

North Yorkshire Council

Community Development Services

Richmond (Yorks) Area Constituency Planning Committee

14TH SEPTEMBER 2023

22/00136/FULL - HYBRID PLANNING PERMISSION FOR 29 DWELLINGS AND 3 SELF/CUSTOM BUILD PLOTS TOGETHER WITH ASSOCIATED OPEN SPACE AND INFRASTRUCTURE | HURGILL STABLES HURGILL ROAD RICHMOND NORTH YORKSHIRE DL10 4TA

AT: HURGILL STABLES HURGILL ROAD RICHMOND NORTH YORKSHIRE DL10 4TA ON: BEHALF OF ZETLAND ESTATES LTD

Report of the Assistant Director Planning – Community Development Services

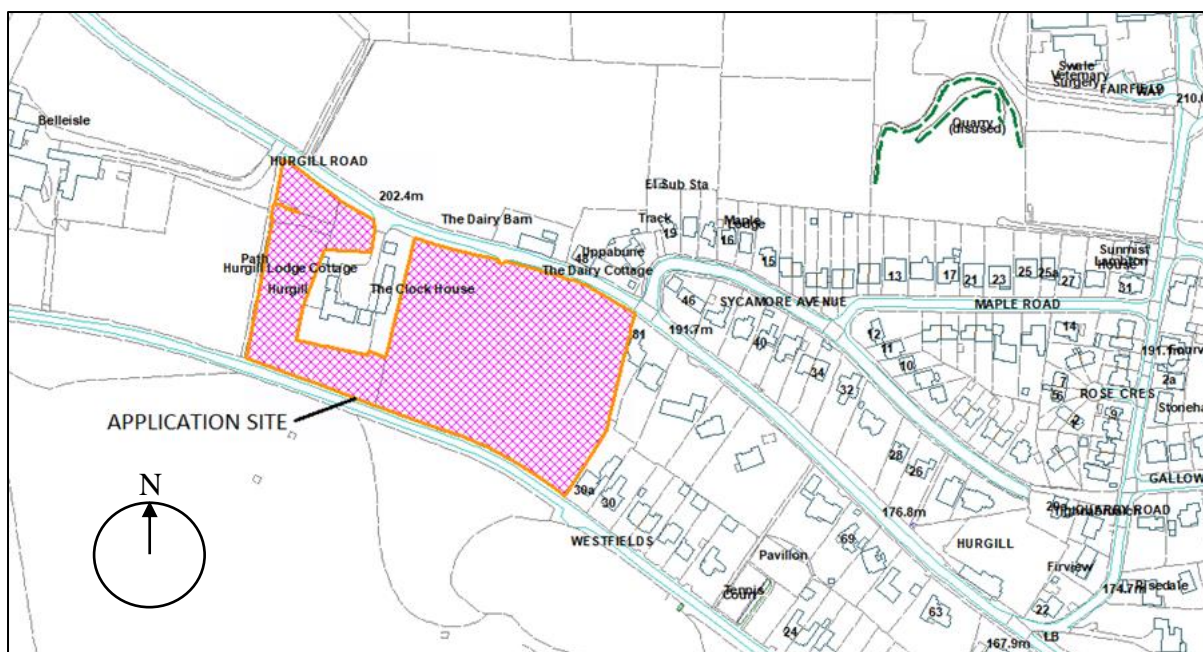
1.0 Purpose of the Report

- 1.1 To determine a planning application for Hybrid Planning Permission for 29 Dwellings and 3 Self/Custom Build Plots Together with Associated Open Space and Infrastructure on land at Hurgill Stables, Hurgill Road, Richmond, DL10 4TA.
- 1.2 This application is brought to planning committee due to raising significant material planning considerations.

- 2.0 RECOMMENDATION:** That planning permission be **GRANTED** for 29 dwellings subject to conditions listed below and completion of a S106 agreement for affordable housing, public open space, NHS contribution and off-site biodiversity enhancement

AND:

That Outline planning permission be **GRANTED** for 3 Self/ Custom build dwellings with details of access, appearance, landscaping, layout and scale to be reserved matters; subject to the conditions listed below and the aforementioned S106.



3.0 **Preliminary Matters**

- 3.1 Access to the case file on Public Access can be found here:- [Online Related Documents](#) .
- 3.2 The ward member Councillor Parsons requested this application to be considered by planning committee.
- 3.3 During the course of the application there has been amendments to the application including increasing the amount of affordable housing and increasing separation distances to trees subject to Tree Preservation Orders.
- 3.4 No relevant planning history has been identified for the application site. An Outline application for a single dwellings at land to the north of the application site also on Hurgill Road was refused February 2016 and dismissed at appeal October 2016.

15/00046/OUT - Outline Application for Erection of Single Dwelling – Refused February 2016, Dismissed October 2016

4.0 **Site and Surroundings**

- 4.1 The site is described in the application form as former stables and grazing land, and at the time of the officer's site visits was meadow land. The site is irregular in shape due to an intervening piece of land (residential Hurgill Lodge, Hurgill Lodge Cottage and The Clock Tower) cutting into the field and it extends to 1.87ha.
- 4.2 The site is accessed from Hurgill Road running along the site's northern boundary with a second access to the south from Westfield Road running along the site's southern boundary. The site is bounded by mature trees and hedges together with a small number of trees being within the site separate from the boundary. There are several recently TPO trees ranging between 10

and 14m in height within and adjacent to the application site comprising: 1 x sweet chestnut, 1 x horse chestnut, 1 x ash and 1 x sycamore.

- 4.3 The site sits adjacent to the western built up part of Richmond with residential properties to the north-west and east of the application site in addition to the Hurgill Lodge complex within the field (but outside the redline). To the south beyond Westfield Road are fields managed as a public open space by the Richmondshire Landscape Trust. To the west is a Public Right of Way (PROW) with an agricultural field with farm complex beyond. To the north-west is an agricultural field.
- 4.4 Westfield Road is part of the England Coast to Coast walking route which is circa 190 miles long and passes through three National Parks. It was an unofficial route, but on 12 August 2022 it was announced that the Coast to Coast Walk would become an official National Trail, following a successful campaign by the Wainwright Society (the official Responsible Organisation for the trail). Work will commence to upgrade the route and officially open it in 2025.
- 4.5 Aislabeck holiday park is located to the north-west. The site has a planning permission for a change of use from an office to a multi-use venue including weddings (reference: 16/00089/FULL).
- 4.6 The application site is following distances from local services assuming an average walking speed of 3mph for a healthy adult. Walking times may increase for less mobile, older people and children, particularly due to the gradient of Hurgill Road:
- 11 minute walk (0.6 miles) to Lidl retail store Richmond
 - 13 minute walk (0.7miles) to Richmond market place with Town centre amenities
 - 24 to 26 minute walk (1.2 to 1.3 miles) to Richmond Schools (Sixth Form College, Richmond Methodist Primary School, St Francis Xavier RC and CofE School
- 4.7 Richmond Racecourse, no longer in use as such, is located to the north-west and is within a designated Conservation Area with two listed structures: Judge's Box Grade II; and Old Grand Stand Grade II*. The application site is visible from Grade I listed Richmond Castle's tower.

5.0 Description of Proposal

- 5.1 This application seeks hybrid planning permission for 29 dwellings (Full) and Outline permission for 3 self/custom build plots (plots 28, 29 and 30 as shown on Proposed Site Plan Revision E in the north western corner of the application site) together with associated open space and infrastructure.
- 5.2 The mix of dwellings are set out in the table below, with the size of the self-build/ custom build units to be a reserved matter. The dwellings are proposed to be constructed from Structural insulated panels (SIPs) and clad in stone walling, larch cladding, thermopile black cladding with slate roofs. There are a variety of forms, they all have pitched roofs and stone cills. Key themes

include rooms in the roof, with some units having three floors of accommodation, and split levels due to the sloping nature of the site.

Bedrooms	Market	First Homes (discount market)	Affordable Rent	Self/ Custom Build
1	0	0	0	Tbc
2	0	0	0 to 4	Tbc
3	2	5	0 to 4	Tbc
4	18	0	0	Tbc
Total	20	5	4	3

* have been designed to accommodate a room on the roof

5.3 Four public open spaces providing a cumulative area of 1,823sqm are distributed across the site as follows:

- 444sqm centred around a TPO tree at the north of the site
- 110sqm POS/ landscaping area opposite the above
- 217sqm POS on a corner between plots 22 and 23
- 782sqm POS in the south-east corner with drainage storage underneath
- 270sqm POS adjacent to the pedestrian access to Westfield

6.0 Planning Policy and Guidance

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

Adopted Development Plan

6.2 The Adopted Development Plan for this site is:

- Richmondshire Local Plan 2012-2028 Core Strategy, adopted 2014
- Saved Local Plan Policy 23 of the Richmondshire Local Plan 1999-2006
- The Minerals & Waste Joint Plan 2015 – 2030 adopted 2022

Emerging Development Plan – Material Consideration

6.3 The Emerging Development Plan for this site is listed below. It is considered of negligible weight due to progress of the Local Plan ceasing with the intention to work towards a North Yorkshire Local Plan from 1st April 2023.

- Richmondshire Local Plan Issues and Options 2021

Guidance - Material Considerations

6.4 Relevant guidance for this application is:

- National Planning Policy Framework 2021
- 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 **Town Council:** Strong objections to the application with a significant number of local objections to this application. Key issues are:

- The application site compromises a prominent area of steeply sloping agricultural land on the western edge of Richmond. Development of this site for residential purposes would represent an unwarranted and undesirable extension of the town beyond its existing confines, resulting in a visual unacceptable intrusion of housing into the particularly attractive countryside that adjoins this western edge of the town. The site lies outside the limits to new development as identified by the Richmond District Plan and within an area where it is the policy of the Plan to retain and protect existing countryside.
- Hurgill Road has highways safety issues with: speeding, single width sections due to parking, dangerous in winter due to steep slope and may make Sycamore Avenue and Maple Road a rat run
- Development is contrary to Policies CP3 and CP4.
- Harm to Richmondshire Conservation Area and the Richmond Racecourse Conservation Area
- Harm to non-designated asset of the former Hurgill Lodge Stables and also Westfield public open space and Belle Isle Farm
- Tree not shown where plot 29 is proposed
- Insufficient affordable homes and they should be physically indistinguishable from the equivalent market homes in terms of quality and size
- Note Police comments about the poor bin arrangements for the affordable properties
- Neighbours properties will be totally dominated by this scheme
- Potential contravention of the Land Drainage Act due to mixing of natural spring waters and rain water in the drainage system
- Query whether surface water discharge to drainage systems on Westfields accords with Policy
- The River Swale has had over 100 discharges of untreated sewage to it from Richmond Sewage Treatment Works which receives the sewage from Westfields and Hurgill Road
- A ground / geological/ structural survey should be required as there is a risk of subsidence
- The land profiling and removal of soils of site will result in hundreds of HGV trips and Hurgill Road is already compromised by parking issues, road width and dangerous junctions.
- It is the contention of Richmond Town Council planning committee that the application to build 32 houses on the Hurgill Road site has no merits which would justify approval being given referencing Policy SP4
- Another application in the locality was refused due to the location and the reliance on private car (ref: 15/00046/OUT)
- There is a large development site under the applicant's control which should come forward to satisfy any housing need (planning ref 10/00468/OUT) – this was approved by RDC but the development never

transpired. If RDC are taking a managed approach, then the Gilling Road site should be considered first.

- Concerns with how the application has been handled by the Council including consultation.

7.3 **Ward Member(s):** None received.

7.4 **Conservation Officer:** The development as proposed will cause harm to the setting of the non-designated Hurgill Lodge resulting in a change to its open landscape character. This harm could be reduced by providing more breathing space to the Lodge so that open aspect is provided to the south splaying out either side and by removing dwellings close to the access. Harm will also be caused to the significance and setting of Westfields, however this is reduced due to the change in the landscape character over the 20th century and the physical separation by Hurgill Road. There will be less than substantial harm to the setting of Richmond Conservation Area as a result of this development. The harms must be considered within the planning process and public benefits considered as appropriate.

7.5 **LLFA:** No objection and recommend conditions. Recommend the Yorkshire Water existing main sewer objection is rectified as soon as possible.

7.6 **NHS Humber & North Yorkshire ICB:** £36,690 contribution for the redevelopment of the Friary Community Hospital and Surgery, Richmond is recommended to off-set the inadequate clinical space floor space at the current time to accommodate all the new residents of the development.

7.7 **North Yorkshire Fire & Rescue:** no objection/observation to the proposed development.

7.8 **NYC Archaeology:** There are no known archaeological sites in the area indicated or within the immediate vicinity. No conditions recommended.

7.9 **NYC Ecology:** The Local Authority has been provided with invertebrate data collected over many years at the site in particular in relation to butterflies and moths. It would assist the authority if the Ecological Consultants could review this species data and assess the significance of the site for these species in the context of current policy and legislation. Any recommendations for mitigation should also be provided.

Notwithstanding the above comment on butterflies and moths, in general, I am supportive of the recommendations put forward for avoidance, mitigation and enhancement measures for species present in the local area. There is a need to ensure that avoidance measures are set out clearly within a Construction Environmental Management Plan (CEMP) so that all contractors can access and adhere to these measures.

A condition to secure a sensitive lighting scheme will be required together with conditions for a detailed Landscape and Ecological Management and Monitoring Plan (LEMMP) or Biodiversity Enhancement and Management Plan (BEMP).

The biodiversity net gain assessment has now been updated to include the revised site boundary and an area of land off site, within which habitat creation and enhancement measures are proposed to secure net gain for biodiversity. I am satisfied that these proposals will provide biodiversity gain in line with current policy.

- 7.10 **NYC Education:** No contribution south for school or nursery places.
- 7.11 **NYC Highway:** Following amendments raise no objection and recommend conditions. Confirms they are aware of the planning permissions at Aislabeck including 16/00089/FULL.
- 7.12 **NYC Mineral and Waste:** The application site is within a Minerals Safeguarding Area for limestone and therefore consideration of Mineral and Waste Joint Plan Policy S07 titled "Consideration of applications in Consultation Areas" falls under the following exemption criteria:
- Infilling in an otherwise built up frontage within a settlement.

Although the site does not fit perfectly into this description it is not considered the application site is viable for minerals extraction due to its proximity to residential properties and the settlement of Richmond.

There are no active quarry sites or waste facilities within 500 metres of this Hurgill Stables, Hurgill Road, Richmond, North Yorkshire, DL10 4TA and no sites have been proposed for allocation for minerals or waste activities in the Minerals or Waste Joint Plan within that 500m zone.

- 7.13 **NYC PRoW:** PRoW run adjacent to the site's west and southern boundary. Provides advise about PRoW obstruction and temporary closures.
- 7.14 **Police Designing out Crime Officer:** It is unclear from the drawing how the residents of the mid-terraced properties will access their rear gardens, other than through the property, which does not accord with the recommendations contained in Building For a Healthy Life¹ (BHL), which states that when providing rear garden storage solutions for terraces and townhouses, direct access to these should be provided from the street. With no external access to the rear garden residents are likely to store bins at the front of the property, which can lead to the street becoming unsightly. Bins can also be used as climbing aids to overcome boundary treatments to rear gardens and they are susceptible to arson attacks. Same issue with cycle storage.
- 7.15 **Yorkshire Water:** The location of the watermain is taken from Yorkshire Water records. This is an approximate location and should instead be taken from on-sites survey. If a diversion is required the cost of this will be borne by the developer. No development should encroach within 6 metres of the live water main (3 metres either side from the centre of the main) this is to allow access for repair and maintenance. Yorkshire Water maintains the objection.

Representations

- 7.16 295 representations have been received of which 6 and in support and all others objecting. A summary of the comments is provided below, however, please see website for full comments which raise an extensive range of planning matters. In addition, petitions has been received with 680 signatures

on a paper petition, 35 on a further paper petition which also included comments; and 1,204 people registered on a digital petition. There is strong levels of local concern with the application, however, please note it is the material planning considered raised by the objections, rather than amount, that are material to the determination of the application.

7.17 Support:

- Richmond needs more housing as does the country
- Dwellings are high quality with green credentials/ very sustainable
- Site is suitable and wont seriously adversely affect any current residents or the view of the town from the coast to coast path.
- Design high quality and sympathetic with a mix of types of homes including family
- Richmond is becoming unaffordable and the reduced cost properties are welcomed.
- Developments such as these help keep the town vibrant
- The number of new dwellings can be accommodated by the town
- It does not impact important local open spaces
- Living in a similar new build estate, it looks tight, but the finished street is really nice

7.18 Objections:

Principle

- Will negatively affect the setting and approach to Richmond from the Coast to Coast walking route and other vistas
- New residents will be reliant on use of car due to distance from town centre and school and steepness of Hurgill Road
- Insufficient facilities including medical and retail within Richmond
- Too far too local facilities particularly the schools
- Development will negative impact to local tourism economy
- New residents will be reliant on use of car due to distance from town centre and school and steepness of Hurgill Road
- Affordable housing proposals not good enough
- Lack of 40% affordable provision is a consideration even if not viable.
- Other land owned by the applicant should be developed instead being more suitable and already having planning permission 10/00468/OUT (report author note: no reserved matter nor other application has been submitted for this site and the Outline permission is understood to have lapsed)
- Brownfield land should be developed first
- The Garrison should be enhanced and more housing located there
- We should stop letting housing in Richmond be converted to other uses
- Properties should go to local people first and not be used for holiday homes
- Outside development boundary and not adjacent
- Will lead to unconstrained development
- The town will be swamped by cumulative development such as the permitted solar farm.
- Too many dwellings for this part of Richmondshire
- Harm to views

- The development is not needed and the Council have a 5 year land supply
- Policy CP4 gives priority to sites within the development limits. It also requires that all development must be accessible and well related to existing facilities which this site is not.
- Richmond does not need more housing
- The site is features within the Council's SHLAA, however, this is just to identify and assess sites
- Significant impact to town landscape due to its prominent position contrary to CP4 and no Landscape Impact Assessment submitted
- Harm to views
- Applications large 4 bedroom properties contrary to Policy CP5 which identifies need skewed towards smaller properties.
- The development may not be viable.
- The houses will not be affordable
- People currently use the site for dog walking and leisure
- Residents will need to commute to employment, putting pressure on roads and against climate change objectives
- Finished floor levels should be provided
- Shape of application sites shows it is contrived

Environmental Harm

- Heritage Harm (both to designated and undesignated). This includes to Hurgill Lodge, Belle Isle Farm and medieval West Field
- There should not be tree or hedge removal
- Harm to wildlife on site and nearby including owls
- Harm to habitats off site including Whitecliffe woods and nearby SSSIs.
- Original Ecology Report inadequate
- The Site is rich in butterfly and moth species
- Original tree reports incorrect and inadequate
- Loss of dry stone walling
- The location was considered unsuitable in a previous application and appeal
- Light, sound and air pollution
- Who will be responsible for the sewerage tanks
- The site as existing with its mature trees, hedge and soil reduces flooding off site. Developing it will take away this and the proposed drainage system is inadequate. Existing drains in the area are old.
- Unclear whether there is adequate infrastructure for potable water (including reasonable water pressure), electricity and gas
- Will create land instability on site and off-site. There are underground streams and watercourses in the area. There has been a local gas leak which British Gas thinks may be from ground subsidence
- Contamination at the site (heavy metals)
- Yorkshire Water objection
- Proportion of self/custom build should be increased.
- Archaeology report required
- The application should not have been validated as there is missing information.
- Will effect peoples physical and mental health

Design and Layout

- Completely out of character

- Density is far too high
- Development should follow existing building line
- Insufficient parking/ too much parking/ parking spaces should have electric charging points
- With limited garages proposed, there will be a demand for these later
- The massing and height of the dwellings is overbearing
- Will harm existing residential properties amenity both during construction and occupation
- Levels may not be suitable
- Plans submitted not clear enough (including final levels)
- The dwellings design takes neither inspiration nor visual creativeness from surrounding buildings and seeks to undermine the heritage narrative of the area, which is distinctive, local in its source of historic construction companies and materials, and full of mixed character
- Extensive ground works needed
- Three storey dwellings overlooking Westfield Road will be imposing and unsympathetic
- Unclear what impact the self/custom building will have as these are in Outline

Roads

- Hurgill Road cannot cope with additional traffic of this extent. Already difficult with road parking making it single width. Other routes are also constrained and could cause a rat run to other residential streets. Risk of accidents will be high.
- Harm to wildlife
- The groundworks for the development will result in very high number of large vehicle movements for soil import/removal
- Development will cause traffic congestion both during construction and occupation
- Could a new alternative route be created through the trading Estate from the top of Hurgill Road and then block Quarry road at the top to prevent unnecessary volume of traffic through a residential area
- Turning circle on Westfield Road being used for residential parking currently
- Will give rise to damage to verges with bulb planting due to parking

7.19 The **British Horse Society** set out they are neutral on the application subject to no vehicular access onto Westfield Lane.

7.20 The **Richmondshire Landscape Trust** advises that they own, manage and protects a number of culturally and environmentally significant pieces of land around the town for the benefit and enjoyment of the local community. In particular, this includes the ancient pasturelands of Westfields, which lies immediately adjacent to the proposed development site. The development would irrevocably alter the character of this very special landscape and destroy valuable wildlife habitat that is part of a wider ecosystem in that area.

7.21 The proposal appears contrary to Policy CP4 of the Richmondshire Core Strategy, which requires development to be within the defined settlement limits. The applicant has not demonstrated why land it owns within the development limits is not being developed in priority to this site outwith the limits.

- 7.22 This particular location is very sensitive in that it mirrors the Richmondshire Landscape Trust-owned historic pasture land of Westfields, with each parcel sitting either side of the historic Westfields and famous Coast to Coast route. Westfield pastures, the application site and the land north of Hurgill Road are part of an important heritage landscape that originally formed part of Richmond's medieval three-field system and today is one of the town's most popular open spaces. There is a historic and visual connectivity across this landscape that would be destroyed by the intrusion of a housing estate at the heart of it. The proposal is in conflict with Policy CP3.
- 7.23 Richmondshire Landscape Trust also raise: site is gateway to the town along coast to coast route; development urbanise the landscape; site visit visible for miles around including popular riverside walks; harm exasperated by removal of trees; historical field patter irreplaceable; loss of stone wall which constitutes the last remaining original boundary of the Westfield at its upper most section; loss of hedges which are wildlife corridors; harm to birds and wildlife; development very dense and linear development line not followed; site is designated by Natural England as a Network Expansion Zone (updated 7 December 2021) as is the Westfield pasture to the south and adjoining land immediately to the west and north; development contradicts and DEFRA's 25 Year Environment Plan.
- 7.24 **North Yorkshire Access Forum** raise and commends the well thought-out provision of green space in this proposed development and proposal that vehicular access be solely from Hurgill Road, thus retaining the integrity of the bridleway along Westfields. However, the only concern is the apparent lack of visitor parking on site, as overflow car parking on the estate roads would be unwelcome as most of the site is without pavements, and random street parking is a disincentive to safe cycling.
- 7.25 **The Ramblers** responded that they do not welcome this development adjacent to Westfields the very attractive approach to Richmond for Coast to Coast walkers. If there is an approval, they seeks a new footpath on Hurgill Road alongside the development and pedestrian only access to Westfields.
- 7.26 **Richmond Civic Society** have also raised objection due: to the site being beyond the natural development limits of Richmond; very high density; Hurgill Road will not be able to accommodate the additional traffic; harm this attractive area. They also support the Town Council's and CPRE's comments set out below.
- 7.27 **CPRE** have responded to the application raising strong objection. the site is located in a prominent area of steeply sloping countryside on the western edge of Richmond on an area of land that is not considered brownfield development due to its former equestrian usage. As such a development of 30 houses at this location would constitute an inappropriate and unacceptable intrusion on the attractive rural setting of the western edge of Richmond.
- 7.28 **CPRE** go onto say that the greenfield site is located within the open countryside out with the development boundary and is not easily relatable to existing services. The Council have not proposed allocation or the redrawing

of development limits in the emerging local plan to include the site meaning that their preferred direction is to propose more suitable and sustainable sites elsewhere in the town and indeed across the district. CPRENEY are further concerned the impact on highway safety of vulnerable users from an increased number of vehicular movements associated with the proposal on the local rural road network, particularly on narrow stretches of rural roads with no suitable footpaths. As such the proposed development appears to be contrary to several local and national planning policies as set out above and therefore, CPRENEY continues to respectfully ask that this proposal be refused.

8.0 Environment Impact Assessment (EIA)

8.1 The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

9.0 Main Issues

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

- Principle of Development
- Highways and Access
- Landscape and Settlement Impact
- Heritage
- Housing Mix
- Density, Layout and Design
- Public Open Spaces
- Drainage and Flooding Residential Amenity
- Trees
- Protected Species, Biodiversity and Off-Site Habitats
- Contamination and Archaeology
- Potable Water
- Sustainability Measures
- The Public Sector Equality Duty
- Planning Obligations Planning Balance/ Conclusion

10.0 Assessment

Principle of Development

10.1 The council has a 5 year land supply and therefore the 'tilted balance' is not applied.

10.2 The application site on its eastern boundary is adjacent to and abuts the Development Limit of the Principal Town of Richmond as defined by Policy SP2 and the Local Plan Map, and which details these top tier settlements will be the focus for new housing in the plan period.

10.3 Policy SP4 sets out that a minimum of 3,060 dwellings will be delivered in the plan period at a rate 180 dwellings per year of which 79% will be in Central Richmondshire Sub Area where the site is located. Richmond is to accommodate 8% of all housing growth and this equates to 245 dwellings within the plan period. The Council's Annual Monitoring Report October 2021

details that 224 dwellings have been delivered in or adjacent to Richmond. Catterick Garison to the south-east of Richmond is also in the Central Richmondshire Sub Area has a significant under delivery of houses.

- 10.4 Since the Local Plan was adopted planning permission has been granted for around 137 dwellings in and adjacent to Richmond. The last major (i.e. 10 or more dwellings) was granted in October 2019 (15/00610/FULL for 19 dwellings) which has been built out and occupied. If no further permissions are granted and those extant are built out, it is likely the minimum target for the plan period will be met by the end of 2028.
- 10.5 Policy SP4 supporting text advises that “The target of 180 homes each year is not a ceiling for the level of expected growth. It is considered to be realistic, deliverable and therefore an achievable target to address current and future needs. A managed approach will be taken should further suitable, sustainable and deliverable housing sites come forward - they will be considered on their merits”.
- 10.6 For this specific site and proposal it is considered the following are the key factors to consider in the developments merits: (a) is the amount of development proportionate to the town (a requirement of Policy CP4); (b) can the existing structure accommodate, or be made to accommodate through a contribution, the proposed development; (c) what is the impact to the landscape, settlements approach, character and setting; (d) heritage impact; and (e) is the distances to services and facilities acceptable. Ultimately, all the positives and negatives of the scheme need to be weighed up in the planning balance which is provided at the end of the assessment at Section 11 of this report. However, these key issues are discussed here in the principle of development sub-section.

(a) is the amount of development proportionate to the town

- 10.7 Richmond has a population of 21,469 as 2011 (2011 census) and Policy SP4 seeks to deliver an additional 245 dwellings in Richmond. This application seeks approval of an additional 32 dwellings which would be around 13% over the minimum dwelling target for the town and would increase the population by around 77 people (0.36% increase in comparison to 2011). This is considered acceptable and proportionate to the town.

b) can the existing structure accommodate, or be made to accommodate through a contribution, the proposed development

- 10.8 NYC Highways, NYC Education and the NHS have not objected to the application and the NHS have requested a contribution which has been agreed by the applicant to expand a local GP practice. Otherwise, the town has a good range of facilities and services able to accommodate residential development of the scale proposed.

(c) what is the impact to the landscape, settlements approach, character and setting;

- 10.9 Richmond is a historic settlement set on a slope. The application site is partially screened by mature trees and hedgerows, most of which will be

retained by the development, however, the application site can be seen from Hurgill Road, Westfield Road and a limited number of longer viewpoints. The harm in terms of visual impact to the landscape is considered minor and needs to be considered in the overall balance.

(d) heritage impact

- 10.10 The development will cause less than substantial harm at the lower end to Richmond Conservation Area and the non-designated heritage assets of Hurgill Lodge, Westfields landscape and the medieval open field system. The heritage harm is given moderate weight and needs to be considered in the overall balance.

(e) is the distances to services and facilities acceptable

- 10.11 Walking distances from the site to services and facilities are detailed at paragraph 4.6 of this report.
- 10.12 Walking distances and route gradient to services and facilities has been raised by local representations as unacceptable, with reference made to dismissed appeal (October 2016) 15/00046/OUT for a single dwelling opposite the current site. The Planning Inspector wrote: "I have no evidence to indicate that higher priority, more accessible sites are unavailable." and "Although the site is close to other dwellings, it is not close enough to the town centre to convince me that prospective occupants would not rely upon private vehicle use to reach day to day services and facilities. It has not been demonstrated that the proposal is necessary having regard to accessibility to services or the priorities and opportunities for housing development elsewhere within Richmond. It is in the countryside and isolated from services for the purposes of the Framework. In relation to the main issue, the site is therefore unsuitable for the proposal as the location does not comply with Policy CP4 or the Framework."
- 10.13 On 12th July 2016 planning permission was granted for 32 dwellings at Convent Close, Richmond which has since been built (reference 15/00939/FULL), which has a walking distance of 22 to 24 minutes (1.1 to 1.3 miles) to Richmond Schools (Sixth Form College, Richmond Methodist Primary School, St Francis Xavier RC and CofE School. This is only two minutes shorter walking distance than the current application and is on an incline when walking toward the town centre. It is therefore considered the two sites are broadly comparable in terms of walking duration and difficulty.
- 10.14 The appeal decision is a material consideration, however, contrasts with the approval for 32 dwellings determined in the same year, of similar distances and elevation change, together with both being under the same Adopted Development Plan as is still in effect now. Whilst the Inspector decision is material, it is not considered that the walking distances or steepness are unacceptable or unusual for Richmond, however, they are not ideal in respect to the schools for this application site. This is a negative aspect given minor weight and which should be considered in the overall planning balance.

- 10.15 A further consideration is that Policy CP4 sets out that the location of development should pending the Delivering Development Plan or revisions to Local Plan land availability policies, development proposals should be in, or if deliverable opportunities do not exist within, adjacent to the settlement's Development Limits. No such local allocations have come forward and the ADP was adopted over 8 years ago with no 5 year review undertaken as recommended by paragraph 32 of the NPPF. It is therefore considered that preference for development sites to be within Development Limits be given moderate rather than great weight. For this particular settlement, subject to site specific constraints, it is considered that if this application is approved that the town could accommodate some additional housing growth for sites within the settlement boundary should they come forward before the end of the plan period in 2028. Furthermore, given the Catterick Garrison has a significant housing delivery shortfall, a reasonably proportionate uplift of housing delivery in sustainable locations such as Richmond would assist in delivering the overall housing minimum target for Central Richmondshire sub area.
- 10.16 The final planning balance is provided at the end of this report, however, it is considered that there is minor harm to the landscape and town approach and setting, together with moderate harm to heritage. The longer walking times to the local schools is also given minor negative weight. The benefits of the scheme are considered to out weight the negatives which include: provision of high quality new homes adjacent to a market town; short walking distance to a range of services and facilities; moderate in size which will in time visually tie in with the town; 30% affordable homes including First Homes and affordable rent; off-site affordable housing contribution; and three self-build/ custom build plots. Overall it is considered that the application site comprises a suitable, sustainable and deliverable housing site which merits outweigh the negatives.
- 10.17 Local representations raise that the site is currently used by residents for leisure and dog walking, however, as a private site this access could be suspended at any time.
- 10.18 Having regard to the above assessment, the principle of development is considered acceptable and complies with Policies SP2, SP4, CP2 and CP4. Highways and Access
- 10.19 Vehicle access to 29 dwellings is from Hurgill Road to the east of Hurgill Stables with a second access for pedestrian and cycles only to Westfields. A second vehicle access is provided to the west of Hurgill Stables for the 3 self/custom build units.
- 10.20 NYC Highways have requested amendments during the course of the application and these have been incorporated into the final layout. They have considered off-site road and junction capacity and safety and have found this acceptable. Highways raise no objection and recommend conditions. A Traffic Regulation Order is recommended to move the speed limit and this has been agreed.
- 10.21 NPPF paragraph 111 advises 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 would be severe. For this proposal, these thresholds are not considered to have

been met and are found to accord with Policy CP4 and paragraphs 110 and 111 of the NPPF, subject to conditions.

- 10.22 Parking provision aligns with the requirements of NYC and includes electrical charging points of each plot in excess of current standards.

Landscape and Settlement Impact

- 10.23 Richmond is set within a steep landscape falling south towards the River of Swale together with historic buildings, mature trees and other features. The application site is partially screened by existing mature trees to the south of Westfields, trees along the PRow immediately to the west and existing buildings to the north and east. Due to screening, there is limited views of the application site from medium and long views.
- 10.24 The development will be visible from Westfield Road immediately to the south which is scheduled to become an official National Trail 190 miles long. The development will affect a small section of the route changing from field to housing, however, as the walkers are already approaching a historic market town, a good quality development with appropriate external materials with retained mature hedge is unlikely to effect the medium or long terms enjoyment, vitality and viability of this route.
- 10.25 The development will also be visible from the privately owned and managed public open space to the south of Westfields. This is a sloped area of land which is tranquil, well maintained, sometimes used for grazing and has benches for the public. The development will also be visible from a longer distance from Richmond castle tower and this is discussed under Heritage below.
- 10.26 The above are considered to be the key viewpoints which will be changed by the development in terms of landscape impact.
- 10.27 Loss of dry stone walling has been raised in application comments. This is not considered to have a significant heritage, landscape or visual impact. The site will be buffered by additional hedge planting and stone used as the main elevation material.

There will be moderate harm at the lower end to the landscape and town setting giving consideration to the levels and historic nature of the settlement; together with the application site not visible from a large range of vantage points and benefits from screening from all boundaries of the site. As such, this harm should be considered in the overall planning balance. However, it is not considered that the development conflicts with the Central Richmondshire Spatial Strategy which specifies that supports small scale, high quality, new housing development in sustainable locations, which protects and enhances the exceptional high quality landscape setting of the town.

Heritage

- 10.28 The development impact to designated and non-designated heritage assets is considered in this section.

10.29 NPPF paragraph 203 advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. For this application four non designated heritage assets have been identified: Hurgill Lodge, Westfield, Belle-Isle farm and Archaeology. The Conservation Officer set out the following assessments in respect to these assets (bar archaeology):

“Non-designated Heritage Asset – Hurgill Lodge

Hurgill Lodge is a former racecourse training stable built around 1935. It has important historical links to Richmond Racecourse, established to make use of the disused racecourse, which gave purpose to the racecourse throughout the 20th century after formal racing ceased in 1891. The stables hold historic associative interest to a number of famous racing trainers over the years, producing successful racehorses. Hurgill Lodge was built on land previously associated with the adjacent Belle Isle Farm, which formed part of the historic West Field, one of the three former open fields of medieval Richmond until its enclosure in 1803. The buildings are of architectural and historic interest and their open setting with land around them contributes to significance. This setting is appreciated within close proximity but also in medium and long-range views as demonstrated in the Humble Heritage consultation response. There will be a high level of harm to the setting of Hurgill Lodge as a result of this development.

Non-designated Heritage Asset – Westfield

The consultation response from NYC Archaeology states that the development area is now separated from the remainder of the Westfield; this having taken place in the mid-late 19th century when a new road ‘Westfields’ was cut through towards its northern edge and then developed as Hurgill Lodge. The development area is considered to have low legibility to its former historic landscape type and its character is now largely derived from its association with its later equine use. I agree with this assessment; the subdivision of the land from the main Westfield through the insertion of the road and the alteration of the land to provide canter track, lunging rings etc has eroded the historic landscape to some degree. There will be a low level of harm to the setting of Westfield as a result of this development.

Non-designated heritage asset – Belle-Isle farm

A property here appears on the 1766 plan shown in the Humble Heritage consultation response. The farmstead and its agricultural setting contribute positively to the local landscape and holds historic landscape interest with Westfields. It is unlikely that there would be any adverse impact upon the setting of Belle Isle Farm as a result of this development given the existing screening and field boundaries and retention of its own immediate open setting.”

10.30 Whilst the site is not adjacent to any designated heritage assets, two have been considered which are Racecourse Conservation Area and Richmond Conservation Area. The Conservation Officer set out the following assessments:

“Racecourse Conservation Area

The character of the racecourse is only appreciated upon close proximity due to the rising topography of the area. The grandstand is not visible in views from the site or Hurgill Road in this location. Hurgill Road is characterised by built development up to the site of Hurgill Lodge and the experience on approach to the racecourse would not change enough to affect the setting of the Conservation Area. Any views towards the Conservation Area already take in a considerable amount of residential development and development of this site would not add any significant intervention to create further harm than already experienced historically. It is unlikely that there would be any adverse impact upon the significance or setting of the Racecourse Conservation Area as a result of this development.

Richmond Conservation Area

The site is not within the designated area, but does, along with other surrounding open land, contribute to the setting of the Richmond Conservation Area. The site is visible from the Castle keep and from the south side of the Swale Valley. The historic landscape contributes significantly to character and setting. Development of this site will result in some harm to the setting of the designated Conservation Area, although the landscape is largely characterised by built development along Hurgill Road already which reduces the level of harm slightly.”

- 10.31 Views from the castle have been raised by both the Conservation Officer and by representations. Photographs from the view from the castle tower have been provided as Appendix A. It can be understood from these photographs that the application site and Hurgill Stables can be seen from the castle tower, however, due to the distance is very small visually. For this reason the harm to Richmond Conservation Area is considered to be at the lower end of less than substantial.
- 10.32 In summary, the Conservation Officer advises that “The development as proposed will cause harm to the setting of the non-designated Hurgill Lodge resulting in a change to its open landscape character. I would suggest that this harm could be reduced by providing more breathing space to the Lodge so that open aspect is provided to the south splaying out either side and by removing dwellings close to the access. Harm will also be caused to the significance and setting of Westfields, however this is reduced due to the change in the landscape character over the 20th century and the physical separation by Hurgill Road. There will be less than substantial harm to the setting of Richmond Conservation Area as a result of this development. The harms must be considered within the planning process and public benefits considered as appropriate.”
- 10.33 The Conservation Officer’s assessment is concurred with, however, it is notes that density of housing near the Hurgill Stables Clock tower as proposed is currently low. It is considered that the public benefits of the provision of high quality houses at a suitable quantum for the location and settlement with affordable rented housing, First Homes, off-site affordable homes contribution and a biodiversity net gain outweigh the harm to both the designated and non-designated heritage assets. As such the development complies with Section 16 of the NPPF and Policy CP12.

10.34 In respect to below ground archaeology, the council's archaeologist advised that there are no known archaeological sites in the area indicated or within the immediate vicinity. No conditions recommended.

10.35 The Richmondshire Landscape Trust reached out to the NYC Archaeology in respect of the application site potentially being part of a medieval open field system surrounding the town of Richmond. The information was duly considered and Archaeology Officer advised that they agree that the development area formed part of the Westfield medieval open field system which was comprised of narrow field strips and comprises a significant heritage asset. They go on to advise that the development area is now separated from the remainder of the Westfield. This physical separation took place in around the third quarter of the 19th century when a new road (known as 'Westfields') was cut through towards its northern edge; then the proposal area was subsequently developed as Hurgill Lodge, providing stabling etc for racehorses from the 1930s onwards. They go on to advise that:

“Inspection of LIDAR data (which shows very minor changes in altitude) does not show any convincing remains of earthworks within the development area such as ridge and furrow. As such the development area in itself has a low legibility to its former historic landscape type. Its current character is largely derived from its association with its later historic use as stabling. This said the current use for equestrian purposes is still in keeping with the agricultural character of the Westfield. I agree that the proposal will cause some level of harm to the agricultural setting of the Westfield.

The impact of the proposal on the setting on the open field system should form part of the balanced planning decision.”

10.36 It is concurred with that the development of the site will result in harm to a non-designated heritage asset of the medieval field system together with current landscape character of the open field system. However, this is lessened by the retention of the majority of the field boundary ensuring the former medieval system can still be read in perpetuity. This is a small to moderate negative of the development which should be considered in the overall planning balance.

Housing Mix

10.37 The application proposes 29 dwellings of which 31% are affordable units and there is a mix of 2, 3 and 4 bedroom properties. In addition 3 custom/self-build are proposed.

10.38 The Council's latest Strategic Housing Market Assessment (SHMA) is 2019 and has not been publicly published and therefore has limited weight (age and non public), however, gives a steer on housing needs. This report advises the mix of dwellings: 1- bedroom 9.2%, 2-bedroom (33.6%), 3-bedroom (42.3%) and 4 or more bedroom (14.9%). Whilst the development does not strictly apply with the recommendation, it does include at least 7 x 3 bedroom houses and this is considered acceptable.

10.39 The 9 affordable units are split 5 x First Homes, the government's preferred discount market tenure, and 4 x affordable rent. In addition, a commuted sum of £158,800 is proposed for off-site affordable.

- 10.40 The amount and mix of affordable does not meet the requirements of Policy CP6 which requires 40% affordable in this location of which 80% should be social rent and 20% intermediate. Policy CP6 pre-dates the government guidance on First Homes which requires 10% of the overall number of homes for major development to be First Homes. In terms of the quantum of affordable housing together with off-site contribution this is considered acceptable on balance providing a good amount of affordable housing and will increase the chances of the development being delivered.
- 10.41 In respect of the mix of affordable, the most recent Strategic Housing Market Assessment (2019 for Richmondshire), albeit unpublished, advises that the need is now 50:50 affordable rent and intermediate. It is therefore considered a split of 5 First Homes (has benefits over intermediate) and 4 affordable rent, in light of this SHMA and government Policy on First Homes is acceptable.
- 10.42 The inclusion of 3 custom/ self-build plots is a positive for the application assisting NYC delivering plots for the need identified within our register.

Density, Layout and Design

- 10.43 The application site extends to 1.87ha which results in a density of 17 dwellings per hectare. This is considered a low but appropriate density for an edge of town location adjacent to a non-designated heritage assets.
- 10.44 Access for 29 properties is proposed from Hurgill Road at the position of the existing field access with a pedestrian and cycle access to Westfield Road. The road goes through the site in a backwards c arrangement with open spaces adjacent. The remaining three properties, the self and custom build units are served off a separate vehicle access from Hurgill Road the west of Hurgill Stables.
- 10.45 The dwellings are proposed to be constructed from Structural insulated panels (SIPs) and clad in high quality stone walling, larch cladding, thermopile black cladding with slate roofs. There are a variety of forms, they all have pitched roofs and stone cills. Key themes include rooms in the roof, with some units having three floors of accommodation, and split levels due to the sloping nature of the site. This is considered a high-quality approach which will produce visually aesthetic new homes using local materials and traditional forms with contemporary elements in the execution.
- 10.46 Overall, the non-uniform road arrangement and high quality design are considered appropriate and will create a unique sense of place. The exact design of the custom/ self-build properties will be agreed via reserved matters.
- 10.47 The density, layout and design is found to be high quality and is thus acceptable and accords with Policies CP7 and CP13 and Sections 11 and 12 of the NPPF.

Residential Amenity

- 10.48 The new properties have good levels of amenity overall, and those with smaller or north facing gardens still having adequate quality private space.

- 10.49 Existing residential properties are to the north, east and within the U shaped cut out in the western half of the site. The received representations raise concern with the residential amenity impact to all of these properties.
- 10.50 To the north is Dairy Barn, The Dairy Cottage and Uppebune. Plots 4 and 4a are two and half storeys with velux windows in the roof. They are 5.4m to eaves and 9m to ridge. There is a separation distance of 16.9m between the nearest part of Plots 4 and 4a rear elevations and the street facing elevation of Dairy Barn. In addition, due to the application sites sloping nature, the submitted section plans details a 1.4m reduction in ground levels in comparison to Hurgill Road.
- 10.51 Plot 6's single storey pitched roof element with 3.25m in height to eaves and 5.8m in height to ridge (containing kitchen and diner) is 18.2m to the closest part of The Dairy Cottage external elevation.
- 10.52 Plots 7, 8 and 9 which are two and half storeys, rear elevations face towards the side and the rear of 81 Hurgill Road which each are at least 15.8m between their rear elevation to the neighbours boundary. 81 Hurgill Road is at a lower ground level than the application site. Plots 7, 8 and 9s rear elevations at first and second floor include windows for one bedroom and two bathrooms. To reduce overlooking, it is recommended to include a condition that the bathroom windows are to be obscure glazed.
- 10.53 Plot 10 in two storeys with the east elevation facing 30a Westfields Road. It has a distance of 4m from elevation to neighbours boundary with no windows at the upper floor to prevent overlooking to this neighbour from this elevation. There will be some angled overlooking from plots 10s southern elevation with a separation distance of 23m from plot 10s southern elevation to the neighbours rear elevations of the main house (there is a single storey building in the rear garden also).
- 10.54 The other properties affected by the development is The Clock House, Hurgill Lodge and Hurgill Cottage in the U shaped cut out within central redline cut out area. Separation distances between proposed and existing include:
- 11.8m from plot 26 and 27 garages rear elevation to site boundary with The Clock House
 - 9.5m from Plots 19 east two storey elevation to site boundary with Hurgill Lodge Cottages
- 10.55 Having outlined the closest relationships with neighbours it is considered these are acceptable and would not result in unacceptable levels of overlooking, sense of enclosure, overshadowing or loss of light. However, the latest layout plan appears to show existing ground levels opposed to final. It is recommended this is included as a pre-commencement condition to ensure ground levels are appropriate for their relationship to neighbours.
- 10.56 Self build plots 28, 29 and 30 are outline with details of access only. The layout plans shows how these could indicate laid out and plot size and design provided also. These show that appropriate separation distances can be achieved and three units provided.

- 10.57 A condition requiring submission and compliance with a Construction Management Plan It is considered necessary for a development of this size adjacent to residential properties. This to include: construction hours, on-site parking, compound location and site manager contact details.
- 10.58 Subject to the conditions referred to in the preceding paragraphs, the impact to residential amenity, particularly for existing neighbours, is considered to be acceptable and complies with Policy CP3 NPPF paragraph 174.

Public Open Spaces

- 10.59 Core Policy CP11 expects new development to include provision of sufficient quality recreational facilities and, where on-site provision is not possible or appropriate, a contribution towards enhancing existing assets will be sought. More specifically, supporting text for Policy CP11 advises that “The Fields In Trust ‘Planning and Design for Outdoor Sport and Play’ (2008), formerly the National Playing Fields Association “Six Acre Standard”, provides minimum national standards for play and recreation space.”. This document has been superseded by the Fields in Trust (FiT) “Guidance for Outdoor Sport and Play, Beyond the Six Acre Standard, England, 2020” (FiT 2020 Guidance) which is now used for the purpose of applying Policy CP11. Using this more upto date guidance document there would be a requirement for 4,840sqm of POS which would be 26% of the total site area. This is considered to be disproportionate given the need for roads, paths and private gardens.
- 10.60 The application proposes 6 types of POS totalling 1,823sqm. These are smaller pockets, however, there is one larger space totalling 782sqm. Ideally there would be a LEAP, however, none of the POS are large enough or with sufficient overlooking to accommodate this type of children’s play space.
- 10.61 The proposal does deviate from Policy CP11 and this is considered in respect of quantum, however, the lack of LEAP is considered a negative to considered in the overall planning balance.

Drainage and Flooding Residential Amenity

- 10.62 The site is within Flood Risk Zone 1 the lowest risk of flooding from rivers and seas. As this is a major development the application has been supported by a Flood Risk Assessment and Surface Water Management Strategy.
- 10.63 Surface water is proposed to be directed to a below ground level surface water storage tank in the south-east corner of the application site. This in turn will release the water at a controlled rate into the combined public sewer. A section of the existing combined sewer will need to be re-laid to make the levels work and they also propose to increase the diameter of the pipe. Infiltration to ground was explored via ground testing but conditions were not found to be feasible. The system has been designed to allow for urban creep and climate change. Since the drainage and flood documentation has been submitted there have been some changes to the site layout and therefore the exact final drainage layout will need to be agreed via approval of condition. The LLFA have examined the submission and raise no objection subject to conditions including a striction of the maximum flow rate from surface water of 3.5 litres per second.

- 10.64 Foul drainage is proposed to be discharged to the existing Yorkshire Water public combined sewer. Yorkshire Water has not objected to the disposal of surface or foul water to the combined sewer.
- 10.65 Local representatives have raised low water pressure for the properties in this area as a problem and whether the additional properties will reduce the pressure further. Whilst this is noted, Yorkshire Water have an obligation to supply a connection to the water and they have not raised water pressure as a reason for refusal.
- 10.66 Yorkshire water have raised an objection due to an existing watermain running through the site in the approximate location plots 19, 27, 29 and 30. The exact location has not been confirmed by survey. The water main requires a 6m easement allowing for access, repairs and maintenance. If a diversion is required, this must be at the developer's expense. The applicant has chosen to not ascertain the exact main position and it is likely to run through the custom/ self-build plots plus two market plots. It is recommended to take a pragmatic approach by including a pre-commencement condition requiring the exact water main location to be ascertained, any layout amendments agreed if needed, and an access and clearance plan to be agreed. In the event that this condition cannot be discharged, an alternative public open space and/or biodiversity area/ landscaping area scheme shall be submitted to and agreed in writing with the LPA. This allows for the layout to be adjusted to accommodate the main, a diversion to be agreed at the developers expense or the number of units to be reduced and the remaining part of the development to proceed.
- 10.67 Subject to aforementioned conditions, the development is considered to comply with Policy CP2 167 and 169 of the National Planning Policy Framework and Policy CP2.

Trees

- 10.68 To facilitate the development the removal of the following is required: 3 x category C trees, 1 x category B group trees, 1 x category C group trees, small section of 1 x category B hedge and 1 x category C hedge. The B category arboricultural features to be removed is to facilitate access points.
- 10.69 The layout includes buildings, roads and gardens close to trees to be retained and this may result in future pressure to prune or remove these features. It will also require more expensive construction methods to protect the trees to be retained, however, this has been proposed and can be controlled via condition.
- 10.70 It is considered the tree and hedge loss is acceptable.

Protected Species, Biodiversity and Off-Site Habitats

- 10.71 The application is supported by an Ecological Impact Assessment. The site is meadow land with trees and perimeter hedges. The only European Protected Species which was found to potentially be impacted was bats from tree felling which would require condition, together with artificial light, also recommended to be limited by condition. Hedgehogs foraging habitat may be lost or injured

during construction works. The development also would result in the loss of non-priority habitat and loss of nesting and foraging habitat for an assemblage of locally common bird species.

- 10.72 Avoidance, mitigation, compensation and enhancement recommendations have been made for; nesting bird, bats, hedgehog and habitat creation and it is recommended these are conditions.
- 10.73 An off-site biodiversity scheme is proposed to north of Richmond which would result in a net gain of 1.10 habitats units (+22.90%) and 0.94 Hedgerow units (+54.26%) which is a moderate positive of the scheme. Due to being outside the redline line, the off-site biodiversity scheme would need to be secured by S106.
- 10.74 The Council's Ecologist have reviewed the submitted information and agree with the findings. They recommend conditions. They also recommended that the applicant considers the invertebrate data provided by a nearby residential neighbour for the application site and this has been subsequently provided. The applicant's response provided by their ecologist Dendra concluded that "on the common nature of the habitats present and the local abundance of similar habitats in the wider landscape, the site is not considered to be a priority habitat for invertebrates and therefore we are not recommending any further survey work or amendments to our ecological impact report findings. Council's Ecologist's have examined and concur with the invertebrate response.
- 10.75 Due to separation distances and the residential use proposed, no impact is anticipated to off-site designated habitats.
- 10.76 Having regard to the above, subject to conditions and legal agreement for off-site BNG that the development accords with paragraph 174 of the National Planning Policy Framework 2021 and Policies CP3 and CP12.

Contamination and land stability

- 10.77 The site has former agricultural use and Environmental Health recommends a condition is applied requiring a 'watching brief' for contamination. Subject to this condition the development complies with Policy CP12.
- 10.78 Concern has been raised in relation to land stability due to underground streams and watercourses in the area underground. In addition the site is relatively steep. This may be an issue, however, it is considered reasonable to include a land stability/ structural report and scheme as a pre-commencement condition. In the event the developer cannot demonstrate a scheme to ensure stability the development may not commence. However, it is considered likely an engineering scheme can be designed which ensures land stability on and off site given modern design and technology.

Sustainability Measures

- 10.79 The application is not supported by an Energy Statement, however, sustainability measures are proposed in the Design and Access Statement. These include: SIP systems, additional insulation, all units to have solar PV panels and battery unit, heat pumps and car charging points. These are

considered acceptable and would be an improvement above building regulations. A detailed scheme to be agreed is recommended to be required as a condition. Subject to condition, the development complies with Policy CP2 paragraph 1.

The Public Sector Equality Duty

- 10.80 Under Section 149 of The Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions: (i) eliminating discrimination, harassment and victimisation; (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age (normally young or older people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Having regard to these requirements, it is considered that there will be no negative impact to persons who share a relevant protected characteristic.

Infrastructure and S106 Legal Agreement

- 10.81 NYC Education have not requested any contributions for education finding capacity at all ages of children's education in the local.
- 10.82 The NHS have requested a contribution of £36,690 towards the redevelopment of the Friary Community Hospital and Surgery, Richmond due to inadequate clinical floor space at the current time to accommodate all the new residents of the development. The applicant have agreed to this contribution.
- 10.83 Highways have not requested any monies for off-site improvements.
- 10.84 It is considered that the above S106 Heads of Terms are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and as such complies with the Community Infrastructure Levy (CIL) Regulations 2010.
- 10.85 Dentists being at capacity has been raised, however, this is a north of England issue and limiting housing delivery would create a greater problem in terms of the overall housing supply and housing costs for household.
- 10.86 The custom/ self build plot provisions would be detailed in the S106 as would Public Open Space delivery and management.
- 10.87 Off-site Biodiversity Net Gain also needs to be included in the S106.

11.0 Planning Balance and Conclusion

- 11.1 The development would provide new homes adjacent the Principal Town of Richmond. The amount would exceed the minimum target for the settlement; however, this would not be an amount which is considered to be excessive or disproportionate to its existing size and position within the settlement hierarchy. Subject to a contribution for increasing a local GP surgery,

infrastructure can be improved to accommodate the development. For these reasons the principle of development is considered to comply with Policies SP1, SP2, SP4, CP3 and CP4 of the ADP.

- 11.2 The overall layout, design and appearance of the development is considered to be good quality which compliments its location at the edge of Richmond and will create its own sense of place and create a pleasant environment for the new residents.
- 11.3 31% affordable housing is proposed skewed towards discount market houses, together with an off-site contribution. This is not policy compliant, however, is considered to be acceptable provision and would be very beneficial assets for the town and residents.
- 11.4 Technical aspects including protected species, biodiversity net gain, drainage, flooding and contamination have all been found to be acceptable subject to conditions.
- 11.5 Concern has been raised in respect to road safety and capacity, however, Highways have not raised an objection and it has not been found that the residual cumulative impacts on the road network would not be severe.
- 11.6 The development will cause minor harm to the landscape, town approach and setting by changing an edge of settlement field to residential with some views towards it and being along a coast to coast walking route and to this I attach minor weight. The development causes less than substantial harm at the lower end to Richmond Conservation Area and the non-designated heritage assets of Hurgill Lodge and Westfields landscape and the medieval open field system which I attach moderate weight. The public open spaces proposed are less than required by Policy which is considered acceptable but does not include a LEAP and has no large well overlooked public open space which I also attach moderate weight. The application site is 24 to 26 minute walk via partially steep route to local schools and to this I attach minor negative weight. Moving onto the positives, the development provides 32 dwellings in a sustainable edge of settlement location which is a short walk to a range of services and facilities and to this I attach significant weight. The development provides 31% on site affordable housing and an off-site contribution and to this I attach significant positive weight. The development includes 3 self/ custom build plots, however, it has not been demonstrated whether these can be delivered due to an underground main and to this I attach minor positive weight. The development biodiversity net gain is 1.10 habitats units (+22.90%) and 0.94 Hedgerow units (+54.26%) to which I attach moderate positive weight. Lastly, the development is high quality design overall using high quality materials and goes above that required by building regulations to this I attach great positive weight. Having regard to all of these factors, it is considered the proposal comprises a suitable, sustainable and deliverable housing site which merits outweigh the negatives. As such, approval is recommended.

12.0 Recommendation

- 12.1 That planning permission be **GRANTED** for 29 dwellings subject to conditions listed below and completion of a S106 agreement for affordable housing, public open space, NHS contribution and off-site biodiversity enhancement

AND:

- 12.2 That Outline planning permission be **GRANTED** for 3 Self/ Custom build dwellings with details of access, appearance, landscaping, layout and scale to be reserved matters; subject to the conditions listed below and the aforementioned S106.

Recommended conditions:

Full Planning Permission Conditions

These conditions apply to entire development hereby permitted expect plots 28, 29 and 30 only as shown on Proposed Site Plan PL 01 Rev E.

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: Detailed Plans of Road and Footway Layout

Except for investigative works, no development shall take place including the depositing of material(s) until full detailed engineering drawings of all aspects of roads, sewers and road lighting for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

The development must only be carried out in compliance with the approved engineering drawings and programme.

Reason: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.

Condition 3: Energy Statement

An Energy Statement and Plans which accord with the measures detailed in the submitted Design & Access Statement dated 31.01.2022 shall be submitted to and approved in writing by the Local Planning Authority prior to erection of any external walls. The development shall there afterwards take place in full accordance with the approved details and any associated technology for specific plots, installed and made fully functional prior to that plots first occupation. The approved measures shall be retained and maintained in perpetuity unless replaced for a more sustainable system such as lower embodied energy or greater energy generation output etc.

Reason: To improve upon Building Regulations Part L (as of date of decision) as required by Policy CP2 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014.

Condition 4: External Materials

Prior to the erection of external walls, external wall, roof and window materials shall be submitted to and approved in writing by the Local Planning Authority.

A sample of the external wall and roof material shall be made available at the application site upon request of the Local Planning Authority. The development shall there afterwards be constructed in accordance with the approved materials.

Reason: For the visual amenity of the development locality.

Condition 5: New Private Access / Verge Crossing

The development must not be brought into first 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 approved details and Standard Detail Number A1 and the following requirements:

- That part of the access extending 10 metres into the site from the carriageway of the existing highway must be at a gradient not exceeding 1:30.
- The final surfacing of any private access within 2 metres of any area which is to be adopted must not contain any loose material that is capable of being drawn on to the proposed public highway.
- Details of measures necessary to prevent surface water from any private access discharging onto the existing Public Highway must be agreed with the Planning Authority in consultation with the Highway Authority before work starts on site. The measures should then be constructed in accordance with the approved details and maintained thereafter to prevent such discharges.

All works must accord with the above details.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

Full and Outline planning permission conditions

Condition 6: 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:

- Location Plan – Hurgill Road
- Proposed Site Plan, reference PL 01 Rev E
- Proposed AHP – Plots 1,2,3,4 Elevations, reference PL 01/02/03/04/A/B Ele Rev A (approved for plots 1 to 3 only)
- Proposed AHP – Plots 1,2,3,4, reference PL 01/02/03/04/A/B Rev A (approved for plots 1 to 3 only)
- Proposed AHP – Plots 4 & 4A / 23 & 23A / 24, reference PL 30
- Proposed – Plots 5 & 6, references PL 05/06 & PL 05/06 ELE
- Proposed – Plots 7, 8, 9, references PL 07/08/09 & PL 07/08/09 ELE
- Proposed – Plot 10, references PL 010 & PL 010 ELE
- Proposed – Plot 11 & 12, references PL 011/012 & PL 011/012 ELE

- Proposed – Plot 13, 14, 15, 16, references PL 013/014/015/016 & PL 013/014/015/016 ELE
- Proposed – Plot 17, references PL 017 & PL 017 ELE
- Proposed – Plot 18, reference PL 018
- Proposed – Plot 19, references PL 019 & PL 019 ELE
- Proposed – Plot 20 & 21, references PL 020/021 & PL 020/021 ELE
- Proposed – Plot 22 & 27, references PL 022/027 & PL 022/027/ ELE
- Proposed – Plot 23 & 24, references PL 023/024 & PL 023/024 ELE
- Proposed – Plot 25 & 26, references PL 025/026 & PL 025/026 ELE
- Arboricultural Impact Assessment dated 24/05/2023
- Ecological Impact Assessment dated 05/04/2023
- Design and Access Statement dated 31/01/2022

Reason: To ensure the satisfactory development of the site, in accordance with the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014.

Condition 7: Structural Report

Prior to commencement of any development whatsoever a Structural Report shall be submitted to and approved in writing to the Local Planning Authority. The Structural Report will include a ground investigation and a scheme to ensure that the development will be structurally sound together with ensuring there will be no structural impact to off-site land and properties. There afterwards, the development will take place in complete accordance with approved Structural Report.

Reason: Details are required prior to commencement due to the steep site levels together with local reports of structural instability and underground water courses. To ensure the development and neighbours are safe from land movement.

Condition 8: Post Development Ground Levels

Prior to commencement of any development whatsoever, proposed external and finished floor levels shall be submitted to and approved in writing to the Local Planning Authority. There afterwards, the development will take place in complete accordance with approved levels.

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

Condition 9: Soil Movement

Prior to commencement of any development whatsoever, a Soil Removal Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include the cubic metres of soil which is required to be removed from site together with a removal plan detailing the number of trips required, timing of the trips, highways route and vehicle type/size. There afterwards, the development will take place in complete accordance with the approved Soil Removal Plan.

If no soil removal is required then this shall be confirmed in writing to the Local Planning Authority prior to first commencement of the development hereby approved.

Reason: To reduce impact to residents amenity and local road network.

Condition 10: Yorkshire Water Main

Prior to commencement of any development whatsoever a Water Main Survey shall be submitted to an approved in writing with the Local Planning Authority. The survey shall verify the water mains exact position within the application site and easement requirements. In the event the layout as shown on approved plan Proposed Site Plan PL 01 Rev E conflicts with the water main or it's easement then the following shall be submitted to and approved in writing with the Local Planning Authority prior to commencement of development:

- A. Evidence of agreement to divert the water main with the main's operator together with a development timetable in relation to the diversion; OR
- B. An amended layout which includes no buildings, trees or intrusive planting over the water main or its easement together with arrangements allowing for unimpeded access for water main operator in perpetuity. If this requires a reduction in the number of units proposed will be allowed.

There afterwards the development will be take place in complete accordance with the approved details.

Reason: To ensure the water main is not damaged and is safeguarded, together with ensuring access in perpetuity for the main operator.

Condition 11: Drainage

Prior to commencement of development a detailed surface water drainage scheme shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall align with the principles detailed within the Flood Risk Assessment and Surface Water Management Strategy dated 19.01.22.

The scheme shall be designed to the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document). The scheme shall be designed for the 1 in 100 year rainfall/ storm event plus 40% allowance for climate change and urban creep. The scheme shall include a detailed maintenance and management regime for the storage facility and drainage system. The flowrate/ discharge from the site shall be limited to a maximum of 3.5 litres per second.

The approved surface water drainage scheme shall be implemented and delivered in full prior to first occupation of the development hereby approved or in accordance with any phasing embodied within the scheme. There afterwards the approved surface water drainage scheme shall be maintained and retained in perpetuity in accordance with the approved maintenance details.

Reason: To ensure delivery of an adequate surface water drainage scheme which prevents keeps the development safe for its lifetime and prevents an increased of flooding off-site. This condition is also applied having regard to paragraphs 167 and 169 of the National Planning Policy Framework 2021 and Policy CP2 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014.

Condition 12: Construction Management Plan

No development whatsoever shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the development hereby permitted shall be undertaken in complete accordance with the approved Construction Management Plan. The Plan must include the following details:

1. The provision of wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway by vehicles exiting the site.
2. An area for the parking of all contractors, site operatives and visitors vehicles clear of the Public Highway.
3. An area for the storage of all plant and materials used in constructing the development clear of the Public Highway.
4. Measures to manage the delivery of materials and plant to the site including the routing of delivery vehicles and the location of loading and unloading areas.
5. A photographic and / or video record of the condition of the Public Highway adjacent to the site plus a distance of 100 metres on each approach. The survey should include the carriageway, footways and grassed verges and will be used in order to establish if any damage or degradation to the Publicly Maintainable Highway has occurred during the period of work on the site and any such damage deemed to have taken place as a consequence of the development works will require to be rectified at the cost of the applicant.
6. Details of any temporary construction access to the site including measures for removal following completion of construction works.

Reason for Condition: In the interest of public safety and amenity having regard to paragraphs 130, 174 and 185 of the National Planning Policy Framework 2021 and Policies CP3 and CP4 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014.

Condition 13: Traffic Regulation Order

Prior to commencement of development a traffic regulation order shall be applied for and confirmed to expand the 30mph speed limit along Hurgill Road.

Reason: For highways safety.

Condition 14: CEMP

No development whatsoever shall take place until a Construction Environmental Management Plan (CEMP) is submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of measures to reduce impact to wildlife on and adjacent to the site during construction works. The development will thereafter take place in full accordance with the approved CEMP.

Reason: to reduce impact to wildlife.

Condition 15: Tree Protection

Site Clearance and Construction works on site pursuant to this permission shall take place in complete accordance with the approved Arboricultural

Impact Assessment dated 24th May 2023 including incorporated Tree Protection Plan.

No other operations shall commence on site in connection with the development until the tree protection works and any pre-emptive tree works required by the approved documents and plans have been carried out and all tree protection barriers are in place as indicated on the Tree Protection Plans.

The protective fencing shall be retained in a good and effective condition for the duration of the construction of the development until all site works have been completed and all equipment, machinery and surplus materials removed from site, unless the prior written approval of the local planning authority has been sought and obtained.

No trees or hedges shall be removed other than those approved as detailed in the Arboricultural Impact Assessment dated 24th May 2023.

Reason: For the protection of trees and hedges to be retained in accordance with Policy CP12 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014.

Condition 16: Delivery of off-site highway Works

Prior to commencement of development an off-site highways improvement scheme shall be submitted to and approved in writing by the Local Planning Authority. The off-site highways works is the provision of a full height footway with a minimum width of 1800mm along that part of the site which borders the southern side of Hurgill Road as shown on Drawing Number PL 01 Revision E. The new footway should tie in with the existing footway to the south east of the site and the construction should be in accordance with Standard Detail Number A1. An appropriate system of positive drainage will be required for the adjacent carriageway which should retain a minimum width of 5.5 metres.

The scheme shall include: full detailed engineering drawings of all aspects of the scheme including any structures which affect or form part of the scheme; and a programme for the delivery of the off-site highways improvement.

Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

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

Condition 17: Visibility Splays

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

Reason: In the interests of highway safety.

Condition 18: Contamination Watching Brief

A 'Watching Brief' shall be implemented during construction works for unexpected or previously unidentified contamination encountered during site works. Prior to first occupation of the development hereby permitted a Contamination Note shall be submitted to Local Planning Authority confirming the presence or absence of contamination during site works.

If contamination is not present, a 'Confirmation Report' providing suitable photographic (or other) evidence, shall be submitted to and agreed in writing with the Local Planning Authority prior to first occupation of the development hereby permitted.

If contamination is present work shall cease immediately until such time as provisions A to D below are completed to the written approval of the Local Planning Authority. All requirements to be completed in accordance with the following guidance references: LCRM (Environment Agency, 2020); BS10175 (British Standards Institution, 2011); C665 (CIRIA, 2007).

Further guidance is provided in the document 'Development on Land Affected by Contamination, Technical Guidance for Developers, Landowners and Consultants, Yorkshire and Lincolnshire Pollution Advisory Group, version 11.2 – June 2020', which can be found here along with other YALPAG guidance: <https://www.richmondshire.gov.uk/environmental-health/pollution/contaminated-land/>

A: CHARACTERISATION: With specific consideration to human health, controlled waters and wider environmental factors, the following documents must be provided (as necessary) to characterise the site in terms of potential risk to sensitive receptors:

- Preliminary Risk Assessment (PRA or Desk Study)
- Generic Quantitative Risk Assessment (GQRA) informed by an Intrusive Site Investigation
- Detailed Quantitative Risk Assessment (DQRA)
- Remedial Options Appraisal

Completing a PRA is the minimum requirement. DQRA should only to be submitted if GQRA findings require it.

B: SUBMISSION OF A REMEDIATION & VERIFICATION STRATEGY: As determined by the findings of Section A above, a remediation strategy (if required) and verification (validation) strategy shall submitted in writing to and agreed with the Local Planning Authority. This strategy shall ensure the site is suitable for the intended use and mitigate risks to identified receptors. This strategy should be derived from a Remedial Options Appraisal and must detail the proposed remediation measures/objectives and how proposed remedial measures will be verified.

C: REMEDIATION & VERIFICATION: Remediation (if required) and verification shall be carried out in accordance with an approved strategy. Following completion of all remediation and verification measures, a Verification Report must be submitted to the LPA for approval.

D: REPORTING OF UNEXPECTED CONTAMINATION: All unexpected or previously unidentified contamination encountered during development works must be reported immediately to the LPA and works halted within the affected area(s). Prior to site works recommencing in the affected area(s), the contamination must be characterised by intrusive investigation, risk assessed (with remediation/verification measures proposed as necessary) and a revised remediation and verification strategy submitted in writing and agreed by the LPA.

E: LONG-TERM MONITORING & MAINTENANCE: If required in the agreed remediation or verification strategy, all monitoring and/or maintenance of remedial measures shall be carried out in accordance with the approved details.

The site shall not be taken into use until the investigations, remediation and verification are completed. The actions required in Sections A to E shall adhere to the following guidance: LCRM (Environment Agency, 2020); BS10175 (British Standards Institution, 2011); C665 (CIRIA, 2007).

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 19: Construction Hours

Construction Works and Site Clearance works audible at or beyond the site boundary should not occur outside of Monday to Friday 08.00hrs to 18.00 hrs, Saturday 08.30hrs to 13.30hrs and at no time on Sundays or Public/Bank Holidays.

Reason: To prevent an unacceptable disturbance to residential neighbours having regard to paragraphs 130, 174 and 185 of the National Planning Policy Framework 2021 and Policies CP3 and CP4 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014.

Condition 20: Landscape and Ecological Management and Monitoring Plan (LEMMP)

A Landscape and Ecological Management and Monitoring Plan (LEMMP) shall be submitted to and approved in writing by the Local Planning Authority prior to erection of any external walls. The LEMMP shall include:

- Detailed Landscaping Proposals including plant species, sizes and numbers
- Biodiversity Enhancements and Measures
- Programme for planting and delivery
- Management Plans for a 30 year period including details of contractor competency, ecological monitoring, funding and contingency measures.

The approved LEMMP shall be implemented in accordance with the approved programme and thereafter adhered to for 30 years.

Reason: For the visual amenity and biodiversity of the site.

Condition 21: Construction of Adoptable Roads and Footways

No part of the development hereby permitted shall be brought into first use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation.

The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into first use.

Reason: To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.

Condition 22: Closing of Existing Accesses

The development must not be brought into first use until the existing accesses onto Hurgill Road have been permanently closed off in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the amenity of the area.

Condition 23: Pedestrian Visibility Splays

There must be no access or egress by any vehicles between the proposed adopted highway and any of the individual plots until visibility splays providing clear visibility of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway of the proposed adopted highway have been provided. In measuring the splays the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety.

Condition 24: Access, Turning and Parking Areas

No part of the development must be brought into first use until the access, parking, manoeuvring and turning areas for all users have been constructed, unless a phasing strategy has been first agreed in writing with the Local Planning Authority, in accordance with the details approved in writing by the Local Planning Authority and as shown on Drawing Number PL 01 Revision E or as varied under Condition 10. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

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

Condition 25: Parking for Dwellings

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 and as shown on Drawing Number PL 01 Revision E or as

varied under Condition 10. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: 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.

Condition 26: Garages

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Order, any garage shall not be converted into domestic accommodation without express planning permission from the Local Planning Authority.

Reason: In order 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 of the development.

Condition 27: Obscure Glazing

All bathroom windows in the eastern elevation of first floor and above of plots 7, 8 and 9 shall be obscure glazed and shall be retained as such in perpetuity.

Reason: To reduce overlooking to neighbour.

Condition 28: Lighting

No external lighting shall be erected until details are first submitted to and approved in writing with the Local Planning Authority. The details shall include light specification, height, light direction and timings and shall be designed to reduce upwards light spill. Only such approved external lighting shall be erected/installed.

Reason: To reduce light spill for visual amenity and biodiversity having regard to paragraph 174 of the National Planning Policy Framework 2021 and Policies CP3 and CP12 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014.

Outline Planning Permission Conditions

The following conditions relate to Plots 28, 29 and 30 only as shown on Proposed Site Plan PL 01 Rev E.

Condition 29: Time Limit

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

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

Condition 30: Reserved Matters

Approval of the details of the appearance, landscaping, layout and scale of each plot (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced on the same plot.

The first reserved matters application will include a plot division plan.

The layout reserved matter and plot division plan cannot be approved before approval of details for Condition 6 have been obtained.

Reason: To reserve the rights of the Local Planning Authority with regards to these matters and ensure no conflict with the water main.

Condition 31: Maximum number of dwellings

The development hereby approved is for up to 3 dwellings only.

Reason: To ensure the density of development is appropriate for the site size and configuration together with enabling sufficient levels of residential amenity to be protected and created.

Condition 32: Height

No dwelling shall exceed two and half storeys with rooms in the roof.

Reason: To ensure the development is not overbearing to residential neighbours and is suitable for an edge of town location.

Condition 33: Detailed Plans of Road and Footway Layout

Except for investigative works, no development shall take place including the depositing of material(s) until full detailed engineering drawings of all aspects of roads, sewers and road lighting for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

The development must only be carried out in compliance with the approved engineering drawings and programme.

Reason: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.

Condition 34: External Materials

Prior to the erection of external walls, external wall, roof and window materials shall be submitted to and approved in writing by the Local Planning Authority. A sample of the external wall and roof material shall be made available at site upon request of the Local Planning Authority. The development shall be thereafter be constructed in accordance with the approved materials.

Reason: For the visual amenity of the development locality.

Condition 35: Energy Statement

An Energy Statement and Plans which accord with the measures detailed in the submitted Design & Access Statement dated 31.01.2022 shall be

submitted to and approved in writing by the Local Planning Authority prior to erection of any external walls. The development shall thereafter take place in full accordance with the approved details and any associated technology for specific plots, installed and made fully functional prior to that plots first occupation. The approved measures shall be retained and maintained in perpetuity unless replaced for a more sustainable system such as lower embodied energy, greater energy generation output etc.

Reason: To improve upon Building Regulations Part L (as of date of decision) as required by Policy CP2 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014.

Condition 36: New Private Access/Verge Crossing

The development must not be brought into first 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 approved details and Standard Detail Number A1 and the following requirements:

- That part of the access extending 10 metres into the site from the carriageway of the existing highway must be at a gradient not exceeding 1:30.
- The final surfacing of any private access within 2 metres of any area which is to be adopted must not contain any loose material that is capable of being drawn on to the proposed public highway.
- Details of measures necessary to prevent surface water from any private access discharging onto the existing Public Highway must be agreed with the Planning Authority in consultation with the Highway Authority before work starts on site. The measures should then be constructed in accordance with the approved details and maintained thereafter to prevent such discharges.

All works must accord with the above details.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

Target Determination Date: 23.01.2023

Case Officer: Fiona Hunter - fiona.hunter1@northyorks.gov.uk

Appendix A – Photographs from Richmond Castle Tower, August 2023

Figure A: View from top of the castle tower, **no zoom**. Application site circled in yellow.



Figure B: View from top of the castle tower, **with** zoom. Application site circled in yellow.

