

# North Yorkshire Council

## Richmond (Yorks) Area Constituency Planning Committee

Minutes of the meeting held on Thursday 13<sup>th</sup> June 2024 commencing at 10.00 am at County Hall, Northallerton.

Councillors David Webster (Chair), Kevin Foster, David Hugill, Tom Jones (As substitute for Councillor Angus Thompson), Heather Moorhouse and Steve Watson.

Officers present:-

Peter Jones, Fiona Hunter, Ian Nesbit and Caroline Walton - Planning Services; Frances Maxwell and Laura Zielinski – Legal Services; Stephen Loach - Democratic Services

Eighteen Members of the public including seven registered speakers.

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

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### **109 Apologies for Absence**

Councillors Karin Sedgewick and Angus Thompson

### **110 Minutes for the Meeting held on 11th April 2024**

The minutes of the meeting held on Thursday, 11<sup>th</sup> April 2024 were confirmed and signed as an accurate record.

### **111 Declarations of Interests**

There were no declarations of interest.

### **Planning Applications**

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

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

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

Where the Committee granted planning permission in accordance with the recommendation in a report this was because the proposal is in accordance with the development plan, the National Planning Policy Framework or other material considerations as set out in the report unless otherwise specified below.

**112 20/00892/OUT - Outline Application with Some Matters Reserved for 3 No Commercial Units, Associated Parking and Access - Land North of Green Howards Road, Richmond North Yorkshire**

Considered :-

The Assistant Director Planning – Community Development Services sought determination of a planning application for outline planning permission with some matters reserved for 3 No. commercial units, associated parking and access at land north of Green Howards Road, Richmond North Yorkshire.

The application was referred to this committee following an accepted “call-in” request by the Divisional Member. The reasons raised were harm to open spaces, the northern boundary of Richmond and the development being visible from many locations around the settlement.

The following update to the report was outlined:

Alterations to paragraph 10.14 of the report and an update to the recommendation as the original site plan had not included the site entrance, were provided in the updates report circulated and published prior to the meeting.

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

- The difficult road on the access to the application site, however, it was acknowledged that highways had no concerns with regards to the application.
- The view of the proposed development from nearby areas would not be obtrusive
- Further measures to provide additional carbon savings would be appreciated.
- The use of stone for the construction of the buildings was welcomed.

The Decision :-

That the Planning Committee be **MINDED TO GRANT** planning permission 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.

Voting Record

A vote was taken and the motion was carried unanimously.

**113 ZD24/00080/FULL - Full Planning Permission for Change of use of Unused Garage Workshop to Tills / Retail area of Petrol Filling Station Including Alterations to Front Elevation (Retrospective) - Penny Petroleum Scorton Road Brompton On Swale Richmond North Yorkshire DL10 6AB**

Considered :-

The Assistant Director Planning – Community Development Services sought determination of a planning application for full Planning Permission ref: ZD24/00080/FULL for a change of use of unused Garage Workshop to tills / retail area of Petrol Filling Station Including alterations to front elevation (retrospective) on land at Penny Petroleum, Scorton Road, Brompton On Swale, DL10 6AB.

It was stated that Legal officers had 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.

The recommendation had been amended, therefore, to defer the item to allow details of plant and machinery to be submitted, consulted upon and recommendation reviewed on this specific point.

The Decision :-

That the Planning Committee **DEFER THE APPLICATION** for consideration at a subsequent meeting to allow details of plant and machinery to be submitted, consulted upon and recommendation reviewed on this specific point.

Voting Record

A vote was taken and the motion was carried unanimously.

**114 ZB24/00968/MRC - Application for Variation of a Conditions 2 (Roadway Construction Detail - minor changes to specifications) 10 (Provision of Passing Places – provision of passing places delayed) and 11 (New access construction details modified) following Grant of Planning Permission 23/00625/FUL - Sedgefield House Ainderby Steeple Northallerton DL7 9JY**

The Assistant Director Planning – Community Development Services sought determination of variation of Conditions 2 (Roadway Construction Detail - minor changes to specifications) 10 (Provision of Passing Places – provision of passing places delayed) and 11 (New access construction details modified) following the grant of Planning Permission 23/00625/FUL - Sedgefield House Ainderby Steeple Northallerton DL7 9JY This application was brought to the Planning Committee at the request of the Divisional Member

This application was brought to the Planning Committee as the proposals had generated significant local interest and the original application was determined by the Planning Committee.

The following updates to the report were outlined:-

The S278 agreement, which effectively provided authority for the passing places to be implemented, had been agreed by the Council, signed by the applicant and was now with the Council for engrossment, which would be carried out imminently.

The Road Closure consent was being prepared and would take approximately 5 weeks to complete owing to the advertisement period for this. Works could commence to implement the passing places immediately thereafter.

The applicant had confirmed that this time frame would result in approximately 7 weddings taking place in the absence of all of the passing places.

Under the requirements of the S278 agreement, should the applicant not implement the construction of the passing places, the Highway Authority could undertake the work in default, on the basis of a submitted bond under the S278 agreement.

Forster Holmes spoke objecting to the application.

Stuart Tweddle, the applicant, spoke in support of the application.

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

- It was recalled that the Conditions were a major reason for initially agreeing planning application and altering these was not beneficial to the neighbouring area.
- There were events planned at the venue and refusal of the variation of conditions would lead to these having to be cancelled.
- The applicants plans in place to organise traffic during the planned events,
- The conditions of the original application should have been implemented by now.
- The main concern was for the safety of the people who were required to travel on the road.

The Decision :-

That Planning Permission be **REFUSED** for the reasons set out below:

1. The proposed amendment to Conditions 10 and 11 would result in a harmful impact on the amenity of road users in the vicinity of the application site as it was likely that traffic would be forced to reverse in order to allow on-coming vehicles to pass. On this basis the proposals were considered to fail to meet the requirements of policy IC2.

2. Owing to the width of the road and the additional traffic using it, as a result of the development, it was likely that the development would lead to damage to the highway and the highway verges. The proposals failed to meet the requirements of policy IC2 as in the absence of the passing places the development would not be located where the highway network could satisfactorily accommodate the traffic generated by the development.

#### Voting Record

A vote was taken on the above motion with the result as follows:-

5 for  
1 against

**115 ZB23/01649/FUL - Construction of four detached bungalows (as amended - amended site location plan Rev.B; additional/amended drainage information and Indicative Technical Plan Rev.K) - Land to west of Smithy Green, Hornby Road, Appleton Wiske.**

The Assistant Director Planning – Community Development Services sought determination of a planning application for the construction of four detached bungalows (as amended - amended site location plan Rev.B; additional/amended drainage information and Indicative Technical Plan Rev.K) at land to the west of Smithy Green, Hornby Road, Appleton Wiske.

The application was considered and deferred at the April Richmond (Yorks) Area Constituency Planning Committee (held on 11th April) 2024), for further consideration of matters pertaining to flood risk and access.

The following updates to the report were outlined:-

Amended Plan(s) Submitted (1) - Technical Plan (Rev.L) had been submitted by the agent on 12.06.2024. This plan removed the SuDS Basin as shown on previous versions of the plan which were erroneously included in the location of the proposed attenuation tank (which was the actual proposed means of surface water attenuation included within the Drainage Strategy. Rev.L included 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 was not physically affected. The above land would be used as Public Open Space and/or part of the on-site BNG provision.

Amended Plan(s) Submitted (2) - Drainage Strategy Plan (Rev.P5) had been submitted by the agent on 12.06.2024. The amended plan addressed 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)

Neither amended plan made any material amendments to the proposals.

Agent - Further Clarification Provided - Since the publication of the agenda, the application's agent had provided by email setting out reasons why a permanent access would not work in the location of the proposed emergency access onto Hornby Road:

- 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.

In a follow up email the agent had 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 was that while a 'low impact system' utilising stone 'twin tracks' could potentially be used for an emergency access route, a permanent access would require a more comprehensive tarmac road which would impact the tree.

Local Highway Authority (LHA) - Comments on the Potential for an 'Emergency Vehicular Access' or a Permanent Vehicular Access - 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 proposed) or an alternative permanent access off Hornby Road, immediately to the east of the newly built Ryegrass House:

NB: The Highways Officer has confirmed that these are their informal comments.

#### Emergency Access

- 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.

#### Permanent Access

- 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.

Amended Recommended Condition 2 (Compliance and Plan List Condition) - to include reference to the latest revision of the Technical Plan and the Drainage Strategy Plan:

- a. Site Location Plan (SK07 Rev.B)
- b. Amended Technical Plan (SK02 Rev.J L)
- c. 2 Bedroom Elevations Plan (SK202)
- d. 3 Bedroom Elevations Plan (SK302)
- e. Proposed Elevations Plan (SK06)
- f. Amended Drainage Strategy Plan (23129-DR-C-0100 Rev.P4 P5)

Amended Recommended Condition 21 (Surface Water Drainage Condition) - to include reference to the latest revision of the Drainage Strategy Plan - There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. The details of the surface water drainage works, including attenuation features and design, shall be based on the drainage design principles within the submitted Flood Risk Assessment and the amended Drainage Strategy Plan (Rev. P4 P5), including:

- i. Surface water to be discharged to watercourse at a pumped rate of discharge not to exceed 1.4 litres per second.
- ii. confirmation that the scheme shall cater for the impact resulting from the minimum 1 in 100 year return period storm event including a 45% allowance for climate change effects and a further 10% for urban creep for the lifetime of the development.
- iii. Details of any pumping solution.
- iv. the submission of a detailed maintenance and management regime for the surface water drainage scheme and for the culvert. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

Removal of Condition 20 (emergency vehicular access) from the recommended list of conditions in section 12 of the Officer Report - The advice from the Council's Planning Solicitor is that as the provision of the emergency access would involve and outside of the

application site, that the provision of the emergency vehicular access should be dealt with through a legal agreement.

Amendment to the Recommendation - 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:

- 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.
- 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.

Divisional Councillor Annabel Wilkinson spoke objecting to the application.

Derek Partington – Vice-Chair, Appleton Wiske Parish Council spoke objecting to the application.

Steve Hesmondhalgh - AMS Chartered Town Planners and Development Consultants and agent for the applicant spoke in support of the application.

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

- There had been little improvement to the access since the application had been deferred at the previous meeting with this remaining in Flood Zone 2.
- The entrance to the access could not be lifted as this had the potential to cause flooding in other locations.
- It was likely that flooding events and the level of flooding would worsen going forward.
- The level of water within Flood Zone 2 would be up to 30cm when flooding occurred.
- Concern remained that a permanent access within Flood Zone 1 was required for the proposed development to permit unimpeded vehicular access into and out of the site in case of emergency, should flooding occur.
- Having previously deferred this application for further information on how the flooding to the access road could be addressed Members considered that insufficient information had been provided and were not in favour of a further deferral.

The Decision :-

That planning permission be **REFUSED** as the access road to the development was situated within Flood Zone 2 and is, therefore, subject to regular flooding which does not comply with Policy RM2 (Flood Risk)

### Voting Record

A vote was taken on the above motion with the result as follows:-

4 for  
2 against

#### **116 Any other Urgent business**

There were no urgent items of business.

#### **117 Date of Next Meeting**

10.00 am, Thursday, 11 July 2024 (venue to be confirmed).