned above) the overall housing target within the plan period is expected to be achieved through a mixture of already completed schemes, existing commitments and site allocations, the Local Plan also makes provision for additional 'housing exceptions' (Policy HG4) and 'windfall sites' (Policy HG5) to come forward within the plan period on sites either within and/or adjacent to the 'existing built form' of certain 'defined settlements' within the settlement hierarchy of Policy S3. Policy S5 defines the 'existing built form' as, 'the closely grouped and visually well related buildings of the main part of the settlement and land closely associated with them', further clarifying that the built form excludes five specific scenarios (a-e).
- 10.5 Of relevance to this application, Policy HG5 supports so-called 'windfall' housing development on unallocated sites within specific defined settlements (including 'Service Villages') in two general scenarios:
- (1) on sites within the 'built form' of a defined settlement, and
 - (2) on sites adjacent to the built form of designated Service, Secondary and Small Villages.
- 10.6 It is considered that the application site is outside, but adjacent to the built form of a defined settlement (Secondary Village), therefore scenario (2) of Policy HG5 is considered to be relevant. Where scenario (2) applies, Policy HG5 states the proposal needs to demonstrate or be in compliance with five specific requirements (criteria a.-e.)
- 10.7 Criterion a. (of HG5) requires the proposals to show that a sequential approach to site selection has been taken which demonstrates that there are no suitable and viable previously developed land available within the built form of the village. The Planning

Support Statement submitted with the application outlines a detailed assessment of the settlement and identifies the Shorthorn Inn as the only remaining previously developed site not to have been built out. The assessment queries the viability of the site given issues such as land contamination and affordable housing requirements. A permission, however, has since been granted on the site for 4 dwellings. There are however likely to be viability and site size issues as to why the former Shorthorn site would not be appropriate/suitable for the provision of four bungalow plots. Overall, the 'site search' undertaken is considered to be reasonable and as such, the proposals have demonstrated that compliance with criterion a. of Policy HG5.

- 10.8 Criterion c. (of HG5) states that the proposal (both individually and cumulatively) shall represent the incremental growth of the village commensurate to its size, scale, role and function. The explanatory text indicates that in assessing such proposals consideration will be given to the cumulative impact that development would have in order to prevent an overall scale of development that would be harmful to the character of the settlement or likely to have an adverse impact on infrastructure and local facilities. If the proposal is considered to be of such a scale in its own right, or cumulatively, that it would be harmful to the character of the village or potentially overwhelm services and facilities then it will not be supported. This will be a matter of planning judgement and will depend on the particular circumstances involved for each case.
- 10.9 The proposals would result in the provision of four additional dwellings, representing a modest/incremental increase in the number of existing households (there are approximately 190 houses and farms within the Appleton Wiske Parish. Therefore, although Appleton Wiske has seen a number of residential planning approvals in recent years, some of which were on previously developed land, such as at The Shorthorn Inn. Overall, it is considered that the proposed development individually and cumulatively will not have a detrimental impact on the character of the settlement, local infrastructure or facilities, and the proposals would be in accordance with the requirements of criterion c. of HG5.

NB: criteria b., d. and e. relate to housing mix and the impact on the countryside and character and appearance of the village (and its setting) respectively, therefore will be considered/addressed in the sections below.

Affordable Housing and Housing Mix

- 10.10 Policy HG3 (Affordable Housing Requirements) states that the Council will seek the provision of 30% affordable housing on all developments for new market housing in designated rural areas (which includes Appleton Wiske Parish) where more than 4 units are proposed. Policy HG3 also states that planning permission will be refused for proposals where it appears that a larger site has been sub-divided into smaller parcels in order to avoid developer contributions for affordable housing.
- 10.11 The application proposes the construction of four dwellings, so would not, as a 'stand-alone' proposal, trigger the requirement for affordable housing required by Policy HG3. However, given the proximity of this site to the recently-constructed, road-fronting residential development of two properties, the ownership details have been investigated to establish whether affordable housing requirement would be triggered in this case as a result of an intentional subdivision of land in order to avoid the Local Plan affordable housing requirement. The applicant has indicated that the land which formed the site of the two residential properties to the north of the existing site was sold some years ago in the absence of planning permission. Two separate applications for self-build units were then subsequently submitted and built out. It is considered that in this case there is sufficient separation in terms of ownership, sub-division of the land and the circumstances of the various applications to conclude that the land has not been artificially sub-divided in order to avoid the provision of affordable housing. On this basis there is no requirement for affordable housing in this case.

10.12 Criterion f. of Policy HG2 (Delivering the Right Type of Homes) states that housing development will be supported where, 'a range of house types and sizes is provided, that reflects and responds to the existing and future needs of the district's households as identified in the Strategic Housing Market Assessment (SHMA)...having had regard to evidence of local housing need, market conditions and the ability of the site to accommodate a mix of housing. Criterion b. of Policy HG5 states that so-called 'windfall housing development' will provide a housing mix in terms of size, type and tenure, in accordance with the Council's Housing and Economic Development Needs Assessment (HEDNA) and Strategic Housing Market Assessment (SHMA) or successor documents. The Council also has a Housing SPD that provides detailed supplementary guidance on housing needs within the area, including a housing mix table (table 3.1) providing percentage mix ranges for 1, 2, 3 and 4+ bed market and affordable properties:

Proposed Housing Mix: Total of 4 Market Units		
<u>House Size</u>	<u>Expected Market Housing Range (%)</u>	<u>Proposed Market Housing Range (4 Units)</u>
1 bed	5-10%	0% (0)
2 bed	40-45%	50% (2)
3 bed	40-45%	50% (2)
4+ bed	0-10%	0% (0)

10.13 The proposed housing mix does not sit fully within the above housing mix range of table 3.1 of the Housing SPD with no single bed or 4+ bed units being proposed, although as stated within the Housing SPD, the above ranges are meant to be targets, rather than strict requirements, with flexibility allowed for individual schemes. Such flexibility can be crucial for smaller sites/development where the quantum of units can make it difficult to meet the above house size ranges of table 3.1 of the Housing SPD. The proposal would result in the over-provision of much needed two bed units which would result in a housing mix that would better meet local need overall and as such is considered to be in accordance with the requirements of Policy HG2 and criterion b. of Policy HG5 of the Local Plan as well as the Council's Housing SPD. Indeed, it is recommended that the relatively high proportion of smaller-sized, single storey properties within the housing mix should be given moderate weight within the planning balance.

10.14 Design and Impacts on the Landscape/Countryside and the Settlement's Setting/Character 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.)

10.15 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): the degree of openness and special characteristics of the landscape has been considered (criterion a.); where they conserve, and where possible, enhances any natural and historic landscape features that contribute to the character of the

local area (criterion b.); and protect the landscape setting of individual settlements, helping to maintain their distinct character and separate identity (criterion e.)

- 10.16 Criterion d. and e. of Policy HG5 states that all proposals will (individually or cumulatively) not: result in the loss of open space that is important to the historic form and layout of the village (d.); and have no detrimental impact on the character and appearance of the village, surrounding area and countryside or result in the loss of countryside that makes a significant contribution to the character or setting of that part of the village (e.).
- 10.17 The application site is located to the west and south of the existing built form of Appleton Wiske. Although the proposal would utilise a greenfield site which is part of the wider agricultural land that forms the rural setting to the southern and western parts of the village, the visual impact of the proposed development on the countryside or the setting of the village would be negated/limited due to the position of the plots which are positioned behind (to the south) of the two new properties (Pasture House and Ryegrass House) that front Hornby Road on its southern side and located close to the existing built form of the western part of the village consisting of St. Mary's Church and the residential properties of Smithy Green and Baker Street. It is also worth noting that the building form along the northern side of Hornby Road extends westwards beyond the application site. The proposed development would be seen as a relatively well-related and natural extension to the built form of the village, largely setback from Hornby Road. The visual impact of the proposed development on the character of the countryside and the setting of the village would be further reduced due to the single storey scale of the proposed dwellings and the relatively low density of the development which has generous plot sizes as well as areas set aside for amenity space and SuDS. In-plot and public tree planting is shown within the proposed layout which would further help to reduce the visual impact of the proposed development. Furthermore, the individual design of the properties is good and broadly reflects the character of Appleton Wiske, including the use of brick external walls and pantile-covered roofs which are reflective of building materials used elsewhere within the village.
- 10.18 Although the proposed access and curved access road into the site would potentially be a prominent feature in relation to the approach to the village along Hornby Road (travelling eastwards), the agent has worked with Officers to produce a revised landscaping scheme for planting along the western edge of the curved access road which is aimed at providing a natural, edge-of-settlement landscaping scheme involving small, sporadic tree clusters as well as hedging. This is primarily intended to naturally screen and reduce the visual impact of the curved access road on the countryside and on the setting of the village as approached from the west, although it would also help reduce the visual impacts of the proposed dwellings and associated infrastructure. During the course of the application, the agent has provided photomontages (the latest of which includes the sporadic tree groupings to the western boundary) which indicates that the proposed scale, form and proposed landscaping scheme (particularly the proposed planting along the western edge of the access road) would ensure that there would be no significant or unacceptable visual impacts on the surrounding countryside or the setting of the village, particularly as approached from the west.
- 10.19 The proposed development is considered to have a limited impact on the rural setting of the village and the character of the countryside more generally. In addition, and notwithstanding the relatively close proximity of St. Mary's Church to the application site, the proposed development would not result in the loss of open space that is important to the historic form and layout of the village. The matter of the impact of the proposed development on the setting of St. Mary's Church is explored further in the 'Heritage' section below.

Heritage

- 10.20 Section 66 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 of 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.

- 10.21 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.
- 10.22 The application site is not located within or adjacent to a Conservation Area, Registered Park and Garden or Scheduled Monument, although the site is located within the setting of the Grade 2 Listed Church of St. Mary's, positioned to the east/south-east of the application site. It should be noted that the area immediately around the Church (including the churchyard) is designated as Local Green Space (by virtue of Policy IC3 of the Local Plan), which relates to the immediate setting of the Church.
- 10.23 A Heritage Statement (HS) has been submitted with the application which has assessed the significance of the Church of St Marys and the application site in terms of its significance to the setting of the Listed Building. The HS has assessed that the significance of the church arises from its archaeological, historic and architectural interest as expressed through the good preservation of its built fabric and the way its planform and architectural features reflect its purpose as a place of worship and a centre for the local community over time. The archaeological and historic value of the church are particularly high given its potential to contain buried archaeological remains.
- 10.24 While the HS states there would be an aspect of co-visibility between the proposed dwellings (within the setting of the church) and the church/churchyard, proposed development site is located in a peripheral area to the formally contained church yard, with outward views to the west from the church path remaining undisturbed and pastoral in character. The HS concludes that the presence of high-quality dwellings, in an appropriate material and palette relative to the built surrounding, need not intrude negatively into the experience of the church from its setting and is not considered to constitute a scale of change within the setting of the church sufficient to detract from its significance. The HS concludes that the proposed development would result in less than substantial harm to the Grade II listed building.
- 10.25 As summarised above, the HS concludes that there would be no impact of the proposed development on the significance of the Listed Building (as a result of any impact on its setting) While Officers would concur with this assessment, the additional conclusion that the proposed development would result in less than substantial harm to the listed building is disputed given the lack of any material impact to the significance of the listed building and the fact that the setting of the church and churchyard is already set within, and characterized by residential surroundings. While Officers would agree that there would be a degree of co-visibility between the proposed dwellings (within the setting of the church) and the church/churchyard, this is limited due to the built-form of the village and intervening features, including the mature boundary tree-line. The proposals would also result in the provision of a low density development with single story properties and on-site landscaping /planting which would help mitigate any impacts on the setting of the Listed Building.
- 10.26 In terms of archaeological remains, the application site is identified as having ridge and furrow features, and the Council's Principal Archaeologist has confirmed informally that

there is the potential for there to be a minor impact on such features as a result of the proposed development, although as the site lies outside of the village core it is likely to have a relatively low archaeological potential. Having considered the possibility of burials laying outside of the churchyard, as the churchyard was extended to the north-west in the late 19th century the Principal Archaeologist considered that such burials are unlikely as the adjacent part of the churchyard is relatively new. It is recommended that an archaeological watching brief is imposed by condition should planning permission be granted. It should be noted that this feature is not a designated heritage asset and as such any harm should be considered in the planning balance and need not be given great weight as is the case for designated assets.

- 10.27 Therefore, overall, and notwithstanding the conclusions of the submitted Heritage Statement, it is considered that the proposed development would have a neutral (not harmful) impact on the setting of the church of St. Mary's and thus the proposed development would comply with Policies S7 and E5 of the Local Plan and the NPPF.
- 10.28 While there is the potential for less than substantial harm to archaeological features (ridge and furrow) within the site, this impact would result in less than substantial harm which would be outweighed by the public benefits of providing smaller two bed single storey properties that would meet an identified need for this type of housing within the plan area. As such, the proposed development would meet the requirements of Policy S7, E5 and the NPPF.
- Ecology and Biodiversity Net Gain
- 10.29 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 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.)
- 10.30 An Ecological Impact Assessment (hereafter referred to as 'the Ec.I.A.')
- has been submitted with the application, which includes an assessment of all habitats on the application site and the surrounding area to assess their value, as well as an assessment of the impact on protected, priority and notable species.
- 10.31 The Ec.I.A. states that the application site comprises of a grazed paddock with small sections of hedgerow along the north and eastern boundaries, with a mature oak within the north-eastern part of the site and a ditch running parallel to the most northern point of the site. Overall, the Ec.I.A. concludes that the on-site habitats are of local value only. However, the mature oak tree is considered to include features suitable to support roosting bats and the grassland, hedgerows and ditch provide potential foraging and connectivity features for bat species, although overall, the proposed development is considered to be of low value for bat species.
- 10.32 The grassland and hedgerows on site have the potential to provide nesting and/or foraging birds species, although the site is also considered to be of low value to bird species overall. There is potential for the priority species hedgehog, common toad and brown hare to be present on site on occasion however due to the small size of the site and limited suitable vegetation the development site is considered to be of low suitability to these species. No further survey work is recommended providing the mature oak tree on site is maintained (as shown within the application)
- 10.33 Although the Ec.I.A. confirms that site lies within an identified Site of Special Scientific Interest (SSSI) Impact Risk Zone relating to designated sites in the wider area, however the

Ec.I.A. concludes that the development of the nature proposed does not meet the identified impact risk triggers.

- 10.34 The Ec.I.A. makes a number of mitigation and compensation recommendations in Section 6 ('Mitigation and Compensation'), including:
- the provision of a low level, 'ecology-friendly' external lighting scheme.
 - Measures to protect the on-site and adjacent trees and hedgerows during construction.
 - Works to avoid the bird nesting season (or the site checked by an ecologist for nests)
 - Working measures to protect hedgehogs and other small mammals during construction
 - the provision of an amphibian method statement.
 - Pollution prevention measures during construction.
 - The incorporation of species-rich grassland areas within the landscape design in order to compensate for the loss of other neutral grassland within the site.
 - The proposed landscaping shall also include berry and fruit bearing species to provide increased foraging opportunities in the local area.
 - The provision of integrated swift boxes will be provided within 50% of residential properties.
- 10.35 Overall, the Ec.I.A. does not identify any significant impacts upon protected species or important habitat, subject to undertaking of the recommended ecological mitigation, avoidance and compensatory measures. The proposed development is unlikely to have a significant impact on bats or any other protected, priority and notable species or to have a material impact on any designated site and would comply with Policy E3 of the Local Plan in these regards.
- 10.36 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.
- 10.37 A Biodiversity Net Gain Assessment has been submitted with the application (hereby referred to as 'the B.N.G.A'). Based on the results of a completed Biodiversity Metric (Version 4.0) Section 4 of the B.N.G.A. states that the proposals would result in a total net gain in Habitat Units of 0.64 (12.20%) and a net gain in Hedgerow Units of 2.80 (3377.98%). The B.N.G.A confirms that the biodiversity net gains would be achieved through enhancements both on site and off-site. Both on-site and off-site land is within the ownership of the applicant. As the B.N.G.A. shows that the proposals have the capability of providing a meaningful net gains in excess of 10% in relation to both Habitat and Hedgerow units, the proposals are considered to meet the expectations of Policy E3 of the Local Plan in terms of BNG, although if Members are minded to grant planning permission, it is recommended that planning permission should be subject to the prior completion of a Unilateral Undertaking (UU) that requires the applicant or successors in title to submit a BNG implementation plan as well as a BNG Management and Maintenance Plan to maintain the off-site BNG for a minimum period of 30 years. The implementation and future management & maintenance requirements for on-site BNG can be secured through planning condition. Subject to the completion of the aforementioned UU and planning condition, it is considered that the proposed development would facilitate a meaningful and measurable net gain in BNG, in accordance with the relevant requirements of Policy E3 of the Local Plan.

Amenity

- 10.38 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.

- 10.39 Although the proposed site access would result in vehicles passing the rear of properties on Smithy Green and Baker Steet, the mature hedgerow along the eastern boundary of the site would provide an effective screen, negating any significant or unacceptable noise, lighting and disturbance issues emanating from passing traffic. The properties would be sited to the south of the two new dwellings to the north (Pasture House and Ryegrass House) Plots 1 and 2 would be sited adjacent to the southern boundaries of these two properties, although given the boundary definition, the single storey scale of the proposed dwellings and the separation distances of over 29m between the proposed properties and the rear elevation of the properties to the north, would ensure that there would be no significant or unacceptable amenity issues in respect of these properties. Overall, the proposed development will maintain acceptable levels of amenity, in accordance with Policy E2 of the Local Plan.

Flood Risk 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 A Flood Risk Assessment (23129-FRA-001 Rev.A) has been submitted with the application. This clarifies that the majority of the site (including the footprints and curtilage areas of the four bungalows) is within Flood Zone 1 (low flood risk) of the Environment Agency's Fluvial Flood Maps. The EA Flood Maps show that a small element of the north-western part of the application site would be within Flood Zone 2 (medium flood risk) The current EA Surface Water Flood Maps show no material surface water flood risk on the application site (although there are areas of low, medium and high Surface Water Flood Risk on the land to the west)
- 10.43 The FRA concludes that: 'the development could proceed without being subject to significant flood risk. Moreover, the development would not increase flood risk to the wider catchment area as a result of suitable management of surface water runoff discharging from the site.'
- 10.44 As residential ('More Vulnerable') development within Flood Zones 1 and 2, the Exception Test does not need to be applied. The proposals would locate the footprints and residential curtilages of all four properties within Flood Zone 1, outside of the sequentially-less-preferable area of the application site within Flood Zone 2 within which a section of the access track would be sited. The applicant has not submitted any information to show that potential alternative application sites fully within Flood Zone 1 have been considered in

accordance with the NPPF and Policy RM2 of the Local Plan requirements relating to the application of the sequential test. However, Officers consider that the nature, extent and impacts of the flood risk would be low for the development with all habitable and residential curtilage areas within FZ1 and only a small part of the proposed access track being within FZ2 with the FRA showing that a suitable Flood Warning and Evacuation Plan being achievable for the proposed development. This is considered by Officers to be an important material consideration and notwithstanding the lack of the application of the sequential test, one which would ensure that the proposed development would be subject to a relatively low risk of fluvial flooding with any impacts to property and persons acceptably mitigated through the scheme layout and flood emergency and evacuation measures.

- 10.45 The FRA concludes that the raising of floor levels in order for the development to resist floor risk is not required as the proposed dwellings would be located within FZ1. The FRA includes recommended site evacuation procedures and routes, although it states that the levels of any flood waters is unlikely to prevent egress and ingress from/to the site, particularly as there is an alternative pedestrian access in and out of the site (within) FZ1 via the existing route of the public footpath. If Members resolve to approve planning permission, it is recommended that a Flood Warning and Evacuation Plan is submitted and approved by condition. Subject to the provision of a detailed Flood Warning and Evacuation Plan, the risks to property and persons posed by both fluvial and surface water flooding are considered to be low.
- 10.46 In order to seek to address Members' previous concern regarding an alternative vehicular access into the site (to avoid FZ2), the agent has stated that he would be open to a condition requiring a temporary emergency access to be created adjacent to the route of the PROW onto Hornby Road. This would entail a moveable boundary structure that could be easily removed in time of emergency to allow temporary access into the site by emergency vehicles within FZ1. This is considered to be a reasonable and pragmatic solution to addressing this issue relating to flood risk and emergency access and it is recommended that a suitable condition is imposed if Members are minded to grant planning permission.
- 10.47 The application was also submitted with a Drainage Strategy Plan, although this has been subsequently amended by the agent seeking to address several issues raised by the LLFA including finished floor levels, access road levels and a more detailed exceedance flow indication. The DSP shows that surface water from the scheme would be discharged to the watercourse (ditch) along the frontage (northern boundary) of the site at a restricted rate of 1.4 l/s via a SUDS attenuation basin or tank.. A new headwall would be created into the watercourse. Foul drainage would be connected to the existing Yorkshire Water sewer directly to the west of the site. Having considered the proposed drainage scheme, the LLFA requested further information, clarification and amended details on specific matters. To this end, the agent has submitted a percolation report; revised hydraulic calculations; a Surface Water Drainage Maintenance and Management Schedule; and a revised Drainage Strategy Plan (Rev. P2) The revised DSP (P2) altered the design of the SuDS to accommodate a 1-in-100 year (plus 45 per cent allowance for climate change and a 10 per cent allowance for urban creep), and a restricted flow rate of 1.4l/s. The LLFA acknowledged that the attenuation amendments accounted for the aforementioned climate change and urban creep allowances, while also confirming that the Percolation Report shows that soakaways are unsuitable due to the presence of shallow groundwater, therefore the principle of discharge to watercourse is acceptable in relation to the Drainage Hierarchy.
- 10.48 The LLFA were reconsulted on the amended DSP (P4) which has sought to address the LLFA's outstanding concerns, and a further LLFA response has been submitted providing their 'final closing comments', confirming that the proposed dwellings would be located outside of flood risk areas because they would be located in a topographically higher part of the site. The LLFA also acknowledged that the submitted FRA includes flood-risk mitigation,

including the provision of a Flood Evacuation Plan and raised Finished Floor Levels. The LLFA have confirmed that should the development be built as per the proposed design (including the imposition of the recommended mitigation measures within the FRA and the provision of a suitably-sized culvert over the watercourse, the proposed development should not increase flood risk on or off the site.

Highway Impacts

- 10.49 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.)
- 10.50 Policy E1 (Design) reinforces the need for the proposals to be designed to achieve good accessibility and permeability, stating that development will be supported where it (amongst other things): promotes accessibility and permeability for all (criterion e.); and is accessible for all users...providing satisfactory means for vehicular access and incorporating adequate provision for parking, servicing and manoeuvring in accordance with applicable adopted standards (criterion f.)
- 10.51 A new access onto Hornby Road is proposed to serve the proposed development. This will result in the removal of a section of hedgerow to provide the access and the requisite visibility splays. The provision of the access would require the building over and culverting of the watercourse along the northern boundary of the proposed development. As the watercourse is within the public highway, the works required to achieve the access can be agreed through a section 278 agreement. All four proposed plots are generous and an appropriate level of on-site parking would be achieved for the proposed development. The LHA has been consulted on the application and have raised no objections to the proposals, subject to conditions. Overall, the proposed development is considered to meet the relevant requirements of Policy IC2 and E1.
- #### Impact on the Public of Way (Public Footpath)
- 10.52 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:
- 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.); and
 - opportunities for enhancement through the addition of new links to the public rights of way network and/or the provision of new facilities have been fully explored and, where reasonable and viable, incorporated into the proposal (criterion i.)
- 10.53 Policy IC2 (Transport and Accessibility) states that the Council will...secure a safe and efficient transport system and secure a safe and efficient transport system that supports a sustainable pattern of development that is accessible to all, where it is demonstrated that (*inter alia*): it seeks to minimise the need to travel and maximise walking, cycling, the use of public transport and other sustainable travel options, to include retention, where relevant, and enhancement of existing rights of way (criterion c.)

- 10.54 Policy E4 (Green Infrastructure) that the Council will seek to protect existing green infrastructure, secure improvement to its safety and accessibility...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.)
- 10.55 The public footpath (10.8/2/1) runs in a north-south direction through the application site. While there are two public footpaths routed through the site, it is the aforementioned PROW that would potentially be most affected by the proposals. The revised site layout would ensure that the current route of the PROW would be physically unaffected by the proposed development, and there is no requirement for the PROW to be diverted.
- 10.56 Both the PROW Team and The Ramblers have raised concerns about the potential encroachment of into the public footpath of the proposed hedgerows to the boundaries of plots two, three and four, thus potentially reducing the width of the PROW below 3 metres. An appropriate management and maintenance for the public open space and BNG (including the hedgerows adjacent to the route of the public right of way) would need to be secured by condition.
- 10.57 If planning permission is granted, it is also recommended that an informative is imposed that informs the application of the need to ensure that the PROW remains temporarily and permanently unobstructed.

Impact on Trees and Green Infrastructure

- 10.58 Policy E7 states that the Council will protect and enhance the distinctive character and townscapes of settlements by ensuring that development is appropriate to, and integrates with, the character and townscape of the surrounding area. Policy E7 (Hambleton's Landscapes) states that a proposal will be supported where it seeks to conserve and enhance any existing tree and hedge of value that would be affected by the proposed development. 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. To confirm, the site is located within an area designated on the Proposals Map of the Local Plan as a Green Infrastructure Corridor.
- 10.59 An Arboricultural Method Statement and Tree Constraints Plan has been submitted with the application. The documents confirm that the mature oak tree within the site (subject to a TPO) would be retained and can be adequately protected during the construction of the proposed development. Such planning permission be granted the proposed tree protection measures detailed within the AMS shall be required to be undertaken by condition.
- 10.60 The proposed landscaping scheme and planting would enhance the quality of the landscaping within the site and thus enhance the qualities of the green infrastructure corridor. Overall, the proposals would mee the requirements of Policy E4 and E7 of the Local Plan.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 It is considered that the principle of this, small scale, bungalow development is supported by policy S5 and HG5 as the development is adjacent to the existing built form of the settlement and is not harmful to the character of the settlement nor the character of the countryside surrounding the settlement.

- 11.2 The proposed development will provide 4 bungalows, on the edge of the settlement, of a size and form for which there is a demonstratable need. This is given moderate weight within the planning balance.
- 11.3 Although the proposed development would result in less than substantial harm to a non designated heritage asset (i.e. ridge and furrow features within the site) this harm would be outweighed by the public benefits of providing smaller single storey properties as explained above.
- 11.4 The proposed development is considered acceptable in terms of highway safety, Biodiversity Net Gain, ecology, tree protection, PROW, amenity and landscape/village setting impacts, meeting the relevant Local Plan policy is considered that the proposed development is otherwise in accordance with relevant Local Plan policies and as such the proposed development is recommended for approval.
- 11.5 Part of the proposed access to the development is within Flood Zone 2 of the Environment Agency's Flood Maps. No sequential test has been undertaken on behalf of the applicant, and as such the development would be contrary to the NPPF and Policy RM2 of the Local Plan and the NPPF. However, the given the small amount of the access that is within Flood Zone 2, the relatively low level of any flood water which should still permit vehicular ingress/egress and the approval of mitigation measures, including a flood evacuation plan and provision of a emergency access (both recommended to be approved by condition), the flood risks associated with the development are considered to be low and considered acceptable, and given a modest negative weighting within the overall planning balance, a harm that would be outweighed in the overall planning balance due to the positive public benefits of the scheme referred to above.
- 11.6 Considering the overall planning balance, it is recommended that planning permission (subject to conditions) is approved.

12.0 RECOMMENDATION

- 12.1 It is recommended that planning permission is **GRANTED**, subject to:
- i. The conditions recommended below.
 - ii. The prior completion of a suitable Unilateral Undertaking signed by the applicant requiring the submission of a BNG Implementation Plan as well as a BNG Management and Maintenance Plan to maintain the off-site BNG for a minimum period of 30 years.

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 permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered received by the Local Planning Authority on 04.08.2023; 06.10.2023, 23.01.2024, and 15.05.2024 unless otherwise approved in writing by the Local Planning Authority:

- a. Site Location Plan (SK07 Rev.B)
- b. Amended Technical Plan (SK02 Rev.J)
- c. 2 Bedroom Elevations Plan (SK202)
- d. 3 Bedroom Elevations Plan (SK302)
- e. Proposed Elevations Plan (SK06)

f. Amended Drainage Strategy Plan (23129-DR-C-0100 Rev.P4)

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.

3. There must be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility of 90 metres measured along both nearside channel lines of Hornby Road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety and to comply, with Policy IC2.

4. There must be no access or egress by any vehicles between the highway and the application site until:

- a. Full technical details relating to the bridging or culverting of the watercourse which lies between the application site and the adjacent highway have been approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.
- b. Any amendments to the ditch have been undertaken in accordance with the details approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory highway drainage in the interests of highway safety and the amenity of the area.

5. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas have been constructed in accordance with the details approved in writing by the Local Planning Authority and as shown on Drawing Number SK02 Rev.J. 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.

6. The development shall not be brought into use until the access to the site has been 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 shall be constructed in accordance with the approved details and the following requirements:

- i. that part of the access extending 10 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 30.
- ii. Details of any measures necessary to prevent surface water from the site discharging onto the existing Public Highway must be agreed with the Planning Authority in consultation with the Highway Authority before work starts on site. The measures should then be constructed in accordance with the approved details and maintained thereafter to prevent such discharges.

All works shall 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

7. No development must commence 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:

- a. The provision of wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway by vehicles exiting the site;
- b. An area for the parking of all contractors, site operatives and visitors vehicles clear of the Public Highway.
- c. An area for the storage of all plant and materials used in constructing the development clear of the Public Highway;
- d. Contact details for the responsible person (site manager / site office) who can be contacted in the event of any issue.
- e. A photographic and / or video record of the condition of that part of Hornby Road which lies adjacent to the site plus a distance of 100 metres on each approach. The survey should include the carriageway, footways and grassed verges and will be used in order to establish if any damage or degradation to the Publicly Maintainable Highway has occurred during the period of work on the site and any such damage deemed to have taken place as a consequence of the development works will require to be rectified at the cost of the applicant.

Reason: In the interest of public safety and amenity.

8. 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.

9. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

10. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy RM5 of the Local Plan.

11. Prior to the provision of any water supply to the development, written confirmation shall be provided to the Local Planning Authority that all new dwellings shall comply with the Building Regulation for water efficiency (as set out in Approved Document G

Reason: To ensure that the proposed development is water efficient, in accordance with the requirements of Policy RM5 of the Local Plan.

12. The development shall not be commenced until a plan (based on the recommendations within the submitted Arboricultural Method Statement and Tree Constraints Plan) has been submitted to and approved in writing by the Local Planning Authority to show all existing trees and/or hedgerows to be retained together with the positions and height of protective fences, the areas for the storage of materials and the stationing of machines and huts, and the direction and width of temporary site roads and accesses. Submission of these details is required before commencement in order to ensure adequate protection of trees and hedgerows at all stages of the development process, including site clearance.

Reason: To ensure that the retained trees (including any trees outside but adjacent to the site) and hedgerows that are of value are protected in accordance with Local Plan Policy E7.

13. Prior to the commencement of development and the formation of the access, full details of site and finished floor levels of all buildings shall be submitted to and approved by the Local Planning Authority. These levels shall be taken from a known, fixed, off-site datum point and shall include relevant levels of neighbouring properties. The development shall be implemented in accordance with the approved levels.

Reason: In order to ensure that the site and finished floor levels are appropriate in terms of the character of the area and the amenity of neighbouring occupiers to accord with the requirements of Policy E2 of the Local Plan.

14. Prior to commencement of the development hereby approved a Biodiversity Net Gain (BNG) Implementation & Maintenance Plan for the on-site BNG shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail proposals for how the development will achieve a measurable net gain for biodiversity based on the results of the small sites biodiversity metric 4.0 or the latest version of the metric if superceded. The Implementation & Maintenance Plan shall detail how the on-site BNG will be managed and maintained for a minimum period of 30 years. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the development achieves the appropriate level of on-site Biodiversity Net Gain in accordance with Policy E3 of the Local Plan.

15. Above ground construction shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings, in accordance with Policies E1 and E2 of the Local Plan.

16. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

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.

17. Prior to the occupation of the development hereby approved, a Biodiversity Enhancement and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Unless demonstrated not to be feasible, the Plan shall as a minimum incorporate and provide details of the recommended ecological mitigation, compensation and avoidance measures and enhancement recommendations within Section 6 the submitted Ecological Impact Assessment (Version 2; July 2023) and a timetable for their undertaking. The development shall be undertaken in accordance with the details and timetable of the approved Biodiversity Enhancement and Management Plan.

Reason: To ensure that a suitable Biodiversity Enhancement and Management Plan is approved and appropriate ecological mitigation and enhancements are implemented on site in accordance with policies S1 and E3 of the Local Plan.

18. A) No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. Community involvement and/or outreach proposals
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: This condition is imposed in accordance with the NPPF as the site is of archaeological interest and the Local Plan policies S1, S7 and E5.

19. Prior to the first occupation of any of the dwellings hereby approved, a Flood Warning and Evacuation Plan (FWEP) shall be submitted to and approved in writing by the Local Planning Authority based on the recommendations included within the submitted Flood Risk Assessment (23129-FRA-001 Rev.A) The FWEP shall:

- a. state how occupants will be made aware that they can sign up to the Environment Agency Flood Warning services;
- b. state how occupants will be made aware the plan itself;
- c. provide details of how occupants should respond in the event that they receive a flood warning, or become aware of a flood;
- d. state the measures that will be implemented to provide appropriate refuge, as well as safe and efficient evacuation for occupiers, in a flood event; and
- e. provide details of any flood mitigation and resilience measures designed into the scheme post-permission additional to those secured at planning application approval stage.

The approved Flood Warning and Evacuation Plan shall be implemented on first occupation of the premises hereby approved and carried out in accordance with the approved details for the lifetime of the development.

Reason: To ensure that a strategy is in place that will reduce the risk to occupiers in the event of a flood, given that part of the site is within Flood Zone 2, in accordance with the NPPF and Policies RM2 of the Local Plan.

20. Details of an emergency vehicular access into the site from Hornby Road and fully within Flood Zone 1 of the Environment Agency's Flood Maps shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include, but not necessarily be limited to, the width of the access, any new surfacing materials and details of a removable boundary definition that can be replaced in situ once emergency access and egress is no longer required. The approved emergency vehicular access shall be completed prior to the first occupation of any of the dwellings hereby approved and shall thereafter remain available for its intended use without any permanent or temporary obstruction.

Reason: To ensure that emergency vehicular access to the development is possible within Flood Zone 1, in accordance with Policies E2 and RM2 of the Local Plan.

21. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. The details of the surface water drainage works, including attenuation features and design, shall be based on the drainage design principles within the submitted Flood Risk Assessment and the amended Drainage Strategy Plan (Rev. P4), including:

- i. Surface water to be discharged to watercourse at a pumped rate of discharge not to exceed 1.4 litres per second.
- ii. confirmation that the scheme shall cater for the impact resulting from the minimum 1 in 100 year return period storm event including a 45% allowance for climate change effects and a further 10% for urban creep for the lifetime of the development.
- iii. Details of any pumping solution.
- iv. the submission of a detailed maintenance and management regime for the surface water drainage scheme and for the culvert. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

No part of the development shall be brought into use until the works comprising the scheme approved under this condition have been completed.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal, and to ensure appropriate maintenance for the lifetime of the development, in accordance with Policies RM2 and RM3 of the Local Plan.

22. The development shall be constructed and completed in accordance with the finished floor levels, access road and site levels as per the approved

Reason: For the avoidance of doubt and to ensure that any flood risk issues remain low, in accordance with the NPPF and Policy RM2 of the Local Plan.

23. All hedgerows within the development hereby approved shall be managed and maintained throughout the lifetime of the development in order to ensure that a minimum three metres width is maintained at all times for the route of the public footpath which runs through the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the width of the public footpath is maintained and not encroached upon by the hedgerows within the development for the benefits of maintaining the enjoyment and amenity of users, in accordance with the relevant parts of Policies E4, IC2 and IC3 of the Local Plan.

Target Determination Date: 29.12.2024

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

This page is intentionally left blank

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

13th June 2024

Agenda Item	Application number and Division	Respondent	
1.	20/00892/OUT Jamie Reed Richmond	Case Officer	<p>Assessment</p> <p><u>Heritage</u> Replace paragraph 10.14 with the following:</p> <p>Taking all of the preceding paragraphs together, the development will cause less than substantial harm at the lower end to the significance of Richmond Conservation Area by the development of a greenfield within the conservation area. The harm is considered to be at lower end due to: the location at the edge of the conservation area; the good, simple design and relatively small massing of the buildings; together with the new tree planting to the east. It is therefore necessary to weigh the harm against the public benefits as per paragraph 208 of the NPPF. The public benefits are considered to be: the improvement of some views by screening the industrial estate to the west; meeting a local need for small business units; and the creation of new jobs. It is considered the public benefits outweigh the harm. For the foregoing reasons, in respect to heritage, the development is considered to comply with the NPPF and Policies CP3, CP4 and CP12.</p> <p><u>Site Location Plan</u> The proposed site access was not included within the redline as shown on the Site Location Plan. Officers have agreed that a new Site Location Plan can be submitted and re-consulted on to ensure that the full access is within the redline and as shown on the proposed layout plans. However, this results in an updated recommendation as set out below.</p>

Page 79

Agenda Item 7a

			<p>Updated Recommendation Minded to Grant subject to the consultation period for the amended location plan having expired with no new material representations having been raised, and subject to S106 agreement and conditions as listed in the Committee Report, delegated to the Head of Development Management.</p>
2.	ZD24/00080/FULL Caroline Walton Brompton On Swale	Case Officer	<p>Assessment Legal officers have advised that details of plant and machinery should be submitted and considered in advance of any approval as this is essential to the functioning of the retail unit.</p> <p>Updated Recommendation Defer item to allow details of plant and machinery to be submitted, consulted upon and recommendation reviewed on this specific point.</p>
3.	ZB24/00968/MRC Peter Jones Morton On Swale and Appleton Wiske	Update on Section 278 agreement and timescale for delivery of Passing Places.	<p>The S278 agreement, which effectively provides authority for the passing places to be implemented, has been agreed by the Council, signed by the applicant and is now with the Council for engrossment, which will be carried out imminently.</p> <p>The Road Closure consent is being prepared and will take approximately 5 weeks to complete owing to the advertisement period for this. Works can commence to implement the passing places immediately thereafter.</p> <p>The applicant has confirmed that this time frame would result in approximately 7 weddings taking place in the absence of all of the passing places.</p> <p>Under the requirements of the S278 agreement, should the applicant not implement the construction of the passing places, the Highway Authority can undertake the work in default, on the basis of a submitted bond under the S278 agreement.</p>
4.	ZB23/01649/FUL	Amended Plan(s) Submitted (1)	Technical Plan (Rev.L) has been submitted by the agent on 12.06.2024. This plan removes the SuDS Basin as shown on previous versions of the plan which was

	<p>Ian Nesbit</p> <p>Morton On Swale and Appleton Wiske</p>	<p>Amended Plan(s) Submitted (2)</p> <p>Agent - Further Clarification Provided</p>	<p>erroneously included in the location of the proposed attenuation tank (which is the actual proposed means of surface water attenuation included within the Drainage Strategy. Rev.L includes minor amendments (included on previous plan version Rev.K) to the design of the turning head and the positions of plot 1 and 2 to ensure that the route of the public footpath is not physically affected. The above land would be used as Public Open Space and/or part of the on-site BNG provision.</p> <p>Drainage Strategy Plan (Rev.P5) has been submitted by the agent on 12.06.2024. The amended plan addresses an error in the earlier version of the plan which erroneously did not include the updated storage capacity of the proposed attenuation tank (i.e. now shown as 152 cubic metres)</p> <p>Neither amended plan makes any material amendments to the proposals.</p> <p>Since the publication of the agenda, the application's agent has provided by email (dated 05.06.2024) setting out reasons why a permanent access would not work in the location of the proposed emergency access onto Hornby Road:</p> <ul style="list-style-type: none"> • It may not be wide enough. • It brings the access road very close to the oak tree on site (subject to a TPO. • It runs through the BNG area. • It runs close to an additional collection of bungalows. <p>In a follow up email (dated 12.06.2024), the agent has provided an extract from the Tree constraints plan for the site which includes the Root Protection Zone (RPZ) for the TPO oak tree as well as an indicative sketch showing the potential position of a permanent access road east of Ryegrass House. The agent's position is that while a 'low impact system' utilising stone 'twin tracks' can potentially be used for an emergency access route, a permanent access would require a more comprehensive tarmac road which would impact the tree.</p> <p>At the request of the Case Officer, the LHA has provided comments (in an email dated 05.06.2024) regarding the potential to create either an emergency access (as</p>
--	---	--	---

		<p>Local Highway Authority (LHA) - Comments on the Potential for an 'Emergency Vehicular Access' or a Permanent Vehicular Access</p>	<p>proposed) or an alternative permanent access off Hornby Road, immediately to the east of the newly built Ryegrass House:</p> <p>NB: The Highways Officer has confirmed that these are their informal comments.</p> <p><u>Emergency Access</u></p> <ul style="list-style-type: none"> • The same Visibility Splay requirements as mentioned in our recommendation would be applicable. • That part of the access within the limits of the Publicly Maintainable Highway would need to be hard surfaced to the same standard as mentioned in our recommendation. • That part of the access within the site would need to be hard surfaced to a specification to be agreed (capable of supporting a fully laden fire appliance) and have a minimum width of 3.7 metres. • The boundary with the Public Highway should have lockable demountable bollards or similar to prevent day to day vehicular access but still allow pedestrians and cyclists to pass. • Colleagues in the PROW Team should be asked to comment. <p><u>Permanent Access</u></p> <ul style="list-style-type: none"> • The same points made in the recommendation for the vehicular access in its original position would still apply in their entirety. • The dimensions of the access would need to be the same as those proposed for the vehicular access in its original position. I'm not sure if the area of land over which it would pass is wide enough at the northern end. • Colleagues in the PROW Team should be asked to comment. <p>2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered received by the Local Planning Authority on 04.08.2023; 06.10.2023, 23.01.2024, 15.05.2024 and 12.06.2024 unless otherwise approved in writing by the Local Planning Authority:</p>
--	--	--	--

		<p>Amended Recommended Condition 2 (Compliance and Plan List Condition) - to include reference to the latest revision of the Technical Plan and the Drainage Strategy Plan.</p> <p>Amended Recommended Condition 21 (Surface Water Drainage Condition) - to include reference to the latest revision of the Drainage Strategy Plan.</p> <p>Removal of Condition 20 (emergency vehicular access) from the recommended list of</p>	<p>a. Site Location Plan (SK07 Rev.B) b. Amended Technical Plan (SK02 Rev. J L) c. 2 Bedroom Elevations Plan (SK202) d. 3 Bedroom Elevations Plan (SK302) e. Proposed Elevations Plan (SK06) f. Amended Drainage Strategy Plan (23129-DR-C-0100 Rev. P4 P5)</p> <p>21. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. The details of the surface water drainage works, including attenuation features and design, shall be based on the drainage design principles within the submitted Flood Risk Assessment and the amended Drainage Strategy Plan (Rev. P4 P5), including:</p> <p>i. Surface water to be discharged to watercourse at a pumped rate of discharge not to exceed 1.4 litres per second. ii. confirmation that the scheme shall cater for the impact resulting from the minimum 1 in 100 year return period storm event including a 45% allowance for climate change effects and a further 10% for urban creep for the lifetime of the development. iii. Details of any pumping solution. iv. the submission of a detailed maintenance and management regime for the surface water drainage scheme and for the culvert. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.</p> <p>The advice from the Council's Planning Solicitor is that as the provision of the emergency access would involve and outside of the application site, that the provision of the emergency vehicular access should be dealt with through a legal agreement.</p>
--	--	--	---

		<p>conditions in section 12 of the Officer Report.</p> <p>Amendment to the Recommendation (at para. 12.1 of the Officer Report)</p> <p>Officer Commentary</p>	<p>12.1 It is recommended that the matter be delegated to officers to grant planning permission subject to the conditions recommended in section 12 of the Officer Report (as amended within this Update List) and following:</p> <p>ii. The prior completion of a suitable Unilateral Undertaking signed by the applicant requiring the submission of a BNG Implementation Plan as well as a BNG Management and Maintenance Plan to maintain the off-site BNG for a minimum period of 30 years.</p> <p>iii. The prior completion of a legal agreement in consultation with the Local Highway Authority and the Council's Public Footpaths Team (i.e. Unilateral Undertaking or Section 106 agreement, dependent on the ownership composition of the land involved) for the approval of the details of an emergency vehicular access into the site within Flood Zone 1. The details to include but not necessarily limited to: the precise location of the access; access and track width, surface materials, removable boundary definition and/or bollards) The agreement shall require the completion and availability of use of the emergency vehicular access in accordance with the agreed details prior to the first occupation of the dwellings, and its retained availability for the lifetime of the development.</p> <p>In order to seek to address the Committee's concerns, the agent has proposed that an emergency vehicular access is created east of Ryegrass House involving a 'low impact' twin track with a removable boundary definition to provide emergency access in and out of the site within Flood Zone 1, should the permanent access be obstructed. As referred to in the Officer Report, Officers consider that the provision of an emergency vehicular access within Flood Zone 1 would be able to provide an</p>
--	--	---	---

appropriate means of emergency vehicular access to the site (without it being necessary to facilitate an alternatively-located permanent site access), subject to the approval of the details in consultation with both the Local Highway Authority and the Council's Public Footpaths Team, although the Local Highway Authority has not raised any objections during informal discussions on the subject (see the summary of the LHA email dated 05.06.2024 above).

Nevertheless, for completeness, Officers have also been in communication with the agent and the Local Highway Authority to explore the feasibility of providing a permanent site access in this location proposed for the emergency site access. Again, the LHA have raised no objections in principle during informal discussions on the matter (a response is awaited from the Public Footpaths Team on the matter) although the agent (in his emails of 05.06.2024 and 12.06.2024) has raised several concerns about the feasibility of providing a permanent vehicular access in this location.

While alterations to the proposed layout and/or use of other land within the applicant's ownership (but outside of the current application site) could potentially address the concerns regarding the impact of any new permanent vehicular access on existing properties and the BNG land, issues of the potential lack of width to create a formal and permanent access in this alternative location and the impact on the TPO tree appear much more difficult to satisfactorily resolve, notwithstanding that it is likely that measures can be implemented to reduce some of any potential impact on the tree's RPZ associated with the laying a permanent (tarmac) road.

It is therefore recommended that delegated authority is given to the Head of Development Management to grant planning permission (subject to the conditions) and subject to the completion of the Legal Agreement (in consultation with the LHA and the Public Footpaths Team) to require the completion of an emergency vehicular access within Flood Zone 1 in accordance with details approved by the LPA prior to the first occupation of the development.

END