

North Yorkshire Council

Richmond (Yorks) Area Constituency Planning Committee

Minutes of the meeting held on Thursday 14 November 2024 commencing at 10.00 am at Mercury House, Richmond.

Councillors David Webster (Chair), Kevin Foster, David Hugill, Heather Moorhouse, Karin Sedgewick, Angus Thompson and Steve Watson.

Officers present:-

Fiona Hunter and Caroline Walton - Planning Services; Laura Zielinski – Legal Services; Stephen Loach - Democratic Services

13 members of the public

Copies of all documents considered are in the Minute Book

146 Apologies for Absence

There were no apologies for absence

147 Minutes for the Meeting held on 10 October 2024

The minutes of the meeting held on Thursday, 10 October 2024 were confirmed and signed as an accurate record.

148 Declarations of Interests

Councillor Angus Thompson stated that he had been lobbied by a number of representatives both supporting and objection to the applications detailed below at Minute numbers 149 and 150.

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 reports or an amendment made by the Committee, the conditions as set out in the reports 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 reports of the Assistant Director Planning – Community Development Services, regard had been paid to the policies of the relevant development plans, the National Planning Policy Framework and all other material planning considerations.

Where the Committee granted planning permission in accordance with the recommendations within the report this was because the proposal was 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.

149 ZD24/00397/FULL - Retrospective planning application for the removal of a five-inch cast iron pipe at gully one and replaced with a 12 inch concrete drainage pipe - Dalton Woods, Dalton on Tees, DL2 2NR.

The Assistant Director Planning – Community Development Services sought determination of a retrospective planning application for the removal of a five-inch cast iron pipe at gully one and replaced with a 12 inch concrete drainage pipe - Dalton Woods, Dalton on Tees, DL2 2NR.

The application was brought to the Planning Committee due to significant material planning consideration arising from being sited within an Ancient Woodland and potential harm to this irreplaceable habitat.

Updates to the report were circulated and published prior to the meeting. Responses from Historic England and the Principal Archaeologist were provided. Clarification of issues including the proximity of the scheduled monument, the designation of Dalton Woods as Ancient Woodland, when work had taken place in relation to this designation and the effect of these on the recommendation were also provided. An update was also provided on the Flood Zone the application site was situated in.

Councillor Jack Lowther, Dalton on Tees Parish Council spoke in opposition to the application.

Justine Matchfield (Lichfields) on behalf of her client Sara-Jane Burns spoke in opposition to the application.

Robert Pickersgill, the applicant, spoke in support of the application.

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

- The issue of the retrospective elements of the application.
- The application not complying with Core Policies within the current Richmond Local Plan.
- The potential for the non-replacement of the pipe affecting drainage and creating an increased flood risk.
- There appeared to be a lack of guidance from Planning Officers sought by the applicant although it was noted that it had been unclear to the applicant that planning permission was required and he had sought advice when that had become apparent.
- An impact assessment of the development on Northallerton town centre had indicated that there was an insufficient detrimental impact to warrant a refusal with additional expected nearby development further lowering that impact .
- There was a disagreement as to whether the replacement of the pipe would mitigate the flood risk.

Resolved -

That planning permission be **REFUSED** for the following reasons, including an amended reason three, as set out in the update to the report:-

1. The drainage development has the potential to have negative impacts upon Ancient Woodland, both in terms of direct and indirect impacts during works and also hydrological changes resulting from the increased drainage capacity and flow speeds. No reports have been submitted demonstrating that the changes to the woodlands drainage system will not give rise to harm. As such, any changes to the drainage system is considered to result in harm to the Ancient Woodland and conflict directly with advice from Natural England and Forestry Commission 'Ancient woodland, ancient trees and veteran trees: advice for making planning decisions', Paragraph 186c of the National Planning Policy Framework 2023 and Policy CP12 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014.

2. Insufficient information has been submitted in the form of an ecological assessment and tree survey and thus the Local Planning Authority has not been able to assess the impact to the ancient woodland on these aspects. The development is considered to be contrary to Paragraph 186c of the National Planning Policy Framework 2023 and Policy CP12 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014.

3. The development is adjacent to an Ancient Scheduled Monument of a medieval settlement of Dalton upon Tees and associated field system. The physical drainage works and operational phase of the new drainage system may impact on the woodland slope it is sited within particularly land stability. Insufficient information has been provided to demonstrate the slope stability will not be affected, and thus the Ancient Scheduled Monument is not affected by the development. Further-more, with the site adjacent to a Scheduled Monument no archaeological assessment has taken place to assess if the works had a presence or absence of archaeological material. A potential less than substantial harm on the heritage asset cannot be ruled out. No public benefits have been presented that outweigh the harm caused and subsequently it is considered that the development is contrary to paragraph 200 and 208 of the National Planning Policy Framework 2023.

4. The site is located within Flood Zone 2 and 3. National Planning Policy Framework 2023 Paragraph 173 requires all development in Flood Zone 2 and 3 to provide a site specific flood risk assessment. No flood risk assessment has been provided to the Local Planning Authority and subsequently the applicant has failed to demonstrate that the development will not result in increased flooding elsewhere and is contrary to Paragraph 173 of the National Planning Policy Framework 2023.

Voting Record

A vote was taken with following result:

6 for
1 against

150 21/00791/FULL - Full Planning Permission for Engineering and Excavation Works to Create Yorkshire Sandstone Rock Tracks Measuring 1.5 to 2m Wide and Between 10m and 40m in Length (Part Retrospective) - Dalton Woods, Dalton on Tees, DL2 2NR.

The Assistant Director Planning – Community Development Services sought determination of a hybrid application for Full Planning Permission for Engineering and Excavation Works to Create Yorkshire Sandstone Rock Tracks Measuring 1.5 to 2m Wide and Between 10m and 40m in Length (Part Retrospective) at Dalton Woods, Dalton on Tees, DL2 2NR.

The application was brought to the committee as it was previously referred to planning committee in 2022 and, therefore, public expectation was that the decision would not be delegated. In addition, the site was situated in an Ancient Woodland and near to a public right of way which could be negatively impacted and, therefore, raised locally significant material planning considerations.

Updates to the report were circulated and published prior to the meeting. A response from the Principal Archaeologist was provided. Clarification of issues including the proximity of the scheduled monument, the designation of Dalton Woods as Ancient Woodland, the possibility of significant archaeological remains being located there and the impact these had on the recommendation were outlined. It was noted that the original report was incorrect in stating that there were three tracks within the designated Ancient Woodland as only Track 1 was so located and had now been removed. Tracks 2 and 3 were in close proximity but not within the Ancient Woodland. The report was also corrected in terms of how the Tracks were used as they were utilised for motorcycle trails riding and practice rather motocross.

Details of the updated recommendation were provided.

Councillor Jack Lowther, Dalton on Tees Parish Council stated that his statement in opposition to Minute No.149, above, was also relevant to this application and, therefore, did not repeat it.

Justine Matchfield (Lichfields) on behalf of her client Sara-Jane Burns spoke in opposition to the application.

Robert Pickersgill, the applicant, spoke in support of the application.

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

- The application not complying with Core Policies within the current Richmond Local Plan.
- The potential for pedestrians conflicting with motorcycle users whilst using the Public Right of Way.
- The apparent lack of guidance from Planning Officers sought by the applicant although it was again noted that it had been unclear to the applicant that planning permission was required and he had sought advice when he was aware.

Resolved -

That planning permission be **MINDED TO BE REFUSED** for the following reasons, including amended reason one and an additional reason five, as set out in the update to the report, with delegated powers to the Head of Development Management to update the below reason for refusal if Historic England comments are received by 4th December 2024:

1. The development is partially located and adjacent to an Ancient Woodland which is a type of irreplaceable habitat and has caused deterioration to this asset both through the construction phase and current operational phase. This harm arises from; destruction of soils, compacting soils damaging functional habitat connections and change to natural drainage. Further harm may also have arisen, but insufficient information has been provided to make an informed professional judgment (due to being retrospective nature) on the extent. This includes an updated Ecology Report taking into account the Ancient Woodland designation, Arboriculture Report, Soil Erosion/Stability Report or drainage/flooding report.

The development has public benefits by improving a sports and recreation facility, however, these are not to a wholly exceptional level.

The Preliminary Ecological Appraisal dated November 2022 proposed some mitigation and compensation measures, however, these recommendations do not account for the Ancient Woodland designation nor is a legal agreement submitted to secure these off-site measures.

The application seeks ongoing permission for maintenance of the tracks including lifting and repositioning rocks which have sunk into the ground, and general repairs and maintenance to the hardcore tracks. Insufficient details have been provided to ascertain the impact of these works to the Ancient Woodland.

As such, the development conflicts with Paragraph 186 of the Planning Policy Framework 2023 and Policy CP12 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014, together with Natural England and the Forestry Commission advice for Ancient Woodland.

2. The required Public Right of Way and access crossing safety signage lies outside the redline and no legal agreement has been submitted to secure their provision and retention. This results in an unsafe arrangement for Public Right of Way users from the intensified motorsports use. As such the development conflicts with paragraph 96 of the National Planning Policy Framework, 2023.

3. The proposed mitigation and enhancement measures details in the submitted 'A Preliminary Ecological Appraisal dated November 2022' are outside of the redline and no legal agreement has been submitted to secure the delivery, retention and upkeep of the physical aspects together with the management plan. As such the development would cause harm to biodiversity including protected and priority species which conflicts with The Conservation of Habitats and Species Regulations 2010 (as amended) (Habitats Regulations), Policies CP3 CP4 and CP12 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014; together with paragraph 180 of the National Planning Policy Framework, 2023.

4. Insufficient information has been provided to ascertain the developments construction and operational phase's impact to trees. Trees are environmental assets with visual, landscape, flood reduction, wildlife, air quality and human health benefits. As such, the development may conflict with CP12 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014; and paragraph 180 of the National Planning Policy Framework, 2023.

5. The site is in proximity to the Scheduled Monument at Dalton on Tees and which may have also been a former Roman fort or marching camp. Insufficient archaeological information has been provided in the form of a desk-based assessment and walkover to make an informed decision on impact to any archaeological assets and whether mitigation or compensation is required. This conflicts with Policy CP12 of the Richmondshire Local

Plan 2012-2028 Core Strategy adopted 2014 together with Section 16 and paragraphs 209 and 2011 of the National Planning Policy Framework, 2023.

Voting Record

A vote was taken with following result:

6 for
1 against

151. ZD24/00252/FULL - Full Planning Permission for demolition of existing school building and development of a new single storey building with associated access, parking, replacement playing field and landscaping - Michael Sydall Church of England Voluntary Aided Primary School, Mowbray Road, Catterick Village, Richmond, DL10 7LB

The Assistant Director Planning – Community Development Services sought determination of Full Planning Permission for the demolition of existing school building and development of a new single storey building with associated access, parking, replacement playing field and landscaping - Michael Sydall Church of England Voluntary Aided Primary School, Mowbray Road, Catterick Village, Richmond, DL10 7LB

The application was referred to the committee by Officers due to raising significant material planning considerations in relation to the scale and location of development.

Updates to the report were circulated and published prior to the meeting. Revised consultation responses from Yorkshire Water and Sport England were detailed. In line with the response from Sport England additional conditions relating to Ground Conditions, Community Use and Relocation of the MUGA, which were inadvertently omitted from the original report, were detailed in the update to be added to the list of conditions.

The update also highlighted a redesignation of the on-site Biodiversity Net Gains negating the need for a S106 agreement with this managed through conditions.

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

- The need for the careful management of parking on the site.
- The use of a banksman to control vehicular access to the site during the development stage. It was noted that the development would not commence until a construction management plan was in place.
- It was clarified that there would be no floodlighting required for the relocated MUGA. Any issues related to the impact of lighting associated with the development site would be referred back to Planning.

Resolved -

That planning permission be **GRANTED** subject to the conditions detailed in the report, together with the additional conditions and altered conditions outlined in the published and verbal updates provided to the Committee.

Voting Record

A vote was taken and the motion was carried unanimously.

152. Any other Urgent business

There were no urgent items of business.

153. Date of Next Meeting

10.00 am, Thursday, 12 December 2024 (venue to be confirmed).