



**Minutes of Additional Parish Council Planning
Meeting held on Monday 8th April 2024
At Leeming Village Hall, Leeming**

Present

Parish Councillors: Cllr M Curry; Cllr C Capel; Cllr O Robinson; Cllr A Bowes;
Cllr F Stead; Cllr K Temple

County Councillor:

Clerk / Others: S Nicholson (Clerk); 6 Resident.

Item Ref

Detail

23/24

124) Welcome and Apologies

The Chair opened this meeting and welcomed everyone.

Apologies accepted from:

- Cllr J Weighell

125) Declarations of Interest

Nothing declared.

126) Planning

To consider and discuss:

1. ZB23/00923/FUL

- Awaiting Planning Decision

2. ZB24/0069/FUL

A Steel portal framed agricultural grain store.

John Weighell

- Site Visit 11th March
- Planning Committee meeting 14th March

The Clerk stated that an amended application had been received on Friday which was too late to put on the agenda.

Now GRANTED

The Clerk stated that she had received an apology from Planning regarding the very short notice for the amendments to this application. The reason was that they were so minor they did not feel that that a full consultation was required.

3. ZB24/00589/FUL
Construction of Four Detached Dwellings
Land Off Exelby Lane Leeming North Yorkshire
FW & JA Herbert

The following observations / comments were allowed by the Chair from the public:

- a) Margaret
The application has a number of inaccuracies and the Noise from A1(M).
- b) David
The data that was used was from 2019 and is completely out of date because of the implementation of the A1(M).
The noise from the very large fencing is likely to bounce back onto various properties already having to deal with excess noise pollution. It has already been agreed that the noise levels for the whole of the village is above the legal limit.
Flooding due to inadequate sewage / water drainage systems.
- c) Karen
No notifications to neighbours about the application
Flooding which is already a major issue within the village with Yorkshire Water.

**There was full discussion on a draft paper and the agreed parts was drafted up and sent to Planning as an objection to the application.
See Appendix a**

NOT Supported unanimous

4. ZB24/00514/FUL
Change of use of existing office building to an Annexe
27A Roman Road Leeming Northallerton North Yorkshire
Yvonne Dockray

The observations / comments recommendations were not in support of the application because it was open to abuse as a detached separate building that could be potentially sold separately at a later date. It was also very close to the RAF boundary. If the application is granted there should be stipulation that this could not be sold as a separate property and the size increased.

Not Supported Unanimous

5. ZB24/00567/FUL
Proposed replacement extension to main dwelling and change of use from ancillary dwelling to domestic garage & storage.
Hillview Londonderry Northallerton North Yorkshire
Mr & Mrs Watson

Supported No Objection

Meeting closed at 8.15pm

Signed by Chair:

Dated:

**Exelby, Leeming and Londonderry Parish Council
Response to Planning Application:**

ZB24/00589/FUL

**Construction of Four Detached Dwellings
Land Off Exelby Lane, Leeming, North Yorkshire**

Though the time available for the Parish Council to debate this application in the required manner, ie the legal necessity of providing notification to residents as to the discussion and decision making process, the following statement is given to respond to this application.

The council notes the following differences between this application and the previous application for the building of dwellings on this site (18/02323/OUT):

- the number of dwellings being reduced from five to four:
- the layout being in linear form rather than a small cut de sac form:
- movement of the acoustic fence to the south and west boundary of the development as opposed to being further from the development:
- the raising of this acoustic fence from 2m to 2.4m:
- the dwellings to be 1 and 1.5 storeys high and not two storey;
- the adoption of Saddington Taylor (ST) as the authors of the "Planning Design & Access Statement" who also act as the authors of the same papers for (planning application ZB23/00923/FUL for a development in

Leeming which is highly contested by this parish council and to date has not been approved.

A pincer movement it seems.

1.0 Errors, issues and assumptions arising from the planning statement submitted by Saddington Taylor on behalf of the FW & JA Herbert

- 1.1 The planning history for this site began in 2018 and not 2020 as stated (ST 3.1.1)
- 1.2 The statement that all other aspects of the former application were considered acceptable. This is an assumption only since the then Hambleton District Council locked onto the issue of noise only though this parish council had raised the issues of flooding, drainage and sewage as well as noise (parish council objection submitted on 20/12/18) as did other objectors.
- 1.2 Saddington Taylor state that "...in consideration of other matters the Inspector (The Planning Authority) noted the benefits of the proposed development (ST 3.1.3) which is not what was written by the Inspector. He actually wrote:

"...such a development COULD enhance rural communities and MAY

support services...” (our capitalisation of words)

(Appeal decision from The Planning Authority, 24/5/21, item 10)

- 1.4 There is an assumption that this development is needed and is also necessary for the development of Leeming (ST 6.1.12) But in doing so Saddinton Taylor fail to acknowledge the Inspectors further words:

“However the Council (HDC) details that there is a significant existing supply of land for housing...” (Appeal decision from The Planning Authority, 24/5/21, item 10)

- 1.5 This may be a deemed a Windfall site which has “unexpectedly” become available for development.

However, it is in reality a small plot of land at the northern edge of an agricultural field that lies along an existing, defunct road that once lead to the field owner’s main land holdings via a bridge which was removed with the upgrading of the A1.

This field has continued to be used for agricultural purposes by the owner and subsequently by contractors.

It is claimed that this is a small and seemingly insignificant development of four dwellings, however it is known by many in the village that the owner wishes to divest himself of this field due to his future retirement and it being removed from his main farm interests.

Should this application be successful it would be an opportunistic and underhanded approach to development within Leeming as the remaining part of the field would then have precedence for future development.

This would represent larger scale development by stealth.

- 1.6 This site is NOT neighboured by existing housing development to the north (ST 3.1.6). This mis-information relates to a planning development (ZB23/00923/FUL) that has not yet been agreed and is highly contested by both the parish council and residents.

2. The issue of Noise

- 2.1 The issue of noise was the main factor for the refusal of the initial planning application for this site leading to the applicant’s appeal which was refused by The Planning Authority (14/4/2021).

The issue of noise remains a concern for this parish council.

- 2.2 In putting forward their findings in relation to noise NjD (the authors of the report) have:

- used simplified models (NjD 4.4.2)
- refuted the finding of an earlier noise assessment due to the measurements being taken during “unsuitable weather conditions” and

that “.minor uncertainties and assumptions have been made...” in relation to wind speed and direction (NjD 4.3.7).

However, wind speed, direction and unsuitable weather conditions cannot be dismissed as they will continue to prevail throughout time.

- 2.3 **Whilst dismissing the findings of previous noise assessments it is curious to find that NjD have used the results of previous findings to support this current application.**

It is clear that the findings in their paper (NjD Environmental Associates, Feb 2024) which accompanies their Noise Assessment for this site are a direct copy of those provided in 31/1/2020 for the previous application for this site.

Rather disingenuous to say the least.

- 2.4 It is worth noting that during the upgrading of the A1 residents were advised that the noise from the new road could increase in volume over time and this should be reported.

This was done after 18 months when the parish council, at the request of residents, reported the matter to Highways England, as the noise level had increased. The A1 is now significantly noisier than ever before and given the increase in traffic this will continue.

3. **Making the Noise levels acceptable**

- 3.1 It is acknowledged by Saddington Taylor and NjD that the noise levels above those recommended by the WHO (1999 Guidance Levels) cannot be achieved on this site and have put forward measures to make the noise levels acceptable.

- 3.2 In order to assist in achieving the required levels in gardens it is proposed that:

- a) a 2.4m acoustic fence be built on the south and west boundary of the development.
However, it is questionable as to the impact of this measure both on the occupiers who will have rear gardens that will be bounded by an extremely high fence (especially Plot 4).
- b) Exelby Lane is currently, and will continue, to provide a place where residents exercise their dogs and take short strolls to break their day and to exercise. This acoustic fence will be visible to all and will be posing and obscure the open view of the area beyond the dwellings.

- 3.3 It is further stated that deliberate design decisions have been taken . to “... - discourage the use of the front gardens for activities...” (ST 7.1.9).

This strategy seems extreme and assumes that occupiers will conform with this discouragement. This is disingenuous and unacceptable.

3.4 In relation to internal spaces - living and sleeping spaces - NjD accept that the majority of noise sensitive rooms within the development would not achieve internal guidance levels with windows open. The recommendations are for levels of 35dB, but the modelled levels that will be achieved range from 48 - 54dB with a maximum of 59 - 64dB during the daytime. That is 13 - 19dB and for the maximum 24 - 29dB above recommendations. For bedrooms the night-time recommendations are for levels of 30dB which would give a higher ranges above recommendations.

This is important in the consideration of approving this development.

The proposal is to make use of trickle vents to eliminate the need for open windows.

However the following should be taken into account:

- humans will be humans and to expect the occupiers to refrain from opening windows in their home during hot weather is a wish or desire by developers but cannot be demanded of them - it is almost certain that windows will be opened;
- the MoD supplied a type of trickle vent to homes in Leeming which proved to be inadequate and occupiers open their windows both during the day and night.

3.5 What is overlooked in this issue of internal ventilation is the fact that we are still in the throws of a global pandemic -

“It is widely acknowledged that the pandemic is ongoing...”
UK Government’s Independent Report (published 16/11/22)

The WHO (Coronavirus disease COVID-19: Ventilation and Air Conditioning 2021) and the UK Government Independent Report both recommend the free flow of fresh air to maintain healthy environments.

In the UK Government Guidance “Ventilation to reduce the spread of respiratory infections, including COVID-19” (4/3/2021) the need for open windows in dwellings is given as paramount to the wellbeing of occupiers.

NjD inform that they made use of ProPG Guidance on Planning and Noise.

However this guidance was given in 2017. The pandemic and the later guidance of the UK Government and the World Health Organisation of 2022 and 2021 respectively should and must hold precedence.

4. Flooding

4.1 NjD’s survey states that the standing water gathers in “puddles” and refute any notion of flooding and “cross boundary” flow of flood water.

Historically this field has flooded and crossed boundaries flooding into Exelby Lane, Mill Lane and Sycamore Lane. The occupier of Dunelm House, 15 Mill

Lane, who's land runs alongside the development site, outlined such occurrences in her Objection notice (lodged 26/11/2018) for the first planning application. To determine the opposite is therefore counter to fact.

The proposed dwellings would be in direct line for any inflow of flood water from the field.

5. Drainage

5.1 As with the planning application for land to the west of Sycamore Lane there are plans for storage tanks on this development though detail is missing. It is questionable if they would be fit for purpose given that the vents and tank could easily be filled with silt from the overflow of water from the field.

5.2 Yorkshire Water have agreed that the system will cope with the extra sewage and drainage needs of the site. But Yorkshire Water seem to forget the amount of work they are having to cope with in Leeming as emergencies are occurring more and more frequently with roads being dug up along Roman Road to help solve the existing problems that are occurring due to antiquated infrastructure.

Occurrences of back flow of sewage into gardens and toilets continues in several locations in Leeming

Recently there has been a collapse of the system in Roman Road, and let's not consider a system failure akin to that at Leeming Bar.

CONCLUSION

This Parish Council strongly opposes and objects to the planning proposals that have been presented for the Construction of Four Detached Dwellings on Land Off Exelby Lane, Leeming, North Yorkshire (ZB24/00589/FUL) on the grounds of:

- Flood risks in the vicinity of the development;
- Drainage and lack of infrastructure to cope with the development;

But our most significant objection lies with the issue of noise pollution for the inhabitants of these proposed dwellings.

To refer back to the Appeal Decision from The Planning Authority (24/5/2021):

- "Therefore, I find that it has not been demonstrated that the proposed development would provide adequate living conditions for future occupiers, with particular regards to noise. The appeal scheme is therefore contrary to
- Policy CP21 of the Core Strategy and Policies DP1 and DP44 of the
- Development Policies DPD and Paragraph 170 of the Framework"

This Parish Council would argue that this statement still stands in relation to this new application.

We urge North Yorkshire Council to refuse planning permission for this application