

North Yorkshire Council

Richmond (Yorks) Area Constituency Planning Committee

Minutes of the meeting held on Thursday 11th July 2024 commencing at 10.00 am at County Hall, Northallerton.

Councillors David Webster (Chair), Kevin Foster, David Hugill, Heather Moorhouse, Yvonne Peacock (As substitute for Councillor Karin Sedgewick), Angus Thompson and Steve Watson.

Officers present:-

Fiona Hunter and Caroline Walton - Planning Services; Kate Lavelle – Legal Services; Stephen Loach - Democratic Services

Three Members of the public including one registered speaker.

Copies of all documents considered are in the Minute Book

118 Apologies for Absence

Councillors David Hugill and Karin Sedgewick

119 Minutes for the Meeting held on 13th June 2024

The minutes of the meeting held on Thursday, 13th June 2024 were confirmed and signed as an accurate record.

120 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 conditions as set out in the report and the appropriate time limit conditions were to be attached in accordance with the relevant provisions of Section 91 and 92 of the Town and Country Planning Act 1990.

In considering the report of the 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.

121 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.

The application had been deferred at the previous meeting of this Committee so that details of plant and machinery could be submitted and considered in advance of any approval as this was essential to the functioning of the retail unit.

The application was referred to the Planning Committee following a request from the Catterick Village & Brompton-on-Swale Division Member. The ward member raised the potential loss of the local post office and low parking provision for a convenience store.

The following updates to the report were outlined:-

Prior to the 13th June 2024 Planning Committee, Legal officers had advised that details of plant and machinery should be submitted and considered in advance of any approval as this was essential to the functioning of the retail unit. The recommendation was 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.

This information had now been received and further formal consultation carried out with the nearest neighbouring properties to the application site, as well as Environmental Health. The consultation period relating to the additional information, which included Technical Specifications for the plant and machinery, as well as an updated Block Plan indicating the precise location of the equipment expired on 9th July 2024.

As part of the Environmental Health response the existing 2.4m high fence screening the above ground fuel tanks was considered to be important acoustically, in ensuring the current level of neighbour amenity was maintained. There were no Officer concerns relating to the appearance and location of the fence in design terms and the Highway Authority had already considered its position with regards to a safety/manoeuvrability point of view in their assessment of the application and had no objections.

Updated Response – Environmental Health

Further to previous comments made on 15th March 2024, the further comments in relation to potential noise issues from the refrigeration and aircon plant were as follows:

The site was visited at 20:30 - 21:00 on Sunday 7th July to undertake noise monitoring.

Although not all the plant was operating at the time of the visit, the noise levels from the freezer and refrigeration plant were measured, which according to the data sheets supplied by the applicant, would emit a higher noise level than the aircon plant.

The results were in line with the predicted noise levels calculated from the manufacturers data, and the noise emitted should not significantly affect the amenity of the nearest noise sensitive property (Arrochar), which is located to the south. The presence of the close boarded fence on the south boundary of the site had a significant effect in reducing the noise levels and should be retained.

No additional local representations were received.

Conditions Update

Update Condition 1: Approved Plans to include “Existing and Proposed Site Plan ref. 102, rev. B” and “Plant and Machinery Technical Specifications”.

Additional Condition A: Compliance

To require the installed plant equipment to be retained in the location illustrated on Existing and Proposed Site Plan ref. 102, rev. B and operated in accordance with the approved technical specifications.

Additional Condition B: Boundary Treatments

The installed 2.4m high close boarded fencing, as illustrated on Existing and Proposed Site Plan ref. 102, rev. B shall be permanently retained in-situ, unless otherwise first approved in writing by the Local Planning Authority. This would be in the interests of ensuring the current level of amenity enjoyed by the occupants of neighbouring properties is maintained.

Shailendra Soti spoke objecting to the application.

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

- Clarification was provided in relation the car parking situation at the application site and how this had been in place for a period of time as the application was retrospective.
- Concern was raised that the application was retrospective with many elements of the proposal already in place and reassurance was sought that no further development would take place without permission in place through condition. In response it was stated that it was not possible legally for such a condition to be put

in place, however, enforcement could be undertaken where the conditions of a planning permission were contravened.

- It was considered generally that it was unfortunate that retrospective applications were approved as that was detrimental to the applicants that abided by the correct process.
- Overall it was considered that there was sufficient capacity for two general stores in that area and the Post Office facilities would remain viable should the application be approved.

Resolved -

That planning permission be **GRANTED** subject to the conditions detailed in the report, together with the updated and additional conditions, as detailed.

Voting Record

A vote was taken and the motion was carried unanimously.

122 Any other Urgent business

There were no urgent items of business.

123 Date of Next Meeting

10.00 am, Thursday, 8 August 2024 (venue to be confirmed).