

Meeting: Richmond (Yorks) Area Planning Committee

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

Date: Thursday, 14 November 2024

Time: 10.00 am

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

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

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/supporters,
- A Parish Council representative,
- 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 by midday on Monday 11 November 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 and is being broadcasted live. The live broadcast 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.

You may also be interested in subscribing to updates about this or any other North Yorkshire Council committees – [Logon | North Yorkshire Council](#)

Agenda

1. **Apologies for Absence**
2. **Minutes for the Meeting held on 10 October 2024** (Pages 3 - 8)
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. **ZD24/00397/FULL - Dalton Woods, Dalton on Tees, DL2 2NR - Full Planning Permission to 1) Remove Approximately a 12 Foot x 6 Inches Deep Trench of Hardcore and Place a 12 Foot Wide x 4 Inch Square U-Shaped Steel Open Drain Flush with Existing Track, Side Fill with Pea Gravel to make Level with Track 2) Replace 5 Inch Cast Iron Pipes with 12 Inch Concrete Drainage Pipes (Part Retrospective)** (Pages 9 - 18)
5. **21/00791/FULL - Dalton Woods, Dalton on Tees, DL2 2NR - Full Planning Permission for Engineering and Excavation Works to Create Yorkshire Sandstone Rock Tracks Measuring 1.5 to 2m Wide and Between 10m and 40m in Length (Part Retrospective)** (Pages 19 - 34)
6. **ZD24/00252/FULL - Michael Sydall Church Of England Voluntary Aided Primary School, Mowbray Road, Catterick Village, Richmond, DL10 7LB - Full Planning Permission for Demolition of existing school building and development of a new single storey building with associated access, parking, replacement playing field and landscaping** (Pages 35 - 58)
7. **Update List** (Pages 59 - 68)
To provide updates to agenda items 4, 5 and 6 above.
8. **Such other business as, in the opinion of the Chair should be, by reason of special circumstances, considered as a matter of urgency.**
9. **Date of Next Meeting**
10.00am, Thursday, 12 December 2024 at a 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: stephen.loach@northyorks.gov.uk

Wednesday, 6 November 2024

North Yorkshire Council

Richmond (Yorks) Area Planning Committee

Minutes of the meeting held on Thursday, 10th October, 2024 commencing at 10.00 am at Mercury House, Richmond.

Councillor David Webster in the Chair. plus Councillors Kevin Foster, David Hugill, Tom Jones (substitute for Angus Thompson), Heather Moorhouse, Karin Sedgwick and Steve Watson.

Officers present: Peter Jones, Development Management Team Manager, Fiona Hunter, Development Management Team Manager, Jonathan Smith, Senior Planning Officer, Ian Nesbit, Principal Planning Officer, Frances Maxwell, Solicitor, Vicky Davies and David Smith, Democratic Services Officers.

Apologies: Councillor Angus Thompson (substitute Councillor Tom Jones).

Copies of all documents considered are in the Minute Book

138 Apologies for Absence

Apologies for absence were received from Councillor Angus Thompson (substitute Councillor Tom Jones).

139 Minutes for the Meeting held on 12 September 2024

The Minutes of the meeting held on Thursday 12th September 2024 having been printed and circulated, be taken as read and confirmed and signed by the Chair as an accurate record.

140 Declarations of Interests

There were no declarations of interests.

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 reports or an amendment made by the Committee, the conditions as set out in the reports 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 reports of the Assistant Director Planning – Community Development Services, regard had been paid to the policies of the relevant development plans, the National Planning Policy Framework and all other material planning considerations.

Where the Committee granted planning permission in accordance with the

recommendations within the report, this was because the proposals was 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.

141 21/02719/FUL - Revised details received (March 2023 and April 2024) for reduction in number of proposed dwellings to:- 50 houses, comprising of 15 no. affordable dwellings; 35 no. market houses (including 4 no. self build plots) with open space, highway access and drainage infrastructure and the Provision of Adjacent Land for Community Orchard, Woodland and Wildlife Habitats at Paddocks End, Hutton Rudby - OS Field 2913, OS Field 3700, OS Field 2800 Garbutts Lane, Hutton Rudby, North Yorkshire

Considered –

The Assistant Director Planning – Community Development Services sought determination of a revised application for full planning permission for a residential development of 50 dwellings with associated open space, highway access and drainage infrastructure on agricultural land located to the south of Garbetts Lane, Hutton Rudby. The application was brought to Committee because of the level of local interest.

The original application was for a 79 unit scheme spread across two separate parcels of land. Following discussions with officers, the application had been amended and a re-consultation undertaken, to include only the land south of Garbutts Lane reducing the number of proposed units to 50.

In an update to the report, it was stated that July's Ministerial statement and revised NPPF consultation would not result in a reconsideration of the assessment and conclusions as set out within the report. Members were further informed that the Neighbourhood Plan was still in development and did not attach any material weight to the application. The report also covered an Archaeological Geophysical Survey that had been submitted by the landowner, additional representations by local residents and amendments to the recommendations in the report.

It was also stated that condition 12 and 13 replicated each other and condition 13 should be removed from the list of conditions. In addition, that condition 11 is amended to change the maximum surface water discharge rate to 14 litres per second.

The following persons spoke in accordance with the Council's public participation scheme:

Derek Simpson, spoke against the application.

Allan Mortimer, Rudby Parish Council, spoke against the application.

Ronnie Baird, the agent for the applicant, spoke in support of the application.

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

- The large number of objections from residents.
- Building on greenfield sites.
- The proposed community land should be protected by a S.106 from further development, although this did not prevent other applications coming forward, however land could be protected further by the new Local Plan.
- The community land was a benefit.

Resolved -

That the Committee are minded to GRANT planning permission subject to written confirmation from Natural England that the proposals is nutrient neutral, written confirmation for the LLFA with no objections, and no material planning representations having been raised following the 10 day reconsult, and also subject to the conditions detailed in the report, together with the updated and additional conditions as detailed in the update list and the prior completion of the S.106 Agreement delegated to the Head of Development Control.

Voting Record

A vote was taken, there were six votes for the motion and one abstention, the motion was declared carried.

142 20/00007/FULL - Full planning permission for proposed demolition, extension and refurbishment of existing care home to form 36 bed care home with the erection of two storey care home with associated access and car parking - Morris Grange Nursing Home, Middleton Tyas.

Considered –

The Assistant Director Planning – Community Development Services sought determination of full planning permission for the proposed demolition, extension and refurbishment of an existing care home to form a 36 bed care home with the erection of a two storey care home with associated access and car parking at Morris Grange Nursing Home, Middleton Tyas, Richmond.

This application had been brought to Committee due to the significant material planning considerations in respect to new care dwellings in the countryside. The application was also requested to be referred to Committee by the Division Member.

Updates to the report were circulated and published prior to the meeting. Comments from the Local Lead Flood Authority (LLFA) were awaited and although the Parish Council had concerns in respect to flooding and drainage it was noted that the majority of the development was on previously developed land. Changes to conditions 5 and 15 regarding surface water were recommended along with an additional condition about foul water.

The case officer verbally updated Members, recommending that the S.106 be updated to include the requirement for passing places on the shared access track.

The following persons spoke in accordance with the Council's public participation scheme:

John Gentry, Moulton Parish Meeting spoke against the application.

Councillor Angus Thompson, Division Member, submitted a statement which was read out by the Democratic Services Officer.

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

- The existing care home didn't meet current standards.
- Economic benefit as jobs will be created.
- The decreased number of beds reduced the impact on the area.
- Some loss of trees, though the main important ones were being retained.
- Concern over the café increasing the number of visitors - access should be restricted.

- Concern that the development could turn into a retirement village.
- Inadequate access road which was also used by neighbouring residential properties.
- Issues relating to the works carried out to date without planning permission.

Resolved –

That the Committee are minded to GRANT planning permission subject to the LLFA advising they have no objection (subject to or not subject to condition(s) and no new material representations having been raised, and subject to prior completion of a S106 agreement and conditions as listed in the committee report and update list together with the following additional requirements listed below, delegated to the Head of Development Management:

- S106 Heads of Term for passing places.
- S106 Head of Term requiring residential properties to have free access via Scurrah Lane in perpetuity.
- Condition limiting cafes uses to the residents, residents' visitors, staff and external contractors engaged to undertake work on site.

Voting Record

A vote was taken, there were six votes for the motion and one abstention, the motion was declared carried.

143 ZD24/00126/AORM - Reserved matters application following outline approval of planning permission 21/00397/OUT for elevations, plans, materials, landscaping, massing at Fairfield, Moor Lane, Newsham.

Considered -

The Assistant Director Planning – Community Development Services sought determination of an application for approval of reserved matters for the appearance, landscaping, layout and scale for the erection of one detached dwelling house at land to the north of Hill Top and east of Moor Lane. The application had been brought to Planning Committee at the accepted request of the Division Councillor for reasons stated in the submitted report.

The following persons spoke in accordance with the Council's public participation scheme:

- Monica Woroniuk spoke objecting to the application.
- Louise Taylor from Newsham Parish Council spoke against the application.
- Councillor Angus Thompson, Division Member, submitted a statement which was read out by the Democratic Services Officer.
- Maria Ferguson spoke on behalf of the applicant.

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

- The type of boundary wall.
- Access and adequacy of the turning circle.
- Retention and protecting of existing trees.
- Stipulation of working hours for the construction of the development.

Resolved –

That Approval of Reserved Matters be GRANTED subject to conditions as set out in the report, and the additional conditions below with final wording delegated to the Head of Development Management in consultation with the Chair and Vice-Chair:

- Construction Hours limited to 8am to 6pm Monday to Friday, excluding bank holidays. Saturdays 8am to 12 noon and no time on Sundays or Bank Holidays.
- Window colour and design to be submitted and approved.
- Construction Management Plan to be submitted and approved.
- A dry stone wall to be provided around the plot boundary, exact details to be agreed.
- External Lighting to be submitted and approved.

Voting Record

A vote was taken and the motion was carried unanimously.

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

There were no urgent items of business.

145 Date of Next Meeting

Thursday 14th November 2024 at 10am at a venue to be confirmed.

The meeting concluded at 12.36pm

This page is intentionally left blank

North Yorkshire Council

Community Development Services

Richmond (Yorks) Area Committee Planning Committee

14th November 2024

ZD24/00397/FULL - Retrospective planning application for the removal of a five-inch cast iron pipe at gully one and replaced with a 12 inch concrete drainage pipe

At: Dalton Woods, Dalton on Tees, North Yorkshire, DL2 2NR

On Behalf Of: Mr Robert Pickersgill

Report Of The Assistant Director Planning– Community Development Services

1.0 PURPOSE OF THE REPORT

- 1.1. To determine a planning application for retrospective planning permission for the removal of a five-inch cast iron pipe at gully one and replaced with a 12-inch concrete drainage pipe at Dalton Woods, Dalton on Tees.
- 1.2. This application is brought to planning committee due to significant material planning consideration arising from being sited within an Ancient Woodland and potential harm to this irreplaceable habitat.

2.0 SUMMARY

RECOMMENDATION: That planning permission be **REFUSED** subject to the reasons outlined below.

- 2.1 Works have been undertaken at Dalton Woods without the benefit of planning permission. Subsequently the applicant is seeking retrospective planning permission for the removal of an existing five-inch cast iron pipe, and this has been replaced with a 12 inch concrete drainage pipe within an Ancient Woodland.
- 2.2 The application is recommended for refusal due to changing the drainage system in an Ancient Woodland against advice provided by Natural England and Forestry Commission; and insufficient information on trees, ecology and flooding.

Figure 1: Location Plan



3.0 PRELIMINARY MATTERS

- 3.1. Access to the case file on Public Access can be found here:-
<https://planning.richmondshire.gov.uk/online-applications/applicationDetails.do?activeTab=externalDocuments&keyVal=SGGBO7NA00S00>
- 3.2. The site has an extant permission following the grant of a Certificate of Lawfulness in 1994 (Planning Reference: 94/00016/CLE) for a motorcycle trails riding and practice. This covers the majority of Dalton Wood.
- 3.3. There is further live application for Dalton Wood to the north-west: 21/00791/FULL- Full planning permission for engineering and excavation works to create yorkshire sandstone rock tracks measuring 1.5 To 2m wide and between 10m and 40m in length (part retrospective).

4.0 SITE AND SURROUNDINGS

- 4.1 The application site is located within Dalton Woods, Dalton on Tees which is located approximately 400 metres northwest of the village of Dalton-on-Tees. The River Tees flows approximately 50 metres to the north of the application site.
- 4.2 Dalton Woods has recently (December 2023) been designated as an ancient woodland by Natural England and has a public right of way running through the woodland. Furthermore,

the site is adjacent to a residential property known as Clervaux and is adjacent to a scheduled monument of a medieval settlement and associated field system.

5.0 DESCRIPTION OF PROPOSAL

- 5.1 The application seeks retrospective planning permission for the removal of an existing five-inch cast iron pipe and this has been replaced with a 12-inch concrete drainage pipe. This is an alteration to the initial submission which sought planning permission for the installation of u-shaped drain near to the public right of way, along with further works to other gullies by varying the drainage pipes. These works have not been undertaken and were non-retrospective.
- 5.2 Following discussion with the Council these elements were removed from the application, and the applicant now only seeks retrospective permission for works to one gully as detailed above.

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
- National Design Guide 2021

7.0 CONSULTATION RESPONSES

- 7.1. The following consultation responses have been received and have been summarised below.
- 7.2. **North Yorkshire Council Ecology** – No ecology assessment has been submitted with the application and subsequently drainage improvements have the potential to have impacts upon the ancient woodland, both in terms of direct impacts during works and also hydrological changes resulting from the increased drainage capacity. This application should not be looked at in isolation from 21/00791/FULL cumulative impacts should form part of the ecological assessment for each application.
- 7.3. **North Yorkshire Council Highways** – No objections
- 7.4. **Natural England** – No Objections. Advises that the Local Planning Authority should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 180 of

the NPPF. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

7.5. **Public Rights of Way** - This application cannot be considered without reference to 21/00791/FULL, and our comments on that application remain relevant here, and are as follows: 'in order to ensure the safety of members of the public using the public footpath and permissive path and to preserve the amenity of the public footpath it is recommended that the area of woodland between the permissive path and boundary of the wood, hatched in red on the attached map, is not used by motorcycles, except for access to the site on the track to the north east of the car park (shown in blue on the map). Signs should be installed and maintained on the access track advising motorcyclists of the presence of the public footpath and permissive path. Any obstacles or earthworks should be removed from the hatched area and the woodland allowed to naturally revegetate.'

7.6. **Dalton on Tees Parish Council** – Objected to the application.

- The works have been undertaken within a steep bankside adjacent to the residential property of Clervaux and adjacent farmland, with the River Tees. It is evident that land slippage has occurred and a professional survey should be undertaken along with a drainage report
- The applicant has requested ongoing maintenance and therefore the Parish Council query what is ongoing maintenance.
- Dalton Wood has been designated by Natural England as an Ancient Woodland, and no revised ecological assessment has been provided.
- The site is in close proximity to, two scheduled ancient monuments and share a boundary with Dalton Wood and therefore the works/ground works may potentially have an impact on these protected sites.

It was impossible from the block plan dated 14.9.22 to determine exactly what was proposed in terms of the "metal pipework" referred to, where this pipework was currently located, what function it currently serves, and why it needs to be replaced.

7.7 **Historic England** – Comments awaited

7.8 **Ramblers Association** - Ramblers do not wish to comment on the operation of and infrastructure provided for motorcycle trials in and around Dalton Woods but clearly have a view on any impact for users of the footpath which passes through the site.

7.9 **Woodlands Trust** – Objection

The Woodland Trust objects to these applications on the basis of loss and deterioration of Dalton Wood, designated as an Ancient Semi Natural Woodland (ASNW) on Natural England's Ancient Woodland Inventory (AWI). The proposals in question would involve (or appear to have involved) the loss of ancient woodland as a result of excavation, trenching and various ground works within ancient woodland that constitute loss of ancient woodland soils and loss of available habitat. Furthermore, the proposed use of the site is likely to lead to deterioration of the ancient woodland as a habitat for wildlife and should also be refused on these grounds. We consider the following impacts are likely to occur:

- Direct loss of ancient woodland.

- Deterioration of irreplaceable habitat through disturbance, pollution and other indirect impacts
- Impact on local biodiversity as a result of impacted habitats
- Encroachment on the root systems and rooting environments of trees within the ancient woodland.
- Damage to soils, ground flora, fungi and understorey.
- Intensification of human activity and recreational disturbance.
- Increased vehicle use and traffic emissions.
- Threats to long-term retention of trees from increased need to manage trees for safety purposes.
- Cumulative effect of the above impacts resulting in long-term deterioration.

7.10 A site notice has been posted and neighbours have been consulted on the application. One letter of objection has been received in regard to this application with their comments summarised below:

- No detailed drainage drawing or specification has been provided
- No Flood Risk Assessment has been provided
- No tree survey has been provided despite works which has involved excavation around tree roots
- No ecological assessment provided considering the site is an Ancient Woodland
- No Ground Stability Report has been provided despite the works being undertaken within a steep bank

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
- Impact of the Development on the Ancient Woodland
- Impact on Heritage Assets
- Impact on Flooding
- Impact on Public Right of Way

10.0 ASSESSMENT

Principle of Development

10.1 Policy CP1 of the Council's Core Strategy states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the plan area.

10.2 It is noted that the site is located within or adjacent to several designated areas which needs to be considered in accordance with the National Planning Policy Framework. The site is located within a designated Ancient Woodland, within Flood Zone three and adjacent to a

scheduled monument. Therefore, the principle of development will be assessed through the various sections to determine if the development is acceptable in principle or not.

Impact on Ancient Woodland

10.3 In December 2023 Natural England designated Dalton Wood an ancient semi natural woodland. Ancient woodland is an irreplaceable resource of great importance for its wildlife, soils, recreational and cultural value, historical and archaeological significance, and the contribution it makes to our diverse landscapes. It is a scarce and threatened resource, covering only 2.5% of England's land area, and has a high level of protection in planning policy.

10.4 Natural England and the Forestry Commission have produced standing advice for ancient woodland and is a material planning consideration for local planning authorities. Ancient woodland takes hundreds of years to establish and is defined as an irreplaceable habitat. It is a valuable natural asset important for wildlife; soils; carbon capture and storage; contributing to the seed bank and genetic diversity; recreation, health and wellbeing; cultural, historical and landscape value.

10.5 Dalton Wood is an area that has been continuously wooded since at least 1600 and includes an ancient semi-natural woodland mainly made up of trees and shrubs native to the site, usually arising from natural regeneration. Ancient woodlands have equal protection within the National Planning Policy Framework, where paragraph 186c states the following:

“When determining planning applications local planning authorities should apply the following principles:...

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.”

10.6 Within the NPPF further commentary is provided in regard what is considered wholly exceptional reasons which are infrastructure projects (including nationally significant infrastructure projects under the Transport and Works Act and hybrid bills) where the public benefit would clearly outweigh the loss of deterioration of habitat.

10.7 When making planning decisions, Councils should consider conserving and enhancing biodiversity; avoiding and reducing the level of impact on the proposed development on ancient woodland and veteran trees. Planning permission should be refused if the development will result in the loss or deterioration of ancient woodland unless both of the following apply:

- There are wholly exceptional reasons
- There's a suitable compensation strategy in place

10.8 It is important to assess the direct and indirect effects of the development on the ancient woodland. Natural England and Forestry Commission 'Ancient woodland, ancient trees and veteran trees: advice for making planning decisions' sets out that development, including construction and operational activities can affect ancient woodland and the wildlife they support on the site or nearby. Direct effects of development can cause the loss of deterioration of ancient woodland by:

- Damaging or destroying all or part of them (including their soils, ground flora or fungi)
- Damaging roots and understorey (all the vegetation under the taller trees)
- Damaging or compacting soil

- Damaging functional habitat connections, such as open habitats between the trees in wood pasture and parkland
- Increasing levels of air and light pollution, noise and vibration
- Changing the water table or drainage
- Damaging archaeological features of heritage assets
- Changing the woodland ecosystem by removing the woodland edge or thinning trees – causing greater wind damage and soil loss

10.9 Indirect effects of development can also cause the loss or deterioration of ancient woodland by:

- Breaking up or destroying working connections between woodlands, or ancient trees or veteran trees, affecting protected species such as bats or wood-decay insects
- Reducing the amount of semi natural habitats next to ancient woodland that provide important dispersal and feeding habitat for woodland species
- Reducing the resilience of the woodland or trees and making them more vulnerable to change
- Increasing the amount of dust, light, water, air and soil pollution
- Increasing disturbance to wildlife such as noise from additional people and traffic
- Increasing damage to habitat, for example trampling of plants and erosion of soil by people accessing the woodland or tree root protection areas
- Increasing damaging activities like fly-trapping and the impact of domestic pets
- Increasing the risk of damage to people and property by falling branches or trees requiring tree management that could cause habitat deterioration
- Changing the landscape character of the area

10.10 As part of the standing advice it states that applicant should provide a tree survey and ecological survey, with both documents including mitigation measures in their development to avoid and reduce harm on the ancient woodland. Neither of these documents have been provided by the applicant and subsequently the Council cannot quantify the harm that the development has caused to the ancient woodland. Within the standing advice provided there are several methods in how to compensate for the loss of deterioration of ancient woodland. However, no information has been provided and it is considered that the replacement of a larger pipe in an existing gully has a direct impact on the ancient woodland as this changes the drainage of the area which could have a detrimental impact on the soil communities in the area and subsequently it is considered that the development is contrary to the overarching principles of the NPPF together with paragraph 186 specifically.

Impact on Heritage Assets

10.11 The application site is adjacent to a scheduled monument which is the medieval settlement of Dalton upon Tees and associated field system. The monument includes extensive earthwork and buried remains of the medieval village of Dalton upon Tees, including a moated site, a set of fishponds and parts of the surrounding medieval field system. It is located on elevated ground on the south bank of the River Tees, in fields around the present village. The monument is divided into three separate areas of protection. One area occupies the fields between the current village and the River Tees and contains the remains of the moated site and the core of the settlement. The second area occupies a field to the east of the current village and contains the remains of the field system. The third area occupies two fields south of the Northallerton Road and contains the fishponds and further remains of the field system.

- 10.12 The National Planning Policy Framework at paragraphs 200, 201 and 203 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset and requires that harm should be weighed against the public benefits of the proposal.
- 10.13 Paragraph 206 of the NPPF states that any harm to, or less of the significance of a designated heritage asset should require clear and convincing justification. Substantial harm to or loss of assets of the highest significance notably scheduled monuments should be wholly exceptional.
- 10.14 Paragraph 205 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether the potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 208 of the NPPF states that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including where appropriate securing its optimum viable use.
- 10.15 Core Planning Policy CP12 states development will be supported where they conserve and enhance the significance of the plan area's natural and man-made, designated or undesignated assets. Development will not be supported which has a detrimental impact upon the significance of a natural or man-made asset and is inconsistent with the principles of an asset's proper management.
- 10.16 The scheduled monument is located in an elevated position above the ancient woodland which is located on a slope directly above the River Tees. It is considered that the physical works undertaken and the new drainage operationally could negatively impact land stability and there is insufficient information to rule this out. Land slippage and any unexpected waterlogging could impact the Scheduled Ancient Monument at the high level. It is therefore considered that the changes result in less than substantial harm on the heritage asset. When it is considered that there is less than substantial harm on the asset this needs to be weighed up against any public benefits with the change in drainage pipe. However, no public benefits have been presented to the Council. With a larger pipe this will result in an increase in flow of water to the River Tees which could lead to erosion of the ancient woodland along with any lasting impacts on the scheduled monument which is not considered to be a public benefit. Therefore, it is considered that the development is contrary to the overarching principles of the NPPF and the Council's Core Strategy Policy CP12. If comments are received from Historic England these shall be reported to Planning Committee.

Impact on Flooding

- 10.17 When reviewing the plans and the Flood Zone maps it shows that the site is within Flood Zone 3. Therefore, as the development is within Flood Zone 3. Core Strategy CP3 states that development will be supported if it promotes the natural drainage of surface water mitigating the effects of flash flooding of rivers, drains and drought.
- 10.18 Paragraph 165 of the National Planning Policy Framework states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. It is not possible for development to be in areas with a lower risk of flooding, the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed.
- 10.19 Paragraph 173 of the NPPF states when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Within the NPPF it states that a site-specific flood risk assessment should be provided for all

development in Flood Zones 2 and 3. As the site is located within Flood Zone 2 and 3 a flood risk assessment is required. No assessment has been provided and therefore the Council cannot assess the development to ensure that as a result of the development this will not lead to flooding elsewhere. It is therefore considered that the development is contrary to the overarching principles of the NPPF.

Impact on Public Right of Way

- 10.20 It is noted that a public right of way runs through the site (it's redline boundary). However, where the alteration of the gully has taken place is not adjacent to any public right of way and therefore it is considered that the change in drainage pipe will not have any impact on the users of the public right of way.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 With the recent designated of Dalton Wood as an ancient woodland this has resulted in the land in question having special protection as detailed within the NPPF. The alteration of drainage of the site has the potential to impact on the soil communities and the drainage arrangements of the ancient woodland which could lead to irreplaceable damage. This is as detailed within the Standing Advice and the NPPF and in principle is contrary to Policy CP12 and paragraph 186 of the NPPF.
- 11.2 Furthermore the site is adjacent to a scheduled monument which is also afforded special protection within the NPPF. As the scheduled monument is in an elevated position above the physical works and altered operational drainage arrangement could subsequently result in less than substantial harm on the heritage assets. No public benefits have been presented which would outweigh the harm and subsequently it is considered that the development is contrary to the overarching principles of the NPPF and Policy CP12.
- 11.3 The site is also located within Flood Zone 2 and 3 and no flood risk assessment has been provided. Therefore, the Council cannot assess the development to see if this would prevent flooding elsewhere and is also contrary to the overarching principles of the NPPF and Policy CP2.

12.0 RECOMMENDATION

- 12.1. That planning permission be REFUSED subject to the reasons detailed below:

Reasons:

1. The drainage development has the potential to have negative impacts upon Ancient Woodland, both in terms of direct and indirect impacts during works and also hydrological changes resulting from the increased drainage capacity and flow speeds. No reports have been submitted demonstrating that the changes to the woodlands drainage system will not give rise to harm. As such, any changes to the drainage system is considered to result in harm to the Ancient Woodland and conflict directly with advice from Natural England and Forestry Commission 'Ancient woodland, ancient trees and veteran trees: advice for making planning decisions', Paragraph 186c of the National Planning Policy Framework 2023 and Policy CP12 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014.
2. Insufficient information has been submitted in the form of an ecological assessment and tree survey and thus the Local Planning Authority has not been able to assess the impact to the ancient woodland on these aspects. The development is considered to be contrary to Paragraph 186c of the National Planning Policy Framework 2023 and Policy CP12 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014.

3. The development is adjacent to an Ancient Scheduled Monument of a medieval settlement of Dalton upon Tees and associated field system. The physical drainage works and operational phase of the new drainage system may impact on the woodland slope it is sited within particularly land stability. Insufficient information has been provided to demonstrate the slope stability will not be affected, and thus the Ancient Scheduled Monument is not affected by the development. A potential less than substantial harm on the heritage asset cannot be ruled out. No public benefits have been presented that outweigh the harm caused and subsequently it is considered that the development is contrary to paragraph 208 of the National Planning Policy Framework 2023.
4. The site is located within Flood Zone 2 and 3. National Planning Policy Framework 2023 Paragraph 173 requires all development in Flood Zone 2 and 3 to provide a site specific flood risk assessment. No flood risk assessment has been provided to the Local Planning Authority and subsequently the applicant has failed to demonstrate that the development will not result in increased flooding elsewhere and is contrary to Paragraph 173 of the National Planning Policy Framework 2023.

Target Determination Date: 18th November 2024

Case Officer: Craig Allison- craig.allison@northyorks.gov.uk

North Yorkshire Council

Community Development Services

Richmond Area (Yorks) Area Constituency Committee Planning Committee

14th November 2024

21/00791/FULL - Full planning permission for engineering and excavation works to create yorkshire sandstone rock tracks measuring 1.5 To 2m wide and between 10m and 40m in length (part retrospective)

At: Dalton Woods, Dalton on Tees, North Yorkshire, DL2 2NR

On Behalf Of: Mr Robert Pickersgill

Report of The Assistant Director Planning– Community Development Services

1.0 PURPOSE OF THE REPORT

- 1.1. To determine a planning application for retrospective planning permission for engineering and excavation works to create yorkshire sandstone rock tracks measuring 1.5 To 2m wide and between 10m and 40m in length at Dalton Woods, Dalton on Tees.
- 1.2. This application is brought to planning committee as it was previously referred to planning committee in 2022 and thus public expectation is that the decision will not be delegated. In addition, the site is situated in an Ancient Woodland and near to a public right of way which could be negatively impacted and thus raises locally significant material planning considerations.

2.0 SUMMARY

RECOMMENDATION: That planning permission be **REFUSED** subject to the reasons outlined below.

- 2.1 Works have been undertaken at Dalton Woods without the benefit of planning permission. Subsequently the applicant is seeking retrospective planning permission for 3 motocross tracks within an Ancient Woodland and between a public right of way (PRoW) and the River Tees. The applicant also seeks permission for future maintenance works.
- 2.2 The application is recommended for refusal for the below four reasons due to: harm to ancient woodland together with insufficient information and no compensation; safety signage for PRoW not secured; mitigation and compensation for wildlife/biodiversity and protected and priorities species not secured; and insufficient information on impact to trees.

Figure 1: Location Plan (redlines shown the application site)



3.0 PRELIMINARY MATTERS

- 3.1. Access to the case file on Public Access can be found here:- [Planning Documents](#)
- 3.2. Originally the application sought permission for 4 tracks, this has been reduced to 3 tracks. The track that has been removed from the application is the most westerly one nearest the adjacent Public Right of Way and residential neighbours beyond.
- 3.3. The site has an extant permission following the grant of a Certificate of Lawfulness in 1994 (Planning Reference: 94/00016/CLE) for motorcycle trails riding and practice. This covers the majority of Dalton Woods.
- 3.4. There is further live application for Dalton Wood to the south east: ZD24/00397/FULL - Retrospective planning application for the removal of a five-inch cast iron pipe at gully one and replaced with a 12 inch concrete drainage pipe.

4.0 SITE AND SURROUNDINGS

- 4.1 The application site is located within Dalton Woods, Dalton on Tees which is located approximately 400 metres northwest of the village of Dalton-on-Tees. To the west of the tracks is a PRoW which crosses the woodland access. Beyond the PRoW is two residential neighbours. The River Tees is located approximately 50 metres to the north-east of the tracks.
- 4.2 Dalton Woods has recently (December 2023) been designated as an Ancient Woodland.

5.0 DESCRIPTION OF PROPOSAL

- 5.1 This application seeks retrospective permission for the creation of 3 motocross track 'sections' for the purpose of motorcycle trials riding and practice, comprising soil excavation and the

laying of Yorkshire sandstone rocks to simulate natural rocky gullies. The tracks are approximately 16m, 21m and 40m long respectively, ranging from 1.5m to 2m in width. The tracks are located to the east of the woodland car park and Weigh House.

- 5.2 A covering application email dated 22 July 2024 advises permission is also sought for “for future maintenance of the sections as required, such as lifting and repositioning rocks which have sunk into the ground, and general repairs and maintenance to the hardcore tracks”.
- 5.3 A covering application email dated 22 July 2024 advises that “At the entrance to the grounds there is an area for parking up to 12 vehicles. For the majority of the year the car park is empty, with perhaps 4 vehicles on Saturdays or Sundays. When a Trials competition is held there (about 3 times a year, just once in 2024), which involves about 25 competitors and 10 officials, the layby opposite (towards Dalton village) is used as overflow parking, with vehicles parking carefully to keep access to Pepperfield Farm clear.”

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
- National Design Guide 2021
- Natural England and Forestry Commission 2022 Guidance ‘Guidance Ancient woodland, ancient trees and veteran trees: advice for making planning decisions’ (Ancient Woodland Guidance)

7.0 CONSULTATION RESPONSES

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

- 7.2. **North Yorkshire Council Ecology** – It is very difficult to assess the application against the NPPF which seeks to avoid all loss or deterioration of ancient woodland as the application is part retrospective and the previous Preliminary Ecological Appraisal (PEA) from Nov 2022, undertaken for this application was completed prior to the designation as ancient woodland. Recommend that the ecological assessment is updated from a PEA to an Ecological Impact Assessment (EclA) to include a specific assessment of the impact of the development upon ancient woodland in order the authority to judge the proposals against this policy. The

assessment may need to take a precautionary approach to the habitat present prior to works taking place and should include all direct and indirect, temporary and permanent impacts associated with the development and where necessary provide proposals for compensation in line with the policy.

There is a need to ensure that no further works take within the area of priority habitat. In order to provide compensation and enhancement within the site, I am supportive of the recommendation to draw up a woodland management plan to include areas of the site which will not be subject to development or recreational disturbance. I would recommend that submission of this detailed plan is secured by condition. The woodland management plan should be drawn up by an experienced ecologist and provision should be made for long term monitoring and management.

I also support the need for a pollution prevention plan.

The site has records of invasive non-native species (INNS) and there is a requirement to ensure that these species are not spread, as such I would expect to see details for the management of INNS contained within the woodland management plan for the site.

7.3. **North Yorkshire Council Highways** – No objections.

7.4. **Natural England** – No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Advise: You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 180 of the NPPF. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

7.5. **Public Rights of Way** - In order to ensure the safety of members of the public using the public footpath and permissive path, and to preserve the amenity of the public footpath, it is recommended that the area of woodland between the permissive path and boundary of the wood, hatched in red on the attached map, is not used by motorcycles, except for access to the site on the track to the north east of the car park (shown in blue on the map). Signs should be installed and maintained on the access track advising motorcyclists of the presence of the public footpath and permissive path. Any obstacles or earthworks should be removed from the hatched area and the woodland allowed to naturally revegetate.

Standard advice also provided.

7.6. **Dalton on Tees Parish Council** – Objects to the application due to:

- Submitted plans poor quality, difficult to understand and inaccurate
- There has been land slippage and professional reports on this are required
- Unclear what ongoing maintenance includes
- Amenity impact to residential neighbours and user of PRoW unacceptable in terms of noise and air pollution
- Car parking unsuitable including: car parking has reduced, application does not set out who is allowed to park there. Riders are reversing out onto the road as not enough turn around space

- Ecology report needs to be updated as this is prior to the Ancient Woodland designation. Ecology report site visit not appropriate.
- NYC Archaeology should have been consulted and is a material planning consideration

7.7 **Historic England** – Comments awaited.

7.8 **Ramblers Association** – ProW should be clear of obstruction and safe to use including when events are in progress. we support the requirements of NYC involving the creation of a motorcycle “free zone “with a footpath which is not obstructed by trees and undergrowth, has a width of at least 2 metres, is fairly level and maintained, in that state We note the action taken of overgrowth and to provide clear signage warning both motorcyclists and walkers of their presence. Some levelling of this short section of path is still needed. Please note also our concerns, regarding obstructions on the remainder of the right of way to Eryholme Incidentally it would be helpful if the landowner provided more positive signs indicating the route of the footpath and not just “keep out “signs.

7.9 **Woodlands Trust** – The Woodland Trust objects to these applications on the basis of loss and deterioration of Dalton Wood, designated as an Ancient Semi Natural Woodland (ASNW) on Natural England’s Ancient Woodland Inventory (AWI). The proposals in question would involve (or appear to have involved) the loss of ancient woodland as a result of excavation, trenching and various ground works within ancient woodland that constitute loss of ancient woodland soils and loss of available habitat. Furthermore, the proposed use of the site is likely to lead to deterioration of the ancient woodland as a habitat for wildlife and should also be refused on these grounds. We consider the following impacts are likely to occur:

- Direct loss of ancient woodland.
- Deterioration of irreplaceable habitat through disturbance, pollution and other indirect impacts
- Impact on local biodiversity as a result of impacted habitats
- Encroachment on the root systems and rooting environments of trees within the ancient woodland.
- Damage to soils, ground flora, fungi and understorey.
- Intensification of human activity and recreational disturbance.
- Increased vehicle use and traffic emissions.
- Threats to long-term retention of trees from increased need to manage trees for safety purposes.
- Cumulative effect of the above impacts resulting in long-term deterioration.

No tree or ecology report submitted.

Application contradicts NPPF.

Local representations

7.10 309 representations have been received of which 191 object and 118 support the application. There are a lot of duplicate comments submitted by different persons and in some instances the same person. A summary of the comments that are relevant to this application is provided below, however, please see website for full comments.

Objections:

- Harm to Ancient Woodland and no compensation
- Loss of habitat and harm to wildlife and protected species
- Noise and pollution harm

- Harm to trees
- Serious and long term environmental damage to locality and banks of River Tees
- Development has/will cause land stability issues and erosion
- PRoW is difficult to walk
- Conflict with the Richmondshire District Council Local Character Assessment dated October 2019
- May have caused harm to Ancient Scheduled Monument and Historic England and NYC Archaeology not consulted
- Causes lawful access issues over the land and use of the land in general by Thornaby Angling Association
- Application documents unclear, inaccurate and have factual errors
- Application may not be lawfully valid
- Redline and blueline incorrect
- Ecology Report unsuitable and does not address Ancient Woodland status or clear evidence of protected species
- Insufficient information
- Challenge validity of Certificate of Lawfulness reference 94/00016/CLE and the Council should revoke this decision
- Application form should have set out the fishing rights/use of the site and is incorrect in other respects.
- There is a right to hunt on the land
- Raise concern about handling of application and planning enforcement
- Application is fully retrospective not part
- No material/rocks storage has been applied for which contradicts application document stating track 4 will be dismantled and moved elsewhere
- Large vehicles/ machinery used in connection with the development
- Insufficient parking and document misleading/incorrect in respect to parking and traffic movements
- Development has caused land slippage
- Filling of natural gullies
- Development contradicts the Council's noise pollution policies on motorcycles and quad bikes
- A similar application adjacent to an Ancient Woodland was refused in Rotherham
- Application is retrospective
- Woodland used as a play grown for adults and tipping ground
- Recreation and sport should take place at gyms etc.

Support:

- Having been at the site regularly for many years, I have only seen very occasional walkers and never seen an angler on the bank of the river
- The tracks do not effect the river bank of fishing
- Noise levels on site are low and lower than the road to the west
- The Rotherham Planning Enquiry is irrelevant
- Not a trial rider but enjoy watching the trails
- Is good activity for people's health (the riders)
- Dalton Woods has served as a base for trials riders for decades
- It is one of the only places in Darlington for trial riders

- It is important that Croft Trials Club is allowed to develop and use more challenging obstacles for the members to ride over to develop their skills and enable them to safely ride and compete in Club, National and International trial events. Over the years Croft Trials Club has helped to produce numerous National and International riders representing Great Britain.
- Policy supports recreation, sport and play together with enhancement of community and recreational assets
- Important facility for children and used by many riders (adults too)
- Benefits far outweigh harm in planning balance
- No harm in respect to privacy, overshadowing, design, highways safety, traffic and parking, noise, incompatible uses, scale of development, appearance, wildlife, trees, flooding, Conservation Areas and Listed Building

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
- Impact of the Development on the Ancient Woodland
- Impact on Heritage Assets
- Impact on Flooding
- Impact on Public Right of Way

10.0 ASSESSMENT

Principle of Development

- 10.1 The part of the woodland where the tracks are located are used for motorcycle trails riding and practice (motocross) and benefits from a Certificate of Lawfulness for this use dating back to 1994.
- 10.2 Local representations have raised the validity of the sites 1994 Certificate of Lawfulness for motorcycle trails riding and practice. However, the Judicial Review Period for this has passed and it has been over 10 years since this permission was granted meaning it is unlikely the aforementioned use would be enforceable. The Local Planning Authority has no current plans to pursue revoking the Certificate of Lawfulness. As such, it is considered the application site has a lawful use for motorcycle trails riding and practice.
- 10.3 Also raised by local representations is civil rights for the land which include access for an angling group and hunting rights. It is not considered the tracks would prevent these activities within the woodland given the site is already in use for motorcycles riding. Please note civil rights is not a lawful material planning consideration.
- 10.4 Policy CP11 sets out that support will be given to proposals that help retain or enhance community and recreational assets including land that: improve assets, provides additional assets, retain assets where there is scarcity and improve community well-being. The development meets these criteria, there are other they do not meet or only part meet but the

Policy is not worded in way that means all criteria need to be met. It is thus considered Policy CP11 supports the enhancement of this sports a leisure use.

- 10.5 Policy CP12 sets out that development or other initiatives will be supported where they conserve and enhance the significance of the plan area's natural and man-made, designated or undesignated assets. Development will not be supported which:
- a. has a detrimental impact upon the significance of a natural or man-made asset
 - b. is inconsistent with the principles of an asset's proper management.
- Furthermore, where avoidance of adverse impacts to environmental assets is not possible, necessary mitigation must be provided to address any potential harmful implications of development. Where adequate mitigation measures are not possible, compensatory measures will be required.
- 10.6 For the reasons discussed in detail below, the development does not conserve and enhance the significance of the Ancient Woodland where it resides; nor has compensation measures been proposed. As such the development directly conflict with Policy CP12.
- 10.7 Paragraph 186 of the NPPF advises that Ancient Woodlands are is an irreplaceable habitat and development resulting in deterioration of these assets should be refused unless there are wholly exceptional reasons and a suitable compensation strategy. Wholly exceptional include infrastructure projects where public benefit clearly outweighs harm. Whilst the development has benefits of improving an existing land use for sport and recreation, this falls far below 'wholly exceptional'. As aforementioned, there is also no compensatory measures proposed. For these reasons the principle of development is considered unacceptable and conflicts with Paragraph 186 of the NPPF and Policy CP12, together with Natural England and the Forestry Commission advice for Ancient Woodland (discussed below).

Impact on Ancient Woodland

- 10.8 Natural England and the Forestry Commission have produced standing advice for ancient woodland (Ancient Woodland Guidance) and is a material planning consideration for local planning authorities. Ancient woodland takes hundreds of years to establish and is defined as an irreplaceable habitat. It is a valuable natural asset important for wildlife; soils; carbon capture and storage; contributing to the seed bank and genetic diversity; recreation, health and wellbeing; cultural, historical and landscape value.
- 10.9 Dalton Wood is an area that has been continuously wooded since at least 1600 and includes an ancient semi-natural woodland mainly made up of trees and shrubs native to the site, usually arising from natural regeneration.
- 10.10 It is important to assess the direct and indirect effects of the development on the ancient woodland. The Ancient Woodland Guidance sets out that development, including construction and operational activities can affect ancient woodland and the wildlife they support on the site or nearby. Direct effects of development can cause the loss of deterioration of ancient woodland by:
- Damaging or destroying all or part of them (including their soils, ground flora or fungi)
 - Damaging roots and understorey (all the vegetation under the taller trees)
 - Damaging or compacting soil
 - Damaging functional habitat connections, such as open habitats between the trees in wood pasture and parkland
 - Increasing levels of air and light pollution, noise and vibration
 - Changing the water table or drainage

- Damaging archaeological features of heritage assets
- Changing the woodland ecosystem by removing the woodland edge or thinning trees – causing greater wind damage and soil loss

10.11 Indirect effects of development can also cause the loss or deterioration of ancient woodland by:

- Breaking up or destroying working connections between woodlands, or ancient trees or veteran trees, affecting protected species such as bats or wood-decay insects
- Reducing the amount of semi natural habitats next to ancient woodland that provide important dispersal and feeding habitat for woodland species
- Reducing the resilience of the woodland or trees and making them more vulnerable to change
- Increasing the amount of dust, light, water, air and soil pollution
- Increasing disturbance to wildlife such as noise from additional people and traffic
- Increasing damage to habitat, for example trampling of plants and erosion of soil by people accessing the woodland or tree root protection areas
- Increasing damaging activities like fly-trapping and the impact of domestic pets
- Increasing the risk of damage to people and property by falling branches or trees requiring tree management that could cause habitat deterioration
- Changing the landscape character of the area

10.12 It is considered that the development has resulted in the following deterioration:

Definitely:

- Damaging or destroying all or part of them (soils)
- Damaging or compacting soil
- Damaging functional habitat connections, such as open habitats between the trees in wood pasture

Potentially/insufficient information to rule out:

- Damaging or destroying all or part of them (fungi and ground flora)
- Damaging roots and understorey (all the vegetation under the taller trees)
- Increasing levels of air and light pollution, noise and vibration
- Changing the water table or drainage
- Damaging archaeological features of heritage assets
- Changing the woodland ecosystem by removing the woodland edge or thinning trees – causing greater wind damage and soil loss

10.13 Indirect affects to the Ancient Woodland may also have occurred by improving the Sports and Recreation facility which in turn may have resulted in more riders and visitors using the site.

10.14 The Ancient Woodland Guidance states that applicant should provide a tree survey and ecological survey, with both documents including mitigation measures in their development to avoid and reduce harm on the ancient woodland. A tree survey has not been submitted and subsequently the Council cannot quantify the harm that the development has caused to the ancient woodland from impact to trees. An Ecology Survey and discussed under a separate sub-heading below, however, this report predates the Ancient Woodland designation.

- 10.15 For the foregoing reasons, the development will harm the Ancient Woodland and the public benefits do not amount to wholly exception, nor compensation measures secured and thus conflicts with Paragraph 186 of the NPPF and Policy CP12, together with Natural England and the Forestry Commission advice for Ancient Woodland.

Impact on Heritage Assets

- 10.16 The application site is 125m to the north-west of a Scheduled Monument which is the medieval settlement of Dalton upon Tees and associated field system. The monument includes extensive earthwork and buried remains of the medieval village of Dalton upon Tees, including a moated site, a set of fishponds and parts of the surrounding medieval field system. It is located on elevated ground on the south bank of the River Tees, in fields around the present village. The monument is divided into three separate areas of protection. One area occupies the fields between the current village and the River Tees and contains the remains of the moated site and the core of the settlement. The second area occupies a field to the east of the current village and contains the remains of the field system. The third area occupies two fields south of the Northallerton Road and contains the fishponds and further remains of the field system.
- 10.17 Due to the separation distance, screening from the woodland, being at a lower level and the shallow nature of the excavation works it is very unlikely the development has or will give rise to harm to the Scheduled Monument. Historic England have been contacted to ask if they would like to comment and if a response is received this will be reported to planning committee. Likewise, the Council's Archaeology Officer has been asked to comment and if a response is received this will be reported to planning committee.

Flooding

- 10.18 The tracks are at the lowest risk of flooding from rivers and seas. There is an area at risk of surface water flooding, but it is not clear whether this overlaps with the tracks or not as no overlay or Flood Risk Assessment has been provided.
- 10.19 Core Strategy CP3 states that development will be supported if it promotes the natural drainage of surface water mitigating the effects of flash flooding of rivers, drains and drought.
- 10.20 Paragraph 165 of the National Planning Policy Framework states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. It is not possible for development to be in areas with a lower risk of flooding, the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed.
- 10.21 The development is for excavation of soil and laying of stones. This could affect the drainage system of the woodland, however, is considered very unlikely to result in any more than a negligible impact to downhill flooding. It could result in tracks being flooded, however, this is not considered to result in any harm to human health or safety.

Impact on Public Right of Way

- 10.22 There is a Public Right of Way (PRoW) to the south-west of the application site. Originally the application proposed 4 tracks, however, it was agreed by the applicant to remove the track closest to the PRoW from the application. This was due to it intensifying motorcycle activities near the PRoW and residential neighbours' gardens beyond giving rise to noise disturbance. Furthermore, the track nearest the PRoW was also within a safety area exclusion zone identified by the NYC PRoW team (see Appendix A red hatched area).

- 10.23 With the removal of the 4th track, it is considered that the PRoW will not be unduly affected by the current application as they are a sufficient distance away.
- 10.24 The PRoW Team have recommended safety signage for the PRoW's crossing with the woodland access. This is considered necessary as the development may have resulted in an intensification of the motocross activities by improving facilities and thus attracting more visits. The signage area lies outside the redline and no legal agreement has been provided to ensure their long-term retention. This conflicts with paragraph 96 of the NPPF.

Protected Species and Biodiversity

- 10.25 A Preliminary Ecological Appraisal dated November 2022 (PEA) was submitted and is valid for 2 years (December 2024). This report was prior to the Ancient Woodland designation, however, does consider the impact to flora, fauna, trees, protected species, wildlife, the woodland and off-site habitats.
- 10.26 The PEA advised that no signs of any protected species were noted on/adjacent to the development site. It notes that the woodland is likely to be used by bats and owls, however Croft Trials operates a 'dawn til dusk' opening policy and no use is made at the site after dark and no external lighting is provided. No badger setts within 50m of the tracks were found. The River Tees is 60m to the east of the nearest track. The PEA advised there was no local records for otter or white-clawed crayfish records locally. It is considered this report is sufficient to understand the impact to protected species.
- 10.27 The PEA listed the following potential impacts and mitigation measures:

Potential Impacts

- Potential impact on foraging animals.
- Pollution via site run-off and/or materials/chemicals stored/increased traffic on site.
- Pollution via site run-off during the construction phase.
- Disturbance and/or injury to wildlife during the construction phase.
- Activities such as mixing cement, refuelling or storage of materials/equipment may cause significant damage to those features such as compaction or contamination
- Loss of foraging areas for wildlife
- River Tees, pollution via site run-off and/or materials/chemicals stored/increased traffic on site.
- River Tees Pollution via site run-off during the construction phase.
- River Tees Ground slippage into the river.

Proposed mitigation measures

- A pollution prevention strategy/plan should be put in place. This should include standard good practice measures. Chemicals must be stored carefully and following their COSHH guidelines. All those working on site to have access to spill kits and appropriate training in their use. Spill kits and appropriate signage should be added to the site.
- An earth bund between the trials course and the river is a good way to prevent site run-off into the watercourse.

- Any storage of materials on site is likely to create suitable refugia for several species and therefore should only be moved by hand.
- Any pits or holes dug during the construction phase must be covered up overnight or fitted with exit ramps (scaffolding planks) for mammals, to be placed at an angle of 30° from base to top.
- Check any areas of ground thoroughly before work starts.
- Remaining vegetation to be gradually reduced in size, checking for wildlife.
- The Trials Club intends to deal with recent fly tipping at the site to reduce any negative impact on the woodland.
- Any small mammals should be given chance to move away of their own accord to a place of safety or carefully remove them to a safe area nearby, preferably in vegetation, away from the working area.
- Measures, including control measures should be put in place and monitored to ensure site operations do not cause the spread of giant hogweed and Himalayan balsam into the wild.
- Measures should be put in place to reduce ground slippage during site operations.
- Control measures should be put in place to control ground spillage.

10.28 The report does not conclude whether the above is sufficient to mitigate and compensate for the likely wildlife and protected species impacts. The report also does not recognise that the works in the woodland outside the scope of this planning application may not benefit from planning permission and could potentially be enforced against.

10.29 No legal agreement has been submitted to secure mitigation and compensation beyond the redline area and therefore these are not secured.

10.30 The Report pre-dates the Ancient Woodland status and it is therefore not known whether the report author would have considered the above measures suitable to compensate harm to the woodland in respect to ecology.

Trees

10.31 No arboriculture report has been submitted detailing impacts to tree. There are several trees immediately next to the tracks and the tracks go over their root protection zones. It is unknown whether any trees were removed to facilitate the development. A letter from Desmond William Needham dated 18 August 2024 has been submitted commenting on impact to trees. It is not clear from the letter if the author looked at all tracks and affected trees or considered the risk of motorcycles hitting the adjacent trees or compacting soil. On this basis there is insufficient information to ascertain the impacts to trees and it cannot be ruled out that there has been a negative impact in conflict with paragraph 180 of the NPPF.

Parking and Highway Safety

10.32 There have been comments that there is insufficient parking for the motocross use, particularly for event/trial days (4 times typically per year accordingly the application document). This results in attendees parking on the highways verge (accordingly to local representations). The application covering letter advises there is a car park with 12 spaces. For the trial days, they also use a layby on an unclassified road opposite which leads to Prospect Farm and is approximately 50m in length.

- 10.33 Local representations question the ability of the car park to accommodate vehicles raising that they often see transit vans and vehicles with trailers. They have seen vehicles reversing out onto the A167 which is a 60mph road. Vehicles also park on the verge where there is a pavement.
- 10.34 No affidavit or other evidence has been submitted to confirm or deny whether the tracks has resulted in an increase in motocross users of the site.
- 10.35 <https://www.crashmap.co.uk/> provides the public with access to accident data for roads which have been reported to the police. In the last 5 years, there is no records of any crashes outside the carpark or layby. NYC Highways have raised no objection.
- 10.36 Having regard to all of the above, it is considered the enhancement of the motocross facilities will on average result in a modest increase in visitors both on trial days and non-trial days. Whilst parking facilities are not ideal, the provision is safe with the car park able to accommodate an average day with only the busy days forcing vehicles to park on the verge and layby. Furthermore, the residual cumulative impacts on the road network even with verge parking is not considered to be severe. As such the development complies with paragraphs 114 and 115 of the NPPF.

Other Matters

- 10.37 This subsection deals with matters raised in local representation not previously addressed. Some but not all of the points raised on matters outside of this application are also discussed.
- 10.38 Harm to residential amenity is considered negligible with the track closest to neighbours now removed. This is due to the site already being used for motorcross.
- 10.39 The development may have caused and could cause future erosion by changing the natural levels of the woodland and drainage flows.
- 10.40 The report author is not aware that the tree tracks have caused land slippage having been to site, but it could in the future.
- 10.41 The description of development is part retrospective as the applicant is also seeking permission for future maintenance works.
- 10.42 The track which has been removed from the scope of this application is still in situ as installed. This will be dealt with as a separate matter to this application.
- 10.43 There is insufficient information to approve the sought maintenance aspect as there is little detail to understand what this will entail and how it will be undertaken; and thus whether this would be acceptable to the Ancient Woodland and wildlife.
- 10.44 The restoration of land and where the stones will be taken for the track no longer included in this application is a separate matter.
- 10.45 The blue line on the Site Location Plan may be incorrect, however, the LPA are unable verify this and understand this is subject to civil legal challenge. We recommend the Planning Committee be aware this may not accept this is 100% accurate when making their decision.
- 10.46 The drawings submitted do not appear to have been prepared by a professional designer or technologist, no with the benefit of a topographical survey, they may be inaccurate.
- 10.47 The current PRoWs state is not relevant to this application.

- 10.48 The woodland is already used for motocross, so any increase in users could result in more petrol/oil spills. It is unlikely the tracks will give rise to an unacceptable harm to the River Tees due to the existing permitted use and distance to tracks.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 With the recent designation of Dalton Wood as an ancient woodland this has resulted in the land in question having special protection as detailed within the NPPF being considered irreplaceable habitat. The development has resulted in the destroying soils, compacting soils and damaging functional habitat connections, such as open habitats between the trees in wood pasture. There may be further harm, however, no Ancient Woodland report has been provided giving best judgement of what these harms are such as whether any fungi and ground flora was destroyed. Furthermore, no detailed compensation measures have been proposed or secured via submission of a legal agreement such as a Unilateral Undertaking. As such, the development conflicts with paragraph 186 of the NPPF and Policy CP12, together with Natural England and the Forestry Commission advice for Ancient Woodland.
- 11.2 There is insufficient information to fully ascertain, as best can be due to the retrospective nature, the full impact to the Ancient Woodland as no Arboriculture Report, updated Ecology Survey, Soil Erosion/Stability Report or drainage/flooding report has been submitted.
- 11.3 The PEA does not include whether a biodiversity net gain to wildlife is achievable or not, this conflicts with paragraph 180 of the NPPF.
- 11.4 The PRoW Team recommends signage for the PRoW crossing with the woodland access, however, this is outside the redline and no legal agreement has been submitted to secure the long term retention of the safety signage in conflict with paragraph 96 of the NPPF.
- 11.5 The mitigation and compensation proposed for wildlife/biodiversity and protected and priority species requires land outside redline and legal agreement has been submitted to secure these conflicting with The Conservation of Habitats and Species Regulations 2010 (as amended) (Habitats Regulations), Policies CP3 CP4 and CP12 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014; together with paragraph 180 of the National Planning Policy Framework, 2023.
- 11.5 Insufficient information has been provided for trees and therefore the development cannot be fully assessed against the requirements of CP12 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014; and paragraph 180 of the National Planning Policy Framework, 2023.

12.0 RECOMMENDATION

- 12.1. That planning permission be REFUSED subject to the reasons detailed below:

Reasons:

1. The development is located within an Ancient Woodland which is a type of irreplaceable habitat and has caused deterioration to this asset both through the construction phase and current operational phase. This harm arises from; destruction of soils, compacting soils damaging functional habitat connections and change to natural drainage. Further harm may also have arisen, but insufficient information has been provided to make a best professional judgment (due to being retrospective nature) on the extent. This includes an updated Ecology Report taking into account the Ancient Woodland designation, Arboriculture Report, Soil Erosion/Stability Report or drainage/flooding report.

The development has public benefits by improving a sports and recreation facility, however, these are not to a wholly exceptional level.

The Preliminary Ecological Appraisal dated November 2022 proposed some mitigation and compensation measures, however, these recommendations do not account for the Ancient Woodland designation nor is a legal agreement submitted to secure these off-site measures.

The application seeks ongoing permission for maintenance of the tracks including lifting and repositioning rocks which have sunk into the ground, and general repairs and maintenance to the hardcore tracks. Insufficient details have been provided to undertake the impact of these works to the Ancient Woodland.

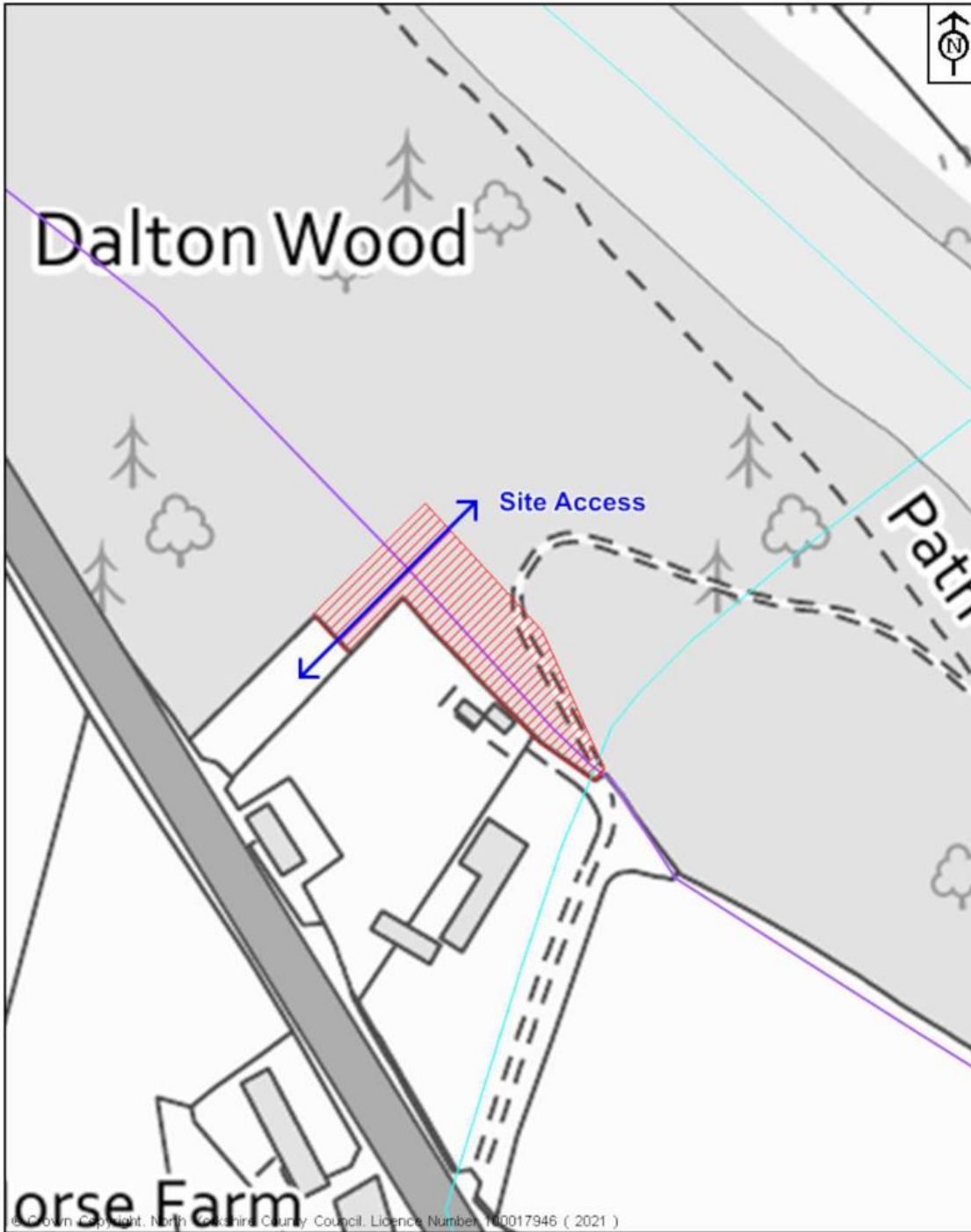
As such, the development conflicts with Paragraph 186 of the Planning Policy Framework 2023 and Policy CP12 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014, together with Natural England and the Forestry Commission advice for Ancient Woodland.

2. The required Public Right of Way and access crossing safety signage lies outside the redline and no legal agreement has been submitted to secure their provision and retention. This results in an unsafe arrangement for Public Right of Way users from the intensified motorsports use. As such the development conflicts with paragraph 96 of the National Planning Policy Framework, 2023.
3. The proposed mitigation and enhancement measures details in the submitted 'A Preliminary Ecological Appraisal dated November 2022' are outside of the redline and no legal agreement has been submitted to secure the delivery, retention and upkeep of the physical aspects together with the management plan. As such the development would cause harm to biodiversity including protected and priority species which conflicts with The Conservation of Habitats and Species Regulations 2010 (as amended) (Habitats Regulations), Policies CP3 CP4 and CP12 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014; together with paragraph 180 of the National Planning Policy Framework, 2023.
4. Insufficient information has been provided to ascertain the developments construction and operational phase's impact to trees. Trees are environmental assets with visual, landscape, flood reduction, wildlife, air quality and human health benefits. As such, the development may conflict with CP12 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014; and paragraph 180 of the National Planning Policy Framework, 2023.


Target Determination Date: 3rd March 2023

Case Officer: Fiona Hunter, Fiona.Hunter1@northyorks.gov.uk

Appendix A – PRow Consultee Attachment (paragraph 7.5 of this report)



© Crown Copyright, North Yorkshire County Council, Licence Number 100017946 (2021)

 <p>North Yorkshire County Council Public Rights of Way Waste and Countryside Services County Hall Northallerton DL7 5AH</p>	<p>Key:</p> <ul style="list-style-type: none"> Public Footpath — Public Bridleway — Restricted Byway - - - Byway Open to All Traffic — 	<p>North Yorkshire County Council</p> <p>21/00791/FULL NYCC Public Rights of Way</p>
	<p>Map drawn on 23 September 2021</p> <p>Drawn by AB Scale 1:1250 File Ref No. refno</p>	

North Yorkshire Council

Community Development Services

Richmond (Yorks) Area Committee Planning Committee

14th November 2024

ZD24/00252/FULL - Full Planning Permission for Demolition of existing school building and development of a new single storey building with associated access, parking, replacement playing field and landscaping

At: Michael Syddall Church Of England Voluntary Aided Primary School, Mowbray Road, Catterick Village, Richmond, DL10 7LB.

On Behalf Of: Michael Syddall Church Of England Primary School

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 at Michael Syddall Church of England Voluntary Aided Primary School, Mowbray Road, Catterick Village.
- 1.2. This application has been referred to planning committee by Officers due to raising significant material planning considerations in relation to scale and location of development.

2.0 SUMMARY

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

- 2.1. This application seeks Full Planning Permission for the demolition of existing school building and development of a new single storey building with associated access, parking, replacement playing field and landscaping.
- 2.2. The site is currently occupied by Michael Syddall Church of England Voluntary Aided School as one of the family of Church schools in the Diocese of Leeds and the county of North Yorkshire. The site is comprised of an existing school building to north, an existing Multi Use Games Area (MUGA) to the eastern boundary, playing fields/ running track to the south and parking within the northeast corner. Vehicular and pedestrian access is currently gained via Noel's Court that fronts the northern boundary of the site. Pedestrian access is also provided via an additional access point to the southern boundary. The site is outside of the designated Conservation Area of Catterick Village but within Flood Zone 3a and within designated Development Limits.
- 2.3. The application site is an existing school site that is located within a Primary Service Village within the Central Richmondshire Spatial Strategy Area, the principle of the proposed development is considered to be in line with the expectations of CP4 and CP11 of the Local Plan, as well as Paragraph 99 of the NPPF.

- 2.4. Throughout the application process, the agent has worked with the LPA and relevant consultees to address certain technical matters that have arisen, such as flood risk and drainage, highway safety and ecology. The application site is surrounded on all four sides by residential properties and so potential impact on amenity has been assessed, taking into account local representations made and submitted plans and assessments. Whilst Environmental Health do not object to the scheme, a number of specific conditions are required in order to control aspects of the construction phase, as well as any future lighting requirements that may arise.

- 2.5. Having now resolved the relevant technical matters with regard to all relevant issues and material considerations, the scheme would deliver a new school building on an existing school site that would provide enhanced community and recreational facilities. The scheme is capable of delivering 11.10% Biodiversity Net Gains and subject to conditions (to be secured by a s.106 legal agreement), the proposed development meets the requirements and expectations of Spatial Principles SP1, SP2, SP4 and SP5 and Core Policies CP1, CP2, CP3, CP4, CP7, CP11, CP12 and CP13 of the Local Plan and the relevant parts of the NPPF.

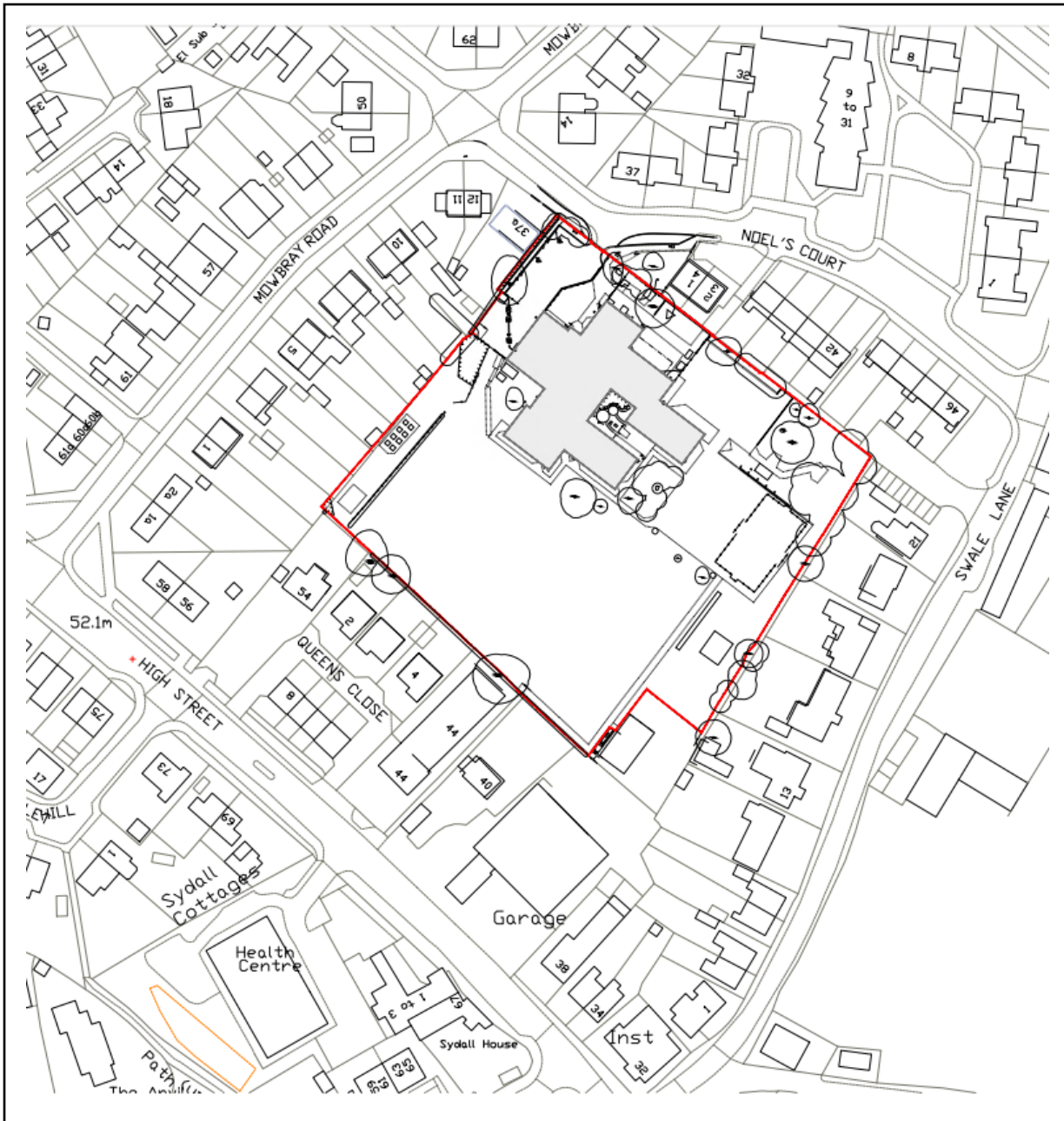


Figure 1: Location Plan Extract

3.0 PRELIMINARY MATTERS

3.1. Access to the case file on Public Access can be found here:- [Planning Documents](#).

3.2. There is one relevant planning application in particular for this application which is detailed below.

23/00058/FULL – Full Planning Permission for the Redevelopment of Existing Primary School– WITHDRAWN 12.05.2023

3.3 Application ref. ZD24/00394/EIASC - Environmental Impact Assessment Request for a Screening Opinion for the Redevelopment of Michael Sydall Church of England Primary School, that Comprises the Demolition of Existing School Building and the Development of a New Single Storey Building with Associated Access, Parking, Replacement Playing Field and Landscaping. Decision: Not EIA Development (November 2024)

4.0 SITE AND SURROUNDINGS

- 4.1. The site is currently occupied by Michael Syddall Church of England Voluntary Aided School as one of the family of Church schools in the Diocese of Leeds and the county of North Yorkshire. The site is comprised of an existing school building to north, an existing Multi Use Games Area (MUGA) to the eastern boundary, playing fields/ running track to the south and parking within the northeast corner. Vehicular and pedestrian access is currently gained via Noel's Court that fronts the northern boundary of the site. Pedestrian access is also provided via an additional access point to the southern boundary.
- 4.2. The school is within the designated Development Limits for Catterick Village and is surrounded by residential dwellings to the east and western boundaries and a mixture of residential and commercial buildings to the southern boundary. The Conservation Area Boundary is located approximately 60-70m to the southwest at its nearest point.
- 4.3. The application site is located within Flood Zone 3a and the application was accompanied by a Flood Risk Assessment and Sequential Assessment. There are 4 no. trees located just outside of the application site boundary along the southwestern edge that are protected by Tree Preservation Order no. 2007/03/TPO.

5.0 DESCRIPTION OF PROPOSAL

- 5.1. This application seeks Full Planning Permission for the demolition of existing school building and development of a new single storey building with associated access, parking, replacement playing field and landscaping.
- 5.2. The proposed new school would accommodate the same number of pupils and staff (252 no. pupils (+6 SEN places) and 20 no. Full time staff. The main building would be positioned towards the southeastern half of the site with a MUGA and "hard Internal and Social" space between the main building and the rear gardens of properties along Swale Lane to the south east. The playing field would be located within the north western half, as well as car parking spaces, 20 no. cycle parking spaces and screened bin stores. Access to the site would remain via Noel's Court and pedestrian access to the south would be retained.
- 5.3. The proposed building would take an 'L-shape' form with one storey and would be positioned to the south east of the site, parallel to Swale Lane. The proposed school building would be located approximately 20m from the rear boundaries of properties on Swale Lane and approximately 30m from the rear walls/habitable rooms. The existing MUGA would remain in a similar location but would be repositioned slightly to the east in order to accommodate the position of the new school building and hard informal and social space.
- 5.4. The majority of the proposed school building would be single storey in height (approximately 5.4m) and the tallest part of the building would be the hall (9.2m). Additional landscaping would be provided to create additional screening of the building. The building would incorporate PV panels the building itself would be finished predominantly in a "buff" coloured brick with red brick features and grey (and blue) coloured cladding above window head level.
- 5.5. A total of 6 no. individual trees; 1 no. group of trees and the partial removal of two groups of trees would be removed as part of the proposed development. All of the trees to be removed would be Category B or C and 30 no. new trees would be planted as part of the proposed landscaping scheme.

- 5.6. Boundary fencing would entail 2.4m high 'weldmesh' security fencing at the most sensitive areas to provide secure separation between pupils and visitors of the school, located within the car park, main entrances and the south of the proposed main building. Timber fencing of 1.2m in height would be located around the reception play space. The repositioned MUGA would incorporate 3m high games court fencing with lockable gates.
- 5.7. The proposed development would be constructed over 4 no. phases:
- Phase 1- construction of new building and construction vehicle/pedestrian access provided via 'haul road' from Noel's Court via the northwestern boundary around the southern boundary to the proposed building;
 - Phase 1a- installation of sub-station and new services;
 - Phase 2a- demolition of existing school and construction of proposed car park and
 - Phase 2b- sports field, landscaping and car parking entrance to be finalised and 'haul road' removed.

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
- National Design Guide 2021

7.0 CONSULTATION RESPONSES

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

Parish Council: Catterick Parish Councillors discussed the planning application ref ZD24/00252/FULL redevelopment of Michael Syddall School, at the meeting last night and agreed the plans were greatly improved from the last application.

The only concern was raised by a resident about the lighting. Pole lighting in the car park was mentioned in the plans. They are worried about the height the poles might be as they do not want the lighting to intrude onto their property. Lower level lighting would seem more appropriate in the car park.

They were also concerned about the possibility of flood lighting being installed on the playing fields at some later date if the school ever decided to use the playing fields for extra community activities. This would adversely affect the houses surrounding the playing fields. Is there any way that as one of the planning conditions, if planning is granted, that flood lighting is not to be installed in the future?

Division Member(s): No response received.

Climate Change Officer: No response received

Designing Out Crime (Police): is satisfied that the applicant has considered the prevention of crime and disorder and that appropriate measures are to be incorporated to provide a safe and secure environment for all users (in terms of “designing out crime” and anti-social behaviour). Recommendations were made with regards to car parking (above ground anchors and metal support stands for motorcycle/moped parking); a review of lighting within pedestrian walkways, as well as advice on meeting current standards for doors and windows; CCTV and securing items during construction.

Counter Terrorism Policing: Separate responses were received in relation to Counter Terrorism, the details of which are of a sensitive and confidential nature.

Ecology: The revised application now demonstrates an acceptable amount of Biodiversity Net Gains (BNG) (11%) which is considered to be compliant with policy. Further emergence surveys were provided as recommended in the submitted Preliminary Ecological Appraisal (PEA), the results of which have been considered and no further concerns raised on behalf of the NYC Ecologist. Conditions relating to a Mitigation Strategy (as detailed in the submitted PEA) and BNG are recommended.

Education: No response received

Environment Agency: On the basis of the revised Flood Risk Assessment (FRA) dated 17th September 2024, the EA have now removed their previous objection on flood risk issues, subject to a condition to ensure that the flood mitigation measures as set out in the revised FRA are implemented, particularly including precise Finished Floor Levels; flood resilient measures and no ground raising within Flood Zone 3.

Environmental Health: No objections, subject to conditions relating to contamination; adherence to the measures set out in the revised CEMP; restrictions on working hours (Monday-Friday 07:30-18:00; Saturday 07:30-13:0 and no working on Sundays and Bank Holidays).

Lead Local Flood Authority: No objections, subject to a condition to ensure the development is built in accordance with the submitted FRA and Drainage Strategy.

Whilst the LLFA have not previously raised any specific concerns with regards to surface water drainage arrangements, the submitted FRA was revised in order to remove an objection raised on behalf of the EA. The LLFA have therefore been reconsulted on this document and have confirmed no objections.

Local Highway Authority: Amended plans were sought in order to provide changes within turning areas; configuration of parking areas to provide clearance to footways; widening of the vehicular access from the highway and further details relating to phasing arrangements.

There are now no objections on highway safety grounds, subject to conditions relating to the creation of the access, turning and parking areas and the submission of a Construction Management Plan.

NEDL: No response received.

National Grid: No response received.

Natural England: No response received.

Sport England: Sport England have not raised any objections to the application, however, in their initial response, a pre-commencement condition requiring a detailed assessment of ground conditions was recommended (as well as conditions relating to the submission of a “Community Use Scheme” and the construction of the relocated MUGA), to which the agent raised concerns over the timing restrictions and implications for the delivery of the proposed scheme. Having reconsidered the case put forward and that the field would not be used solely by the school, Sport England are now satisfied on the reworded condition (as set out at the end of the report) and request that the other two conditions are attached to any planning permission granted.

Tree Officer: No objections subject to conditions requiring an Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS) and a detailed scheme of landscaping.

Yorkshire Water: Originally noted that proposed tree planting would be sited over the public water supply infrastructure and a revised layout was requested to allow for adequate protection. Further to clarification on arrangements for a new supply to be fitted to the new school, Yorkshire Water have not raised any additional concerns and recommend conditions (relating to waste/foul water) to be attached to any permission granted.

Local Representations

7.2. 11 local representations have been received of which 3 are in support; 4 commenting and 4 are objecting. Comments have also been received from the Swale and Ure Drainage Board whom have offered “no comment” in relation to the application. A summary of the comments is provided below, however, please see website for full comments.

7.3. Support:

- School no longer fit for purpose
- Existing school expensive to maintain and using up valuable resources
- Added (much needed) SEN facilities

7.4. Objections:

- Traffic and parking around Noel’s Court
- Floodlighting being installed
- Boundaries and hedging
- Loss of mature trees and orchard trees
- Noisy outdoors sports
- Block out light to properties along Swale Lane
- Will the field be used during school hours only?
- Construction traffic – parking conflicts and safety
- Single storey but still very high
- Can’t the school be built in the same position?
- Loss of property value
- The landscaping may not be maintained
- Design and material finish of the building not in keeping with surroundings
- Upheaval in a residential area during construction

8.0 ENVIRONMENT IMPACT ASSESSMENT (EIA)

8.1. The development falls within Schedule 2 Category 10(b) Urban Development Projects of The Environmental Impact Assessment Regulations 2017 (as amended) and is an urban project that includes more than 1 hectare of urban development which is not dwellinghouse

development. As such the Council as Local Planning Authority have screened the development and found that it is not EIA development, subject to conditions on Flood mitigation, and no Environmental Statement is required to be submitted with the application. The Screening Checklist which acts as the report and decision is available to view on the Council's website. Nothing has changed since the Screening Decision and it is still effective for the Committee Decision. No conditions are required to rule of a likely significant environmental effect.

9.0 MAIN ISSUES

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

- Principle of development (Community Development)
- Highway Safety and Access
- Design, Appearance and Landscaping
- Neighbour Amenity and Lighting
- Flood Risk and Drainage Arrangements
- Ecology
- Crime and Anti-social Behaviour
- Trees
- Contamination and Demolition
- Sustainability
- Other Considerations

10.0 ASSESSMENT

Principle of Development

- 10.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a strong material planning consideration. The Richmondshire Local Plan 2012-2028 Core Strategy, adopted 2014 constitutes the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF.
- 10.2. The application relates to a site that is already in educational use and it must be acknowledged that the proposals may bring significant Policy considerations and new relationships that must be considered, but that also there are existing arrangements and operations on the site that are established and can be maintained. The application site is located within the Central Richmondshire sub area in terms of the settlement hierarchy and Catterick Village itself is considered to be a "Primary Service Village". There is Local Plan policy support for developments that maintain and enhance the role of the settlement within the hierarchy, particularly where they involve the enhancement of Community, Cultural and Recreational Assets (Core Policy CP11).
- 10.3. It is significant that Paragraph 99 of the National Planning Policy Framework (NPPF) (December 2023) emphasises the importance of providing sufficient school places to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive, and collaborative approach to meeting this requirement, and to development that will widen choice in education. This reflects wider Government educational policy (Securing developer contributions for education, Department for Education (August 2023)). Whilst some have questioned the need for a new school in this location, great weight is given to the enhanced facilities that the proposed new school development would bring and the contribution to the local community, as set out in CP11 of the Local Plan.
- 10.4. The new school would involve the demolition of the existing school building in order to provide a replacement school that would cater for existing and future pupils from ages 7-11,

accommodating up to 252 (+ 6 no. SEN places) and 20 Full Time Equivalent (FTE) staff with no changes to existing pupil or staff numbers. Overall, whilst there are several relevant technical matters to be considered that are covered by other policies within the Adopted Development Plan and the NPPF, the principle of the proposed development is deemed to be in line and supported by the relevant policies of the Development Plan and specifically relevant parts of the Framework.

Highway Safety and Access

- 10.5. Policies CP3 and CP4 of the ADP support development proposals that promote the safety of the population and do not cause significant adverse impact on highway safety. Development should be well related and in proportion to accessible service provision, reducing the need to travel as well as avoiding undue pressure on local infrastructure.
- 10.6. Some of the objections submitted have raised concerns relating to car parking and existing/historical indiscriminate car parking that can take place, particularly within and around Noel Court. The site is surrounded by residential properties on all four sides, but the main vehicular entrance to the site is from the north (and would remain so as part of this scheme). Residents experience these issues mostly from the influx of and exit of parents delivering and picking up students and from after school events, although the configuration of on-site parking can be difficult during the school day when on-site car parking is at capacity. The supporting statement sets out that whilst the number of students and staff isn't set to increase or decrease as a result of the redevelopment, one of the aims is to reconfigure car parking arrangements to make this more attractive to visitors.
- 10.7. Whilst it would be unrealistic (and highly unusual) for all car parking to be provided on site and it is likely that the influx of parents would still involve temporary car parking around the site at certain times of day, the Local Highway Authority (LHA) have assessed the proposals and further to amendments made to the layout, are now satisfied that the revised layout plan meets current NYC highways standards and that the proposals would not lead to a severe highway safety impact, as set out in paragraph 115 of the NPPF. This recommendation is subject to conditions, that largely relate to the implementation of the approved plans and also the submission of a Construction Management Plan, in order to ensure that appropriate safety measures are employed during the construction phase(s) of the development.
- 10.8. In addition, the submitted Travel Plan has been assessed and whilst the proposed development would entail a significant redevelopment of the site, there would be no tangible intensification. For this reason, no additional monitoring of the Travel Plan is considered necessary. In terms of accessibility and sustainability, the application site is positioned within a sustainable located with bus stops and the main High Street within the village within close proximity and walking distance. The existing pedestrian access to the south of the site would be retained; 20 no. cycle parking spaces would be provided along the northern boundary of the site, adjacent to the car park and two of the car parking spaces to be provided would have electric vehicle (EV) charging points.
- 10.9. On the basis of the revised plans and subject to planning conditions (including a Construction Management Plan that would amongst other matters, agree staff parking arrangements during the construction phase of the development), the LHA are satisfied that the proposed replacement school would not have a severe impact on highway safety.

Design, Appearance and Landscaping

- 10.10. The proposed development aims to provide a revised layout in an L-shaped single storey building to the south-east of the site, with SEN resources, a library, staff room, reception, classrooms and main entrance in the southwestern wing of the building. Junior and infant classrooms separated by a corridor would form the 'spine' of the building and staff offices, kitchen, and assembly/dining hall would make up the northern part of the school.

- 10.11. Glimpses of the school site are possible between dwellings on Swale Lane, however, with development on all four sides of the site, the main public views of the school are currently from Noel's Court. The application proposes the demolition of the existing building with car parking to the northern end of the site, so this would open up views of the school from this aspect. However, the site is developed on all sides and so would project into important open spaces or stand in complete isolation.
- 10.12. As a functional, utilitarian building the proposed building design does not seek to copy or replicate any of the existing buildings that surrounding the site in design, which save for the nursery and garage buildings are largely residential (single and two storey dwellings). Nevertheless, the submitted Design and Access Statement shows that consideration has been given to the overall "palette" of building materials in the area and a "buff" brick colour would be used, to follow the tonal qualities of other civic buildings and distinguish from the residential properties, which tend to be red brick in this part of the village.
- 10.13. As mentioned in the planning history section of the report, this application follows a withdrawn scheme which proposed a more modular, double-height of a much darker material finish. This was not considered to be respectful of surrounding buildings (both in terms of scale, height and colour finish) and whilst every application must be determined on its merits, the proposed scheme would provide for a building that would be appropriate in terms of appearance whilst being able to fulfil its function as a school.
- 10.14. As well as a new school building, the scheme would include additional landscaping and a Landscaping Strategy has been developed that would retain existing features where feasible and emphasis on protecting existing mature trees around the site. Whilst the specific arrangements for tree removal and planting will be discussed later in the report, soft landscaping proposals have been drawn up in order to satisfy biodiversity requirements whilst adding to "curriculum activities".
- 10.15. Overall, officers conclude that the proposals would meet the respective requirements of the relevant parts of CP4 and CP13 of the Local Plan and paragraph 135 of the NPPF.

Neighbour Amenity and Lighting

- 10.16. Policies CP3 and CP4 of the Local Plan outline that developments should promote amenity of the population, without causing significant adverse impacts on amenity, whilst CP13 specifically expects a *balance to be made to limit the impact of light pollution from artificial light on local amenity*. Also materially relevant are Parts 12 and 15 of the NPPF, which require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
- 10.17. Residential amenity and the proposed relationship has been raised as an area of contention for some of the properties on Swale Lane, which would be closest to the proposed new school building itself. As well as the physical introduction of the building, queries over future intentions for lighting have been raised. A lighting scheme has been submitted with the application detailing how the car park and some pedestrian areas would be lit, the agent (and school) have confirmed that they have no plans to floodlight the proposed PE field. No lighting is illustrated within the relocated MUGA and social area to the west, and it is recommended this is controlled by condition to ensure that any lighting that may be required in the future becomes the subject of a separate formal planning application, which would have the benefit of full details and further consultation with technical consultees.
- 10.18. An acoustic report details the specific acoustic requirements for the scheme to ensure compliance with the School Output Specification and the School Specific Brief. Noise limits would be provided for external plant which should be 5db below background noise level at surrounding noise sensitive properties and absorption strategies will be implemented across the school to ensure sufficient noise reduction. Environmental Health have reviewed the

submitted documents and have not raised any specific concerns with the technical details as provided subject to these levels not being exceeded after installation has taken place.

- 10.19. At the time of writing this report, the Environmental Health Officer assessing this case is considering an appropriately worded conditions and any update on this will be reported prior to the meeting.
- 10.20. As previously mentioned, the proposed school building would be located towards the south of the site and adjacent to the rear gardens of properties along Swale Lane, as well as to the north of an existing nursery and Catterick Service Station and Co-Op (which both front onto the High Street). In assessing the likely impact on the nearest properties to the site, the Design and Access Statement that was submitted with the application sets out that the double height main hall has been sited away from residential boundaries so as to eliminate the risk of overshadowing and that there would be approximately 29m between this higher part of the building and the nearest facing elevation.
- 10.21. Whilst a Daylight/Sunlight Assessment has also been provided, seeking to illustrate the likely overshadowing at different times of year it is difficult to ascertain the true impact from these images as existing modelling images and a written commentary have not been provided. However, the submitted documents do also show that additional planting would be provided along the southern and eastern boundaries. The highest section of the proposed building would measure approximately 9.23m in height and the lower sections, approximately 5.23m in height.
- 10.22. Properties located nearest to the proposed new building currently benefit from an open aspect, although the school site and the activities associated with it have historically been located to the north. Concerns around the physical impact of siting a building to the eastern side of the site have been assessed and it is considered that due to the distance between properties and rear boundaries to the new building, along with additional planting that would be added, the impact on residential amenities in respect of the physical structure and any overshadowing that might be experienced during the year would not be severe. Members are aware that loss of view, along with impact on property value are not material in the planning assessment and so whilst the 'view' from the rear of properties along Swale Lane would undoubtedly alter, the distance between properties and the proposed building along with planting mitigation proposed is considered to be adequate in this case so as to prevent a significant detrimental impact on 'outlook'.
- 10.23. The MUGA would be slightly repositioned to allow for the siting of the proposed building but as previously mentioned, this area is currently used for outdoor activities and as lighting can be controlled by planning condition, noise and disturbance to surrounding residential properties, including those adjacent to the proposed PE field to the north and west is unlikely to be substantially different from that experienced currently. This matter has been carefully considered by Environmental Health from a technical perspective and no objections are raised, subject to conditions.
- 10.24. On balance, taking into account the existing use of the site as a school; the siting of the building; mitigation that is proposed and conditions that can be imposed to control lighting and boundary treatments, officers consider that the scheme as now submitted would not have an unacceptable impact on the amenity of local residents and that the application complies with the requirements of CP3, CP4 and CP14 of the ADP, as well as the relevant sections of Parts 12 and 15 of the NPPF.

Flood Risk and Drainage Arrangements

- 10.25. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to Flood Zone 1 (areas with the lowest probability of river or sea flooding).

When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where a sequential test and some instances exception tests are passed, informed by a site-specific flood risk assessment.

- 10.26. A Flood Risk Assessment was submitted with the application and sets out that the site is entirely within flood zone 3a, which means that it is at risk of flooding from rivers and the sea. Whilst the site is deemed to be at very low risk of flooding from surface water, sewers and groundwater, the River Swale is approximately 250m northeast of the northern site boundary and Brough Beck, approximately 270m south of the southern site boundary. There is considered to be no risk to the site of flooding from reservoirs.
- 10.27. As mentioned above, for sites such as this that are classified as “More Vulnerable”, a Sequential and Exception Test is required and so this has also submitted with the application to determine if there are any other sites that might be suitable for the proposed development and out of those, which has the lowest flood risk. It was concluded that there are no other available sites within the extent of the village that could accommodate the proposed development. Another important aspect is that the site is already occupied by the school. As a result, there are no other sequentially preferable sites and the Sequential Test has been passed. In terms of the Exception Test, the sustainable benefits of redevelopment this site such as it being ‘brownfield’ land; continued and improved education provision for local children; carbon savings that can be made; sustainable drainage scheme and biodiversity enhancement) are considered to outweigh the risk of flooding.
- 10.28. As part of the consultation process, the Environment Agency (EA) initially responded with an objection to the scheme, on the basis that the submitted FRA failed to consider how people would be kept safe from identified flood hazards; how flooding events would affect people and property and the requirement for flood emergency planning, to include flood warning and evacuation. In addition, the applicants were asked to address whether or not compensatory storage was required and take the impacts of climate change into account.
- 10.29. A revised FRA was recently submitted, seeking to address the matters raised in the EA response and as a result, following further consultation with the EA, the objection has now been removed. This is with a recommendation that the development is carried out in accordance with the revised FRA (dated 17th September 2024), which includes specific flood mitigation measures, such as precise Finished Floor Levels and no ground raising.
- 10.30. In terms of surface water drainage, no objections have been raised on behalf of the LLFA on the proposed scheme, which would involve drainage to soakaway and repairs and potentially replacement of elements of the existing drainage infrastructure. Desktop studies have confirmed that infiltration is a viable option for the management and disposal of surface water on this site, as well as combined SuDS element such as filter drains, permeable paving and underground storage tanks. This would be split into two separate networks to allow for construction phases, with the first network delivered during the construction of the new school building and the second, during the construction of the car parking following demolition of the existing building.
- 10.31. The foul water network is proposed as a pumped system to discharged to the existing combined drain prior to connection to the YW public foul water sewer. On the basis of the revised FRA, Yorkshire Water have confirmed no objections, subject to conditions.
- 10.32. Whilst the FRA and Drainage Strategy was updated in order to remove an EA objection, the LLFA have also been reconsulted on the revised document in order to ensure there are no resultant implications for surface water drainage. On the basis that Drainage Officers have now confirmed that the proposal complies with Council and National Standards in providing a sustainable surface water management solution for the proposed development, and no objections on behalf of Yorkshire Water with regards to foul drainage, subject to conditions

to ensure the proposed development is implemented in accordance with the revised FRA and Drainage Strategy, the drainage elements of the scheme are concluded compliant with the requirements of the ADP, and parts 14 and 15 of the NPPF.

Ecology

- 10.33. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them. Having been consulted on the submitted Preliminary Ecological Appraisal (PEA) and additional emergence surveys carried out, the NYC Ecologist considers the supporting ecological survey work is suitable, subject to a condition to ensure the recommended mitigation is adhered to.
- 10.34. Planning Permissions in England are deemed to be granted subject to the general Biodiversity Gain Condition as set out by Schedule 7A, paragraph 13 of the Town and County Planning Act 1990 (TCPA) as amended by Schedule 14, Part 2, paragraphs 13, 14 and 15 of the Environment Act 2021. This is a pre-commencement condition.
- 10.35. A Biodiversity Net Gain Report followed the submitted metric during the application process and demonstrates that the development is capable of incorporating more than the required 10% net gain for biodiversity (11.10%), however there is a need to ensure that these trees are incorporated into the landscape masterplan and that they are capable of being accommodated on site in terms of having sufficient space and maintenance requirements. Once the Biodiversity Gain Plan (BGP) has been submitted and approved via the statutory deemed condition the approved habitat plan (that accompanies the BGP) cannot then be amended. A Habitat Monitoring and Management Plan (HMMP) will need to be submitted with the BGP to demonstrate how those habitats retained, enhanced and created will be managed to target condition for a period not less than 30 years, secured via a s.106 legal agreement.
- 10.36. The submitted scheme meets the requirements of the for BNG as set out in the ADP and NPPF.

Trees

- 10.37. Arboricultural reports and plans were submitted with the application and revised in July 2024. The Arboricultural Impact Assessment (AIA) confirms that the removal of 5 no. individual trees; 1 no. group of trees and the partial removal of tow groups of trees would be required. All trees to be removed would be either Category B or C trees only. Arrangements for root protection, sequencing of works, protective fencing and protection during demolition and construction have been included in the report, as well as new tree planting and alignment of replacement trees. New tree planting is illustrated along the southeastern boundary (partial); to the north west of the proposed new building and to the north, around the entrance and proposed car park. There are protected trees on the opposite side of the southern site boundary. Although outside of the application site, these trees have been referenced in the submission so that any works within the vicinity can be carried out so as not to cause harm to either the canopies or root systems of these trees.
- 10.38. Having reviewed the revised documents, the Tree Officer has confirmed that there are no objections to the application, subject to conditions. Whilst an AMS report has been provided, the details are considered to be too general and so more detailed plans and statements are required to be submitted and approved prior to any phase of the development (including demolition) commencing. In addition to this, a more detailed landscaping scheme is required, again, prior to commencement. On this basis, the proposals are considered to comply with the requirements of CP12 of the Local Plan.

Contamination and Demolition

- 10.39. A Remediation Strategy has been provided by Roberts Environmental Ltd dated 25th July 2024, document ref: 240725.RS.02; to be read in conjunction with completed report titled, *Phase II Geo-Environmental Site Investigation and Risk Assessment Michael Syddall Primary School, Catterick*, dated April 2024. This has been provided in connection with a request for a formal strategy for removal of any Hazardous Waste known or subsequently found as part of this development process, but with specific consideration of the hazardous waste ground/soil samples identified within the Geo Environmental report located within the play area of this site.
- 10.40. Having been consulted on the application, including the Remediation Strategy and CEMP (which includes arrangements for demolition), Environmental Health have confirmed that they have no objections to the application subject to the imposition of a planning conditions. The recommended conditions set out requirements in the event of contamination being found or suspected during construction, restrictions on working hours and adherence and implementation of the submitted CEMP. Overall, the proposed development does not raise any significant or unacceptable issues in relation to land contamination.

Crime and Antisocial Behaviour

- 10.41. The potential of the site to become a meeting place for crime and anti-social activity is a material consideration and has been raised as an objection by residents through the consultation process. North Yorkshire Police have been consulted on the application and do acknowledge this as a potential issue, based on analysis of police recorded incidents in the area of the proposed development that highlights the presence of crime and anti-social behaviour, which could impact upon the security of the scheme. Although they have not raised any objections to the development, they have recommended the implementation of measures in order to minimise crime associated with the development to be a minimum, including providing sufficient lighting (to be balanced with the protection of amenity as set out in paragraph 10.29 above); landscaping; the locking of bin and recycling stores and the management and maintenance of the site. These measures can be required by planning condition.
- 10.42. Separate responses from have been received from Counter Terrorism Policing. Their initial response made recommendations which the applicant considered and updated their proposals to partially accommodate. A second response was received from Counter Terrorism Policing again with recommendations following the amended proposals. A condition requiring a review of these comments and a final Counter-Terrorism and Crime Prevention scheme to be submitted, approved and implemented is recommended. However, it is likely at least one of the recommendations will not be required by the Local Planning Authority at approval of detail stage as it would be very costly to implement.
- 10.43. If any Members require more detailed information of the Counter Terrorism Policing comments, we recommend contacting the case officer prior to planning committee.

Sustainability

- 10.44. Core Policy CP2 of the Local Plan seeks to ensure that new developments demonstrate carbon savings and all new development is expected to be adaptable to climate change in terms of both location and the specific design and layout of buildings and associated space. Proposals should demonstrate how their design, orientation, materials and construction will minimise mechanical cooling needs and risk of overheating. In addition to this, green infrastructure should be incorporated where possible and show how development will seek to minimise waste production.

10.45. An Energy Strategy Report was submitted with the application and outlines various low carbon measures that would be incorporated into the proposed development. One such measure would include the installation of PV panels on the roof of the building, as well as employing a “Fabric First” approach and “Solar Shading”, heat recovery ventilation and a new “block” heating system with heat pump. It is recommended to secure these measures via condition.

Other Considerations

10.46. The proposed site plans (revised) show that the new school would be constructed partially on the existing playing field. Following the demolition of the current school buildings, a new area of playing field would be constructed to mitigate for that being lost. A Multi Use Games Area (MUGA) would still remain but would be repositioned eastwards. The detailed response on behalf of Sport England includes comments from the National governing Bodies for Sport but overall, have no objections to the scheme. This is subject to conditions relating to the construction of the new sports facilities; a requirement for a Community Use Scheme to be submitted and agreed in writing (to agree details of pricing policy, hours of use, access by non-school users/members, management responsibilities and mechanism for review) and the construction of the relocated MUGA. The scheme is therefore considered to be compliant with the expectations of CP11 of the Local Plan and paragraph 103 of the NPPF.

The Public Sector Equality Duty

- 10.47. 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.
- 10.48. The proposed school has been designed closely in conjunction with the school and Department for Education and there is no overt reason why the proposed development would prejudice anyone with the protected characteristics, as described in this report.

S106 Legal Agreement

10.49. The following Heads of Terms have been agreed with the applicant for this applications.

Table 1		
Category/Type	Contribution	Amount & Trigger
Biodiversity Net Gain	Compliance, funding, monitoring and enforcement	11.10% BNG to be provided

10.50. This requirement complies with CP3 and CP4 of the Local Plan in terms of biodiversity and 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.

11.0 PLANNING BALANCE AND CONCLUSION

11.1. The proposed development would involve the rebuilding and repositioning of an existing school and community facility, using existing arrangements for access and egress. Whilst the scheme seeks to improve the facility for children, including SEN provision and sports facilities. There would be no increase in capacity (pupil places or staff numbers). The site

currently offers some existing after hours community usage and this would continue as part of the redeveloped site.

- 11.2. Heavily weighted in support of the application, paragraph 99 of the Framework advises that great weight should be attributed to the need to create or alter schools through decisions on applications and CP11 of the Local Plan supports developments that aim to enhance community and recreational assets.
- 11.3. It is acknowledged that the proposed building would introduce a building within an area of the school site that is currently "open". However, contrary to some local views expressed through the consultation process, Officers are of the opinion that the scale, and design of the proposed building is appropriate for its intended use and although its position would alter the outlook, particularly from some properties located along Swale Lane, would not lead to an unacceptable impact on neighbour amenity or privacy due to the separation distances involved and additional landscaping to be created.
- 11.4. No objections are raised on behalf of the Local Highway Authority in terms of highway safety and subject to conditions. It is considered that the proposed arrangements would not lead to unacceptable impact on highway safety and any residual cumulative impacts on the road network would not be severe.
- 11.5. Further to the submission of a revised FRA (which now includes specific acceptable flood mitigation measures, such as precise Finished Floor Levels and no ground raising), the EA have removed their initial objection to the scheme. Acceptable arrangements can be made for the provision of sustainable surface water and foul drainage.
- 11.6. The scheme is capable of providing Biodiversity Net Gains of 11.10% (secured via a legal agreement) on site and would also provide for the implementation of measures to minimise crime associated with the development to be a minimum (subject to a condition to require written confirmation that other safety measures set out in the response are agreed in writing by the Police and LPA, prior to the commencement of the development). Also subject to the approval of further details by planning conditions, it is considered that good levels of carbon saving/energy efficiencies and lighting can be adequately controlled by condition to ensure the scheme remains sensitive to residential properties surrounding the site.
- 11.7. Overall, the proposed development meets the requirements and expectations of Spatial Principles SP1, SP2, SP4 and SP5 and Core Policies CP1, CP2, CP3, CP4, CP7, CP11, CP12 and CP13 of the Local Plan and the relevant parts of the NPPF.

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:

Condition 1 Time Limit

Development shall be commenced before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

Condition 2 Approved Plans

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

- a) Application form and Certificate
- b) Location Plan ref. SRP1069-ONE-ZZ-XX-D-L-0015
- c) Planning Statement & Statement of Community Involvement ref. 5686LE.R001
- d) Proposed Site Plan ref. SRP1069-ONE-ZZ-XX-D-L-0002-P19
- e) Proposed Elevations ref. SRP1069-BBA-01-ZZ-D-A-3001-P05
- f) Proposed Roof Plan ref. SRP-1069-BBA-01-RF-D-A-2001-P03
- g) Proposed Upper Roof Plan ref. SRP-1069-BBA-01-R2-D-A-2001-P03
- h) Proposed Ground Floor Plan ref. SRP1069-BBA-01-00-D-A-2001-P08
- i) Proposed Site Sections Plan ref. SRP1069-ONE-ZZ-XX-D-L-0009
- j) Proposed Parking Dimensions ref. 700154-HEX-00-00-DR-TP-0200-P01
- k) Proposed Vehicle Swept Path Analysis ref. SRP1069-HEX-XX-00-DR-H-0002-P03
- l) Transport Statement ref. 700154-HEX-00-TP-RP-X-0001-V03
- m) Travel Plan, dated 18.04.2024
- n) Proposed Lighting Strategy ref. SRP1076-RPS-ZZ-ZZ-D-E-6305-P01
- o) External Lighting Layout ref. SRP1069-TME-ZZ-ZZ-D-E-6314-P01
- p) Lighting Strategy Report ref. SRP1069-RPS-XX-XX-T-E-0004-P02
- q) Acoustic Strategy ref. SRP1069-RAM-XX-XX-T-J-0001
- r) Sunpath Analysis ref. 23131-P03
- s) Site Landscaping Plan ref. SRP1069-ONE-ZZ-X-D-L-0010-P10
- t) Arboricultural Impact Assessment ref. Rev B 31.07.24
- u) Arboricultural Statement ref. Rev B – 31.07.24
- v) Tree Protection Plan ref. Rev B 31.07.24
- w) Tree Protection Plan ref. Arbtech TPP 01-A
- x) Phasing Plan Phase 1 ref. SRP1069-ONE-ZZ-XX-D-L-0011-P04
- y) Phasing Plan Phase 1a ref. SRP1069-ONE-ZZ-XX-D-L-0012-P05
- z) Phasing Plan Phase 2a ref. SRP1069-ONE-ZZ-XX-D-L-0013-P05
- aa) Phasing Plan Phase 2b ref. SRP1069-ONE-ZZ-XX-D-L-0014-P05
- bb) Phase II Geo-Environmental Site Investigation and Risk Assessment ref. 231118.SI.003
- cc) Utility Assessment Report ref. SRP1069-RPS-XX-XX-T-Z-0015-P01

- dd) Remediation Strategy ref. 240725.RS.02
- ee) Site Waste Management Plan ref. MP0063
- ff) CEMP ref. P7 – 08.08.2024
- gg) Net Zero Carbon Strategy Report ref. SRP1069-RPS-XX-XX-T-Z-0011-P01
- hh) Energy Strategy Report ref. SRP1069-RPS-XX-XX-T-Z-0002-P02
- ii) Security Strategy Report ref. SRP1069-RPS-XX-XX-T-E-0006-P01
- jj) Flood Risk Assessment and Drainage Strategy ref. SRP1069-HEX-XX-XX-T-C-0005-P04
- kk) BNG Report ref. V4 – 24.10.24
- ll) Statutory BNG Metric Ref. V4 – 24.10.24
- mm) Bat Emergence Surveys dated 5-8-24

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.

Pre-Commencement

Condition 3 Tree Protection (approval required)

Prior to commencement of development including enabling works a detailed Arboricultural Method Statement (AMS), Root Protection Area (RPA) and alternative construction/protection measures to address conflicts highlighted within the AIA that cannot be designed out and have overriding planning justification, has been submitted to and approved in writing by the Local Planning Authority.

This must include a specification of tree protection measures and an auditable system of arboricultural supervision and monitoring requirements. It must also address how works close to retained trees will be achieved.

The AMS will be implemented in full prior to any works taking place and during the development and tree protection measures must remain in place until for the duration of the construction works or in accordance with any embodied phasing plan.

Prior to commencement of development, an on-site meeting shall be offered to the Local Planning Authority Arboricultural Officer with Site Manager and an appointed Arboricultural Specialist to check all tree protection measures have been installed in accordance with the approved details. At least 3 meeting dates shall be offered and at least 5 working days' notice given. No retained tree(s) shall be felled, pruned or otherwise impacted without the prior written approval of the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details or any variation as may be subsequently agreed in writing by the LPA.

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

Condition 4 Landscaping (approval required)

A detailed scheme for landscaping, including the planting of trees and or shrubs and the use of surface materials shall be submitted to the Local Planning Authority (LPA) and no development shall take place until the LPA have approved such a scheme. The scheme shall specify materials,

species, tree and plant sizes, number and planting densities and the timing of the implementation of the scheme, including any cellular confinement specification and detail as required.

Reason: To ensure high quality landscaping is delivered as part of the development having regard to Policies CP2, CP3 and CP4 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014.

Condition 5 Counter-Terrorism and Crime Prevention (approval required)

Prior to the erection of any external walls or development of the car park above existing ground level, a security assessment update shall be submitted to and approved in writing by the Local Planning Authority. This shall include a review of the specific elements listed in the Counter-Terrorism response, dated 12th August 2024 and whether these can be achieved, together with final security proposals to reflect these comments and review. This can include a benefit/cost analysis where necessary.

Once approved, the development shall be carried out in accordance with the agreed details and retained as such thereafter.

Reason: In the interests of public safety.

Condition 6 Crime Prevention

Prior to the erection of any external walls or development of the car park above existing ground level, details of precise measures to minimise crime and anti-social behaviour (to be in accordance with the advice provided by the Police Designing out Crime Officer dated 16th May 2024) shall be submitted to and agreed in writing by the Local Planning Authority. The approved measures shall be implemented prior to the first use of the buildings within the phase.

Reason: To ensure that the development minimises the risk of crime and anti-social behaviour, and to reserve the right of the Local Planning Authority with regards to this matter.

Condition 7 Drainage and Flooding Design (approval required)

The Development shall be built in accordance with North Yorkshire Council SuDS Guidance and the approved plans and FRA & Drainage Strategy, by Hexaconsulting, Reference SRP1069-HEX-XX-XX-T-C-0005-P04, including the designs within the appendices.

Reason: To ensure that the development is built to the submitted drainage design; to prevent the increased risk of flooding; to ensure the provision of adequate and sustainable means of drainage in the interests of amenity. This condition is required to prevent a significant environmental impact from flooding/flooding risk.

Condition 8 Foul Drainage Details (approval required)

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. If sewage pumping is required from any part of the site, the peak pumped foul water discharge must not exceed 3 (three) litres per second. Furthermore, unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

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

Condition 9 Materials (approval required)

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

Reason: In the interests of the appearance of the proposed development and to reserve the rights of the Local Planning Authority with regard to this matter.

Condition 10 BNG implementation

Prior to the commencement of this development, a scheme for the implementation and full delivery of the approved Biodiversity Gain Plan (BGP), required by the deemed planning condition attached to this permission, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- A timetable for the implementation and Completion of the biodiversity enhancement measures set out in the approved BGP including a definition of Completion of Development
- A timetable for implementation and Partial Delivery of the approved BGP in the event the development is commenced but Completion of Development is not reached and constructions works have stopped for at least 12 months
- Proposal for on-site funding and management of the BGP where these are not detailed in the approved BGP for a 30 year period

The scheme as approved shall be implemented in its entirety in accordance with the timetable set out in the approved scheme or such other period which shall first be approved in writing by the Local Planning Authority.

Any biodiversity features identified for retention in the approved Biodiversity Gain Plan (BGP) shall be protected for the duration of the construction period.

The Local Planning Authority shall be notified in writing within 28 days of the date of completion of the development (including completion of the on-site habitat enhancements). If the development has commenced but Completion of Development is not reached, and constructions works have ceased for a period of 12 months, notice shall be served to the Local Planning Authority in writing within 13 months of the last construction works on site.

Immediately following Completion of Development, or within 13 months of Partial Delivery completion of the development the approved provisions within the BGP in relation to maintenance, monitoring and reporting (sometimes referred to as the Habitat Management and Monitoring Plan) shall be complied with for 30 years.

Reason: In order to meet the requirements of Schedule 7A of the Town and Country Planning Act to achieve biodiversity net gain.

Condition 11 Separate Drainage Systems (compliance)

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

Reason: In the interest of satisfactory and sustainable drainage.

Condition 12 Piped Discharge (compliance)

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

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

Condition 13 Altered Private Access (compliance)

The development must not be brought into use until the access to the site has been widened and reconstructed 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 access must be widened and reconstructed in accordance with the approved details as shown on Drawing Number SRP1069-ONE-ZZ-XX-D-L-0002 Revision P19. And Standard Detail Number A1.

- Any gates or barriers must be erected a minimum distance of 6 metres back from the carriageway of the existing highway and must not be able to swing over the existing highway.
- 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 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.

Condition 14 Provision of Approved Access, Turning and Parking Areas (Compliance)

No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users have been constructed in accordance with the details approved in writing by the Local Planning Authority and as shown on Drawing Number SRP1069-ONE-ZZ-XX-D-L-0002 Revision P19.

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

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

Condition 15 Construction Phase Management Plan (Compliance)

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 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.
2. An area for the parking of all contractors, site operatives and visitors vehicles clear of the Public Highway.
3. An area for the parking of all staff employed by the school clear of the Public Highway.

4. An area for the storage of all plant and materials used in constructing the development clear of the Public Highway.
5. Measures to manage the delivery of materials and plant to the site including the routing and timing of deliveries and the location of loading and unloading areas.
6. A photographic and / or video record of the condition of the entirety of Noels Court which is the road adjacent to the site. 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. 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.
7. The provision of contact details for a responsible person associated with the site who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity

Condition 16 Ecology (Compliance)

The development shall be carried out in full accordance with the recommendations and mitigation measures specified in the approved Ecology Report and Biodiversity reports (listed in Condition 2), as updated January 2024. All on-site enhancement and compensation measures within a phase shall be provided/installed prior to first use of the development hereby approved and thereafter retained and maintained in perpetuity.

Reason: To ensure the full and proper implementation of the approved development in the interests of ecology any protected species.

Condition 17 Contamination -Unexpected Contaminated Land. (Compliance)

If contamination is found or suspected at any time during the 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 (LC:RM), 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 LPA 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: 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.

Condition 18 CEMP (compliance)

The development (including demolition) shall be carried out in strict accordance with the Construction Environmental Management Plan, dated April 2024 (Bowmer and Kirkland).

For the avoidance of any doubt, construction works (including any deliveries of construction materials) for the development shall not take place outside the hours of 8.00 a.m. to 6.00 p.m. on weekdays, 9.00 a.m. to 1.00 p.m. on Saturdays and no construction works or deliveries of construction materials take place on Sundays or Bank Holidays.

Reason: In the interests of the amenities of local residents and to mitigate the impacts of noise and dust during construction works.

Condition 19 Lighting (compliance)

For the avoidance of any doubt, only lighting indicated in the approved plans and technical documents is approved by this permission, which excludes illumination of the PE field, relocated MUGA and informal hardstanding area.

Any additional external lighting to be used on the site shall be first submitted to, and approved in writing by, the Local Planning Authority prior to 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: In the interests of residential amenity and minimising light pollution.

Condition 20 Ecological Measures (compliance)

The development shall only be carried out in accordance with the proposals and mitigation measures (including the timing of such works) specified in the ecology report by arbtech Ltd, dated January 2024, approved as part of this planning permission.

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

Condition 21 Pile Foundations (compliance)

No piling work shall be undertaken until a Piling Method Statement has been submitted to and approved in writing by the Local Planning Authority. Piling work shall be undertaken in accordance with the approved method statement and shall include the following details:

- Details of the method of piling
- Days/hours of work
- Duration of the pile driving operations (expected starting date and completion date)
- Prior notification to the occupiers of potentially affected properties
- Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint

Any Piling operations shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. All piling operations shall be restricted to:

- Monday – Friday: 09:00 – 17:30 hrs
- Saturday: 09:00 – 13:00 hrs
- No working on Sundays and Public Holidays

Reason: To minimise any increases in background sound levels and vibration levels and to protect the amenity of any residents.

Condition 22 Energy (compliance)

The development hereby permitted shall be carried out in accordance with the submitted Energy Statement (ref. SRP1069-RPS-XX-XX-T-Z-0002-P02).

All technologies/ equipment as proposed in the approved Energy Statement shall be delivered in full working condition prior to first occupation of the building(s) hereby approved and shall thereafter wards be retained and maintained for their viable lifetime.

Reason: In the interests of securing a sustainable form of development.

Target Determination Date: 18.11.2024

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

RICHMOND (Yorks) AREA PLANNING COMMITTEE
SUPPLEMENTARY TO COMMITTEE REPORTS
14th November 2024

Agenda Item	Application number and Division	Respondent	
4 Page 59	Ref: ZD24/00397/FULL Division: North Richmondshire	Historic England Comments Archaeology Comments	<p>Consultee Comments</p> <p>Historic England has raised concerns in regard to the application on heritage grounds. The retrospective works took place outside the boundary of the Scheduled Monument, and therefore did not require Scheduled Monument Consent.</p> <p>If the works were not retrospective, Historic England would have expected to see a statement of archaeological potential and an archaeological mitigation strategy agreed with the Local Planning Authority. Such work might have indicated the presence or absence of archaeological material relating to the evolution and development of the planned village. Therefore, without these measures taken place it is considered that the requirements of paragraph 200 of the NPPF have not been met.</p> <p>The site lays in close proximity to the Scheduled Monument at Dalton on Tees. The Scheduled Monument represents the remains of the medieval settlement, its moated site and fish ponds. There is also growing evidence that the village occupies the site of a former Roman fort or marching camp.</p> <p>The application is retrospective, for the replacement of a plastic pipe, with a much larger concrete pipe. The proposal is completely outside of the Scheduled area and also outside of the projected line of the Roman fort. Given that this was a near like for like replacement, and the distance from the known archaeology, it is unlikely that I would have made an archaeological recommendation. However, if further drainage is planned, closer to the core of the village, then archaeological monitoring would be an appropriate response.</p>

Officer Commentary

Paragraph 200 of the NPPF states in determining applications, local planning authorities should require an applicant to describe the significance of any heritage asset affected, including any contribution made by their setting. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

The application site is outside but immediately adject to the nationally important scheduled monument. Dating to a period following the Harrying of the North (1069 - 1070), the monument includes the extensive earthwork and buried remains of the medieval village of Dalton upon Tees, including a moated site, a set of fishponds and parts of the surrounding medieval field system. It is located on elevated ground on the south bank of the River Tees, in fields around the present village. The earthwork and aerial photographic evidence indicates that the settlement was a 'planned village', replacing an earlier settlement which is now lost.

The replacement of the five inch cast iron pipe took place in the fields to the immediate north of the northern part of the scheduled area, but outside the boundary of the scheduled monument. However, because the works have taken place it is not possible to establish if any evidence of the medieval settlement and its land use extended beyond the village further towards the River Tees. Therefore, the potential impact of the works on the significance of the Scheduled Monument was not established in advanced of the works.

Therefore, it is considered without the required information and no assessment of the archaeological potential of the application, and no suggested archaeological mitigation, and no suggested public benefit. It is considered that the works to replace the pipe has failed to demonstrate any archaeological potential of the site and is considered to be contrary to Paragraph 200 of the NPPF. Therefore reason three refusal of the report should be amended to as follows:

		<p>Clarification within report</p>	<p>3. The development is adjacent to an Ancient Scheduled Monument of a medieval settlement of Dalton upon Tees and associated field system. The physical drainage works and operational phase of the new drainage system may impact on the woodland slope it is sited within particularly land stability. Insufficient information has been provided to demonstrate the slope stability will not be affected, and thus the Ancient Scheduled Monument is not affected by the development. Furthermore, with the site adjacent to a Scheduled Monument no archaeological assessment has taken place to assess if the works had a presence or absence of archaeological material. A potential less than substantial harm on the heritage asset cannot be ruled out. No public benefits have been presented that outweigh the harm caused and subsequently it is considered that the development is contrary to paragraph 200 and 208 of the National Planning Policy Framework 2023.</p> <p>The Ancient Woodland of Dalton Woods was formally designated in December 2023 as an ancient semi natural woodland. Within the applicant's application form they have stated that the works undertaken to the pipe were done in June 2023 (prior to the designation of the land as an ancient woodland).</p> <p>However, prior to the retrospective application being submitted an enforcement investigation took place on the site. In November 2023 the Council issued the owner with a Planning Contravention Notice under Section 171C of the Town and Country Planning Act 1990 (as amended). The purpose of this notice was to ask the land owner questions relating to the land and to retain information around the alleged breach of planning control. Within this notice was a part on gullies and the owner replied to the Notice so no new pipe had been installed and only maintenance had taken place in this area. This was confirmed in a site visit undertaken by the Council in November 2023.</p> <p>It is considered that upon review of information provided to the Council that the works took place in around June 2024 and subsequently after the designation of the land as an Ancient Woodland.</p> <p>It is noted that in one of the plans it states that an 18-inch concrete pipe has been installed rather than a 12-inch concrete. It is noted on site that the pipe installed is a 12</p>
--	--	------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

			<p>The assessment continues to be correct in relation to impact from motorcycle trails riding and practice.</p> <p>The impact to the Ancient Woodland continues to be unknown due to insufficient information and detailed, informed and secured compensation proposals. The harm is reduced due to only one of three tracks being located within the Ancient Woodland area, however, the adjoining woodland in which they are located still has a beneficial supporting relationship to the Ancient Woodland.</p> <p>Updated Recommendation That the recommendation is updated to:</p> <p>Minded to Refuse subject to the reasons detailed in the committee report, with reason for refusal 1 updated as per the below text and additional reason (5) listed below, with delegated powers to the Head of Development Management to update the below reason for refusal if Historic England comments are received by 4th December 2024.</p> <p>1. The development is partially located and adjacent to an Ancient Woodland which is a type of irreplaceable habitat and has caused deterioration to this asset both through the construction phase and current operational phase. This harm arises from; destruction of soils, compacting soils damaging functional habitat connections and change to natural drainage. Further harm may also have arisen, but insufficient information has been provided to make an informed professional judgment (due to being retrospective nature) on the extent. This includes an updated Ecology Report taking into account the Ancient Woodland designation, Arboriculture Report, Soil Erosion/Stability Report or drainage/flooding report.</p> <p>The development has public benefits by improving a sports and recreation facility, however, these are not to a wholly exceptional level.</p> <p>The Preliminary Ecological Appraisal dated November 2022 proposed some mitigation and compensation measures, however, these recommendations do not account for the Ancient Woodland designation nor is a legal agreement submitted to secure these off-site measures.</p>
--	--	--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

			<p>The application seeks ongoing permission for maintenance of the tracks including lifting and repositioning rocks which have sunk into the ground, and general repairs and maintenance to the hardcore tracks. Insufficient details have been provided to ascertain the impact of these works to the Ancient Woodland.</p> <p>As such, the development conflicts with Paragraph 186 of the Planning Policy Framework 2023 and Policy CP12 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014, together with Natural England and the Forestry Commission advice for Ancient Woodland.</p> <p>5. The site is in proximity to the Scheduled Monument at Dalton on Tees and which may have also been a former Roman fort or marching camp. Insufficient archaeological information has been provided in the form of a desk-based assessment and walkover to make an informed decision on impact to any archaeological assets and whether mitigation or compensation is required. This conflicts with Policy CP12 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014 together with Section 16 and paragraphs 209 and 2011 of the National Planning Policy Framework, 2023.</p>
6	<p>Ref: ZD24/00252/FULL</p> <p>Division: Catterick Village & Brompton-on-Swale</p>	<p>Consultation Updates</p>	<p><u>Drainage</u> Since the report was published, it has come to light that the latest Yorkshire Water (YW) response on file does not reflect recent discussions and a subsequent informal agreement between the agent and YW as technical consultees. Specifically, the recommended condition relates to a discharge rate of 3l/s instead of 8.4l/s, which is considered to be the “practical minimum to avoid over deepening the pumping chamber and exposing the pump to undue maintenance risk”. Correspondence has been received to indicate that YW are satisfied with this approach, but no formal response has been received further to additional consultation.</p>

Corrections**Case Officer Updates**

Yorkshire Water have confirmed that they are seeking to revise their recommendation imminently in order to reflect the latest revisions and discussions.

In revising drainage proposals, the scheme no longer includes the installation of a sub-station, as referred to in paragraph 5.7 of the report.

Additional Local Representations

None received.

Sport England

The report summarises consultation responses received on behalf of Sport England, confirming that this was subject to conditions being attached to any permission granted. These conditions were inadvertently missed during the drafting process and are to be added as follows:

Additional Condition # (Ground Conditions)

Withing three months of the demolition of the existing school buildings, the following documents shall be submitted to and approved in writing by the Local Planning Authority:

- a. A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the new playing field as shown on plan drawing number SRP1069-ONE-ZZ-XX-D-L-0002, Revision P17 dated 31.07.24, which identifies constraints which could affect playing field quality; and
- b. Based on the results of the assessment to be carried out pursuant to a above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

		<p>The approved scheme shall be carried out in full before the new playing field is brought into use. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.</p> <p>Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Development Plan Policy.</p> <p><i>Informative: The applicant is advised that the scheme should comply with the relevant industry Technical Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to 'Natural Turf for Sport', (Sport England, 2011). The applicant is advised that the Football Association recommended dimensions are:</i></p> <ul style="list-style-type: none"> • <i>Mini-Soccer U7 and U8 (5v5) 37 x 27m (43 x 33m including safety run-off area)</i> • <i>Mini-Soccer U9 and U10 (7v7) 55 x 37m (61 x 43m including safety run-off area)</i> <p>Additional Condition # (Community Use) Prior to the development being brought into use, a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development and thereafter adhered to in perpetuity.</p> <p>Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with Policy.</p> <p><i>Informative: A model Community Use Scheme is available on the Sport England website www.sportengland.org</i></p>
--	--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Additional Condition (relocation of MUGA)

The relocated multi use games area hereby permitted shall not be constructed other than substantially in accordance with Sport England/National Governing Body Technical Design Guidance Notes: Artificial Surfaces for Outdoor Sport guide.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy.

Informative: Sport England's design guidance can be found on this link:

<https://www.sportengland.org/guidance-and-support/facilities-and/planning/design-and-cost-guidance>

Heads of Terms Update

The Officer report sets out that on-site Biodiversity Net Gains of (now demonstrated as 12.62% in the revised BNG Report, dated 24th October 2024) can be achieved as part of the proposed development. In considering the baseline (5.6%), the gains to be achieved are considered to be within the definition of "significant".

However, after further discussion with the NYC Principal Ecologist since the report was published, whilst the gains are deemed "significant", they are not considered to be "highly distinctive". On this basis, it has been confirmed that BNG are capable of being secured by condition with a 30 year monitoring and management plan (which will be submitted alongside the BGP) rather than via a S106 legal agreement.

Officers are therefore satisfied that subject to the mandatory standard condition and Condition 10 in the planning committee report there is no requirement for applicant to enter into a S106 legal agreement for the proposed development.

