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North Yorkshire Council

Richmond (Yorks) Area Planning Committee

Minutes of the meeting held on Thursday, 12 December 2024 commencing at 10.00 am.

Councillor David Webster in the Chair, plus Councillors David Hugill, Heather Moorhouse, Karin Sedgwick, Steve Watson and Kevin Foster.

Officers present: Fiona Hunter, Development Management Team Manager, Ian Nesbit, Principal Planning Officer, Liam Timmins, Career Grade Planning Officer, Frances Maxwell, Solicitor (Planning and Environment); and Dawn Drury, Democratic Services Officer.

Apologies: Councillor Angus Thompson.

Copies of all documents considered are in the Minute Book

154 Apologies for Absence

Apologies noted (see above).

155 Minutes for the Meeting held on 14 November 2024

Members considered the minutes of the Planning Committee meeting held on 14 November 2024 contained within the agenda pack, along with the proposed amendments to the minutes which had been circulated to all Members.

The following amendments to the minutes were proposed:

In relation to minute number 149 - ZD24/00397/FULL - Dalton Woods, Dalton on Tees, DL2 2NR.

At Paragraph 6, remove "Justine Matchfield (Lichfields) on behalf of her client Sara-Jane Burns spoke in opposition to the application." and replace with "Justine Matchett (Lichfields) on behalf of her client Sarah-Jane Burns spoke in opposition to the application."

Bullet point 5 to be removed as it was not relevant to the application.

Remove reasons for refusal 3 and 4 and replace with:-

3. The development was in proximity to an Ancient Scheduled Monument of a medieval settlement of Dalton upon Tees and associated field system; and which may have also been a former Roman fort or marching camp. Historical activity and thus underground heritage assets were likely to have extended beyond the limits of the medieval settlement. The physical drainage works, and operational phase of the new drainage system may impact on the woodland slope where it was sited within including land stability. Insufficient information had been provided to demonstrate the slope stability would not be affected, and thus any below ground heritage assets had not been and would not be in the future affected by the development. Furthermore, with the site in proximity to

a Scheduled Monument no archaeological assessment had taken place to assess if the works had a presence or absence of archaeological material. A potential less than substantial harm on the heritage asset could not be ruled out. No public benefits had been presented that outweighed the harm caused and subsequently it was considered that the development was contrary to Policy CP12 of the Richmondshire Local Plan 2012- 2028 Core Strategy adopted 2014 and paragraphs 200 and 208 of the National Planning Policy Framework 2023.

4. The new larger pipe may speed up water travelling from the top of woodland slope to the bottom where the river tees was located and which was a flood zone 2 and 3. No Drainage Strategy or Flood Risk Assessment had been provided to demonstrate the development would not increase flooding off site in conflict with Policy CP12 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014 and paragraph 173 of National Planning Policy Framework 2023.

In relation to minute number 150 - 21/00791/FULL - Dalton Woods, Dalton on Tees, DL2 2NR.

At Paragraph 6, remove “Justine Matchfield (Lichfields) on behalf of her client Sara-Jane Burns spoke in opposition to the application.” and replace with “Justine Matchett (Lichfields) on behalf of her client Sarah-Jane Burns spoke in opposition to the application.”

For the resolution, remove “MINDED TO” and “with delegated powers to the Head of Development Management to update the below reason for refusal if Historic England comments were received by 4th December 2024:”

It was proposed, seconded and a vote taken.

Resolved:

To approve the minutes of the Planning Committee meeting held on 14 November 2024 for signing by the Chairman, subject to the amendments detailed above.

156 Declarations of Interests

There were no declarations of interest.

Planning Applications

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

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

In considering the reports of the Assistant Director Planning – Community Development Services, regard had been paid to the policies of the relevant development plan, the National Planning Policy Framework and all other material planning considerations. Where the Committee deferred the consideration of planning permission the reasons for that decision were as shown in the report or as set out below.

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

157 ZB23/01580/MRC - Modification of condition 9 (landscaping) and 20 (occupancy) from previously approved application 16/02048/FUL - Change of use of land to holiday lodge park (54 Lodges) with associated reception building, solar farm, landscaping and amenity ponds, together with formation and alteration of highway access and internal roads and associated car parking (As Amended: Proposed Layout Plan and Pitch Break Plan [November 2024] and Habitat Management and Monitoring Plan received on 22.11.2024) - Angrove Park, Winley Hill, Great Ayton, North Yorkshire, TS9 6QA.

The Assistant Director Planning – Community Development Services sought determination of a (as amended) ‘variation of condition’ (Section 73) application to vary conditions 9 (landscaping) and 20 (occupancy) of previous planning permission (ref.16/02048/FUL) in order to facilitate proposed amendments to the approved landscaping scheme and to accommodate 35 additional lodges within Angrove Country Park, Winley Hill, Great Ayton, North Yorkshire, TS9 6QA.

The application had been referred to the Committee at the request of the Divisional Member.

The Principal Planning Officer highlighted the Officer Update Note which had been circulated to Members and published onto the Council website at item 4a of the agenda pack and explained that the original officer recommendation had been minded to grant the application subject to conditions. Since publication of the agenda pack on the 4 December 2024, officers had received advice from the Council Solicitor (for Planning & Environment) which raised a concern in relation to the appropriateness of a ‘Section 73’ (variation/removal of condition(s)) application to amend the original planning permission (ref. 16/02048/FUL) as was currently proposed.

Therefore, officers respectfully requested that Members agree to a deferral of the application. This would allow officers time to consider the application further following advice.

The decision:-

That the planning application be DEFERRED for the following reason:

- To allow officers time to consider the advice received from the Council Solicitor (for Planning & Environment) regarding the appropriateness of a ‘Section 73’ (variation/removal of condition(s)) application to amend the original planning permission (ref. 16/02048/FUL) as was currently proposed.

Voting record:-

A vote was taken, and the motion was carried unanimously.

158 ZD23/00665/OUT - Outline Planning Permission with all matters reserved for proposed Residential Development (up to 55 dwellings) - Land At St Alkeldas Road, Middleham, North Yorkshire

The Assistant Director Planning – Community Development Services sought determination of an application for outline planning (with all matters reserved except access) for a proposed residential development for up to 55 dwellings on land at St Alkeldas Road, Middleham, North Yorkshire.

The application had been referred to the committee as it raised significant material planning considerations as affordable housing was proposed lower than the Policy requirement.

The Planning Officer highlighted the Officer Update Note which had been circulated to Members and published onto the Council website at item 5a of the agenda pack. The update note contained a number of corrections to the original report contained within the pack.

The Development Management Team Manager informed Members that the Ministry for Housing, Communities and Local Government (MHCLG) were due to publish a revised National Planning Policy Framework (NPPF) by mid-day today, 12 December 2024. Therefore, as the application required the completion of a S106 agreement for affordable housing and public open space, were it to be approved by the Committee today, Members were asked to consider a revision to the officer's original recommendation to grant the application contained within the agenda pack, to a minded to grant. It was explained that this would allow officers the time to consider any possible implications from the revised NPPF, and the effect the new policies may have in the future.

Graham Scotchburn Snell spoke objecting to the application.

The Democratic Services Officer read out a statement on behalf of Middleham Town Council, in support of the application.

The applicant's agent, Gary Hoerty, spoke in support of the application.

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

- It was queried if the Committee could add a condition to the application which would allow people with a local connection to the area to be able to purchase the properties in the first instance, before being offered more widely.
- The local Member stated that she had been approached by local residents who had concerns regarding possible flooding, she thanked officers for the additional information provided and hoped that this would allay residents' fears.
- Members requested clarification on the market mix of properties.
- One Member stated that they had found the site visit very useful; that the buildings would fit in visually, and they had been impressed with the layout of the site.
- It was queried if there were mitigations in place to prevent possible flooding from Low Moor.
- What was the justification for reducing the affordable housing from 40% to 30%, and if Members could insist on a higher percentage of affordable housing on the site.

Members were minded to grant the planning application and agreed to delegate the decision to officers in conjunction with the Chair and Vice-Chair of the Planning Committee.

The decision:-

That Members were MINDED TO GRANT with the decision delegated to the Head of Development Management in conjunction with the Chair and Vice-Chair of the Planning Committee subject to the conditions listed at section 12 of the Committee report, and the Officer Update Note; along with the prior completion of a S106 agreement for affordable housing and public open space.

Voting record:-

A vote was taken, and the motion was carried unanimously.

159 Such other business as, in the opinion of the Chair should be, by reason of special circumstances, considered as a matter of urgency.

There were no urgent items of business.

160 Date of Next Meeting

Wednesday, 15 January 2025 at 10.00am at a venue to be confirmed.

The meeting concluded at 10.44 am.

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