

**RICHMOND (Yorks) AREA PLANNING COMMITTEE**  
**SUPPLEMENTARY TO COMMITTEE REPORTS**

**12 December 2024**

<b>Agenda Item</b>	<b>Application number and Division</b>	<b>Respondent</b>	
5	ZD23/00665/OUT  Leyburn & Middleham	Officer Updates	<p><b>Report Corrections</b></p> <p>Paragraph 4.2 – There are two bungalows on the northern Edge of the Springs numbers 52 and number 56.</p> <p>Paragraph 4.6 – The application is in Flood Zone 1 low risk of flooding from rivers and seas.</p> <p>Paragraph 10.31 – The site as shown on the Government’s maps (<a href="https://check-long-term-flood-risk.service.gov.uk/postcode">https://check-long-term-flood-risk.service.gov.uk/postcode</a>) is not at risk of surface water flooding. The submitted Flood Risk Assessments details that “the development site to be at risk from the potential for flooding from Surface Water or Groundwater”, however, the government maps do not identify any surface water flood risk.</p> <p><b>Assessment</b></p> <p><u>Flood Risk</u></p> <p>The Flood Risk Assessment dates from 2017 and would usually need to be updated due to age. However, on this occasion officers are able to check the governments flood risk maps and new flood risk have not arisen. Furthermore, the LLFA who have reviewed the application and documents have access to flood risk data. Therefore, it is not considered necessary for an update to be provided.</p>

The site is not at risk from surface water flooding or rivers and seas flooding. The site is at risk of flooding from ground water, please see Appendix A for flooding maps. Where sites are in flood risk areas a Sequential Test should be undertaken. In this instance, all of Middleham is at risk of groundwater flooding and thus there is nowhere sequentially preferable.

It is considered that the development sustainability benefits to the community of: providing 55 houses meeting the settlements housing minimum target; and 17 affordable housing for which there is an identified need, outweigh the flood risk.

It is considered that the development will be safe from flooding for its lifetime subject to conditions. This is from a review of the submitted information, checking government flood maps and that the LLFA now raise no objection.

As such it is considered the sequential test and exception test are passed and thus comply with paragraphs 168 and 169 of the NPPF.

#### Heritage Impacts

Replace paragraph 10.46 with:

10.46 With the conditions recommended by Historic England, it is considered that the heritage harm to the Castle (Scheduled Monument), St Mary and St Alkeda (Grade I Listed) and Middleham Conservation separately and cumulatively, is less than substantial at the lower end. In coming to this assessment, regard has been had to:

- The majority of the site is visible against the backdrop of the town, including the historic core, Castle and Church from various public view points
- Distance between the application site and Church and Castle
- That only a small area of the Conservation Area will change from grass verge to access road
- Retention of several views to the Church Tower through the development

- Housing being limited to two storeys at the highest parts of the site to ensure they do not detract from Middleham Castle.

10.46.1 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decisions makers to place considerable importance and weight to harm to listed buildings. Paragraph 205 of the NPPF sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 206 sets out that any harm to, or loss of, the significance of a designated heritage asset from development within its setting, should require clear and convincing justification.

10.47.2 It is considered that the provision of housing to meet the settlements minimum target, and given that there are no sites within or adjacent to Middleham that won't affect the setting of the Castle, this is clear and convincing justification. There are no other live housing applications for Middleham which provide enough houses to meet the minimum target.

10.48.3 It is considered the public benefits of the proposal providing 55 houses meeting the settlements housing minimum target; and 17 affordable housing for which there is an identified need, outweigh the heritage harm. The development therefore complies with paragraph 208 of the NPPF.

#### Affordable Housing

Delete paragraph 10.25.

#### Landscape

New paragraph 10.49.A to be read before 10.49:

Section 245 of Levelling-up and Regeneration Act 2023 imposes a duty on Local Planning Authorities in England to conserve and enhance the natural beauty, wildlife and cultural heritage of the area comprised in the National Park.

			<b>Recommendation</b> As per the committee report.
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