

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

13th June 2024

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

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

<p>Ian Nesbit</p> <p>Morton On Swale and Appleton Wiske</p>	<p>Amended Plan(s) Submitted (2)</p> <p>Agent - Further Clarification Provided</p>	<p>erroneously included in the location of the proposed attenuation tank (which is the actual proposed means of surface water attenuation included within the Drainage Strategy. Rev.L includes minor amendments (included on previous plan version Rev.K) to the design of the turning head and the positions of plot 1 and 2 to ensure that the route of the public footpath is not physically affected. The above land would be used as Public Open Space and/or part of the on-site BNG provision.</p> <p>Drainage Strategy Plan (Rev.P5) has been submitted by the agent on 12.06.2024. The amended plan addresses an error in the earlier version of the plan which erroneously did not include the updated storage capacity of the proposed attenuation tank (i.e. now shown as 152 cubic metres)</p> <p>Neither amended plan makes any material amendments to the proposals.</p> <p>Since the publication of the agenda, the application's agent has provided by email (dated 05.06.2024) setting out reasons why a permanent access would not work in the location of the proposed emergency access onto Hornby Road:</p> <ul style="list-style-type: none"> • It may not be wide enough. • It brings the access road very close to the oak tree on site (subject to a TPO. • It runs through the BNG area. • It runs close to an additional collection of bungalows. <p>In a follow up email (dated 12.06.2024), the agent has provided an extract from the Tree constraints plan for the site which includes the Root Protection Zone (RPZ) for the TPO oak tree as well as an indicative sketch showing the potential position of a permanent access road east of Ryegrass House. The agent's position is that while a 'low impact system' utilising stone 'twin tracks' can potentially be used for an emergency access route, a permanent access would require a more comprehensive tarmac road which would impact the tree.</p> <p>At the request of the Case Officer, the LHA has provided comments (in an email dated 05.06.2024) regarding the potential to create either an emergency access (as</p>
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		<p>Local Highway Authority (LHA) - Comments on the Potential for an 'Emergency Vehicular Access' or a Permanent Vehicular Access</p>	<p>proposed) or an alternative permanent access off Hornby Road, immediately to the east of the newly built Ryegrass House:</p> <p>NB: The Highways Officer has confirmed that these are their informal comments.</p> <p><u>Emergency Access</u></p> <ul style="list-style-type: none"> • The same Visibility Splay requirements as mentioned in our recommendation would be applicable. • That part of the access within the limits of the Publicly Maintainable Highway would need to be hard surfaced to the same standard as mentioned in our recommendation. • That part of the access within the site would need to be hard surfaced to a specification to be agreed (capable of supporting a fully laden fire appliance) and have a minimum width of 3.7 metres. • The boundary with the Public Highway should have lockable demountable bollards or similar to prevent day to day vehicular access but still allow pedestrians and cyclists to pass. • Colleagues in the PROW Team should be asked to comment. <p><u>Permanent Access</u></p> <ul style="list-style-type: none"> • The same points made in the recommendation for the vehicular access in its original position would still apply in their entirety. • The dimensions of the access would need to be the same as those proposed for the vehicular access in its original position. I'm not sure if the area of land over which it would pass is wide enough at the northern end. • Colleagues in the PROW Team should be asked to comment. <p>2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered received by the Local Planning Authority on 04.08.2023; 06.10.2023, 23.01.2024, 15.05.2024 and 12.06.2024 unless otherwise approved in writing by the Local Planning Authority:</p>
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		<p>conditions in section 12 of the Officer Report.</p> <p>Amendment to the Recommendation (at para. 12.1 of the Officer Report)</p> <p>Officer Commentary</p>	<p>12.1 It is recommended that the matter be delegated to officers to grant planning permission subject to the conditions recommended in section 12 of the Officer Report (as amended within this Update List) and following:</p> <p>ii. The prior completion of a suitable Unilateral Undertaking signed by the applicant requiring the submission of a BNG Implementation Plan as well as a BNG Management and Maintenance Plan to maintain the off-site BNG for a minimum period of 30 years.</p> <p>iii. The prior completion of a legal agreement in consultation with the Local Highway Authority and the Council's Public Footpaths Team (i.e. Unilateral Undertaking or Section 106 agreement, dependent on the ownership composition of the land involved) for the approval of the details of an emergency vehicular access into the site within Flood Zone 1. The details to include but not necessarily limited to: the precise location of the access; access and track width, surface materials, removable boundary definition and/or bollards) The agreement shall require the completion and availability of use of the emergency vehicular access in accordance with the agreed details prior to the first occupation of the dwellings, and its retained availability for the lifetime of the development.</p> <p>In order to seek to address the Committee's concerns, the agent has proposed that an emergency vehicular access is created east of Ryegrass House involving a 'low impact' twin track with a removable boundary definition to provide emergency access in and out of the site within Flood Zone 1, should the permanent access be obstructed. As referred to in the Officer Report, Officers consider that the provision of an emergency vehicular access within Flood Zone 1 would be able to provide an</p>
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appropriate means of emergency vehicular access to the site (without it being necessary to facilitate an alternatively-located permanent site access), subject to the approval of the details in consultation with both the Local Highway Authority and the Council's Public Footpaths Team, although the Local Highway Authority has not raised any objections during informal discussions on the subject (see the summary of the LHA email dated 05.06.2024 above).

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

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

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

END

OFFICIAL - SENSITIVE