

## Preston under Scar Parish Council

### Record of decisions taken by the Clerk to the Parish Council under delegated powers 5 July 2022 – 30 November 2022

**Subject of decision:**

22/00596/FULL – planning permission for erection of steel portal outbuilding for personal and domestic use at Thorfin, Preston Under Scar

**Summary of information considered:**

Application documents submitted by applicant  
Outcome of consultation with Parish Councillors, including comments following a site visit by Councillors Fletcher, Sayers and the Clerk.

**Decision:**

To advise Richmondshire District Council that the Parish Council had no comments on this application.

**Date of Decision:** 3 October 2022

**Subject of decision:**

22/00612/FULL – planning permission for new conservatory at Rose Tree Cottage, Preston under Scar – *the Parish Council had no objections to this application which has yet to be determined*

**Summary of information considered:**

Application documents submitted by applicant  
Outcome of consultation with Parish Councillors

**Decision Taken:**

To advise Richmondshire District Council that the Parish Council had no comments on this application.

**Date of Decision:** 3 October 2022

**Subject of decision:**

22/002200/FULL – planning permission to create new avenue from Bolton Hall to Lords Bridge etc (amended application)

**Summary of information considered:**

Application documents submitted by applicant  
Outcome of consultation with Parish Councillors

**Decision Taken:**

To advise Richmondshire District Council that the Parish Council had no comments on this application.

**Date of Decision: 24 October 2022**

**Subject of decision:**

Application 21/000720/FULL - Full Planning Permission for Proposed Two Storey Detached Dwelling with off Street Parking and New Highways Access at Hillcrest, Preston Under Scar, Leyburn, North Yorkshire

**Summary of information considered:**

Comments made by Parish Councillors and received from village residents expressing dissatisfaction about various aspects of the Planning Authority's handling of this application

**Decision Taken:** To submit a letter of complaint to Richmondshire District Council about various aspects of its handling of the application (see Appendix A to this report).

**Date of Decision:** 20 September 2022

**Subject of decision:**

22/00765/FULL - Full Planning Permission for Side Extension, Detached Double Garage and Associated Landscaping at The Old Barn, Wensley Station, Preston Under Scar, Leyburn, North Yorkshire – *the Parish Council had no objection to this application, which has yet to be determined*

**Summary of information considered:**

Application documents submitted by applicant  
Outcome of consultation with Parish Councillors

**Decision Taken:**

To advise Richmondshire District Council that the Parish Council had no comments on this application

**Date of Decision:** 28 November 2022

## PRESTON UNDER SCAR PARISH COUNCIL

Chairman: Councillor D Amsden, Ridgeback Cottage, 3 Preston Garth, Preston under Scar, Leyburn, North Yorkshire, DL8 4AS Email: [prestonunderscarpc@gmail.com](mailto:prestonunderscarpc@gmail.com)

Clerk: Mrs Linda Stevens, 4 Thorney Meadows, Spennithorne, Leyburn, North Yorkshire DL8 5RE ([Tel:07778911677](tel:07778911677). Email: [prestonunderscarpc@gmail.com](mailto:prestonunderscarpc@gmail.com))

Mr C McKeon,  
Corporate Director (Strategy and Regulatory) and Monitoring Officer,  
Richmondshire District Council,  
Mercury House,  
Station Road,  
Richmond,  
North Yorkshire.  
DL10 4JX

10 October 2022

Dear Mr McKeon,

**Planning Decision No. 21/00720/FULL - Full Planning Permission for Proposed Two Storey Detached Dwelling with off Street Parking and New Highways Access at Hillcrest, Preston Under Scar, Leyburn, North Yorkshire, DL8 4AJ - complaint**

This complaint is submitted by Preston under Scar Parish Council (“the Parish Council”) and relates to the way in which Richmondshire District Council (“the District Council”), as Planning Authority, dealt with the processing and granting of the above Planning Permission. Prior to making the complaint the Parish Council has considered the following documents:

- The planning decision notice for this development, dated 25 August 2022 and signed by the Planning and Community Development Manager
- The related agreement under Section 106 of the Town and Country Planning Act 1990 (“the Section 106 Agreement”)
- The “Delegated Application Report” (“the Report”) relating to the application dated 29 June 2022 and agreed by the Development Management Team Leader on 6 July 2022

The Parish Council wishes to complain about the following issues relating to the processing and granting of the application:

- The nature of the determination process which the Parish Council contends was unsatisfactory
- That, despite the Parish Council’s request for the imposition of a number of conditions on the building operations required in the event that planning

permission was granted for the proposal, little or no control has been imposed on the builder during the construction of the property

These issues are dealt with in the following paragraphs.

### **Unsatisfactory nature of the determination process**

The Parish Council is of the view that:

- the District Council has reached its decision on the basis of an unsatisfactory process and a report which contains factual inaccuracies and fails to have proper regard to the concerns of residents, particularly those living close to the development site, about the impact of the development, including the level of disturbance and disruption to which they will be subject during the construction of the proposed property, which the conditions attached to the planning permission do not adequately address
- there are errors, inaccuracies and omissions in the Report, an unacceptable delay in publishing the Report on the planning portal and a delay in notifying consultees of the outcome of the application

**Paragraph 6.12** of the Report states that the “*application site is located partially within the Preston under Scar Conservation Area...*”. That is incorrect. As the plan of the Preston under Scar Conservation Area published on the District Council’s website and attached as Appendix 1 to this complaint clearly shows, the Conservation Area ends at the White House well north of the site. The application site is, therefore, wholly within the Preston under Scar Conservation Area. This error gives a misleading impression of the site and its relationship to the rest of the village and may have had an impact on the decision to approve the application.

**Paragraphs 1.4 and 6.14** of the Report state that the proposed dwelling will be in keeping with the local vernacular and be built with random coursed local stone. However, the Report then goes on to accept a roof covered in Welsh Slate which is neither local nor is it a traditional cover on a dales property. The Parish Council believes that those properties in the village with Welsh slates were originally covered with local sandstone slates which were changed in the late 19<sup>th</sup> Century. There has, to the Parish Council’s knowledge, been no building in the village in the past 15 or so years where sandstone slates, or imitation sandstone slates such as Hardraw slates, have not been specified. The development will, therefore, not be in keeping with the local vernacular as stated in the Report, nor with recent past practice, nor with the property being within the Conservation Area.

Apart from a brief factual reference in **paragraph 1.5**, the Report does not mention the old wall which fronts the site neither does it mention the historic raised stone flagged footpath which runs across the front of the site and virtually the length of the village.

The build will in part damage and remove significant sections of both features, to the detriment of the visual amenity and street scene in the village. The Parish Council accepts that the District Council is entitled to give what weight it considers appropriate to planning issues such as these, but their omission from the report has led to a failure to consider them at all.

The planning permission and related section 106 agreement are dated 25 August 2022 and 22 August respectively. A member of the Parish Council became aware, through looking at the planning portal on the same day that planning permission had been granted, but the Parish Council and residents were only notified of the decision in an email and by letters dated 12 September 2022 after the Clerk to the Parish Council had contacted the Case Officer to advise that the Council had not received notification of the outcome of the application. The Report was also not published on the planning portal until 12 September 2022, again after the Clerk to the Parish Council had contacted the Case Officer to request a copy. The reason given for the delay was "*the officers reports do not always get uploaded straightaway as there is an internal process to follow*". The Parish Council would like an explanation of the full reasons why the report was not able to be published on the same day as the planning permission and section 106 agreement, as it sets out the basis for granting planning permission and in the Parish Council's view should have been published at the same time as the decision notice.

Finally the report notes, in section 6 – paragraph headed Consultation - that the request by District Councillor John Amsden, that the application be referred to the Planning Committee for determination, was received more than 25 days after the application was first notified to District Councillors and was, therefore, out of time under the District Council's constitution. The District Council re-consulted the Parish Council on revised plans on 14 February 2022. Presumably Ward Councillors were also notified at the same time. The Parish Council is of the view that the 25-day period, during which Ward Councillors may request that an application be referred to the Planning Committee, should apply in respect of any revised plans submitted and re-consulted on. However, notwithstanding this, given the weight and seriousness of the many objections raised, the Parish Council believes that the application should have been determined by Councillors and not by Officers. This would have provided an opportunity for representatives from the village to speak at the Planning Committee before any decision was made. It would also have afforded an opportunity for a full site visit before the decision was made. In fact, some residents did receive a letter from the Planning Office dated 12 September 2022 advising them that the application would be submitted to the Planning Committee on an unspecified date and detailing the arrangements for public attendance and participation (see Appendix 2). Other residents received a letter advising that planning permission had been granted. This caused much confusion within the village and the Parish Council requests an explanation of how this error arose and that District Council procedures be reviewed to ensure that they will not arise in the future.

### **That little or no control has been imposed on the builder during the construction of the property**

Paragraph 5.1 of the Report details the conditions which the Parish Council requested be included in any planning permission granted, where not covered by the District Council's standard planning conditions. These were requested in the interests of safeguarding the safety and amenity of residents and other road users during the excavation and building process, in the event of planning permission being granted.

**Paragraph 6.16** of the Report considers the impact of the build on local residents and rejects the Parish Council's request that controls be imposed to limit working hours, dirt and noise, etc. The Report states that Environmental Health have assessed the likelihood that the development would cause a nuisance and have reached the conclusion that: "... *this impact would be low*", but the Report does not mention the evidence considered or the factors taken into account by Environmental Health in reaching their conclusion. The carrying out of the development will involve the excavation of a steep slope on a rocky hillside. It will inevitably be dusty, dirty and noisy and the Parish Council does not accept the assessment by Environmental Health that the impact will be low. The Parish Council requests a copy of any written assessment carried out by Environmental Health and of any evidence and/or documents taken into account by Environmental Health in carrying out their assessment. The Parish Council also requests that the District Council inform the Parish Council whether any District Council officer, either from the Environmental Health Service or from the Planning Service visited the site in connection with any assessment of the likely impact of the construction of the development, or whether the assessment was carried out solely on the basis of the plans submitted by the applicant.

**Paragraph 6.16** of the report also states that the Local Planning Authority "*would not usually restrict the working hours for such minor development and a condition for noise and dust control is not considered to be reasonable given the limited and short-term impact the construction phase will have.*" The Parish Council accepts that the site is small, but questions whether the size of the site is the appropriate criterion. Any assessment should look at the nuisance to residents likely to be caused by the construction works balanced against the impact on the builder of any restrictions. This does not appear to have been done in this case as the Report simply makes the general statements that restrictions on working hours would not usually be imposed on "such minor development" and that conditions for noise and dust control are not considered "reasonable given the limited and short-term impact the construction phase will have." The report does not consider whether there are any factors particular to the development site that might make the normal approach inappropriate in the specific circumstances. The necessary balancing process does not, therefore, appear to have been carried out. In this case the initial work will be one of excavating down to road level and disposing of very large quantities of soil and possibly even rock. It will likely

involve machinery and be a large, noisy and potentially dirty operation and, without restrictions, such activity can take place at any time and in any manner. The Parish Council does believe this to be acceptable to local residents.

The Parish Council notes that the planning permission which has been granted includes a condition requiring the submission and approval in writing of a Construction Management Plan (CMP) which *“must include details of areas for the storage of plant and materials used in constructing the development which is clear of the highway”*. There is no indication of what other aspects of the construction process the CMP will cover, but the Parish Council requests that it should, at the very least, also encompass the following:

- The highway to be kept swept and clear of debris, mud, dust etc during the course of the works
- The use of dust suppression measures during the course of the works in order to protect the amenity of nearby residents
- That the contractors are required to observe legal and any industry codes of practice requiring them to liaise with local residents prior to carrying out aspects of the work which will impact on their daily lives such as the temporary closure of the road/need to divert traffic, interruption to power supplies and availability of parking

**Given the location of the site and its very close proximity to nearby dwellings on both sides of the road, and the potential for disruption to many residents' daily lives, the Parish Council requests that it be consulted on and involved in the development of the CMP before it is signed off.**

The Parish Council requests that its complaints, as set out above, be investigated and responded to, and that it be provided with the documents which it has requested. It also requests that the Council accedes to its request to be consulted on and involved in the development of the CMP before it is signed off.

**Yours sincerely**

**Councillor D Amsden,  
Chairman**