

# Public Document Pack

## North Yorkshire Council

### Richmond (Yorks) Area Constituency Planning Committee

Minutes of the meeting held on Thursday, 10th August, 2023 commencing at 10.00 am at Civic Centre, Northallerton.

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

In attendance: Councillor Carl Les.

Officers present: Martin Grainger, Head of Development Management, Peter Jones, Development Manager - North and Laura Venn, Legal Manager, Nathan Puckering, Planning Officer and Sarah Holbird, Democratic Services Officer.

Apologies: Councillor Stuart Parsons and Karin Sedgwick.

---

**Copies of all documents considered are in the Minute Book**

---

#### **26 Apologies for Absence**

Apologies noted (see above).

#### **27 Minutes for the Meeting held on Thursday, 8 June 2023**

The minutes of the meeting held on Thursday, 8 June 2023 were confirmed and signed as an accurate record.

#### **28 Declarations of Interests**

There were no declarations of interest.

#### **Planning Applications**

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

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

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

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

**29 ZB23/00822/FUL - New 2 storey dwelling house with domestic garage at the rear at OS Field 9319, Church Street, Well for Stelling c/o Agent**

Considered :-

The Assistant Director Planning – Community Development Services sought determination of a planning application for a new 2 storey dwelling house with domestic garage at the rear at OS Field 9319, Church Street, Well. This application was submitted for a Committee decision having been called in by a Ward Member.

Mark Ketley, spoke on behalf of the applicant in support of the application.

David Webster spoke in support of the application.

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

- The proximity of the recently constructed Mayzac to the application site, thus reducing the separation gap.
- The location of the former school building and it's connection to the village.
- The withdrawal of the Environment Agency objection on flood risk grounds.
- The Committee sought clarification from Officers on the sequential test and the reason why this resulted in a recommendation for refusal and were advised that the sequential test carried out was very restrictive in the area covered and that other sites in flood zone 1 could be available within the wider Local Plan area.
- The in keeping design of the property to adjacent dwellings.

The Decision :-

That contrary to Officers recommendation planning permission be GRANTED.

Voting Record

A vote was taken and the motion was declared carried with 6 for and 1 abstention.

Reason:-

The Committee's reasons for approving the application are as set out below:-

- (i) The site will form part of the built form of Well due to the proximity of the old school and the boundary of the recently constructed Mayzac on the east of the site reducing the separation gap.
- (ii) The withdrawal of the Environment Agency objection on flood risk grounds and the conclusion that the proposals will not adversely impact flooding of other properties or cause displacement of flood water.
- (iii) The design of the proposed dwelling is acceptable in isolation and complies with the requirements of policy E1.

#### Additional Conditions

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered S50 - 3B and S50 - 2A received by the Local Planning Authority on 11.04.2023 unless otherwise approved in writing by the Local Planning Authority.
3. The development must not be brought into use until the access to the site has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:
  - The crossing of the highway verge and/or footway must be constructed in accordance with the Standard Detail number E50.
  - Any gates or barriers erected must not be able to swing over the existing or proposed highway.
  - Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway must be constructed and maintained thereafter to prevent such discharges.
  - The final surfacing of any private access must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
  - Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.

4. No dwelling must be occupied until the related parking facilities 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.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

6. 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. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
  2. the parking of contractors' site operatives and visitor's vehicles;
  3. areas for storage of plant and materials used in constructing the development clear of the highway;
  4. details of site working hours;
  5. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
  
7. (a) No demolition/development shall commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
  1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site investigation
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

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

(c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
  
8. Prior to the commencement of this development, full details of design measures to be incorporated to make the development safe from flood risk shall be submitted for approval by the Local Planning Authority. These details must then be implemented in full.
  
9. Prior to the commencement of development a landscaping and biodiversity net gain scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide a) a landscape scheme including details of any change in surfacing materials and any planting schemes and shall show the retention of any significant existing landscape features and shall provide b) details to show how a 10% net gain of

biodiversity will be achieved on site using the DEFRA biodiversity metric 3.1 (or the latest published version) and include a programme of work and subsequent maintenance arrangements. The development shall thereafter be carried out in accordance with the approved scheme.

10. Prior to development commencing details of the existing ground and floor levels of site and neighbouring buildings and the proposed ground and finished floor levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The levels shall relate to an identified fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
11. The construction of the development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted to and approved in writing by the Local Planning Authority.

These details are required prior to the construction because they could otherwise be compromised and in order to minimise the risk of abortive work being undertaken.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.
3. To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.
4. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
5. In accordance with policy IC2 and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.
6. In the interest of public safety and amenity.
7. This condition is imposed in accordance with Section 16 of the NPPF (paragraph 205) as the site is of archaeological significance.
8. To ensure compliance with policy RM2 of the Local Plan.

9. To ensure that a suitable landscaping scheme is achieved for the development and that a net gain in biodiversity is achieved in accordance with the Hambleton Local Plan policies S1, E1, E3 and E7.

Note: Councillor Tom Jones left the meeting at 10.25am during consideration of the above item and returned at 10.28 am.

**30 ZB23/01079/REM - Reserved matters application under outline permission 22/02555/OUT for the erection of 88 dwelling houses (C3) with siting, landscaping, design and external appearance for consideration at Old Hatchery, Blind Lane, Aiskew on behalf of Colin Bennett (Keepmoat Homes)**

Considered :-

The Assistant Director Planning – Community Development Services sought determination of a planning application for reserved matters (with siting, landscaping, design and external appearance) for the erection of 87 dwelling houses following the granting of outline planning permission (ref. 22/02555/OUT) on land at the Old Hatchery, Blind Lane, Aiskew.

Ian Prescott, spoke on behalf of the applicant in support of the application.

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

- The mixture of designs, finishes, house types and the spread of affordable housing.
- The Committee sought clarification as to who would be responsible for the ongoing maintenance of the acoustic fence, with maintenance responsibilities not falling to individual property owners and the developer retaining the responsibility.
- The number of properties that would have PV's fitted and the provision of EV's.

The Decision :-

That delegated authority is given for Officers to APPROVE the reserved matters following receipt of written confirmation that the Local Highway Authority, Wensleydale Railway and Network Rail have no objections to the latest proposals, including authority to impose any planning condition(s) recommended by the Local Highway Authority.

Voting Record

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

Amended Condition

Condition 6: Prior to the commencement of any works above the level of the damp proof course for any the buildings hereby approved, a carbon savings and renewable energy scheme shall be submitted demonstrating how all practical and viable measures to provide carbon savings; renewable energy and make prudent and efficient use of natural resources will be implemented. The scheme shall

include, but not be limited to, details of the precise details and number of PV panels to be installed on the roof slopes of dwellings in general accordance with the PV Zone areas identified on the approved house type plans for each approved dwelling type. The scheme shall include details of electric vehicle charging. Once approved, the development shall be undertaken in accordance with the approved scheme.”

Reason: To reduce the carbon impact of the development and to comply with policy S1.

#### Additional Conditions

Condition 8: No development shall commence above the level of the damp proof course for any the buildings hereby approved until a construction management strategy has been submitted to and approved in writing by the Local Planning Authority covering the application site and any adjoining land which will be used during the construction period. Such a strategy shall provide details of cranes and other tall construction equipment (including the details of obstacle lighting). The approved strategy (or any variation approved in writing by the Local Planning Authority) shall be implemented for the duration of the construction period.

Reason: To ensure that construction work and construction equipment on the site and adjoining land does not obstruct air traffic movements or otherwise impede the effective operation of air traffic navigation transmitter/receiver systems.”

Condition 9: No development above the level of the damp proof course for any the buildings hereby approved shall take place until a Bird Hazard Management Plan (BHMP) has been submitted to and approved in writing by the Local Planning Authority in consultation with the Ministry of Defence (MOD). The Bird Hazard Management Plan should contain, but not be limited to:

- a) An assessment of the various bird species found in the vicinity of the site, to include species data and numbers;
- b) Details of measures designed to prevent the development forming an environment attractive to those large and/or flocking bird species hazardous to aviation safety;
- c) Details of layout of the solar panels, and roof proofing measures designed to prevent access to feral pigeons and any other identified problematic species; and
- d) Confirmation of drain to dry times for the attenuation basin and details of the maintenance programme through which those drain to dry times will be maintained.

The development shall be carried out and managed strictly in accordance with the details agreed and there shall be no variation without the express written consent of the Local Planning Authority in consultation with MOD.

Reason: To limit the potential of the site to attract and support populations of those bird species that may cause detriment to aviation safety.

The first occupation of any of the dwellinghouses approved by this planning permission shall not take place until the approved planting and biodiversity enhancements have been completed in full, and their completion confirmed in writing by the Local Planning Authority.

Condition 10: Prior to the completion of the approved off-site planting and biodiversity enhancement works, a scheme for its continued management and maintenance shall be submitted to and agreed in writing by the Local Planning Authority. The off-site planting and enhancement works shall be managed and maintained in accordance with the approved scheme, including any timetable included for management and maintenance works.

The completed planting and biodiversity enhancement works shall be retained, managed and maintained in accordance with the approved details for a minimum period of 30 years from the date of its completion.

The reason for the works to be completed prior to first occupation of the dwellings is to ensure that the off-site planting and biodiversity enhancements are secured before the first occupation of the associated residential development.

Reason: To ensure that the off-site planting and biodiversity enhancements are undertaken and completed in accordance with the approved plan, in accordance with Policies E3 and E7 of the Local Plan.”

Condition 11: No dwelling shall be occupied until those elements of the approved landscaping scheme that are situated within the curtilage of that dwelling have been implemented.

Reason: In order to ensure that the landscaping is implemented and to accord with Policy E2 of the Local Plan.

**31 21/03001/FUL - Application for the construction of a 100 per cent affordable housing scheme consisting of 53 dwellings (additional and amended plans and documents received by the Local Planning Authority on 30th and 31st March, 2023) at Land to rear of 56 Ainderby Road, Northallerton for Mulberry Homes**

Considered :-

The Assistant Director Planning – Community Development Services sought determination of a planning application (as amended) for the construction of a 100 per cent affordable housing scheme consisting of 53 dwellings (additional and amended plans and documents received by the Local Planning Authority on 30th and 31st March, 2023) at Land to rear of 56 Ainderby Road, Northallerton for Mulberry Homes.

The application site was not an allocated site within the Hambleton Local Plan, and the site’s location did not accord with the other relevant housing-related (HG) policies of the Local Plan unless considered as an exception. The application had previously received member call-in through the former Hambleton District Council and as such this matter was brought to Planning Committee for determination.



The applicant's agent, Craig Stockley, spoke in support of the application.

The Decision :-

That consideration of the application be DEFERRED in order to allow the expiry of the current consultation period and to provide additional time for the Local Highway Authority to provide their formal recommendation (including any recommended conditions or reason(s) for refusal).

#### Voting Record

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

### **32 Any other items**

There were no urgent items of business.

### **33 Date of Next Meeting**

10.00am, Thursday, 14 September 2023 – Mercury House, Richmond

The meeting concluded at 11.10 am.

This page is intentionally left blank