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Branch Chair  
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**Authority: North Yorkshire Council** – Former Richmondshire District

**Type of consultation:** Planning Consultation

**Full details of application/consultation:** ZD23/00449/FULL - Full Planning Permission for Residential Development of 28 Dwellings and Associated Infrastructure

**At land:** Land To The East Of Bolton Avenue, Richmond, North Yorkshire

**Type of response:** Objection

**Date of Submission:** 20<sup>th</sup> September 2023

All responses or queries relating to this submission should be directed to the Secretary for the Trustees at the contact details shown above on this frontispiece.

All CPRE North and East Yorkshire comments are prepared by the charity using professional planners whose research and recommendations form the basis of this response in line with national CPRE policies.

External planning consultant used in this response:



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## Comment

CPRE North and East Yorkshire ('CPRENEY') welcomes the opportunity to comment on this application for full planning permission for 28 dwellings at land to the east of Bolton Avenue, Richmond. The application was submitted to North Yorkshire Council ('the Council') on behalf of Langlands Development ('the applicant') by Downes Illingworth Partnership Ltd.

The overall site consists of 1.39Ha and is currently in agricultural grazing land. The site is located on land east of Bolton Avenue, adjacent to Prior Avenue and Olav Road and Alexandra Way. To the north, the site is bounded by a Yorkshire Water Site accessed directly from Green Howards Road and to the south it bounds the rear gardens of residential properties at Bolton Crofts. The site is steeply (25%) graded with several large mature trees sited to the southern edge (the lowest part of the site).

A Public Right of Way ('PROW') is situated north-south along the east side of the site adjacent to Olav Road.

Having considered the documents submitted in support of the proposal, CPRENEY object to the proposal which is not in conformity with the Development Plan (adopted and emerging) or the NPPF for the following reasons:

1. The proposal is within the open countryside, outside of the development limits of Richmond in both the adopted and emerging Local Plan;
2. The detrimental impact on the Richmond Conservation Area, Heritage Assets and their important setting;
3. The detrimental impact on existing ecology; and
4. The impact on local infrastructure.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application should be determined in accordance with the development plan unless material planning considerations indicate otherwise. The planning system should contribute to achieving sustainable development. The National Planning Policy Framework ('NPPF') (2023) aims to deliver sustainable development through the implementation of its policies. Paragraph 11 states that for decision making this means:

- c) *'approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
  - I. The application of policies in this Framework that protect areas or assets of particular importance provides a clear 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.'*

Paragraph 219 of the NPPF clarifies that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Weight should be given to them according to their consistency with the NPPF. (The closer the policies in the plan to the policies in the Framework, the greater the weight that should be attributed).

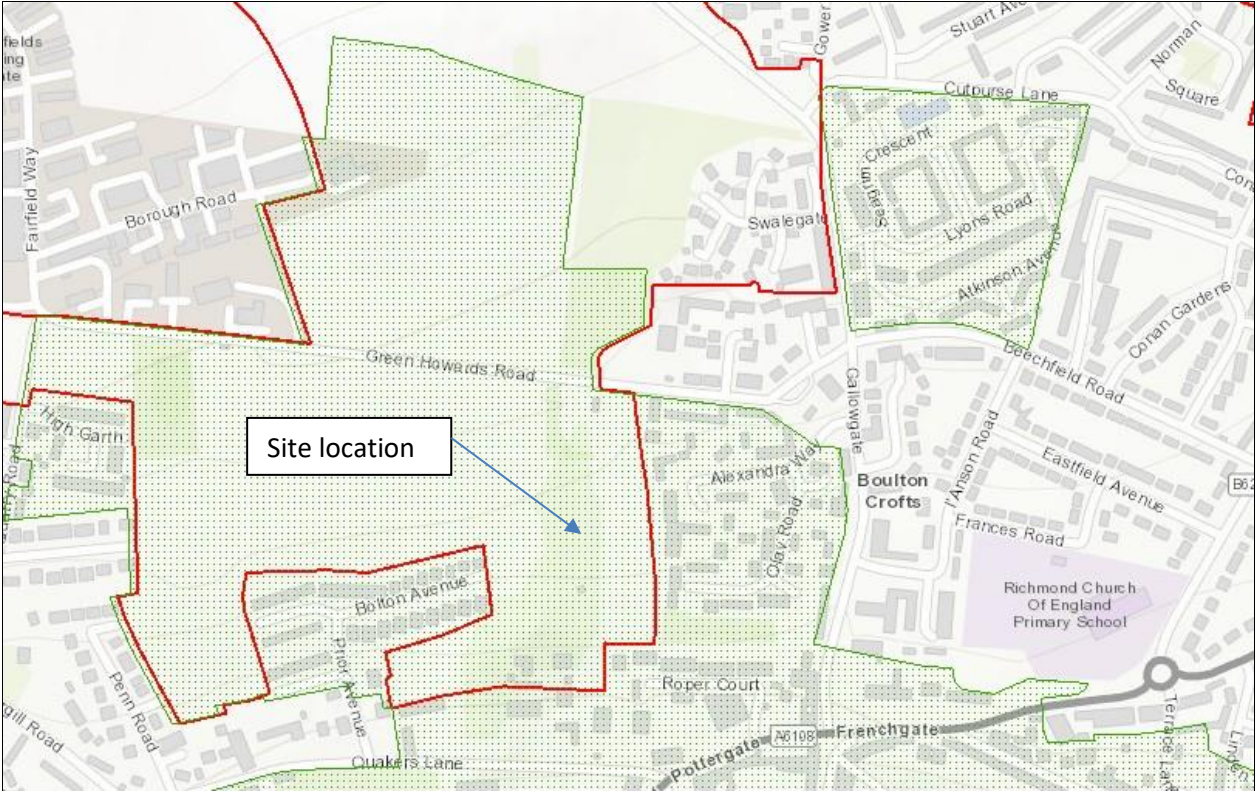
The Development Plan relevant to this application consists of both, The Richmondshire Local Plan 2012-28 Core Strategy (2014); and Saved Policy 23 of the Richmondshire Local Plan 1999-2006.

The Council has commenced a review of the Local Plan to update policies for new development. The Issues and Options Consultation was undertaken in 2018 and CPRENY commented at that time. The Preferred Options Consultation was published in July 2021 to which CPRENY responded in full. However, due to the early stages of plan preparation, no weight can be attached to this document as yet and as such full weight should be given to the saved Local Plan policies and other material considerations as necessary including the NPPF, however, this emerging document is useful to the determination of the proposal as it does show the preferred direction of the Council for planning policy in the former Richmond district area.

The proposed site is located adjacent to the development limits (saved policy 23), therefore, for the purposes of planning the site is located wholly within the open countryside. The site is not developed and, therefore, is a greenfield countryside location. It is acknowledged that Core Strategy Policy CP4 at point 2 supports some development adjacent to the development boundaries, however, this is only in cases where *'deliverable opportunities do not exist within'*. As part of the Regulation 19 consultation, the former District Council published a five-year housing land supply illustrating that the Council can demonstrate a housing land supply of 8.83 years – as such, paragraph 11 of the NPPF is not triggered and thus the policies of the Development Plan remain in full force. Point 3 of Policy CP4 goes on to set out that development should be consistent with the requirements of the Core Policies and provides a set of criteria which a proposed development should avoid in order to gain support. The criteria includes *'a) impacts 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; b) lead to the loss of, or adverse impact on, or cause deterioration of important nature conservation, water bodies or biodiversity...; c) result in the loss of locally important open spaces or community facilities' and 'e) cause significant adverse impact on amenity or highway safety'*.

The Council has an adopted Policy Map which shows the site to be outwith the development boundary (see extract in figure 1 below) and within an area of green space which is included within the Richmond Conservation Area ('CA') denoted by the green dots.

Fig. 1 Richmond adopted Policy Map 2012-2028



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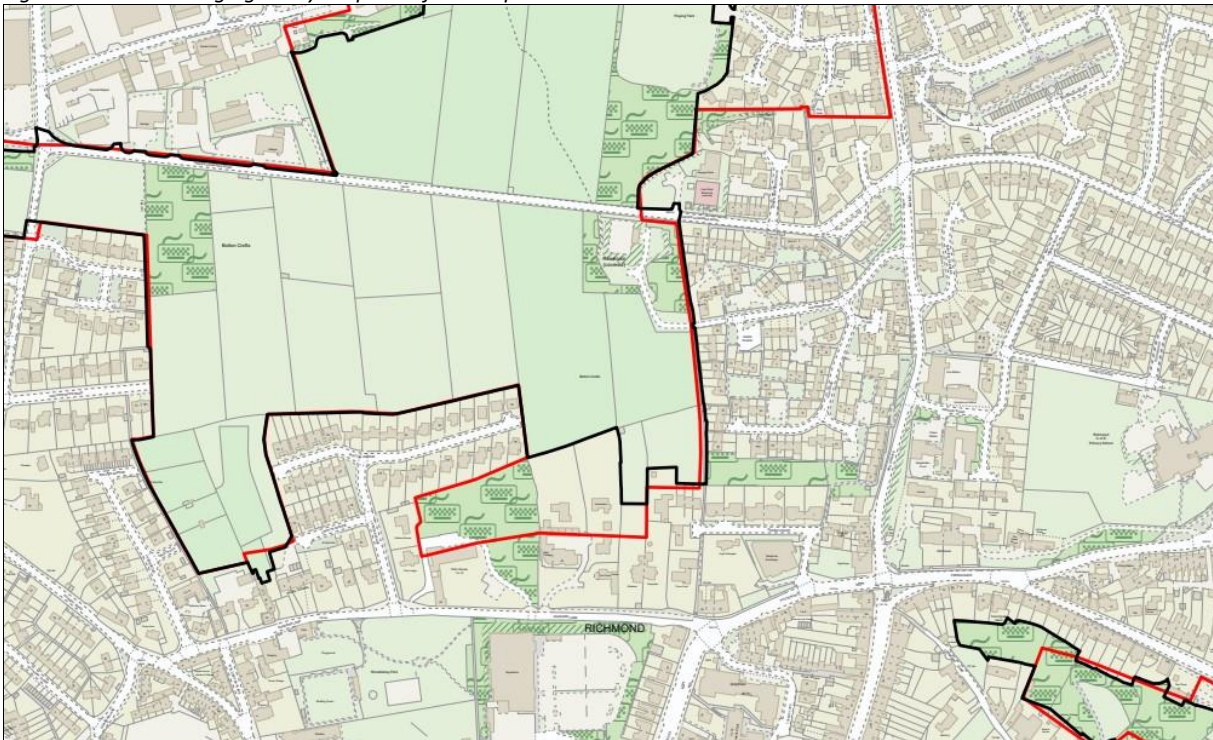


Whilst no weight can be attributed to the emerging Local Plan, at the Regulation 19 Preferred Options stage, the Council chose not to include this site as a potential residential allocation or redraw the development limits to include the site. The applicant's planning statement sets out the fact that the site was detailed in the Council's evidence base as site 214 in the Strategic Housing and Economic Land Availability Assessment ('SHELAA') and sets out at paragraph 4.16 that *"this identifies the whole site as suitable for development..."* However, CPRENEY believe this is factually incorrect. The site is identified as submitted in the 'call for sites' exercise and therefore was assessed appropriately.

As shown at Appendix 2 of the applicant's Planning Statement, the Site Suitability Assessment sets out that *'Parts of forms site part are adjacent to existing development limit (CP4) as site forms part of gap between existing development. Site is located on a steep incline which slopes north to south and sharply in places. Site is located within Richmond Conservation Area and forms part of Bolton Crofts area recognised in the Conservation Area Statement as an impressive backcloth to the town and a green swathe reaching deep in to the heart of the town, which is still a particularly striking and important characteristic of Richmond. identified characteristic (CP12) of historic Richmond. Site is visible from Castle Keep, an identified (CP12) historic public viewpoint although protected trees to the south screen much of this area. Trees and hedges along boundaries. Any development at the western side at this location will have an invasive visual impact into the open space harming the visual link of the two visual heritage assets.'*

The former district Council produced a revised Policy Map as part of the Regulation 19 Preferred Options consultation. Despite having been considered as a site location through the above exercise, the Council chose not to allocate this site as a preferred option or to redraw the development limits to include the site as can be seen in figure 2 below. The black line on the plan below denotes the proposed development limits in the Preferred Options Local Plan whilst the red line shows the current development limit as adopted.

Fig. 2 Richmond Emerging Policy Map – Preferred Options 2019



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Ergo, CPRENEY believe that the Council considered there to be more suitable and sustainable sites to deliver the Council's future housing need over the plan period and as such, CPRENEY believe that the proposal should be refused.

The site remains within the Richmond Conservation Area, the Statement for which expressly states that Richmond's *'outstanding character is derived from the combination of a magnificent natural setting, the remarkably high survival rate of its historic street pattern, buildings and floorscape, and the preservation of important open "green" spaces which add considerably to its overall form and character. These qualities have led to Richmond attaining both national and international recognition as a truly outstanding historic market town.'*

With particular regard to the proposed site location, the Statement goes on to state that *'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.'*

This clearly supports the view of the planning officer's who undertook the site assessment for the SHELAA and also the Council when they adopted Policy CP12 of the adopted Core Strategy which seeks to support development which conserves and enhances the area's natural and man-made designated and undesignated Heritage Assets. The Policy is clear that development which will not supported includes proposals which *'has a detrimental impact upon the significance of a natural or man-made asset.'* Point 1 of the Policy states that *'those elements which contribute to the significance of the heritage assets across the Plan area will be conserved, and where appropriate, enhanced. Particular attention will be paid to those assets referred to in paragraph 4.12.16 which make a particularly important contribution to the character and sense of place of Richmondshire'* (inter alia).

Paragraph 4.12.16 of the supportive text states that particular regard will be given to those elements which contribute to the special architectural or historic interest of Richmondshire's Conservation Areas and their settings as identified in the respective Conservation Area Appraisal. It also lists Richmond Castle and also the historic public viewpoint from Richmond Castle Keep. This further supports the Council's decision to not include the site within the development limits for Richmond or indeed allocate the site as a preferred option for emerging planning policy.

The NPPF seeks to conserve and enhance the historic environment setting out at paragraph 199 that *'great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'* Paragraph 200 goes on to state that *'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification..'*

CPRENEY assert that the site is within the setting of the Scheduled Ancient Monument that is Richmond Castle – an eleventh to fourteenth century enclosure castle. The Official List entry (1010627) states *'Richmond Castle is a very well-documented example of an early enclosure castle, important not only for the excellent state of preservation of its twelfth century keep and other later medieval remains, but also the exceptionally good survival of its earlier eleventh century features. It is one of a very small number of stone castles built in the first twenty years after the Norman Conquest to retain almost all its eleventh century masonry..'* It's significance therefore is substantial. As such development within its setting would cause an invasive visual impact on the important setting of both the Castle Keep and the *'green swathe'* of open space *'which is still a particularly striking and important characteristic of Richmond'* as described in the SHELAA site assessment.

As such CPRENEY consider the site is contrary to Policy CP12 and the relevant sections of the NPPF and should be refused.

CPRENEY acknowledge that the applicant has proposed a biodiversity net gain of 11.67% including an element of off-setting. Whilst this is welcomed, in fact the number of species found within the site (57+ according to the MAB Ecology Report submitted on behalf of the applicant) demonstrates that the site is locally important for both flora and fauna. CPRENEY are aware from members within the area that bats are present on the site and as such it is considered that an Ecological Impact Assessment should have been undertaken in full to support the proposal. With this information missing it is impossible to state that *there will not be* a detrimental impact on the existing ecology found within the area and therefore that the proposal is in conformity with Policy CS12 which seeks to maintain, enhance and where appropriate, restore the biodiversity of the plan area and protect the green infrastructure network in the plan area.

Finally, CPRENEY members have expressed concerns to us regarding the detrimental impact the proposal will have on the local road network. The surrounding topography of the site is that of a steep incline. The site would be accessed via Bolton Avenue which links to Prior Avenue. The steep incline causes hazardous conditions for existing residents in inclement weather periods and the proposal to increase the number of vehicles on it, whilst capacity might not be an issue per se, is a concern for highway safety and as such is not compatible with paragraph 110 which seeks to ensure that any development achieves a *'safe and suitable access to the site can be achieved for all users'* and (inter alia) *'that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, or the residual cumulative impacts on the road network would be severe.'* Paragraph 111 states that *'development should only be refused on highway grounds if there would be an unacceptable risk on highway safety...'*

Notwithstanding the above, the fact that an emergency route has had to be proposed accessing the north of the site from Green Howards Road demonstrates the unsuitability of access from Bolton Avenue and Prior Avenue. It will also cut into the landscape of the northern, steeper part of the site, drawing the eye from the Castle Keep and highlighting the new development to the south of the site, particularly in winter months when the trees have lost their leaves.

Furthermore, the fact that the incline of Prior Avenue is steep, results in existing residents relying on their private car to visit the town centre services and facilities, there is no reason to assume that this would be any different for the new occupants of the proposed development. Even with the provision of footpaths, residents will not carry heavy shopping bags uphill, therefore the applicant's assertion that Bolton crofts is extremely well sited to deliver sustainably located development has not taken into account the inevitable reliance on the private car.

In conclusion, CPRENEY object to the proposal at this countryside location which forms such an important characteristic to the town of Richmond for the reasons set out above and respectfully ask that the proposal is refused as it is not in conformity with either local or national planning policy.

CPRENEY reserves the right to comment further should any additional information be submitted in support of the proposal.