

- Meeting:** Richmond (Yorks) Area Planning Committee
- Members:** Councillors David Webster (Chair), Heather Moorhouse (Vice-Chair), Kevin Foster, David Hugill, Karin Sedgwick, Angus Thompson and Steve Watson.
- Date:** Thursday, 10 April 2025
- Time:** 10.00 am
- Venue:** Council Chamber, County Hall, Northallerton

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

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The Council operates a scheme for public speaking at planning committee meetings. Normally the following people can speak at planning committee in relation to any specific application on the agenda: speaker representing the applicant, speaker representing the objectors, parish council representative and local Division councillor. Each speaker has a maximum of five minutes to put their case. If you wish to register to speak through this scheme, then please notify Christian Brennan, Democratic Services Officer by midday on Monday 7 April 2025.

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

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

Agenda

- 1. Apologies for Absence**
- 2. Minutes for the Meeting held on 13 March 2025** **(Pages 3 - 6)**
To confirm the minutes of the meeting held on 13 March 2025 as an accurate

record.

3. Declarations of Interests

All Members are invited to declare at this point any interests, including the nature of those interests, or lobbying in respect of any items appearing on this agenda.

- 4. ZD23/00449/FULL - Full Planning Permission for Residential Development of 27 Dwellings and Associated Infrastructure at Field at Bolton Crofts East of Bolton Avenue and Green Howards Road, Richmond on behalf of Langlands Developments (Pages 7 - 34)**

- 5. ZD24/00597/FULL - Full planning Permission for Erection of a New Employment Unit (Use Class B2 / B8) with Associated Yard and Site Compound at Western House Business Park, East Road, Melsonby, DL10 5NF by Middle Caves Limited (Pages 35 - 52)**

- 6. ZB24/01785/REM- [As Amended] Application for reserved matters approval (appearance, landscaping, layout and scale) for the erection of 109no. dwellings, drainage infrastructure, landscaping and ancillary works (Pages 53 - 80)**

- 6(a) Update Report - ZB24/01785/REM- [As Amended] Application for reserved matters approval (appearance, landscaping, layout and scale) for the erection of 109no. dwellings, drainage infrastructure, landscaping and ancillary works (Pages 81 - 88)**

7. Any other items

Any other items which the Chair agrees should be considered as a matter of urgency because of special circumstances.

8. Date of Next Meeting

10.00am, Thursday, 8 May 2025.

Members are reminded that in order to expedite business at the meeting and enable Officers to adapt their presentations to address areas causing difficulty, they are encouraged to contact Officers prior to the meeting with questions on technical issues in reports.

Agenda Contact Officer:

Christian Brennan, Democratic Services Officer

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Wednesday, 2 April 2025

North Yorkshire Council

Richmond (Yorks) Area Planning Committee

Minutes of the meeting held on Thursday, 13 March 2025 commencing at 10.00 am.

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

Officers present: Fiona Hunter – Development Management, Team Manager, Liam Timmins - Planning Officer, Kate Lavelle, Legal Services; and Christian Brennan and Steve Loach, Democratic Services Officers.

Copies of all documents considered are in the Minute Book

167 Apologies for Absence

There were no apologies for absence.

168 Minutes for the Meeting held on 17 January 2025

Resolved:

That the minutes of the meeting held on 17 January 2025, as circulated and published, be signed by the Chair as a correct record.

169 Declarations of Interests

There were no declarations of interest

Planning Applications

The Committee considered a report of the Head of Development Management – Community Development Services relating to a application for planning permission. During the meeting, Officers referred to additional information and representations which had been received.

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

In considering the report of the Head of Development Management – Community Development Services, regard had been paid to the policies of the relevant development plan, the National Planning Policy Framework and all other material planning considerations.

Where the Committee granted planning permission this was because the proposal 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.

170. ZD23/00665/OUT- Outline planning permission (with all matters reserved except access) for the erection of up to 55 no. Residential dwellings at: Land off St Alkeldas Road, Middleham, North Yorkshire

The Head of Development Management – Community Development Services sought determination of a planning application for outline planning permission (with all matters reserved except access) for the erection of up to 55no. Residential dwellings at: Land off St Alkeldas Road, Middleham, North Yorkshire.

The application was brought to the Committee due to raising significant material planning considerations as affordable housing is proposed lower than the Policy requirement.

It was noted that the application had previously been considered by the planning committee on 12 December 2024 with a resolution of 'minded to grant' subject to conditions and S106 agreement. However, there was an error in this previous Committee Report as it wrongly referred to a requirement for an off-site public open space contribution, therefore, the application was brought back to the Committee for a new resolution.

The Planning Officer highlighted the Officer Update Note which had been circulated to Members and published onto the Council website at item 4(a) of the agenda pack. This provided an update on the 5 Year Land Supply and detailed flood maps for Middleham.

Graham Scotchburn Snell spoke objecting to the application.

The Democratic Services Officer read out a statement on behalf of Middleham Town Council broadly in support of the application but which expressed some concerns.

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

- Concern was raised regarding the reduction from the Policy requirement 40% affordable housing to 31% in the proposals. In response it was stated that the current Adopted Local Plan had not been subjected to any review, which the NPPF requires every 5 years. As such, the Policy is considered out of date and less weight was attached by officers in their assessment. It was considered that the level of affordable housing identified for the development was appropriate as a meaningful contribution whilst the timely delivery if approved .
- It was noted that the previous consideration of the application in December 2024 had resulted in the Committee been 'minded to grant' despite the affordable housing proposals been 31%. It was considered, therefore, that the level of affordable housing indicated was reasonable.
- Concern was expressed that Yorkshire Water has not responded to the consultation despite issues relating to drainage in the development location. It was emphasised that the drainage for the site would be controlled through pre-commencement conditions. Members requested that Yorkshire Water be informed of their concern regarding the lack of response to the consultation.

Resolved:-

That outline planning permission be **GRANTED** for the erection of up to 55 dwellings subject to conditions listed in the report and the prior completion of a S106 agreement for affordable housing and on-site public open space.

Voting record:-

A vote was taken, and the motion was carried as follows:-

6 for
1 abstain

171 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.

172 Date of Next Meeting

Thursday, 10 April 2025 at 10.00am at a venue to be confirmed.

The meeting concluded at 10.45 am.

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

10 APRIL 2025

ZD23/00449/FULL - Full Planning Permission for Residential Development of 27 Dwellings and Associated Infrastructure at Field at Bolton Crofts East of Bolton Avenue and Green Howards Road, Richmond on behalf of Langlands Developments

Report of the Head of Development Management – Community Development Services

1.0 Purpose of the Report

- 1.1. To determine a planning application for Full Planning Permission for Residential Development of 27 Dwellings and Associated Infrastructure at Field at Bolton Crofts East of Bolton Avenue and Green Howards Road, Richmond
- 1.2. This application is referred to planning committee due to raising significant material considerations comprising: provision of housing and lack of 5 year land housing supply; less than substantial heritage harm; and significant biodiversity harm.

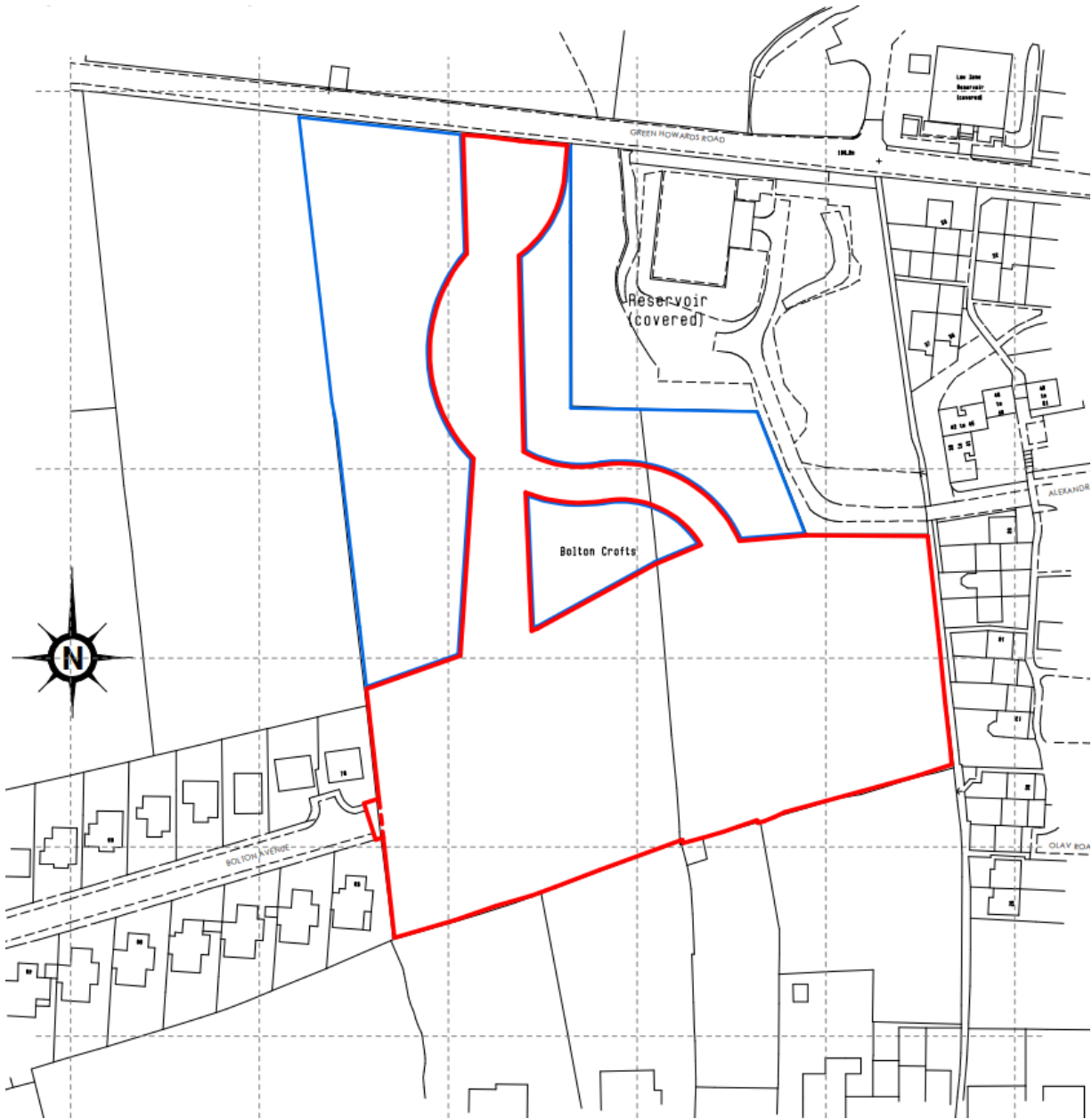
2.0 SUMMARY

RECOMMENDATION: That planning permission be Refused.

- 2.1. The application seeks permission for 27 dwellings, including 29.5% affordable units, with associated infrastructure including public open space and an emergency access. The site is currently undeveloped meadow and grazing land.
- 2.2. The development would have vehicle access from Bolton Avenue to the east, with emergency access to Green Howards Road to the north. To the south, west and east is residential estates.
- 2.3. The site is within a Conservation Area and provides a 'an open and verdant component of the Conservation Area' acting as a 'surviving soft frame'. The development has intervisibility with Grade I listed Richmond Castle which is also a Scheduled Monument.
- 2.4. The Adopted Development Plan Area does not have a 5 year land housing supply, currently standing at 2.8 years which is low. This housing development would provide a meaningful contribution to needed housing in a location near to services and facilities. Paragraph 11 of the NPPF advises in these circumstances that permission should be granted unless (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for; or, (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 2.5. It is considered that the exception under NPPF paragraph 11 (i) and (ii) are met. Specifically in respect to (i), due to harm to the significance of the Conservation Area and Grade I Listed Richmond Castle. For (ii), this is due to significant harm to biodiversity, unsafe emergency

access and poor standards of residential amenity for plots 1 - 9. In addition, there is also the heritage harm. Considered cumulatively, these negatives significantly and demonstrably outweigh the benefits.

Figure 1: Site Location Plan



3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found here:- [Planning Documents](#)
- 3.2. During the course of the application the number of dwellings has been reduced by 1, play space has been proposed and affordable housing increased to 29.5%.
- 3.3. No relevant planning history has been identified for the application site.
- 3.4. A planning application for 32 houses was refused and dismissed at appeal for Hurgill Stables, Hurgill Road, Richmond, DL10 4TA (22/00136/FULL). This application had some similarities, as it is also visible from Richmond Castle and is a sloped site. However, there are material differences between to two: (a) it is adjacent to a Coast to Coast walking route; (b) it immediately abuts a non designated heritage asset; and (c) at the time of the decision the Adopted Development Plan Area had a 5 year land housing supply. It is therefore not considered as part of this report due to these differences. For interested persons reading this report, a link to its applications documents is here: [Planning Documents](#)

4.0 Site and Surroundings

- 4.1. The application sites current use is grazing land. The main body of the application site, the area containing the new dwellings, is rectangular in shape and extends to 1ha. In addition, within the redline is a proposed emergency access link and open space, the whole site comprises 1.39 hectares.
- 4.2. The site is located east of Bolton Avenue and west of a Public Right of Way, with Prior Avenue, Olav Road and Alexandra Way beyond. To the north is a grazing field which the emergency access runs through, connecting to Green Howards Road public highway. To the south, it adjoins the rear gardens of properties at Bolton Crofts including large mature trees along the boundary.
- 4.3. The site lies directly to the north of the historic core of Richmond, within an area known as Bolton Crofts. The site also lies within the Richmond Conservation Area (see Appendix A for a heritage map).
- 4.4. The housing estate to the east was constructed in the 1970s and early 1980's which comprise two storey semi – detached and terraced houses, maisonettes and flats. The housing street to the west the Prior Avenue / Bolton Avenue development comprises mostly large detached three storey properties arranged in a 'hammerhead' layout. To the south are a mix of traditional stone properties and modern infill.

5.0 Description of Proposal

- 5.1. This application seeks full planning permission for 27 dwellings. The proposed accommodation comprises a mix of 2,3 and 4 bedroomed houses and apartments. As well as the mix of dwelling type the proposal includes a range of size, from a 2 bed 62m² apartment up to a 5 bed 173m² link-detached house. The proposal also includes eight affordable dwellings, which are spread throughout the development.
- 5.2. The proposal has a vehicular access from Bolton Avenue, where it is proposed to extend the road into the site. The road extension will include a ramp, a change of surface material and a pinch point to act as a traffic calming measure. An emergency link will connect the site to Green Howards Road but will be restricted to emergency/ pedestrian cycle use only. A new pedestrian link is also proposed linking the existing PRow located to the east of the site with the site.

- 5.3. The remainder of the site slopes up to Green Howards Road. Within this area there will be areas of scrub, grassland, tree lines and hedge planting to achieve biodiversity net gain. As this falls outside the redline, this would need to be controlled via S106 if resolved to be approved.

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
- Richmond Conservation Area Appraisal

7.0 Consultation Responses

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

- 7.2. **Town Council:** Objection – previous objections are sustained.

- Flawed transport strategy incl. Prior Avenue
- Insufficient provision of affordable housing
- Visual representations inadequate
- Reference to NPPR
- Ecology report and inadequate plans
- No bat survey
- In breach of many relevant local, regional and national policies

- 7.3. **Division Member(s):** August 2023: The application site is within a conservation area and on an important part of ever diminishing green belt. It is not with the development boundary of Richmond. There is already considerable concern within the wider community.

Infrastructure in this area is particularly weak and very steep and the area will not benefit from improved gritting by NYC. This means that NYC would authorise yet another “second class” estate with predictable and severe restriction on attendance at work and/or School. The water and sewage system within the Town is incapable of allowing further development.

February 2024: The application will impact on the nature of this conservation area, it will be very visible (especially in Winter) from the vantage point which is Richmond Castle. The proposed development will use an un-gritted and steep access and egress road which is already over populated with vehicles.

7.4. **Highways:**

Highway Surface Water Drainage

It is noted that a combination of Highway surface water and surface water from the plots will feed into a combined surface water drainage system which will ultimately discharge to an existing Yorkshire Water sewer to the west of the site. I would appreciate confirmation that the main drain runs in the proposed development are to be adopted by Yorkshire Water and that only the gullies and their connections to the main drain run will be expected to be adopted by the Council. If this is the case then it would be appreciated if this could be made clear on the drawing.

I would appreciate confirmation that a gully to intercept Highway surface water is to be provided for every 150 m² of drained area within the proposed development.

Priority 'Give & Take' System

The location of the proposed signs on each side of the pinch point is not quite right. Advice about how the signs should be located and their proximity to the associated pinch point and / or road markings can be found in Section 4.8 of Chapter 3 of the 'Traffic Signs Manual', a copy of which can be found on line.

The sign regulations stipulate that the round sign and associated plate should if located within 50 metres of a road lighting column be externally illuminated but it is respectfully suggested that both signs are so illuminated regardless.

Emergency Link

The revised details make mention that the gradient remains at 1:10 but that this could be amended to 1:12 if required. Please could this amendment be made.

Road Lighting

There does not appear to be any details of where road lighting columns are to be located.

- 7.5. **Public Right of Way:** Public Right of Way along the eastern boundary of the site. The existing Public Right of Way on the site must be protected and kept clear of any obstruction until such time as an alternative route has been provided by either a temporary or permanent Order.
- 7.6. **Conservation Officer:** Objects. Their comments are incorporated into the main body of the report and can be accessed here: [Planning Document](#)
- 7.7. **NHS:** The ICB, along with other GP surgeries and partners have identified that the existing practice facilities around Richmond provide inadequate clinical space to deal with expected population increase in the locality. Whilst some limited works could be undertaken to existing premises to partly mitigate the new patient impact, the extension and creation of new floorspace through the redevelopment of the Friary Community Hospital and Surgery would align with the integrated care system strategy outlined in the NHS Five Year Forward View strategy document. The ICB have identified that the strategy at Richmond is the redevelopment of the existing friary hospital resulting in an integrated service thereby providing local resident with care in the medium - long term. The contribution sought should therefore reflect the capital costs associated with the future facility in the area.

The ICB sought advice from its NHS partner, NHS Property Services, on recent costs benchmarks for development of new build healthcare facilities. This equated to £6,068 per m² (once adjusted for professional fees, fit out and contingency, but excluding land

acquisition). Having rebased this cost to Richmondshire using BCIS Tender Price Index, the cost equates to £5,787 per m². Using the above inputs, this calculates the site-specific capital cost contribution for the proposed development to be £31,771. The ICB would request the capital cost contributions be secured through a S106 planning obligation linked to any grant of planning permission.

- 7.8. **Civic Society:** We do not object to this application as it is well screened from town views. We would, however, hope that environmental issues are taken into account in that we would like to see electric car charging points for each property and the use of air source heat pumps for heating. We would also like the block paving to be permeable. We are pleased to see the inclusion of a drainage strategy. We would still like to see the inclusion of air source heat pumps and car charging points in the designs.
- 7.9. **North Yorkshire Local Access Forum:** The Forum notices that the one public open space is not central to the development as advised in the NPPF and therefore not well overlooked which raises the question of safety. We also advise there should be an allocation of visitor parking that complies with the standard provision for 28 dwellings, to avoid parking on the estate roads and pavements, with the obvious issues in relation to health and safety for pedestrians, pushchairs, and wheelchair users. Many of the properties which do not have garages appear not to have designated cycle storage.
- 7.10. **Archaeologist:** The site is likely to have been in agricultural use throughout the medieval and post medieval periods and there is no evidence for earlier activity in the vicinity. It is therefore difficult to build a case for archaeological assessment or mitigation in this instance.

Thank you for the additional information on the Victorian material and aircraft crash site. It is more than likely that the Victorian rubbish is the backfill of small quarries visible on the early Ordnance Survey editions. Although locally interesting, the recent age and nature of the material would not be something that would justify archaeological works.

I have read the webpage regarding the aircraft crash site. This greatly enhances the information we had (including a much more precise location) and I agree that the development is likely to have an impact on the site. The webpage does however suggest that the aircraft was largely removed and parts salvaged following the crash. There is also mention that the site may have been dug out in the 1980s although there is no further information on this. As there are unlikely to be substantive remains, I think a scheme of archaeological works to locate the site and record it during the development would be a proportionate response. This work would need to comply with the Protection of Military Remains Act 1986 where this is deemed to apply. No objections subject to conditions.

- 7.11. **Lead Local Flood Authority:**
1. Runoff Destinations
Runoff is proposed to be discharged to the nearby public sewer system, this appears to be appropriate as soakaways are not viable due to the sloping site and there are no nearby watercourses.
 2. Peak Flow Control
A peak flow rate of 5l/s is proposed, following consultation with Yorkshire Water, a reduced rate of 3.5l/s is requested which is LLFA support, therefore the design and calculations need to be updated for the lower rate of 3.5l/s.
 3. Volume Control
Updated hydraulic calculations are required for the new peak flow rate with the updated 45% CC allowances.
 4. Pollution Control

Pollution from surface water runoff from the development from parking areas and hardstanding areas should be mitigated against by the use of oil interceptors, road side gullies, reedbeds or alternative treatment systems.

Recommendation to the Local Planning Authority:

The submitted documents demonstrate a reasonable approach to the management of surface water on the site. I recommend that the following conditions are attached to any permissions granted

- 7.12. **Environmental Health:** They have considered the potential impact on amenity and the likelihood that the proposed development will cause a nuisance to neighbouring properties, and I consider that the impact will be low. The existing buildings to the eastern boundary of the site are likely to have limited impact on the amenity of the proposed dwellings in relation to noise or odour. Recommend conditions for contamination, noise and dust.
- 7.13. **Ramblers Association:** Ramblers are concerned about the amenity impact of this large-scale development in a conservation area. There is a footpath immediately adjacent to the proposed development. Consequently, assurances are required that during and following any development the footpath explicitly should be maintained unobstructed, offering a clear and safe route for walking, and in a condition suitable for walking. We would expect that any approval for development would be conditional upon this.

There is an existing PROW to the east of the application site, with important views over the immediate Conservation Area and the wider Richmond setting. These views are harmed by the proposals notwithstanding the minor changes made in the amended proposals - and consequently will diminish the amenity of the PROW. The Ramblers are also concerned that the various views offered in the amended proposals may not be formal Verified Views, and as such are only of limited value.

- 7.14. **Ecology:** Object their comments are incorporated in the main body of the report and can be accessed here: <https://documents.richmondshire.gov.uk/my-requests/document-viewer?DocNo=1888425>
- 7.15. **Yorkshire Water:** No objections subject to conditions.
- 7.16. **CPRE North and East Yorkshire:** Object to the proposed development on the following grounds:
The proposal is within the open countryside, outside of the development limits of Richmond in both the adopted and emerging Local Plan;
The detrimental impact on the Richmond Conservation Area, Heritage Assets and their important setting;
The detrimental impact on existing ecology; and
The impact on local infrastructure.
- 7.17. **NYC Education:** Based on the proposed number of dwellings a developer contribution would not currently be sought for education facilities should this application be approved.
- 7.18. **North Yorkshire Police:** Having reviewed the revised drawings and additional information it is pleasing to note that the applicant has sought to address the issues raised in my Designing Out Crime Report dated 25 August 2023, and as a result the scheme will provide a safe and secure environment for all users.

Local Representations

- 7.19. Local representations have been received from 341 people of which 6 are in support and 333 are objecting. Furthermore, there is a petition of 266 signatures objecting with a further petition of 62 signatures also objecting. A summary of the comments is provided below, however, please see website for full comments.

7.20. Objections:

- Contrary to local plan policy
- Site harmful to conversation area
- Impact on local health services
- Climate Concerns
- Ecological Concerns, Loss of Wildlife
- Destruction of Iconic Views
- Noise and Air Pollution
- Light Pollution
- Loss of privacy for existing houses on the east side of the site
- Overbearing aspect of bungalows on east side of site
- Increase in Traffic congestion Prior Avenue/Quakers Lane
- Quakers Lane too narrow
- Prior Avenue too steep and dangerous in winter
- Question delivery of affordable housing and lack of AH
- Huge earthworks
- Footpath to be emergency access, inadequate access road.
- Access to medical facilities in the town is already strained. Both GP surgeries and dental practices are stretched as it is and by adding more central residences, they will become even more exasperated.

7.21. Support:

- They have my full support
- Richmond is short of quality housing to meet demand
- Will support the economy being providing new residents

8.0 Environment Impact Assessment (EIA)

- 8.1. Example 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
- Heritage issues
- Protected Species, Biodiversity and Off-Site Habitats
- Highway
- Affordable housing
- Site Layout
- Design of Dwellings and Appearance
- Drainage and Flooding
- Impact on neighbouring residents
- Residential Amenity of New Properties
- Impact on local health services

10.0 ASSESSMENT Principle of Development

Adopted Development Plan

- 10.1 This site is adjacent to the Development Limit of Richmond, abutting the limits on the sites eastern and western boundaries (Appendix B). Policy CP4 sets out that the location of development should firstly be within Development Limits, and where opportunities do not exist, adjacent.
- 10.2 Spatial Principle SP2 (Settlement Hierarchy) classifies Richmond as a Principal Town which acts in a complementary manner to constitute the main focus in the plan area for housing, employment, shopping, leisure, education, health and cultural activities and facilities.
- 10.3 Richmond lies within Central Richmondshire, which Policy SP1 sets out is the area of greatest growth, reflecting the location of the main towns of Richmond and Catterick Garrison, the scope for development and the scale of existing facilities and infrastructure. This is the area where most housing and employment related development will take place.
- 10.4 Policy SP4 sets out that 79% of new housing will be in Central Richmondshire Sub Area where the site is located. Richmond is to accommodate 8% of all housing growth which is at least 272 dwellings to be delivered by the end of 2029. The Richmondshire District Council Monitoring Report October 2021 details that 224 dwellings have been delivered in the ADP area. Since the reports publication, minor consents totally 19 dwellings bring the total to Richmond to 243 dwellings. This scheme if approved, would therefore assist in meeting the minimum target for the settlement.
- 10.5 The quantity and relative position to the town Development Limit's is considered Policy compliant with the above discussed policies. Given there is only 4 years left in the plan period, and lack of sufficient live housing applications within the Development Limit, there is no confidence that sites within the settlement limit are available instead.

NPPF and NPPG December 2025 and 5 Year Land Housing Supply

- 10.6 The extant Richmondshire Local Plan is now more than 5 years old. In accordance with the National Planning Policy Framework (December 2024), the annual housing requirement for this area is 317 homes, as derived from the Standard Method. Including the relevant 5% buffer, the 5-year supply requirement for this plan area is 1664. Based on the most recent data (from the 2023/24 monitoring period), there is a demonstrable deliverable supply of 923 homes over a five-year period. This translates to 2.8 years of housing supply when measured against the five-year supply requirement. Therefore, paragraph 11(d) of the National Planning Policy Framework (i.e. the "presumption in favour of sustainable development") is engaged for applications involving the provision of housing.
- 10.7 NPPF paragraph 11 advises that where the policies which are most important for determining the application are out-of-date planning permission should be granted unless:
- i. *the application of policies in this Framework that protect areas or assets of particular importance* provides a strong reason for refusing the development proposed; or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination***

**The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 189) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of*

archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change.

***The policies referred to are those in paragraphs 66 and 84 of chapter 5; 91 of chapter 7; 110 and 115 of chapter 9; 129 of chapter 11; and 135 and 139 of chapter 12.*

- 10.8 On the above basis, housing applications such as this one should be granted unless either two exceptions are met (i) and/or (ii). In respect of 11(d)(i) the site is within a Conservation Area and the site can be seen in the context of Grade I Listed Richmond Castle's turret/tower.
- 10.9 In respect of 11(d)(ii) there are adverse impacts which will significantly and demonstrably outweigh the benefits including securing well-designed, which is explored in the remains of the report below. As such, the principle of development is not considered acceptable, and in accordance with NPPF paragraph 11 should be refused.
- 10.10 The application documents has stated the application site has consistently formed part of the Strategic Housing and Economic Land Availability Assessment (SHELAA) for the last ten years, it was last updated in December 2019. This identifies the whole Site (Site Reference 214) as suitable for development, stating that the site is adjacent to existing development limits and is largely screened in its southern part, which offers scope for residential development. However, the SHELAA does not carry any significant weight in the determination of this application and is part of an evidence base for an emerging local plan for Richmondshire which has been abandoned.

Heritage Issues

- 10.11 The site is situated within the Richmond Conservation Area, and forms part of the setting to Richmond Castle which is Grade I Listed and a Scheduled Ancient Monument.
- 10.12 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid in the exercise of planning functions to the desirability of preserving and enhancing the character and appearance of a Conservation Area.
- 10.13 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid in the exercise of planning functions to the desirability of preserving the Listed Building(s) or its setting or any features of special architectural or historic interest which it possesses.
- 10.14 Paragraph 212 of the NPPF sets out 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 (and the more important the asset, the greater the weight should be).
- 10.15 Richmond Conservation Area covering the town centre and Castle was designated as a Conservation Area in 1971, with boundary extensions in 1976, and 1995. The origins and enduring character of Richmond is intrinsically linked to its Castle. A tangible symbol of Norman dominance, the 11th century beginnings of the Castle are attributed to Alan the Red, a relative of the Duke of Brittany. Occupying a naturally strong defensive position on the cliff above the River Swale, Richmond Castle is a remarkable example of an early enclosure castle. Its exceptional interest, attested by its Grade I status, of which there is only 2.5% of listed buildings in England, derives from its evidential, historic, and aesthetic values. It provides an emotive and evocative link to Richmond's mediaeval past and its defensive purpose and is also a Scheduled Monument. Its well-preserved remains illustrate the Castle's multi-period construction spanning the 11th, 12th, 14th, and 15th centuries, culminating in its continued military use as Victorian barracks in 1854. Of note is the survival of almost all its eleventh century masonry including Scolland's Hall – one of the

earliest examples of domestic architecture in England, and the intactness of its square 12th century keep.

- 10.16 The keep dominates the castle, and commands a central position within the town, offering wide ranging views of the surrounding Swaledale countryside. Comprising 3-storeys, with the upper storey accessed by a stair to turreted battlements, the stone keep is 30.6m high having flat buttresses, with an entrance at first floor. This leads into a hall with three large windows that provide framed views to the north. These views are further enhanced and expanded upon accessing the keep's battlements.
- 10.17 Whilst Richmond Castle plays an integral role and significantly contributes to the history and local distinctiveness of the Conservation Area, the unique character and significance of a Conservation Area is often greater than the sum of its parts. Richmond's character and appearance derive not only from its situation and topography having openness at its fringe and a pleasing rural hinterland beyond, but also from its mediaeval street pattern, and the form, layout and materiality of its building stock. This architectural character is based firmly in the local vernacular style of solid robust buildings, generally in linked or terraced form, with restrained detailing and limited openings and its predominance of Georgian buildings – illustrating the town's historic prosperity and wealth in the 18th and 19th centuries.
- 10.18 Collectively it is Richmond's buildings, streetscapes and surrounding landscape which serve to create a Conservation Area of alluring value and distinction.
- 10.19 Whilst acknowledging the presence of a covered reservoir (immediately outside the proposed development site), stone field boundaries and an established tree line, the application site is devoid of buildings. It provides a soft verdant frame which not only contributes to the rural character and topography of the Conservation Area but also to the setting of the Castle. The presence of modern housing to the west (Bolton Avenue) and to the east (Alexandria Way, Alma Place and Olav Road) have had a negative impact on the northern-most component of the Conservation Area and its rural openness.
- 10.20 The Council's Conservation Area Statement in respect to this component of the designated heritage asset states: The one area where modern development has impacted upon this natural setting is Bolton Crofts, an area of steeply rising ground which provides an impressive backcloth to the town. The green swathe cut by Bolton Crofts and reaching deep into the heart of the town, including Ronaldshay Park, the Cricket Field and Friary grounds, is still a particularly striking and important characteristic of Richmond."
- 10.21 Having regard to Section 9 of the Historic England Good Practice Advice Note 3 'Change over time and Cumulative change (Pg. 4)8'. This directs that where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies consideration still needs to be given to whether additional change will further detract from, or enhance, the significance of the asset.
- 10.22 It is noted that the Heritage Statement (HS) (November 2021) and subsequent Addendum (February 2024) consider a series of viewpoints, with their assessment concluding that the overall impact to the identified heritage assets will be minimal and the level of harm to their heritage significance will be at the lowest end of less than substantial harm. Both the Design and Access Statement (DAS) and HS discuss the presence of trees with the HS stating in relation to this component of the Conservation Area that the existing green space is a small and relatively insignificant part of the view of Bolton Crofts, due to the screening and the surrounding houses. In response to scheme revisions, the latter discusses the retention of a key view of the Castle through the site, from Green Howards Road (illustrated on Pg. 20 of the Addendum Report). From Green Howards Road, looking towards Richmond and the castle, the proposed new housing will be visible but – much as when looking in the opposite direction – they will fill in a gap in the existing housing, meaning that

the visual impact will be minor (a photograph from the castle tower is provided as Appendix C). The proposed layout has been designed to leave a view corridor to preserve the view of the castle keep and the town from Green Howards Road.

- 10.23 The Conservation Officer observed an established tree line of deciduous trees to the western edge of the proposed development site. These reinforce the site's verdant character, and in part serve to provide enclosure to the lower scarp of the 'green swathe'. However, diurnal and seasonal changes have not been considered and it should be noted that the presence of natural screening can only mitigate negative impacts, it cannot remove impacts or provide enhancement to heritage assets.
- 10.24 The Conservation officer refers to the Historic England Guidance -The Setting of Heritage Assets, which states, settings of heritage assets which closely resemble the setting at the time the asset was constructed or formed are likely to contribute particularly strongly to significance (Pg. 4). The Conservation officer contests that the subject site is not simply a 'gap' as noted in the HS Addendum. The cartographic evidence illustrates that the site has remained without buildings for centuries, it is a rare survival. In doing so, it forms an integral part of the settlement's significance, acknowledged by its inclusion in the designated Conservation Area. The site also forms a component of the Castle's significance which in part is shaped by its setting. Its position at the heart of the town, affording long range views of the rural hinterland, is a purposeful design intent whose original defensive and military function remain discernible.
- 10.25 During the Conservation officer's inspections they noted that prospects from the north, along the PROW, through and across this component of the Conservation Area towards the south and the Castle are not confined to isolated or channelled views. Whilst noting the visual dominance of the Castle, the ability to recognise the character of the Conservation Area is revealed through its undulating rooflines, churches and landmark buildings, the grain, layout and winding of its streets and the arrangement of its cobbled and green spaces collectively creating a striking visual gem and enabling the observer to read the history of the town.
- 10.26 Indeed, when encountering the northern-most component of the Conservation Area, from the Castle's Keep (publicly accessible), the encroachment of housing and its conflict with this last bastion of openness is particularly stark. The Conservation officer therefore offers that the site's contribution to the designated heritage assets is not simply fortuitous, neither is it a glimpse or channelled view as it is experienced in a wider lens.
- 10.27 Notwithstanding the presence of modern housing which flanks the proposed development site, this should not be seen as a presumption in favour of further encroachment and dilution of the Conservation Area's 'impressive backcloth' and consequently the setting of the Castle. Whilst acknowledging the scheme revisions and attempts made to reduce harm to the setting of the Castle by retaining a key vista, from site observations, it is the principal of infilling this part of the Conservation Area which impacts its character and in turn the setting of the Castle.
- 10.28 The proposed scheme would result in a significant change to what is an open and verdant component of the Conservation Area. It would conceal the heritage asset, as the development proposals would obscure and have intervisibility with the Conservation Area, while depleting what is a surviving soft frame. It would also impact the surroundings in which the Castle is experienced, altering the ability to appreciate and understand its significance from the north. In accordance with Sections 66 and 72 of the Planning (Listed Buildings Conservation Area) Act 1990 (PLBCAA), it is considered that the proposed development fails to preserve the setting of the listed building, and the character of the Conservation Area, resulting in a harmful impact. The degree of harm to the Conservation Area, and the setting and significance of Richmond Castle is 'less than substantial'. The

report author considered the harm to be at the higher end of 'less than substantial' for the reasons described above.

- 10.29 From the Conservation officer assessment they conclude that the application is contrary to Sections 66 and 72 of the PLBCAA, Paragraphs 203 (a & c), 205, 206, 208, and 212 of the NPPF, and Policies CP4 and CP12 of the Richmondshire Local Plan: Core Strategy, which necessitates that development should be consistent with the requirements of Core Policies, and should not impact adversely on the character of the settlement or its setting, important open spaces and views; designated and undesignated heritage assets and the character of the landscape, and should conserve and enhance the significance of the plan area's natural and man-made, designated or undesignated assets. This conclusion is agreed with for the reasons detailed above.
- 10.30 Of particular note in respect of Policy CP 12, the supporting text sets out that when considering matters affecting historic assets, particular regard will be given to historic public viewpoints from Richmond Castle Keep.

Protected Species, Biodiversity and Off-Site Habitats

Local context

- 10.31 The outskirts of Richmond town support an important concentration of species-rich grasslands with international, national and county conservation designations. These are hay meadows, permanent pastures or verges which retain the flora associated with agriculturally unimproved grasslands and often show transitions between lowland and upland plant communities and between neutral and calcareous soils. A pattern of small fields on sloping ground has likely been an impediment to more intensive agricultural management, hence the survival of grassland habitats which have become increasingly rare in the wider countryside.
- 10.32 Examples include: Richmond Meadows and Gingerfields Sites of Special Scientific Interest (SSSIs), parts of which are also components of the North Pennine Dales Meadows Special Area of Conservation (SAC); Theakston Lane Verge SINC; Hudswell Lane SINC; Riverside Walk and Sleegill Fields SINCs; and Temple Grounds SINC. Richmond High Moor SINC is more acidic but represents another significant area of unimproved grassland close to the town.
- 10.33 A short distance upstream of Richmond, there are several grassland sites within the Lower Swaledale Woods and Grasslands SSSI complex including Underbank Farm meadow, Applegarth grasslands and Applegarth Scar, and West Wood Pasture. These again show transitions between upland-lowland assemblages and calcareous-neutral-acidic conditions. The Council Ecologist would advise that the outskirts of Richmond town and adjoining areas of lower Swaledale constitute a nationally important stronghold for species-rich grasslands which must be considered to be of strategic significance, even if no strategic mapping has been formally published. Any example of species-rich grassland in this area has added conservation significance because it provides supporting habitat, can serve as a 'stepping-stone' between designated sites, and helps sustain populations of pollinating insects which are crucial to the ecological functioning of the habitat.

Capacity to deliver biodiversity net gain.

- 10.34 The Biodiversity Net Gain report describes habitat within the red line boundary as predominantly 'other neutral grassland' in good or moderate condition. As most of this would be lost, it is proposed to compensate for this by enhancing an off-site field of agriculturally improved grassland by seeding and other management. In addition to its distant location, the Ecologist concern is that the mitigation site will, by definition, have been highly impacted by intensive agricultural management such as reseeding with vigorous grass cultivars, fertiliser inputs and herbicide treatment; this is borne out by the comments in paragraph 5.3.1 of the BNG Report. Converting this impoverished habitat to botanically

diverse grassland ('other neutral grassland' in moderate condition) is likely to require detailed and sustained management by experienced conservation practitioners over a long period.

- 10.35 The Council Ecologist would also question the viability of maintaining areas of high nature value grassland within the proposed development (BNG Assessment para 6.2.2 and botanical report). In addition, they are unconvinced that areas currently mapped as tall herb vegetation could easily be converted to diverse grassland. The current dominance of competitive, bulky, nitrogen demanding plants such as False Oat-grass, thistles and nettles likely marks areas where the soil has been physically disturbed or has become nutrient-enriched. Cutting these areas and sowing seeds as per the BNG Assessment is unlikely to produce species-rich grassland without several years of sustained management.
- 10.36 The applicant has submitted contradictory assessments of the ecological quality of the grassland, the findings of the Ecological Appraisal by MAB differing significantly from those of Dryad Ecology. Neither assessment identified a number of plants credibly reported by local residents which are significant indicators of species-rich grassland of high conservation value.
- 10.37 An area of grassland mapped as being in Moderate condition during the original BNG assessment was downgraded in the EclA survey (revised BNG report, section 5.1). The Ecologist does not know why this has been downgraded as the first survey was undertaken during the optimal period for surveying grassland (May) and the latter was undertaken during a very suboptimal period (late winter). It is considered that this is a most unsatisfactory approach. For these reasons, the Ecologist is not satisfied that the grassland has been fully assessed and their original advice of 9 October 2023 stands:
- 10.38 Due to the uncertainty as to the ecological quality of the grassland and the contradiction within the applicant's assessments, my advice is that the field needs to be mapped using National Vegetation Classification methodology during the period mid-May to mid-July. A minimum of five 2x2 metre quadrats should be recorded for each homogeneous stand of vegetation and data should be analysed using appropriate software. The grassland should also be assessed against the North Yorkshire SINC guidelines.
- 10.39 The biodiversity net gain assessment proposes to deliver an uplift of around 33% for area-based habitats, partly through off-site measures at Hornby. For the reasons explained in the Ecologists previous response, their advice is that even if successful, grassland enhancement at Hornby would not compensate for the loss of habitat at Richmond due to isolation from other herb-rich grasslands. Also, for reasons previously stated, they have reservations as to the likely success of proposed on-site and off-site measures. The proposed planting of extra-heavy standard trees within the retained grassland is likely to result in loss/degradation of habitat and it would be more appropriate to concentrate on measures to restore the botanical quality of the retained habitat.

National Vegetation Classification assessment

- 10.40 The Council Ecologists has accepted that the field to the east, adjoining Olav Road, is of lower nature conservation value due to a history of ground disturbance, however A National Vegetation Classification (NVC) survey was requested to provide a more precise classification of grassland than the broad-brush categories used in the UKHabs system. A NVC survey is an important and widely used method for ecological assessment, especially where there is uncertainty as to the typology of grasslands. Methodology is set out in the National Vegetation Classification users' handbook.
- 10.41 A Local Planning Authority's role in assessing the ecological impact of development proposals is not limited to checking Biodiversity Metrics or protected species information but also involves understanding the overall ecological quality of a site and the effect of the

proposed scheme on local habitat networks. In this case, there have been a number of contradictions in the information submitted by the applicant, so it is reasonable and appropriate to ask for a higher-resolution survey.

- 10.42 The Council Ecologist surveyed the area previously highlighted as resembling species-rich grassland, in the vicinity of the proposed access road. Five 2x2 metre quadrats were sampled in this area on 16th June 2024 using the standard NVC methodology. Data were entered into MAVIS software, which produces coefficients of similarity based on NVC reference data. An average (mean) of 17.4 species of vascular plant was recorded per quadrat, which is moderately rich. MAVIS identified the most similar NVC plant community as MG5a, the Meadow Vetchling subcommunity of Crested Dog's-tail – Common Knapweed grassland, with a similarity coefficient of 57.51%. MG5 is the characteristic grassland of old, agriculturally unimproved meadows and pastures on well-drained soils and is one of the plant communities associated with Lowland Meadow priority habitat; the MG5a subcommunity is typical of clayey soils of neutral pH.
- 10.43 However, the data also showed a slightly lower correspondence to MG6, with a similarity coefficient of 55.49% for MG6b, the Sweet Vernal-grass subcommunity of Perennial Rye-grass – Crested Dog's-tail grassland. MG6 is a plant community associated with permanent pasture, varying from grasslands which have been quite heavily modified by modern farming practices through to herb-rich swards which are similar to MG5 but contain a more restricted range of indicator species. The MG6b subcommunity is its richest expression, with fine-leaved grasses and broad-leaved herbs (forbs) making a greater contribution than in more agriculturally improved grasslands.
- 10.44 In reality, the plant communities described in the NVC are not discrete entities but exist on a continuum. Therefore, it is reasonable to conclude that the grassland in the area sampled is borderline between MG5 and the richest expression of MG6, with MG5a as the closest subcommunity. A separate quadrat was recorded at NZ 17105 01440, an area with a relatively coarse grass sward but a cluster of indicator plants such as Common Knapweed, Common Bird's-foot Trefoil and Lady's-mantle. Twenty-one species were recorded and MAVIS produced a similarity coefficient of 63% for MG5a, 61% for MG5 as a whole and 60% for MG6b. This places the sample more firmly within MG5a but again the grassland is not dissimilar to MG6.

Assessment using SINC guidelines.

- 10.45 Sites of Importance for Nature Conservation (SINCs) are a 'second tier' of wildlife sites underpinning the network of nationally important Sites of Special Scientific Interest (SSSIs). SINCs are of county-wide importance for the conservation of biodiversity and are designated by the North Yorkshire SINC Panel using published guidelines. The selection criteria are in the public domain and readily accessible (neyedc.org.uk/ecologists). The submission documents do not consider these.
- 10.46 The North Yorkshire SINC guidelines rely mainly on botanical indicators of habitat quality. Guideline Gr2 is the most relevant for neutral grassland in this location and is accompanied by a table of indicator plants. The qualifying threshold is 12 points, with some of the rarer indicator species scoring 2 points.
- 10.47 The survey by the applicant's ecologists provides a score of 9 points using Guideline Gr2. In the absence of further information from the applicant's ecologists, the Council's ecology carried out a brief botanical survey of the western field on 12th June 2024. This survey produced a score of 19 points using the same. However, the SINC guidelines advise that the abundance and distribution of qualifying species should be considered, so that species found in very small amounts or only at the margins of the site are not given undue weight. Several of the indicator species recorded at Bolton Crofts were only found in small numbers or in restricted areas. Nine of the indicator species have an abundance of at least

Occasional, with the others rated as Rare, Very Local or Not Assessed. On this basis, the western field would not automatically qualify but would merit consideration by the North Yorkshire SINC Panel.

Priority Habitat status

- 10.48 Local Planning Authorities have a statutory duty to consider priority habitats, referred to more formally as Habitats of Principal Importance in Section 41 of the Natural Environment and Rural Communities Act 2006. The grassland on the route of the proposed access road meets the UKHabs definition of Lowland Meadow on the following basis (Table 2):

Criterion	Evidence
>30% contribution of forbs to sward	Quadrat data averages 63.2% forb cover
<10% cover of Perennial Rye-grass & White Clover	Quadrat data averages 7.8% cover of these species
4 or more listed indicator species present	7 species listed present
3 or more indicator species at least 'occasional' on DAFOR scale	4 species listed at least Occasional
Conformity to NVC type	Closest statistical match is MG5a

Table 2: assessment of grassland in the vicinity of Quadrats 1-6 (see Figure 1)

- 10.49 Whilst this is unlikely to apply to the western field as a whole, it does show that the proposed development would result in some loss of Lowland Meadow priority habitat, which is not reflected in the Biodiversity Net Gain calculations submitted by the applicant.

Overview

- 10.50 The Ecological Impact Assessment submitted by the applicant's ecologist states (paragraph 7.1.1) that the habitat affected by the development includes semi-improved grassland, tall ruderal vegetation and scrub, noting "The species identified are generally common and widespread, and of relatively low botanical interest with the site dominated by cock's-foot and creeping buttercup. There are small areas of more species rich semi-improved grassland with ribwort plantain, yarrow, meadow saxifrage, meadow buttercup". The Councils Ecologists consider that this significantly under-states the ecological quality of the western field. This field supports grassland of variable quality but including several relatively extensive areas which meet or approach Lowland Meadow Priority Habitat quality. Detailed botanical assessment shows that some of the grassland on or close to the proposed access road most closely resembles the Meadow Vetchling subcommunity of Crested Dog's-tail – Common Knapweed grassland, coded MG5a in the National Vegetation Classification, although it is also comparable to the richest types of permanent pasture described under the Sweet Vernal grass subcommunity of Rye-grass – Crested Dog's-tail pasture (MG6a). Pockets of MG5a also occur lower down the slope, within the footprint of the proposed development itself.
- 10.51 The western field as a whole is potentially of SINC quality as neutral grassland habitat, supporting considerably more indicator species than are listed in surveys by the applicant's ecologist.
- 10.52 The Council Ecologist is of the opinion that the applicant has under-stated the ecological quality of the western field. This field supports grassland of variable quality but including several relatively extensive areas which meet or approach Lowland Meadow Priority Habitat quality. Furthermore, the western field as a whole is potentially of SINC quality and therefore the proposal is contrary to Policy CP12 of the ADP, which requires that proposals should not have a detrimental impact upon the significance of a natural asset and if harm there should be sufficient mitigation. Paragraph 193 of the Planning Framework states that

when determining planning applications, local planning authorities should apply the following principles: (a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. The proposal would lead to significant harm to biodiversity and would not be adequately mitigated.

Highways

- 10.53 The Council have received a number of concerns regarding the proposed access arrangements and potential traffic congestion as a result of the development. In particular the comments from local persons consider there will be traffic congestion at the junction of Prior Avenue/Quakers Lane, Quakers Lane is too narrow and Prior Avenue is too steep and dangerous in winter. Furthermore, Green Howards Road is a busy, narrow road used by HGVs, vans and cars and it is not practical or safe to have an 'emergency' road leading from it into Bolton Crofts.
- 10.54 Paragraph 116 of the Planning Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe. Therefore, the 'bar' is set high for a proposal to be refused on highway grounds.
- 10.55 The Highway Authority have made comments to the proposed scheme, which is reported above. Most of their comments require slight amendments to the scheme which could be conditioned. However, they have asked that the gradient of the emergency road to be changed from 1:12 to 1:10, and it is not known if this is achievable and if it is, this can be accommodated within the redline. For this specific reason the development is not considered acceptable due to the need for the emergency access and it is currently too steep. As such the development conflicts with Policy CP3 (c) and NPPF paragraph 115 (b) in relation to public safety/safe access.

Affordable Housing

- 10.56 Policy CP6 requires in this location that 40% of dwellings to be affordable tenure. The split of affordable to accord with the most recent Strategic Housing Market Assessment, which is from 2019, and recommends 50:50 affordable rent and intermediate. The proposal is for 8 affordable houses, 29.9% affordable, with 0.1% equivalent commuted sum. The proposed mix is: 2 x 2 bed apartments and 2 x 2 bed bungalow at Discount for Sale, and 1 x 2 bed house, 2 x 3 bed house and 1 x 4 bed house for Social Rent. It is understood that there is a need for 1 bed units, and attempts have been made to discuss the mix with the council's housing officer, but with no response. In the absence of a comment from the Housing Department it is considered that this proposed affordable housing mix tenure is acceptable. If approved, the affordable provision would need to be secured by S106 agreement.

Site Layout

- 10.57 The site layout is laid out with an east-west access road and the houses leading off from this. At the western part of the site is a green buffer adjacent to the PRow and next to this 5 bungalows. This arrangement reduced the impact of the development to existing properties and is considered an acceptable arrangement.
- 10.58 The Public Open Space is a rectangle between two houses (with attenuation basin underground). Due to the basin underneath, the area may not be able to include any trees of heavier equipment such as play items. Leading off from this to the north is a pedestrian footpath with 'informal play' and benches. This route benefits from views of the castle. Play equipment indicatively shown include a slide, climbing frame and natural elements of logs and boulders. The slope is 1 in 12.

- 10.59 Policy CP11 requires 3,504sqm of public open space including a LAP and LEAP. This is over a third of the main site area and is considered excessive. Instead the POS totals 1,186sqm and is considered acceptable, even though not Policy compliant.
- 10.60 The proposals include a through route for pedestrians from Bolton Avenue to the Public Right of Way along the eastern boundary. Pedestrian and cyclists will also have access to a path and the emergency route leading to Green Howards Road. This is considered positive for sustainable transport and local health by the creation of walking routes and to facilitate shorter and more direct pedestrian routes.
- 10.61 The emergency link will not prevent the remains of the field to the east and west being meadow land. The Site Plan labels this as 'grazing land', however, it is not clear how this would work with the POS, and would need to be controlled in the S106 if approved.
- 10.62 Only category C trees are proposed to be removed to facilitate the development.
- 10.63 Two views corridors to the castle are left clear of buildings to ensure that not all views are cut off.
- 10.64 Aspects of the layout considered negative are the sterile POS rectangle and overshadowing from the trees to plots 1 – 9 (discussed below). The development therefore partly conflicts with Policy CP13 and paragraph 11 and Section 12 of the NPPF.

Design of Dwellings and Appearance

- 10.65 The application proposed a mix of single storey, two storey and three storey units. The elevation designs are varied with detailing to add interest. The approach is considered acceptable and reflects the varied nature of the architecture in the housing estates to the west, south and north.

Drainage and Flooding

- 10.66 The site is not at risk from flooding from rivers, seas or surface water, other than a small north-south area at risk of surface water flooding. The application proposes to direct water to an underground attenuation tank before discharging at a controlled rate to the public sewer in Bolton Avenue. Yorkshire Water and the LLFA have asked that the discharge rate is reduced from 5l/s to 3.5 l/s which can be conditioned. The system is designed for 1 in 100 year rainfall event, with additional allowance for climate change. There are no water courses nearby to drain to, and the sloped nature of the sites makes it unsuitable for infiltration. Plots 1 to 7 will require internally pumping. The LLFA consider the drainage strategy acceptable.
- 10.67 Foul water is proposed to be drained to the adopted sewer in Bolton Avenue. Yorkshire Water have not objected to the application subject to conditions relating to an easement and waste water.
- 10.68 It is considered the surface water and foul water strategy works and won't cause on or off site flooding. The planted areas will allow for some natural absorption. The proposal in respect of flooding and drainage are considered suitable and comply with Policy CP2 and Section 14 of the NPPF.

Impact on neighbouring residents

- 10.69 The local residents have expressed concerns that the proposal will result in a loss of privacy for the existing houses on the east side of the site. In particular the neighbouring properties located on Olav Road and Alexandra Way. In assessing the site layout plan, the rear of No's 13-20 Olav Road faces the site. To the rear of the neighbouring properties there is a footpath and further west the proposal includes an area of open space and then the dwellings. The nearest dwellings comprise plots 15-18, consisting of two storey and

single storey dwellings. Plots 15-17 face towards the rear of 13-16 Olav Road, however the distance between them is approximately 30 metres, which is considered a significant separation distance to ensure the neighbouring residents will not result in unacceptable overlooking or sense of enclosure. The distance between plot 18 and No's 16/17 is closer, about 20 metres, however plot 18 is a single storey dwelling and the neighbouring residents will face the side of the dwelling.

- 10.70 The dwellings leading to the site will experience additional car movements to the front of their properties, however, the harm from this is not considered to be significant to their amenity
- 10.71 Overall, the neighbouring residents will not have experience an unacceptable harm from loss of privacy or noise from the proposed dwellings and the development complied with Policy CP3(c) and NPPF paragraph 135(f).

Residential Amenity of New Properties

- 10.72 It is considered that all new dwellings would have adequate size gardens and levels of privacy. Some properties are north of existing mature trees which will cast some shadow onto their gardens and south facing windows. In addition, it is relevant to consider perceived harm by way of enclosure.
- 10.73 The applicant has submitted a Site Layout Plan overlaid with an aerial photograph showing overshadowing from May (Appendix D), time unspecified but likely around 12 noon from the direction of shadows. Midday is when the sun is at the highest and shadows shortest, so this one aerial photograph is limited in terms of demonstrating the extent of overshadowing to gardens and the south facing dwellings windows. The latest layout plan shows the extent of overshadowing between April to August (also Appendix D).
- 10.74 In addition, an Internal Daylight, Sunlight and Shadow Report has been provided. This report includes site modelling. This report evidences the following:
- On 21st March, all properties will have at least 2 hours of direct daylight in a 1/3 or more of their private gardens
 - On 21st June, all properties will have at least 2 hours of direct daylight in the vast majority of their private gardens
 - 17 of the 19 habitable rooms in Plots 1-6 will fully comply with the daylight criteria set out within the BRE and the UK National Annex. The analysis results show that the remaining 2 rooms fall marginally short of guidance. It should be borne in mind, however, that the assessment has been based upon the surrounding trees being in full leaf for the whole year, when this is not in fact the case in view of the types of trees.
- 10.75 In conclusion, it is considered that internal daylight levels are acceptable. Some rear gardens (plots 1 – 9 worst affected) will have limited direct daylight, however, the application documents demonstrate they will benefit from at least 2 hours in some of their gardens. These properties will also experience a sense of enclosure from the trees due to their height and size. The development therefore partly conflicts with Policy CP3 and paragraph 135 (part f) of the NPPF as it is not considered that plots 1 – 9 have a high standard of amenity due to the shadowing and sense of enclosure in their rear gardens. Two hours of direct daylight in the rear gardens of 9 plots is not considered a high standard of amenity.

Impact on local health services

- 10.76 Local residents have raised concerns that both GP surgeries and dental practices are stretched as it is and by adding more central residences, they will become even more

exasperated. However, the NHS within their consultation have said the increased residents can be mitigated by a capital cost contribution, which can be secured through a S106 planning obligation. It is understood that there is a dentist shortage England wide, no dentists have come forward seeking support for opening or extending a practice.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. Summarise The site is located adjacent to the Development Limit of Richmond, which is a Principal Town, which is one of the areas where the most housing and employment related development will take place (Policy SP 2).
- 11.2. The adopted development plan area only has a 2.8 year 5 year land housing supply, which is a significant material consideration of great weight in support of the development. NPPF paragraph 11 stipulates where the most important policies for an application are out-of-date (SP4 in respect of minimum housing delivery) that consent should be granted subject to two sets of exceptions. It is considered that the two exceptions are met and that planning permission should be refused as set out below.
- 11.3. The application site is undeveloped meadow land in a Conservation Area and forms part of the setting of the Grade I Listed Richmond Castle which is also a Scheduled Ancient Monument. These are asset of particular importance, as referred to by NPPF paragraph 11 (d)(i). The development will result in less than substantial harm to these designated heritage assets at the upper end. The public benefits of the development are the provision of 27 houses (strong weight due to low 5 year land housing supply) and introduction of new walking links (moderate weight due to health and sustainability benefits), however, these are not considered sufficient to outweigh the permanent heritage significance harm which is considered provides a strong reason for refusal.
- 11.4. It is also considered that there are adverse impacts of granting planning permission which would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination (NPPF paragraph 11(d)(ii)). These are: significant harm to biodiversity, unsafe emergency access and poor standards of residential amenity for plots 1 - 9. In addition, there is also the heritage significance harm. Considered cumulatively, these negatives significantly and demonstrably outweigh the benefits.
- 11.5. The scheme proposes affordable housing, however, 10% less than required by Policy CP6 and therefore is of very little positive weight.
- 11.6. All of aspects are considered acceptable.
- 11.7. On the basis of the above the recommendation is to refuse.

12.0 RECOMMENDATION

- 12.1. That That planning permission be REFUSED for the following reasons:

The Adopted Development Plan area does not benefit from a 5 year land housing supply and as a housing proposal, paragraph 11 of the National Planning Policy Framework is triggered; which advises that planning permission should be granted unless two exceptions are met. It is considered that exceptions 11 (d)(i) and (ii) are met for the reasons below.

- i. The application site is entirely within a designated Conservation Area which is an asset of particular importance, and the loss of this undeveloped land to housing will erode the

significance of the Conservation Area and the setting of the Grade I Listed Richmond Castle and Scheduled Monument (another asset of particular importance). This is for several reasons, however, of particular importance is that the site has remained without buildings for centuries, a rare survival. In doing so, it forms an integral part of the settlement's significance, acknowledged by its inclusion in the designated Conservation Area. The site also forms a component of the Castle's significance which in part is shaped by its setting. Its position at the heart of the town, affording long range views of the rural hinterland, is a purposeful design intent whose original defensive and military function remain discernible. The site can be seen from the castle turret and helps viewers understand the settlements historic past. The change of this site to housing will deplete what is a surviving soft frame for the town.

The proposal would cause less than substantial harm to the character or appearance of the Richmond Conservation Area, and the setting of the Grade I Listed, Scheduled Monument Richmond Castle. The public benefits of the development are the provision of 27 houses and introduction of new walking links.

Whilst 27 houses is an important public benefit, and the new walking links a moderate public benefit, cumulatively these are not considered of sufficient weight for the permeant development of the site, resulting in the degradation of the understanding of the settlement's history, part of the Conservation Area and Castle's significance.

The application is therefore contrary to the requirements of Policies CP4 and CP12 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014 and Paragraphs 11 (d), 203 (a & c), 205, 206, 208, 212 and 215 of the National Planning Policy Framework 2024.

- ii. It is considered that the adverse impacts of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for securing well-designed places as discussed below.

The application under-states the ecological quality of the western field of the site. This field supports grassland of variable quality but including several relatively extensive areas which meet the quality of a Lowland Meadow Priority Habitat. The western field as a whole may be of sufficient quality to be a Site of Importance of Nature Conservation. insufficient information has been submitted to rule either of these out. The proposal is likely to lead to significant harm to biodiversity, which would not be adequately mitigated. The proposal is therefore contrary to Paragraph 193 of the Planning Framework and Policy CP12 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014.

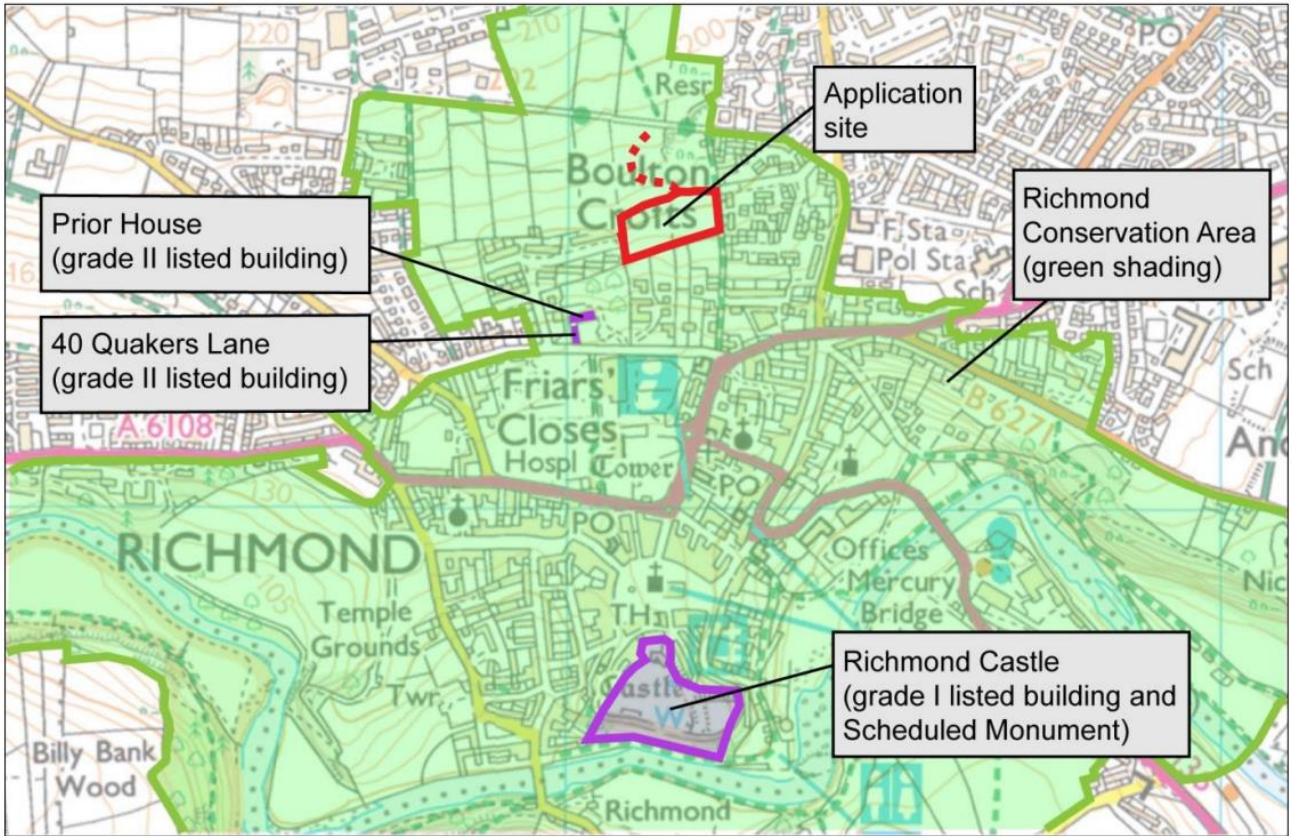
The emergency access is too steep and would not be sufficiently safe to accommodate emergency vehicles. As such the development conflicts with Policy CP3 (c) of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014 and National Planning Policy Framework 2024 paragraph 115 (b).

Plots 1 to 9 private gardens would be severely overshadowed by existing off-site mature trees, together with experiencing a sense of enclosure. As such, the development is not considered to offer a high standard of amenity for future residents. As such the development conflicts with Policy CP3 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014 and paragraph 135 (part f) of the National Planning Policy Framework 2024.

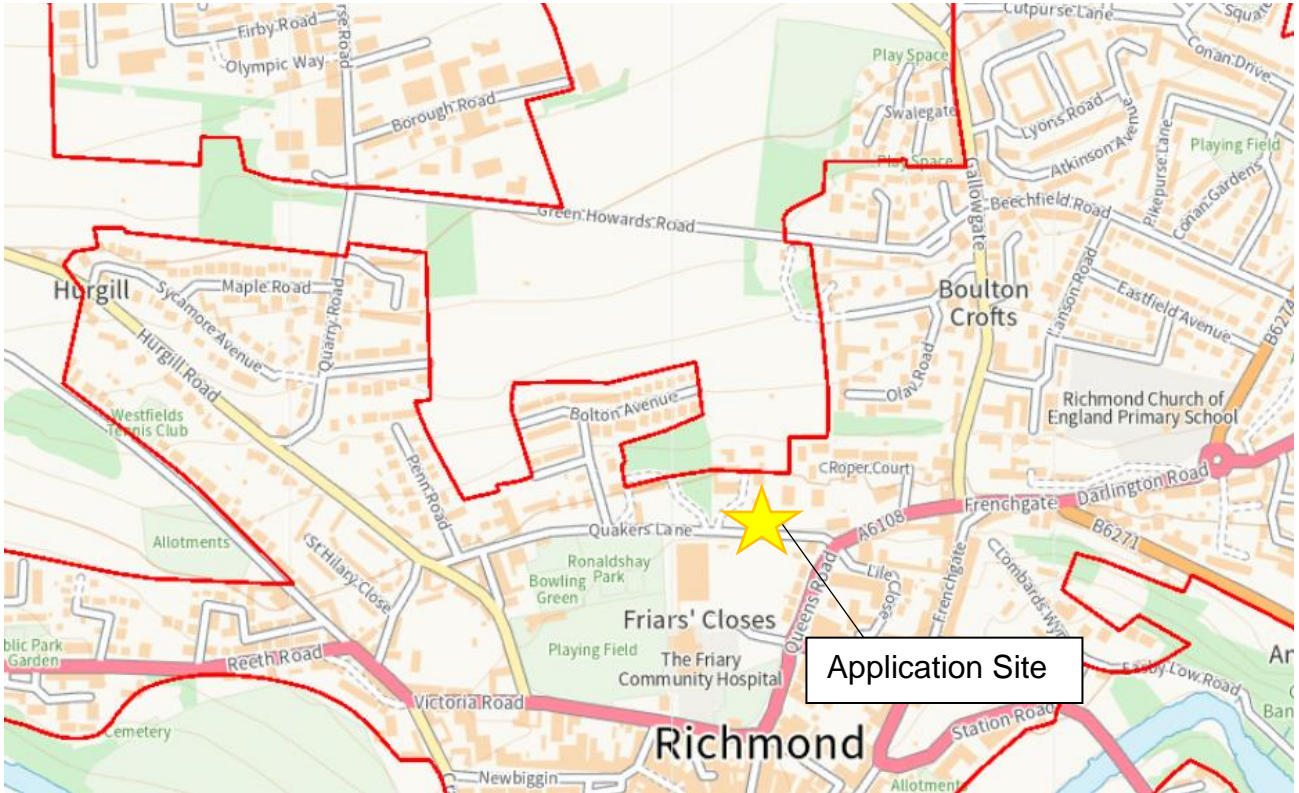
Target Determination Date: 18.04.2024

Author: Nick Howard, Nick.Howard@northyorks.gov.uk

Appendix A – Extract from Applicant’s Heritage Statement



Appendix B – Development Limit Map

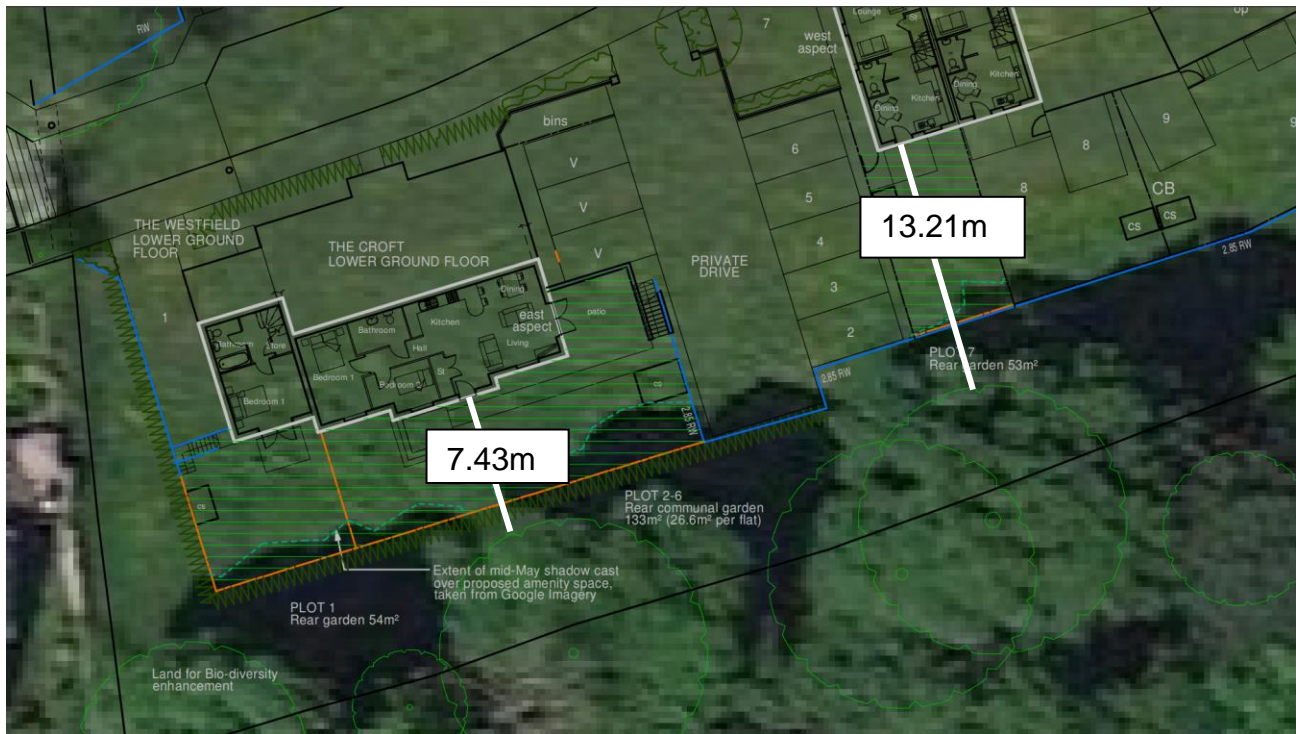
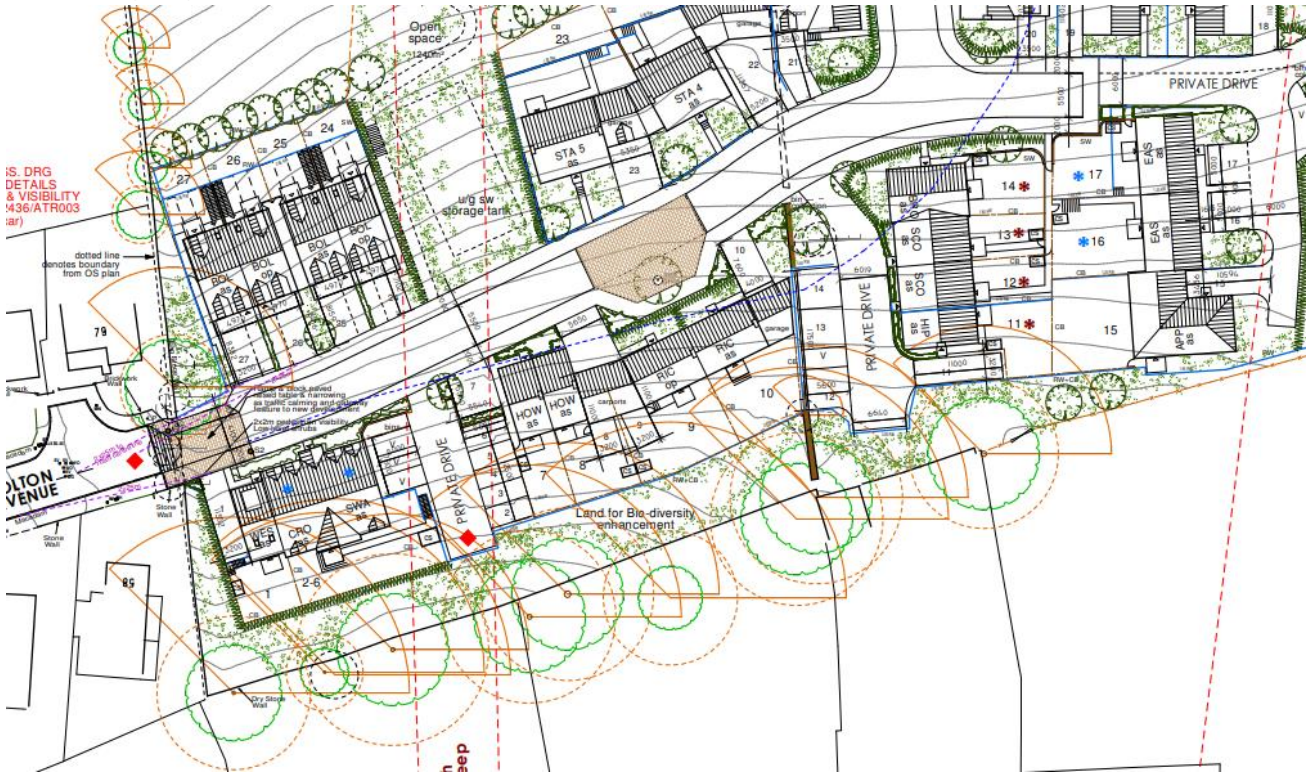


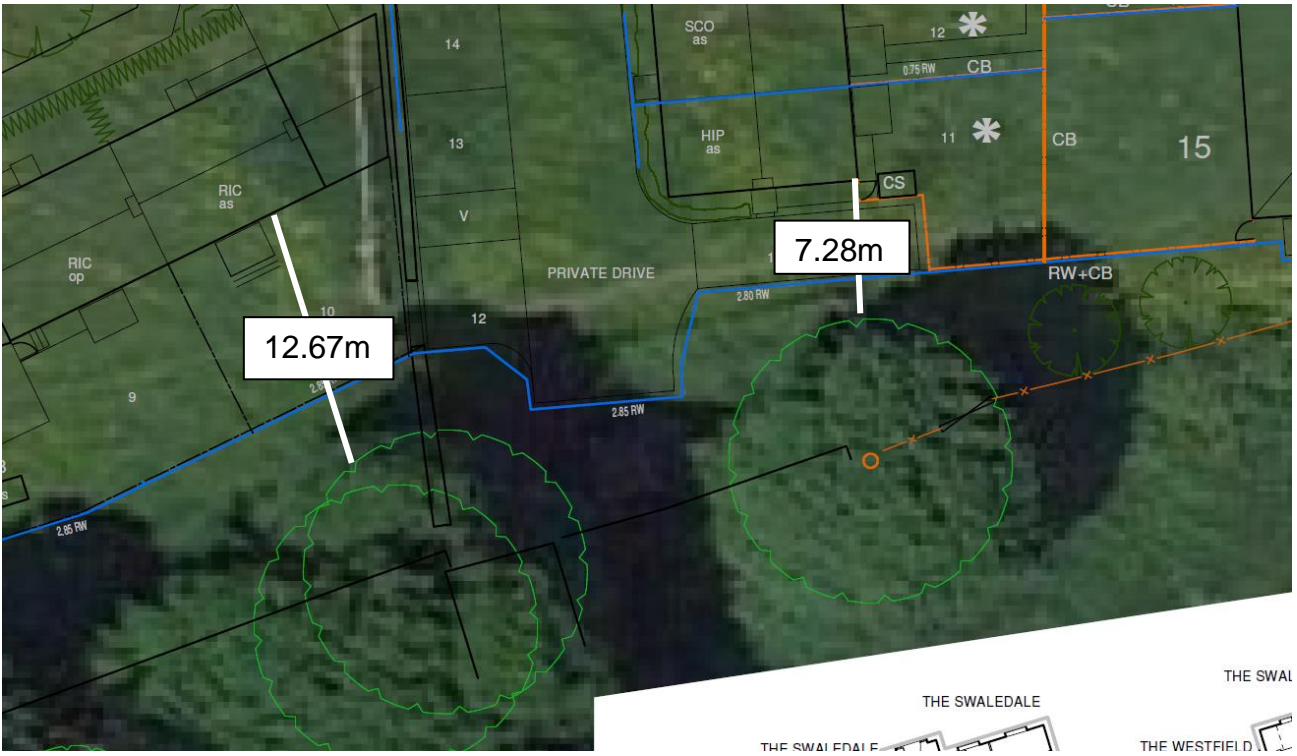
Appendix C – Photograph: View from Richmond Castle January 2025



Appendix D - Extracts from Applicant's 'Proposed Residential Development at Bolton Crofts, Richmond' and 'Site Extract on Google Aerial Image', reference 3894/PD/223, with measurement overlays

Note: bright green identified tree canopies and orange the shading





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North Yorkshire Council

Community Development Services

Richmond (Yorks) Area Constituency Committee

10 April 2025

ZD24/00597/FULL - Full planning Permission for Erection of a New Employment Unit (Use Class B2 / B8) with Associated Yard and Site Compound at Western House Business Park, East Road, Melsonby, DL10 5NF by Middle Caves Limited

Report of the Head of Development Management – Community Development Services

1.0 Purpose of the Report

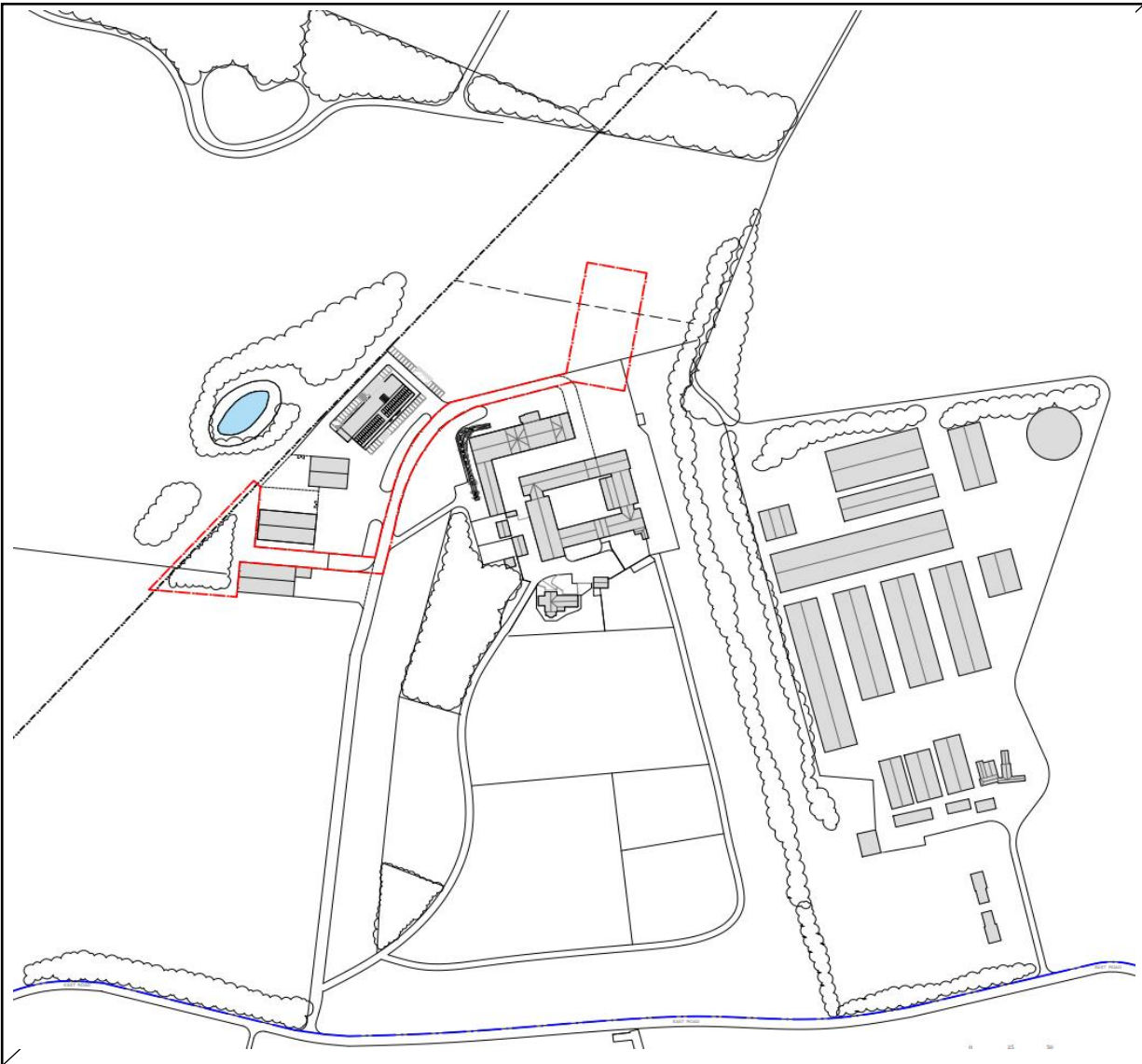
- 1.1. To determine a planning application for Full planning Permission for Erection of a New Employment Unit (Use Class B2 / B8) with Associated Yard and Site Compound on land at Western House Business Park, East Road, Melsonby, DL10 5NF.
- 1.2. The proposal raises significant material consideration in respect of rural location and amount of gross internal floor space proposed.

2.0 SUMMARY

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

- 2.1. This application seeks Full Planning Permission for the erection of 1 new employment unit (Use Class B2 / B8) with associated yard and site compound at Western House Business Park, Melsonby. The new building would be positioned to the north of the existing complex and would be similar to the three recently constructed units located to the western side of the site, in terms of material finish. The purpose of the building is to allow additional production and stores space to allow the company to retain all production in-house, creating a total of 13 no. full-time new roles as a result. No condition is recommended in respect of occupancy restrictions.
- 2.2. Western House Business Park was originally a former racehorse training enterprise, which was converted under application ref. 19/00299/FULL to the existing buildings on site for business uses. Since then, a change of use application was granted for a former turf building just outside the original complex of buildings and more recently, for the erection of 3 no. new units, also to the western side of the site, which are now in situ with businesses operating from them. On this basis and notwithstanding any technical issues that are also pertinent to the scheme, the principle of economic development in this location has already been established through these decisions.
- 2.3. Other material issues that are considered to be relevant to this application are that of landscape impact, highway safety, flood risk and drainage and contamination. The applicant has been able to demonstrate that Biodiversity Net Gains in excess of 10% can be achieved and delivered on-site, as a result of the reconsulted change to the submitted Location Plan to include a new planting (within the ownership of the applicant).

- 2.4. Although there are substantial areas of new planting to the far north of the application site; the north east and obscured views of the new building by virtue of existing structures, the new building would partially project into the surrounding countryside. No new planting has been included in the submission, mainly due to the limitations and lack of space available within the application site boundary which runs very close to the proposed building and compound/parking areas.
- 2.5. With regards to highway safety, Melsonby Parish Council remain concerned about an increase in traffic as the business park expands and in particular, traffic movements through the village. The Local Highway Authority have considered the submitted details and have responded to confirm no objections, subject to conditions.
- 2.6. On balance, whilst the proposed new building would not benefit from new planting immediately around the northern gable of the building to 'soften' views within the open countryside, the proposed building would be viewed as part of the existing complex of buildings when seen from public vantage points. The scheme would support an existing business already operating from the site and would create new employment opportunities within the area. Overall, the scheme is considered to be in compliance with Spatial Principle SP5, Core Policies CP2, CP3, CP4, CP7, CP12 and CP13 of the Local Plan and the NPPF.



3.0 **Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found here:- [Planning Documents](#)
- 3.2. There is an extensive planning history relating to this site, going back to the early 2000s when the racehorse training facility was first established. The most recent applications that are relevant to the consideration of this pending application are:
- Application ref. 19/00299/FULL- Full Planning Permission for Change of Use of Former Racehorse Training Complex to B1 / B8 Use with Car Parking, Drainage and Soft Landscaping (Revised Details Received 26.07.19) approved October 2019.
 - Application ref. 19/00876/FULL - Full Planning Permission for Change of Use of Land and Buildings from Agriculture to Light Industrial (Use Classes B1c/B8) / Storage and Distribution (Use Class B8). Approved April 2020.
 - Application ref. 21/00668/FULL - Full Planning Permission for Erection of 3 No. Employment Units (Use Classes E(g)(ii); E(g)(iii); B2 & B8). Approved 30.03.2023. A similar application was subsequently submitted for the 3 no. units (ref. ZD23/00597/FULL, approved 20.03.2024) to enable one of the units to be used by a veterinary orthopaedics business.

4.0 Site and Surroundings

- 4.1. Western House Stables is a former racehorse training establishment but now established business park, the buildings for which were built around 2006/7 and later converted mainly as part of decision ref. 19/00299/FULL. The existing business park is located on the north side of East Road, Melsonby and the application site lies to the west.
- 4.2. Serving the complex, there is one junction off East Road that divides into two accesses – one, a tarmac road, running northwards to serve the existing complex and a former agricultural building located to the west side of the complex and immediately south of the application site (now occupied by Agrovista); and one, running north-eastwards, to serve the main dwellings and the south side of the complex. This access is closed off with an electronic sliding gate.
- 4.3. The application site lies within open countryside to the north of the existing complex and east of Melsonby on the north side of the Melsonby to Barton Road (East Road). This is an attractive area of predominantly rolling agricultural landscape, where the land form generally falls away to the north and east of the village, and to the north of East Road. The rolling nature of the landform to the north of the road, with some high ground, does provide some screening of the main existing site, but there are very open vantage points from the road due south of the site. A Public Right of Way (PROW) runs close to the western boundary of the site and crosses through the complex. This PROW has now been diverted to the north of the application site to re-join another PROW that runs part way along the western access track (as confirmed by NYCC). The site is also open to longer views from the Melsonby to Aldbrough Road. Longer distant views are available from the Piercebridge Road.

5.0 Description of Proposal

- 5.1. This application seeks Full Planning Permission for the erection of 1 no. new employment unit (Use Class B2 / B8) with associated yard and site compound at Western House Business Park, Melsonby. The application sets out that the building is required in connection with an existing business already operating from the site (Swarco), further to a review of current production and finished portfolio, which is currently split between Western House Business Park and other companies in the south of England, as well as companies within the EU. The proposed building would allow the company to retain all production of finished products 'in-house', by providing additional production and stores capacity.
- 5.2. The Planning Statement submitted with the application sets out that an additional 10 no. full time production roles and 3 no. full time office supporting roles would be created as a result of the development.
- 5.3. The new building would be positioned within the general group of existing buildings, although would project out into part of the surrounding agricultural field. It would take on a similar appearance in terms of form, colour finish and scale as the recently approved units already in situ to the west and so would be finished in a mixture of brown composite cladding and buff stone walling, with two roller shutter door openings and two personnel doors for access and natural light. The approximate measurements of the building would be 10m in height x 40m in length x 25m in width (and most comparable in terms of floor space to the nearest of the new units, unit 13).
- 5.4. Further to an initial response on behalf of NYC Ecology, the Location Plan submitted with the application was revised (and reconsultation carried out) to encompass an area elsewhere on the business park to be used in association with Biodiversity Net Gains. The applicant has demonstrated that an excess of 10% can be achieved and as such, a Planting Plan has also been submitted with the application.

5.5. Also since submission, the agent has submitted a revised Site Layout Plan to illustrate 2 no. EV Charging spaces and cycle storage. An additional 8 no. parking spaces would be located to the southern end of the building and a yard/compound to the north.

5.6. The application site is located with Flood Zone 1 and foul drainage would be via a treatment plant, discharging to watercourse. Surface water would be discharged via the existing surface water drainage infrastructure that serves the wider site.

6.0 Planning Policy and Guidance

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

Adopted Development Plan

6.2. The Adopted Development Plan for this site is:

- 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.

7.2. **Parish Council:** The Parish Council are concerned and have raised this previously, that the additional traffic to Western House is directed out towards the A1 with adequate signage in place. They have asked that this is a condition of all planning applications.

They previously asked the question if there is a limit to the size of Western House and as yet have not had a response. They have previously asked if their role as a Parish Council and the planning consultation process is a “tick box” exercise and again have not had a response.

7.3. **Division Member(s):** No response received.

7.4. **Ecologist:** The application site is species-poor amenity grassland and also includes part of a car park. This is of intrinsically low value for biodiversity and no further surveys are necessary. However, the BNG Report as submitted sets out that whilst a 13% uplift in BNG can be achieved, this would be within the existing business park but outside the land edged red.

The applicants have since amended the 'land edged red' line as shown on the location plan (reconsultation for a period of 21 days) so that the creation of mixed scrub can take place

within the site boundary, albeit closer to an existing unit elsewhere. Comments are now as follows:

Creation of mixed scrub is simple, easy to achieve and would only require minimal monitoring. BNG could therefore be secured by condition. A Biodiversity Gain Plan/Habitat Management and Monitoring Plan will need to be submitted for approval prior to commencement via the deemed condition. The HMMP should include a planting plan, species mix, planting method, guidance for after-care and management, and a simple monitoring schedule.

7.5. **Environmental Health:** No objections, subject to a condition relating to contamination, should it be found at any time during the development that was not initially identified.

7.6. **Local Highway Authority:** *The extension to the existing premises is to provide additional production and storage capacity and therefore the increase in vehicular traffic would be minimal, with no significant impact on the local highway network.*

With regards to the travel plan requested, it is understood this will be covered by the travel plan required for previously approved planning application ZD23/00597/FULL. It is noted that that condition has yet to be discharged but is subject to a S106 contribution, and as such the LHA will recommend that the travel plan requirement for this extension is secured by condition.

The LHA do not object to the application, subject to conditions relating to the provision of the approved access, turning and parking areas, Travel Plans and a Construction Phase Management Plan (small sites).

7.7. **National Highways:** No objections

7.8. **Northumbrian Water:** No comments to make as the applicant is not proposing to connect to the public network.

7.9. **Designing Out Crime Officer:** It should be noted that rural commercial businesses are vulnerable to burglary. Consequently, it is recommended that for a building of this nature, particularly if it is storing items of value, that doorsets, windows, shutters and roof lights fitted must be to a good security standard. For example, the doorsets and windows to comply with PAS24:2020, roof lights and roller shutters should also ideally, as a minimum standard, comply with LPS1175 Issue 8 Security Rating 2, or to the same standard of a similar rating scheme.

7.10. **Yorkshire Water:** The application site is within the Northumbrian Water operational boundary.

7.11. Local Representations

7.12. **CPRE:** Having considered the documents submitted in support of the proposal, CPRENEY has no objection to the proposed scheme for an additional B2/B8 storage unit on the existing Business Park at Melsonby - which was first commented on by the then CPRE North Yorkshire in 2019. CPRENEY welcomes the fact that the applicant has sought to locate the unit in an existing employment area and intends to install solar panels to the roof space - something which CPRE in particular, supports. CPRENEY, however, echoes the comments of the North Yorkshire Highways Authority in asking the Council to ensure that the site Travel Plan is reviewed to incorporate the proposed new build and up-to-date requirement of EVC points and cycle storage are included within the design.

7.13. **NYC Public Rights of Way:** No response received.

7.14. **Ramblers Association:** No comments to make.

- 7.15. **Yorkshire Wildlife Trust:** No response received.
- 7.16. There have been no local representations received on behalf of any nearby residential properties.

8.0 Environment Impact Assessment (EIA)

- 8.1. The proposed development 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
- Landscape Impact and Design
- Employment Opportunities
- Transport and Highway Considerations
- Flood Risk and Drainage
- Carbon Savings
- Ecology and Biodiversity Net Gains (BNG)
- Neighbour Impact
- Contamination

10.0 ASSESSMENT

Principle of Development

- 10.1. The original, centrally located units on site, now known as Western House Business Park were previously developed as part of a successful racehorse training enterprise, with stabling capable of accommodating around 112 horses and employment of around 25 full-time employees and a manager. The establishment closed in 2017 and in seeking to reuse the complex of buildings, that had remained unused ever since, an application was submitted (ref. 19/00299/FULL) for a change of use to B1/B8 with car parking, drainage and soft landscaping. There have been further applications to extend and amend units within the complex and change the use of a former corn storage building, used in association with a turf business.
- 10.2. Since this time, a further application was approved by Members of the Richmondshire District Council Planning Committee (ref. 21/00668/FULL) for the erection of 3 no. units (later resubmitted under application ref. ZD23/00597/FULL to include Class F1 of The Town and Country Planning (Use Classes) Order 1987 (as amended), as well as the already approved Use Classes E(g)(ii) (professional services, other than health and medical services); E(g)(iii) (other appropriate services in a commercial, business or service locality); B2 (general industry) and B8 (storage and distribution). Therefore, the principle of the development of new business units in this location, outside of but adjacent to the exiting converted complex has already been established through these permissions.
- 10.3. As part of the consultation process associated with this application, Melsonby Parish Council have queried whether or not there are any "limits" to development at this site. Whilst it is acknowledged that this employment site is not included within the list of existing employment locations in SP5 of the Local Plan, the site is an established and functioning business park, recently expanded by virtue of the additional units adjacent to the original complex. In terms of the principle of development, weight is apportioned to supporting existing business operating from Western House Business Park and their contribution to

the local economy in policy terms as well as employment opportunities that would result, however, each application must be assessed on its own merits from a technical point of view. Of particular concern to the Parish Council for this application is that of traffic movements and highway safety, which will be covered further on in this report.

- 10.4. Although an established business park as a whole, in contrast to the most recent applications for new units (which are occupied by businesses that have relocated from elsewhere), the proposed building would be erected in association with an existing business already operating from the site (Swarco). Since merging with another UK business two years ago, Swarco has been reviewing current production of its finished product portfolio, with production currently split between the application site and outsourced to other companies in the south of England, as well as companies within the EU. Swarco are now seeking to retain all the production of finished products that is currently outsourced in-house, which has led to the requirement for the proposed extension to their existing premises at Western House Business Park. In terms of policy requirements, Spatial Principle SP5 and CP7 of the Local Plan supports the development of small scale rural economic development to meet local needs and development that sustains small and medium sized enterprises, including the development of support services to encourage existing and new business to grow. Policy CP7 also supports the development of mixed use sites. Overall, the principle of development is considered to be in line with the relevant policy expectations in this regard.

Landscape Impact and Design

- 10.5. The building hereby proposed would be positioned within the general group of existing buildings, although would project out into some of the surrounding countryside. It would take on a similar appearance in terms of form, colour finish and scale as the recently approved units already in situ to the west. The building would therefore be finished in a mixture of brown composite cladding and buff stone walling, with two roller shutter door openings and two personnel doors for access and natural light. The approximate measurements of the building would be 10m in height x 40m in length x 25m in width (and most comparable in terms of floor space to the nearest of the new units, unit 13).
- 10.6. Public Views of the proposed building would be obscured by the existing complex when seen from East Road, however, the structure would be noticeable when seen from the Public Right of Way to the north (as now diverted, as a result of decision ref. 21/00668/FULL) and more distantly from Hang Bank to the north.
- 10.7. Whilst the Location Plan (and land edged red) has been amended in order to include an area of land to the south west of the site for BNG purposes, no new planting is proposed immediately around the new building itself. The 'red edge' of the application site runs relatively close to the building as well as yard/access and parking areas to be created so it would not be practical to require that more immediate planting be provided. Therefore, the impact of the proposed building must be considered within the existing context surrounding the site (which cannot be controlled via this application should planning permission be granted).
- 10.8. The proposed building would project out into what is currently open countryside and there would be public views of the building from the north (as well as intermittent views from East Road to the south). New planting immediately around the building to "soften" views would have been beneficial, particularly as at present, the building would be quite segregated from other units (approx. 110m from the nearest unit to the west and nearly 35m to the original business park to the south). However, as previously stated, public views of the building would be relatively distant and there is substantial (albeit it newly planted) landscaping to the east and far north of the building more widely. When viewed from the north, the

proposed building would be seen against the 'backdrop' of the existing complex and not stand in isolation in this regard.

- 10.9. On balance, it is considered that the proposed scheme would have an impact on the openness of the existing landscape that immediately surrounds the business park but when viewed as a whole, would constitute an extension to an existing development. On this basis, the scheme is not considered to be at odds with the expectations of CP12 of the Local Plan, which sets out that the landscape character of the plan area will be maintained, enhanced and, where appropriate, restored to ensure a sustainable future for the natural and historic environment.

Employment Opportunities

- 10.10. The Planning Statement submitted with the application sets out that an additional 10 no. full time production roles and 3 no. full time office supporting roles would be created as a result of the development. The creation of jobs and local employment opportunities is considered to be a material consideration, as it is supported by CP7 of the Local Plan.

Transport and Highway Considerations

- 10.11. The Local Highway Authority (LHA) were consulted on the application and initially requested additional details on cycle storage facilities/parking and Electric Vehicle (EV) charging. This was later supplied in the form of an updated site plan (ref. A010, rev. P4) confirming that these spaces can be located to the southern end of the building (2 no. EV charging spaces with cycle storage to the side).
- 10.12. The LHA also requested that a Travel Plan be submitted, however, the agent dealing with the application later confirmed that the proposed building forms an extension (albeit not physically) to an existing business operating on site under application ref. 19/00876/FULL and therefore is encompassed within the Travel Plan associated with that approval.
- 10.13. The Highway Authority have confirmed that they do not object to the application on this basis, subject to conditions to ensure the approved access, turning and parking areas are created prior to the building being brought into use and that a Travel Plan be submitted (prior to first occupation) to establish measures to encourage more sustainable non-car modes of transport. In addition, a Construction Management Plan is to be submitted prior to the commencement of development, in the interests of public safety and amenity.
- 10.14. No formal response has been received on behalf of NYC PRoW, however, the route (as now diverted) runs to the far north of the site and would not be impacted upon by the proposed development.
- 10.15. As mentioned earlier in the report, expansion of the site in terms of traffic and particularly, preventing vehicles associated with the business park entering and leaving the site via Melsonby Village continues to be of particular concern to Melsonby Parish Council. The principle of development is discussed in paragraphs 10.1-10.4, setting out that earlier decisions have accepted the principle of economic development in this location by virtue of it constituting an extension to the existing business park. However, with each new application, the LHA must consider the impact on any proposal on the existing access arrangements based on detailed information submitted with the application.
- 10.16. Paragraph 116 of the NPPF (2024) sets out that *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.* In this case and particularly giving weight to the fact that the proposed building would constitute an extension to an existing business already operating from the site, the LHA have concluded that the residual

cumulative impacts on the road network will not be served nor have an unacceptable highways safety impact. The scheme is considered to comply with the expectations of CP3 and CP4 of the Local Plan and the NPPF in this regard.

Flood Risk and Drainage

- 10.17. As a minor planning application, no Flood Risk Assessment is required as part of the application submission and therefore neither the Environment Agency nor the Local Lead Flood Authority have provided comments on this particular scheme. The application site lies within Flood Zone 1 and is therefore at very low probability of flooding from rivers and the sea. Longer-term risk from surface water flooding is also considered to be low, according to the government's Surface Water map.
- 10.18. As there is no public sewer connection to the site, as with the other developments, the applicant proposes to connect the new building to a packaged sewage plant, discharging to a culverted watercourse. Surface water would be discharged via the existing surface water drainage infrastructure that serves the wider site. Northumbrian Water have been consulted on the application, however, do not specifically comment on the application due to no public connection being proposed.
- 10.19. Based on the submitted details and relevant flood map data, it can be concluded that the proposed development would be unlikely to increase flood risk to the surrounding area and sufficient drainage (both foul and surface water) can sustainably be provided on site.

Carbon Savings & Climate Change

- 10.20. The proposed new building falls just below the 1000m² threshold, whereby CP2 of the Local Plan requires the submission of an Energy Statement. Nevertheless, the supporting Planning Statement sets out that Western House Business Park as a whole is served by a ground source heat pump system following the grant of planning permission in 2020 and the proposed new development would be served by this existing system. In addition, roof mounted solar PV would be installed on the building, as shown on the submitted plans. These measures align with those employed as part of earlier schemes where an Energy Statement was required and it is considered that appropriate levels of carbon savings can be achieved that are proportionate to the scale of development, in line with CP2 of the Local Plan.

Ecology and Biodiversity Net Gains (BNG)

- 10.21. As was the case for the extant planning permission, overall ecological value of the site was considered to be low. This is still the case and no objections have been raised by either NYC Ecology or the Yorkshire Wildlife Trust in this regard. Whilst generally being satisfied on the level of gains to be provided and the planting scheme proposed, this was to take place elsewhere on the site but not within the 'land edged red', which would need to be secured via a S106 legal agreement (despite the land being in the same ownership as the applicant).
- 10.22. In addition, a conflict between the previously approved landscaping scheme to come forward as part of the development of the 3 new units to the west and the scheme hereby proposed was identified. In order to simplify the process for the applicant and ensure that planting landscaping could still be delivered as originally envisaged, the Location Plan and 'land edged red' was revised and reconsultation carried out for a period of 21 days.
- 10.23. The NYC Ecologist has since reviewed the submission, including the revised Location Plan and Planting Plan and provided additional comments. Whilst the standard BNG condition to ensure the mandatory 10% BNG are achieved would automatically be applied to any permission granted, the NYC Ecologist also recommends that a condition be imposed to

require the applicant to submit a Habitat Management and Monitoring Plan (HMMP). The HMMP to be submitted shall include detailed plan, species mix, planting method, guidance for after-care and management, and a simple monitoring schedule.

Neighbour Impact

- 10.24. An additional unit (whether occupied by Swarco or another business in the future) operating within a B2/B8 use, could potentially lead to an increase in the number of vehicles entering and leaving the site. There is a barn conversion on the south side of East Road, but this is some distance to the east of the junction that serves the Western House complex. Therefore, even a small increase in the number of traffic movements associated with the use of the access would have a negligible impact on the amenities enjoyed by the occupants of this particular property. All of the other dwellings in the immediate vicinity of the site are in the ownership of the applicant. Having regard to the existing use of the site as a business park and the proposed development, where the traffic movements would be mostly along the access road from the A1 direction, I am satisfied that there would be no significant adverse impact on the amenities and privacy of the occupants of these dwellings.
- 10.25. The proposed B2 use could potentially generate noise from industrial activity within. However, Environmental Health have considered the details and have not raised any objections or concerns in relation to potential impact on neighbour amenity as a result of any noise and disturbance. No objections have been received as a result of public consultation and it is not considered that the proposals would be contrary to the expectations of Policy CP3 of the Local Plan with regards to amenity.

Contamination

- 10.26. The application site was formerly used for agricultural purposes and as such, Environmental Health are satisfied that the risk from contamination to the development would be low, recommending a condition to ensure that should contamination be encountered during works, this must be reported immediately to the LPA and works halted within the affected area.

Protected Species and Off-Site Habitats

- 10.27. The application site is located within the Nutrient Neutrality SSSI Catchment Area. Prior to granting planning permission for developments within the catchment, the Local Planning Authority must be satisfied that the proposal would be 'nutrient neutral' and would not have an adverse impact on the Teesmouth and Cleveland Coast SPA by increasing nutrient pollution. The requirement to demonstrate Nutrient Neutrality applies to all full and outline applications, however, there are certain exemptions, such as where overnight accommodation would not be provided. In general, commercial developments are exempt, because it is generally accepted that people tend to work and live in the same catchment, therefore wastewater is already accounted for.
- 10.28. This application proposes a new commercial building with the intention to be operated in connection with an existing business. As Nutrient Neutrality only applies to developments that would result in an increase in nutrients to the SSSI catchment area, although 3 no. WCs would be installed in the building these would be for employee use. No overnight accommodation is to be provided and although new jobs would be created as a result of the proposed development, the scheme would not necessarily directly result in new people being brought into the catchment. No response was received on behalf of Natural England through the consultation process and as the 'competent authority', officers are satisfied that the proposed development would not add to the nutrient load within the NN Tees Catchment Area and therefore, no calculations, mitigation report or HRA are deemed necessary.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. The principle of commercial development and extension of Western House Business Park has already been established through the granting of previous planning permission(s). Most recently, applications for the erection of three new business units to the western side of the original business park (created through a conversion scheme) were approved in 2023 (revised in 2024) have now been implemented.
- 11.2. The proposed new unit would not be situated immediately adjacent to these units but instead, further northeast and to the north of the original complex. Its location would be within the general 'building group' and nearest to the associated existing business, which is already operating from the site. Development that facilitates the expansion of existing business is generally supported by Spatial Principle SP5 and CP7 of the Local Plan. These policies support the development of small-scale rural economic development to meet local needs and development that sustains small and medium sized enterprises, including the development of support services to encourage existing and new business to grow. Overall, the principle of development is considered to be in line with the relevant policy expectations in this regard.
- 11.3. The application has not attracted any comments from local residents as a result of the consultation process, however, the Parish Council remain concerned about the growth of the business park and potential 'knock-on' effects in terms of traffic movements through the village of Melsonby. For this reason, highway safety and access is considered to be a key consideration in the assessment, although as the unit would be erected in associated with an existing business operating elsewhere within the park, the Highway Authority have not raised any objections to the application and have concluded that the scheme would not result in an unacceptable or "severe" impact on highway safety. Overall, Officers deem the application to be in compliance with the expectations of CP3 and CP4 of the Local Plan and the NPPF so far as highway safety is concerned.
- 11.4. As mentioned above, the proposed unit would be erected to the north of the original complex of buildings, separated by an existing yard and project out some way into the surrounding open countryside. Additional planting included in the scheme has been provided in connection with BNG as opposed to 'screening' the development from public view and within an area is located to the south of another building (Agrovista). The application site boundary as submitted (and revised) runs relatively tight up to the sides of the proposed building and parking areas and leave very little option to secure screening/landscaping within the 'land edged red'. Instead, the submitted plans show heavily landscaped areas further to the north of the side and to the east, which provides obscuring of more distant views of the site but cannot be conditioned/controlled through this planning application, being located outside of the site boundary.
- 11.5. In assessing landscape impact, whilst new planting closer to the proposed building itself would have been preferable, the unit would be sited within the general building group. Officers consider that there would therefore be some limited adverse impact on the landscape that immediately surrounds the application site but that the proposed new building would be seen within the context of the business park when viewed from more distant locations.
- 11.6. The application demonstrates that the scheme is capable of achieving at least 10% BNG. In order to include additional planting within the application site boundary, the Location Plan was revised and reconsultation carried out for a period of 21 days. No further comments were received on this issue, other than the NYC Ecologist confirming that subject to a condition to ensure appropriate management and monitoring of the habitat takes place, there are no objections.

- 11.7. Officers are satisfied that all other technical matters such as flood risk, drainage and contamination have been adequately addressed to meet the relevant policy expectations and as the proposed development would not lead to addition people being brought into the Teesmouth and Cleveland Coast SPA Nutrient Neutrality Catchment nor create overnight accommodation, no additional mitigation is required in this regard.
- 11.8. On balance, whilst the proposed new building would have benefitted from new planting immediately around the northern gable of the building to 'soften' views within the open countryside, the building would still generally be viewed within the context of the business park and existing building. Weight is also given to the fact that the proposals seek to extend the existing business park and that the unit is needed in association with an existing business operating from the site, which is supported by Local Plan policy. Although the LPA cannot control who operates the unit or that it remains with Swarco (only that it is operated within the approved uses), technical consultees are satisfied on the size and proposed use(s) from highway safety and amenity points of view and the sustained use of the unit would continue to contribute to the local economy.
- 11.9. Overall, the scheme is considered to be in compliance with Spatial Principle SP5, Core Policies CP2, CP3, CP4, CP7, CP12 and CP13 of the Local Plan and the NPPF.

12.0 RECOMMENDATION

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

Recommended conditions:

Condition 1 Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with section 91 of the Town & Country Planning Act 1990 (as amended).

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 Certificates;
- b) Site Location Plan and Certificates (ref. A001, rev. P2)
- c) Proposed Site Plan ref. A010 rev. P4
- d) Planting Plan ref. 2339.02B
- e) Planning Statement
- f) Proposed Elevations ref. A400 Revision P4 (with solar PV)
- g) Proposed Floor Plan ref. A200 Revision P1
- h) Biodiversity Net Gain Metric, dated 17th February 2025
- i) Biodiversity Net Gain Assessment dated 9th October 2024

j) Solar Information Data Sheet

Reason: To ensure the development is built in accordance with the information submitted which is considered acceptable.

Pre-Commencement

Condition 3 Biodiversity Gain Plan Implementation and Monitoring

Prior to the commencement of this development, a scheme for the implementation 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 programme for the implementation and completion of the biodiversity enhancement measures set out in the approved BGP.
- Proposals for legally securing the provision any off-site biodiversity enhancement measures.
- Proposals for the maintenance and monitoring of the on-site biodiversity enhancement measures. Where the biodiversity enhancements proposed in the BGP are considered by the Local Planning Authority to be “significant” in relation to the pre-development baseline biodiversity value of the site, provision shall be made for their maintenance and monitoring for a period of not less than 30 years from the date of completion of the development (including completion of the on-site habitat enhancements).
- Proposals for the submission of monitoring reports to the Local Planning Authority.

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

Any Planning obligations that are proposed within the scheme shall be completed before the development is first brought into use.

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 construction 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 with a timetable for the completion of the approved habitat enhancement works. In the event that the development (excluding any approved on-site habitat enhancements) is not completed, the on-site habitat enhancements shall still be implemented in full in accordance with the timetable approved by the Local Planning Authority and they shall be maintained and monitored in accordance with the provisions set out in the approved BGP.

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

Condition 4- Contamination Remediation (approval required)

If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the local planning authority shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken, or the development occupied until an investigation and risk assessment carried out in accordance with the Environment Agency’s Land Contamination: Risk Management (LCRM), has been submitted to and approved in writing by the local planning authority. Where remediation is necessary a scheme for the remediation of any contamination shall be

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

Condition 5 Construction Phase Management Plan (approval required)

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. details of any temporary construction access to the site including measures for removal following completion of construction works;
2. restriction on the use of access via Melsonby Village for construction purposes;
3. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
4. the parking of contractors' site operatives and visitor's vehicles;
5. areas for storage of plant and materials used in constructing the development clear of the highway;
6. details of site working hours;
7. details of the measures to be taken for the protection of trees; and
8. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity

Condition 6 Drainage (approval required)

Prior to commencement of development a drainage scheme with maintenance arrangements shall be submitted to and approved in writing with the Local Planning Authority. The drainage scheme shall demonstrate that surface water will be drained via sustainable drainage systems (SUDs) unless it is demonstrated this is not a viable option. Where SUDs are not viable, then the SUDs hierarchy should be followed. Where SUDs are viable these should provide multifunctional benefits wherever possible.

The approved drainage scheme shall be delivered in full prior to first use of the development hereby approved, unless an alternative timetable is first agreed in writing with the Local Planning Authority. There afterward the drainage scheme shall be maintained and retained in perpetuity in accordance with the approved details.

Reason: To reduce flooding off-site and ensure multifunctional benefits are provided wherever possible, in accordance with paragraph 182 of the National Planning Policy Framework 2024.

Early Stage/ Construction Period

Condition 7 Lighting (approval required)

Details of external lighting shall be submitted to and approved in writing by the Local planning Authority prior to installation. The scheme shall thereafter be installed and operated in accordance with the approved details without subsequent modification.

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

Condition 8 Materials (compliance)

The materials to be used in the construction of the external surfaces of the units hereby permitted shall visually match those used in the main part of the existing building to the south of the application site.

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

Condition 9 Crime Prevention (approval required)

Prior to the commencement of building works, 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 November 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 building.

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

Pre-Occupation**Condition 10 Provision of Approved Access, Turning and Parking Areas at Western House Business Park (compliance)**

No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users for the 3 No. Employment Units at Western House Business Park East Road Melsonby Richmond North Yorkshire DL10 5NF, have been constructed in accordance with the details approved in writing by the Local Planning Authority. 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.

Prior to the first occupation of the development, a Travel Plan must be submitted to and approved in writing by the Local Planning Authority. The Travel Plan will include: -

- agreed targets to promote sustainable travel and reduce vehicle trips and emissions within specified timescales and a programme for delivery;
- a programme for the delivery of any proposed physical works;
- effective measures for the on-going monitoring and review of the travel plan;
- a commitment to delivering the Travel Plan objectives for a period of at least five years from first occupation of the development, and;
- effective mechanisms to achieve the objectives of the Travel Plan by both present and future occupiers of the development.

The development must be carried out and operated in accordance with the approved Travel Plan. Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented as long as any part of the development is occupied.

Reason: To establish measures to encourage more sustainable non-car modes of transport.

Condition 11 Solar PV (approval required)

No part of the development shall be brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority, details of the location, type, design, and method of fixing/mounting of the proposed solar voltaic cells.

The approved solar panels shall be installed within one month of the first use of the building hereby approved, and thereafter retained and maintained.

Reason: To reduce climate change impacts and in the interests of ensuring the good appearance of the development.

Condition 12 Energy

The building hereby approved shall be connected to either the wider site ground source heat pump system, or its own new ground source heat pump system. The approved system shall be maintained, retained and operated in perpetuity.

Reason: To reduce climate change impacts.

Condition 13 Approved Uses (compliance)

Unless agreed in writing by the Local Planning Authority, the building hereby approved shall be used solely for the uses falling within Use Classes B2 and B8 of Use Class Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: These uses are considered sustainable uses for this business park location.

Condition 14 Retail Use (compliance)

For the avoidance of any doubt, there shall be no retail sales taking place from the site.

Reason: In the interests of protecting the amenity of neighbouring residential properties and businesses and the vitality of the nearby Town Centres.

Target Determination Date: 26.03.2025

Case Officer: Caroline Walton caroline.walton@northyorks.gov.uk

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North Yorkshire Council

Community Development Services

Richmond (Yorks) Area Planning Committee

10th April 2025

ZB24/01785/REM- [As Amended] Application for reserved matters approval (appearance, landscaping, layout and scale) for the erection of 109no. dwellings, drainage infrastructure, landscaping and ancillary works (outline permission 20/01687/OUT granted 20.07.2023) [amended/additional plans & documents received by the Local Planning Authority on 03.10.2024, 15.01.2025 & March 2025]

At: Land North Of Mowbray Road East Side Of Stokesley Road Northallerton

On Behalf Of: Mr Andrew Wall (Miller Homes Teesside)

Report Of The Assistant Director Planning – Community Development Services

1.0 PURPOSE OF THE REPORT

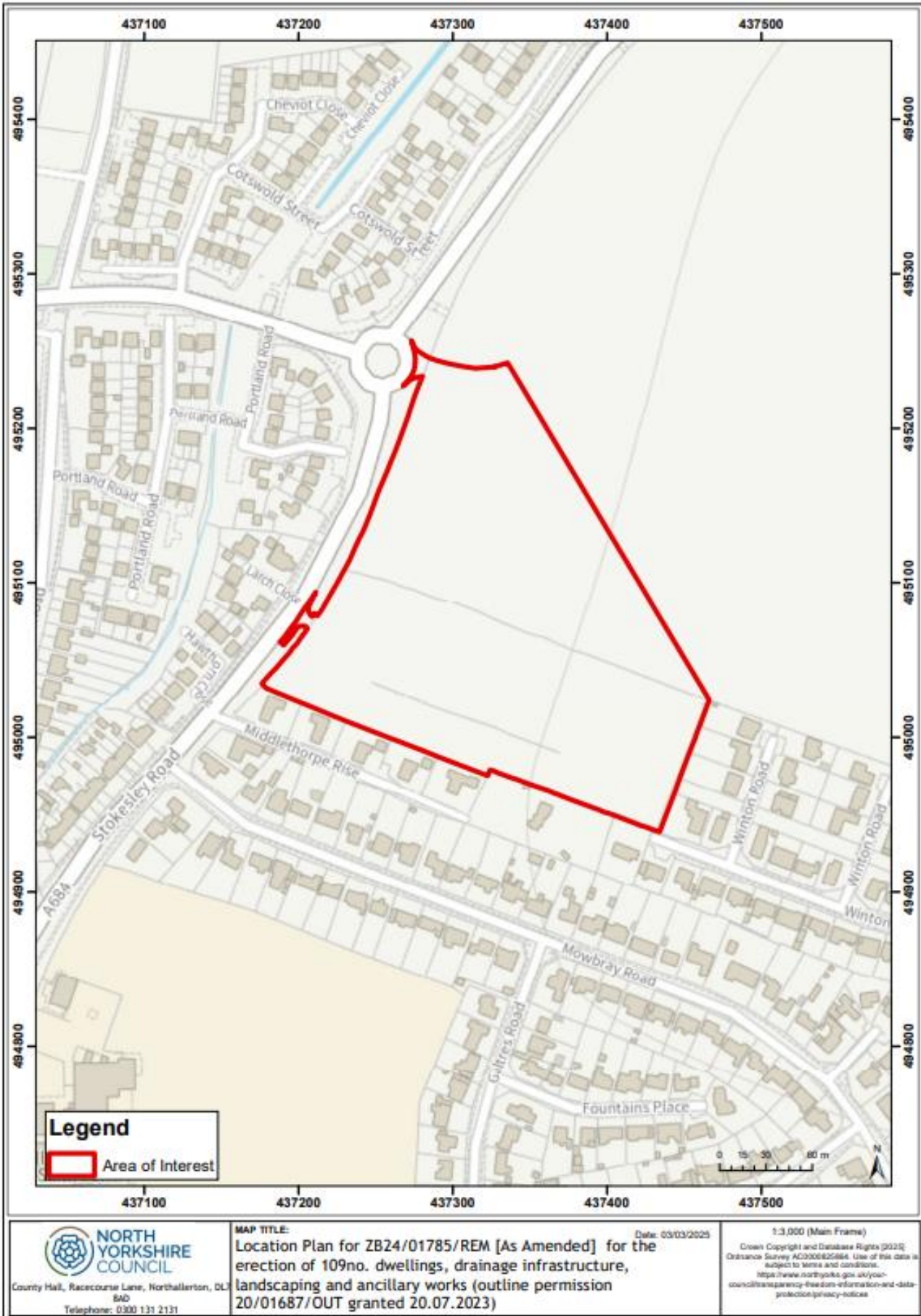
- 1.1 To determine an (as amended) application for Reserved Matters (Appearance, Scale, Layout and Landscaping) for 109 dwellings and associated infrastructure, landscaping and ancillary works on land north of Mowbray Road / east side of Stokesley Road, Northallerton.
- 1.2 This application is brought to the Planning Committee at the request of the Chair and Vice Chair of the Richmond (Yorks) Planning Committee.

2.0 SUMMARY

RECOMMENDATION: 'Minded to grant' the Reserved Matters.

- 2.1 This (as amended) application is seeking the approval of the reserved matters (appearance, landscaping, layout and scale) of outline permission ref.20/01687/OUT granted by North Yorkshire Council on 20th July, 2023 for residential development of up to 145 homes, engineering and site works, car parking, access, landscaping, drainage and other associated infrastructure. Although a Reserved Matter, detailed access arrangements were considered and approved as part of the earlier outline permission.
- 2.2 The site is located approximately 1.3km to the northeast of Northallerton Town Centre on the eastern side of Stokesley Road. The site covers approximately 4.8ha and is currently used for agriculture and grazing. The site is bordered to the west by a mature hedgerow and intermittent trees, to the north and east by open fields and to the south by hedgerow and residential properties. Access to the site would be from a single access via a spur off the existing Great moor Road/Stokesley Road roundabout.

- 2.3 The proposals (as amended) would provide 109 residential properties. Approximately 1 ha of land in the southern part of the site would be utilised to accommodate a SuDS basin and associated drainage infrastructure (including pumping station) as well as a large swathe of public open space, which would include a row of retained mature trees. A designated play area (LAP) would be created within the eastern part of the site
- 2.4 The application (as amended) has provided sufficient information (including plans and supporting documents) to demonstrate that the proposed layout, scale, landscaping and appearance of the residential development will result in a high quality proposal that will assimilate well with both the existing built form and the semi-rural, edge-of-settlement character of North Northallerton, that is in accordance with the relevant policies and expectations of the Hambleton Local Plan, the National Planning Policy Framework and national Planning Practice Guidance.
- 2.5 The recommendation is '**minded to grant**' subject to:
- (1) Receiving confirmation from the Local Highway Authority that the submitted amendments/additions to the proposals have addressed the specific technical highways matters raised in their original consultation response, and
 - (2) The imposition of the recommended planning conditions at Section 12.0 of this report.



3.0 PRELIMINARY MATTERS

- 3.1 Access to the application documents (via Public Access) can be found here:-
[Planning Documents](#)

Details of Amendments and Reconsultation:

- 3.2 During the course of the application, substantial amended and additional plans and documents have been submitted. Amongst other changes, these additional/amended plans and documents have resulted in changes to proposed layout, including an increase in the number of units (from 90 to 109) as well as proposed changes to the proposed housing layout and housing mix.
- 3.3 A 21 day reconsultation exercise was duly undertaken in January 2024 (expired on 27th January 2024) representations received in respect of this reconsultation exercise are included within section 7 ('Consultation Responses') below, along with the comments/representations received in relation to the original 21 day consultation.

Relevant Planning History:

- 3.4 The corresponding outline planning permission (20/01687/OUT) was granted on 20th July 2023 by North Yorkshire Council following the now decommissioned Hambleton District Council Planning Committee's resolution (on 4th August 2022) to grant outline planning permission, subject to conditions. This preceded the HDC Planning Committee's resolution at the 10th March 2022 meeting to defer the application to allow for further investigation into alternative drainage solutions, and to allow the developer to provide further details of who will be the responsible body for the management and maintenance of the proposed pumping station (should it remain part of the proposed drainage scheme).
- 3.5 The following the granting of outline planning permission (20/01687/OUT), a related non material amendment application (ZB24/01786/NMC) was approved on 22 November 2024 to amend the wording of conditions 6, 7 and 18.
- 3.6 A discharge of conditions application (ZB20/01687/DCN) has recently been submitted, seeking the discharge of conditions 3, 4, 6, 8, 9, 11, 12, 13, 14, 15, 21 and 22 of outline planning permission 20/01687/OUT, and is yet to be determined by the Council.
- 3.7 The above applications were preceded Hambleton District's Council's determination ('EIA Not Required') on 13th February 2020 of a Request for an Environmental Impact Assessment screening opinion for confirmation that the site is not of the scale or type to necessitate the need for an Environmental Impact Assessment (EIA).

4.0 SITE AND SURROUNDINGS

- 4.1 The site is located approximately 1.3km to the northeast of Northallerton Town Centre on the eastern side of Stokesley Road. The site covers approximately 4.8ha and is currently used for agriculture and grazing. The site is bordered to the west by a mature hedgerow and intermittent trees, to the north and east by open fields and to the south by hedgerow

and residential properties. A further hedgerow and treeline transects the site. The site slopes generally down from north-east to south-west towards Stokesley Road.

- 4.2 The surrounding area can be characterised as edge-of-settlement with established residential development to the south and newer residential development to the west. To the west is Stokesley Road which forms one of the main routes in and out of Northallerton and leads to the A19. A roundabout leads to the new link road which will bridge the railway line and link the west of Northallerton to the east.

5.0 DESCRIPTION OF PROPOSAL

- 5.1 This (as amended) application is seeking the approval of the reserved matters (appearance, landscaping, layout and scale) of outline permission ref.20/01687/OUT granted by North Yorkshire Council on 20th July, 2023 for residential development of up to 145 homes, engineering and site works, car parking, access, landscaping, drainage and other associated infrastructure. Although a Reserved Matter, detailed access arrangements were considered and approved as part of the earlier outline permission.

- 5.2 The proposals (as amended) would provide 109 residential properties based around an internal road which would be accessed via a spur off the existing Great Moor Road/Stokesley Road roundabout. Approximately 1 ha of land in the southern part of the site would be utilised to accommodate a SuDS basin and associated drainage infrastructure (including pumping station) as well as a large swathe of public open space, which would include a row of retained mature trees. A designated play area (LAP) would be created within the eastern part of the site. The proposed layout has incorporated footway connections to Stokesley Road, as well as a potential connection to the existing development to the east. The layout also shows an indicative road connection/spur from the road at the north eastern corner of the site in order to provide a potential road/footway connection to the larger NOR1 site.

- 5.3 For context, the application site forms part of a larger site allocation within the Hambleton Local Plan (NOR1: Winton Road, Northallerton) With a total size of 31.4ha the NOR1 allocation is expected to provide approximately 485 homes (650 gross), and land for a primary school, open space, green infrastructure and an internal link road linking Stokesley Road and Bullamoor Road. No planning application for the remaining NOR1 allocation has yet to be submitted to the Council.

6.0 PLANNING POLICY AND GUIDANCE

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

Adopted Development Plan

6.2. The Adopted Development Plan for this site is:

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

Emerging Development Plan – Material Consideration

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

Guidance - Material Considerations

6.4. Relevant guidance for this application is:

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

6.5 Environmental Impact Regulations

The proposed development is not considered to fall within Schedule 1 or 2 of the Environmental Impact Regulations and as such an Environmental Statement is not required in this case.

7.0 CONSULTATION RESPONSES

7.1 In addition to the original consultation (September, 2024), a 21 day reconsultation exercise was undertaken in January, 2024 (expired on 27th January 2024). All representations summarised below are available to view via Public Access using the weblink within paragraph 3.1 above.

Brompton Parish Council (BTC): In response to the 21 day reconsultation, BTC have raised no objections to the proposals.

In respect to the original consultation, BTC strongly recommended refusal for the five reasons summarised below:

- Any new highway access onto Stokesley Road is not acceptable due to current high level of traffic converging on the new roundabout from all directions. No additional traffic movements should be permitted.
- Previous concerns remain regarding the need for a new pumping station (for site drainage)...development should not take place until this matter is properly resolved.
- Current drainage issues in the locale have not been satisfactorily resolved...any [new] development would be very detrimental to Stokesley Road and nearby properties with regards to standing [surface] water.
- A Transport Plan is essential for any new development...has no faith in the content of any S106 Agreement being adhered to.
- Development would seriously adversely affect all residents with regards to access to doctors, with the capacity of local doctor surgeries already saturated.

Northallerton Town Council: No representations received.

Division Member: No representations received.

NYC Ecology: The Council's Principal Ecologist submitted detailed comments following the 21 day reconsultation, summarised as follows:

- A Construction Environment Management Plan (Ecology) (CEMP) should be submitted prior to commencement, incorporating recommendations within the Ecological Assessment (EA) submitted with the outline permission and based on updated site visits and the EA-recommended species checks.
- Lighting arrangement should be reviewed to ensure they need the recommendations within the aforementioned EA.
- The CEMP should also specify the details of the bat and bird boxes recommended in the EA.
- As the outline application pre-dated mandatory BNG procedures, there is no statutory requirement for a Biodiversity Gain Plan & Habitat Monitoring and Management Plan to be produced, however Landscape & Ecological Management Plan (LEMP) should instead be submitted for approval prior to commencement, setting out how new and retained habitats would be established, managed and monitored and incorporating relevant recommendations from the EA.
- Delivery of BNG relies, in part, in establishing significant areas of 'Other Neutral Grassland' in Moderate or Good condition. This will require monitoring at regular intervals and the capacity to adjust management accordingly.
- The BNG Assessment predicts uplifts of 11.8% for area-based habitats and 17.3% for hedgerows, to be delivered via on-site landscaping. This would comply with relevant planning policy.

Following detailed discussions with the applicant and agent, the Principal Ecology has subsequently been able to confirm that he is satisfied the pertinent matters previously raised regarding ecology can be addressed through the information to be submitted for the aforementioned discharge of conditions application relating to the conditions on the outline permission.

Swale & Ure Internal Drainage Board (IDB): Following the 21 day reconsultation the IDB confirmed that their previous comments remain valid.

In respect to the original consultation, the IDB noted that the application lacked a FRA or Drainage Strategy, also noting that surface water drainage is proposed to be designed into the Yorkshire Water system, and questioning what were the outcomes of discharging via soakaway or open watercourse?

NYC Environmental Health (EH): The following comments/recommendation were received following the 21 day reconsultation: "The revised acoustic assessment, undertaken by NJD in December 2024, has identified that the plots identified in figures 4 and 5 of the report will require mitigation if the requirements of condition 18 of 20/01687/OUT are to be met. The

report provides a summary of mitigation measures in Table 7. I am satisfied that the suggested mitigation measures will ensure that the internal and external noise levels are met. I am satisfied with the findings of the report and have no objection to the discharge of condition 18, provided the applicant can demonstrate that the installation of the mitigation measures is in accordance with the recommended mitigation measures in Table 7 and Figures 4 and 5 of the report.”

North Yorkshire Designing Out Crime Officer (DOCO): The following comments/recommendation were received following the 21 day reconsultation (as summarised):

- It is encouraging to see that the revised layout has improved the distribution of affordable units which will assist in creating a cohesive community.
- Acknowledged that the revised landscape drawings have included his previous recommendation to include hedgerow planting between plot 84 and the POS in order to improve security.
- Appropriate demarcation of the public and private realm has now been provided.
- ‘In general’ the proposed parking provision is considered to be appropriate.
- Acknowledge that secure cycle storage has been provided in the form of sheds associated with specific plots.

In respect to the original consultation, the DOCO provided a detailed ‘Designing out Crime Report Addendum’ (dated 10.10.2024) mentioning some positive elements of the reserved matters submission from a Designing Out Crime perspective, but also raising several points (summarised below) that the DOCO recommends should be addressed prior to permission being granted ‘in order to ensure that the development provides a safe and secure environment for all users’:

- Affordable housing grouped together;
- Supplementary defensive planting to the rear of Plot 74;
- Lack of appropriate demarcation to some house frontages to create ‘defensible space’; and
- Requirement for secure cycle storage for Plots 64-71.

NYC Local Highway Authority (LHA): In respect to the original consultation, the LHA made the following comments/observations (as summarised):

- The layout of the highway/footways generally complies with current NYC design guidance, with appropriate road width and turning heads provided.
- The proposed parking provision would meet the current requirements as set out in the NYC design guide.
- The landscaping plans are satisfactory with proposed new trees set back an appropriate distance from the roads and footways.
- Recommendations made regarding: the introduction of traffic calming measures on the relatively straight elements of the internal road layout; alterations to the proposed road gradient where the proposed access road meets the roundabout (in order to meet the standards set out in the Design Manual for Roads and Bridges); suggested

amendment to the width, gradient and priority of the proposed cycle route within the site (to meet latest national guidance on cycle provision)

Following the latest amendments to the application, the LHA have been reconsulted. A response is awaited, but any subsequent representation received from LHA will be reported to Members either as part of the 'Update List' or at the Planning Committee meeting itself.

NYC Environmental Health (EH): The following comments/recommendation were received in relation to the 21 day reconsultation: *“The revised acoustic assessment, undertaken by NJD in December 2024, has identified that the plots identified in figures 4 and 5 of the report will require mitigation if the requirements of condition 18 of 20/01687/OUT are to be met. The report provides a summary of mitigation measures in Table 7. I am satisfied that the suggested mitigation measures will ensure that the internal and external noise levels are met. I am satisfied with the findings of the report and have no objection to the discharge of condition 18, provided the applicant can demonstrate that the installation of the mitigation measures is in accordance with the recommended mitigation measures in Table 7 and Figures 4 and 5 of the report.”*

Yorkshire Water Services (YWS): In response to the 21 day reconsultation, YWS have raised no objections to the approval of reserved matters.

NYC Housing Team: The following comments/recommendation were received in relation to the 21 day reconsultation:

- There is a need for one and two-bed bungalows...The Council is particularly keen to address the need for one-bedroom affordable housing accommodation given that this represents the highest proportion of need types on the Housing Register. Whilst the increase in single bed (affordable) units is welcomed, the proposed affordable housing mix does not reflect need as per current housing register data [which shows a higher proportionate need for affordable single bed units and a lower proportionate need for 2 and 3 bed than the target ranges set out in table 3.1 of the SPD]
- The proposals confirms a 1/3 split in terms of the affordable housing tenure between social rent, affordable rent and shared ownership, confirming that this is 'policy compliant' (i.e. criterion c. of Local Plan Policy HG3) although may need to be changed when an specific housing mix is established.
- Concerns expressed regarding the lack of pepper-potting of affordable housing throughout the scheme and of the provision of four-unit 'blocks' to provide the single storey affordable housing provision which would be identifiable as affordable units due to the lack of corresponding market blocks.

With respect to the original consultation, the Housing Team raised points/issues with regards to various aspects of the proposals, including: the proposed affordable housing provision; housing (type) mix and tenure, distribution of affordable housing, NDSS and transfer prices.

NYC Lead Local Flood Authority (LLFA): In respect to the original consultation, the LLFA submitted a detailed response, which is summarised below:

- Confirmed that the drainage/flood risk-related conditions (9-12) of the corresponding outline permission (20/01687/OUT) are sufficient to secure the detailed drainage design for the site.
- In accordance with the Council's SuDS Design Guide, it would be preferable that all information is submitted as early as possible to reduce the risk of the relevant conditions being unable to be discharged by the Council.
- The LLFA also recommend that as the flood-risk and drainage documents submitted with the Reserved Matters application are 'limited', they would expect further information be provided, including: a Flood Risk Assessment; infiltration testing (for potential soakaway use); hydraulic calculations (to demonstrate suitable sizing of the attenuation features and how the peak flow control value has been decided); and an exceedance flow plan.

The LLFA has also raised concerns separately with the Case Officer during the course of the application that the proposed drainage design details (submitted as part of the Reserved Matters application) do not reflect current climate change and urban creep allowances.

Local Representations

7.2 No observations have been received in relation to the 21 day reconsultation exercise undertaken in January, 2025.

7.3 The local representations received and summarised below were all received in relation to the original consultation exercise: A total of 11 separate local representations were received, all objecting to the proposals (as originally submitted):

- The level of detail required in relation to the drainage-related conditions of the outline permission has not been included with this application; discrepancies on the plans regarding some elements of the drainage scheme (e.g. road gullies omitted)
- Risk of flooding on Stokesley Road if surface water allowed to flow from the site westwards without attenuation.
- Concerns regarding increased surface water flood risk in relation to existing properties.
- Drainage should be considered by the Council more holistically [with regards to the wider NOR1 allocation], rather than a 'piecemeal' approach.
- No details provide to satisfy conditions 3, 6 or 20 [of the outline permission]
- Concerns about the capacity of the existing sewerage systems to receive foul and surface water discharges from the development...the use of soakaways should be considered instead.

- Concerns expressed about the proposed pumping of foul sewerage and the impacts for residents and wildlife of any failure; back-up pumps should be considered.
- A footway through the development to Mowbray Road should be considered to aid school access.
- The development will increase traffic volumes in the town, which is 'becoming too busy'...increased volume of traffic will make it even more difficult for crossing pedestrians on Mowbray Road...speed of existing traffic along Stokesley road mentioned.
- Too many houses being proposed adjacent to existing housing, reducing/affecting wildlife, the amount of agricultural land and the aesthetic/scenic qualities of the town and surrounding countryside.
- Concerns regarding the housing mix, including housing types and tenures....new properties should be of a similar type and character to those existing properties adjacent to the site.
- The proposed housing density and two-storey scale of properties is too great along the eastern site boundary, and will adversely affect the outlook, light and privacy of existing residents to the east.
- The proposed single storey properties could be located along the eastern site boundary of the site where the site is more closely situated to existing properties.
- Queries regarding the surfacing of the footpath link through to Winton Road, as well as potential amenity and security concerns (for 83 Winton Road) as a result of passing pedestrians.
- All possible attempts should be made to retain the existing trees on site.
- Low-growing, maintained bushes or hedgerows should be considered along the 'short' eastern site boundary.
- 'Hedgehog highways' should be installed.
- Affordable housing should be better 'pepper-potted' throughout the development (in accordance with the DOCO's advice)
- The town does not require any additional housing.

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 relevant Reserved Matters to be considered as part of the current application are as follows:
- Layout
 - Appearance
 - Landscaping
 - Scale

- Requirements of Planning Conditions imposed on the Outline Permission (20/01687/OUT)
- Other Matters

10.0 ASSESSMENT

The Reserved Matters (Layout, Scale, Appearance and Landscaping)

Layout

Housing Density and the Efficient Use of Land (As Related to the Proposed Layout)

- 10.1 In accordance with criterion a. of Local Plan Policy S1 (Sustainable Development Principles), criterion h. of E1 (Design) states that a development will be supported where it makes efficient use of a site consistent with achieving a high quality design, particularly in relation to public realm, open space, green corridors and layout, and the protection of local character and amenity. Despite the revised scheme increasing the number of proposed units by 19 (to 109 dwellings) the overall (gross) housing density of approx. 22 dwellings per hectare remains relatively low, however this low housing density is predominantly a result of a relatively large proportion (approx. 1ha) of the southern part of the site being set aside for amenity space and to accommodate the proposed drainage scheme and associated infrastructure, which are important and integral elements of the overall scheme. Overall, given the size and constraints of the site and the requirements for public open space, connectivity and an appropriate surface water drainage scheme (with SuDS basin) within the site, it is considered that the housing density is appropriate and, in the circumstances, makes efficient use of the site, in accordance with the requirements of Local Plan Policy, the NPPF and the PPG.

Design and Connectivity (As Related to the Proposed Layout)

- 10.2 Local Plan Policy E1 (Design) states that all development should be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and help to create a strong sense of place, including supporting development that promotes accessibility and permeability for all by creating safe and welcoming places that connect with each other and are easy to move through...(criterion e.), and that contributes to health and well-being by creating or improving existing open spaces that connect well with green infrastructure networks and incorporating nature conservation and biodiversity enhancements...(criterion j.)
- 10.3 As shown on the [Revised] Planning Layout Plan (Rev.F), the siting and orientation of dwellings would be based around the internal road layout, with blocks of units within the northern and central part of the site, and a linear arrangement of units within the south. The majority of units have principal elevations that front the main internal road within the site, while the proposed layout also shows that the majority of units along the western edge of the site would have principal elevations facing onto Stokesley Road akin to the orientation of dwellings on the opposite (western) side of Stokesley Road. In terms of connectivity, the proposed layout has incorporated footway connections to Stokesley Road, as well as a

potential connection to the existing development to the east (as previously requested by Northallerton Town Council) The layout also shows an indicative road connection/spur from the road at the north eastern corner of the site in order to provide a potential road/footway connection to the larger NOR1 site.

Amenity (As Related to the Proposed Layout)

- 10.4 Local Plan Policy E2 states that all proposals will be expected to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use.
- 10.5 The [Revised] Planning Layout Plan (Rev.F) shows appropriate separation distances between the east-facing elevations of the dwellings within Plots 62-70, and the corresponding west-facing elevations of existing properties 44, 79, 81, 83 and 87 Winton Road that are sited to the eastern and southern boundaries of the site. The proposed four unit block (74-77) would be sited approximately 3.5m from the curtilage boundary of the residential property of The Warrens, however the established and mature boundary planting would prevent any significant or unacceptable privacy issues in relation to southern facing windows within the block.
- 10.6 The properties of Middlethorpe Rise (also sited adjacent to the southern site boundary of the application site) would be located opposite to the proposed SuDS and public open space of the proposed development, however the proposed layout plan shows that the pumping station and electricity substation would be sited over 45m from the southern boundary, and thus sufficient distance not to raise any significant or unacceptable noise or vibration issues with regards to the residents. of Middlethorpe Rise, particularly when the boundary definition along the southern site boundary is also taken into consideration. There is also sufficient separation distances accommodated within the proposed layout between the dwellings and the remaining NOR1 allocation not to raise any future privacy or amenity concerns with regards any future residential development on the wider NOR1 allocated site.
- 10.7 Overall, the proposed layout and the positioning/orientation of properties is not considered to raise any unacceptable amenity issues and thus is considered to accord with the requirements of Local Plan Policy, the NPPF and the PPG in this regard.

Siting and 'Pepper-Potting' of the Affordable Housing Units (As Related to the Proposed Layout)

- 10.8 Concerns have been expressed by the Council's Housing Officer regarding the lack of 'pepper-potting' of affordable housing throughout the scheme and of the provision of four-unit 'blocks' to provide the single storey affordable housing provision which would be identifiable as affordable units due to the lack of corresponding market blocks. This matter of a lack of distribution (or 'pepper-potting') of the affordable housing across the site was also an issue raised by the Designing Out Crime Officer in his response to the original consultation, although in his response to the reconsultation exercise he has acknowledged the 'improved distribution' within the amended layout which he describes as encouraging as it will help to create a cohesive community.

10.9 While it remains the case that the two blocks accommodating the single bed units are situated adjacent to each other within the southern eastern corner of the proposed layout, as highlighted by the DOCO Officer, there has been a marked improvement overall in terms of better distributing the remainder of the affordable units throughout the amended layout. Overall, the proposed distribution of affordable units is considered acceptable, particularly as the affordable blocks would utilise the same materials and be of a similar (2 storey) scale of many of the proposed market housetypes.

Internal Road, Footway and Parking Layouts (As Related to the Proposed Layout)

10.10 Local Plan Policy IC2 (Transport and Accessibility) states that the Council will seek to secure a safe and efficient transport system...accessible to all and that supports a sustainable pattern of development. As such, development will only be supported where it is demonstrated (amongst other less relevant considerations) that:

- The development is located where it can be satisfactorily accommodated on the highway network, including where it can be well integrated with footpaths, cycle networks and public transport (criterion a.);
- Highway safety would not be compromised and that safe physical access to be provided to the proposed development from footpath and highway networks (criterion e.)
- Adequate provision for servicing and emergency access is to be incorporated (criterion f.), and,
- Appropriate provision for parking is incorporated...(criterion g.)

Policy E1 (Design) reinforces the need for the proposals to be designed to achieve good accessibility and permeability.

10.11 The [Revised] Planning Layout Plan (Rev.F) includes 109 dwellings overall accessed off an internal access road with a single access point off the eastern spur of the existing Great Moor Road/Stokesley Road roundabout, although the layout also includes a bollarded, 3.7m-wide emergency access link into the southern part of the site from Stokesley Road. Block-paved driveways and designated parking bays would be directly accessed off the internal access road for the 109 proposed units. Commenting on the proposed layout and details of the proposals as originally submitted, the Local Highway Authority have confirmed that the proposed internal layout of the highway/footways within the development would generally comply with current NYC design guidance, with appropriate road width and turning heads, while the level of parking provision shown within the proposed layout was also considered by the LHA to meet the current requirements as set out within NYC design guidance.

10.12 A relatively small number of specific technical recommendations were made by the LHA in their response, including: the introduction of traffic calming measures on the relatively straight elements of the internal road layout; alterations to the proposed road gradient where the proposed access road meets the roundabout (in order to meet the standards set out in the Design Manual for Roads and Bridges); suggested amendment to the width, gradient and priority given to the proposed cycle route within the site (to meet latest national guidance on cycle provision).

10.13 Following amendments to the proposed layout and the submission of engineering drawings (which include amendments and additions made on behalf of the applicant to respond to the aforementioned LHA recommendations), the LHA have been reconsulted. A response is awaited from the LHA to confirm that the amendments/additions made now address the technical matters raised, and any subsequent representation received from LHA will be reported to Members either as part of the 'Update List' or at the Planning Committee meeting itself, although it is evident from the LHA response that they have no fundamental concerns regarding the layout of the development.

Scale

10.14 In terms of the scale of development, criterion b. of Local Plan Policy E1 (Design) states that a proposal will be supported where it respects and contributes positively to local character, identity and distinctiveness in terms of (amongst other factors) its scale. Paragraph 14 of the Local Plan 'NOR1' allocation also states that scale, massing and density considerations in the design and disposition of new housing (within the allocation) will be expected to have regard to the original character of the area. For clarification, 'scale' for the purposes of a Reserved Matters consideration (as defined within General Development Procedural Order) specifically means the height, width and length of each building proposed within the development in relation to the surroundings.

10.15 Some concerns were raised in the representations submitted by some local residents (in relation to the original consultation on the application) with regards to the scale of some of the properties, particularly those located along the eastern side of the site and where the topography of the site is higher in comparison to the western side of the site.

Residential Amenity and Local Character (As Related to the Proposed Scale of Buildings)

10.16 The scale of the proposed dwellings within the scheme are considered be commensurate in relation to existing dwellings within North Northallerton, including adjacent existing properties on Winton Road, Mowbray Rod, Middlethorpe Rise and on the western side of Stokesley Road. The proposed development would consist of a mixture of single and two storey properties, the scale of which (both individually and cumulatively) is considered to be appropriate for the site and its surroundings. While the stated amenity and aesthetic/design concerns of some local residents regarding the scale of some dwellings in the eastern part of the site are acknowledged, it is not considered that the scale of the two storey dwellings to the eastern site boundary, even when the topography of the eastern part of the site is accounted for, would have an excessive or unacceptable overbearing impact on the adjacent properties on Winton Road, or result in any significant additional overshadowing to the rear of these properties. Expressed aesthetic and local character concerns in relation to the scale of the proposed development are noted, however, as explained above, the maximum two storey scale of the buildings within the development, in conjunction with the relatively low density of the scheme (which includes a large area of undeveloped open space) and building design, is unlikely to result in a scale of development that is likely to

appear incongruous within the context and character of its surroundings, even when the topography of the site is taken into account.

Nationally Described Space Standards (As Related to the Proposed Scale of Buildings)

- 10.17 Criterion g. of Local Plan Policy HG2 (Delivering the Right Type of Homes) states that a proposal will be supported where all homes meet the (current) National Describe Space Standards. The submitted Housing Schedule confirms that all units would meet current NDSS standards, and thus the scale of the units (in respect of meeting the current NDSS requirements) would comply with Policy HG2 of the Local Plan.
- 10.18 Overall, the proposed scale of the proposed development (both in terms of the individual and cumulative scale of its buildings) would be commensurate in relation to its surroundings, and would not raise any significant or unacceptable residential amenity, design or local character concerns. In this regard, the proposals would accord with the relevant criteria of Local Plan Policy E1, the NOR1 allocation as well as the NPPF and PPG.

Appearance

- 10.19 Criterion b. of Local Plan Policy E1 (Design) states that a proposal will be supported where it respects and contributes positively to local character, identity and distinctiveness in terms of (amongst other factors) its visual appearance and visual relationships.
- 10.20 The [amended] Proposed Layout Plan, [amended] Materials Plan and housetype plans show a mixture of building forms across the site. The aforementioned plans also show a degree of variation in terms of the external materials used, with two types of brick and a reconstructed stone to be used for the construction of the proposed dwellings. A grey-coloured slate would be used on to roof the buildings. The Boundary Treatment Layout Plan shows the proposed use of predominantly fence (acoustic and non acoustic) fence boundaries up to 2 metres in height, although the proposed layout does include 2m and 2.8m brick boundary walling (acoustic and non acoustic) on some of the more prominent property boundaries within the development which would help to provide a more congruous boundary definition in these circumstances. The plans also shows that additional hedge planting would be utilised adjacent to property boundaries where appropriate to do so.
- 10.21 Overall, the proposed building forms and materials would help to create a residential development with a relatively attractive that is complementary to the existing character and appearance of the existing built form within North Northallerton. The proposals are therefore considered to accord with the relevant criteria of Local Plan Policy E1, as well as the NPPF and PPG.

Landscaping

- 10.22 Local Plan Policy E7 (Hambleton's Landscapes) states that the Council will protect and enhance the distinctive landscapes of the Plan Area by supporting proposals where (amongst other considerations) it:
- Considers the degree of openness and special characteristics of the landscape (criterion a.);
 - Conserves and, where possible, enhances any natural or historic landscape features that are identified as contributing to the character of the local area (criterion b.);
 - Protects the landscape setting of individual settlements, helping to maintain their distinct character and separate identity (criterion e.)
 - Is supported by an independent landscape assessment where the proposal is likely to have a detrimental impact on the landscape (criterion f.).
- 10.23 Criterion b. of Policy E1 (Design) of the Local Plan states that a proposal will be supported where it respects and contributes positively to local character, identity and distinctiveness in terms of (inter alia) native tree planting and landscaping. In respect of existing trees and hedgerows, Policy E7 (Hambleton's Landscapes) states that a proposal will be supported where it seeks to conserve and enhance any existing tree and hedge of value that would be affected by the proposed development.
- 10.24 Policy E4 (Green Infrastructure) states that the Council will seek to protect existing green infrastructure and secure green infrastructure net gains by, amongst other things, incorporating green infrastructure features as integral parts of a development's design and landscaping, while also enhancing links and functionality between the site and any surrounding or adjacent areas of green infrastructure. To confirm, the application site is located within an area designated on the Policies Map of the Local Plan as a Green Infrastructure Corridor.
- 10.25 Amended Detailed Landscape Proposals Plans have been submitted with this Reserved Matters application which shows the details of the proposed landscaping scheme for the proposed development. The landscaping proposals include the proposed planting of both 'standard' and 'heavy standard' trees across the site, although the predominance of the proposed tree and native shrub planting would take place in and adjacent to the grassed POS and SuDS within the southern and south-western site boundary, although new proposed tree planting would also take place along the site boundaries, particularly the western and northern boundaries. A smaller number of individual trees and sections of hedgerow would be planted within the curtilages of properties and in smaller areas of grassed POS throughout the development. Longer sections of new proposed hedgerow would be planted within the proposed development, most notably along the southern site boundary. Areas of wild meadow are also proposed within the scheme in addition to the areas of 'general purpose' meadow mix and standard grazed areas.
- 10.26 Overall, the proposed landscaping scheme is considered to be appropriate to the size and nature of the proposed development while relating well and providing good connectivity with regards to the site's surroundings and local landscape/ecological features, while both retaining and protecting the important trees within the site and supplementing the existing

landscaping with a mixture of predominantly native tree and hedgerows species, both within the public and private realms within the scheme. In addition, the LHA have confirmed that they consider the proposed landscaping plans to be satisfactory (from a highway safety and amenity perspective) with proposed new trees set back an appropriate distance from the roads and footways. The proposals would comply with the relevant parts and criteria of Local Plan Policies E1, E4, E7 and IC2.

Requirements of Planning Conditions imposed on the Outline Permission (20/01687/OUT)

- 10.27 The corresponding outline planning permission (20/01687/OUT) imposed several planning conditions that required information and/or assessments to be submitted 'prior or alongside' any subsequent Reserved Matters application submission in order to allow for a more accurate assessment of the relevant impacts of the scheme once the proposed scale, appearance, layout, and landscaping of the proposed scheme had been 'worked up' in greater detail, rather than as indicative proposals. The agent has duly submitted plans, assessments and other documents as part of this Reserved Matters submission in order to seek to comply with the requirements of the relevant conditions of the outline permission. This subsection will consider the aforementioned plans, assessments and documents and assess their contents for compliance with regard to the requirements and reasons of each individual condition.

Condition 17 ('Secured By Design')

- 10.28 Condition 17 of the outline permission states:

"Prior to or alongside the submission of any relevant reserved matters application, a detailed schedule shall be submitted to and agreed in writing by the Local Planning Authority stating how the development will comply with 'Secured by Design' principles having taken in account the recommendations of the North Yorkshire Police in their consultation response submitted in relation to the this outline planning permission. . The layout, appearance, landscaping and scale of the reserved matters application shall be in accordance with the approved housing schedule. (Reason: To ensure that the development is in accordance with Secured By Design Principles)"

- 10.29 A sufficient level of detail has been submitted with this [amended] Reserved Matters application regarding Designing Out Crime measures to address the main stated concerns of the Designing Out Crime Officer. It is considered that the amended proposals have addressed the requirements of condition 17 of the outline permission.

Condition 18 ('Noise Assessment')

- 10.30 Condition 18 of the outline permission states:

"Prior to or alongside the submission of any relevant reserved matters application, a noise assessment shall be submitted to and approved in writing by the Local Planning Authority to

demonstrate that the dwellings and amenity areas can meet required noise levels (BS 8233:2014) and ensure that: (a) Internal noise levels to be achieved in all habitable areas attributable to external noise sources with windows shut and adequate room ventilation provided. (b) 30dB LAeq, 16hr 07.00 -23.00 (c) 30dB LAeq 8hr 23:00 - 07:00 (d) 45dB LAmax 23:00 and 07:00 (e) External recreational areas and gardens. 50 LAeq,T,dB 16 hrs 07.00 -23.00 Where noise levels cannot be met, designs or noise mitigation either through design or technology will be required to be submitted to and to be approved by the local planning authority prior to the development taking place. All works which form part of the scheme shall be completed before any of the proposed dwellings are occupied. The layout, appearance, landscaping and scale of the reserved matters application shall be in accordance with any recommended mitigation measures within the Noise Impact Assessment.” (Reason: To ensure the amenity of residents.)

- 10.31 An amended Noise Assessment (December 2024) has been duly submitted alongside this Reserved Matters submission. The NA has modelled noise levels with reference to the BS 8233 'guidance' maximum noise levels and the specified daytime and nighttime internal and external noise levels set out within condition 18.
- 10.32 Paragraph 5.1.2 of the NA states that the noise levels calculated for the daytime period demonstrate that the guidance and conditioned levels can be achieved for the majority of gardens without the need for any additional [mitigation] measures, thus complying with the requirements of condition 18 in this respect, although at 5.1.3 it is confirmed that some exceedances are predicted in the gardens of some plots towards the western site boundary, which will require mitigation (in the form of acoustic fencing) to comply with condition 18.
- 10.33 In relation to the living rooms and bedrooms of proposed dwellings during the daytime period, 5.2.3 confirms that the majority of living rooms and bedrooms towards the western site boundary (facing towards the road) would not achieve the relevant guidance levels without the provision of acoustic ventilation and – in certain cases – enhanced glazing specification.
- 10.34 For property bedrooms during the daytime period, as per the daytime requirements, 5.3.2 confirms that the majority of bedrooms towards the western site boundary will not achieve the relevant guidance levels without 'appropriate mitigation measures'.
- 10.35 In summary, therefore, and as confirmed at 7.2 of the NA, the fact that the majority of gardens are positioned in the screened side of the proposed plots and away from the main road, has resulted in the BS guidance noise levels being met without additional mitigation for most of the proposed dwellings in relation to their external (garden) areas, although mitigation is required for some plots in the form of acoustic fencing and walling, and window glazing/ventilation specifications. Subject to all noise mitigation measures, (including the installation of all acoustic walls and fencing and window glazing and ventilation specifications) being fully implemented as set out in the recommendations of the Noise Assessment and as incorporated within the design and layout of the development as per the

approved plans, (required by condition), the proposals are considered to comply with the requirements of condition 18 of the outline permission.

Condition 20 (Connection to Town Council Land)

10.36 Condition 20 of the outline permission states:

“The precise layout, landscaping, scale and appearance of the approved development (to be approved through any subsequent reserved matters application(s)) shall ensure that a suitable connection remains available and unobstructed between the application site and the Town Council-owned land to the east in order to facilitate a pedestrian and/or cycleway route/link between the application site and any pedestrian and/or cycleway created using Town Council-owned land. (Reason: To ensure that the final layout, landscaping, scale and appearance of the development (to be agreed at reserved matters stage) does not preclude a connection between the site and any future pedestrian/cycleway link on Town Council-owned land to the east of the site, in compliance with criterion (f) of Policy E 1 and criterion (c) of Policy IC2 of the Hambleton Local Plan.)”

10.37 The [amended] Proposed Layout Plan (Rev.F) shows a clear connection point between the south-east boundary of the site and the Council-owned land to the east, ensuring that condition 20 is complied with.

Condition 16 (Housing Schedule)

10.38 Condition 16 of the outline permission states:

“Prior to or alongside the submission of any relevant reserved matters application, a housing schedule shall be submitted to the Local Planning Authority detailing the housing size, type and tenure in accordance with the Council's current Housing SPD, or otherwise with an identified local need in the Northallerton, which has first been submitted and agreed in writing with the Local Planning Authority. The layout, appearance and scale of the reserved matters application shall thereafter be in accordance with the approved housing schedule. (Reason: To ensure that the proposed development meets local need for housing in accordance with HG2 of the Hambleton Local Plan)”

10.39 For clarification, the Council's Housing SPD (adopted July 2022) that the Council expect all housing development to provide a mix of dwelling sizes, with expected affordable and market mix target ranges set in table 3.1 of the SPD (and reproduced in the table below) The SPD further states that while the Council wishes to see this target mix delivered across the Plan Area during the plan period, it is recognised that different housing mixes will be appropriate in different locations and across different character areas of large site, with 'other considerations' likely to determine what constitutes an appropriate mix for any individual site. Such 'other considerations' include the following:

- The location and particular physical and environmental characteristics of the site, including its accessibility to local services and transport;
- The characteristics of the existing stock in the locality including age, condition, occupancy and demand;

- Any site-specific guidance contained in adopted planning policy or documents such as design guides/codes;
- Current housing market conditions; and
- Other local housing needs information, for example relating to elderly people or special needs.

The SPD clarifies that any development proposals that do not reflect the target mix will be required to justify the proposed mix on any particular site against this information.

10.40 During the course of the application, several documents have been submitted on behalf of the applicant relating to the proposed housing mix for the development, i.e. the size, type and tenure. This includes a Housing Schedule (based on the amended layout and increased unit numbers), a rebuttal/response to the Housing Officer's comments, and a 'Need and demand for homes at Northallerton' document. Although the aforementioned 'Need and Demand' document was submitted in relation to the original layout/scheme prior to its amendments, many of the conclusions and points made (and evidence these are based on) remain relevant to the revised application. Where considered still relevant and pertinent to the consideration of the proposed housing mix, these parts of the submitted 'Need and Demand document will be referenced.

	Table 3.1 Housing SPD		Proposed Housing Mix (As Amended) – Total of 109 Units	
<u>House Size</u>	<u>Market</u>	<u>Affordable</u>	<u>Market (76) Units</u>	<u>Affordable (33) Units</u>
1 bed	5-10%	20-25%	0% (0)	24.2% (8)
2 bed	40-45%	50-60%	32.9% (25)	48.4% (16)
3 bed	40-45%	10-20%	32.9% (25)	27.3% (9)
4+ bed	0-10%	0-5%	34.2% (26)	0% (0)
TOTAL			100% (76)	100% (33)

10.41 The above amended housing mix as been provided on behalf of the applicant following detailed discussions and negotiations between Officers and the applicant/agent in light of the housing mix concerns raised by the NYC Housing Officer in her initial representation. The increased number of units within the amended scheme has helped to facilitate a housing mix that is markedly much closer to both the recommended market and affordable housing mix ranges as set out in Table 3.1 of the Housing SPD, with the proportion of single bedroom affordable properties actually being within the 'upper end' of the recommended range. This is a type of 'affordable' property that the Housing SPD identifies there being a consistent identified demand for within the Plan Area. The proposed housing mix also includes the provision of five market, 'smaller-sized' (2 bed) properties, something that is again acknowledged (within the Housing SPD) as a housetype where there is a particular low proportion, and shortage of, within the existing housing stock of the Plan Area.

10.42 The aforementioned 'Need and Demand' document seeks to explain and support (with evidence) the approach taken by the applicant with regards to the housing mix, particularly the 'weighing towards more four and five-bedroom homes', concluding that (as summarised below):

- Families and shared households constitute 38% of all households in Northallerton and Brompton (driving a need for larger homes), with half of these households belonging to demographic groups that typically require 'family' housing such as larger semi-detached and detached properties (e.g. younger families)
- Over a quarter of family households in Northallerton and Brompton live in homes that are fully utilized, indicating a potential need for more space. An additional 7% of households are currently overcrowded and would benefit from larger living spaces.
- In the past three years, 26% of homes sold in Northallerton and Brompton had at least four bedrooms (this is stated as evidence to show that there is a steady demand for these homes)
- Buyers in the area are willing to pay the same price per square foot for four-bedroom and five[1]bedroom properties as they do for three-bedroom homes (it is stated that this highlights the high demand for larger properties)
- In Yorkshire and the Humber, buyers are not overextending their finances to purchase homes but could enhance their purchasing power by using higher loan-to-income ratios.
- There has been a strong recent supply of two and three-bedroom homes provided by other schemes within the local area, including in the North Northallerton Development Area. The proposals are therefore seeking to capture an area of the local housing market not considered to have been met by other housebuilders.

10.43 Despite the amended proposals, including revisions to the proposed layout of dwellings and the proposed housing mix, the Council's Housing Officer has retained several specific concerns regarding the proposed development as expressed in her reconsultation response. The Housing Officer's pertinent/relevant points and concerns are summarised in the consultation section above, although her comments regarding the amended housing type, size and tenure mix are summarised again below:

- There is a need for one and two-bed bungalows...The Council is particularly keen to address the need for one-bedroom affordable housing accommodation given that this represents the highest proportion of need types on the Housing Register. Whilst the increase in single bed (affordable) units is welcomed, the proposed affordable housing mix does not reflect need as per current housing register data [which shows a higher proportionate need for affordable single bed units and a lower proportionate need for 2 and 3 bed than the target ranges set out in table 3.1 of the SPD]
- The proposals confirm a 1/3 split in terms of the affordable housing tenure between social rent, affordable rent and shared ownership, confirming that this is 'policy compliant' (i.e. criterion c. of Local Plan Policy HG3) although may need to be changed when a specific housing mix is established.

- Concerns expressed regarding the lack of pepper-potting of affordable housing throughout the scheme and of the provision of four-unit 'blocks' to provide the single storey affordable housing provision which would be identifiable as affordable units due to the lack of corresponding market blocks.

10.44 Bringing this together, and notwithstanding some of the outstanding concerns of the NYC Housing Officer, it is considered that the applicant has provided a compelling, evidence-based justification (based on the characteristics of the existing housing stock, local demographic and current housing market conditions/trends within the Northallerton/Brompton area) The proposals (as amended) and information submitted is therefore considered to meet the requirements of condition 16 of the outline permission.

Other Matters

Flood Risk and Surface Water Drainage

- 10.45 The Lead Local Flood Authority (LLFA) were consulted on the application as part of the original consultation. They responded with a detailed representation, confirming that the drainage/flood risk-related conditions (9-12) of the corresponding outline permission (20/01687/OUT) are sufficient to secure the detailed drainage design for the site.
- 10.46 However, the response states that, in accordance with the Council's SuDS Design Guide, it would be preferable that all information is submitted as early as possible to reduce the risk of the relevant conditions being unable to be discharged by the Council, recommending that as the flood-risk and drainage documents submitted with the Reserved Matters application are 'limited', that the LLFA would expect further information is provided, including: a Flood Risk Assessment; infiltration testing (for potential soakaway use); hydraulic calculations (to demonstrate suitable sizing of the attenuation features and how the peak flow control value has been decided); and an exceedance flow plan. The LLFA has also raised concerns with the Case Officer that the proposed drainage design details (submitted as part of the Reserved Matters application) do not reflect current climate change and urban creep allowances.
- 10.47 To clarify, planning permission has already been granted for the erection of up to 145 homes on the site by virtue of the approval of the corresponding outline permission (20/01687/OUT), and there is no scope for the reconsideration of matters which were dealt with, or should have been deal with, at outline stage, despite the acknowledged preference within the Flood risk management goes to the principle of the development and was a matter expressly considered at outline permission stage. It is therefore not a Reserved Matter for reconsideration through this Reserved Matters application, as the principle of which has already been considered at outline stage.
- 10.48 In terms of surface water drainage, it is worth reconfirming that the purpose of this Reserved Matters application is to consider matters of appearance, landscaping, layout and scale, as opposed to the detailed design of the surface water drainage scheme, which was secured at outline stage through condition 9, which requires details of a surface water

drainage scheme (including management and maintenance, details of which are also required by condition 11) to be submitted to and approved in writing by the LPA prior to the commencement of the development. Through the approval of the outline permission (with no objections submitted by the LLFA in relation to that application), the LPA at the time were clearly satisfied that an acceptable surface water drainage scheme was possible in principle for a residential scheme of up to 145 homes. The proposed layout of this Reserved Matters application includes only 109 units, 36 units below what is allowed by the outline permission and the maximum number that was considered acceptable in principle, including in terms of surface water attenuation and discharge.

- 10.49 Overall, conditions 9 and 11 provides control in terms of ensuring that a final surface water drainage scheme, including long term maintenance arrangements, are approved prior to commencement of development, while condition 12 requires the prior approval of an Exceedance Flow Plan, meaning that the LPA will only allow development to commence if final technical details suitably demonstrate that the proposed development would not lead to harm from a surface water drainage, including approving appropriate management and maintenance and flood exceedance (during failure) of the scheme. Any such details would also have to ensure full compliance with approved Reserved Matters details. Although it is acknowledged that the stated allowances for climate change and urban creep specified within the wording of condition 9 have since been updated within the latest version of the Council's SuDS Design Guide, it is considered unreasonable and beyond the scope of the condition's wording to require the detailed drainage scheme to comply with climate change and urban creep allowances greater than those specified in condition 9.
- 10.50 While the acceptability (or otherwise) of the detailed surface water drainage scheme is a matter for consideration of the discharge of conditions application (ZB20/01687/DCN), there is no reason to conclude at this stage that the layout, scale, appearance and landscaping proposed for the development would stymie a sustainable, detailed surface water drainage scheme for this development designed in accordance with the specific requirements as set out in condition 9, and with an appropriate exceedance flow route, should the drainage scheme fail.

Ecology and Biodiversity Net Gain (BNG)

- 10.51 Although initially raising a number of ecologically-related points and matters he wished to see addressed as part of the current Reserved Matters application, the Principal Ecology has subsequently been able to confirm that he is satisfied the pertinent matters he raised regarding can be addressed through the information to be submitted for the aforementioned discharge of conditions application relating to the outline permission. Given the nature of the matters raised and the presence of the conditions on the outline permission, this is not a reasonable and acceptable approach to addressing the remaining ecology-related matters associated with the development.

11.0 PLANNING BALANCE AND CONCLUSION

11.1 Subject to receiving confirmation from the Local Highway Authority that the amendments/additions to the proposals have addressed the specific technical highways matters raised in their original consultation response, the application (as amended) is considered to have provided sufficient information (including plans and supporting documents) to demonstrate that the proposed layout, scale, landscaping and appearance of the residential development will result in a high quality proposal that will assimilate well with both the existing built form and the semi-rural, edge-of-settlement character of North Northallerton, that is in accordance with the relevant policies and expectations of the Local Plan, the National Planning Policy Framework and national Planning Practice Guidance.

12.0 RECOMMENDATION

12.1 **'Minded to grant'** the Reserved Matters subject to:

(1) Receiving confirmation from the Local Highway Authority that the submitted amendments/additions to the proposals have addressed the specific technical highways matters raised in their original consultation response, and

(2) The imposition of the recommended planning conditions below.

Conditions:

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

- a. [Revised] Planning Layout Plan (Rev.F), including a 'colour' version. (dated 15/01/2025)
- b. [Revised] Boundary Treatment Layout Plan (dated 15/01/2025)
- c. Levels Feasibility Plans – Sheets 1 & 2 (dated 12/03/2025)
- d. Longsections Plan (dated 12/03/2025)
- e. Engineering Feasibility Plan (dated 12/03/2025)
- g. Detailed Landscape Proposals Plans x3 (dated 15/01/2025)
- h. [Various] Proposed House Type Plans – Elevations and Floor Plans
- i. [Revised] Proposed Materials Plan
- j. [Revised] Proposed Boundary Definition Plan

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

2. The external elevations of buildings, pathways, hardstanding areas and boundary definitions shall be undertaken in accordance with the materials and details as specified within the relevant approved plans as listed within condition 1 above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the appearance and character of the development is appropriate in relation to the context of its surroundings and edge-of-settlement location, in accordance with Local Plan Policies E1 and E7.

3. The on-site hard and soft landscaping (including all planting and seeding) for the development shall be undertaken in accordance with the landscaping scheme/details as specified within the relevant approved plans as listed within condition 1 above no later than the first planting season following the first occupation of any of the approved dwellings. Any trees or plants which within a period of 5 years of planting die, are removed or become seriously damaged or diseased, shall be replaced with others of similar size and species.

Reason: To ensure that a comprehensive and appropriate landscaping scheme is implemented and maintained for the development, in accordance with Local Plan Policies E1 and E7.

4. No occupation of any dwelling within the development shall take place until a scheme for the management, storage and disposal of waste from the development (such a scheme to confirm the location of waste receptacle storage and associated collection points) is submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter maintained in accordance with the approved details.

Reason: To ensure that adequate

5. Prior to the commencement of any above ground works on site, the details/specifications and locations of all play equipment and associated surfacing and boundary definitions for the approved Local Area for Play ('LAP') shall be submitted to and agreed in writing by the Local Planning Authority. The LAP shall be completed in accordance with the approved details and ready to use prior to the first occupation of any of the dwellings within the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the equipment and associated surfacing/boundaries of the LAP are appropriate to the character of the development and to ensure good levels of amenities of future residents are ensured, in accordance with Local Plan Policies E1 and E2.

6. Upon installation, the sections of 450mm high timber kick rail fence shown on the knee rail fence as shown on [Revised] Proposed Boundary Definition Plan at Plots 28 and 109 shall be designed to taper down to ground level where it adjoins the 2m high fencing to prevent the kick rail fence being used as a climbing aid . Once installed, the timber kick rails at these plots shall be retained with the tapered design.

Reason: To ensure that the boundary treatments meet Designing Out Crime principles, in accordance with Local Plan Policy E1.

7. Prior to the occupation of the dwellings hereby approved, all noise mitigation measures, (including the installation of all acoustic walls and fencing and window glazing and ventilation specifications) shall be fully implemented as set out in the recommendations of the Noise Assessment and as incorporated within the design and layout of the development s per the approved plans. Once installed, the measures shall be retained, replaced or repaired as per the approved details for the lifetime of the development.

Reason: To ensure that good levels of residential amenity for the occupants of the approved dwellings is established and maintained for the lifetime of the development, in accordance with Local Plan Policy E2.

Target Determination Date: 10th April 2025

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

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		<p><u>Amended and Additional Conditions:</u> The following conditions are recommended to be amended, added or omitted in relation to those listed in Section 12 of the Officer Report:</p> <p><i>Amendment to Condition 1 (Plan List)</i></p> <p>1. The development shall be undertaken in accordance with the following plans:</p> <ul style="list-style-type: none"> a) Planning Layout : HA01:0 Rev F b) Planning Layout (Colour) : HA01:00 Rev F 	<p>kick rail design to address the Designing Out Crime Officer's comments/recommendations and to remove the requirement for condition 6.</p> <p>The additional 'Delmont' housetype plan, substation general arrangement plan and garage/sales office plan provide specific details/plans in relation to buildings as shown on the revised site layout plan that were not previously uploaded to Public Access.</p> <p>Condition 1 is updated to include the aforementioned amended/additional plans (and remove earlier versions of the</p>
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- c) Boundary Treatment Layout : HA01:01 Rev F
- d) Material Layout : HA01:02 Rev H
- e) Boundary Treatment Details : HA01:05 Rev A
- f) Detailed Landscape Proposal Sheet 1 : 4096/1 Rev G
- g) Detailed Landscape Proposal Sheet 2 : 4096/2 Rev G
- h) Detailed Landscape Proposal Sheet 3 : 4096/3 Rev G
- i) Single Garage : HA01:G:01 Rev – 808XXX:SG:PD Rev –
- j) Double Garage : HA01:G:02 Rev –808XXX:DSG:PD Rev –
- k) Double (Sales) Garage : 808XXX:SDG:PD:64 Rev –
- l) Baymont : HA01:BAY:01 Rev –
- m) Chilton & Denton : HA01:CHI:DEN:01 Rev –
- n) Clayton : HA01:CLA:01 Rev –
- o) Crosswood : HA01:CRO:01 Rev –
- p) Denford : HA01:DENF:01 Rev –
- q) Denton : HA01:DEN:01 Rev –
- r) Fordwood Brick : HA01:FOR:01 Rev -
- s) Fordwood Part Stone : HA01:FOR:02 Rev -
- t) Harding Plans : HA01:HAR:01 Rev -
- u) Harding Elevations : HA01:HAR:02 Rev-
- v) Lockton : HA01:LOC:01 Rev –
- w) Lockton & Baymont : HA01:BAY:LOC:01 Rev -
- x) Redmont : HA01:RED:01 Rev –
- y) Delmont : L255801V
- z) Linton : L365801V
- aa) Engineering Feasibility : 0014-QD-XX-DL-DR-C-00-01 Rev P06
- bb) Levels Feasibility Sheet 1 : 0014-QD-XX-DL-DR-C-00-02 Rev P05

of superceded plans) as well as adding individual housetype plans not specifically referenced in the plan list of condition 1 in Section 12 of the Officer Report.

- cc) Levels Feasibility Sheet 2 : 0014-QD-XX-DL-DR-C-00-03 Rev P06
- dd) Longsections : 0014-QD-XX-DL-DR-C-00-04 Rev P01
- ee) Substation General Arrangement Plan : GTC-E-SS-0012_R2-1_1_of_1

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

Additional Wording to the Reason for Condition 4 (Waste Storage & Management)

Reason: To ensure that adequate and conveniently located waste and recycling provision is made for the development in accordance with Local Plan Policy E2.

Removal of Condition 6 (Designing Out Crime /Kick Rail Specification)

~~6. Upon installation, the sections of 450mm high timber kick rail fence shown on the knee rail fence as shown on [Revised] Proposed Boundary Definition Plan at Plots 28 and 109 shall be designed to taper down to ground level where it adjoins the 2m high fencing to prevent the kick rail fence being used as a~~

Reason for condition 4 is incomplete in Section 12 of the Officer Report.

Condition 6 is no longer necessary as the matter is now dealt with on amended Boundary Treatment Layout : HA01:01 Rev F.

climbing aid . Once installed, the timber kick rails at these plots shall be retained with the tapered design.

~~Reason: To ensure that the boundary treatments meet Designing Out Crime principles, in accordance with Local Plan Policy E1.~~

Additional Condition:

“Prior to the first occupation of any of the approved dwellings to which they relate, the photovoltaic panels, electric vehicle charging points and cycle sheds shall be installed and available to use/operational in accordance with Planning Layout : HA01:0 Rev F and Planning Layout (Colour) : HA01:00 Rev F, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the photovoltaic panels , electric vehicle charging points and cycle sheds are installed at the point of occupation of the relevant dwellings, in accordance with Local Plan Policies E1 and E2.”

Additional Consultation Representations:

To ensure that the photovoltaic panels, electric vehicle charging points and cycle sheds as shown on the Revised Planning Layout Plans are installed at the point of occupation, this additional condition (and reason) is recommended to be imposed should Reserved Matters Consent be approved.

The Local Highway Authority (LHA) provided the following additional clarification/recommendation in an email dated 06.04.2025:

“...The applicant has provided some further amended long sections on Fri and these have addressed the point raised on the gradients. I’m also satisfied with the parking provision and amended site layout with the increased number of dwellings. Landscaping also ok from our point of view but would expect we need root protection measures for those tree proposed along the A684. I still think we need some traffic calming features on the longer straights, i.e. road 7 but that can be picked up during the Section 38 process in due course and therefore no highway authority objections to the application...”

NB – The LHA response as submitted is available for Members to view via Public Access using the link below:
[Planning Documents](#)

Updated Recommendation:

Following the Local Highway Authority confirming that they have no objections to the proposals, the Officer recommendation of ‘Minded to Grant’ (as stated within paragraph 12.1 and Section 2.0 (Summary) of the Officer Report, is updated to ‘to Grant, Subject to Conditions as per

The LHA have no objections to the application. The recommended root protection measures and traffic calming measures can be appropriately addressed through the discharge of conditions.

The LHA have provided a subsequent representation confirming that they have no objections. The ‘Minded to Grant’ within the Officer Report is

Section 12 of the Officer Report and as updated in the Update List.'

therefore updated accordingly.

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