

Planning Committee

29 November 2022

Variation of Condition 1 (Approved Plans) Attached to Planning Permission 18/00826/FULL - Amendments to Facilitate the Following Changes, Material Change, New Elevations, Boundary Changes - Garden Sizes Reduced to Accommodate Steep Levels Changes to the Entrance Requested by Planning and Highways, Variation of Approved Plans to Facilitate the above Changes

**Land South of Gough Road
Catterick Garrison
North Yorkshire**

Report of the Planning Manager

**Hipswell
Key Decision = N**

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|---|---|----------------------------------|--------------------|
| Date Application Received: | 11 February 2022 | Target Date for Decision: | 13 May 2022 |
| Applicant: | Megan Scarisbrick | | |
| Agent (where applicable): | | | |
| View Application Documents, Consultation Responses, Representations Received and Other Background Papers Online: | https://documents.richmondshire.gov.uk/planning/planning-documents?SDescription=22/00113/VAR&viewdocs=true | | |

1.0 Purpose of the Report and Decisions Sought

- 1.1 To set out details of the proposals, a description of the site and its surroundings, a summary of planning policy and planning history, details of views expressed by consultees, a summary of the relevant planning issues and a recommendation to assist the Committee in considering and determining this application for planning permission.

2.0 Background and Details of the Proposal

- 2.1 This Variation of Condition application seeks to change and update some of the documents that were approved under condition no. 1 of planning application 18/00826/FULL¹. This condition relates to the list of documents and plans that were

¹ The Application which is now being varied (Ref no: 18/00826/FULL)

considered by Members and agreed at the Committee meeting held on 07 September 2021. The scheme seeks to deliver 29 dwellings at a site on the south of Gough Road at Catterick Garrison.

- 2.2 In essence, the proposed changes involve.
- The use of different materials and minor changes to elevational treatments.
 - Changes to plot boundaries / sizes (to accommodate steep changes in level).
 - Changes to the entrance, as requested by the Local Highway Authority.
 - Changes to drainage as a result of changes to highways and surfacing.

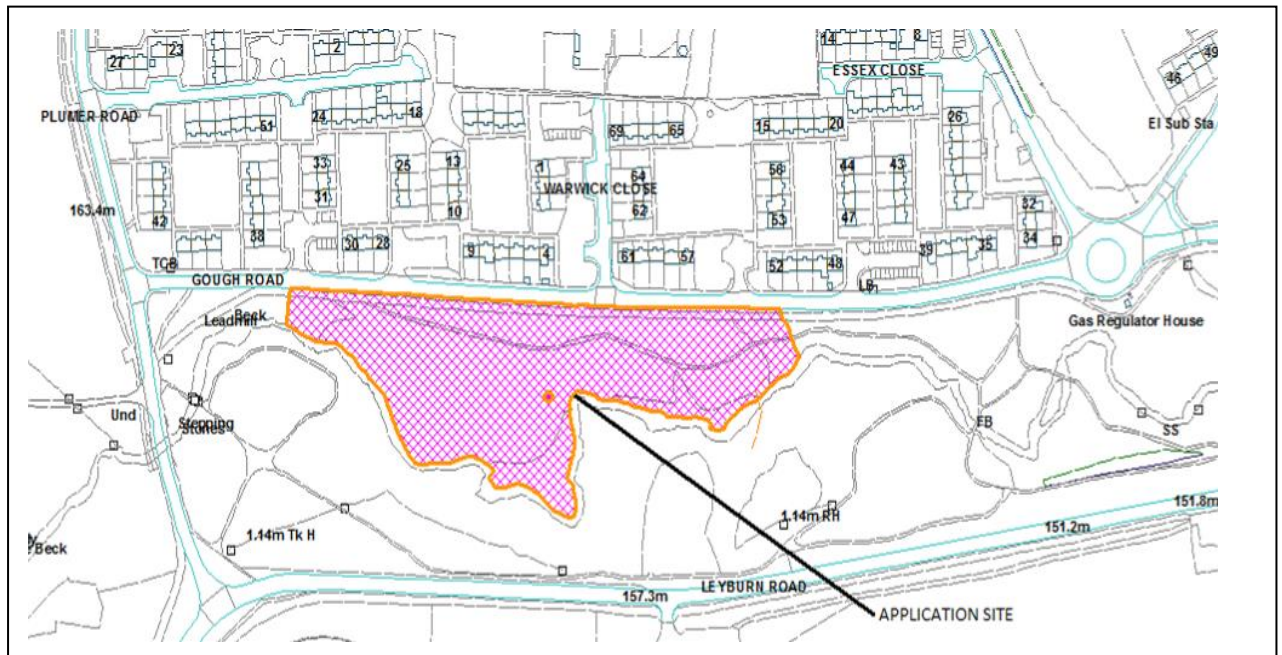
These are considered in detail under “Planning Matters” in section 7 of this report.

- 2.3 The dwellings are to be faced with a combination of red and buff bricks. The dwellings are traditional in form and appearance with simple elevational treatments.
- 2.4 The site has been the subject of several applications for residential development, starting with an outline consent² that was granted in August 2014 for residential development of up to twenty-five dwellings. This scheme included a mechanism that secured 30% affordable housing provision.
- 2.5 A viability assessment that was considered as part of the current approved scheme¹ demonstrated that it would not be possible to provide the usual expected affordable housing contribution. However, the assessment did factor-in a contribution for school place provision of £98,571, which was no longer required due to a change in how NYCC calculates new developer contributions. The applicant subsequently agreed that the sum could instead be used as a financial contribution towards the provision of affordable housing.
- 2.6 In addition to the affordable housing contribution, the applicant also agreed to pay a contribution of £16,000 to be used by the Parish Council to maintain the Local Area of Play (LAP) that the applicant is to install within the central area of open space on site.
- 2.7 A copy of the revised site layout plan is available for Members to view at **Appendix 1**, and copies of the revised housetype plans and elevations are available to view at **Appendix 2**. All other documents are available to view as required through the ‘Public Access’ area (in the “Documents” section) of the Council’s web site using the link at the beginning of this report.

² Application Ref No 14/00133/OUT

3.0 Description of the Site and Surroundings

3.1 Site Location:



3.2 The application site is former Ministry of Defence land located towards the west end of Gough Road, Catterick Garrison. It lies on the southern side of the road, just to the east of Plumer Road. It comprises an irregular area of land, which is bound by woodland along the Leadmill Beck to the south which also encloses the eastern and western boundaries. Facing the site, on the opposite side of Gough Road, are existing two storey dwellings.

3.3 The site measures around 1.56Ha and is currently set as amenity grassland with approximately 23 trees within the site and a further group of trees situated to the south, forming part of the wider woodland. An informal footpath runs towards the front of the site and a shared footway and cycleway passes along the frontage of the site on Gough Road.

4.0 Planning Policies

Richmondshire Local Plan 2012/2028 Core Strategy

4.1 The following policies of the Local Plan Core Strategy are relevant in considering this application:

SP1: Sub Areas

SP2: Settlement Hierarchy

SP3: Rural Sustainability

SP4: Scale and Distribution of Housing Development

SP5: Scale and Distribution of Economic Development

Central Richmondshire Spatial Strategy

CP1: Planning Positively

CP2: Responding to Climate Change
CP3: Achieving Sustainable Development
CP4: Supporting Sites for Development (with reference to Saved Policy 23 of the Local Plan 2001)
CP5: Providing a Housing Mix
CP6: Providing Affordable Housing
CP11: Supporting Community, Cultural and Recreation Assets
CP12: Conserving and Enhancing Environmental and Historic Assets
CP13: Promoting High Quality Design
CP14: Providing and Delivering Infrastructure

National Planning Policy Framework (As Revised – July 21021)

4.2 As a means of achieving sustainable development and alongside the presumption in favour of sustainable development, the following specific sections of the document are relevant in considering this proposal:

- Achieving Sustainable Development
- Decision-Making
- Delivering a Sufficient Supply of Homes
- Promoting Healthy and Safe Communities
- Promoting Sustainable Transport
- Making Effective Use of Land
- Achieving Well-Designed Places
- Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Conserving and Enhancing the Natural Environment

National Planning Practice Guidance

4.3 The nPPG complements the aforementioned National Planning Policy Framework in terms of how the NPPF should be implemented in practice. The nPPG can be a material consideration in the decision-making process. The following categories of the nPPG are considered relevant in the consideration of the proposal:

- Climate Change
- Design: Process & Tools
- Determining a Planning Application
- Effective Use of Land
- Flood Risk and Coastal Change
- Housing and Economic Land Availability Assessment
- Housing and Economic Needs Assessment
- Housing Supply and Delivery
- Land Affected by Contamination
- Light Pollution
- Natural Environment
- Noise
- Open Space, Sports & Recreation Facilities, PROW & Local Green Space
- Planning Obligations
- Renewable & Low Carbon Energy
- Use of Planning Conditions
- Viability

5.0 Planning History

5.1 The following planning history is relevant to the consideration of the current application:

- 5.2 Application Reference: 14/00133/OUT
Application Description: Outline application for up to 25 residential dwellings (C3), new access from Gough Road, children's play area, landscaping, drainage works and ancillary works.
Decision: **Approved**
Determination Date: 21 August 2014.
- 5.3 Application Reference: 15/00603/FULL
Application Description: Full planning permission for the erection of 29 no. 2, 3 and 4-bedroom two storey residential dwellings and associated works
Decision: **Refused**
Determination Date: 31 March 2016.
(Decision was subsequently appealed & dismissed)
- 5.4 Application Reference: 16/0041/FULL
Application Description: Full Planning Permission for the Erection of 27 No 2, 3 and 4 Bedroom Two Storey Residential Dwellings and Associated Works.
Decision: **Refused**
Determination Date: 10 May 2017.
- 5.5 Application Reference: 18/00826/FULL¹
Application Description: Full Planning Permission for 29 No 2, 3 and 4 Bedroom Two Storey Residential Dwellings and Associated Works (As Amended)
Decision: **Approved**
Determination Date: 13 December 2021.
- 5.6 As explained in 2.5 – 2.6 above, a Section 106 legal agreement was entered into by the applicants, on the scheme¹ which is being varied, which secured contributions for the following:
- £98,571 towards affordable housing
 - £16,000 to be used by the Parish Council to maintain the LAP that the applicant is to install within the central area of open space on site.
- 5.7 With the above in mind, it is important to remember the applicant has already agreed to contribute towards the above matters by entering into a s106 agreement and as this application is seeking to vary a condition of this approval there is no requirement to enter into a deed to vary the s106 agreement, which will continue to be legally binding.

6.0 Consultations Undertaken and Representations Received

- 6.1 The application has been publicised in accordance with the provisions set down in the Town and Country Planning (General Development Procedure) Order 2015. All representations submitted in relation to the consultation (and any required reconsultation) are available to view in full within the “Documents” section of the application on Public Access. A summary of all representations received (where comments made are material planning considerations) are provided below:
- 6.2 **Parish/Town Council:** No comments received.
- 6.3 **Ward Member(s):** No comments received.
- 6.4 **Highway Authority:**
Have no objections to the revised plans, which feature minor changes to the geometry and layout of the highways.
- 6.5 **Environmental Health:**
Have considered whether the amendments to the planning application would have any impact upon amenity or if they would be likely to cause any nuisance. They consider that the impact would be low and have no objections in principal.
- 6.6 **Lead Local Flood Authority.**
Have no objection to the changes submitted.
- 6.7 **Neighbours/Local Residents :** A total of 1 letter of objection has been received from a local resident following consultation on the application. In summary, their concerns relate to tree protection measures on site and to traffic and parking problems. These matters are considered in detail in section 7 of this report. All representations are available to view in full within the “Documents” section of the application on Public Access.
- 6.8 **Publicity:** In addition to neighbour notifications, the proposal has been further publicised by way of site notices and a newspaper advertisement. The period for representations to be made in response to these has now expired.

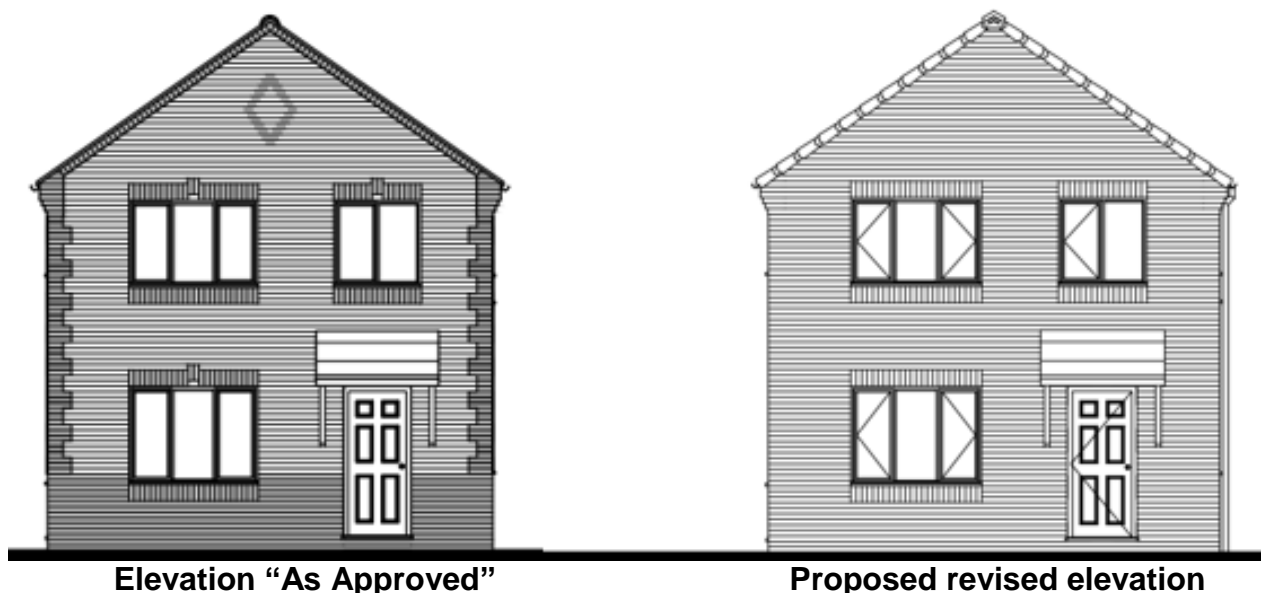
7.0 Planning Matters

Policy Considerations

- 7.1 The full list of relevant policies that have previously been considered during the determination of the extant scheme¹ are set out in Section 4 above. These remain unchanged. As planning permission has already been granted for a twenty-nine dwelling residential development, it is not considered necessary to revisit all of those policies, only those which could have been affected by the changes, namely CP3, CP4 and CP13.
- 7.2 CP3 is concerned with achieving sustainable development and supports proposals for sustainable forms of development which promote (amongst other things): the health, economic and social well-being, amenity and safety of the population; the character and quality of local landscapes and the wider countryside; the distinctive, character, townscape and setting of settlements, and the historic, environmental and cultural features of acknowledged importance.

- 7.3 CP4 relates to supporting sites for development: Paragraph 3.e. states that development should be consistent with the requirements of Core Policies, and should not cause significant adverse impacts upon amenity or highway safety.
- 7.4 CP13 seeks to promote the high quality design of both buildings and landscaping in all development proposals. Support will be given for proposals that (amongst other things):
- a) Provide a visually attractive, functional, accessible, and low maintenance development.
 - b) Respect and enhance the local context and its special qualities, including its design features, landscape, social activities, historic environment, and national and locally recognised designations.
- 7.5 Consideration of the changes to scheme.
- The use of different materials and new elevational treatments.
In terms of the changes in proposed materials, this has arisen due to there being difficulties within the supply chain for materials. Since the pandemic, material shortages and long lead in times have become increasingly common.

The replacement brick and tiles to be used are of a similar colour and texture to those that were originally approved and are therefore considered to be an acceptable alternative. In terms of design/detailing, the changes are relatively minor and involve the loss of the contrasting brickwork and quoin detailing on the corners of some of the front elevations, as shown overleaf. It is also noted that window frames are to be anthracite grey in colour, as opposed to white and on balance, it is not considered that such changes would be harmful to the overall appearance or quality of the scheme. Therefore, it is considered that the revisions will deliver a more contemporary aesthetic, which may indeed be more appealing to potential purchasers.



- Changes to plot boundaries / sizes (to accommodate steep changes in level)
The revised plans also show the length of many of the rear gardens throughout the development as being reduced in length, as shown below:

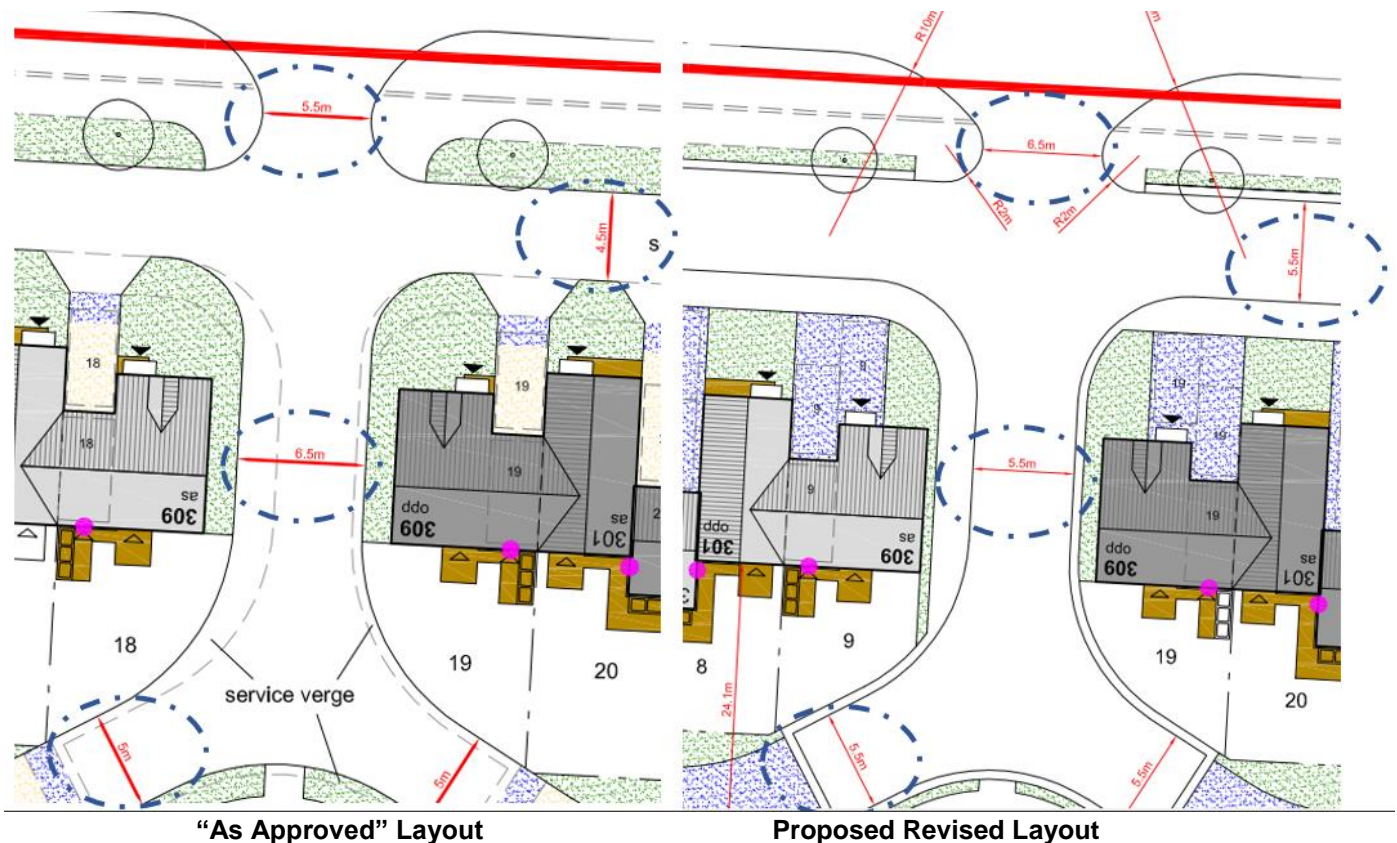


The applicant has advised that this is to help better manage changes in level throughout the woodland to the rear. Upon review, it is also noted that the drawings are annotated to advise that this woodland (outwith the dwelling plots), would now be maintained by the management company, which has to be appointed as stipulated in the s106 agreement that the applicant has entered into.

On balance, such an arrangement would be preferable than to have the woodland areas lying entirely within the rear gardens, as it would help provide greater control over the retention of these trees. If the trees were to end up within private gardens, (as per the plans already approved¹), it is inevitable that they would come under increasing pressure to be removed in their entirety, rather than being carefully managed by a competent company, which could be achieved via the imposition of a condition.

It is noted that the objection received (in March 2022) raised concerns over works that were being undertaken to trees on site and claimed that these works appeared to be happening without the grant of planning permission. However, the extant scheme¹ was approved December 2021, with Condition 10 stipulating that works should be carried out in full accordance with the recommendations of the Tree Survey that accompanied the submission. Part of these recommendations included the removal of eighteen trees, most of which were located along the roadside frontage to the site and would have been too close to the new dwellings. It is understood that these trees were the ones that were being removed at the time and as such, were expected to be removed as part of the proposals.

- Changes to the entrance to the site.
The final changes relate to alterations to the highway layout around the site, which has been adjusted a number of times following input from highway engineers. The main differences include minor changes in carriageway and footpath widths and to the geometry of the site access, as can be seen in the images below:



Overall, these changes will make it easier for vehicular movement throughout the site and as such have been considered to be acceptable by the Local Highway Authority.

It is noted that the objection received raised concern over traffic and parking problems. However, the Parking Statement that was submitted previously demonstrates that the amount of parking proposed is more than adequate to serve the development and explains that pedestrian, cycling and public transport access would be safe, convenient, attractive, and linked to existing networks. Furthermore, the revised layout details have been examined by the

Highways Authority, who are satisfied that both during the construction phase and upon occupation that the development would not negatively impact the highway network.

- 7.6 Taking all of the above matters together, the proposed changes presented in the revised drawings are considered acceptable and accord with Policy CP3 with regards to amenity and safety, Policy CP4, with regards amenity and CP13 with regards design of buildings and landscaping.

Other Matters

- 7.7 With regards noise, drainage etc, these all remain as per previously considered and remain generally acceptable in principle. Environmental Health and the LLFA have considered the revisions from their respective positions, and both have no raised no objections to the changes. It is also important to remember that in terms of the other twenty-seven conditions attached to the extant planning permission¹, these will all remain “as is”, with a number of these requiring the submission of further details. Such matters will be considered in the usual way via “discharge of conditions” submissions to be considered and determined by the case officer.

The Public Sector Equality Duty

- 7.8 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.

8.0 Conclusions

- 8.1 The application relates to the substitution of plans that have been previously agreed by Committee and granted planning permission at the meeting held on 07 September 2021.
- 8.2 The substituted details generally maintain the principles already agreed and still reflect the expectations of the original consideration of the application, without having any significant adverse impacts. If anything, the revised proposals are considered to bring improvements over the details previously approved.
- 8.3 In terms of the applicant’s obligations to make a contribution of £98,571 towards affordable housing and £16,000 to maintain the Local Area of Play (LAP) that the applicant is to install on site, these still stand. A deed of variation to the s106 agreement will be required to link this application to that agreement. The applicants have confirmed that they are happy with such an arrangement and the matter is currently being dealt with by the Councils legal representatives
- 8.4 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.

9.0 Recommendation

9.1 That Members approve the variations to condition number 1 of planning permission 18/00826/FULL for the reasons stated within section 8 above. This will involve making the following changes to condition 1:

- Revised Landscaping Plan (SD.100.20) Rev L to be replaced by 525-GLE-SD.100.20 Rev S Landscaping Plan
- Revised Detailed Site Plan (SD.100.01) Rev M to be replaced by 525-GLE-SD.100.01 Rev T Detailed Site Plan
- Plot Drainage Sheet 1 of 2 (STE/15/07/04/01) and Plot Drainage Sheet 2 of 2 (STE/15/07/04/02) to be replaced by 18276-D200 Proposed Drainage Plan Rev 4
- Revised Adoption Plan (SD.100.30) Rev K to be replaced by 525-GLE-SD.100.30 Rev Q Adoption Plan
- Revised Boundary Treatment Plan (SD.100.10) Rev L to be replaced by 525-GLE-SD.100.10 Rev T Boundary Treatment Plan
- Construction Management Plan, November 2018 to be replaced by 1049 Construction Management Plan Rev 1
- House Type 401 (401/1G) replaced by 21-401-U-0001_Planning
- House Type 309 (309/1E) replaced by 21-309-U-0001_Planning
- House Type 307 (307/1B) replaced by 21-307-U-0001_Planning
- House Type 304 (304/1E) replaced by 21-304-U-0001_Planning
- House Type 301 (301/1G) replaced by 21-301-U-0001_Planning
- House Type 202 (202/1F) replaced by 21-202-U-0001_Planning
- House Type 201 (201/1F) replaced by 21-201-U-0001_Planning

9.2 Should the Committee resolve to grant the variation of condition 1, it should be noted that this will result in a fresh decision notice (numbered 22/00113/VAR) being issued that will effectively replace the one issued on 13 December 2021. Informative notes placed on the new decision notice will make it clear that the 3 year implementation period runs from the date of the original decision¹ and that the applicant will still be required to fulfil their obligations set out in the s106 agreement that they have already entered into, which will be varied to incorporate this variation. Moving forward, the applicant will be advised to make reference to this application, 22/00113/VAR, when making any further submissions, to discharge conditions etc.

9.3 Delegated authority to officers is sought for the imposition of any other conditions in addition to the following list of recommended planning conditions within Section 10 below, and/or any minor amendments to the wording of the recommended planning conditions listed below. In any of these situations, the planning permission would then only be issued after agreement with either the Chair or Vice Chair of the Planning Committee regarding the proposed additional and/or amended planning conditions.

10.0 Recommended Planning Conditions

10.1 Should Members resolve to grant the variation of condition; the following planning condition (with reasons) is recommended to replace the original condition 1 on 18/00826/FUL. The new decision notice to be issued (22/00113/VAR) will also contain all of the other 27 conditions originally imposed on 18/00826/FUL. For reasons of brevity, only the revised condition is set out below.

Condition 1: 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 certificate
- b) Site Location Plan (SD.000.01)
- c) House Type 21-401-U-0001_Planning
- d) House Type 21-309-U-0001_Planning
- e) House Type 21-307-U-0001_Planning
- f) House Type 21-304-U-0001_Planning
- g) House Type 21-301-U-0001_Planning
- h) House Type 21-202-U-0001_Planning
- i) House Type 21-201-U-0001_Planning
- j) 525-GLE- SD.100.30 Rev Q Adoption Plan
- k) 525-GLE- SD.100.20 Rev S Landscaping Plan
- l) 525-GLE- SD.100.10 Rev T Boundary Treatment Plan
- m) 525-GLE- SD.100.01 Rev T Detailed Site Plan
- n) Detached Garage Details (Single) (SD700) Rev A
- o) Boundary Details Post and Wire Fence (SD103) Rev B
- p) Boundary Treatments, Timber Fence (SD-100) Rev D
- q) External Works Sheet 1 of 2 (STE/15/07/03/01
- r) Engineering Layout (STE/15/07/01
- s) External Works Sheet 2 of 2 (STE/15/07/03/02
- t) Garage Drive Details (SD712) Rev G
- u) Terraced Garage Details Double (SD703) Rev B
- v) 18276-D200 Proposed Drainage Plan Rev 4
- x) Planning Statement dated November 2018
- y) Affordable Housing Statement dated November 2018
- z) Geo-Environmental Appraisal Report, June 2015
- aa) Design and Access Statement, November 2018
- bb) 1049 Construction Management Plan Rev 1
- cc) Strategy for Remedial Works, July 2015
- dd) Ecology Report, August 2018
- ee) Tree Survey, August 2018
- ff) Parking Statement, November 2018
- gg) Site Waste Management Plan, November 2018
- hh) Sustainability Statement, November 2018
- ii) Email correspondence from agent regarding LLFA response dated 26 Oct 2021
- jj) Email correspondence received from agent with latest engineering designs/reports dated 8 November 2021
- kk) Flood Risk and Drainage Statement, Y18004/FRA/1 dated September 2018
- ll) Hydraulic Calculations, 18276-MD-100+CC+ Urban Creep dated Nov 2021
- mm) Flood Routing Plan, Rev 2, 18276-D202 dated November 2021, and
- nn) Drainage Details - Rev 1, 18276- D07 dated 08 February 2021

Reason for Condition

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.

11.0 Further Information

File Reference: 22/00113/VAR

Appendices: Appendix 1: 525-GLE- SD.100.01 Rev Q Detailed Site Plan
Appendix 2: Revised Housetypes

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