

North Yorkshire Council
Community Development Services
Richmond (Yorks) Area Committee

10 APRIL 2025

ZD23/00449/FULL - Full Planning Permission for Residential Development of 27 Dwellings and Associated Infrastructure at Field at Bolton Crofts East of Bolton Avenue and Green Howards Road, Richmond on behalf of Langlands Developments

Report of the Head of Development Management – Community Development Services

1.0 Purpose of the Report

- 1.1. To determine a planning application for Full Planning Permission for Residential Development of 27 Dwellings and Associated Infrastructure at Field at Bolton Crofts East of Bolton Avenue and Green Howards Road, Richmond
- 1.2. This application is referred to planning committee due to raising significant material considerations comprising: provision of housing and lack of 5 year land housing supply; less than substantial heritage harm; and significant biodiversity harm.

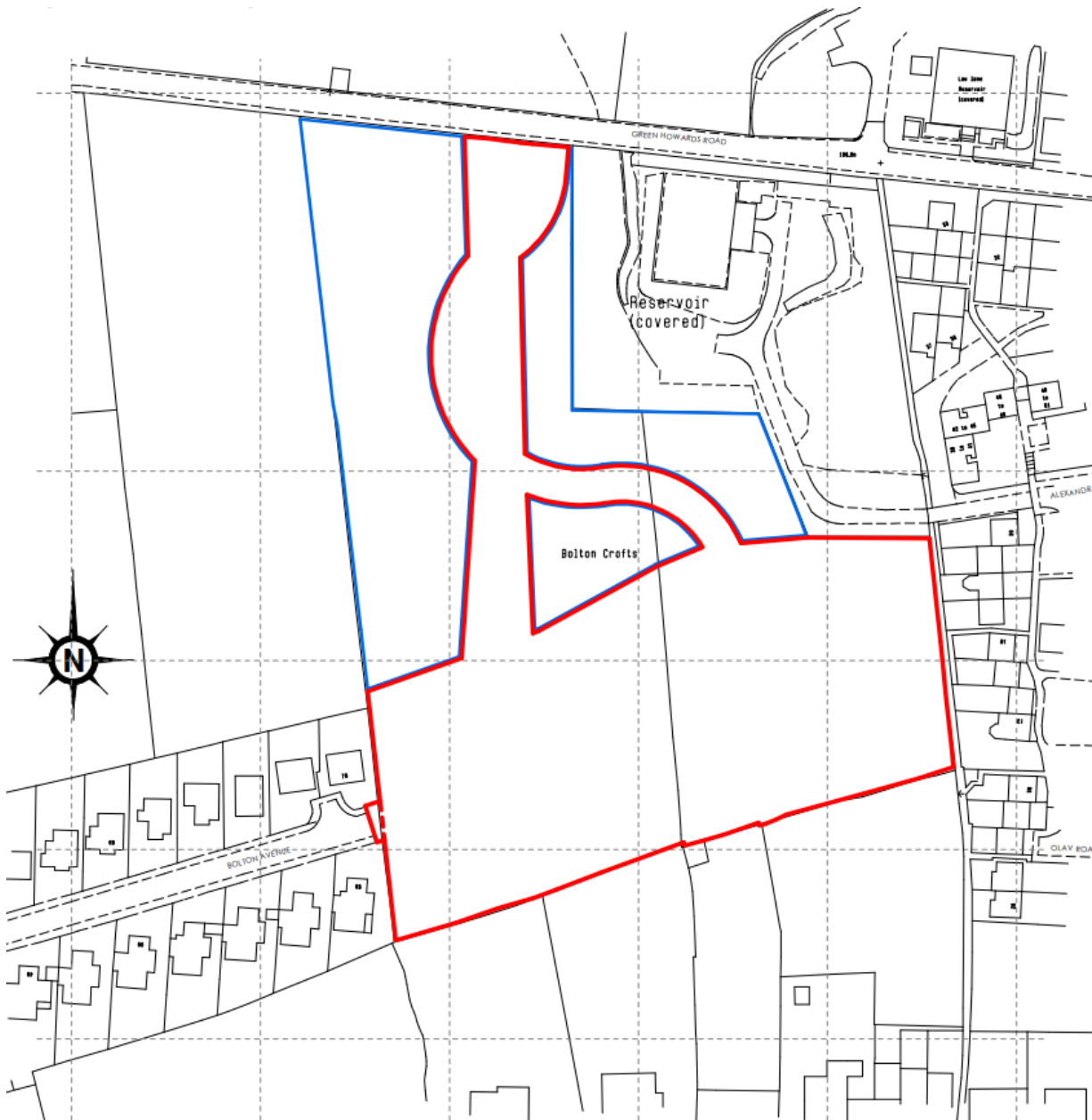
2.0 SUMMARY

RECOMMENDATION: That planning permission be Refused.

- 2.1. The application seeks permission for 27 dwellings, including 29.5% affordable units, with associated infrastructure including public open space and an emergency access. The site is currently undeveloped meadow and grazing land.
- 2.2. The development would have vehicle access from Bolton Avenue to the east, with emergency access to Green Howards Road to the north. To the south, west and east is residential estates.
- 2.3. The site is within a Conservation Area and provides a 'an open and verdant component of the Conservation Area' acting as a 'surviving soft frame'. The development has intervisibility with Grade I listed Richmond Castle which is also a Scheduled Monument.
- 2.4. The Adopted Development Plan Area does not have a 5 year land housing supply, currently standing at 2.8 years which is low. This housing development would provide a meaningful contribution to needed housing in a location near to services and facilities. Paragraph 11 of the NPPF advises in these circumstances that permission should be granted unless (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for; or, (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 2.5. It is considered that the exception under NPPF paragraph 11 (i) and (ii) are met. Specifically in respect to (i), due to harm to the significance of the Conservation Area and Grade I Listed Richmond Castle. For (ii), this is due to significant harm to biodiversity, unsafe emergency

access and poor standards of residential amenity for plots 1 - 9. In addition, there is also the heritage harm. Considered cumulatively, these negatives significantly and demonstrably outweigh the benefits.

Figure 1: Site Location Plan



3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found here:- [Planning Documents](#)
- 3.2. During the course of the application the number of dwellings has been reduced by 1, play space has been proposed and affordable housing increased to 29.5%.
- 3.3. No relevant planning history has been identified for the application site.
- 3.4. A planning application for 32 houses was refused and dismissed at appeal for Hurgill Stables, Hurgill Road, Richmond, DL10 4TA (22/00136/FULL). This application had some similarities, as it is also visible from Richmond Castle and is a sloped site. However, there are material differences between to two: (a) it is adjacent to a Coast to Coast walking route; (b) it immediately abuts a non designated heritage asset; and (c) at the time of the decision the Adopted Development Plan Area had a 5 year land housing supply. It is therefore not considered as part of this report due to these differences. For interested persons reading this report, a link to its applications documents is here: [Planning Documents](#)

4.0 Site and Surroundings

- 4.1. The application sites current use is grazing land. The main body of the application site, the area containing the new dwellings, is rectangular in shape and extends to 1ha. In addition, within the redline is a proposed emergency access link and open space, the whole site comprises 1.39 hectares.
- 4.2. The site is located east of Bolton Avenue and west of a Public Right of Way, with Prior Avenue, Olav Road and Alexandra Way beyond. To the north is a grazing field which the emergency access runs through, connecting to Green Howards Road public highway. To the south, it adjoins the rear gardens of properties at Bolton Crofts including large mature trees along the boundary.
- 4.3. The site lies directly to the north of the historic core of Richmond, within an area known as Bolton Crofts. The site also lies within the Richmond Conservation Area (see Appendix A for a heritage map).
- 4.4. The housing estate to the east was constructed in the 1970s and early 1980's which comprise two storey semi – detached and terraced houses, maisonettes and flats. The housing street to the west the Prior Avenue / Bolton Avenue development comprises mostly large detached three storey properties arranged in a 'hammerhead' layout. To the south are a mix of traditional stone properties and modern infill.

5.0 Description of Proposal

- 5.1. This application seeks full planning permission for 27 dwellings. The proposed accommodation comprises a mix of 2,3 and 4 bed roomed houses and apartments. As well as the mix of dwelling type the proposal includes a range of size, from a 2 bed 62m² apartment up to a 5 bed 173m² link-detached house. The proposal also includes eight affordable dwellings, which are spread throughout the development.
- 5.2. The proposal has a vehicular access from Bolton Avenue, where it is proposed to extend the road into the site. The road extension will include a ramp, a change of surface material and a pinch point to act as a traffic calming measure. An emergency link will connect the site to Green Howards Road but will be restricted to emergency/ pedestrian cycle use only. A new pedestrian link is also proposed linking the existing PRow located to the east of the site with the site.

- 5.3. The remainder of the site slopes up to Green Howards Road. Within this area there will be areas of scrub, grassland, tree lines and hedge planting to achieve biodiversity net gain. As this falls outside the redline, this would need to be controlled via S106 if resolved to be approved.

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:

- Richmondshire Local Plan 2012-2028 Core Strategy, adopted 2014
- Saved Local Plan Policy 23 of the Richmondshire Local Plan 1999-2006
- The Minerals & Waste Joint Plan 2015 – 2030 adopted 2022

Emerging Development Plan – Material Consideration

North Yorkshire Council is preparing a new Local Plan, however, it is at too early a stage to be a material planning consideration.

Guidance - Material Considerations

- 6.3. Relevant guidance for this application is:

- National Planning Policy Framework
- National Planning Practice Guidance
- National Design Guide 2021
- Richmond Conservation Area Appraisal

7.0 Consultation Responses

- 7.1. The following consultation responses have been received and have been summarised below.

- 7.2. **Town Council:** Objection – previous objections are sustained.

- Flawed transport strategy incl. Prior Avenue
- Insufficient provision of affordable housing
- Visual representations inadequate
- Reference to NPPR
- Ecology report and inadequate plans
- No bat survey
- In breach of many relevant local, regional and national policies

- 7.3. **Division Member(s):** August 2023: The application site is within a conservation area and on an important part of ever diminishing green belt. It is not with the development boundary of Richmond. There is already considerable concern within the wider community.

Infrastructure in this area is particularly weak and very steep and the area will not benefit from improved gritting by NYC. This means that NYC would authorise yet another “second class” estate with predictable and severe restriction on attendance at work and/or School. The water and sewage system within the Town is incapable of allowing further development.

February 2024: The application will impact on the nature of this conservation area, it will be very visible (especially in Winter) from the vantage point which is Richmond Castle. The proposed development will use an un-gritted and steep access and egress road which is already over populated with vehicles.

7.4. **Highways:**

Highway Surface Water Drainage

It is noted that a combination of Highway surface water and surface water from the plots will feed into a combined surface water drainage system which will ultimately discharge to an existing Yorkshire Water sewer to the west of the site. I would appreciate confirmation that the main drain runs in the proposed development are to be adopted by Yorkshire Water and that only the gullies and their connections to the main drain run will be expected to be adopted by the Council. If this is the case then it would be appreciated if this could be made clear on the drawing.

I would appreciate confirmation that a gully to intercept Highway surface water is to be provided for every 150 m² of drained area within the proposed development.

Priority 'Give & Take' System

The location of the proposed signs on each side of the pinch point is not quite right. Advice about how the signs should be located and their proximity to the associated pinch point and / or road markings can be found in Section 4.8 of Chapter 3 of the 'Traffic Signs Manual', a copy of which can be found on line.

The sign regulations stipulate that the round sign and associated plate should if located within 50 metres of a road lighting column be externally illuminated but it is respectfully suggested that both signs are so illuminated regardless.

Emergency Link

The revised details make mention that the gradient remains at 1:10 but that this could be amended to 1:12 if required. Please could this amendment be made.

Road Lighting

There does not appear to be any details of where road lighting columns are to be located.

- 7.5. **Public Right of Way:** Public Right of Way along the eastern boundary of the site. The existing Public Right of Way on the site must be protected and kept clear of any obstruction until such time as an alternative route has been provided by either a temporary or permanent Order.
- 7.6. **Conservation Officer:** Objects. Their comments are incorporated into the main body of the report and can be accessed here: [Planning Document](#)
- 7.7. **NHS:** The ICB, along with other GP surgeries and partners have identified that the existing practice facilities around Richmond provide inadequate clinical space to deal with expected population increase in the locality. Whilst some limited works could be undertaken to existing premises to partly mitigate the new patient impact, the extension and creation of new floorspace through the redevelopment of the Friary Community Hospital and Surgery would align with the integrated care system strategy outlined in the NHS Five Year Forward View strategy document. The ICB have identified that the strategy at Richmond is the redevelopment of the existing friary hospital resulting in an integrated service thereby providing local resident with care in the medium - long term. The contribution sought should therefore reflect the capital costs associated with the future facility in the area.

The ICB sought advice from its NHS partner, NHS Property Services, on recent costs benchmarks for development of new build healthcare facilities. This equated to £6,068 per m² (once adjusted for professional fees, fit out and contingency, but excluding land

acquisition). Having rebased this cost to Richmondshire using BCIS Tender Price Index, the cost equates to £5,787 per m². Using the above inputs, this calculates the site-specific capital cost contribution for the proposed development to be £31,771. The ICB would request the capital cost contributions be secured through a S106 planning obligation linked to any grant of planning permission.

- 7.8. **Civic Society:** We do not object to this application as it is well screened from town views. We would, however, hope that environmental issues are taken into account in that we would like to see electric car charging points for each property and the use of air source heat pumps for heating. We would also like the block paving to be permeable. We are pleased to see the inclusion of a drainage strategy. We would still like to see the inclusion of air source heat pumps and car charging points in the designs.
- 7.9. **North Yorkshire Local Access Forum:** The Forum notices that the one public open space is not central to the development as advised in the NPPF and therefore not well overlooked which raises the question of safety. We also advise there should be an allocation of visitor parking that complies with the standard provision for 28 dwellings, to avoid parking on the estate roads and pavements, with the obvious issues in relation to health and safety for pedestrians, pushchairs, and wheelchair users. Many of the properties which do not have garages appear not to have designated cycle storage.
- 7.10. **Archaeologist:** The site is likely to have been in agricultural use throughout the medieval and post medieval periods and there is no evidence for earlier activity in the vicinity. It is therefore difficult to build a case for archaeological assessment or mitigation in this instance.

Thank you for the additional information on the Victorian material and aircraft crash site. It is more than likely that the Victorian rubbish is the backfill of small quarries visible on the early Ordnance Survey editions. Although locally interesting, the recent age and nature of the material would not be something that would justify archaeological works.

I have read the webpage regarding the aircraft crash site. This greatly enhances the information we had (including a much more precise location) and I agree that the development is likely to have an impact on the site. The webpage does however suggest that the aircraft was largely removed and parts salvaged following the crash. There is also mention that the site may have been dug out in the 1980s although there is no further information on this. As there are unlikely to be substantive remains, I think a scheme of archaeological works to locate the site and record it during the development would be a proportionate response. This work would need to comply with the Protection of Military Remains Act 1986 where this is deemed to apply. No objections subject to conditions.

- 7.11. **Lead Local Flood Authority:**
1. Runoff Destinations
Runoff is proposed to be discharged to the nearby public sewer system, this appears to be appropriate as soakaways are not viable due to the sloping site and there are no nearby watercourses.
 2. Peak Flow Control
A peak flow rate of 5l/s is proposed, following consultation with Yorkshire Water, a reduced rate of 3.5l/s is requested which is LLFA support, therefore the design and calculations need to be updated for the lower rate of 3.5l/s.
 3. Volume Control
Updated hydraulic calculations are required for the new peak flow rate with the updated 45% CC allowances.
 4. Pollution Control

Pollution from surface water runoff from the development from parking areas and hardstanding areas should be mitigated against by the use of oil interceptors, road side gullies, reedbeds or alternative treatment systems.

Recommendation to the Local Planning Authority:

The submitted documents demonstrate a reasonable approach to the management of surface water on the site. I recommend that the following conditions are attached to any permissions granted

- 7.12. **Environmental Health:** They have considered the potential impact on amenity and the likelihood that the proposed development will cause a nuisance to neighbouring properties, and I consider that the impact will be low. The existing buildings to the eastern boundary of the site are likely to have limited impact on the amenity of the proposed dwellings in relation to noise or odour. Recommend conditions for contamination, noise and dust.
- 7.13. **Ramblers Association:** Ramblers are concerned about the amenity impact of this large-scale development in a conservation area. There is a footpath immediately adjacent to the proposed development. Consequently, assurances are required that during and following any development the footpath explicitly should be maintained unobstructed, offering a clear and safe route for walking, and in a condition suitable for walking. We would expect that any approval for development would be conditional upon this.

There is an existing PROW to the east of the application site, with important views over the immediate Conservation Area and the wider Richmond setting. These views are harmed by the proposals notwithstanding the minor changes made in the amended proposals - and consequently will diminish the amenity of the PROW. The Ramblers are also concerned that the various views offered in the amended proposals may not be formal Verified Views, and as such are only of limited value.

- 7.14. **Ecology:** Object their comments are incorporated in the main body of the report and can be accessed here: <https://documents.richmondshire.gov.uk/my-requests/document-viewer?DocNo=1888425>
- 7.15. **Yorkshire Water:** No objections subject to conditions.
- 7.16. **CPRE North and East Yorkshire:** Object to the proposed development on the following grounds:
The proposal is within the open countryside, outside of the development limits of Richmond in both the adopted and emerging Local Plan;
The detrimental impact on the Richmond Conservation Area, Heritage Assets and their important setting;
The detrimental impact on existing ecology; and
The impact on local infrastructure.
- 7.17. **NYC Education:** Based on the proposed number of dwellings a developer contribution would not currently be sought for education facilities should this application be approved.
- 7.18. **North Yorkshire Police:** Having reviewed the revised drawings and additional information it is pleasing to note that the applicant has sought to address the issues raised in my Designing Out Crime Report dated 25 August 2023, and as a result the scheme will provide a safe and secure environment for all users.

Local Representations

- 7.19. Local representations have been received from 341 people of which 6 are in support and 333 are objecting. Furthermore, there is a petition of 266 signatures objecting with a further petition of 62 signatures also objecting. A summary of the comments is provided below, however, please see website for full comments.

7.20. Objections:

- Contrary to local plan policy
- Site harmful to conversation area
- Impact on local health services
- Climate Concerns
- Ecological Concerns, Loss of Wildlife
- Destruction of Iconic Views
- Noise and Air Pollution
- Light Pollution
- Loss of privacy for existing houses on the east side of the site
- Overbearing aspect of bungalows on east side of site
- Increase in Traffic congestion Prior Avenue/Quakers Lane
- Quakers Lane too narrow
- Prior Avenue too steep and dangerous in winter
- Question delivery of affordable housing and lack of AH
- Huge earthworks
- Footpath to be emergency access, inadequate access road.
- Access to medical facilities in the town is already strained. Both GP surgeries and dental practices are stretched as it is and by adding more central residences, they will become even more exasperated.

7.21. Support:

- They have my full support
- Richmond is short of quality housing to meet demand
- Will support the economy being providing new residents

8.0 Environment Impact Assessment (EIA)

8.1. Example 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
- Heritage issues
- Protected Species, Biodiversity and Off-Site Habitats
- Highway
- Affordable housing
- Site Layout
- Design of Dwellings and Appearance
- Drainage and Flooding
- Impact on neighbouring residents
- Residential Amenity of New Properties
- Impact on local health services

10.0 ASSESSMENT Principle of Development

Adopted Development Plan

- 10.1 This site is adjacent to the Development Limit of Richmond, abutting the limits on the sites eastern and western boundaries (Appendix B). Policy CP4 sets out that the location of development should firstly be within Development Limits, and where opportunities do not exist, adjacent.
- 10.2 Spatial Principle SP2 (Settlement Hierarchy) classifies Richmond as a Principal Town which acts in a complementary manner to constitute the main focus in the plan area for housing, employment, shopping, leisure, education, health and cultural activities and facilities.
- 10.3 Richmond lies within Central Richmondshire, which Policy SP1 sets out is the area of greatest growth, reflecting the location of the main towns of Richmond and Catterick Garrison, the scope for development and the scale of existing facilities and infrastructure. This is the area where most housing and employment related development will take place.
- 10.4 Policy SP4 sets out that 79% of new housing will be in Central Richmondshire Sub Area where the site is located. Richmond is to accommodate 8% of all housing growth which is at least 272 dwellings to be delivered by the end of 2029. The Richmondshire District Council Monitoring Report October 2021 details that 224 dwellings have been delivered in the ADP area. Since the reports publication, minor consents totally 19 dwellings bring the total to Richmond to 243 dwellings. This scheme if approved, would therefore assist in meeting the minimum target for the settlement.
- 10.5 The quantity and relative position to the town Development Limit's is considered Policy compliant with the above discussed policies. Given there is only 4 years left in the plan period, and lack of sufficient live housing applications within the Development Limit, there is no confidence that sites within the settlement limit are available instead.

NPPF and NPPG December 2025 and 5 Year Land Housing Supply

- 10.6 The extant Richmondshire Local Plan is now more than 5 years old. In accordance with the National Planning Policy Framework (December 2024), the annual housing requirement for this area is 317 homes, as derived from the Standard Method. Including the relevant 5% buffer, the 5-year supply requirement for this plan area is 1664. Based on the most recent data (from the 2023/24 monitoring period), there is a demonstrable deliverable supply of 923 homes over a five-year period. This translates to 2.8 years of housing supply when measured against the five-year supply requirement. Therefore, paragraph 11(d) of the National Planning Policy Framework (i.e. the "presumption in favour of sustainable development") is engaged for applications involving the provision of housing.
- 10.7 NPPF paragraph 11 advises that where the policies which are most important for determining the application are out-of-date planning permission should be granted unless:
- i. *the application of policies in this Framework that protect areas or assets of particular importance* provides a strong reason for refusing the development proposed; or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination***

**The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 189) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of*

archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change.

***The policies referred to are those in paragraphs 66 and 84 of chapter 5; 91 of chapter 7; 110 and 115 of chapter 9; 129 of chapter 11; and 135 and 139 of chapter 12.*

- 10.8 On the above basis, housing applications such as this one should be granted unless either two exceptions are met (i) and/or (ii). In respect of 11(d)(i) the site is within a Conservation Area and the site can be seen in the context of Grade I Listed Richmond Castle's turret/tower.
- 10.9 In respect of 11(d)(ii) there are adverse impacts which will significantly and demonstrably outweigh the benefits including securing well-designed, which is explored in the remains of the report below. As such, the principle of development is not considered acceptable, and in accordance with NPPF paragraph 11 should be refused.
- 10.10 The application documents has stated the application site has consistently formed part of the Strategic Housing and Economic Land Availability Assessment (SHELAA) for the last ten years, it was last updated in December 2019. This identifies the whole Site (Site Reference 214) as suitable for development, stating that the site is adjacent to existing development limits and is largely screened in its southern part, which offers scope for residential development. However, the SHELAA does not carry any significant weight in the determination of this application and is part of an evidence base for an emerging local plan for Richmondshire which has been abandoned.

Heritage Issues

- 10.11 The site is situated within the Richmond Conservation Area, and forms part of the setting to Richmond Castle which is Grade I Listed and a Scheduled Ancient Monument.
- 10.12 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid in the exercise of planning functions to the desirability of preserving and enhancing the character and appearance of a Conservation Area.
- 10.13 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be 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.
- 10.14 Paragraph 212 of the NPPF sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).
- 10.15 Richmond Conservation Area covering the town centre and Castle was designated as a Conservation Area in 1971, with boundary extensions in 1976, and 1995. The origins and enduring character of Richmond is intrinsically linked to its Castle. A tangible symbol of Norman dominance, the 11th century beginnings of the Castle are attributed to Alan the Red, a relative of the Duke of Brittany. Occupying a naturally strong defensive position on the cliff above the River Swale, Richmond Castle is a remarkable example of an early enclosure castle. Its exceptional interest, attested by its Grade I status, of which there is only 2.5% of listed buildings in England, derives from its evidential, historic, and aesthetic values. It provides an emotive and evocative link to Richmond's mediaeval past and its defensive purpose and is also a Scheduled Monument. Its well-preserved remains illustrate the Castle's multi-period construction spanning the 11th, 12th, 14th, and 15th centuries, culminating in its continued military use as Victorian barracks in 1854. Of note is the survival of almost all its eleventh century masonry including Scolland's Hall – one of the

earliest examples of domestic architecture in England, and the intactness of its square 12th century keep.

- 10.16 The keep dominates the castle, and commands a central position within the town, offering wide ranging views of the surrounding Swaledale countryside. Comprising 3-storeys, with the upper storey accessed by a stair to turreted battlements, the stone keep is 30.6m high having flat buttresses, with an entrance at first floor. This leads into a hall with three large windows that provide framed views to the north. These views are further enhanced and expanded upon accessing the keep's battlements.
- 10.17 Whilst Richmond Castle plays an integral role and significantly contributes to the history and local distinctiveness of the Conservation Area, the unique character and significance of a Conservation Area is often greater than the sum of its parts. Richmond's character and appearance derive not only from its situation and topography having openness at its fringe and a pleasing rural hinterland beyond, but also from its mediaeval street pattern, and the form, layout and materiality of its building stock. This architectural character is based firmly in the local vernacular style of solid robust buildings, generally in linked or terraced form, with restrained detailing and limited openings and its predominance of Georgian buildings – illustrating the town's historic prosperity and wealth in the 18th and 19th centuries.
- 10.18 Collectively it is Richmond's buildings, streetscapes and surrounding landscape which serve to create a Conservation Area of alluring value and distinction.
- 10.19 Whilst acknowledging the presence of a covered reservoir (immediately outside the proposed development site), stone field boundaries and an established tree line, the application site is devoid of buildings. It provides a soft verdant frame which not only contributes to the rural character and topography of the Conservation Area but also to the setting of the Castle. The presence of modern housing to the west (Bolton Avenue) and to the east (Alexandria Way, Alma Place and Olav Road) have had a negative impact on the northern-most component of the Conservation Area and its rural openness.
- 10.20 The Council's Conservation Area Statement in respect to this component of the designated heritage asset states: The one area where modern development has impacted upon this natural setting is Bolton Crofts, an area of steeply rising ground which provides an impressive backcloth to the town. The green swathe cut by Bolton Crofts and reaching deep into the heart of the town, including Ronaldshay Park, the Cricket Field and Friary grounds, is still a particularly striking and important characteristic of Richmond."
- 10.21 Having regard to Section 9 of the Historic England Good Practice Advice Note 3 'Change over time and Cumulative change (Pg. 4)8'. This directs that where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies consideration still needs to be given to whether additional change will further detract from, or enhance, the significance of the asset.
- 10.22 It is noted that the Heritage Statement (HS) (November 2021) and subsequent Addendum (February 2024) consider a series of viewpoints, with their assessment concluding that the overall impact to the identified heritage assets will be minimal and the level of harm to their heritage significance will be at the lowest end of less than substantial harm. Both the Design and Access Statement (DAS) and HS discuss the presence of trees with the HS stating in relation to this component of the Conservation Area that the existing green space is a small and relatively insignificant part of the view of Bolton Crofts, due to the screening and the surrounding houses. In response to scheme revisions, the latter discusses the retention of a key view of the Castle through the site, from Green Howards Road (illustrated on Pg. 20 of the Addendum Report). From Green Howards Road, looking towards Richmond and the castle, the proposed new housing will be visible but – much as when looking in the opposite direction – they will fill in a gap in the existing housing, meaning that

the visual impact will be minor (a photograph from the castle tower is provided as Appendix C). The proposed layout has been designed to leave a view corridor to preserve the view of the castle keep and the town from Green Howards Road.

- 10.23 The Conservation Officer observed an established tree line of deciduous trees to the western edge of the proposed development site. These reinforce the site's verdant character, and in part serve to provide enclosure to the lower scarp of the 'green swathe'. However, diurnal and seasonal changes have not been considered and it should be noted that the presence of natural screening can only mitigate negative impacts, it cannot remove impacts or provide enhancement to heritage assets.
- 10.24 The Conservation officer refers to the Historic England Guidance -The Setting of Heritage Assets, which states, settings of heritage assets which closely resemble the setting at the time the asset was constructed or formed are likely to contribute particularly strongly to significance (Pg. 4). The Conservation officer contests that the subject site is not simply a 'gap' as noted in the HS Addendum. The cartographic evidence illustrates that the site has remained without buildings for centuries, it is a rare survival. In doing so, it forms an integral part of the settlement's significance, acknowledged by its inclusion in the designated Conservation Area. The site also forms a component of the Castle's significance which in part is shaped by its setting. Its position at the heart of the town, affording long range views of the rural hinterland, is a purposeful design intent whose original defensive and military function remain discernible.
- 10.25 During the Conservation officer's inspections they noted that prospects from the north, along the PROW, through and across this component of the Conservation Area towards the south and the Castle are not confined to isolated or channelled views. Whilst noting the visual dominance of the Castle, the ability to recognise the character of the Conservation Area is revealed through its undulating rooflines, churches and landmark buildings, the grain, layout and winding of its streets and the arrangement of its cobbled and green spaces collectively creating a striking visual gem and enabling the observer to read the history of the town.
- 10.26 Indeed, when encountering the northern-most component of the Conservation Area, from the Castle's Keep (publicly accessible), the encroachment of housing and its conflict with this last bastion of openness is particularly stark. The Conservation officer therefore offers that the site's contribution to the designated heritage assets is not simply fortuitous, neither is it a glimpse or channelled view as it is experienced in a wider lens.
- 10.27 Notwithstanding the presence of modern housing which flanks the proposed development site, this should not be seen as a presumption in favour of further encroachment and dilution of the Conservation Area's 'impressive backcloth' and consequently the setting of the Castle. Whilst acknowledging the scheme revisions and attempts made to reduce harm to the setting of the Castle by retaining a key vista, from site observations, it is the principal of infilling this part of the Conservation Area which impacts its character and in turn the setting of the Castle.
- 10.28 The proposed scheme would result in a significant change to what is an open and verdant component of the Conservation Area. It would conceal the heritage asset, as the development proposals would obscure and have intervisibility with the Conservation Area, while depleting what is a surviving soft frame. It would also impact the surroundings in which the Castle is experienced, altering the ability to appreciate and understand its significance from the north. In accordance with Sections 66 and 72 of the Planning (Listed Buildings Conservation Area) Act 1990 (PLBCAA), it is considered that the proposed development fails to preserve the setting of the listed building, and the character of the Conservation Area, resulting in a harmful impact. The degree of harm to the Conservation Area, and the setting and significance of Richmond Castle is 'less than substantial'. The

report author considered the harm to be at the higher end of 'less than substantial' for the reasons described above.

- 10.29 From the Conservation officer assessment they conclude that the application is contrary to Sections 66 and 72 of the PLBCAA, Paragraphs 203 (a & c), 205, 206, 208, and 212 of the NPPF, and Policies CP4 and CP12 of the Richmondshire Local Plan: Core Strategy, which necessitates that development should be consistent with the requirements of Core Policies, and should not impact adversely on the character of the settlement or its setting, important open spaces and views; designated and undesignated heritage assets and the character of the landscape, and should conserve and enhance the significance of the plan area's natural and man-made, designated or undesignated assets. This conclusion is agreed with for the reasons detailed above.
- 10.30 Of particular note in respect of Policy CP 12, the supporting text sets out that when considering matters affecting historic assets, particular regard will be given to historic public viewpoints from Richmond Castle Keep.

Protected Species, Biodiversity and Off-Site Habitats

Local context

- 10.31 The outskirts of Richmond town support an important concentration of species-rich grasslands with international, national and county conservation designations. These are hay meadows, permanent pastures or verges which retain the flora associated with agriculturally unimproved grasslands and often show transitions between lowland and upland plant communities and between neutral and calcareous soils. A pattern of small fields on sloping ground has likely been an impediment to more intensive agricultural management, hence the survival of grassland habitats which have become increasingly rare in the wider countryside.
- 10.32 Examples include: Richmond Meadows and Gingerfields Sites of Special Scientific Interest (SSSIs), parts of which are also components of the North Pennine Dales Meadows Special Area of Conservation (SAC); Theakston Lane Verge SINC; Hudswell Lane SINC; Riverside Walk and Sleegill Fields SINCs; and Temple Grounds SINC. Richmond High Moor SINC is more acidic but represents another significant area of unimproved grassland close to the town.
- 10.33 A short distance upstream of Richmond, there are several grassland sites within the Lower Swaledale Woods and Grasslands SSSI complex including Underbank Farm meadow, Applegarth grasslands and Applegarth Scar, and West Wood Pasture. These again show transitions between upland-lowland assemblages and calcareous-neutral-acidic conditions. The Council Ecologist would advise that the outskirts of Richmond town and adjoining areas of lower Swaledale constitute a nationally important stronghold for species-rich grasslands which must be considered to be of strategic significance, even if no strategic mapping has been formally published. Any example of species-rich grassland in this area has added conservation significance because it provides supporting habitat, can serve as a 'stepping-stone' between designated sites, and helps sustain populations of pollinating insects which are crucial to the ecological functioning of the habitat.

Capacity to deliver biodiversity net gain.

- 10.34 The Biodiversity Net Gain report describes habitat within the red line boundary as predominantly 'other neutral grassland' in good or moderate condition. As most of this would be lost, it is proposed to compensate for this by enhancing an off-site field of agriculturally improved grassland by seeding and other management. In addition to its distant location, the Ecologist concern is that the mitigation site will, by definition, have been highly impacted by intensive agricultural management such as reseeding with vigorous grass cultivars, fertiliser inputs and herbicide treatment; this is borne out by the comments in paragraph 5.3.1 of the BNG Report. Converting this impoverished habitat to botanically

diverse grassland ('other neutral grassland' in moderate condition) is likely to require detailed and sustained management by experienced conservation practitioners over a long period.

- 10.35 The Council Ecologist would also question the viability of maintaining areas of high nature value grassland within the proposed development (BNG Assessment para 6.2.2 and botanical report). In addition, they are unconvinced that areas currently mapped as tall herb vegetation could easily be converted to diverse grassland. The current dominance of competitive, bulky, nitrogen demanding plants such as False Oat-grass, thistles and nettles likely marks areas where the soil has been physically disturbed or has become nutrient-enriched. Cutting these areas and sowing seeds as per the BNG Assessment is unlikely to produce species-rich grassland without several years of sustained management.
- 10.36 The applicant has submitted contradictory assessments of the ecological quality of the grassland, the findings of the Ecological Appraisal by MAB differing significantly from those of Dryad Ecology. Neither assessment identified a number of plants credibly reported by local residents which are significant indicators of species-rich grassland of high conservation value.
- 10.37 An area of grassland mapped as being in Moderate condition during the original BNG assessment was downgraded in the EclA survey (revised BNG report, section 5.1). The Ecologist does not know why this has been downgraded as the first survey was undertaken during the optimal period for surveying grassland (May) and the latter was undertaken during a very suboptimal period (late winter). It is considered that this is a most unsatisfactory approach. For these reasons, the Ecologist is not satisfied that the grassland has been fully assessed and their original advice of 9 October 2023 stands:
- 10.38 Due to the uncertainty as to the ecological quality of the grassland and the contradiction within the applicant's assessments, my advice is that the field needs to be mapped using National Vegetation Classification methodology during the period mid-May to mid-July. A minimum of five 2x2 metre quadrats should be recorded for each homogeneous stand of vegetation and data should be analysed using appropriate software. The grassland should also be assessed against the North Yorkshire SINC guidelines.
- 10.39 The biodiversity net gain assessment proposes to deliver an uplift of around 33% for area-based habitats, partly through off-site measures at Hornby. For the reasons explained in the Ecologists previous response, their advice is that even if successful, grassland enhancement at Hornby would not compensate for the loss of habitat at Richmond due to isolation from other herb-rich grasslands. Also, for reasons previously stated, they have reservations as to the likely success of proposed on-site and off-site measures. The proposed planting of extra-heavy standard trees within the retained grassland is likely to result in loss/degradation of habitat and it would be more appropriate to concentrate on measures to restore the botanical quality of the retained habitat.

National Vegetation Classification assessment

- 10.40 The Council Ecologists has accepted that the field to the east, adjoining Olav Road, is of lower nature conservation value due to a history of ground disturbance, however A National Vegetation Classification (NVC) survey was requested to provide a more precise classification of grassland than the broad-brush categories used in the UKHabs system. A NVC survey is an important and widely used method for ecological assessment, especially where there is uncertainty as to the typology of grasslands. Methodology is set out in the National Vegetation Classification users' handbook.
- 10.41 A Local Planning Authority's role in assessing the ecological impact of development proposals is not limited to checking Biodiversity Metrics or protected species information but also involves understanding the overall ecological quality of a site and the effect of the

proposed scheme on local habitat networks. In this case, there have been a number of contradictions in the information submitted by the applicant, so it is reasonable and appropriate to ask for a higher-resolution survey.

- 10.42 The Council Ecologist surveyed the area previously highlighted as resembling species-rich grassland, in the vicinity of the proposed access road. Five 2x2 metre quadrats were sampled in this area on 16th June 2024 using the standard NVC methodology. Data were entered into MAVIS software, which produces coefficients of similarity based on NVC reference data. An average (mean) of 17.4 species of vascular plant was recorded per quadrat, which is moderately rich. MAVIS identified the most similar NVC plant community as MG5a, the Meadow Vetchling subcommunity of Crested Dog's-tail – Common Knapweed grassland, with a similarity coefficient of 57.51%. MG5 is the characteristic grassland of old, agriculturally unimproved meadows and pastures on well-drained soils and is one of the plant communities associated with Lowland Meadow priority habitat; the MG5a subcommunity is typical of clayey soils of neutral pH.
- 10.43 However, the data also showed a slightly lower correspondence to MG6, with a similarity coefficient of 55.49% for MG6b, the Sweet Vernal-grass subcommunity of Perennial Rye-grass – Crested Dog's-tail grassland. MG6 is a plant community associated with permanent pasture, varying from grasslands which have been quite heavily modified by modern farming practices through to herb-rich swards which are similar to MG5 but contain a more restricted range of indicator species. The MG6b subcommunity is its richest expression, with fine-leaved grasses and broad-leaved herbs (forbs) making a greater contribution than in more agriculturally improved grasslands.
- 10.44 In reality, the plant communities described in the NVC are not discrete entities but exist on a continuum. Therefore, it is reasonable to conclude that the grassland in the area sampled is borderline between MG5 and the richest expression of MG6, with MG5a as the closest subcommunity. A separate quadrat was recorded at NZ 17105 01440, an area with a relatively coarse grass sward but a cluster of indicator plants such as Common Knapweed, Common Bird's-foot Trefoil and Lady's-mantle. Twenty-one species were recorded and MAVIS produced a similarity coefficient of 63% for MG5a, 61% for MG5 as a whole and 60% for MG6b. This places the sample more firmly within MG5a but again the grassland is not dissimilar to MG6.

Assessment using SINC guidelines.

- 10.45 Sites of Importance for Nature Conservation (SINCs) are a 'second tier' of wildlife sites underpinning the network of nationally important Sites of Special Scientific Interest (SSSIs). SINCs are of county-wide importance for the conservation of biodiversity and are designated by the North Yorkshire SINC Panel using published guidelines. The selection criteria are in the public domain and readily accessible (neyedc.org.uk/ecologists). The submission documents do not consider these.
- 10.46 The North Yorkshire SINC guidelines rely mainly on botanical indicators of habitat quality. Guideline Gr2 is the most relevant for neutral grassland in this location and is accompanied by a table of indicator plants. The qualifying threshold is 12 points, with some of the rarer indicator species scoring 2 points.
- 10.47 The survey by the applicant's ecologists provides a score of 9 points using Guideline Gr2. In the absence of further information from the applicant's ecologists, the Council's ecology carried out a brief botanical survey of the western field on 12th June 2024. This survey produced a score of 19 points using the same. However, the SINC guidelines advise that the abundance and distribution of qualifying species should be considered, so that species found in very small amounts or only at the margins of the site are not given undue weight. Several of the indicator species recorded at Bolton Crofts were only found in small numbers or in restricted areas. Nine of the indicator species have an abundance of at least

Occasional, with the others rated as Rare, Very Local or Not Assessed. On this basis, the western field would not automatically qualify but would merit consideration by the North Yorkshire SINC Panel.

Priority Habitat status

- 10.48 Local Planning Authorities have a statutory duty to consider priority habitats, referred to more formally as Habitats of Principal Importance in Section 41 of the Natural Environment and Rural Communities Act 2006. The grassland on the route of the proposed access road meets the UKHabs definition of Lowland Meadow on the following basis (Table 2):

Criterion	Evidence
>30% contribution of forbs to sward	Quadrat data averages 63.2% forb cover
<10% cover of Perennial Rye-grass & White Clover	Quadrat data averages 7.8% cover of these species
4 or more listed indicator species present	7 species listed present
3 or more indicator species at least 'occasional' on DAFOR scale	4 species listed at least Occasional
Conformity to NVC type	Closest statistical match is MG5a

Table 2: assessment of grassland in the vicinity of Quadrats 1-6 (see Figure 1)

- 10.49 Whilst this is unlikely to apply to the western field as a whole, it does show that the proposed development would result in some loss of Lowland Meadow priority habitat, which is not reflected in the Biodiversity Net Gain calculations submitted by the applicant.

Overview

- 10.50 The Ecological Impact Assessment submitted by the applicant's ecologist states (paragraph 7.1.1) that the habitat affected by the development includes semi-improved grassland, tall ruderal vegetation and scrub, noting "The species identified are generally common and widespread, and of relatively low botanical interest with the site dominated by cock's-foot and creeping buttercup. There are small areas of more species rich semi-improved grassland with ribwort plantain, yarrow, meadow saxifrage, meadow buttercup". The Councils Ecologists consider that this significantly under-states the ecological quality of the western field. This field supports grassland of variable quality but including several relatively extensive areas which meet or approach Lowland Meadow Priority Habitat quality. Detailed botanical assessment shows that some of the grassland on or close to the proposed access road most closely resembles the Meadow Vetchling subcommunity of Crested Dog's-tail – Common Knapweed grassland, coded MG5a in the National Vegetation Classification, although it is also comparable to the richest types of permanent pasture described under the Sweet Vernal grass subcommunity of Rye-grass – Crested Dog's-tail pasture (MG6a). Pockets of MG5a also occur lower down the slope, within the footprint of the proposed development itself.
- 10.51 The western field as a whole is potentially of SINC quality as neutral grassland habitat, supporting considerably more indicator species than are listed in surveys by the applicant's ecologist.
- 10.52 The Council Ecologist is of the opinion that the applicant has under-stated the ecological quality of the western field. This field supports grassland of variable quality but including several relatively extensive areas which meet or approach Lowland Meadow Priority Habitat quality. Furthermore, the western field as a whole is potentially of SINC quality and therefore the proposal is contrary to Policy CP12 of the ADP, which requires that proposals should not have a detrimental impact upon the significance of a natural asset and if harm there should be sufficient mitigation. Paragraph 193 of the Planning Framework states that

when determining planning applications, local planning authorities should apply the following principles: (a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. The proposal would lead to significant harm to biodiversity and would not be adequately mitigated.

Highways

- 10.53 The Council have received a number of concerns regarding the proposed access arrangements and potential traffic congestion as a result of the development. In particular the comments from local persons consider there will be traffic congestion at the junction of Prior Avenue/Quakers Lane, Quakers Lane is too narrow and Prior Avenue is too steep and dangerous in winter. Furthermore, Green Howards Road is a busy, narrow road used by HGVs, vans and cars and it is not practical or safe to have an 'emergency' road leading from it into Bolton Crofts.
- 10.54 Paragraph 116 of the Planning Framework 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, following mitigation, would be severe. Therefore, the 'bar' is set high for a proposal to be refused on highway grounds.
- 10.55 The Highway Authority have made comments to the proposed scheme, which is reported above. Most of their comments require slight amendments to the scheme which could be conditioned. However, they have asked that the gradient of the emergency road to be changed from 1:12 to 1:10, and it is not known if this is achievable and if it is, this can be accommodated within the redline. For this specific reason the development is not considered acceptable due to the need for the emergency access and it is currently too steep. As such the development conflicts with Policy CP3 (c) and NPPF paragraph 115 (b) in relation to public safety/safe access.

Affordable Housing

- 10.56 Policy CP6 requires in this location that 40% of dwellings to be affordable tenure. The split of affordable to accord with the most recent Strategic Housing Market Assessment, which is from 2019, and recommends 50:50 affordable rent and intermediate. The proposal is for 8 affordable houses, 29.9% affordable, with 0.1% equivalent commuted sum. The proposed mix is: 2 x 2 bed apartments and 2 x 2 bed bungalow at Discount for Sale, and 1 x 2 bed house, 2 x 3 bed house and 1 x 4 bed house for Social Rent. It is understood that there is a need for 1 bed units, and attempts have been made to discuss the mix with the council's housing officer, but with no response. In the absence of a comment from the Housing Department it is considered that this proposed affordable housing mix tenure is acceptable. If approved, the affordable provision would need to be secured by S106 agreement.

Site Layout

- 10.57 The site layout is laid out with an east-west access road and the houses leading off from this. At the western part of the site is a green buffer adjacent to the PRow and next to this 5 bungalows. This arrangement reduced the impact of the development to existing properties and is considered an acceptable arrangement.
- 10.58 The Public Open Space is a rectangle between two houses (with attenuation basin underground). Due to the basin underneath, the area may not be able to include any trees of heavier equipment such as play items. Leading off from this to the north is a pedestrian footpath with 'informal play' and benches. This route benefits from views of the castle. Play equipment indicatively shown include a slide, climbing frame and natural elements of logs and boulders. The slope is 1 in 12.

- 10.59 Policy CP11 requires 3,504sqm of public open space including a LAP and LEAP. This is over a third of the main site area and is considered excessive. Instead the POS totals 1,186sqm and is considered acceptable, even though not Policy compliant.
- 10.60 The proposals include a through route for pedestrians from Bolton Avenue to the Public Right of Way along the eastern boundary. Pedestrian and cyclists will also have access to a path and the emergency route leading to Green Howards Road. This is considered positive for sustainable transport and local health by the creation of walking routes and to facilitate shorter and more direct pedestrian routes.
- 10.61 The emergency link will not prevent the remains of the field to the east and west being meadow land. The Site Plan labels this as 'grazing land', however, it is not clear how this would work with the POS, and would need to be controlled in the S106 if approved.
- 10.62 Only category C trees are proposed to be removed to facilitate the development.
- 10.63 Two views corridors to the castle are left clear of buildings to ensure that not all views are cut off.
- 10.64 Aspects of the layout considered negative are the sterile POS rectangle and overshadowing from the trees to plots 1 – 9 (discussed below). The development therefore partly conflicts with Policy CP13 and paragraph 11 and Section 12 of the NPPF.

Design of Dwellings and Appearance

- 10.65 The application proposed a mix of single storey, two storey and three storey units. The elevation designs are varied with detailing to add interest. The approach is considered acceptable and reflects the varied nature of the architecture in the housing estates to the west, south and north.

Drainage and Flooding

- 10.66 The site is not at risk from flooding from rivers, seas or surface water, other than a small north-south area at risk of surface water flooding. The application proposes to direct water to an underground attenuation tank before discharging at a controlled rate to the public sewer in Bolton Avenue. Yorkshire Water and the LLFA have asked that the discharge rate is reduced from 5l/s to 3.5 l/s which can be conditioned. The system is designed for 1 in 100 year rainfall event, with additional allowance for climate change. There are no water courses nearby to drain to, and the sloped nature of the sites makes it unsuitable for infiltration. Plots 1 to 7 will require internally pumping. The LLFA consider the drainage strategy acceptable.
- 10.67 Foul water is proposed to be drained to the adopted sewer in Bolton Avenue. Yorkshire Water have not objected to the application subject to conditions relating to an easement and waste water.
- 10.68 It is considered the surface water and foul water strategy works and won't cause on or off site flooding. The planted areas will allow for some natural absorption. The proposal in respect of flooding and drainage are considered suitable and comply with Policy CP2 and Section 14 of the NPPF.

Impact on neighbouring residents

- 10.69 The local residents have expressed concerns that the proposal will result in a loss of privacy for the existing houses on the east side of the site. In particular the neighbouring properties located on Olav Road and Alexandra Way. In assessing the site layout plan, the rear of No's 13-20 Olav Road faces the site. To the rear of the neighbouring properties there is a footpath and further west the proposal includes an area of open space and then the dwellings. The nearest dwellings comprise plots 15-18, consisting of two storey and

single storey dwellings. Plots 15-17 face towards the rear of 13-16 Olav Road, however the distance between them is approximately 30 metres, which is considered a significant separation distance to ensure the neighbouring residents will not result in unacceptable overlooking or sense of enclosure. The distance between plot 18 and No's 16/17 is closer, about 20 metres, however plot 18 is a single storey dwelling and the neighbouring residents will face the side of the dwelling.

- 10.70 The dwellings leading to the site will experience additional car movements to the front of their properties, however, the harm from this is not considered to be significant to their amenity
- 10.71 Overall, the neighbouring residents will not have experience an unacceptable harm from loss of privacy or noise from the proposed dwellings and the development complied with Policy CP3(c) and NPPF paragraph 135(f).

Residential Amenity of New Properties

- 10.72 It is considered that all new dwellings would have adequate size gardens and levels of privacy. Some properties are north of existing mature trees which will cast some shadow onto their gardens and south facing windows. In addition, it is relevant to consider perceived harm by way of enclosure.
- 10.73 The applicant has submitted a Site Layout Plan overlaid with an aerial photograph showing overshadowing from May (Appendix D), time unspecified but likely around 12 noon from the direction of shadows. Midday is when the sun is at the highest and shadows shortest, so this one aerial photograph is limited in terms of demonstrating the extent of overshadowing to gardens and the south facing dwellings windows. The latest layout plan shows the extent of overshadowing between April to August (also Appendix D).
- 10.74 In addition, an Internal Daylight, Sunlight and Shadow Report has been provided. This report includes site modelling. This report evidences the following:
- On 21st March, all properties will have at least 2 hours of direct daylight in a 1/3 or more of their private gardens
 - On 21st June, all properties will have at least 2 hours of direct daylight in the vast majority of their private gardens
 - 17 of the 19 habitable rooms in Plots 1-6 will fully comply with the daylight criteria set out within the BRE and the UK National Annex. The analysis results show that the remaining 2 rooms fall marginally short of guidance. It should be borne in mind, however, that the assessment has been based upon the surrounding trees being in full leaf for the whole year, when this is not in fact the case in view of the types of trees.
- 10.75 In conclusion, it is considered that internal daylight levels are acceptable. Some rear gardens (plots 1 – 9 worst affected) will have limited direct daylight, however, the application documents demonstrate they will benefit from at least 2 hours in some of their gardens. These properties will also experience a sense of enclosure from the trees due to their height and size. The development therefore partly conflicts with Policy CP3 and paragraph 135 (part f) of the NPPF as it is not considered that plots 1 – 9 have a high standard of amenity due to the shadowing and sense of enclosure in their rear gardens. Two hours of direct daylight in the rear gardens of 9 plots is not considered a high standard of amenity.

Impact on local health services

- 10.76 Local residents have raised concerns that both GP surgeries and dental practices are stretched as it is and by adding more central residences, they will become even more

exasperated. However, the NHS within their consultation have said the increased residents can be mitigated by a capital cost contribution, which can be secured through a S106 planning obligation. It is understood that there is a dentist shortage England wide, no dentists have come forward seeking support for opening or extending a practice.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. Summarise The site is located adjacent to the Development Limit of Richmond, which is a Principal Town, which is one of the areas where the most housing and employment related development will take place (Policy SP 2).
- 11.2. The adopted development plan area only has a 2.8 year 5 year land housing supply, which is a significant material consideration of great weight in support of the development. NPPF paragraph 11 stipulates where the most important policies for an application are out-of-date (SP4 in respect of minimum housing delivery) that consent should be granted subject to two sets of exceptions. It is considered that the two exceptions are met and that planning permission should be refused as set out below.
- 11.3. The application site is undeveloped meadow land in a Conservation Area and forms part of the setting of the Grade I Listed Richmond Castle which is also a Scheduled Ancient Monument. These are asset of particular importance, as referred to by NPPF paragraph 11 (d)(i). The development will result in less than substantial harm to these designated heritage assets at the upper end. The public benefits of the development are the provision of 27 houses (strong weight due to low 5 year land housing supply) and introduction of new walking links (moderate weight due to health and sustainability benefits), however, these are not considered sufficient to outweigh the permanent heritage significance harm which is considered provides a strong reason for refusal.
- 11.4. It is also considered that there are adverse impacts of granting planning permission which would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination (NPPF paragraph 11(d)(ii)). These are: significant harm to biodiversity, unsafe emergency access and poor standards of residential amenity for plots 1 - 9. In addition, there is also the heritage significance harm. Considered cumulatively, these negatives significantly and demonstrably outweigh the benefits.
- 11.5. The scheme proposes affordable housing, however, 10% less than required by Policy CP6 and therefore is of very little positive weight.
- 11.6. All of aspects are considered acceptable.
- 11.7. On the basis of the above the recommendation is to refuse.

12.0 RECOMMENDATION

- 12.1. That That planning permission be REFUSED for the following reasons:

The Adopted Development Plan area does not benefit from a 5 year land housing supply and as a housing proposal, paragraph 11 of the National Planning Policy Framework is triggered; which advises that planning permission should be granted unless two exceptions are met. It is considered that exceptions 11 (d)(i) and (ii) are met for the reasons below.

- i. The application site is entirely within a designated Conservation Area which is an asset of particular importance, and the loss of this undeveloped land to housing will erode the

significance of the Conservation Area and the setting of the Grade I Listed Richmond Castle and Scheduled Monument (another asset of particular importance). This is for several reasons, however, of particular importance is that the site has remained without buildings for centuries, a rare survival. In doing so, it forms an integral part of the settlement's significance, acknowledged by its inclusion in the designated Conservation Area. The site also forms a component of the Castle's significance which in part is shaped by its setting. Its position at the heart of the town, affording long range views of the rural hinterland, is a purposeful design intent whose original defensive and military function remain discernible. The site can be seen from the castle turret and helps viewers understand the settlements historic past. The change of this site to housing will deplete what is a surviving soft frame for the town.

The proposal would cause less than substantial harm to the character or appearance of the Richmond Conservation Area, and the setting of the Grade I Listed, Scheduled Monument Richmond Castle. The public benefits of the development are the provision of 27 houses and introduction of new walking links.

Whilst 27 houses is an important public benefit, and the new walking links a moderate public benefit, cumulatively these are not considered of sufficient weight for the permeant development of the site, resulting in the degradation of the understanding of the settlement's history, part of the Conservation Area and Castle's significance.

The application is therefore contrary to the requirements of Policies CP4 and CP12 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014 and Paragraphs 11 (d), 203 (a & c), 205, 206, 208, 212 and 215 of the National Planning Policy Framework 2024.

- ii. It is considered that the adverse impacts of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for securing well-designed places as discussed below.

The application under-states the ecological quality of the western field of the site. This field supports grassland of variable quality but including several relatively extensive areas which meet the quality of a Lowland Meadow Priority Habitat. The western field as a whole may be of sufficient quality to be a Site of Importance of Nature Conservation. insufficient information has been submitted to rule either of these out. The proposal is likely to lead to significant harm to biodiversity, which would not be adequately mitigated. The proposal is therefore contrary to Paragraph 193 of the Planning Framework and Policy CP12 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014.

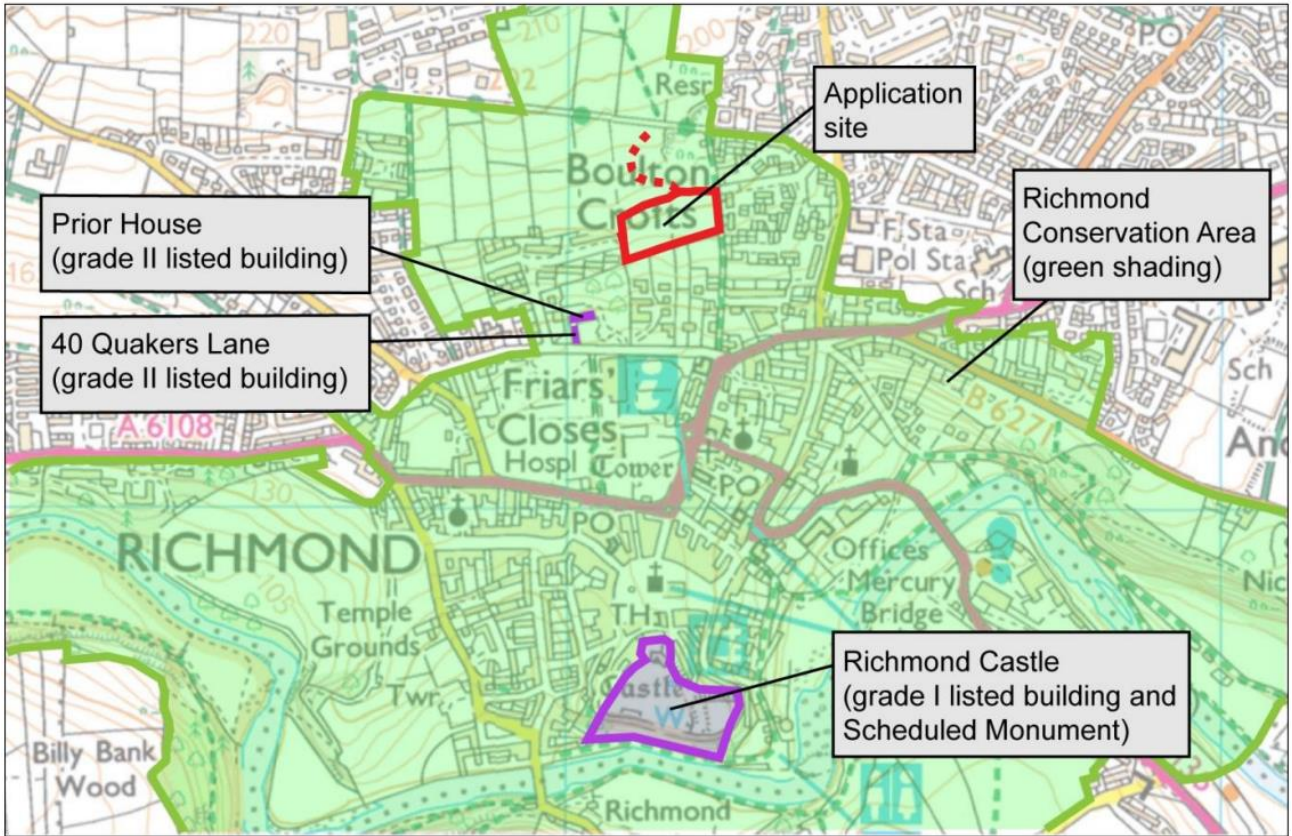
The emergency access is too steep and would not be sufficiently safe to accommodate emergency vehicles. As such the development conflicts with Policy CP3 (c) of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014 and National Planning Policy Framework 2024 paragraph 115 (b).

Plots 1 to 9 private gardens would be severely overshadowed by existing off-site mature trees, together with experiencing a sense of enclosure. As such, the development is not considered to offer a high standard of amenity for future residents. As such the development conflicts with Policy CP3 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014 and paragraph 135 (part f) of the National Planning Policy Framework 2024.

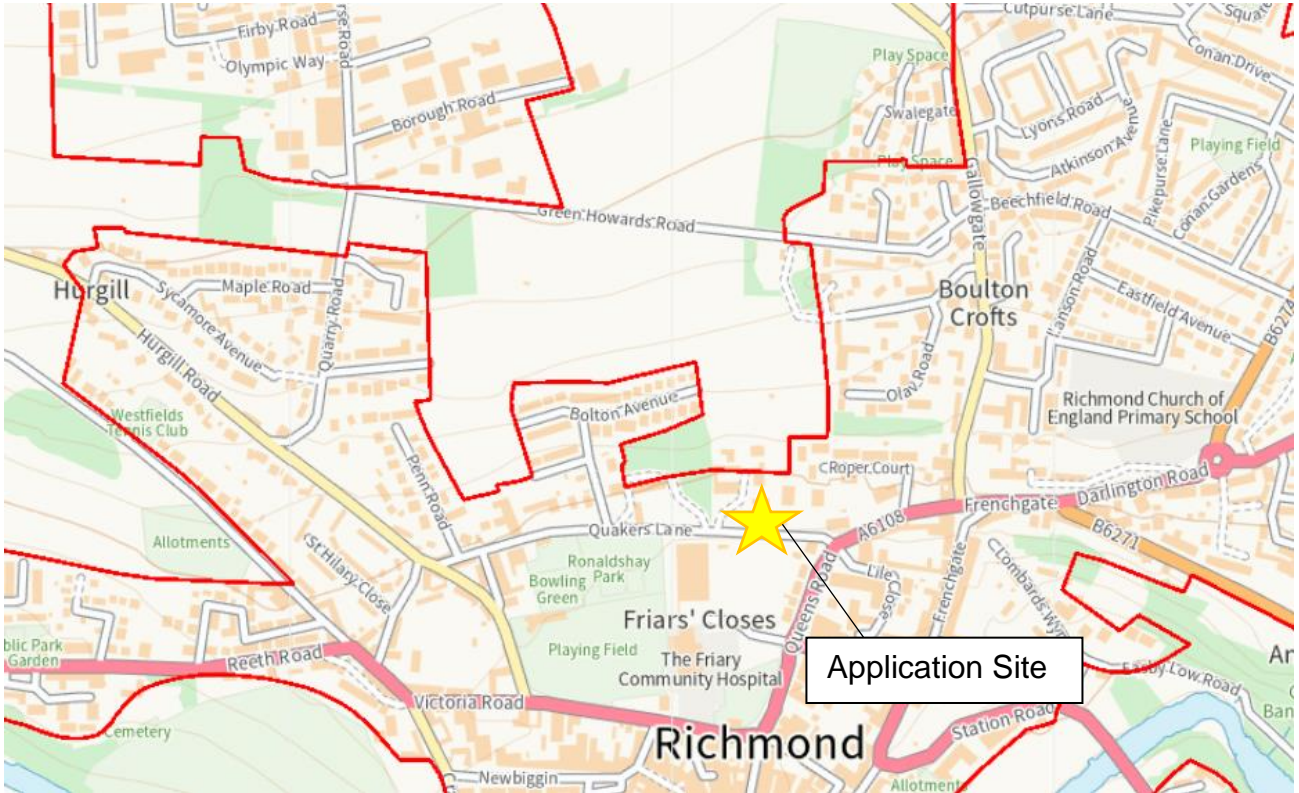
Target Determination Date: 18.04.2024

Author: Nick Howard, Nick.Howard@northyorks.gov.uk

Appendix A – Extract from Applicant’s Heritage Statement



Appendix B – Development Limit Map



Appendix C – Photograph: View from Richmond Castle January 2025



Appendix D - Extracts from Applicant's 'Proposed Residential Development at Bolton Crofts, Richmond' and 'Site Extract on Google Aerial Image', reference 3894/PD/223, with measurement overlays

Note: bright green identified tree canopies and orange the shading

