

North Yorkshire Council

Community Development Services

Thirsk and Malton Area Constituency Committee

16 JANUARY 2025

ZE24/04403/MFUL Construction of office building with associated workshop and vehicle storage space (Class E) along with external site compound, covered cycle storage building and associated accesses, car parking and landscaping | Land South of Riccal Drive Helmsley

Report of the Head of Development Management – Community Development Services

1.0 Purpose of the Report

- 1.1. To determine a planning application for Construction of office building with associated workshop and vehicle storage space (Class E) along with external site compound, covered cycle storage building and associated accesses, car parking and landscaping on land South of Storey Close, Helmsley, for the North York Moors National Park Authority.
- 1.2. This matter was brought to Committee owing to the degree of public interest in the matter and the nature of the planning issues raised in representations.
- 1.3. The application was considered by Planning Committee on the 19 December 2024 and was deferred for a number of matters to be considered, comprising;
 - Clarification of the number of users of the site along with the likelihood of other, third party users of the site.
 - Confirmation of the hours of operation for works and deliveries to form part of the Construction Management Plan.
 - The addition of a condition to remove permitted development rights for fencing.
 - The addition of gates or barriers across the entrances to the car parks to restrict access out of working hours.
 - Consideration of the footpath route thorough and adjacent to the site and its use and risk of loss.
 - The addition of a condition to restrict use class.

2.0 SUMMARY

RECOMMENDATION: That planning permission be **GRANTED** subject to conditions listed below and completion of a **S106** agreement with terms as detailed in **Table 1**.

- 2.1. The proposed development is for the formation of a new Headquarters Building for the North York Moors National Park Authority. The Authority is currently located over two main sites in Helmsley. The Old Vicarage on Bondgate and the Ranger Service at Sawmill Lane. The intention is to bring both these functions together in a purpose-built development on land allocated for employment uses, off Riccal Drive on the south edge of Helmsley.

- 2.2. The site is accessed from the A170 via Riccal Drive. The area is of mixed character with agricultural fields to the south, industrial warehousing to the west and housing development to the north and east.
- 2.3. The principle of employment development in this location is supported by the Helmsley Plan which allocates the site for employment uses. It is noted that the relevant policies set a number of criteria for the development of the site. These are discussed in the main body of the report, but the development is considered to be broadly in-line with these criteria. The only significant element of deviation is the requirement for a co-ordinated approach to the delivery of the allocations as a whole. Again, this is discussed in the main body of the report.
- 2.4. The most pertinent key issues are the impact of the proposals on the character and appearance of the area. The potential for impact on residential amenity and the use of the access for additional traffic. Issues of the principle of employment use over residential use of this site are also set out in representations. In short, commentary in representations is that the site would be preferred for development for housing, rather than employment uses.
- 2.5. The development will result in a change to the character of this area, although it is considered that the design and form of development proposed has perhaps less impact visually, than an industrial building which might otherwise be expected on land allocated for employment purposes, akin to the industrial buildings immediately to the west of the application site.
- 2.6. The main change anticipated by local residents and raised in representations, is the increase in and change to the character of vehicular traffic. However, the Highway Authority is satisfied that this does not result in an unacceptable road safety issue and officers are otherwise satisfied that the changes to the noise environment and character of the area, are acceptable and do not result in any significant impact on residential amenity.
- 2.7. Following public consultation, pre submission the following matters were amended:
 - The visitors car-park entrance was moved to the side access road, rather than from Riccal Drive. This has also enabled opportunity for better screening of the building through the landscaping along Riccal Drive.
 - Increased amount of stone used within the facade of the building to match surrounding properties in Riccal Drive and an enhanced facade to the elevation facing the access road to ensure the view from Riccal Drive is the highest quality.
 - Improved the boundary treatments using stone walling and hedging to increase the frontage appeal of the site to overlooking properties.
- 2.8. On balance, it is considered that planning permission should be granted. The development does result in some minor harmful impacts on the character of the area owing to the introduction of development onto land that is currently of a rural and open character, along with the additional activity introduced into the locality. However, the site is allocated for employment purposes and it is considered that the development, both in terms of the proposed building and associated infrastructure, along with the new and additional activity introduced into the area, can be reasonably and successfully integrated.

Update since December Committee

Number of users of the site along with the likelihood of other, third party users of the site.

- 2.9. The applicant has submitted an additional statement setting out the maximum number of staff likely to be visiting the site on a day to day basis along with an estimation of the worse-case scenario and a commentary on other uses of the site.
- 2.10. The present operation of the HQ at Bondgate is mainly occupied by staff, with other functions including Committees, being run from the site. On an average day, across both the Old Vicarage site and Sawmill Lane, 50 staff are in attendance. It is worth noting that this number also includes staff from the Howardian Hills National Landscape and Helmsley Town Council.
- 2.11. The applicant states that a meeting room is required for Board members to meet for Planning Committee and National Park Authority meetings along with staff meetings, occasional evening meetings and training when required.
- 2.12. The applicant does not intend to provide commercial conferencing facilities and does not do so at their existing site. The current use of the Vicarage site outside of office use is understood to comprise the Helmsley Archaeological Society (7 meetings/year) and Helmsley Women's Institute (10 meetings/year) as well as Helmsley Town Council for their formal meetings.
- 2.13. The applicant states that there is no plan to increase the levels of usage but raises concern that conditions applied to any consent might preclude these forms of community use.

Hours of operation

- 2.14. Condition 7, criterion 9 has been amended to include the construction and delivery hours for the site. Owing to the proximity of the housing on Riccal Drive, the construction and delivery hours have been limited to 0730 to 1800 Monday to Friday, with no operation on Saturday, Sunday or Bank Holidays.
- 2.15. In terms of the opening hours of the offices, once operating the applicant states that they cannot accept 'hard' restrictions on its opening times as its staff are, on occasion, called in to assist during and after extreme weather events. It is also reasonable for the Authority, as a public body, to be able to use its facilities when it deems it to be operationally expedient to do so. However, the office building will be available for use on Monday to Friday 7.30 am to 7.00pm with the vast majority of staff working within normal office opening hours i.e. 9.00am -5.00pm. The same is true of the Ranger operation with the exception that the depot may be used as a meeting point for Volunteers who are working at the weekend. This rarely involves more than 5 people.
- 2.16. The applicant states that the use of the new building will be exactly the same as the current HQ and Sawmill Lane and that there will not be a single additional vehicle movement in Helmsley. The applicant states; *"we will be taking our vehicles away from very narrow access roads (such as Pottergate and Ryegate) adjacent to Sawmill Lane. We will also be removing all vehicular movements and parking from the area adjacent to the primary school and the A170 main road on Bondgate"*.
- 2.17. In terms of the use of the site and its proximity to neighbouring homes, the applicant states; "At the December Planning Committee and in correspondence, there has been considerable comment that an office and depot is not consistent with housing use. I would

respectively point out that the Old Vicarage is based within the residential part of Helmsley and does not provide sufficient parking for staff or visitors. The use of the depot in Sawmill Lane is only possible thanks to vehicular access via the narrowest streets in Helmsley.”

Fencing

- 2.18. Normally permitted development rights allow the construction of a 1m high fence, adjacent to the Highway and a 2m high fence in most other circumstances. Members were concerned that this could result in an uncontrolled scenario whereby the applicant could construct security fencing around much of the site, which could result in a detrimental visual impact. As such an additional condition is recommended to remove permitted development rights for new fencing on the site. This would trigger a need for a planning application should the applicant wish to construct additional fencing on the site (over and above that detailed in the submission).

Entrance barriers

- 2.19. In considering the application, Members were concerned that the car parks associated with the development could attract anti-social vehicular related behaviour. To this end, Members asked that security measures at the entrances to the site be explored. In effect there are three entrances and associated car parks (visitors, staff and Ranger Service).
- 2.20. The applicant has submitted a revised layout drawing setting out their proposed security measures. In short, the entrances will be closed outside of office hours utilising simple agricultural style wooden gates. These gates will be accessible to staff via combination locks, allowing out of hours access to the site by staff as necessary. The applicant has noted that the gates to the staff and Ranger entrance will be able to open right back to the hedge, in order that it does not impinge on safe access to the site.

Permissive Footpath

- 2.21. In response to Member’s concern about the delivery of the permissive link the applicant states that:

“The linking of our permissive path with established paths provides a significant short cut into the town centre. The established paths have been in use for at least 25 years but are on land not in our ownership. NYM Officers regard the risk of a landowner (if indeed the land is registered) withdrawing use of the paths as negligible. If this did occur, there is an established process to ensure that they become part of the definitive map. It is worth noting that NYC is responsible for the definitive map, not the National Park Authority. “

- 2.22. It is clear that part of the footpath, beyond the boundary of the site, is not public right of way and is not in the control of the applicant. As such it is possible that the full extent of the route is not available in perpetuity.

Use Class

- 2.23. The ‘E’ use Class, as set out in the applicant’s submission and the description of development, covers a wide range of uses and as such a condition is recommended in order to limit the use of and impact from the site.
- 2.24. The ‘E’ Class as a whole allows for retail uses, financial services, professional services, other services appropriate to a business or service locality, indoor sports and recreation, provision of medical or healthcare services to visiting members of the public, use as a creche or non-residential day care, as an office to carry out administrative or operational

functions, research and development or any industrial process which could be carried out in a residential area. In short use Class E allows for any use which would otherwise be compatible with a residential location.

- 2.25. The site will be mainly used as an office, with members of the public attending meetings and visiting the premises for Committee. There are also other functions as a result of the Ranger Service being housed on-site, incorporating a degree of storage and maintenance of vehicles and equipment, although officers consider these to be ancillary to the main operation of the site.
- 2.26. The site allocation allows for B1 B2 and B8 uses (offices, light industrial, other industry and warehouse and storage, under the old use classes order) and as such officers consider that other than the removal of the retail elements of Use Class 'E' from any permission, but retention of other 'E' uses as set out above, would be reasonable and otherwise acceptable in terms of the applicable NPPF tests and the requirements of the Local Plan allocation policy..
- 2.27. It is recommended that a condition be added to control the use of the site in order that there is certainty over the impact of the use on neighbouring residents. This would restrict the use to:

(c)(i) financial services,

(ii) professional services (other than health or medical services), or

(iii) any other services which it is appropriate to provide in a commercial, business or service locality,

(d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,

(e) for the provision of medical or health services,

(f) for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,

(g) for—

(i) an office to carry out any operational or administrative functions,

(ii) the research and development of products or processes, or

(iii) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Trashing of BNG prior to submission.

- 2.28. It is clear that maintenance of the site has recently been undertaken including mowing of much of the site. It has been alleged in representations that this amounts to 'Trashing' in terms of the assessment for BNG. The applicant has provided the following statement.

"Visits to the site at Riccal Drive were undertaken by Elspeth Ingleby ACIEEM MA^{Cantab}, Senior Ecologist at NYMNP, and Zara Hanshaw ACIEEM MSc, Ecologist for NYMNPA over winter 2023/24 prior to any activity having been undertaken at the site. Photographs of a site visit made on 11 December 2023 are available for reference if required. We concluded that the site was most likely a mosaic of Other Neutral Grassland, Tall Forbs and Ruderal/ephemeral along with some bramble scrub and sealed surface. Other Neutral

Grassland is classified as medium distinctiveness in the BNG Metric, whilst Tall Forbs and Ruderal/ephemeral are classified as low distinctiveness.

Analysis of the site condition in December 2023 utilising the grassland assessment sheet would also have categorised the site as in 'poor' condition which is the same condition as assessed by Wold Ecology in June 2024. Cross referencing this with an assessment under the sparsely vegetated land condition sheet (for ruderal/ephemeral or tall forbs) would likely have concluded 'moderate' condition, which given the low distinctiveness of these habitats would have resulted in the same number of habitat units as the poor grassland within the baseline for the site. I therefore can confirm that the strimming work undertaken in January 2024 to enable other, non-ecology related, site assessments to take place did not in any way degrade or modify the BNG value of the site prior to the habitat assessment undertaken by Wold Ecology Ltd which generated the submitted baseline BNG metric. It is noted that the vegetation which was cut down at this time and in November 2024 was at the request of neighbours which helps illustrate our commitment to the locality.

It is worth stressing, that part of the decision to employ an independent ecological consultancy to undertake the BNG baseline assessment, which followed on from our original work, was to ensure complete transparency in the process, and robustness to the findings reported."

- 2.29 Officers are satisfied that all regulations in terms of the assessment and provision of BNG have been correctly followed, subject to the application of the standard BNG statutory condition.
- 2.30 The applicant has also provided additional information on Biodiversity Net Gain, which is not a statutory requirement at this stage. However, the applicant considered that it would assist Members in understanding their intentions in this respect.

"The onsite footprint cannot provide the fully required level of BNG compensation and so the applicant has identified two off-site areas within its ownership and management control which best addresses this requirement. The site most likely to be brought forward for BNG Compensation is the conversion of a current non-native plantation to priority habitat oak and birch woodland at our Sutton Bank property. The Authority's ecologist advises that, "a desk based assessment of the site has identified the potential for an uplift in BNG units of more than 50%, which significantly exceeds the mandatory requirement of 10% improvement. In addition, the location is within 150 – 200m of an SSSI designated for its deciduous and oak woodland features, thus this enhancement would develop supporting habitat for this designated site. The location is publicly accessible with nearby facilities at the Sutton Bank Visitor Centre and will therefore enhance local public amenity."

- 2.31 The applicant also notes that whilst there is a single tree and low quality grass on the application site, at present. The proposed development will result in 20 new trees with low level planting comprising a mix of heritage grass and wild flowers and species rich flowering lawn along with native hedges, all of which will improve bio-diversity.

External Lighting

- 2.32 Some concern has been expressed around the impact of lighting on the development. Whilst a lighting scheme has been submitted with the application the applicant makes the following statement on the matter:

“The lighting scheme will be dark skies friendly, avoiding light spillage into domestic properties and will be subject to approval by the planning authority. One of the special qualities of the North York Moors is its dark night skies and this doesn’t begin and end at an administrative boundary. The Authority’s lighting scheme will be fully compliant with current best practice.”

Co-ordination of site development.

- 2.33 The applicant has highlighted that the matter of co-ordination of site has been considered and was subject to discussion with the Council at the pre-submission stage. The Council had previously stated that as the main housing site (183) has already been approved and developed prior to the NPA purchasing the land or applying for permission, it was considered that it was not possible or in fact necessary for co-ordination given that the road layout has already been constructed as per the local plan allocations to allow adequate access from the A170 through the now developed housing sites to access EMP1 (the application site).

The applicant also states: *“We have been conscious in the submission of ensuring the design and siting of the office building takes account of the housing on 183 by amending the draft plans following pre-application consultation – ensuring the natural stone on the housing was reflected in the main elevations of the building and entrance walls, setting it away from the housing with a greater area of landscape planting to provide an adequate buffer between the sites and removing one of the access points directly off Riccall Drive. The proposals include landscaping and providing public access through the land to the north of the office building meeting the plan’s requirements for green infrastructure and community benefit.*

Without knowing the detailed plans for sites EMP2 and 174 as these sites are currently only subject to an outline planning application it is again not possible to coordinate details with what might be approved or proposed on these sites in the future and therefore the onus is on these sites to coordinate with what is permitted at earlier stages of development. However, we have been aware of the need to protect the southern boundary of the office site to avoid any potential issues of overlooking from either the NPA proposal or future buildings on EMP2 (by moving the original siting back from this boundary) though these issues can of course be addressed by both the developer and the LPA when a detailed application for this site is considered.”

- 2.34 As set out previously in the officer report, officers consider that the delivery of the development, subject of this application, in the absence of co-ordination with the earlier approval, or subsequent applications for development, does not result in a prejudicial situation in terms of the layout or access and as such it is reasonable to determine this application in the absence of that formal co-ordinated approach.

Representations

- 2.35 Since Committee considered the application there have been a number of further representations against the application concerned that the views of local residents, in terms of the impact of the development on road safety and residential amenity have not been sufficiently expressed through the officer report and presentation to Planning Committee. It

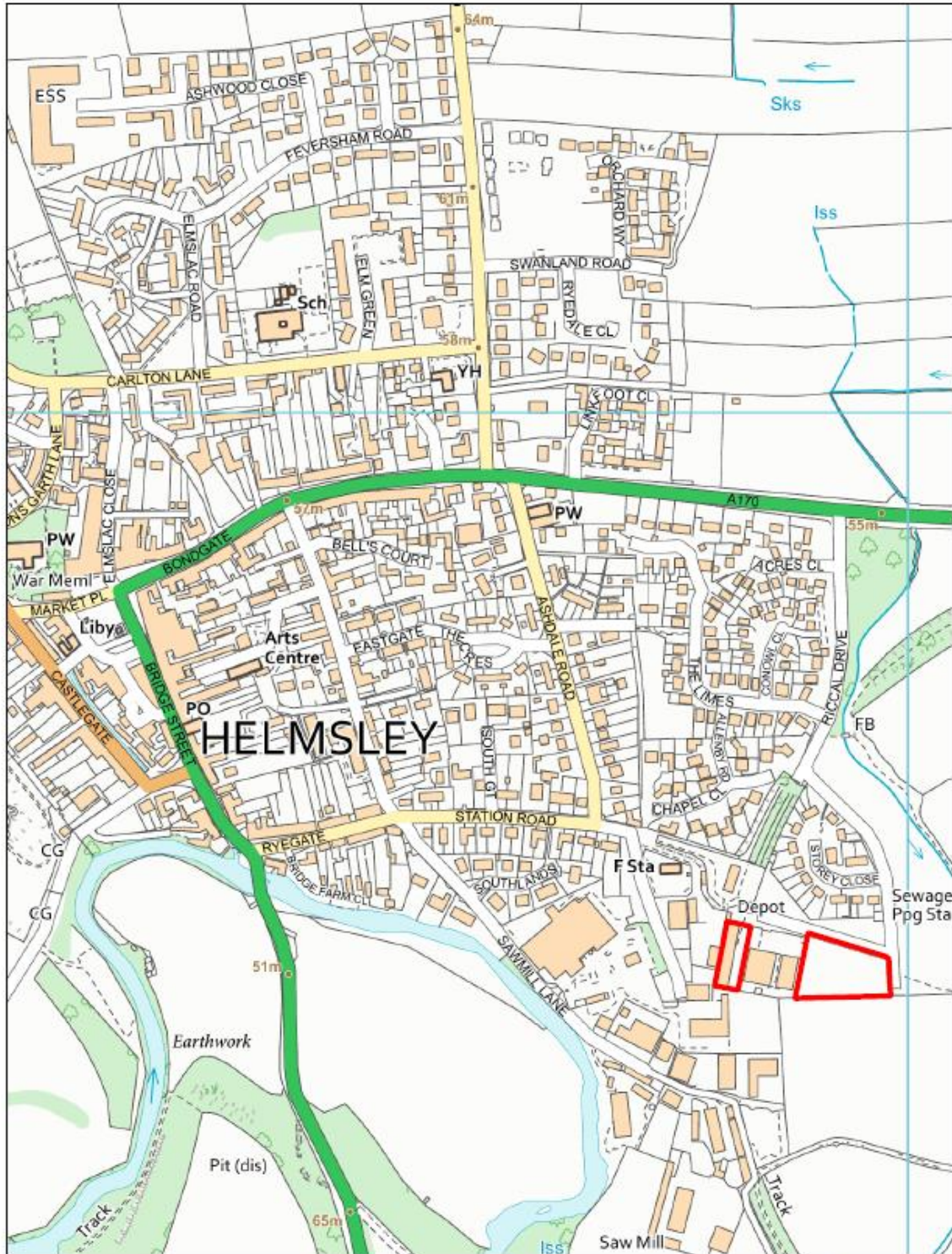
is clear that residents who either live on Riccal Drive or access their homes via Riccal Drive have significant concerns over the change to the character of the area resulting from the proposed employment use along with the changes resulting to the amount and type of traffic using Riccal Drive and the impact that this will have on residential amenity. Observations have highlighted that children currently play in the street owing to the quiet nature of the area at present. However, the road has been designed to allow access to the employment and housing sites set out in the Helmsley Plan as a whole and has not been designed as a play-street, where the layout and road detailing would be designed to reduce traffic speed to a minimum and give greater priority to pedestrians.

- 2.36 The issue of the principle of the development continues to be raised, seeking a change from the employment uses as set out in the allocation, to housing uses, matching those recently completed in the vicinity. In the view of officers, given that planning operates under a plan led system, which gives certainty for local residents and land owners alike, over an extended period, the principle of employment uses is already established through the Helmsley Plan.

Conclusion

- 2.37 It is considered that the matters of concern raised by Members have been adequately addressed in both the additional information and details submitted, along with the revised conditions set out in section 12 of this report.
- 2.38 Other than amendments to paragraph numbers for the National Planning Policy Framework the remainder of the report remains as reported to the December Planning Committee and the officer recommendation remains one of approval of the proposed development as previously reported.

ZE24/04403/MFUL



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3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found here:- [Case File on Public Access](#)
- 3.2. The proposed site plan for the development is set out at Appendix A.
- 3.3. There are no relevant planning applications for this application site. However, the following applications in the near vicinity should be noted.

23/00001/MOUT - Hybrid Planning Application comprising:

- 1) Outline planning application for residential planning permission for up to 50 dwellings, with all matters reserved;
- 2) Outline planning application for mixed use development for commercial, industrial and storage uses with associated open space, all matters reserved. Total area 3.12ha. Pending Decision –

This site comprises the field to the south of the application site, subject of this application. The decision on this application is pending.

17/01238/MFUL Erection of 7no. four bedroom dwellings, 33no. three bedroom dwellings and 6no. two bedroom dwellings with associated garaging, parking, amenity areas, landscaping, bridge across Spittle Beck, associated infrastructure, public open space and formation of vehicular access- Approved 2019

This is a site to the east and north-east of the application site. This development has been completed.

4.0 Site and Surroundings

- 4.1. The application site extends to 0.68 hectares and is located on the southern edge of the settlement of Helmsley. The site is currently over-grown rough grass and scrub (at the time of writing this has been flail mowed). There is an existing road access immediately to the north of the site (which is not part of the adopted highway), which provides access through to the adjacent warehouse buildings occupied by Historic England and to the former print works further to the west, in the ownership of the applicant.
- 4.2. The site is accessed from the main A170 via Riccal Drive, which also forms access to nearby residential developments. The site is in relatively close proximity to recently completed housing development to the east and an area of scrub between the site and the housing on Storey Close to the north. To the south of the site are open fields which lead down to the river Rye. Services in the centre of the town are approximately 1200m away via Ricall Drive and the A170.
- 4.3. The application includes the formation of a permissive footpath across the land to the north to connect with Station Road, shortening the walk to the town centre to 750m.
- 4.4. The site is allocated in the Helmsley Plan for employment uses.

5.0 Description of Proposal

- 5.1. This application seeks Full Planning Permission for the construction of a new Headquarters building and stores for the North York Moors National Park Authority.
- 5.2. The main building provides 1335sqm gross internal floorspace. Proposed materials include timber cladding to the upper floor walls, stone walling elements to match houses in the vicinity, dark grey metal roof cladding, grey finish aluminium windows and doors, with aluminium fascias, gutters and downpipes.

- 5.3. The proposals include 48 car parking spaces including 2 disability spaces. Parking for 16 cycles will also be provided along with 12 electric vehicle charging points which will be accessible to visitors to the site.
- 5.4. A narrow landscape buffer is proposed immediately to the east of the proposed visitor parking, between the carpark and Riccal Drive. This is a requirement of the allocation policy. The applicant also controls land to the north of the application site, on the north side of the access road. It is intended that this area be improved to include wildflower planting and inclusion of a permissive path.
- 5.5. Access is from the A170 via Riccal Drive and the existing access road to the north of the site. There is a lit footpath along Riccal Drive but not along the length of the access to the north of the site. The proposed development includes a new footpath along the front of the development connecting into the existing footpath. A permissive footpath route is proposed across the land in the control of the applicant, to the north of the site, joining with an existing route to the west, joining with Station Road, which leads into the centre of Helmsley, approximately 750m away.
- 5.6. The applicant has clarified that the whilst the land shown as existing printworks building on the site plan (see appendix A) is within the applicant's ownership and is described in the design and access statement as additional parking, this is not the case. The application proposals do not include any changes to the former print work building and any future changes or development would require an application for planning permission.

6.0 Planning Policy and Guidance

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:
- Helmsley Plan, adopted July 2015
 - Allocation EMP2 and relevant Development Brief
 - Ryedale Local Plan, September 2013
 - Ryedale Local Plan, Sites Document. June 2019
 - Helmsley Conservation Area Appraisal

Emerging Development Plan – Material Consideration

- 6.3. The Emerging Development Plan for this site is listed below. It is considered to carry no weight due to the limited advancement of the plan.
- 6.4. – North Yorkshire Local Plan

Guidance - Material Considerations

- 6.5. Relevant guidance for this application is:
- National Planning Policy Framework
 - National Planning Practice Guidance
 - National Design Guide 2021
 - Helmsley Conservation Area Appraisal

7.0 Consultation Responses

- 7.1. The following consultation responses have been received and have been summarised below.
- 7.2. **Parish Council:** Support the proposed development.
- 7.3. **Ecology** - About 30% of the site appears to be previously developed with the remainder being grassland or ruderal vegetation and trees. In these circumstances, we'd usually expect to see a Preliminary Ecological Appraisal (PEA) or similar, including any recommendations for ecological mitigation/compensation/enhancement. If the site is considered to be of low ecological value, a shorter 'walkover' report would be acceptable instead of a full PEA. The BNG statement explains that a net loss is expected and there is limited scope for on-site measures to make good the deficit. It is intended to make good the deficit by enhancing habitat in the National Park Authority's ownership elsewhere. It would be useful to confirm that the applicant intends to register the off-site land with Natural England for BNG purposes.

Further comments following submission of additional information.

No objections.

- 7.4. **Lead Local Flood Authority** - The submitted documents are limited and the LLFA recommends that the applicant provides further information regarding Peak Flow Control and Run Off destinations before any planning permission is granted by the LPA.

The applicant has provided additional supporting information. The LLFA has no concerns over drainage as such, but raise concerns that following full infiltration analysis, the design may have to change and this may result in a need to amend the layout. A pre-commencement condition would be necessary requiring the full submission of drainage details and infiltration testing.

- 7.5. **Archaeology** – The application site is to the south-east of the historic core of the medieval town of Helmsley. It is likely that it lay in the open fields surrounding the settlement and will have been in agricultural use for at least 1000 years. Recent archaeological work to the north and east in advance of housing development was negative. The site is therefore likely to have a low archaeological potential. No objection.
- 7.6. **Highways** - In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters:
The applicant has provided additional information following the LHA's previous consultation response. This information has been reviewed and the Authority is satisfied it address's previous queries regarding car parking and other items highlighted in the general comments.
The availability of budget for the implementation of the travel plan has been clarified as well as the infrastructure to support it. The permissive footpath will be hard surfaced and link will join up with the PROW adjacent.
Consequently, the Local Highway Authority has no objections and recommends that the following matters are addressed through inclusion in a Section 106 Agreement or by the imposition of conditions any planning permission the Planning Authority is minded to grant. Matters to be included in a Section 106 Agreement to which the Local Highway Authority would wish to be a party:
£5,000 Contribution towards monitoring of the Travel Plan.

Recommend standard conditions set out in Section 12 of this report.

Local Representations

- 7.7. 39 local representations have been received of which 1 in support and 38 are objecting. A summary of the comments is provided below. However, please see website for full comments.
- 7.8. Support:
- Helmsley needs a wider range of jobs to keep young people in the area. This project will bring in money and help create jobs.
- 7.9. Objections:
- Their headquarters should be in the National Park and not in a housing estate
 - This site should be used for housing and not employment uses
 - Traffic increase is unacceptable
 - Development will attract industrial vehicles on what is a residential street
 - Design is more appropriate to a Teesside business park
 - Small children play on the road and this would make it unsafe
 - The National Park bought this site without first consulting local residents
 - The impact on this quiet residential area would be catastrophic
 - A new, separate access from the Harome road is needed
 - Noise and pollution from traffic
 - There is no provision for a pond to encourage amphibians
 - The building should be stone and pantile
 - When this application is considered in conjunction with application 23/0001/MOUT it is clear that the intention is to develop a new industrial area served by Riccal Drive
 - It would be better to provide a dedicated access road from the A170
 - Insufficient services in the area to support this development
 - The development is not being put forward in a co-ordinated manner as required by Local Plan Policy
 - The National Park would be able to stay in their existing premises had they invested in maintenance
 - This development does not increase employment in the town as it only allows for existing employment to be moved
 - Diesel should not be stored close to homes
 - Consultation on the application pre-submission was poor
 - This is a greenfield site and should not be developed
 - Potential flooding issues. The field to the south has flooded
 - Loss of ecology
 - The premise of the use of Riccal Drive in the Local Plan is no longer relevant owing to the layout of housing now created off Riccal Drive
 - Harmful impact in terms of dark skies
 - Application is deficient in terms of assessment of impact on trees
 - The assumptions around staff using the town centre are not plausible
 - The proposals only change the location of the employer and do not provide for additional employment in the town
 - There is no real evidence for the need to build on greenfield-land
 - Consultation with the public has been poor with the land being bought by the National Park in secret
 - The National Park should be providing affordable housing on their HQ site
 - The Travel Plan will not be effective in this rural location
 - Development should be located in a larger town like Thirsk or Northallerton
 - Building appears brutal and resembles a DIY superstore

8.0 Environment Impact Assessment (EIA)

- 8.1. The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

9.0 Main Issues

- 9.1. The key considerations in the assessment of this application are:

- Principle of development
- Impact on residential amenity
- Flood Risk and Drainage
- Landscape character, design and the amenity of the area
- Heritage matters
- Highway safety and parking
- Ecology and Bio-diversity Net Gain
- Energy
- Archaeology
- S106 Agreement
- Other Matters

10.0 ASSESSMENT

Principle of Development

- 10.1. The Helmsley Plan sets out the main policy position along with the Ryedale Local Plan Strategy. The Helmsley Plan Vision states:

“In 2027 Helmsley will continue to provide essential services and facilities for its local community which will be successfully balanced with its role as a regionally important visitor destination. The distinctive historic character of the town and its landscape setting within the National Park will have been safeguarded and enhanced. Its role and reputation as a niche location for high quality shopping, hospitality and food based activity will be firmly established.

The main objectives of the plan are:

To provide sufficient land to provide a mix of housing which meets the existing and future needs of the existing population, providing opportunities for managed growth of the town over the plan period, whilst safeguarding and enhancing the landscape of the National Park.

To support the existing economy by ensuring there is further land available for the expansion of local businesses and to provide a range of employment opportunities for local people.

To conserve and enhance the special qualities of the town so that it remains a popular destination for visitors and maintains the role of Helmsley as a market town serving a wide hinterland of rural communities including those within the National Park.

Retain the historic character of the town including the setting of the Duncombe Park Estate, Helmsley Castle and the North York Moors National Park.”

- 10.2. The Local Plan Strategy (adopted 2013) predates the Helmsley Plan and provides the strategic policies for the Helmsley area.
- 10.3. Policy SP1 of the Ryedale Local Plan sets out the Council’s direction in terms of the distribution of development and seeks to focus growth on the Principle town of Malton and

Norton, with secondary focus for growth on Local Service Centres (Market Towns) including Helmsley.

- 10.4. Policy H4 of the Helmsley Local Plan states that; proposals for new employment facilities will be supported on the sites below which are identified for this use on the Helmsley Plan Proposals Map.

Site EMP1, Land to the West of Riccal Drive – Up to 1.3ha Site EMP2,

Land to the South of Riccal Drive – Up to 0.6ha Detailed planning permission will be granted where the proposal accords with the principles set out in the development briefs attached as Appendix 1 to this plan.

Sites EMP1 and EMP2 and existing employment land and premises at Sawmill Lane will be protected as employment use and their change of use to non-employment uses resisted.

The change of use of other land and building in current employment uses will also be resisted where they contribute to the sustainability of the local economy of Helmsley unless it can be satisfactorily demonstrated that those sites are no longer economically viable.

- 10.5. The applicant's supporting statement sets out the need for the proposed development and concludes that the requirements for office space have changed significantly in recent years, with their current site at the Old Vicarage on Bondgate now being too large for their purposes. The statement also concludes that the National Park sites on Bondgate and the Ranger Depot on Sawmill lane are both in need of substantial investment to make them fit for modern working and to reduce their carbon emissions.
- 10.6. It is concluded that the site is allocated for employment purposes in the Helmsley Plan and the proposed development is in accordance with the principles of the allocation.

Residential Amenity

- 10.7. The Helmsley Plan policy SP16 seeks to ensure that all development proposals will create high quality durable places that amongst other things, protect amenity and promote well-being.
- 10.8. Policy SP20 of the Local Plan Strategy states that; "New Development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence.
- 10.9. Paragraph 135 of The National Planning Policy Framework states at criterion (f) that decisions should ensure that developments: create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users ; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 10.10. The proposed development, whilst of a significant scale is separated from the residential development to the north, by the road and an area of scrub, the separation between the north of the site and the southern boundary of the residential gardens being approximately 25m. It is considered that the proposed development results in no harmful, direct impact on the residential occupiers of Storey Close, in terms of privacy, overshadowing or in terms of being overbearing.
- 10.11. The proposed offices would face onto the existing residential properties to the east of the site which front onto Riccal Drive and face west into the site. These properties are approximately 35m away from the east façade of the proposed building. Owing to this

significant distance, the proposed development is again considered to result in no harmful impact in terms of privacy and overshadowing. Landscaping is proposed, in-line with the Local Plan allocation, along the east edge of the site. In order to protect the amenity of residential properties opposite the site, during the construction phase, it is recommended that a screen fence be constructed along the east boundary of the site, adjacent Riccal Drive, a condition is recommended to this end.

- 10.12. Some concern has been raised about the potential impact of external equipment (air handling units) and lighting. A lighting scheme has been submitted with the application and a condition is recommended to ensure compliance with this scheme. In terms of noise, whilst it is considered that the distance to neighbouring properties will result in no material impact on residential amenity, it is recommended that any equipment is installed only in accordance with a scheme, which has first been submitted to the planning authority for approval. Again, a condition to this end is recommended.
- 10.13. It is clear that the proposed development will result in change in the locality in terms of vehicle movement and associated fumes, general noise associated with the use of the proposed development along with the change resulting in the development of a building on an otherwise open site. These changes will result in an impact on the amenity of local residents. However, it is considered that the degree of change and the nature of the proposed development will not result in a material adverse impact or significant loss of amenity for local residents.
- 10.14. It is considered that the proposed development is in compliance with the relevant requirements of the Helmsley Plan, the Ryedale Local Plan and the NPPF in terms of residential amenity.

Flood Risk and Drainage

- 10.15. Policy SP17 of the Ryedale Local Plan states that ; Flood risk will be managed by:

Requiring the use of sustainable drainage systems and techniques, where technically feasible, to promote groundwater recharge and reduce flood risk. Development proposals will be expected to attenuate surface water run off to the rates recommended in the Strategic Flood Risk Assessment. In addition, major development proposals within areas highlighted as having critical drainage problems in the North East Yorkshire Strategic Flood Risk Assessment (or future updates) as Critical Drainage Areas may, if appropriate, be required to demonstrate that the development will not exacerbate existing problems by modelling impact on the wider drainage system

Ensuring new development does not prevent access to water courses for the maintenance of flood defences

Undertaking a risk based sequential approach to the allocation of land for new development and in the consideration of development proposals in order to guide new development to areas with the lowest probability of flooding, whilst taking account of the need to regenerate vacant and previously developed sites within the towns. In considering development proposals or the allocation of land, full account will be taken of the flood risk vulnerability of proposed uses and the national 'Exception Test' will be applied if required.

- 10.16. Paragraph 170 of the National Planning Policy Framework states that; inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Para 181 states that; when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this

assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan. Para 182 states that; Applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal. These should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity. The site is located in Flood Zone 1, the area at the lowest risk of flooding. The site is also less than 1 HA and as such does not attract a mandatory requirement for a full flood risk assessment. However, the applicant has submitted a Flood Risk Statement along with documentation setting out the drainage strategy for the site.

- 10.17. It is noted that flood Zones 2 and 3 are located approximately 200m to the south of the site, conterminous with the route of the River Rye. Consequently, there is no requirement for the location to be tested sequentially in terms of flood risk.
- 10.18. Maps provided by the EA show the site is not at risk of reservoir flooding, but there is a small area of low-risk surface water flooding on the un-named road to the north of the site. The topographical survey of the site doesn't show a low spot in this location, and the levels in the area of surface water flood risk are set well below the proposed finished floor level of the proposed building, and hence the development is not at risk from surface water flooding.
- 10.19. The submitted drainage strategy seeks to moderate off site flows through storm storage attenuation with limited rate discharge. The proposals include a rainwater harvesting system for the office building. All surfaces drained to RWH systems, designed to the appropriate British Standard, provide interception, as defined in the SuDS Manual.
- 10.20. Based on local investigations, infiltration is deemed as viable and hence will be the preferred method for disposal of surface water. The test at the closest location to the proposed soakaway had an associated infiltration rate of 1.29x10^{-0.5}m/s, which will be the design infiltration rate.
- 10.21. While the system is designed to attenuate flows within the drainage system and manage extreme events up to 1:100 year event (+ 40% for climate change), it is envisaged that in a more extreme storm scenario water may exceed the capacity of this system and water will leave the drainage system causing flooding. In the event of an event beyond the design capacity, water would be directed to the unnamed road and public open space to the north of the road.
- 10.22. The Lead Local Flood Authority has raised concerns that full infiltration (three tests at each site) has not been undertaken and as such there is a risk that a change to the drainage strategy would be necessary following full testing. Given the nature of the tests to date, this risk is considered to be low and a pre-commencement condition is recommended requiring full details of the drainage including fully compliant infiltration testing.
- 10.23. The proposed foul water system will be connected into the private foul water sewer to the north of the site.
- 10.24. In conclusion, the site is located in flood zone 1 where the risk of flooding is low. The submitted drainage strategy is considered to be acceptable and overall matters concerning flood risk and drainage are considered to be in compliance with relevant Local Plan policy and the National Planning Policy Framework, subject to a pre-commencement condition for

full details of the drainage and infiltration testing to be submitted to and approved by the planning authority.

Landscape character, Design and the amenity of the area

- 10.25. Policy H9 of the Helmsley Plan states that all new development should respect the existing settlement character, patterns and layouts and the principles of building design to ensure that the historic character and local distinctiveness of the built environment is maintained and the landscape of the National Park is conserved and enhanced. Opportunities within the Conservation Area which enhance its significance will be supported.
- 10.26. Policy EMP2 sets out the design principles and infrastructure requirements for the site and sets out that development should be coordinated with adjacent Sites 174, 183 and EMP1 to ensure an integrated form of development is achieved, including vehicular and pedestrian accesses. The policy goes on to state that density and layout of development should take its cue from nearby properties such as Station Road. Previous work undertaken for the Helmsley Town Team by Bauman Lyons Architects, provides useful analysis and consideration of design principles in developing this site. Detailed master-planning/design should consider future road links to Sawmill Lane Industrial Estate. In order to reduce the impact on residential properties a buffer zone should be created between this site EMP2 and 174, which is allocated for residential use. This could take the form of live work units, office use or landscaping and should be agreed by the Council's Environmental Health department. All proposals for the site will need to meet Environment Agency standards in relation to air quality. The implications for crime should be considered with the design of green infrastructure provision. All existing boundary trees and hedging should be retained. Ecological assessments will be required and mitigation measures adopted where required. Developers are required to consider the use of Sustainable Drainage Systems in order to mitigate the effects of floods to people, property and species in the River Derwent catchment. Where the use of Sustainable Drainage Systems is not possible an assessment under the Habitat Regulations will be required of any alternative drainage scheme. A traffic assessment and Travel Plan will be required with any detailed planning application.
- 10.27. Policy SP13 of the Local Plan Strategy states that; development proposals should contribute to the protection and enhancement of distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities including:
- The distribution and form of settlements and buildings in their landscape setting
 - The character of individual settlements, including building styles and materials
 - The pattern and presence of distinctive landscape features and natural elements (including field boundaries, woodland, habitat types, landforms, topography and watercourses)
 - Visually sensitive skylines, hill and valley sides
 - The ambience of the area, including nocturnal character, level and type of activity and tranquillity, sense of enclosure/exposure
- 10.28. Policy SP13 also states that; outside of those landscapes protected by national landscapes designations, the Council will carefully consider the impact of development proposals on the following broad areas of landscape which are valued locally:

- The Wolds Area of High Landscape Value
- The Fringe of the Moors Area of High Landscape Value
- The Vale of Pickering The Yorkshire Wolds and Fringe of the Moors are valued locally for their natural beauty and scenic qualities.

As well as protecting the distinctive elements of landscape character in each of these areas, there are particular visual sensitivities given their topography and resulting long distance skyline views within Ryedale and further afield. The Vale of Pickering, the Wolds and the Fringe of the Moors are of significant historic landscape value and loss or degradation of the elements that are integral to their historic landscape character make these landscapes particularly sensitive to change.

10.29. Policy SP16 states that; development proposals will be expected to create high quality durable places that are accessible, well integrated with their surroundings and which:

- Reinforce local distinctiveness
- Provide a well-connected public realm which is accessible and usable by all, safe and easily navigated
- Protect amenity and promote well-being

The design of new development will also be expected to:

- Incorporate appropriate hard and soft landscaping features to enhance the setting of the development and/or space
- Contribute to a safe and well connected public realm by respecting and incorporating routes, buildings and views which create local identity and assist orientation and wayfinding; creating public spaces which are safe and easy to use and move through by all members of the community; facilitating access by sustainable modes of travel including public transport, cycling and walking
- Reduce crime and the fear of crime through the careful design of buildings and spaces
- Provide, where appropriate, active and interesting public frontages, clearly defined public spaces and secure private spaces
- Make efficient use of land and to be built at a density which is appropriate to its surrounding context. In general new housing development should not be built below an indicative density of 30 dwellings to the hectare unless this can be justified in terms of the surrounding context
- Proposals for major development will be expected to include a statement identifying the waste implications of the development and measures taken to minimise and manage waste generated

10.30. To the south and east the open countryside is designated as an Area of High Landscape Value and as such the requirements of policy SP13 apply along with the general requirements of Policy SP16.

10.31. The site forms part of allocation EMP1, which includes the land to the immediate north of the site. The policy for the allocation sets out some basic design principles in order that any development is assimilated into the area. The policy also seeks a co-ordinated approach between sites, at least in part to ensure that suitable road and pedestrian accesses to, from and across the area are achieved.

- 10.32. Representations have raised concern over a lack of coordination, on this and the earlier application dealing with housing to the north-east of the site. Given the nature of the application site, on the edge of the allocation and taking a direct access from Riccal Drive, it is considered that the lack of coordination of this application with others in the vicinity, raises no specific nor problematic issues which would otherwise affect the determination of the application.
- 10.33. The site is located on the edge of Helmsley adjacent to the existing industrial sheds in the control of Historic England. The area has become somewhat more residential in character in recent years owing to the development of the area to the west of the site. Criticism is levelled at the applicant in representations, that the building is more appropriate to a business park and that it should be completed in stone and pantile, in order to replicate materials in the town.
- 10.34. Officers consider that the simple, modern, architectural idiom proposed is generally appropriate to this location adjacent to an industrial building and with an appropriate degree of separation from the existing housing development in the vicinity.
- 10.35. In terms of the wider landscape impact, the development sits in the valley form and would not be prominent in views across the wider area. Screening to the east of the A170 is relatively strong and whilst the building may be discernible it would not be prominent, especially when considering the wider context of the built form in the vicinity of the application site.
- 10.36. The building proposed is considered to be of a high quality of design incorporating vernacular materials into the development. Additional stone was added into the external cladding, to reflect responses from the consultation process. Whilst the proposals are contemporary in origin and seek to provide for a modern office working environment, it is considered that the design is successful in the immediate context.



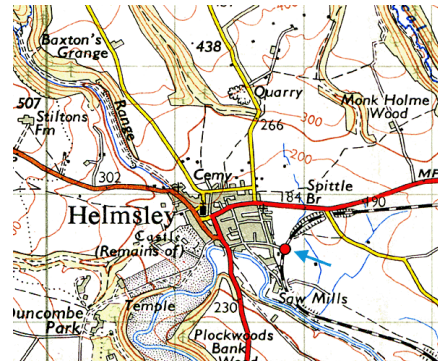
Image taken from the applicant's design and access statement, showing the view from the north east of the site, from the access road.

- 10.37. The proposed development will clearly result in a change to the character of the area, through the development of the site and introduction of a building, parking and associated activities in and around the site. However, given the context of the development in the near vicinity and the fact that the site is allocated for employment uses, officers consider that the harm caused is limited and offset by the benefits of the development.
- 10.38. It is considered that the harmful impact of the proposed development in terms of the introduction of development into a semi-rural location, is very much at the lower end of the scale of harm. The proposed development is otherwise considered to be in compliance with relevant Local Plan and NPPF policy.

Heritage

- 10.39. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving and enhancing the character and appearance of a Conservation Area.
- 10.40. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving the Listed Building(s) or its setting or any features of special architectural or historic interest which it possesses.
- 10.41. Para 212 of the NPPF states: 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). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 10.42. Para 213 of the NPPF states: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
- (a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- (b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional [72](#).
- 10.43. Para 215 of the NPPF states: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.44. Para 216 of the NPPF states: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 10.45. Policy H8 of the Ryedale Local Plan states - Important Open Views and Spaces New development should respect the views, vistas and skylines that are influenced by the town's key historic buildings including All Saints Church, the Feversham Arms Memorial, the Town Hall, Duncombe Park and its Parkland, the remaining burgage plots to the west of Church Street/ Castlegate and the long distance views of the town which play an important role in the character of the town and the setting of the North York Moors National Park.
- 10.46. Designated Heritage assets in the general vicinity comprise the Helmsley Conservation Area, the closest point of which to the development is approximately 500m away, and a number of listed buildings throughout the Town. Again, the closest of these is the road bridge on the A170 over the river Rye and a series of cottages on Ryegate which are over 400m away from the application site.
- 10.47. The context of the proposed development is considered to result in no harmful impact either directly or on the setting of any designated heritage asset.
- 10.48. The signal box and former station house to the west of the site are considered to be a non-designated heritage assets. The signal box and station house remain largely complete and

speaks to the position and function of the former railway through Helmsley, the route of which ran in a curve from the south-east, to the west of the site and back out toward Kirkbymoorside.



- 10.49. The setting of the signal box is impacted to some degree by the existing industrial buildings to the east as well as other development to the west. It is considered that the proposed development results in no additional impact on the setting of the Signal Box nor the Station House.
- 10.50. In conclusion the proposed development is considered to have no harmful impact on either designated nor non-designated heritage assets and as such the proposed development is in compliance with all relevant Local and National policies in relation to heritage matters.

Highway Safety and Parking

- 10.51. National Planning Policy Framework paragraph 114 states that in assessing sites for development, it should be ensured that: (a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; (b) safe and suitable access to the site can be achieved for all users; (c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code ; and (d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 10.52. Paragraph 115 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Para 116 states that within this context, applications for development should: (a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; (b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; (c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; (d) allow for the efficient delivery of goods, and access by service and

emergency vehicles; and (e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. Para 117 states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

- 10.53. The proposed development is to be accessed from the A170 via Riccal Drive. Concerns have been expressed in representations about the use of the access, in particular by heavier vehicles that may be used by the National Park Ranger Service and the impact that this would have on the safe use of the access and children playing in the vicinity.
- 10.54. The access is considered to be of sufficient width and design to be used by the proposed traffic. Whilst the National Park do use Land Rovers and trailers and the like along with receiving deliveries of gates and other materials by HGV, it is considered that the use of the access will not result in a significant, harmful impact on road safety.
- 10.55. There will clearly be a change to the use of Riccal Drive through additional traffic and it is likely that the nature of the traffic will also change to some degree. However, this is not considered to result in any significant loss of amenity to existing road users or residents in the vicinity of the application site.
- 10.56. The application proposes 19 visitor parking spaces, including 2 disability spaces. The applicant is also proposing to install a number of electric charging points. The applicant has advised that this will number 12 charging points. A condition is recommended to deal with these details.
- 10.57. A total of 31 staff parking spaces are proposed including 8 spaces specifically for Ranger vehicles.
- 10.58. This allows for a total of 50 spaces on site, which is considered sufficient for the operation of the building. It is noteworthy that the Old Vicarage has approximately 12 off-street parking spaces, although the Sawmill Lane site has parking for approximately 20 vehicles. The parking provision provided is considered to be acceptable and unlikely to result in on-street parking in the vicinity of the site.
- 10.59. The Local Highway Authority has considered the increased use of the Junction from Riccal Drive and the A170 and do not require any modifications to the junction to cater for the additional traffic generated by the proposed development.
- 10.60. The application includes a permissive footpath from the site to the corner of an existing footpath on the route of the old railway line. The link from there to Station Road is not a Public Right of Way. However, it is understood that this route has been used as a footpath for in excess of 25 years and as a result it's closure and loss is considered to be a low risk in this instance. However, given that the route is not in the control of the applicant and is not part of the PROW network, this link should only be given limited weight in the planning balance.
- 10.61. In conclusion, it is considered that the development will not result in any significant loss of amenity in terms of road users and will not result in a significant impact on road safety. The proposed development is considered to be in compliance with relevant Local Plan and National Policy in this respect.

Ecology and Biodiversity Net Gain

- 10.62. Planning Permissions in England are deemed to be granted subject to the general Biodiversity Gain Condition as set out by Schedule 7A, paragraph 13 of the Town and County Planning Act 1990 (TCPA) as amended by Schedule 14, Part 2, paragraphs 13, 14 and 15 of the Environment Act 2021. This is a pre-commencement condition and effectively covers the requirements for bio-diversity net gain.
- 10.63. Policy H11 of the Ryedale Local Plan states that; all development proposals within the Plan area should require a net gain in biodiversity and for green infrastructure networks to be enhanced where possible. This will provide opportunities for activity and relaxation and should include the expansion and enhancement of green infrastructure assets. Where there is existing green infrastructure this should be protected. The development briefs in Appendix 1 of the Helmsley Plan set out the opportunities of the allocated sites in linking with these green infrastructure networks.
- 10.64. A Bio-Diversity Net Gain statement has been submitted with the application. The area of the application site has been assessed as containing 2.08 habitat units, mainly bramble scrub, neutral grassland and urban trees. No irreplaceable habitat was identified.
- 10.65. The applicant states that it will not be possible to secure biodiversity net gain within the site's boundary due to the minimal amount of space that will remain undeveloped. The majority of the required units will be secured through enhancement of an area of grassland on a separate site within the Authority's land holding. A section 106 agreement will be required to secure this provision.
- 10.66. In terms of the ecological value of the site an ecological survey has been undertaken and has not identified any protected species nor important habitats.
- 10.67. It is concluded that the proposed development results in no significant harmful impact on ecology and will provide for the requisite biodiversity net gain in accordance with Local and National Policy.

Energy

- 10.68. Policy H10 of the Ryedale Local Plan states that new residential development should demonstrate that it has been designed to reduce the need for energy consumption and that the buildings utilise energy more efficiently. Proposals that generate renewable energy and/or low carbon sources of energy will be supported where they do not harm the character of Helmsley. All proposals for non-residential development above 1000sq metres must demonstrate that it meets the highest BREEAM standard (or its successor that is feasible and viable on site).
- 10.69. An energy statement has been submitted with the application The proposed development incorporates a number of sustainable measures into the design and delivery of the development. The drainage systems incorporate rainwater harvesting systems into their design and as such limit the reliance on treated water. 310sqm of solar panels are proposed to the roof of the building.
- 10.70. The energy statement sets out the specification and performance of the fabric and the proposed installations for the building, which includes mechanical heat recovery and heat

pumps in the installation. Other measures include daylight dimming and occupancy sensors on lighting.

- 10.71. The energy statement concludes that the submission demonstrates full compliance with the Local Plan and Policies by achieving a 112.19% of primary energy demand to be derived from renewable technology and an overall CO₂ reduction of 104.53% when compared against the Target Emission Rate (essentially the emission rate as required by the Building Regulations).
- 10.72. It is considered that the requirements of policy H10 of the Ryedale Local Plan are met.

Archaeology

- 10.73. There are three round barrows 800m ENE of Helmsley Bridge which are very well-preserved and do not appear to have been disturbed by antiquarian excavation which has been the case with a large proportion of the barrows in the area.
- 10.74. The official Historic England entry states. "The monument includes three round barrows and their associated buried remains, located to the east of Helmsley, south of Linkfoot Lane. The round barrows are regularly spaced, each 70m apart from the next, in a north-south line. They occupy the centre of a slightly raised area of ground above and to the east of Spittal Beck, on the north side of the River Rye. None show any evidence of archaeological excavation or damage by modern farming practices.
- 10.75. It is considered that the barrows are sufficiently far from the application site such as to result in no harm to their significance.
- 10.76. The County Archaeologist has been consulted on the application and their consultation response states that; the application is to the south-east of the historic core of the medieval town of Helmsley. It is likely that it lay in the open fields surrounding the settlement and will have been in agricultural use for at least 1000 years. Recent archaeological work to the north and east in advance of housing development was negative. The site is therefore likely to have a low archaeological potential. It is considered that there are no adverse archaeological implications arising from the proposed development.

Other matters

- 10.77. A number of representations have raised questions in terms of a preference for the use of the allocated land for housing rather than employment uses, suggesting that this would better meet the needs of the community. However, the allocation for the site was based on the identified needs of the wider community, supported by a variety of data sources, through the allocation process. The Helmsley Plan remains an important part of the Development Plan. The conclusion is that there is no necessity for the applicant to examine alternative uses for the site and that the proposed employment use is in accordance with Local Plan policy.
- 10.78. Under Section 149 of The Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions: (i) eliminating discrimination, harassment and victimisation; (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age (normally young or older people),

disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

- 10.79. We therefore need to consider whether Section 149 of the Equality Act 2010 is relevant to the application.
- 10.80. Concerns have been raised in this case about children playing in the street being impacted by the development along with potential impacts from pollution from additional traffic using Riccal Drive. Officers have considered these issues and do not consider that additional weight should be placed on the comments raised, in the planning balance. It is considered that these issues are reasonably covered by Local Plan policy and should be considered in the planning balance alongside other material considerations.

S106 Legal Agreement

- 10.81. The following Heads of Terms have been agreed with the applicant for this application.

Table 1		
Category/Type	Contribution	Amount & Trigger
Monitoring	Highways – Travel Plan monitoring	£5000 prior to occupation of the development.
Biodiversity Net Gain	Offsite Biodiversity Net Gain	TBD
Permissive footpath and landscaping	Delivery of the proposed permissive footpath and landscaping to the north of the site on land within the control of the applicant.	To be completed / agreed, prior to occupation.

- 10.82. In order to assist with the monitoring of the Travel Plan, the Highway Authority is seeking the sum of £5000. It is considered reasonable to require this prior to occupation of the development.
- 10.83. As the proposed bio-diversity net gain is to be delivered off-site, a S106 agreement is necessary to ensure its delivery and monitoring, the details of this are to be agreed.
- 10.84. It is considered that the above S106 Heads of Terms are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and as such complies with the Community Infrastructure Levy (CIL) Regulations 2010.
- 10.85. It is noted from the Ryedale CIL charging schedule that Public Buildings such as that proposed are zero rated for CIL.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. The principle of the development is considered to be supported through the allocation of the land for employment purposes in the Local Plan. The main elements of the proposals are considered to be in line with the requirements of the allocation policy EMP2.
- 11.2. There are a number of competing issues in this case. Third party representation highlights the changes to the character of the area that have occurred as a result of the housing development in the vicinity of the application site. However, this is a matter of timing. The area has been allocated for some time for both housing and employment uses. The fact that the housing has been developed more rapidly than the employment land should not count against a land-owner who has purchased land for employment uses as in this case.

- 11.3. Matters pertaining to bio-diversity, ecology, drainage, flooding, noise and highways are all considered to be acceptable, subject to conditions.
- 11.4. The key benefits of the proposals are considered to be the delivery of a high-quality office and depot facility for the North York Moors National Park Authority, delivering the development of an area of allocated employment land on the edge of Helmsley.
- 11.5. There are a number of concerns raised in third party representations, including noise and disturbance, road safety concerns, along with the change in the character of the area. The report clearly identifies and addresses these issues and whilst it is considered that the proposed development does result in a degree of change and to some extent harm as identified in the preceding paragraphs, the identified harm is not sufficient to warrant the refusal of this application and it is considered that the benefits of the scheme outweigh those harms. On this basis the application is recommended for approval.

12.0 RECOMMENDATION

- 12.1 That planning permission be GRANTED subject to conditions listed below and completion of a S106 agreement with terms as detailed in Table 1.

Recommended conditions:

Condition 1 Time Limit

The development hereby permitted shall be begun within three years of the date of this permission.

Reason:

To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2 Approved Plans

The proposed development shall be implemented in accordance with the following drawings / documents.

Location Plan. Received 27 September 2024.

Proposed site layout plan

8929-BOW-A0-00-DR-A-P1000-P8. Received 24 December 2024.

Proposed Ground Floor Plans

8929-BOW-A1-00-DR-A-P2000-P3. Received 27 September 2024.

Proposed First Floor Plan

8929-BOW-A1-01-DR-A-P2001-P2. Received 27 September 2024.

Proposed Roof Plan 8929-BOW-A1-02-DR-A-P2002. Received 27 September 2024.

Proposed Elevations 8929-BOW-A1-XX-DR-A-P3000-P2. Received 27 September 2024.

Proposed Impermeable Areas

23461-DCE-XX-XX-D-C-103 P01. Received 27 September 2024.

Flood Exceedance Plan 23461-DCE-XX-XX-D-C-129 P01. Received 27 September 2024.

Hard Landscape Specification MR23-151/102. Received 27 September 2024

Soft Landscape Specification MR23-151/101. Received 24 December 2024.

Cycle Shelter Details 8929-BOW-A1-XX-DR-A-P5000. Received 27 September 2024.

Energy Statement P003-PGS-XX-ES-001-RevPO1 Received 27 September 2024.

External Lighting Strategy P003 - PGS-XX-XX-DR-E-9602-PO1 Received 27 September 2024

Travel Plan-Rev7. Received 27 September 2024

Reason:

In order to protect the visual character and amenity of the area.

Condition 3 Visibility Splay

There must be no access or egress by any vehicles between the highway and the application site at Riccal Drive until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In the interests of highway safety

Condition 4 Pedestrian Visibility

There must be no access or egress by any vehicles between the highway and the application site at Riccal Drive until visibility splays providing clear visibility of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway of the major road have been provided. In measuring the splays the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In the interests of highway safety.

Condition 5 Access, Turning and Parking

No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at Land south of Riccal Drive have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

Condition 6 Travel Plan

Prior to the first occupation of the development, a Travel Plan must be submitted to and approved in writing by the Local Planning Authority. The Travel Plan will include: -

- agreed targets to promote sustainable travel and reduce vehicle trips and emissions within specified timescales and a programme for delivery;
- a programme for the delivery of any proposed physical works;
- effective measures for the on-going monitoring and review of the travel plan;
- a commitment to delivering the Travel Plan objectives for a period of at least five years from first occupation of the development, and;
- effective mechanisms to achieve the objectives of the Travel Plan by both present and future occupiers of the development.

The development must be carried out and operated in accordance with the approved Travel Plan. Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented as long as any part of the development is occupied.

Reason:

To establish measures to encourage more sustainable non-car modes of transport.

Condition 7 Construction Management Plan

No development for any phase of the development must commence until a Construction Management Plan for has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan.

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. details of any temporary construction access to the site including measures for removal following completion of construction works;
2. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
3. the parking of contractors' site operatives and visitor's vehicles;
4. areas for storage of plant and materials used in constructing the development clear of the highway;
5. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
6. details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
7. protection of carriageway and footway users at all times during demolition and construction;
8. protection of contractors working adjacent to the highway;
9. Deliveries to the site and site working hours shall be restricted to 0730 to 1800 Monday to Friday with no deliveries or site working at weekends or bank holidays, unless otherwise agreed by the Local Planning Authority.
10. erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
11. means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
12. measures to control and monitor construction noise;
14. an undertaking that there must be no burning of materials on site at any time during construction;
13. removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
14. details of the measures to be taken for the protection of trees;
15. details of external lighting equipment during the construction phase;
16. details of ditches to be piped during the construction phases;
17. a detailed method statement and programme for the building works; and
18. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason:

In the interest of public safety and amenity.

Condition 8 Drainage Design

Prior to commencement of development, full surface water drainage details shall be submitted to and approved by the Local Planning Authority. Details shall include all relevant attenuation, discharge points and infiltration testing. The development shall be implemented in accordance with the approved details.

Reason:

In the interests of effective, sustainable drainage.

Condition 9 External Materials

Prior to construction above ground level, full details of all external materials shall be provided to and approved by the Local Planning Authority. Samples shall include a sample wall panel. The development shall then be completed in accordance with the approved details.

Reason:

In order that the materials are appropriate to the character and appearance of the area.

Condition 10 Landscape Implementation

The Soft Landscape Specification set out in drawing MR23-151/101, received on 27 September 2024 shall be implemented by the end of the first planting season following occupation of the development hereby approved. Any plants which are damaged or die, within 5 years of completion of the planting scheme shall be replaced.

Reason;

In order to protect the character and appearance of the area.

Condition 11 Boundary screening to Riccal Drive

Prior to commencement of development a 2m high screen fence shall be constructed along the east boundary of the site adjacent Riccal Drive. The fence shall be maintained for the duration of the construction phase of the development only and removed on completion of the development.

Reason:

In order to protect the residential amenity of neighbouring residents and to comply with the requirements of the allocations policy. Pre-commencement is required in order to protect amenity as far as possible, through the build phase.

Condition 12 Implementation of improvements to the north

Prior to occupation of the development hereby approved, the permissive footpath and proposed planting to the north of the site shall be implemented in accordance with Soft Landscape Specification MR23-151/101.

Reason:

In order to provide appropriate levels of access.

Condition 13 Footpath to road frontage

The proposed footpath along the north edge of the site as shown on the proposed site plan, linking the site to the existing footpath on Riccal Drive, shall be fully implemented prior to the occupation of the development hereby approved.

Reason:

In the interest of sustainable access to and from the site and road safety.

Condition 14 Energy Efficiency

The Energy efficiency, water recycling and renewable energy installations set out in the Energy Statement 27 September 2024, shall be implemented in full, prior to the occupation of the development hereby approved.

Reason:

In order that the sustainable credentials of the building are satisfied.

Condition 15 External Lighting

Artificial external lighting shall only be installed, operated and maintained in accordance with the submitted scheme dated 27 September 2024. Changes to any element of the lighting scheme shall be submitted to and approved in writing by the local planning authority prior to the changes taking place.

Reason: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

Condition 16 External Equipment

No external equipment or machinery shall be installed other than in accordance with a scheme which has first been submitted to and approved by the Local Planning Authority. Should additional equipment be installed subsequently, full details of the equipment shall be submitted to and approved by the Local Planning Authority, prior to the installation of the equipment or machinery.

Reason:

In order to protect the residential amenity of the area.

Condition 17 EV Charging

Prior to occupation of the development hereby approved a scheme for the provision of Electric Vehicle charging points shall be submitted to and approved by the Local Planning Authority. The agreed details shall be implemented prior to the occupation of the development hereby approved.

Reason:

In order to provide for appropriate levels of vehicle charging points on site.

Condition 18 Site Levels

Prior to any works being undertaken other than initial site clearance and setting out, full site levels shall be submitted to and agreed by the Local Planning Authority. Levels shall include existing and proposed ground levels, finished floor, eaves and ridge levels of all buildings. The development shall then be implemented in accordance with the approved levels.

Reason:

To ensure that the relative heights of the proposed buildings are appropriate to the character, appearance and amenity of the area.

Condition 19 Removal of Permitted Development Rights for fencing.

Notwithstanding the requirements of the General Permitted Development Order, no fence, wall or other means of enclosure shall be constructed except in accordance with an application for Planning Permission which has first been submitted to and approved by the Local Planning Authority or otherwise in accordance with the fence details set out in this application.

Reason:

To protect the character and amenity of the area.

Condition 20 Use Classes Order

The development hereby approved shall only be used for uses within Use Class E (c)(i) (ii) (iii) (d) (e) (f) (g) (i) (ii) (iii) and for no other purposes.

Reason

In order to protect the employment purposes of the allocation and to protect the character and amenity of the area.

Biodiversity Net Gain

Standard Biodiversity Net Gain Statutory Condition.

INFORMATIVES

Applicants are reminded that in addition to securing planning permission other permissions may be required from North Yorkshire Council as Local Highway Authority. These additional permissions can include, but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; Section 38 of the Commons Act 2006, permissions through New Roads and Streetworks Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations and directions).

Further information on these matters can be obtained from the Local Highway Authority. Other permissions may also be required from third parties. It is the applicant's responsibility to ensure all necessary permissions are in place.

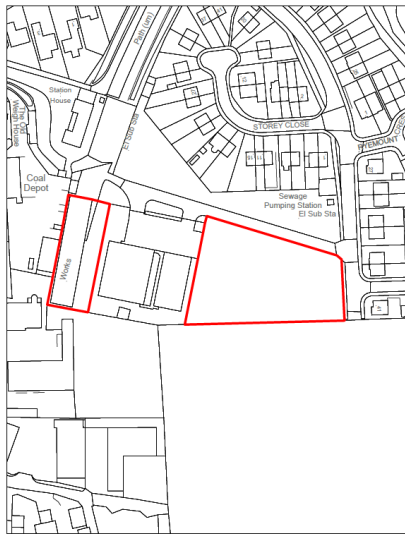
Target Determination Date: 00.00.0000

Case Officer: Peter Jones, peter.jones@northyorks.gov.uk

Appendix A – Proposed Site Plan



ZE24/04403/MFUL



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