

North Yorkshire Council

Community Development Services

Richmond Area (Yorks) Area Planning Committee

11TH SEPTEMBER 2025

20/00007/FULL - Full planning permission for proposed demolition, extension and refurbishment of existing care home to form 36 bed care home with the erection of two-storey care home with associated access and car parking

At: Morris Grange Nursing Home, Middleton Tyas, Richmond, DL10 6NX

On behalf of: Mr Houghton

Report Of The Head of Development Management– Community Development Services

1.0 PURPOSE OF THE REPORT

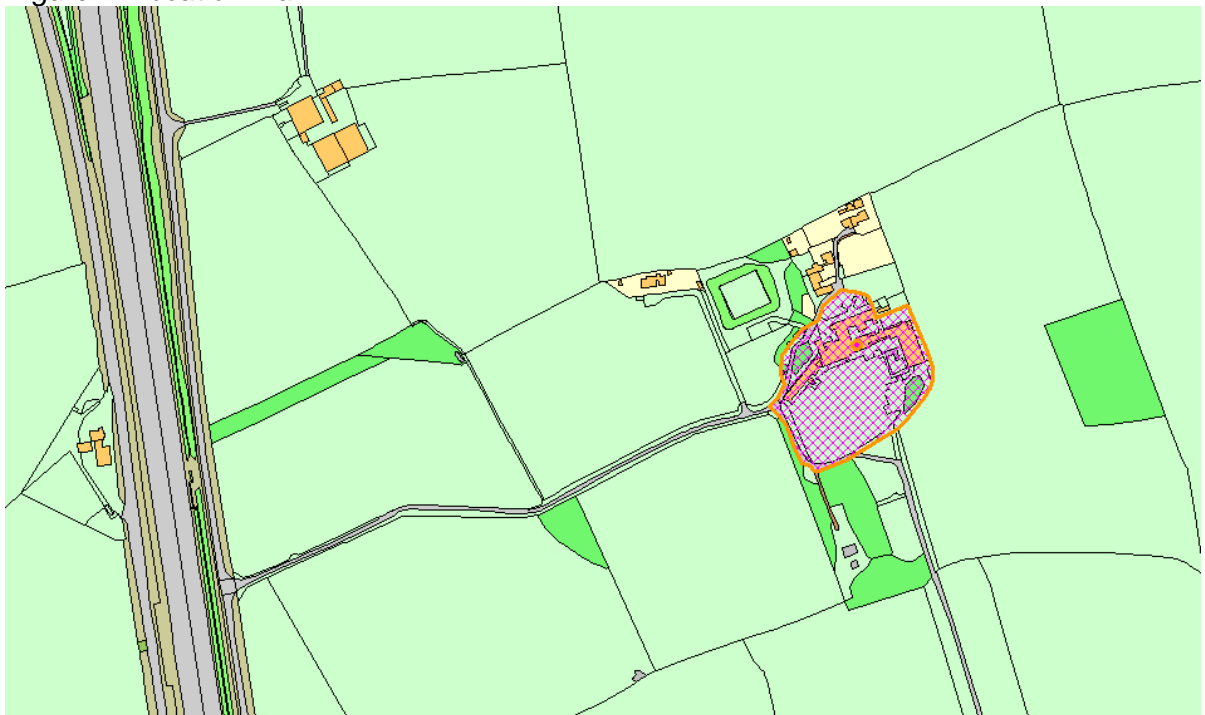
- 1.1. To determine a planning application for Full planning permission for proposed demolition, extension and refurbishment of existing care home to form 36 bed care home with the erection of two-storey care home with associated access and car parking at Morris Grange Nursing Home Middleton Tyas Richmond.
- 1.2. This application is brought to the Planning Committee due to significant material planning considerations in respect to new care dwellings in the countryside. The application was also requested to be referred to committee by the ward member.
- 1.3. This application was previously considered by planning committee 10th October 2024 and resolved to GRANT planning permission subject to the LLFA advising they have no objection (subject to or not subject to condition(s) and no new material representations having been raised, and subject to prior completion of a S106 agreement and conditions as listed in the committee report and update list together with the following additional requirements listed below, delegated to the Head of Development Management:
 - S106 Heads of Term for passing places.
 - S106 Head of Term requiring residential properties to have free access via Scurrah House Lane in perpetuity.
 - Condition limiting cafes uses to the residents, residents' visitors, staff and external contractors engaged to undertake work on site.
- 1.4. The applicant subsequently submitted a revised site plan to include two passing places along the existing east-west access track and a statement explaining that they are unable to facilitate free access via Scurrah House Lane in perpetuity via the access track which runs north/south. Therefore, the application is brought back to planning committee for a new resolution.

2.0 SUMMARY

RECOMMENDATION: That planning permission be **GRANTED** subject to S106 agreement and conditions as listed in the Committee Report and updated below, delegated to the Head of Development Management.

- 2.1 The proposed development at Morris Grange Nursing Home includes the demolition, extension, and refurbishment of the existing care home to establish a 36-bed facility. Additionally, a new two-story building is proposed to be constructed, consisting of 13 apartments designed for individuals in need of care. The development also includes associated access improvements and the provision of car parking.
- 2.2 Morris Grange Nursing Home is located in an isolated rural setting near Middleton Tyas, Richmond, North Yorkshire. The site is surrounded by agricultural land with nearby settlements including Scotch Corner and Middleton Tyas. The care home complex is currently vacant, having last operated with 71 beds before being closed in 2016.
- 2.3 The existing building re-use and extension elements of the application complies with Policy CP8. The new build element partially conflicts with Policies CP4 and CP8, however, is considered acceptable due to a building in the same position and scale recently being demolished, overall reduction in the number of residents, proportionate expansion of a care home and the ability to share staff and services. Therefore, the principle of development is considered acceptable.
- 2.4 The C2 care use, would need to be secured by condition and for the new build block by S106 agreement in addition.
- 2.5 All technical matters are found to be acceptable subject to conditions.

Figure 1: Location Plan



3.0 PRELIMINARY MATTERS

- 3.1. Access to the case file on Public Access can be found here:- [Planning Documents](#)
- 3.2. This application was previously considered by planning committee 10th October 2024 and resolved to GRANT planning permission subject to the LLFA advising they have no objection (subject to or not subject to condition(s) and no new material representations having been raised, and subject to prior completion of a S106 agreement and conditions as listed in the committee report and update list together with the following additional requirements listed below, delegated to the Head of Development Management:
- S106 Heads of Term for passing places.
 - S106 Head of Term requiring residential properties to have free access via Scurrah Lane in perpetuity.
 - Condition limiting cafes uses to the residents, residents' visitors, staff and external contractors engaged to undertake work on site.
- 3.3. However, the applicant subsequently confirmed in a statement that they are not willing enter into a S106 agreement to allow residents access to Scurrah House Lane via the north-south route. Therefore, the application is brought back to planning committee for a new resolution.
- 3.4. The applicant states that there are no existing legal rights of access for residential property owners or any other parties to use the road that runs north/south within the site. Objectors have raised concerns over this, stating that they have had use of the access for a number of years. This may be the case but rights of access to this road are a Civil matter and therefore not a planning consideration. It is the applicant's intention to limit the use of this road to activities directly connected to the care facility. They state that allowing unaffiliated individuals to use the road would compromise the primary purpose of the site and could negatively impact its functionality. It is intended to reserve access to the proposed care apartments only. To make access arrangements clear, the applicant is also proposing a signage strategy to direct traffic appropriately.
- 3.5. The applicant confirms that they are including two passing places along the east-west access. It is considered the access arrangements are suitable for both the proposed development and residential dwellings which share the west-east access.
- 3.6. The remainder of this report has been updated throughout including incorporating the 10th October 2024 update list/Supplementary report. In addition, the report has been updated to take into account the NPPF 2024 published 12th December 2024.
- 3.7. The scheme originally submitted in 2020, sought permission for a 50 bed care home, with the construction of a three story close-care apartment building of 23 apartments. The scheme has remained undetermined whilst awaiting a bat survey. In May 2024 an amended scheme and bat survey was submitted, seeking permission for a smaller scale development of a 36 bed care home and a two-story apartment block comprising of 9 single bed and 4 two-bed apartments for residents in need of care. This forms the current application.

Historical Context

- 3.8. An Historical O.S. map (of 1928) indicates that Morris Grange was previously used as a 'Sanatorium for children'. Extensions to the sanatorium were approved in 1960. By 1962 it was referred to as a 'handicapped persons home' when further alterations were approved. Further extensions and a warden's flat were approved in 1966. In 1971 planning permission was refused for conversion of disused outbuildings into flats, as it was considered that the proposed development would result in a substandard increase in the use of the existing vehicular access to the trunk road to the detriment of the safety and convenience of all

highway users. A further proposal in 1971 for conversion of existing property to houses and flats was also refused for the same reason. In the period 1972/3 planning permissions were granted in relation to plans for the conversion of disused cottages, stables, granary etc. to dwelling houses/flats (to the north side of the Morris Grange complex).

- 3.9. When the care home was operational it provided accommodation for up to 71 residents in their own rooms. The care home went into administration in 2016 and was purchased by the current owners in May 2019, with a view to the current proposed total refurbishment and redevelopment of the site.
- 3.10. The site has extensive planning history dating between 1987 and 1999, however, is not considered relevant to the determination of this current application.
- 3.11. There is a live application, reference ZD24/00489/FULL, for 4 x 3 bedroom care homes to the south of the existing building.

4.0 SITE AND SURROUNDINGS

- 4.1. Morris Grange is a well-established care home, unoccupied since 2016 and purchased by the current owners in 2019. Whilst there is a small group of dwellings to the north of the care home, these were established through the conversion and adaptation of former cottages, outbuildings/stables originally associated with Morris Grange. An agricultural worker's dwelling (Ash House) is located to the north-east of the care home, built with justified agricultural need as a replacement dwelling, as a result of the widening of the A1 Trunk Road to the west. The northern boundary of the care home complex (to the east of the entrance and parking area, is defined by mature trees being conifer types to the west side and deciduous trees to the east side behind the small private care home garden on the north-eastern side of the main entrance to the premises. The closest dwelling is Stable Cottage, which is two-storey and has first floor windows that look out onto the conifer trees.
- 4.2. This *enclave* of dwellings and care home form an isolated group, some distance from any existing established village or town (*as defined in the Adopted Local Plan*), with no direct access to local services. Morris Grange has two vehicular accesses to the site (one from the west and north alongside the A1 Trunk Road from Middleton Tyas; and the other one from the south, off Scurragh House Lane). There is a Public Right of Way passing through the grounds to the south of the care home, running east-west.
- 4.3. The proposals relate to the whole of the former Morris Grange Care Home and garden grounds, (excluding an area of open land).
- 4.4. Development has commenced on site without permission, therefore, some elements of the proposal are retrospective.

5.0 DESCRIPTION OF PROPOSAL

- 5.1 These proposals relate to the proposed redevelopment of the existing single storey, former Morris Grange Care Home, including demolition, extension and refurbishment of the existing buildings, to form a 36 bed care home, together with the erection of a two-storey apartment building of 13 apartments for those in need of care with associated access and car parking.
- 5.2 The submitted Design and Access statement advises that the earlier Morris Grange Care Home was a 71-bed property which was at the end of its useful life needing considerable modifications and updates to be useable in the current Care Home market.
- 5.3 The proposal also includes a new two-storey apartment building to the eastern boundary of the site. This is sited where there was a similar scale building which was demolished. The

new building would include the ground floor area built into the natural slope of the site accommodating 3 of the apartments at lower ground floor level to the south and the remaining 10, above at ground floor level. 9 flats are to be single bedroom and 4, two-bedroom apartments. Parking for residents and visitors car parking would be located adjacent to and within the old basement area of the now demolished building.

- 5.4 The remaining single storey building is proposed to be reconfigured to allow for 36 new care home bedrooms that meet modern standards with wider corridors and larger bedrooms/bathrooms. Previous additions, such as conservatories are to be removed and the overall design of the existing building, rationalised. Bedrooms are reconfigured to face south, into the garden. In the main, external alteration are minimal, mostly comprising of relocation of windows and replacement roofing and rendering. A new entrance area takes the place of an existing flat roofed extension with a new entrance lobby, small café for visitors and a new kitchen and laundry. New roofing would be of red-pantiles to match the existing with matching render wall and locally sourced quoin detailing. Doors and windows will be replaced with white UPVC double glazing with black soffits, fascia and rainwater goods.
- 5.5 Externally to the front of the building, new car parking and driveways will be surfaced in tarmac with existing gravelled car parking at the front of the care home retained. A new turning area will allow delivery and refuse vehicles to turn and retrace their route to the main road. Passing spaces will be added to the half kilometre long drive way. A drop-off / pick-up and ambulance area will be provided adjacent to the front entrance.
- 5.6 A minimum of 16 car parking spaces will be provided at the entrance area – 1 per 8 residents (5), 1 for a professional visitor and up to 10 for staff. The mature garden area to the south of the Care Home will remain. Gardens will be made accessible to able bodied and wheelchair residents. The proposal would be accessed via Scuragh Lane, with a secondary access via the pre-existing road that runs east-west. The east-west road is used by private residences to the north of the site. The scheme proposes the inclusion of two passing places along the east-west road to assist with the flow of traffic. A track runs north/south which is intended for access to the care apartments only.
- 5.7 The proposal would comply with Part M building regulations & would be DDA compliant, apart from the preexisting corridors constrained by existing structures within the central 'old house' part of the existing building.

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

- 6.3 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

- 6.4. Relevant guidance for this application is:

- National Planning Policy Framework 2024
- National Planning Practice Guidance
- National Design Guide 2021

7.0 CONSULTATION RESPONSES

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

7.2. Parish Council:

- Residents object to the apartment element of the proposal until confirmation is provided on their use. - Case Officer comment: *The apartments are to be used are use class C2 care home accommodation.*
- Apartments may result in increase in traffic
- Addition of café will attract more visitors, traffic and delivery vehicles
- The proposed passing places on the access road should be conditioned
- Concern raised over felling of trees which may require permission.
- There is no provision of cycle storage
- Overlooking of Hunters End and East Cottage in particular
- Foul drainage issues – septic tank at full capacity, inadequate pipework and existing approved developments not yet completed
- High water table and fields flood – surface water will need to be carefully controlled to avoid further flooding
- Width of road on proposed roundabout – inadequate for delivery, emergency and refuse vehicles
- Concern over intention to limit north/south access to care home traffic only
- Highlight the existing of the Public Right of Way on the site and the need for it to be maintained.

They further commented in response to the revised access proposals raising the following concerns:

1. The provision of passing places on the east west road into the care home and residential properties at Morris Grange.

2. The erection of signposts at locations around the care home and roads leading to it and the residential properties.

3. The applicant stating they cannot provide free access to the site via the road from Scurragh House Lane (the north south road). Residents, through the Parish Meeting, have the following comments regarding these proposals:

1. The provision of two passing places on the east west route are welcomed.

2. Examples provided by the applicant of signposts are those currently placed at the road entrances and do not relate to the proposal.

3. The applicant states it is “unnecessary and unreasonable” to allow residents free access to the north south route to Scurragh House Lane. The only explanation offered in correspondence dated 24 January 2025 is regarding safety and volume of traffic and also stating there is an alternative route. Residents have had access to this route for over the statutory 20 years provided in legislation and wish this situation to remain.

4. Residents have provided the following justification for having access to Scurragh House Lane:

The first choice of access/exit route for all residents of the properties on the 'Morris Grange' site, is the lane which leads down to the new service road.

However, it is convenient to sometimes be able to use the route via Scurragh House Lane.

A couple of years ago, a tree fell across the lane which leads to the service road, completely blocking it, so we had to use the SHL route.

Also, when we get a lot of snow, it tends to build up at the junction of the lane and the service road, making it impassable.

However, there is no such problem via the SHL route.

We have all had unrestricted use of this route historically and it would be a very welcome, neighbourly gesture, if the new owners allowed us to continue, and one which I'm sure all would all be grateful for.

7.3. **Division Member(s):** request that application is heard at committee.

7.4. **Highway Authority:** No objections subject to condition.

7.5. **Highways England:** No objection

7.6. **Police Architectural Liaison Officer:** Site lies within an area with low crime and disorder levels. Recommend to applicant that CCTV and key code access should be use to increase security of residents and vehicles.

7.7. **Local Access Forum:** The proposals do not appear to include arrangements for cyclists to access the development and we expect there may be shift workers who can cycle to the care home. All large places of employment should provide secure cycle parking and changing rooms for those opting for sustainable transport, but we do not see such facilities on the plans, so we advise these be included.

7.8. **Yorkshire Water Services:** A 90mm MDPE water main crosses the site near Stable Cottage, which should not be affected by the proposals. The three water mains in the adjacent field should not be affected by any work connected with this development. The developer may need to speak to the owner of Ash House to get an approximate location of the recorded private supply pipe, which feeds the property. The pipe is likely to run in the verge/grass along the parking area to the front of the current Nursing Home and prior to any excavation works, recommend that the pipe is located by conducting a site survey. NOTE: With reference to the relevant Site Access Deeds associated with the adjacent reservoir, Yorkshire Water shall have right of access at all times, with or without vehicles, subject to contributing to maintenance of the access road. From the submitted information, private

facilities will be utilised for the disposal of both foul and surface water from the site. As there is no public sewerage infrastructure near the site, we have no comments to make in this regard.

- 7.9. **Environment Agency:** No objection to the proposal, subject to condition.
- 7.10. **Ecologist:** Appropriate surveys have been completed and a single day roost used by very small numbers of Common Pipistrelle bats was located behind the soffits. While all bat roosts are protected by law, day roosts like this are of lower conservation significance and their loss can be mitigated by standard measures (in this case, installation of suitable bat boxes during the refurbishment). On this basis, the proposed development complies with the Favourable Conservation Status test set out in the Conservation of Habitats & Species Regulations 2017.

We recommend a Condition to comply with the recommendations set out in section 6.1 of the bat survey report.

A protected species mitigation licence will need to be obtained from Natural England, so it is important that the applicant liaises with their ecologist.

- 7.11. **Environmental Health:** Having considered the potential impact on amenity and the likelihood that the proposed development will cause a nuisance to neighbouring properties, I consider that the impact will be low. Conditions relating to contamination, noise/dust during construction and artificial lighting are recommended.
- 7.12. **LLFA:** No objection subject to conditions.

Local Representations

- 7.13. **Ramblers:** Ramblers note that a public right of way crosses the access road. It should be always kept unobstructed and useable for walkers including during any construction works.
- 7.14. Summary of 9 representations received including 2 reiterating their original objections still stand when consulted on the scheme as originally proposed (where comments made are material planning considerations) – all documents and full details can be viewed using the link at the beginning of this report :

OBJECTIONS/COMMENTS:

Parking provision and access

- Question adequacy of proposed parking/loading and turning
- Proposed turning circle seems inadequate for delivery and waste vehicles
- Parking areas will need to be of porous material to allow drainage to trees
- Insufficient parking provision for staff, residents and visitors
- Lack of garage or cycle storage facilities
- Lack of warden/staff parking

Vehicular access to the nursing home, reservoir and private residences

- Yorkshire Water require access at all times to the reservoir and this is the only access for 6 existing private dwellings sharing the access with Morris Grange which needs to be kept clear for access
- Intensification of use of access(es)
- Poor infrastructure – access surface is poor having deteriorated as the nursing home previously expanded, especially unsuitable for HGVs
- Request nursing home use Scurragh House Lane for HGV access

- What are the plans for the south access off Scurragh House Lane
- Concerned about traffic speed, both during construction works and afterwards – roads regularly used by local residents, walkers and cyclists
- Need for passing places/safe refuge for pedestrians

Impact of construction traffic on privately maintained road

- Concerned construction traffic will damage this privately maintained road

Ecology

- Concerns about the amount of tree felling that took place in Spring 2020
- Lack of ecology survey – bats in existing buildings? / Great Crested Newts?
- Clarification on which trees are to be retained?
- Additional tree planting/landscaping would help to assimilate new three storey building and compensate for recent tree felling

Foul Drainage and Flood risk

- Lack of foul drainage details, current foul drainage system for Morris Grange does not work and has not been serviced for many years
- Lack of flood risk assessment and surface water disposal

Renewable Energy Provision/Carbon Savings

- No evidence of use of renewable energy provision, ie solar panels

Housing mix conflict with Policy 5

- Housing mix conflict with Policy CP5 of the Local Plan

Sustainability of the location

- Location not sustainable conflict with Policies CP3 and CP4 of the Local Plan

Impact on Neighbours

- Shared boundaries with neighbours – loss of privacy - how will privacy be maintained?
- Impact of extra traffic and noise on existing private residents

Other Issues

- Medical waste storage should be well away from neighbouring residential properties and public areas
- Changing the name from Morris Grange to White Oaks is an issue for some local residents and suggest that a 'Morris Grange Cottages' signpost is erected at the top of the lane on the A1 access road

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
- Rural Sustainability
- Employment
- Design Appearance and Impact on the Countryside

- Impact on Neighbours
- Access and Parking Arrangements
- Foul Drainage
- Flood Risk
- Renewable Energy Provision – Climate Change Mitigation
- Trees
- Ecology
- Type of Residential Occupancy/ Tenure and Affordable Housing Provision
- BNG
- Other Issues Raised
- The Public Sector Equality Duty
- Section 106 Agreement

10.0 ASSESSMENT

Principle of the Proposed Development:

Definition of Current Use:

- 10.1 Morris Grange is a well-established care home (albeit presently vacant), located in an isolated rural location, not adjacent to or within any defined existing settlement, the nearest being the small village of Moulton over 1km to the south-east. The care home is surrounded by agricultural land, with Scotch Corner and Middleton Tyas located to the north. Based on the evidence of the 1928 O.S. Map and subsequent planning history; and as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended), the current authorised use for the Morris Grange Care Home site is as a Class C2 – Residential Institution (Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres).

Principle of Development:

- 10.2 There is an identified need for mixed types of accessible housing accommodation and care for older persons with a range of needs (*Strategic Housing Market Assessment, Richmondshire District Council, Final Report, 2019*). Therefore, the proposed housing mix would meet the expectations of Policy CP5 of the Local Plan.
- 10.3 To secure the use as C2 opposed to C3 (normal residential) for the new build flats, occupancy restrictions are required to be secured by a Section 106 Agreement. This would require each unit to have at least one occupant in need of care, and set out a definition of the minimum care requirements and services available. One family member may live in the units, and/or carer in the two bedroom units.
- 10.4 The works to the existing building are clearly supported by Policy CP8 which supports the re-use of buildings including extensions which complements the character of the main building. Likewise, this is also supported by paragraph 84 of the NPPF which states that “Planning decisions should avoid the development of isolated homes in the countryside unless...the development would re-use redundant or disused buildings and enhance its immediate setting”. The principle of the development in respect of the existing building is thus compliant with Adopted Local Policy and National Policy/Guidance.
- 10.5 In respect to the new build element (13 flats) Policy CP8 supports the expansion of rural business. However, whilst this care home planning unit is rurally based, it not a business that requires a rural location. Policy CP4 sets out that development should be adjacent to a settlement’s Development Limit or ideally within them. This site is not within or adjacent to a settlement limit.

- 10.6 There are, however, material considerations which indicate the new build element should be allowed. Firstly, as recently as 2016 there was an existing building of similar scale where the new build block is proposed. CP8 2h) supports replacement buildings of a similar scale and appropriate design which would achieve a more sustainable development than by conversion. In this circumstance, it appears the building was demolished to facilitate the new build block. Secondly, it is the sensible, proportionate expansion of a care home where they can share staff and services such as meals, medical support, personal care together with social and other activities for residents wellbeing. Thirdly, the planning unit used to house 71 residents and the current proposal will reduce this number to 22 residents. Therefore, overall, the operational phase will require less vehicle trips than if the existing building is simply refurbished and re-opened. Paragraph 89 of the NPPF states that “decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable. The use of previously developed land should be encouraged where suitable opportunities exist”. Having regard to these material considerations, it is considered that the new build block is also acceptable in principle.

Employment

- 10.7 The application states that the proposals would require a staff of 36 people. This level of employment would support the local economy and would meet the expectations of Policy CP7 a) of the Local Plan in this regard.

Design, Appearance and Impact on the Countryside

- 10.8 Policy CP3 a) and paragraph 129 of the NPPF support development that promotes the efficient use of land. Policy CP4 3a) states that proposals should not impact adversely on the character of the landscape. Policy CP12 a) Supports development that conserves and enhances the plan area's natural assets. This is reflected in paragraph 187 of the NPPF. Policy CP13 supports schemes that provide high quality design and this is reflected in paragraph 135 of the NPPF. The single storey elements and central two-storey element of the proposals, for the most part would retain the existing mix of materials of stonework and render, with extensions constructed with sympathetic low pitched hipped tiled roofs to complement the style and mass of the existing building. It is clear that there are later additions to the eastern side of the complex where the red pantile roofs retain their bright colour, whereas on the older part of the complex the red pantile roofs have toned down over time and are much darker. The proposed extensions, including the proposed care home apartment building, are intended to be built of buff brickwork with red clay pantiles to match existing. All windows and doors would be white upvc with black soffit fascias and rainwater goods.
- 10.9 The 2 storey building, as seen in views from the south would be no more visible than the building it replaces in views from the public roads and footpaths in the area from some distance away; whereas the existing two-storey and single storey buildings tend to blend in with the surrounding landscape and are partially screened by the mature trees around the grounds. Given the established complex of buildings, the 2 storey building in this location would not significantly change the appearance of the site as viewed in the landscape from the east and south; furthermore, views from the west would be less impactful due to the topography of the land which tends to undulate away to the west, with the A1 at a much lower level, and with the proposed building set back towards the eastern boundary with the mature garden trees to break up its appearance.

- 10.10 The proposed use of brickwork would be non-traditional for this rural area, however, given the overall mass of this building, traditional stonework or render could create a stark and austere appearance. The use of buff coloured bricks, would match those already there and complement the existing stone single storey elements of the complex to the west.
- 10.11 The majority of the complex would have a similar appearance to the existing, with the previous two-storey eastern wing replaced with a detached 2-storey building. Whilst the building would be seen in the landscape, it would not be significantly harmful and would not be contrary to the expectations of Policies CP3, CP4, CP12 and CP13 of the Local Plan and the above NPPF paragraphs

Impact on Neighbours

- 10.12 Policy CP3 1c) supports proposal that protect amenity. Policy CP4 states that proposal should not cause significant adverse impact on amenity. These policies are reflected in paragraph 135 f) of the NPPF. Concerns have been raised over potential overlooking from the care home apartment building to the existing dwellings to the north. The 2 storey building is proposed to be set out on the south-eastern side of the complex, furthest away from the private residential properties and behind the main building. Due to the digging down of the ground floor, the top of the new first floor windows will be below the existing buildings ridge line prevent any overlooking. As such, the proposals meet the expectations of Policies CP3 and CP4 with regards to the impact on neighbours in terms of outlook and overlooking.
- 10.13 The other elements of the proposal are essentially rebuilding of the care home to modern standards. Currently, bedrooms do face north towards the neighbour dwellings, however, this will be at a lower density with the proposed floor plan (i.e. less residents facing north).

Access and Parking Arrangements

- 10.14 Policy CP3 1c) supports proposal that promote the safety of the population. Policy CP4 3e) states that schemes should not cause significant adverse impact on highway safety. This is reflected in paragraph 116 of the NPPF which states "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, taking into account all reasonable future scenarios". The application proposes that for the main access to development will be via Scurragh Lane to the west of the site. There is a secondary south-north access road. Two passing places are proposed for the east-west road which is currently shared with residential properties, and this arrangement would be maintained.
- 10.15 The second access which runs north/south would be used exclusively for the development. Historically, residents have advised that this track has been used for access to residential properties to the north, however it is the intention of the application to no longer provide this route. Concerns by the Parish and residents have been received, explaining that this access has been available to them for a number of years and so their right to access it is enshrined in law. This is a civil matter for the landowner and those deriving any benefit from the access to assert and is not a planning consideration. Given the proposed number of care home rooms/apartments are less than those previously used during the homes last operation, the use of the western access would be no more intensive than when the care home was previously operational. Furthermore, the proposed passing places would help vehicles pass each other on the east-west road. Parking provision has been made available on both sides of the care home complex. The Local Highway Authority, having been consulted on the most recent changes to the access arrangements east/west and north/south, and are satisfied that the proposal would not jeopardise the safety of the highway. There being no objections to the proposal, subject to conditions to ensure that the

parking and turning areas are laid out as approved prior to the site being brought back into use. The Local Access Forum have raised concern that no specific provision has been made for the use of bicycles and their storage. If planning permission is to be granted to this proposal, the details of storage provision for bicycles could be secured by planning condition. The proposals accord with the expectations of Policies CP3 and CP4 of the Local Plan and paragraph 116 of the NPPF in this regard.

- 10.16 Concerns have been raised by local residents that the access roads are privately maintained and unadopted. They are concerned that access for existing residents is not restricted and that the roads are maintained. The applicant has noted that these are shared accesses and maintenance is a shared responsibility. The applicant has stated a willingness to discuss operational aspects of the use of the accesses (such as delivery times) with residents. These are private issues between the existing residents and the owner of the care home and not Planning matters. Furthermore, it is noted the number of residents is less than if the care home re-opened following a refurbishment.
- 10.17 Given the rural location, the proximity of local residents to the site and the shared access arrangements, it is recommended that hours of operation for construction traffic and works on site should be restricted by planning condition in the interests of local residential amenity.

Flooding and Drainage

- 10.18 Policy CP3 supports sustainable development which promotes the natural drainage of surface water mitigating the effects of flash flooding. Policy CP2 expect all new development to be steered away from flood risk areas and be designed to minimise flood risk on-site and elsewhere. This is reflected in paragraph 170 and 181 of the NPPF. The site is in Flood Zone 1, with a Low risk from surface water flooding. An acceptable Flood Risk Assessment has been submitted. The applicant notes that the site has superficial deposits of Glacial Till indicating infiltration is unlikely to be feasible, however, a condition requiring infiltration testing / ground investigation is recommended before soakaways are ruled out. The applicant has proposed drainage to a nearby beck, to the south of the site, via a field drain. The LLFA are satisfied with this if infiltration is not feasible and have no objections with the scheme as a whole.
- 10.19 A drainage survey (CCTV survey) of the existing drainage network has been undertaken. The brownfield run off rate has been calculated at 75.2 l/s. The applicant has proposed a discharge rate of 37.6 l/s via a flow control device.
- 10.20 It is considered the drainage arrangements meet the expectations of Policy CP3 of the Local Plan and the relevant paragraphs of the NPPF.

Foul Drainage

- 10.21 There is no mains drainage within or nearby the site. However, there is a private shared foul drainage network within the site, associated with the existing development and nearby private dwellings. The flood risk assessment report, submitted with the application, states that further investigation should be undertaken to confirm the flood risk from any private drainage within the vicinity of the site. Neighbours have raised concerns that the existing drainage system does not have the capacity to cope with the additional foul drainage that would be associated with the proposed scheme and there are fears that there would be overflow and pollution as a result. The treatment of sewage from the extended development of the site is an important issue, and the Local Authority will need to be satisfied that this has sufficient capacity, including sufficient free board and maintenance programme to avoid becoming overloaded. There is sufficient land within the site for the applicant to provide a separate sewage treatment package plant for the detached close-care apartment block and

this would certainly reduce the pressure on the existing drainage system. The applicant has advised that he is content to present a scheme for disposal of foul drainage to the Council as a condition of the grant of planning permission, together with a maintenance strategy. This would meet the expectations of Policy CP3 of the Local Plan.

Renewable Energy Provision – Climate Change Mitigation

- 10.22 Policy CP2 expects development to make carbon savings and adapt to climate change through design, construction and layout of buildings and associated open spaces. Paragraph 161 of the NPPF states that the planning system should support and help shape places in ways that encourage reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure. No specific details have been submitted for renewable energy provision or enhancement over Part L of Building Regulations at this stage, however, if planning permission is granted, then there would be a requirement for the applicant to provide details of proposed carbon savings/climate change mitigation measures in association with the proposals. This can be secured through a planning condition and would accord with the expectations of Policy CP7 of the Local Plan in this regard. These steps would accord with the expectations of Policy CP2 of the Local Plan and paragraph 161 of the NPPF in this regard subject to a condition requiring an Energy Strategy be submitted to and approved in writing by the Local Planning Authority.

Trees

- 10.23 Local Policy CP3 supports application that promotes the protection of biodiversity. Local Policy CP12 supports development that conserves and enhances the significance of the plan area's natural assets. Paragraph 187 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment. Trees on site are not formally protected by a tree preservation order and are not within a designated conservation area. The tree report submitted with the application identified that 1% of the trees (that were removed) were unsuitable for retention, for reasons of sound arboricultural management, regardless of the proposed development; and some required removal due to serious, irremediable structural defects, were dead; in decline because they are diseased or are suppressing better quality trees. 52% of the trees were considered to be of high value in terms of their high quality and value in terms of arboricultural, landscape, and culture, and are in such a condition to make a substantial contribution, being a minimum of 40 years old. 33% of the trees were considered to be of moderate value, being a minimum of 20 years old; and 14% of low value, being smaller trees that could easily be replaced. The report recommends that the high value trees should be retained, protected and incorporated into the design where possible.
- 10.24 Prior to the submission of the planning application to the Local Planning Authority, arboricultural works and selective felling was undertaken. Concerns were raised by local residents, but having reviewed the extent of work undertaken, at the time, it was identified that the felling was undertaken without harm to the trees identified as being high in value, and the matter was not pursued further by the Local Planning Authority.
- 10.25 Having regard to the arboricultural report, the applicant has advised that further felling may be required during demolition and constructions works, as identified in the report. They have confirmed that work on site would be carried out in accordance with these recommendations and the British Standards specified in the report, and the applicant is content to accept a condition regarding this, as well as any additional landscaping requirements as part of a grant of planning permission. This accords with the expectations of Policies CP3 and CP12 of the Local Plan and paragraph 187 of the NPPF.

- 10.26 The proposals for the redevelopment of the site have regard to the existing mature planting within the grounds, and the report includes protection measures for the identified retained trees during the development. It is therefore considered that whilst there are some high value tree specimens within the grounds, these are not imminently at risk of harm from the proposed development, and it is not considered necessary to make a Tree Preservation Order in this case.

Ecology

- 10.27 Local Policy CP3 supports application that promotes the protection of biodiversity. Local Policy CP12 supports development that conserves and enhances the significance of the plan area's natural assets. Paragraph 192 of the NPPF states plans should protect priority species. The submitted arboricultural report acknowledges the potential for habitats hosting species within the grounds and the applicant has stated that where possible, mature and healthy tree specimens will be maintained as per the recommendations in the arboricultural report and the recommendation to contact the Natural England Batline in the case of any works to or disturbance of bat habitats has been noted by the applicant and this would be included within construction site documentation.
- 10.28 A subsequent Bat Activity Survey has been submitted, demonstrating that appropriate surveys have been completed and a single day roost used by very small numbers of Common Pipistrelle bats had been located behind the soffits. While all bat roosts are protected by law, day roosts like this are of lower conservation significance and their loss can be mitigated by standard measures (in this case, installation of suitable bat boxes during the refurbishment). On this basis, the proposed development complies with the Favourable Conservation Status test set out in the Conservation of Habitats & Species Regulations 2017 and Local Policy CP3 and CP12 and paragraph 192 of the NPPF.

Type of Residential Occupancy/Tenure and Affordable Housing Provision

- 10.29 With regards to the proposed 13 care home apartments, there is a requirement for a affordable homes contribution under Policy CP6. Specifically, it was found in the decision of the High Court in Rectory Homes Limited v SSHCLG and South Oxfordshire District Council [2020] EWHC 2098 (Admin), that extra care developments within Use Class C2 are not exempt from providing affordable housing solely by virtue of falling within that use class. The decision highlights that in determining whether affordable housing will be required the focus should be on the relevant development plan policies rather than which use class the proposed development falls within. As the Richmondshire Local Plan does not rely on use class to define dwellings, an affordable housing contribution would be required from the proposed care home apartment units.
- 10.30 The application site does however, qualify for vacant building credits, an incentive by central government aimed at encouraging the use of brownfield sites for new development and in doing so the NPPF paragraph 65 allows contributions to affordable housing to be reduced proportionately. This applies where a vacant building is brought back into any lawful use or is demolished to be replaced by a new building or buildings, developers are to be offered a financial credit in the form of Vacant Building Credit ('VBC').
- 10.31 The NPPF footnote explains that the contribution should be reduced by the equivalent of the existing gross floorspace of the existing buildings. This does not apply to vacant buildings which have been abandoned.
- 10.32 It is important to consider whether the site has been abandoned. The courts have held that, in deciding whether a use has been abandoned, account should be taken of all relevant circumstances, such as:

- Whether the building has been made vacant for the sole purposes of re-development; and
- Whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development.

10.33 The care home had been in administration since 2016, and was purchased by the applicants in May 2019 and so it is clear that the site had not been made vacant for the sole purposes of re-development and no planning permission exists for the same or substantially the same development as existing. Officers are content that the site has not been abandoned. It therefore falls to assess whether the land is brownfield in order that VBC can apply.

10.34 In this instance the Gross Internal Floor Area of the building being brought back into use, is larger than the new GIFA proposed. Therefore, the scheme is eligible for a 100% affordable housing credit, with no affordable housing required.

Other Issues Raised:

10.35 Electricity supply has been raised as a concern by local residents. For a development of this relatively small scale, and for a site which already has a supply from its previous use, it is considered reasonable to rely on the site operator to secure this with a provider.

10.36 Concerns have been raised about the prospective change of name from Morris Grange Nursing Home to White Oaks Care Village. The applicant has advised that the change of name is not yet confirmed. However, this is not a material planning consideration.

10.37 The Police Architectural Liaison Officer has suggested that medical supplies be kept secured. This is not a material planning consideration, although the applicant has advised that they would be kept safe and secure at all times and the applicant is happy to discuss this further with the relevant Officer.

10.38 The use of the café has been raised. The café is a small facility facing northwards towards an access and parking area. It is not considered likely to be a desirable facility for the public whom are not visiting a resident or staff member. However, a condition limiting the use of the café in terms of who may use it was requested by members at committee on 10th October 2024 and has been added to the list of condition at the end of this report.

The Public Sector Equality Duty

10.39 There is a requirement for the Council to show that it has complied with the statutory duty under Section 149 of the Equality Act 2010 to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age; disability; gender reassignment ; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation. There is no reason why the proposed development would prejudice anyone with the protected characteristics as described within this paragraph. Older persons should benefit from the development.

Biodiversity Net Gain

10.40 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, in such circumstances where major applications are made valid on or after 12th Feb 2024.

10.41 This application was made valid on 30/03/2020 and so is not required to provide Biodiversity Net gain, nor is it beholden to the aforementioned pre commencement condition. Instead a landscaping condition is recommended to supplement the existing biodiversity on site.

S106 Legal Agreement

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

Table 1	
Category/Type	Term
Occupancy and use	To restrict the use of the C2 Integrated Retirement Community Units to Use Class C2 of the Town and Country Planning Use Classes Order 1987 as amended or any replacement of such Order at any time;
	To restrict Occupation of the C2 Integrated Retirement Community Units to Qualifying Persons and any cohabitee, spouse, or dependant of a Qualifying Person;
	Prior to Occupation to procure the services of a Registered Service Provider which might be the Owner / Operator or a third party to operate and have an office at the Property
Care services	To ensure that a Health Assessment is undertaken for each Qualifying Person on or before Occupation to identify the level and type of care and other support and assistance they require
	On or before Occupation to put in place a Care and Wellbeing Plan for each Qualifying Person which shall be reviewed and updated on a regular basis to ensure the Qualifying Person continues to receive the most appropriate level and type of care and support as their needs change
	To make available on reasonable request of the Council evidence to show that its commitments in terms of Qualifying Person Assessments and Care and Wellbeing Plans are being met provided that such evidence shall not breach confidentiality commitments or obligations to the Qualifying Person
	At all times to provide the minimum level of care wellbeing and support services set out in the Care and Wellbeing Package
	To make arrangements for such additional care and support services as may be required over and above the Care and Wellbeing Package, either on its own or through a Registered Service Provider or through a combination of services to be provided by the [Owner / Occupier] and Registered Service Provider subject to the payment of additional fees by the Qualifying Person on commercial terms to be agreed and further subject to the right of that Qualifying Person to procure such additional care and support from their chosen provider. [Owner / Occupier] and Registered Service Provider subject to the payment of additional fees by the Qualifying Person on commercial terms to be agreed and further subject to the right of that Qualifying Person to procure such additional care and support from their chosen provider
Variations	A clause to allow variations to be agreed in writing with the Council. This allows flexibility for unseen circumstances whilst still securing the C2 use.
Signage Strategy	Prior to the first occupation of the development, the signage as shown on the plan labelled Site Plan - Access and Signage

	Strategy Drawing Number 150_05 revision P2 shall be installed unless alternative signs are first approved by the LPA.
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- 10.43 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. Definitions of terms used with the Heads of term table are listed in *Appendix B - Section 106 - Definitions relating to Use, Occupancy, and the provision of Care Services* at the end of this report.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 The authorised use of the site is as a nursing home. It presently does not meet current care standards, with room sizes being sub-standard. The application proposed to re-use the existing building to provide a care home with 36 bedrooms and a new two-story building consisting of 13 apartments designed for individuals in need of care (9 single bed and 4 two-bed apartments). 36 employees would be required to operate the care home.
- 11.2 The principle of development is considered acceptable with partial compliance with the Adopted Development Plan and NPPF, and material considerations supporting the new build element.
- 11.3 Affordable housing is not required on site as the proposal benefits from a vacant building credit. Occupancy and tenure of the care home apartments can be secured through the Section 106 Agreement.
- 11.4 The new building would be visible in the landscape, but the design and materials finishes would ensure that its appearance would not be significantly harmful to the character and quality of this rural landscape, subject to being satisfied on the appropriateness of new materials for the detached care home apartment building, and this would not be contrary to the expectations of Policies CP3, CP12 and CP13 of the Local Plan.
- 11.5 There would be no significant adverse impact on neighbour amenity or privacy as a result of the proposed development, and the access and parking arrangements would have no adverse impact on neighbour amenity or highway safety. This accords with the expectations of Policies CP3 and CP4 of the Local Plan in this regard.
- 11.6 Adequate provision can be made for foul drainage and surface water run-off, which can be secured by planning condition. This accords with the expectations of Policy CP3 of the Local Plan in this regard.
- 11.7 Details of renewable energy provision and climate change mitigation can be secured by planning condition. This accords with the expectations of Policy CP2 of the Local Plan.
- 11.8 Adequate provision can be made for the retention and protection of identified valuable specimen trees during the development and for additional landscaping, the details of which can be secured by planning condition. This accords with the expectations of Policies CP3 and CP12 of the Local Plan in this regard.
- 11.9 Adequate provision can be made for the protection of protected species prior to and during the development, together with appropriate mitigation measures. This can be secured by planning condition and separately dealt with by any necessary wildlife license through Natural England.

11.10 Overall, the proposals accord with the requirements and expectations of the relevant Spatial Principles and Core Policies of the Richmondshire Local Plan Core Strategy, and with the relevant sections of the National Planning Policy Framework and the national Planning Practice Guidance.

12.0 RECOMMENDATION

12.1. That planning permission be GRANTED subject to S106 agreement and conditions as listed in the Committee Report.

Recommended conditions:

Condition 1 Approved Plans

The development hereby permitted shall be carried out precisely in accordance with the approved drawings and particulars as set out below, together with any conditions attached to this approval which may require any variation thereof:

- a) application form and certificates
- b) site Location plan ref. 05
- c) Arboricultural Tree Constraints Assessment Of Trees At Morris Grange, Middleton Tyas, Richmondshire 20th February 2020
- d) Flood Risk Assessment February 2020
- e) Design & Access Statement
- f) Drainage plan, connectivity survey and support photographs
- g) Site Plan – Access and Signage Strategy 150_05 Rev.P2
- h) Apartment elevations 1 AL(0)230
- i) Apartment elevations 2 AL(0)240
- j) Apartment ground floor plan AL(0)200
- k) Apartment ground floor plan AL(0)210
- l) Apartment ground floor plan AL(0)220
- m) Proposed apartment types AL(0)205
- n) Refurbishment plan AL(0) 100 Rev K
- o) Bat and Bird Scoping Survey March 2024
- p) Bat Activity Survey Report May 2024
- q) Non-mains drainage proposals dated 23rd June (Ref. 210618/MCW2145)
- r) Signage board elevations 310_11 rev. P1

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2 Use class (Compliance)

The site shall not be used for any purpose other than for the provision of residential accommodation and care to people in need of care that is hereby approved, and no other use, including any use within the same class C2 as defined by the Town and Country Planning (Use Classes) Order 1987, as amended (or any order revoking and re-enacting that Order with or

without modification) and notwithstanding the terms of any Development Order that shall be carried out without the formal consent of the Local Planning Authority.

Reason: Any use other than that approved might be detrimental to the amenities of nearby property and be unsuitable within a rural area and thus contrary to Local policy and the NPPF.

Pre-Commencement / any further works

Condition 3 Construction Management Plan (Approval Required)

No further development shall take place until a Construction Management Plan 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 plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works, details on the control of noise and dust during construction.

Reason: In the interest of public safety and amenity.

Condition 4 Materials (Approval required)

No materials shall be used in the construction of the external surfaces of the development hereby permitted until details of such materials (with samples as appropriate) have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the proposed development and to reserve the rights of the Local Planning Authority with regard to this matter.

Condition 5 Contamination – Characterisation & Remediation Strategy (Approval required)

No development (other than demolition and site clearance works) shall take place until the steps in Sections A and B below are undertaken:

A: CHARACTERISATION: With specific consideration to human health, controlled waters and wider environmental factors, the following documents shall be submitted to and approved in writing with the Local Planning Authority (as necessary) to characterise the site in terms of potential risk to sensitive receptors:

- Preliminary Risk Assessment (PRA or Desk Study)
- Generic Quantitative Risk Assessment (GQRA) informed by an Intrusive Site Investigation
- Detailed Quantitative Risk Assessment (DQRA)
- Remedial Options Appraisal

Completing a PRA is the minimum requirement. DQRA should only be submitted if GQRA findings require it.

B: SUBMISSION OF A REMEDIATION & VERIFICATION STRATEGY: As determined by the findings of Section A above, a remediation strategy (if required) and verification (validation) strategy shall be submitted in writing to and agreed with the Local Planning Authority. This strategy shall ensure the site is suitable for the intended use and mitigate risks to identified receptors. This strategy should be derived from a Remedial Options Appraisal and must detail the proposed remediation measures/objectives and how proposed remedial measures will be verified.

The actions required in Sections A and B shall adhere to the following guidance: LCRM (Environment Agency, 2020); BS10175 (British Standards Institution, 2011); C665 (CIRIA, 2007).

Further guidance is provided in the document Development on Land Affected by Contamination, Technical Guidance for Developers, Landowners and Consultants, Yorkshire and Lincolnshire Pollution Advisory Group, version 11.2 June 2020.

Reason: To mitigate risks posed by land contamination to human health, controlled water and wider environmental receptors on the site (and in the vicinity) during development works and after completion.

Disclaimer: Irrespective of any involvement by this LPA, the responsibility to address contaminated land issues, including safe (re)development and secure occupancy, resides entirely with the Landowner/Developer of the site (NPPF Para 197).

Condition 6 Infiltration Testing (approval required)

Development shall not commence until infiltration testing for soakaways have been completed in accordance with BRE 365 and test results have been submitted to the Local Planning Authority. If infiltration is not feasible, a scheme restricting the rate of development flow runoff from the site must be submitted to and approved in writing by the Local Planning Authority. The flowrate from the site shall be restricted to greenfield runoff rate and/or a minimum 30% reduction of the existing positively drained runoff rate for the 1 in 1, 1 in 30 and 1 in 100 year rainfall events. A 45% allowance shall be included for climate change effects and a further 10% for urban creep for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

Reason: To ensure the site is properly drained, to determine surface water destination and to prevent flooding to properties

Compliance conditions

Condition 7 Trees (compliance)

Before any further materials are brought onto the site or any further development is commenced, the developer shall implement the approved tree protection measures within section 5 of the hereby approved AllAboutTrees- Arboricultural Tree Constraints Assessment – dated 20th February 2020. Specifically, the fencing and ground protection measures in line with the requirements of British Standard BS 5837: 2012 shall be installed.

The developer shall maintain such fences and ground protection until all development the subject of this permission is completed unless an alternative phasing timetable is first agreed in writing with the Local Planning Authority.

Reason: In the interests of good arboricultural practice and ensuring existing trees are adequately protected from works associated with the development.

Condition 8 Land and water contamination (compliance)

The development permitted by this planning permission shall be carried out in accordance with the non-mains drainage proposals dated 23rd June 2021 (Ref. 210618/MCW2145) including the following specific mitigation measures:

- The Biological Rotating Contractor treatment plant complies with BS EN 12566
- All foul water drainage from the proposed development will enter the sewage treatment plant for treatment
- All clean surface water from the proposed development will be excluded from entering the sewage treatment plant (it may be discharged directly to the pond)
- The field drain into which the treated sewage effluent will be finally discharged is not seasonally dry (i.e it has year round flow, apart from during periods of drought or unusually prolonged dry weather).

Reason: The Humber River Basin Management Plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery. The proposal could lead to a deterioration of, or prevent recovery of, the receiving waterbody (GB104027069160 – part of the Scorton Beck from source to River Swale catchment) which currently has Poor status under the Water Framework Directive, by causing an unacceptable release of pollutants into surface water.

Condition 9 Construction work (compliance)

Noisy construction works audible outside the site boundary shall only take place between the hours of 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturdays and at no time at all on Sundays and Bank Holidays.

Reason: In the interest of public safety and amenity.

Condition 10 Noise – loading/ unloading of vehicles (compliance)

No loading or unloading of vehicles shall take place on the site except between the hours of 07:00 and 19:00 on Monday to Friday and 07:00 and 13:00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.

Reason: To prevent an increase in background sound levels and protect the amenity of any residents

Condition 11 Ecology (compliance)

The development shall only be carried out in accordance with the recommendations (including the timing of such works) specified in section 6.1 of the hereby approved bat survey report.

Reason: This condition is necessary to ensure that ecology and biodiversity present on and around the application site are given adequate protection and mitigation measures forming part of the approved scheme are implemented in full as part of the development.

Condition 12 Landscaping (compliance)

Prior to first occupation of the development or the erection of the external wall of the new build block hereby approved a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include: boundary treatments, plants (planting plans; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/densities when planted), planting and installation schedule/timetable and maintenance details.

The landscaping and boundary treatment shall seek to improve biodiversity of the site.

The boundary treatments and landscaping shall thereafter be installed and planted in accordance with the approved schedule/timetable. The boundary treatments shall be retained and maintained in perpetuity unless replaced like for like.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding seasons following the development being brought into use or the completion of the development (whichever is the sooner); and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory landscaping and boundary treatment scheme of delivered.

Pre-Occupation

Condition 13 Crime prevention (approval required)

Prior to first occupation of the development or the erection of the external wall of the new build block, full written details of proposed crime prevention measures shall be submitted to and approved in writing by the Local Planning Authority. The approved crime prevention measures shall be incorporated into the development and completed prior to the nursing home and close-care building being brought into use and thereafter retained.

Reason: In the interests of crime prevention.

Condition 14 Lighting (approval required)

Prior to first occupation of the development here approved, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. All lighting shall be shielded to prevent glare or any threat to highway safety or detriment to amenity. All lighting fixtures shall be installed at an angle to prevent light emitting directly above the horizontal plane unless otherwise first agreed in writing by the Local Planning Authority. Only such approved external lighting shall be installed and shall be operated in accordance with the approved details.

Reason: In the interest of amenity.

Condition 15 Part L Energy (approval required)

Prior to first occupation of the development or the erection of the external wall of the new build block hereby approved, an Energy Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Energy Strategy shall detail measures to result in meaningful improvement over Part L of Building Regulations. The development will then be built entirely in accordance with the approved Energy Strategy and any technologies incorporated maintained and retained in perpetuity unless replaced with equipment which has high sustainability credentials such as being more energy efficient.

Reason: To ensure the proposal is sustainable and to meet the requirement of Policy CP2 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014.

Condition 16 Contaminated Land Condition: Completion (Approval required)

Prior to the first occupation of the development hereby permitted the following documents shall be submitted to and approved in writing by the Local Planning Authority.

A: REMEDIATION & VERIFICATION: Remediation (if required) and verification shall be carried out in accordance with an approved strategy. Following completion of all remediation and verification measures, a Verification Report must be submitted to the LPA for approval.

B: REPORTING OF UNEXPECTED CONTAMINATION: All unexpected or previously-unidentified contamination encountered during development works must be reported immediately to the LPA and works halted within the affected area(s). Prior to site works recommencing in the affected area(s), the contamination must be characterised by intrusive investigation, risk assessed (with remediation/verification measures proposed as necessary) and a revised remediation and verification strategy submitted in writing and agreed by the LPA.

C: LONG-TERM MONITORING & MAINTENANCE: If required in the agreed remediation or verification strategy, all monitoring and/or maintenance of remedial measures shall be carried out in accordance with the approved details.

The site shall not be taken into use until remediation and verification are completed. The actions required to be carried out in Sections A to C above shall adhere to the following guidance: LCRM (Environment Agency, 2020); BS10175 (British Standards Institution, 2011); C665 (CIRIA, 2007).

Further guidance is provided in the document Development on Land Affected by Contamination, Technical Guidance for Developers, Landowners and Consultants, Yorkshire and Lincolnshire Pollution Advisory Group, version 11.2 June 2020.

Reason:

To mitigate risks posed by land contamination to human health, controlled water and wider environmental receptors on the site (and in the vicinity) during development works and after completion.

Condition 17 Bicycle Storage (Approval required)

Prior to first occupation of the development hereby approved, details of secure covered bicycle storage for staff and visitors shall be submitted to and approved in writing by the Local Planning Authority. The approved bicycle storage shall be provided Prior to first occupation of the development hereby approved, and there afterwards be retained and maintained.

Reason: To facilitate sustainable transport movements and in the interests of human health.

Condition 18 access and parking (compliance)

No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users have been constructed in accordance with the details approved in writing by the Local Planning Authority and as shown on Drawing Number AL (0) 500 Revision B.

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 19 Foul Water (Approval required)

No part of the scheme hereby permitted shall be occupied until a sustainable drainage scheme for foul drainage from the site has been submitted to and approved in writing by the local planning authority. The sustainable drainage scheme shall be retained, managed and maintained for the lifetime of the development in accordance with a management and maintenance plan which shall be submitted to and approved in writing by the local planning authority.

Reason for Condition: To prevent pollution of the water environment.

Condition 20 café use (compliance)

The cafe created as a result of the development hereby approved shall only be used by care home residents, their visitors and care home staff members only.

Reason: To preserve the amenity of nearby dwellings.

Informative

During and following the construction of the hereby approved scheme, the adjacent Public Right of Way shall be maintained unobstructed, offering a clear and safe route for walking, and in a condition suitable for walking.

Reason: For the safety and unobstructed use of the Public Right of Way.

Target Determination Date: 11.09.2025

Case Officer: Jonathan Smith, jonathan.smith1@northyorks.gov.uk

Appendix A - Section 106 - Definitions relating to Use, Occupancy, and the provision of Care Services

<p>Care and Wellbeing Package</p>	<p>Means the minimum level of care wellbeing and support services that the Owner / Operator is required to provide to each Qualifying Person at a cost to be agreed between the Owner / Operator and the Qualifying Person and includes the following:</p> <ul style="list-style-type: none"> • Provision of at least 2 hours a week of Care Services, as defined in this agreement; • Access to care or other member of staff on site 24 hours a day to provide an immediate response in an emergency; • The provision of 24-hour security, including detection and call systems; • On-site delivery of the Regulated Activity of Personal Care by a Care Quality Commission Registered Service Provider to those who need it (subject to a separate contract) provided that this does not affect the right of the Qualifying Person to choose their own care provider; • A regular review and update of the Care and Wellbeing Plan to ensure care and support needs are met; • Access to daily meals to Occupiers who need them – which can be taken in one of the Communal Facilities or the Occupier’s Unit; • Access to and use of the Communal Facilities; • Access to pre-arranged activities and classes to encourage health and wellbeing and to promote social interaction; and • Access to such further wellbeing and support staff and services as may be required from time to time, which might include domestic support (such as cleaning, laundry, ironing, making beds); housekeeping; property maintenance; shopping; assistance with correspondence, personal and business affairs; companionship; pet care; and arranging transport services.
<p>Care and Wellbeing Plan</p>	<p>Means an individual plan prepared for each Qualifying Person on or immediately following Occupation based on the findings of the Health Assessment, which is regularly reviewed, and its findings implemented to ensure that the Qualifying Person continues to receive an appropriate level and type of care and support as their needs change</p>
<p>Care Services</p>	<p>Means the care services provided to each Qualifying Person as part of the Care and Wellbeing Package, which may include any or all of, but are not confined to, the following:</p> <ul style="list-style-type: none"> • Provision and delivery and / or preparation of meals, drinks, and snacks • Advice on food hygiene, nutrition, and menu planning • General health advice including encouragement to undertake physical and cognitive activity • Regular welfare calls and wellbeing checks such as blood pressure • Collection of prescriptions and benefits • Chaperone service to attend clinical and other appointments • Advice on activities to encourage health and wellbeing and promote social interaction, and supervision of such activities • Diabetes management • Use of on-site transport services for external activities and appointments • Hospital discharge support • Organised rehabilitation following a hospital visit or health event • Assistance with getting into and out of bed and dressing • Assistance with personal hygiene activities • Administration of / prompting to take / supervision of medication • Assistance with eating and drinking <p>For the avoidance of doubt the Regulated Activity of Personal Care is organised and paid for as part of a separate contract between the Qualifying Person</p>

	and their chosen Registered Service Provider, depending on the individual needs of each Qualifying Person.
Care Quality Commission (CQC)	Means the independent regulator of health and social care services in England or any successor body or organisation
Communal Facilities	Means (1) the Health and Wellbeing Facilities (which may include but are not restricted to hydrotherapy pool, sauna, steam room, gym, exercise rooms, and treatment rooms) and (2) the Other Communal Facilities (which may include but are not restricted to restaurant, bistro and bar, meeting rooms, hobbies room, lounge and hair salon) to be provided in conjunction with the C2 Integrated Retirement Community Units as part of the Development to be made accessible to visiting members of the public in accordance with the provisions to be agreed between the [Owner / Operator] and the Local Planning Authority
Health Assessment	Means an assessment of the health care and wellbeing needs of potential residents to be undertaken on or before occupation of a C2 Integrated Retirement Community Unit by an appropriately qualified person and which is used to determine an appropriate Care and Wellbeing Plan for the Qualifying Person; and any further health assessment to be undertaken when the Care and Wellbeing Plan is reviewed
Occupation	Means the occupation of the Development or any part thereof for use as an Integrated Care Community in accordance with the provisions of Class C2 of the Town and Country Planning (Use Classes) Order 1987 as amended and Occupy and Occupied shall be construed accordingly
Qualifying Person	Means an assessment to be undertaken by the [Owner / Operator] prior to exchange of contracts to ensure that occupation of each C2 Integrated Retirement Community Unit is restricted to Qualifying Persons and any cohabitee, spouse, or dependant of a Qualifying Person only
C2 Integrated Retirement Community Unit	Means a unit within Use Class C2 to be constructed pursuant to the Planning Permission and C2 Integrated Retirement Community Units shall be construed accordingly. For the avoidance of doubt any guest accommodation provided as part of the Planning Permission is not a C2 Integrated Retirement Community Unit
Registered Service Provider	Means a body registered as a service provider under Chapter 2 of the Health and Social Care Act 2008 (or any comparable register established under any statutory system replacing that chapter) in respect of at least the provision of Personal Care as defined by the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 or any modification or amendment or substitution thereof
Transport Services	Means the transport services to be provided by the [Owner / Operator] for the use of Occupiers, their guests and staff as agreed with the Local Planning Authority
Use Class C2	Means the use defined as C2 in Part C of Schedule 1 of the Town and Country Planning (Use Classes) Order 1987 as amended) or other such successor legislation