

**Meeting:** Richmond (Yorks) Area Constituency Planning Committee

**Members:** Councillors David Hugill, Heather Moorhouse (Vice-Chair), Stuart Parsons, Karin Sedgwick, Angus Thompson, Steve Watson and David Webster (Chair).

**Date:** Thursday, 11th January, 2024

**Time:** 10.00 am

**Venue:** Swale Meeting Room, Mercury House, Station Road, Richmond, DL10 4JX

Members of the public are entitled to attend this meeting as observers for all those items taken in open session. Please contact the named democratic services officer supporting this committee if you have any queries.

Recording is allowed at Council, committee and sub-committee meetings which are open to the public. Please give due regard to the Council's protocol on audio/visual recording and photography at public meetings. Anyone wishing to record is asked to contact, prior to the start of the meeting, the named democratic services officer supporting this committee. We ask that any recording is clearly visible to anyone at the meeting and that it is non-disruptive.

The Council operates a scheme for public speaking at planning committee meetings. Normally the following people can speak at planning committee in relation to any specific application on the agenda: speaker representing the applicant, speaker representing the objectors, parish council representative and local Division councillor. Each speaker has a maximum of three minutes to put their case. If you wish to register to speak through this scheme, then please notify Sarah Holbird, Democratic Services Officer by midday on Monday, 8 January 2024.

If you are exercising your right to speak at this meeting, but do not wish to be recorded, please inform the Chairman who will instruct anyone who may be taking a recording to cease while you speak.

This meeting is being held as an in-person meeting that is being broadcasted and will be available to view via the following link [Richmond \(Yorks\) Area Planning Constituency Committee via Teams](#). Following the meeting a recording will be available at [Live meetings | North Yorkshire Council](#). Please contact the named democratic services officer supporting this committee if you would like to find out more.

## Agenda

1. **Apologies for Absence**
2. **Minutes for the Meeting held on 14 December 2023** (Pages 5 - 10)  
To confirm the minutes of the meeting held on 14 December 2023 as an accurate record.
3. **Declarations of Interests**  
All Members are invited to declare at this point any interests, including the nature of those interests, or lobbying in respect of any items appearing on this agenda.
4. **ZD23/00564/FULL - Full Planning Permission for Proposed Development to Erect a New Community Building including Food Preparation Areas and Attached Multi-Use Space 1912 sq. m (use class E and F1), a Covered External Canopy 444 sq. m, Creation of new Public Square and Mini-Plaza (1724 sq. m), Car Parking and Delivery Bay, External Plant Room, Bin Store and Covered Cycle Shelter, 6.0m High Lighting Columns and Building Mounted Lighting, 2.0m High Perimeter Fencing and Gates, Removal of Trees, Associated Earthworks, Hard and Soft Landscaping and to include Demolition of Buildings on Site at Land to the East of 42-44 Richmond Road, Catterick Garrison for North Yorkshire Council Assistant Director Community Development Services** (Pages 11 - 40)  
Report of the Corporate Director – Community Development Services
5. **ZB23/02177/FUL - Proposed detached bungalow and parking at 94 Crosby Road, Northallerton, DL6 1AG for Capital Yorkshire Ltd** (Pages 41 - 50)  
Report of the Assistant Director Planning – Community Development Services
6. **22/00143/MRC - Application for variation of condition 10 (affordable housing) following grant of appeal APP/G2713/A/14/2223624 of 14/00337/OUT, where reference is made to 50% affordable housing delivery this requires amending to 30% and 21/01877/MRC - Application for variation of condition 2 (approved plans to allow for the inclusion of 5no bungalows to the East boundary and affordable provision for the site to be reduced to 30% - new plans submitted for planning layout, footpath locations, boundary treatment drawings, materials layout, street scenes, and typical sections) following grant of planning permission ref: 16/02756/REM for Reserved matters submission for details of layout, scale, appearance and landscaping for residential development of 225 dwellings as per amended plans received by Hambleton District Council on 15 May 2017 at Tanton Fields Development, Land to the North and West of Woodlands Walk, Tanton Road, Stokesley for Tilia Homes** (Pages 51 - 88)  
Report of the Assistant Director Planning – Community Development Services

**7. Any other items**

Any other items which the Chair agrees should be considered as a matter of urgency because of special circumstances.

**8. Date of Next Meeting**

10.00am, Thursday, 8 February 2024, venue to be confirmed (either Civic Centre, Stone Cross, Rotary Way, Northallerton or Mercury House, Station Road, Richmond)

Members are reminded that in order to expedite business at the meeting and enable Officers to adapt their presentations to address areas causing difficulty, they are encouraged to contact Officers prior to the meeting with questions on technical issues in reports.

**Agenda Contact Officer:**

Sarah Holbird, Democratic Services Officer

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Wednesday, 3 January 2024

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## North Yorkshire Council

### Richmond (Yorks) Area Constituency Planning Committee

Minutes of the meeting held on Thursday, 14th December, 2023 commencing at 10.14 am at Civic Centre, Stone Cross, Rotary Way, Northallerton.

Councillor David Webster in the Chair, plus Councillors Bryn Griffiths (as substitute for Councillor Stuart Parsons), David Huggill, Heather Moorhouse, Yvonne Peacock (as substitute for Councillor Angus Thompson) and Steve Watson.

Officers present: Trevor Watson - Assistant Director Planning, Bart Milburn - Planning Manager, Ian Nesbit - Senior Planning Officer, Kelly Dawson - Senior Lawyer Business and Environment and Sarah Holbird – Democratic Services Officer.

Apologies: Councillors Stuart Parsons, Karin Sedgwick and Angus Thompson.

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**Copies of all documents considered are in the Minute Book**

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#### **70 Apologies for Absence**

Apologies noted (see above).

#### **71 Declarations of Interests**

There were no declarations of interest.

Note: The Chair adjourned the meeting at 10.16am to allow the Committee to read the additional documentation that had been circulated prior to the meeting and reconvened at 10.20am.

#### **72 Minutes for the Meetings held on 9 and 17 November 2023**

The minutes of the meetings held on Thursday, 9 and Friday, 17 November 2023 were confirmed and signed as accurate records.

#### **Planning Applications**

The Committee considered reports of the Assistant Director Planning – Community Development Services relating to applications for planning permission. During the meeting, Officers referred to additional information and representations which had been received.

Except where an alternative condition was contained in the report or an amendment made by the Committee, the condition as set out in the report and the appropriate time limit conditions were to be attached in accordance with the relevant provisions of Section 91 and 92 of the Town and Country Planning Act 1990.

In considering the report of the Assistant Director Planning – Community Development Services regard had been paid to the policies of the relevant development plan, the National Planning

Policy Framework and all other material planning considerations. Where the Committee deferred consideration or refused planning permission the reasons for that decision are as shown in the report or as set out below.

Where the Committee granted planning permission in accordance with the recommendation in a report this was because the proposal is in accordance with the development plan, the National Planning Policy Framework or other material considerations as set out in the report unless otherwise specified below. Where the Committee granted planning permission contrary to the recommendation in the report the reasons for doing so and the conditions to be attached are set out below.

**73 22/01334/OUT - Application for outline planning permission with some matters reserved (appearance, landscaping, layout and scale) for the construction of 35 dwellings including conversion of existing barn and 4 self-build plots together with associated Highway Works, New Open Space, Play Area and Public Car Parking and Demolition of a dwelling (As Amended) at School Farm, 17 Station Road, Great Ayton for Mr and Mrs Ward**

Considered :-

The Assistant Director Planning – Community Development Services sought determination of a planning application for outline planning permission with some matters reserved (appearance, landscaping, layout and scale) for the construction of 35 dwellings including conversion of existing barn and 4 self-build plots together with associated Highway Works, New Open Space, Play Area and Public Car Parking and Demolition of a dwelling (As Amended) at School Farm, 17 Station Road, Great Ayton for Mr and Mrs Ward

Geoff Tilling spoke objecting to the application.

Ron Kirk spoke on behalf of Great Ayton Parish Council objecting to the application.

The applicant/applicant's agent, Jonathan Saddington, spoke in support of the application.

During consideration of the above application, the Committee discussed the following issues:-

- The impact of the development on the traffic within the village due to the lack of parking resulting in on-street parking which reduces the width of the roads.
- The access to the development.
- The heritage impact associated with the views from the nearby public footpath and Captain Cooks monument.
- The reduced size of the site and its proportionality within such a large village.
- The proposed planting scheme.

The Decision :-

- (a) That the Committee were **MINDED TO GRANT** outline planning permission subject to receiving a positive recommendation from Natural England, and subject to the conditions as set out in section 12 of the report as amended, and the additional conditions shown below, with delegated authority given to Officers to approve the outline planning permission and impose any planning condition(s) recommended by Natural England.

Outline permission is subject to the completion of a Section 106 agreement with terms as detailed in Table 2 of the report and including the requirements to secure biodiversity net gain and the future maintenance of the associated created habitats.

- (b) That the reserved matters application be determined by the Richmond (Yorks) Area Constituency Planning Committee.

### Voting Record

A vote was taken with 3 for and 3 against. The Chair gave their casting vote in favour and the motion was declared carried.

### Amended Conditions

#### Condition 9

The requirements for Biodiversity Net Gain and future maintenance of habitats and biodiversity enhancements can be more appropriately secured through a Section 106 agreement, therefore Condition 9 within Section 12 of the Officer report is removed with its requirements instead included within the requirements of any future Section 106 agreement.

### Additional Conditions

#### Condition 23: Detailed Plans of Road and Footway Layout

Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structure which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority.

The development must only be carried out in compliance with the approved engineering drawings.

Reason: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.

#### Condition 24: Construction of Adoptable Roads and Footways

No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation.

The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

Reason: To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.

#### Condition 25: Details of Access, Turning and Parking

There must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- vehicular, cycle, and pedestrian accesses;
- vehicular and cycle parking;
- vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear, and;

- loading and unloading arrangements.

No part of the development must be brought into use until the vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

#### Condition 26: Delivery of Off-Site Highway Works

The following schemes of off-site highway mitigation measures must be completed as indicated below:

- Improvement works to the site access and adjacent carriageway/footway/lining works as indicated on drawing 2201901 Rev A

For each scheme of off-site highway mitigation, except for investigate works, no excavation or other groundworks of the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119-Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.

A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.

Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

Reason: To ensure that the design is appropriate in the interests of the safety and convenience of highway users.

Condition 27: No development for any phase of the development must commence until a Construction Management Plan for that phase 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 Construction Management Plan.

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. Details of any temporary construction access to the site including measures for removal following completion of construction works;
2. Wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
3. The parking of contractors' site operatives and visitor's vehicles;
4. Areas for storage of plant and materials used in constructing the development clear of the highway;
5. Measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;



6. Details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
7. Protection of carriageway and footway users at all times during demolition and construction;
8. Protection of contractors working adjacent to the highway;
9. Details of site working hours;
10. Erection and maintenance of hoardings including decorative displays, securing fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
11. Means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
12. Measures to control and monitor construction noise;
13. An undertaking that there must be no burning of materials on site at any time during construction;
14. Details of external lighting equipment;
15. Details of ditches to be piped during the construction phases if any;
16. A detailed method statement and programme for the building works; and
17. Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity.

Condition 28: The development shall not commence until a Design Code has been submitted to and approved in writing by the Local Planning Authority in respect of the approved self-build/custom build plots. The Design Code shall explain its purpose, structure and status and set out the mandatory and discretionary elements where the Design Code will apply, who should use the Design Code, and how to use the Design Code. The subsequent reserved matter application(s) shall accord with details of the approved Design Code, and be accompanied by a statement which demonstrates compliance with the Code.

Reason: To ensure high quality design and coordinated development in relation to the approved self-build/custom build plots in accordance with Policies HG2 and E1 of the Local Plan.

Condition 29: The existing stone wall sited on the boundary between the application site and the property of The Joinery to the north shall be retained in situ insofar as the visibility and other-related recommendations within the submitted Stage 1 Road Safety Audit can be achieved. Details of any changes to the wall, including alterations to its height, length and positioning, shall not be undertaken within the changes being submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the impact on the character and appearance of the Conservation Area and on neighbour amenities are mitigated as much as possible in accordance with policies S7, E1, E2 and E5 of the Local Plan and the NPPF.

#### **74 Any other items**

There were no urgent items of business.

#### **75 Date of Next Meeting**

10.00 am, Thursday, 11 January 2024 (venue to be confirmed, either Civic Centre, Stone Cross, Rotary Way, Northallerton or Mercury House, Station Road, Richmond).

The meeting concluded at 11.35 am.

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## North Yorkshire Council

### Community Development Services

#### Richmond (Yorks) Area Constituency Planning Committee

11<sup>th</sup> January 2024

**ZD23/00564/FULL - Full Planning Permission for Proposed Development to Erect a New Community Building Including Food Preparation Areas and Attached Multi-use Space 1912 sq. m (use class E and F1), a Covered External Canopy 444 sq. m, Creation of new Public Square and Mini-Plaza (1724 sq. m), Car Parking and Delivery Bay, External Plant Room, Bin Store and Covered Cycle Shelter, 6.0m High Lighting Columns and Building Mounted Lighting, 2.0m High Perimeter Fencing and Gates, Removal of Trees, Associated Earthworks, Hard and Soft Landscaping and to Include Demolition of Buildings**

**At: Site on Land to the East of 42-44 Richmond Road Catterick Garrison.**

#### **Report of the Corporate Director – Community Development Services**

<p><b>1.0 PURPOSE OF THE REPORT</b></p> <p>1.1 To determine a planning application for Full Planning Permission for Proposed Development to Erect a New Community Building Including Food Preparation Areas and Attached Multi-use Space 1912 sq. m (use class E and F1), a Covered External Canopy 444 sq. m, Creation of new Public Square and Mini-Plaza (1724 sq. m), Car Parking and Delivery Bay, External Plant Room, Bin Store and Covered Cycle Shelter, 6.0m High Lighting Columns and Building Mounted Lighting, 2.0m High Perimeter Fencing and Gates, Removal of Trees, Associated Earthworks, Hard and Soft Landscaping and to Include Demolition of Buildings on Site on Land To The East Of 42-44 Richmond Road Catterick Garrison.</p> <p>1.2 This application has falls outside the current Scheme of Delegation, as has been submitted on behalf of the Council for development.</p>
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## **2.0 SUMMARY**

**RECOMMENDATION:** That planning permission be **GRANTED** subject to conditions listed below and the completion of a legal agreement, to secure the highways financial payments.

- 2.1 Following the submission of a successful funding bid to HM Government for Levelling Up Funding (LUF), this application seeks Full Planning Permission for the erection of a new community building, multi-use space, covered external canopy and creation of public square and mini-plaza, off Shute Road, Catterick Garrison. There would be three new main building structures erected – a Community and Enterprise Centre (CEC); multi-purpose event space and external canopy. The area immediately around the proposed structures would be landscaped and a car park and south-facing growing area created towards the southern end of the site. In providing an accessible link from the proposed development to the existing Town Centre off Richmond/Gough Road, a ramp with central steps and public plaza would be created on the western side of Shute Road.
- 2.2 Improvement to the parkland to the east is also proposed including new play areas.

- 2.3 The application site is located centrally within Catterick Garrison and comprises approximately 7.2 ha of land, which includes an area of established open woodland and parkland to the east (known as Coronation Park). The Princes Gate Shopping Centre, Tesco supermarket and Catterick Leisure Centre are located within the vicinity (west), as well as Aldi supermarket which lies to the immediate south of the western part of the application site. All are within walking distance of the application site.
- 2.4 The National Planning Policy Framework (NPPF) 2023 set out that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management, and adaptation. The Richmondshire Local Plan Core Strategy (2012-2028) supports the strategic growth of Catterick Garrison and development projects that will support the local economy and create additional community and recreational assets.
- 2.5 There are a number of commercial buildings within the application site boundary that date back to the 20th century inter-war period, including an auction hall, supermarket and bank and these would be demolished as part of the proposal. These buildings are not listed and their general conditions has reduced over time, however, the loss of these historic buildings is taken into account as part of the overall Planning Balance.
- 2.6 Technical matters, such as drainage, flood risk and heritage (the total loss of buildings that are considered to be undesignated heritage assets, as well as impact on the setting of a building that has been put forward for potential listing) have been addressed and it is expected that any outstanding highways and ecology matters can be dealt with via the application of suitably worded conditions (subject to further formal re-consultation with the relevant technical consultees, update to be provided in Supplementary Update Report).
- 2.7 Having had regard to all relevant issues and material considerations, the scheme would deliver a significant economic and community 'hub' as part of the wider regeneration aspirations for this part of Catterick Garrison Town Centre. In weighing up all material Planning issues, the scheme is considered to be in accordance with policies CP1, CP2, CP3, CP4, CP7, CP9, CP11, CP12 and CP13 of the Development Plan and the NPPF.

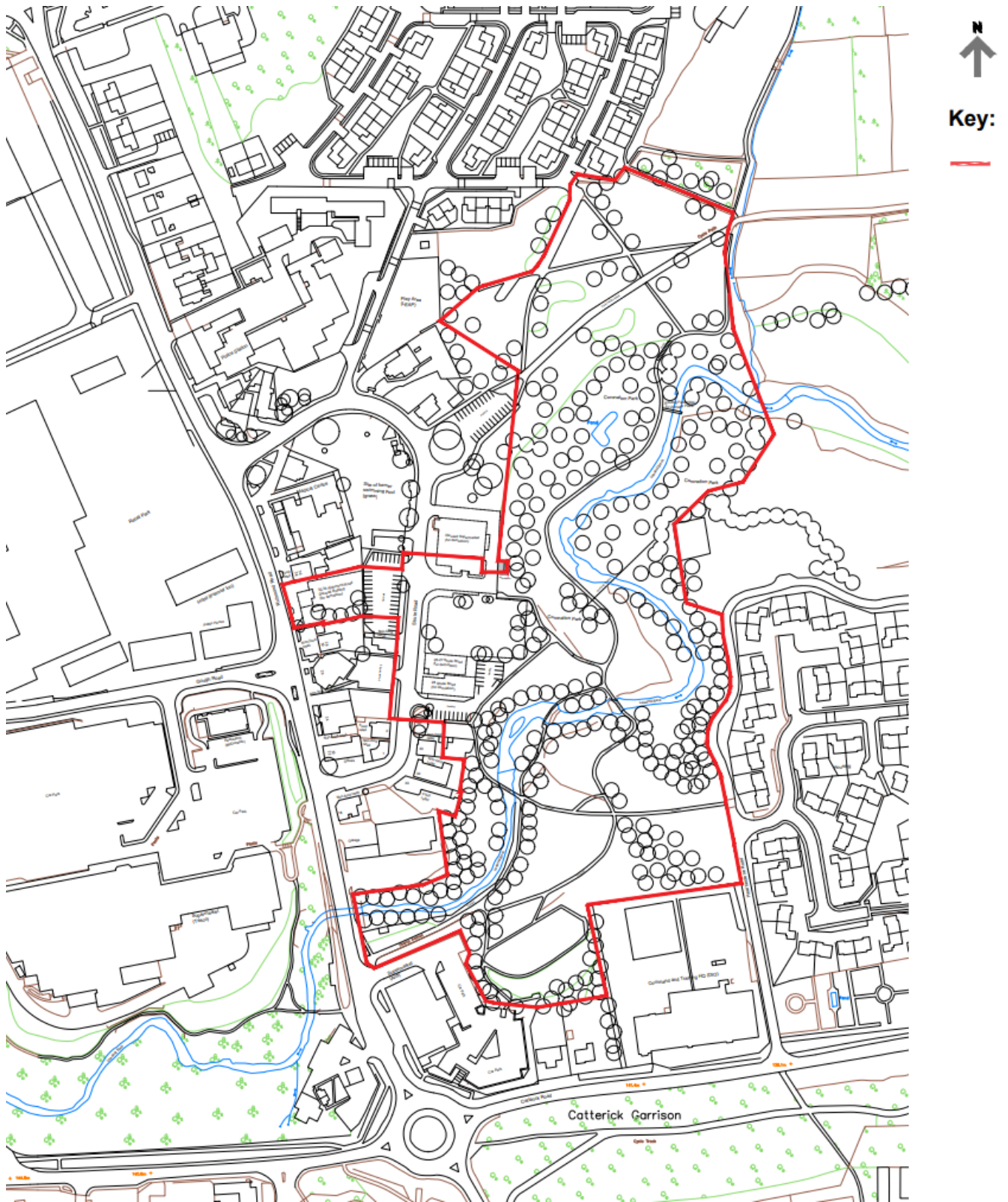


Figure 1: Location Plan Extract

### **3.0 PRELIMINARY MATTERS**

3.1 Access to the case file on Public Access can be found here:

[Online Documents](#)

3.2 Pre-application advice was provided earlier this year and dealt with all material planning matters as well as validation requirements for the submission of a formal application.

3.3 There have been no recent relevant Planning Applications within the application site boundary in recent years, however, the application forms part of wider ongoing plans for Catterick Garrison Town Centre. The redevelopment of this wider area most recently began with application ref. 13/00353/FULL which was for Full Planning Permission for Mixed Used Scheme Comprising Development of Retail Units (7,312sq. m.), 60 Bed Hotel, 5 Screen Cinema, Food and Beverage Outlets (3,703 sq. m.), Car Parking, New Access Road, Highway Works and Landscape Works, granted 10<sup>th</sup> October 2013. This new shopping area, known as 'Princes Gate', lies on the western side of Richmond Road but within walking distance of Shute Road and the application site. A further application was submitted in 2014 (ref. 14/00025/FULL) to amend the cinema elements of the previously approved scheme.

### **4.0 SITE AND SURROUNDINGS**

4.1 The application site is located within Catterick Garrison Town Centre, which lies approximately 3 miles to the west of the A1, connected by the A6055 and A3136 (Catterick Road), linking the Town Centre to key settlements within the three main Sub Areas of the Spatial Strategy.

4.2 The application site itself comprises approximately 7.2 ha of land, which includes an area of established open woodland and parkland to the east (known as Coronation Park). In the western section of the site is Shute Road including buildings 26-27, 28, 32-34 and part of a disused supermarket and would be demolished as part of the proposals. The area immediately north of no. 26-27 is currently grassed and there is an existing footpath to the south of 28 Shute Road that provides a link to existing routes within the park.

4.3 The Princes Gate Shopping Centre (that was the subject of original planning decision ref. 14/00025/FULL, as referred to above), Tesco supermarket and Catterick Leisure Centre are located within the vicinity (west), as well as Aldi supermarket which lies to the immediate south of the western part of the application site. All are within walking distance of the application site.

4.4 The application site is openly accessible by foot and by vehicles, with access to Shute Road possible from two points along the eastern side of Richmond Road. Vehicular access to the existing car park on the western side of Shute Road is not possible from Richmond Road, although there is currently a pedestrian footpath that runs between buildings nos. 30 and 32 Richmond Road.

4.5 Leadmill Beck runs through part of the application site, within Coronation Park, entering the site from the west (north of Cherry Avenue) and leaves the site towards the north eastern end of the site, just beyond an existing footbridge.

4.6 Below ground utility alignments are evident throughout, including an above ground pipe that crosses the beck to the east of the site (recorded as a 'sewage pipe' on historical mapping). There are also existing residential properties within the vicinity, both in and around Shute Road and also around the perimeter of Coronation Park.

## 5.0 DESCRIPTION OF PROPOSAL

5.1 This application seeks Full Planning Permission for the erection of a new community building with multi-use space, covered external canopy, creation of public square and mini-plaza and associated car parking all off Shute Road, Catterick Garrison. The development also proposed a new accessible route/link through from Richmond Road and improvement to the parkland forming the east park of the application site. In order to allow for the proposed development, four buildings would be demolished. The development would significantly contribute towards the regeneration of Catterick Garrison Town Centre.

5.2 The three new main and connected building structures that are proposed would be set out as follows:

### Catterick Community and Enterprise Centre (CCEC)

5.3 The CCEC (also referred to as a Community and Enterprise Building) would be a three-storey building that would occupy a central location within the site. This building would have a gross internal floorspace of 781 sqm.

5.4 The ground floor would contain five small permanent food retail concession “pods”; a small reception office; foyer and toilets and plant and equipment rooms. The second floor proposes to provide community uses including: training kitchen; multi-purpose space; second open-plan shared community space with office suites; a communal tea point/kitchenette and storage areas. Except for a communal area for tea/coffee making and ‘break-out’ space, the second floor would be used for office space and the creation of small office suites, to be made available for let to business start-ups, sole traders and small companies.

### Multi-purpose Event Space

5.5 The second building structure that is proposed would be an all year-round enclosed multi-purpose events space, measuring approximately 260 sqm in gross internal floorspace and would connect to the CCEC through glazed bi-fold doors in the main foyer. Examples of the types of events the space could be used for would include exhibitions, book fairs, an indoor market, film shows/performance art and as a wedding venue.

### External Canopy

5.6 The third building structure proposed would be a lightweight steel glazed outdoor canopy forming two sets of dual pitched roofs, that would provide approximately 444 sqm of undercover protection from adverse weather. This would be intended as a flexible space that could be used on seasonal and community demand and offer a space for events such as outdoor markets (something that the area currently lacks at present).

5.7 External finishes for buildings are proposed as predominantly facing brickwork and zinc cladding panels, that would be applied to the roof and continue down into elevations below, and powder coated aluminium for windows and doors. Each structure would have the following dimensions (H x W x D):

- CCEC Building – 15.0m x 18.5m x 39.0m
- Multi-Event Space – 9.5m x 12.5m x 27.0m
- Canopy – 15.5m x 5.5m x 29.0m

5.8 Around the three new building structures would be 26 new car parking spaces (including 2 disabled) along with motor cycle parking. The proposal includes covered cycle storage to the south end of the new building(s) for 24 spaces within the first bay for building occupiers and 24 no. in the second bay for visitors. The visitor store would include 4 e-cycle charging points



together with 8 no. Electric Vehicle (EV) charging points (4no. doubles serving pairs of bays) within the car parking area. Emergency and delivery vehicles would have access to a layby at the south-west of the Community and Enterprise Building and removable bollards in the proposed square would allow vehicular access to the northern side of the building, public realm and existing sewer network.

- 5.9 The scheme includes highways improvements by narrowing Shute Road to make it more attractive to non-motorised vehicles and upgrading/resurfacing of existing footpaths both within and immediately around the application site area. There would also be improvements outside of the application site within the adopted highways as part of wider plans for the area, such as changes to the existing crossing point on the Richmond Road/Gough Road junction and the creation of a toucan crossing point in place of the existing puffin crossing.
- 5.10 The existing car park and a former cycle shop that fronts onto Richmond Road, nos. 32-34 Richmond Road would be demolished and redeveloped into an accessible route that would comprise a ramp (to cut across the gradient) and a central stair route. The eastern end of the route would open onto a public plaza, intended to encourage opportunities for community activities and informal recreation/performance, as well as providing a physical link from Richmond Road to the new Civic Square and community buildings.
- 5.11 Within Coronation Park, alterations to existing footbridges, resurfacing of existing footpaths and cycle ways (including a new cycle route linking the proposed public square to the existing cycle route that leads to the north east of the site) and resurfacing works to a portion of Shute Road within the application site boundary are proposed.
- 5.12 The scheme includes both hard and soft landscaping to create new attractive public realm and add to the existing park area. Some of the key elements of the submitted landscape strategy would be to provide “trail” or wayfinding opportunities and activities, such as sensory routes and an introduction to foraging. Part of the area that immediately surrounds the main building structures would include a south-facing Growing Area and Community Garden Space (320 sqm).
- 5.13 Within Coronation Park the applications proposes: a Toddler Play Area, Toddler Hedgehog Play Area, Junior Play Area, Active Play Area, Woodland Play Area, Skate Park and Accessible Seating Area.
- 5.14 As well as the completed application form, full plans and signed certificates, the application was accompanied by:
- Flood Risk Assessment and Drainage Strategy;
  - Ground Investigation Report and Land Quality Assessment;
  - Landscaping Strategy Energy Statement;
  - Noise Impact Assessment;
  - Waste Management Strategy;
  - Arboricultural Impact Assessment;
  - Acoustic Assessment;
  - Lighting Plan;
  - Ventilation and Extraction Statement;
  - Engineering Layout;
  - Air Quality Assessment;
  - Archaeological Assessment;
- 5.15 Information that has followed since submission includes Heritage Impact Statement; Preliminary Ecological Appraisal (PEA); Biodiversity Net Gain calculations, a Method Statement for Demolition and there have been some minor changes to window/louvre



positions on main elevations on account of technical design development. At the time of writing this report, additional ecological surveys and highway information is still expected. Members will be updated on these matters prior to the meeting.

## 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
- Guidance - Material Considerations

6.3 Relevant guidance for this application is:

- National Planning Policy Framework December 2023
- 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 **Hipswell Parish Council:** Support the proposals but wish to draw attention to the concerns raised by Yorkshire Water regarding sewage that must be satisfactorily resolved.

7.3 **Scotton Parish Council:** No objections

7.4 **The Byways and Bridleways Trust:** No response received

7.5 **LLFA:** Recommended that the applicant provide further information regarding the flow control flood risk, SuDS implementation and exceedance flows before any planning permission is granted by the LPA.

Since the initial consultation, the applicant has now demonstrated that the proposed overall discharge into Leadmill Beck of 6.6l/s is an overall betterment from the current discharge rate into Leadmill Beck when taking into account the Brownfield areas and submitted an acceptable exceedance plan, showing designed flow routes.

The LLFA have therefore now confirmed that the submitted documents demonstrate a reasonable approach to the management on surface water.

7.6 **Natural England:** No objections

7.7 **NHS:** No response

7.8 **NYC Arboricultural Officer:** No objections, subject to a condition to require the development to implement the approved specification for root protection (Smeeden Foreman Arboricultural Report dated August 2023) fencing and ground protection measures before any materials are brought onto the site and for the protection measures to be maintained until all development is completed.

- 7.9 **NYC Archaeology:** There are a number of commercial buildings dating to the 20th century inter-war period, including an auction hall, supermarket and bank that will be demolished as part of the proposal. Although these buildings are of historic interest, their current condition, alteration in the later 20th century and previous demolition of buildings that would have added group value reduces their significance. This said the authority should take into the account the loss of these historic buildings as part of the balanced decision-making process.

Should permission be granted then I would recommend that a fuller record is made of the following buildings prior to demolition: -

- 28 Shute Road - former Auction Hall, built between 1927 & 1933
- Supermarket, Shute Road - former NAAFI shop, dated 1937
- 42-44 Richmond Road - former Bank, built prior to 1927

The historic building recording should follow the guidance for a Level II survey as set out in Historic England's 'Understanding Historic Buildings: A Guide to Good Recording Practice (2016)'. Consideration could be given to the careful removal of the '1937' foundation stone at the supermarket and 'AUCTION HALL' naming stone for interpretative re-use within the new development. The same consideration could be given to any other historic features revealed during the historic building recording or demolition works.

- 7.10 **NYC Building Conservation:** No comments provided as this is beyond the scope of BC involvement at this stage.
- 7.11 **NY Building Control Partnership:** No response received.
- 7.12 **NYC Business and Community Manager:** The development fully aligns with the Council's Economic Growth Strategy 2024 – 2029 priorities by supporting the creation of flexible workspace and business hubs; developing sites for growth and investment; promoting and enabling innovation and encouraging and assisting start-up businesses with Catterick Garrison. The development will provide a unique venue within Catterick Garrison to create a base for start-up and SME businesses to relocate, provide access to community group spaces and event spaces. The project comprises offices, along with retail outlets and events spaces. The transformation of Shute Road and Coronation Park will provide an attractive and inclusive space to work, meet and socialise allowing for greater integration between the military population and the wider community. There is currently a lack of available small floorplate office, retail and event space in Catterick and the surrounding areas; this is especially true in relation to start up space and small retail space focussed on providing a base for small local food producers and creative companies. This development meets that need.
- 7.13 **NYC Climate Change Officer:** most of the measures suggested, including solar and GSHPs have been included. It's also good to see links to the local cycle infrastructure.
- 7.14 **NYC Ecology:** Biodiversity Net Gains (BNG) calculations were provided post-submission of the application and demonstrated that overall gains for habitat and hedgerow units are to be 10% and 397% respectively. These are considered to be achievable within the proposals which is in accordance with current policy. The Ecologist would like to see the watercourse element included within the calculations and if a loss, then measures would need to be put in place to enhance the watercourse. With regards the BNG, it is recommended that conditions to require a detailed BEMP or LEMP in order to set out the habitat creation, enhancement and management prescriptions and now these will be monitored and managed for a minimum of 30 years. This would usually be secured via a legal agreement.

Similarly, the Preliminary Ecological Appraisal (PEA) assessment were not initially provided and available for review. However, since this time, further surveys have been submitted and

the Ecologist raises no objections, subject to conditions for the CEMP, lighting, BNG and a long-term management plan (to implement the BNG and landscaping).

At the time of writing this report, results of recent badger surveys that were carried out are awaited but are expected in early January. Any response will be the subject of further consultation with the Ecologist and a final recommendation reported at the meeting.

- 7.15 **NYC Environmental Health:** Consider the submitted Acoustic Appraisal to be acceptable, subject to conditions (relating to hours of use 07:00-23:00 hrs; no amplified music in the external canopy area and plant and machinery not exceeding 45 dBA LAeq during the daytime and 41 dBA LAeq during the night (23:00-07:00) in the interests of neighbour amenity. Similarly, no objections are raised in relation to air quality and dust, providing that the measures outlined in the submitted Air Quality report dated 5<sup>th</sup> October (in particular dust control measures and best practice in terms of construction traffic and plant, incorporated into an overall Construction Management Plan (CMP)).

Environmental Health have also considered the report submitted on ground contamination and have recommended that a 'Phase 2' assessment be carried out and submitted for approval prior to the commencement of development.

- 7.16 **NYC Highways:** Required further information on the following aspects: -

- A Transport Statement (TS) should be provided that explains the transport elements of the proposal, including a net trip generation and proposed land uses;
- The TS should set out the car parking proposals and how they accord with current standards. The management of staff and visitor parking should be clarified.
- Staff and visitor cycle parking to be clarified;
- A swept path analysis of the proposed parking provided, particularly for bays 6, 7, 15 and 22 and for the proposed loading bay on Shute Road.
- Clarification of the 'Adopted NYC Highways Zone' as this does not match records
- Removal of (to be) redundant vehicle crossover between building 32-34.
- Clarification of drawing ref. NY2205-APP-XX-XX-DR-D-006-P2 in terms of the toucan crossing
- Need for a 'Cycle Level of Service' (CLoS) and where necessary, a Junction Assessment Tool (JAT);
- Further details required to allow are traffic signal engineering team to assess the proposals. At this stage as a minimum the proposed method of control and number of traffic lanes proposed should be confirmed. Any proposed changes to this junction will need to be supported by local junction modelling.
- Any proposed changes to street lighting within the public highway will need to be reviewed by our street lighting team. The positions of proposed trees/ lighting columns should be reviewed. No trees should be located with 10m of a light column.
- Financial Contribution of £2,500 required to go towards existing traffic Regulation Order (TRO) along Shute Road. A check should be made as to whether the policy bay ought to be relocated as well as £5000 towards the monitoring of a Travel Plan.

- 7.17 **NYC PRoW:** Identifies a public right of way which runs within or adjoining the application site. Provides standard advice on where a development may impact on a public right of way.

- 7.18 **Police Designing Out Crime Officer:** In relation to designing out crime, the design and layout of this proposal has taken the principles of crime prevention through environmental design into consideration. It is considered that it accords with the core principles and design objectives set out in the National Planning Policy Framework in respect of developments creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

7.19 **Waste and Streetscene Manager:** No response.

7.20 **Yorkshire Water:** initially objected to the application, as it appeared from the submitted site layout that new tree planting would be sited within 5 metres of the public sewerage system located within the site.

Further details have been submitted on behalf of the applicant in seeking to address the objections, that have now allowed Yorkshire Water to remove their objection and recommend a condition to be attached to any Planning Permission granted (to ensure the development is carried out in accordance with submitted plan "DRAINAGE LAYOUT" NY2205-APP-92-XX-DR-C-2500-S1 rev, P02).

7.21 **Yorkshire Wildlife Trust:** No response received.

7.22 **British Horse Society:** No response received.

7.23 **North Yorkshire Local Access Forum:** *In the introduction to the project paper, 'increased cycle paths and secure cycle storage is mentioned', but there are no further details of how much storage there will be and nothing indicated on the plans provided. In fact, the Forum would advise cycle racks be provided at more points within the development area otherwise any claim to 'improve access by non-car mode' in Policy C11 rings hollow. The Design and Access section states that the car park is designed for 26 vehicles, a number which seems totally inadequate if it includes disabled parking and plenty of electric charging points, as this should cater not just for those working in the offices and setting up the events that are expected such as pop-ups and small artisan fairs, but also for the public. When Coronation Park was created in the Garrison 2000 Millennium plan, the paths were intended for shared cycle use to create a multi-user sustainable link between Hipswell and the Garrison centre, so the fact there is only one north/south connection on your plan does not reflect an imaginative improvement, but rather a loss of amenity, and we would like to see at least another what is termed footpath in this report widened for wheelchair and cyclist use. We support the need to depart from standard for the bridge as suggested. Unfortunately Richmondshire's Local Plan has not been updated since 2014 and does not adequately reflect the latest National Planning Policy Framework with its emphasis on Access for All providing Best Value in the cause of health and wellbeing. When it comes to the detailed design phase, we hope there will be plenty of seating throughout the development and maybe an area with tables too of wheelchair-friendly design of course.*

7.24 **The Ramblers:** *We welcome the improvements including the goal of providing both north-south and east-west links. The aim of the plan should also be, not only to provide "communication links" but also to create an environment which makes walking an enjoyable, as well as safe, experience. Ramblers welcome the planned improvements to both the existing multiuser paths as well as improvements to the pedestrian only paths and have no objection to the provision of multi user paths, providing there are separate clearly signed and marked ways for walkers and cyclists and a good network of pedestrian only paths, which in isolation provide an excellent communication and recreation facility.*

*We continue to have concerns that the plans have been developed largely from a cycleway perspective. We would be reassured if the documents included a separate plan and statement of the specific network of pedestrian only paths including demonstrating that there is a complete east-west and north-south pedestrian only routes. Ramblers regret any evidence of input to the plans from North Yorkshire Council's Access team.*

*Finally, a technical point...Is there a reason why most of footpaths in Catterick are not dedicated rights of way?*

7.25 No local representations have been received from residents or business'.

## 8.0 ENVIRONMENT IMPACT ASSESSMENT (EIA)

8.1 The development falls within Schedule 2 Category 10(b) Urban Development Projects of The Environmental Impact Assessment Regulations 2017 (as amended) and exceeds threshold (iii) due to the site being over 5ha. As such the Council as Local Planning Authority have screened the development and found that it is not EIA development and no Environmental Statement is required to be submitted with the application. The Screening Checklist which acts as the report and decision is available to view on the Council's website. Nothing has changed since the Screening Decision and it is still effective for the Committee Decision. No conditions are required to rule of a likely significant environmental effect.

## 9.0 MAIN ISSUES

9.1 The key considerations in the assessment of this application are:

- Principle of development
- Community and Economic Benefits
- Highways, Access and Parking
- Layout
- Design, Visual Impact and Landscaping
- Ecology and Biodiversity
- Drainage and Flood Risk
- Trees
- Residential Amenity
- Archaeology
- Heritage
- Other Matters – Demolition and Contamination

## 10.0 ASSESSMENT

### Principle of Development

10.1 The NPPF set out that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. The NPPF emphasises the commitment to securing sustainable economic growth in order to create jobs and prosperity with *significant weight* being given to this factor. New developments generating significant amounts of transport movement should take opportunities to deliver sustainable transport modes; provide safe and suitable access for all people; and bring cost effective solutions to significant transport impacts arising from the development.

10.2 The NPPF also attaches great importance to the design of the built environment which is a key aspect of sustainable development contributing positively to making places better for people. New developments should:

- function well and add to the overall quality of the area for the lifetime of the development;
- be visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- establish or maintain a strong sense of place;
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 10.3 At the local level, spatial strategy for the central sub-area supports the strategic growth of Catterick Garrison and the delivery of town centre development including development that :
- creates a balanced and thriving town centre with excellent services and facilities;
  - protects and enhances the vitality and viability of the Garrison town centre and its 'Principal Town' role;
  - provides for District and local needs;
  - enables the provision of services and facilities that can be shared with Richmond;
  - integrates with local communities;
  - provides the required transportation infrastructure and improves sustainable transport connections with neighbouring communities and between the two centres of Richmond and Catterick Garrison; and,
  - provides high quality development and public realm.
- 10.4 Policy CP13 promotes high quality design including sustainable construction principles which policy CP14 expects developments to provide, or enable the provision of, the infrastructure made necessary by that development.
- 10.5 The application is for the demolition of under used/ vacant buildings and the development off a community centre, new public realm including plaza and enhanced park land will regenerate an area that is currently run down and this is supported by Core Policy CP3 of the Local Plan. Having regard to this; the Town Centre location of the application site as a whole and the fact that the site falls within the Catterick Garrison and Strategic Direction of Growth Area, the development would comply with and facilitate the realisation of the Richmondshire Local Plan 2012-2028 Core Strategy with specific regard to Policies SP1, SP2, CP3 and The Central Richmondshire Spatial Strategy.
- Community and Economic Benefits
- 10.6 Policy CP11 (Supporting Community, Cultural and Recreation Assets) states that support will be given to development which helps to create additional community and recreational assets (land and buildings) that helps to improve community well-being and encourages social interaction. Policy CP11 also states that new community and recreational assets are expected to locate such buildings/land where they will be well served by public transport and accessible by walking and cycling.
- 10.7 The central location of the application site with an enhanced pedestrian link would provide better connections to Road with Richmond Road and the wider Town Centre (in terms of physical access but also visually), and would benefit from existing road and footpath networks in the local area to ensure good connectivity. This aspect of the scheme would therefore accord with the expectations of CP11.
- 10.8 As well as improvements to parts of Coronation Park, the proposed buildings and associated outdoors space(s) intend to provide an economic and social hub. The ground floor of the proposed Community and Enterprise Centre would be intended as a community space with seating and information boards, public toilets and dedicated Changing Place facility and a direct link to the multi-use events space to the side. The second floor of this building would be given over to entrepreneurs and local start-up businesses. The Business and Community Manager commented that the proposed development would fully align *with the Council's Economic Growth Strategy 2024 – 2029 priorities by supporting the creation of flexible workspace and business hubs; developing sites for growth and investment; promoting and*

*enabling innovation and encouraging and assisting start-up businesses with Catterick Garrison. A unique venue within Catterick Garrison to create a base for start-up would be created and assist small and medium sized businesses to relocate, whilst at the same time providing access to community group spaces and event spaces.*

- 10.9 The scheme is therefore considered to be in line with the expectations of both Core Policies CP7 and CP11 of the Local Plan, which are supportive of the development of the development of mixed use sites and the creation and enhancement of community, cultural and recreational assets.

#### Highways, Access and Parking

- 10.10 As well as being well-located in relation to the road network within Catterick Garrison, the site has connections with the extensive Garrison cycle route network and lies within close proximity to local bus stops with a number of regular bus services that serve the locality. There are also very good pedestrian connections between the town centre as a whole and surrounding areas.
- 10.11 Vehicular access to the site would remain via Richmond Road/Shute Road, however, improvements such as narrowing of Shute Road is proposed in order to create a space that is more attractive to non-motorised vehicle use, cyclists and pedestrians. A loading bay outside of the main CCEC building is proposed, within the highway boundary, and works outside of the application site boundary are to be carried out separately such as works to the southern junction of Shute Road and a review of the existing Traffic Regulation Order (TRO). The latter would extend to the whole length of Shute Road to ensure waiting restrictions are in line with the proposed use of the area.
- 10.12 Although the scheme would involve the reuse of an existing car park on the western side of Shute Road in order to create the accessible link through to Richmond Road, a new car park would be provided to the south of the proposed buildings. The application states that 26 no. car parking spaces are proposed which would include 2 no. accessible spaces and 8 no. EV charging points (4 no. EV cycle charging points).
- 10.13 At the time of writing this report (and as set out in paragraph 7.16 above), the Local Highway Authority have indicated that they are broadly satisfied with the proposals but are seeking clarification, additional information and in some cases, amendment. The agent and applicant's highways consultant have provided the requested information and this has been issued to the Local Highway Authority for comment. It is anticipated that the outstanding matters can be satisfactorily resolved prior to the meeting. Members will be updated via the Supplementary Update Report and/or at the meeting.
- 10.14 Concerns were also raised on behalf of the Local Access forum, in terms of connectivity and cycle provision and the applicant has since met with members of the forum to discuss their response further. The current pedestrian and cycle ways within the park do not currently comply with highway standards but the proposed scheme seeks to improve the existing infrastructure and provide increased amenity for both pedestrians and cyclists (whilst reducing conflict between the two). Covered cycle storage (24 no. spaces for visitors) would be provided to the southern end of the proposed buildings, 4 no. of which would include e-cycle charging provision. Within Coronation Park, alterations to existing footbridges, resurfacing of existing footpaths and cycle ways (including a new cycle route linking the proposed public square to the existing cycle route that leads to the north east of the site) and resurfacing works to a portion of Shute Road (within the application site boundary) are proposed. Additional seating throughout the development would be proposed and the applicant is currently looking at ways in which an accessible seating area could be created within close proximity to the beck. A condition is recommended to agree details of cycle parking to serve the new play areas within the park.

- 10.15 In terms of the financial contributions sought, which are considered necessary in order to contribute towards the monitoring of the Travel Plan and implementation of a TRO along Shute Road, these obligations would be met via a separate legal agreement between NYC and the current landowner. Any recommendation of approval is subject to the relevant legal contracts/agreements being exchanged/completed prior to the issue of any planning decision notice, to ensure the execution of these financial obligations in the interest of highway safety and sustainability. The funding, which equates to £7,500, would be met by NYC as applicant and secured by legal agreement.

#### Layout

- 10.16 The development would involve the demolition of nos. 27 and 28 Shute Road; the Former Londis Building and 32-34 Richmond Road in order to integrate and allow for the proposed new development. The proposed CCEC building would be fairly centrally located on the eastern side of Shute road with Coronation park beyond and a new access ramp to the west to link the newly developed area to Richmond Road and the surrounding Town Centre. Whilst facing north as opposed to having a roadside frontage, the main entrance to the buildings would be accentuated with the 'CCEC' signage and coloured steel feature corresponding with the perforated steel security shutters to the entrances to the Multi-Event Space. Overall, the layout is found to be acceptable and in accordance with Policies CP7 and CP13 of the Local Plan.

#### Building Height, Design and Visual Impact

- 10.17 The CCEC building would be a three-storey structure, with the remaining two structures proposed designed to transition from the most visually solid of the building, through to the glazed structure of the Multi-Events space and then the opaque and light External Canopy. The buildings would be slightly staggered to retain as many trees on site as possible and improve views across to the adjacent Coronation Park and existing mature landscaping within that area. All buildings emphasise a 'gable end' shape at differing scales and heights, starting with the highest at Shute Road and finishing with the smallest towards Coronation Park.
- 10.18 The proposed buildings would be prominent in the streetscene (particularly the CCEC and the demolition of nos. 32-34 Richmond Road, which would 'open up' public views from the A6136 that are currently obscured by buildings) although the land falls away to the east from Richmond Road and so buildings would appear slightly 'set down' from this perspective. Existing buildings that surround the application site are predominantly two storey in height, however, in the wider context there is the fairly recent Town Centre development and hotel on the corner between Gough Road and Richmond Road which are taller.
- 10.19 Buildings would be staggered and the use of facing materials (mainly red-brick to reference the vernacular brickwork within this part of Catterick Garrison and zinc cladding) which would visually 'break up' the massing. The palette would be of a relatively modern, muted appearance with the signage indicatively proposed to be kept to a minimum and in keeping with design principles of the main buildings.
- 10.20 The scale of the building would allow for a range of uses internally and the option to dedicate a floor to each intended use (entrance and foyer, retail units, toilets and Changing Place on the ground floor; community use at first floor, and business uses on the second floor). Having regard to the above and the functional requirements of the site, the building design is considered to be good quality and would improve the urban realm in this locale. The Police Architectural Liaison Officer has commented on the proposal and has confirmed 'no objections' with regards to community safety and the potential for crime and disorder as a material consideration. For all of the above reasons, the building design is found to comply with Policy CP13.



### Ecology and Biodiversity

- 10.21 Whilst the proposed buildings and public spaces would be located in a relatively small area adjacent to Shute Road, the application site as a whole extends to approximately 7.2 hectares, as it encompasses and proposes to make improvements to certain features within Coronation Park.
- 10.22 A Preliminary Ecological Appraisal (PEA) that was later submitted in support of this application provided a tree preliminary roost assessment was carried out and several trees (T1-9) were assessed as having low-moderate potential to support roosting bats. These trees would be affected by the proposed development and should be subject to further surveys, secured by condition, in the form of a climb and inspect survey looking for signs of bat use prior to works (no timing restrictions are applicable to this type of survey). Where a climb and inspect survey is not possible or cavities are too large for thorough inspection, emergence/re-entry surveys would need to be carried out during May-August/September prior to their removal or works which affect these trees.
- 10.23 Leadmill Beck was found to support features that are considered suitable to be utilised by White-clawed crayfish, however, based upon the return of a negative result for white-clawed crayfish and American signal crayfish DNA within the collected water samples, it was considered that white-clawed crayfish are likely absent from the watercourse on site.
- 10.24 Additional badger surveys have also been carried out as recommended in the submitted PEA, however, the results are still awaited and will in turn require further consideration by the Ecologist. As set out above, the results of the surveys are expected in early January and the Ecologist's final recommendation will be reported at the meeting. In all other respects and with the exception of some proposed tree losses, conclusions within the PEA set out that the development of the site would be feasible with minimal impact to biodiversity and potential for biodiversity gains, provided that the recommended mitigation, pollution prevention and enhancement measures are incorporated within the scheme.
- 10.25 One statutorily designated site (Foxglove Covert LNR) is located within 2km of Shute Road/Coronation Park and the site also falls within the Impact Risk Zone for Richmond Meadows SSSI and the North Pennines Dales Meadows SAC. Fifteen non-statutory designated sites are located within 2km of the site. Although not a statutory requirement, Natural England were consulted on the application but raised no objections. Subject to the adoption of pollution prevention measures, to prevent pollution of the watercourse on site and its connected habitats, it was considered that there would be no adverse impact upon any designated sites as a result of the proposed development. Natural England have concluded that the proposed development would not have significant adverse impacts on statutorily protected nature conservation sites or landscapes and therefore, the LPA consider that there would not be a requirement for a Habitat Regulations Assessment for the proposed scheme.
- 10.26 Biodiversity Net Gains calculations and a written assessment were submitted in support of the application. Units obtained for the site post-development, based on retained habitats and habitat creation included within the landscape proposals indicate that a net gain in respect to habitat areas would likely to be achieved with the current scheme with a potential biodiversity net gain of 7.22 habitat units (+ 10.03 % net change). Potential gains of 1.67 hedgerow units (+ 397.76 % net change) are also considered likely. These will be secured via condition. The proposals do not affect Leadmill Beck therefore the river units remain unchanged.
- 10.27 Although the Ecologist is not yet able to submit a full recommendation that includes all ecological constraints (on account of the awaited badger surveys) there are no objections in principle, subject to conditions. At this point, the submission of a Construction Environmental Management Plan (CEMP) is to be required prior to the development taking place (including ground works and vegetation clearance). Having also reviewed the submitted calculations for Biodiversity Net Gains on site, no objections are raised, providing long-term management can

be secured. As the current regulations are not yet mandatory, the Ecologist is satisfied that this can be secured by condition, requiring the submission of a Landscape and Ecological Management Plan (LEMP), to be approved in writing within 6 months of determination.  
Flood Risk and Drainage

- 10.28 The application site is in Flood Zone 1 (low risk from rivers and seas) with localised Flood Zone 2/3 areas in the immediate vicinity to the watercourse, Leadmill Beck, which runs through from the south-western boundary through to the north-eastern boundary of the site, before eventually leading to the River Swale.
- 10.29 For the purposes of the Flood Risk Assessment (FRA), the site was divided into three areas/sites:
- 1) Access/plaza area to the west- discharge to existing drainage infrastructure;
  - 2) Site of the main buildings proposed – discharge to Leadmill Beck
  - 3) Parkland within Coronation Park – discharge to Leadmill Beck
- 10.30 The part of the site being developed with buildings, car parking, roads and external gathering areas are at a low risk of all types of flooding; except one high risk spot and one low risk spot associated with surface water flooding. The Flood Risk Assessment and drainage strategy (FRA) by Align indicates this would be managed by raising finished floor levels and designing exceedance flow routes. The report concluded that any residual risk of surface water flooding should be mitigated by the existing highways drainage within the carriageway and main development drainage, along with the building finished floor levels (FFL) to be raised a min. 300mm above surrounding levels ensuring any exceedance flow routes follow less vulnerable parts of the site. Once the proposed drainage system is constructed for the development, the flood risk from surface water is considered to be low.
- 10.31 The proposed drainage strategy set out to limit the surface water discharge rate to the runoff rates of 9.7l/s, 3.6l/s and 3.0l/s for systems 1, 2 & 3 respectively and install attenuation tanks to provide the necessary attenuation. As the skate park is situated in an area lower than the main building drainage system, a separate drainage system is proposed to avoid pumping water back up to the main tank beneath the proposed car park.
- 10.32 Since then, the applicant has received confirmation that the existing Severn Trent Water sewer within Shute Road confirms outfall of the existing Site 2 (area of main buildings) development to Leadmill Beck and a more realistic existing runoff would be:
- Site 2 Existing Greenfield 0.24ha = 1.4 l/s
  - Site 2 Existing Brownfield 0.27ha = 37.8 l/s (140l/s/ha as per guidance) with 30% betterment = 26.46l/s
  - Site 3 Greenfield 0.03ha = 0.2 l/s
- 10.33 The proposed drainage strategy had been designed so that flooding does not occur on any part of the site for all events up to 3.3% Annual Exceedance Probability (AEP) (1 in 30 years) and so flooding does not occur in any part of a building or utility plant susceptible to water for all events up to 1.0% AEP (1 in 100 years) + 45% climate change allowance.
- 10.34 The LLFA now consider that the proposed overall discharge into Leadmill Beck of 6.6l/s would be an overall betterment from the current discharge rate, when taking into account the Brownfield areas and that this aspect of the scheme is now acceptable. The applicant has also submitted an acceptable exceedance plan, showing designed flow routes. New flow routes would direct excess flows away from buildings and towards Leadmill Beck and this part of the drainage proposals is now also considered to be acceptable.
- 10.35 As set out in paragraph 7.20 of this report, Yorkshire Water initially objected to the application, as it appeared from the submitted site layout that new tree planting may be sited within 5

metres of the public sewerage system located within the site. The agent has since provided additional plans and evidence that have now allowed Yorkshire Water to be satisfied that this would not be the case and have removed the objection.

#### Trees

- 10.36 To facilitate the development the removal of the following is required: 5 x category B (moderate quality) trees, 18 x category C (low quality) trees and 3 x category U tree (low quality). The vast majority of trees will be retained and additional tree planting implemented.
- 10.37 Policy CP12 sets out that the green infrastructure network of the plan area will be protected and, where appropriate, enhanced to provide a high quality, accessible, diverse and well-connected network of green space to meet the needs of the community, businesses and visitors. The key green infrastructure network includes trees which flow through urban areas (particularly Catterick Garrison and Leyburn). To protect green infrastructure trees should be retained particularly high-quality category A trees. Whilst some trees will be removed, the vast majority will be retained and new trees will be planted within the landscape scheme. This arrangement is considered acceptable, facilitating the development whilst removing a small amount of necessary trees and providing good level of replacement trees. The agent estimates that around 85 no. trees (including orchard varieties) plus 30 no. trees around the woodland edge would be planted. However, full details of landscaping and tree planting are to be agreed in writing as part of a condition, in consultation with the Ecologist.

#### Residential Amenity

- 10.38 There are residential properties within the vicinity of the application site, with first floor accommodation above existing business premises, the nearest of which is located above the Eastern District Taylors Retail Shop at no. 6 Shute Road. The NPPF states that significant adverse impacts due to a new development should be avoided and other adverse impact should be mitigated and reduced to a minimum. Based upon the findings of the Acoustic Assessment that was carried out, it was concluded that the sound levels arising from the activities of the proposed development would not result in an adverse impact and would therefore comply with the requirements of the NPPF.
- 10.39 The Council's Environmental Health Officers have considered the report also and confirmed that the potential impact on amenity and the likelihood of the development to cause a nuisance to be limited subject to an operational maximum noise condition. Overall there are no objections to the application, but Officers do recommend conditions relating to noise and working hours restrictions, as well as compliance with the recommendations set out in the report and the submission of a Construction Environmental Management Plan (CEMP) once a contractor has been appointed. Subject to these conditions, the impact of residential amenity and the amenity of the local area is considered to be low and within acceptable parameters. The development is found to comply with Policy CP3 in respect of noise and residential amenity.

#### Heritage and Archaeology

- 10.40 The buildings to be demolished as part of the proposed scheme have been identified as Non-Designated Heritage Assets and as such, a Heritage Impact Assessment, prepared by Blue Willow Heritage and an Archaeological Desk Based Assessment by On Site Archaeology were submitted in support of the application. Beyond the boundary of the application site but within a 1 kilometre radius, there are four Grade II listed buildings and one Grade I listed building. All lie at least 400 metres away from the application site and given that they are therefore not in close proximity to the application site, it is not considered that the proposed development would have any potential to adversely impact upon any of these listed buildings. Consideration was also given to other Non-Designated Heritage Assets, such as the Ypres Lines army camp, however, much of the site now contains modern development (including retail development).

- 10.41 The development proposes to demolish a former Auction Hall, supermarket and bank building, which have been altered substantially over time, causing a detrimental impact to occur upon their historic interest. Due to the buildings being left vacant and unmaintained, they are considered to be unattractive, especially those located on Shute Road. Nevertheless, the demolition of these buildings would still result in complete loss of significance for these Non-Designated Heritage Assets.
- 10.42 The submitted Heritage Statement also considered the potential impact of the proposed development on the Command and Staff Training North building, which features an imposing southern façade and demonstrates a particularly impressive and historically-significant example of military architecture. The structure is labelled on historic mapping as a 'soldiers' home' building as early as the 1920s. Because of these historical and architectural factors, the structure is currently under consideration to become subject to listed building protection. Having assessed potential impact on the setting of this building on site, there is no intervisibility between this building and the proposed development site and so from a material Planning perspective, it is considered that the proposed development would not be inappropriate within the setting of the potential Listed Building.
- 10.43 NYC Building Conservation were consulted on the application and having assessed the proposals and the submitted heritage assessment(s), agree with the general findings in terms of the supermarket and nos. 26-27 Shute Road specifically being of little historic interest, contributing negatively to the character of the area. It is considered that there are greater amounts of significance in both the Auction House and bank on account of there being greater architectural interest compared to the other structures to be demolished. New buildings would be of a modern design, simple detailing and along with the proposed landscaping would result in an attractive space within the Garrison to be used as a focal point for the local community.
- 10.44 Paragraphs 203 and 204 of the NPPF state that effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and that Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred. From a technical point of view, it is also necessary to bear in mind that as Undesignated Heritage Assets, a notification could be submitted at any time for the removal of those buildings and the Planning Authority would not be able to resist a request for demolition on heritage grounds (and the buildings are not of sufficient quality to justify a potential listed status).
- 10.45 On balance, the proposals would result in total loss of historic building fabric, but it is considered that the proposed scheme would provide greater enhancement of the streetscene and surrounding area and provide substantial public benefits that would outweigh the harm caused, allowing Shute Road to continue with its commercial function. The proposals are therefore not in conflict with the expectations of CP12 of the Local Plan.

#### Lighting and Light Pollution

- 10.46 Mention has already been made of community safety in paragraph 10.17, but reference also needs to be made to the design intention to incorporate lighting. Details of a broad lighting scheme been included within the submission and formally assessed by Environmental Health but once the external functional areas, community spaces and landscaping are finalised, it is recommended that a more specific proposal for external lighting be submitted to the LPA for approval. Rather than an 'informative' (as recommended by Environmental Health), it is recommended that these details be required by condition in order to ensure that objectives for protecting amenity and minimising light pollution, glare and spill into neighbouring communities and limit impact to wildlife are met if planning permission is granted.

### Demolition

- 10.47 As previously mentioned, the application would involve the demolition of some existing buildings (27 and 28 Shute Road; the former Londis Building and 32-34 Richmond Road). The buildings are owned by the MOD and a separate notification has also been submitted under Part 11 of The Town and Country Planning (General Permitted Development) (England) Order 2015. A similar Method Statement for Demolition has been submitted with this application and although there are no policies that deal directly with proposals for demolition, in assessing neighbour impact and ensuring that the demolition will have no harmful impact on the area that immediately surrounds the application site, Policy CP3 of the Local Plan is deemed to be relevant.
- 10.48 NY Building Control Partnership have been consulted on the application as a whole and specifically on the submitted Method Statement but have not raised any objections or provided comments other than that they would not usually become involved in the demolition process until demolition works commence. Therefore in the interests of the protection of nearby residential properties and businesses, it is recommended that a condition be attached to any planning permission granted to require the proposed demolition to be carried out in accordance with this Method Statement, unless otherwise formally agreed in writing at a later stage.

### Contamination

- 10.49 The application is supported by a preliminary Risk Assessment in the form of a Phase 1 Desk Study, to consider the potential risks and hazards on, in or under the land that may be affected by contamination, in connection with this development. The National Planning Policy Framework (NPPF) aims to encourage sustainable development and the reuse of brownfield land, but this land and its surrounding environment must be made suitable for its proposed use. The study reports there are no significant risks identified or any historical records of previous contamination raised and therefore the risks are low, or moderate to low but further assessment is recommended to confirm these preliminary findings.
- 10.50 On this basis, Environmental Health recommend a Phase 2 intrusive ground investigation be undertaken to identify potential contaminant linkages. This would be required through the application of a 'pre-commencement' condition, with any resulting remediation strategy submitted to and agreed in writing by the LPA prior to the undertaking of remedial works. Subject to this condition being applied, the development is considered to comply with Policy CP3.

### Carbon Savings

- 10.51 Policy CP2 of the Local Plan requires developments over 1000 sqm to submit an Energy Statement, that shows consideration of opportunities to deliver carbon savings in excess of Building Regulation requirements. The application is supported by such a statement and sets out that compliance against Part L 2021 is achievable, with the building emission rate (3.69 kgCO<sub>2</sub>/m<sup>2</sup>.annum) envisaged to be lower than the target emission rate (3.85 kgCO<sub>2</sub>/m<sup>2</sup>.annum) (BER < TER). Therefore, the minimum compliance criteria for Regulation 25B can be satisfied, in that it ensures that the Building Emission Rate (BER) is lower than the Target Emission Rate (TER). Further carbon reduction improvements are proposed which will introduce 20 no. additional PV panels to the East side of the winter garden roof. This will provide a carbon emission rate for the building of 3.03 kgCO<sub>2</sub>/m<sup>2</sup>.annum which will be 21.2% lower than the target emission rate set by the SBEM.
- 10.52 Core Policy CP2 also requires applications of this scale to demonstrate reasonable endeavours to actively contribute towards the development of a district heating network. At the present time, the Council has not advanced any feasibility studies for a district heating network for the Catterick Garrison strategic direction of growth and contributions have not been secured for permitted schemes to date. It is considered unlikely a district heating network will be advanced in the plan period and therefore it is not considered reasonable to

seek a contribution towards this. This results in the development being part non-compliant with Policy CP 2 paragraph 2, however, it is not possible for the applicants to comply with this aspect of the policy at the present time.

- 10.53 The submitted Energy Statement does provide a Renewable Technology Feasibility Assessment and concludes that, based upon preliminary SBEM calculations it would provide renewables in the form of a ground source heat pump system and a comprehensive photovoltaic array across the roof profiles would be the most feasible and viable options at this time. The building would have LED lighting throughout, ventilation systems incorporating heat recovery and thermal properties.
- 10.54 It is therefore recommended that if planning permission is granted by Members, that a planning condition is imposed to ensure the development is carried out in accordance with the submitted Energy Statement and calculations provided.

#### The Equality Act 2010

- 10.55 Under Section 149 of The Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions: (i) eliminating discrimination, harassment and victimisation; (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age (normally young or older people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. As the need for Changing Places facilities emerged the Changing Place toilet have been provided at the ground floor level as well as accessible toilets on each floor of the building. Access to a ground floor corridor leading past a part M compliant passenger lift to the staircase is regulated by way of access control at each floor. All exits throughout the building will provide min. 850mm clear width and consultation (outside of the formal application process) with the Dementia Forward charity has been carried out. Considerations, such as ensuring the building entrance would be easy to find and access as well as clear signage and level thresholds have been applied throughout ground floor. There is no overt reason why the proposed development would prejudice anyone with the protected characteristics, as described above.
- Planning Obligations

- 10.56 The planning obligation referred to in this report (highways) would ordinarily be secured by way of a Section 106 Agreement. As NYC is the applicant, it is not possible for a Section 106 Agreement to be entered into. Instead the Council intends to enter into a Collaboration Agreement and Lease with the Defence Infrastructure Organisation as confirmed by the Executive meeting resolution on 12<sup>th</sup> December 2023. This agreement will include a commitment to for the Council to take on the responsibility for delivering any planning obligation requirements, specifically this will be the Highways payments. This is considered an appropriate legal mechanism to secure the necessary obligations. It has been agreed that the triggers for the monies to be paid would be prior to first occupation of the buildings for both the monitoring of the Travel Plan and implementation of the TRO.
- 10.57 It is considered that the financial obligations requested by the LHA would be directly related to the development and fairly and reasonably related in scale and kind and as such complies with the Community Infrastructure Levy (CIL) Regulations 2010.

## **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1 The proposed development would deliver a pivotal element of wider regeneration aspirations for Catterick Garrison Town Centre and is fully supported in principle by both the Core Strategy and NPPF. It is a scheme that has been in gestation for a number of years, but is set to be made possible as a result of a successful application to HM Government for Levelling Up

Funding (LUF)(albeit funding is not a material planning considerations). The proposed development would provide a physical base or 'hub' to both existing and new businesses, as well as essential social space for the local community.

- 11.2 The scheme would involve the demolition of some existing buildings as discussed earlier in the report, however, any harm caused by the loss of the fabric of these Undesignated Heritage Assets is considered to be outweighed by the substantial public benefits that the proposed scheme would deliver. Off-street car parking would be provided to the south of the building and the site as a whole would be accessible to the parkland to the east and wider Town Centre to the west.
- 11.3 Proposed buildings would be modern in appearance but muted in colour and follow a design concept that would see new buildings and structures 'stepped' towards the direction of Coronation Park, with the highest and most visually solid sited adjacent to Shute Road and the existing built environment. The plans would provide for landscaped outdoor areas, including a growing area and events space and made available to the community (something that the area lacks at present). With suitable controls in place, such as hours of use and acoustic attenuation through the use of building materials, the proposed development would not have a unacceptable impact on the existing amenity of local residents or existing businesses.
- 11.4 Whilst at the time of writing this report, a formal recommendation on behalf of the Local Highway Authority (in response to the latest highway details submitted) and results of recent badger surveys are awaited, there are no insurmountable technical matters that would prevent the development from going ahead. Any final comments from consultees will be reported prior to the meeting and it is recommended that matters, such as archaeological recording and Phase 2 contamination assessments be finalised through the application of suitably worded pre-commencement conditions.
- 11.5 Having had regard to all other relevant issues and material considerations, the balance lies clearly in favour of supporting this scheme, which is in accordance with the policies of the Development Plan and the National Planning Policy Framework.

## 12.0 RECOMMENDATION

- 12.1 That planning permission be **GRANTED** subject to conditions listed below and the completion of a legal agreement, to secure the highways financial payments.

### RECOMMENDED CONDITIONS:

#### Condition 1 - Time Limit

The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended)

#### Condition 2 - 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. NY2205-APP-XX-ZZ-DR-A-000005
- c) proposed site plan sheet 1, ref. NY2205-APP-XX-00-DR-A-000091, rev. P6
- d) proposed site plan sheet 2, ref. NY2205-APP-XX-00-DR-A-000092, rev. P6

- e) External works and Hard landscaping Plan sheet 1, ref. NY2205-APP-XX-00-DR-A-090100, rev. P6
- f) External works and Hard landscaping Plan sheet 2, rev. P6
- g) Catterick Community and Enterprise Centre- Ground Floor Plan, ref. NY2205-APP-XX-00-DR-A-010100 rev. P9
- h) Catterick Community and Enterprise Centre- First Floor Plan, NY2205-APP-XX-00-DR-A-010101 rev. P10
- i) Catterick Community and Enterprise Centre- Second Floor Plan, ref. NY2205-APP-XX-00-DR-A-010102 rev. P10
- j) Catterick Community and Enterprise Centre- Roof Plan, ref. NY2205-APP-XX-00-DR-A-010103 rev. P3
- k) North and East Elevation CCEC, rev. NY2205-APP-XX-00-DR-A-010200 rev. P9
- l) South and West Elevations CCEC and Multi-Purpose Space, rev. NY2205-APP-XX-00-DR-A-010201 rev. P9
- m) East Elevation CCEC and Multi-Purpose Space ref. NY2205-APP-XX-00-DR-A-010202 rev. P9
- n) Waste Management Strategy, ref. NY2205-APP-XX-ZZ-DR-A-007110 rev. P4
- o) Proposed Block Plan, ref. NY2205-APP-XX-ZZ-DR-A-090114, rev. P4
- p) Proposed Site Plan – Coloured ref. NY2205-APP-XX-ZZ-DR-A-090117 rev. P3
- q) Proposed Access and Connectivity Works within Coronation Park Sheet 1 ref. NY2205-APP-XX-ZZ-DR-A-090120 rev. P3
- r) Proposed Access and Connectivity Works within Coronation Park Sheet 2 ref. NY2205-APP-XX-ZZ-DR-A-090121 rev. P3
- s) Proposed Tracking, ref. NY2205-APP-XX-ZZ-DR-A-090123 rev. P1
- t) Landscape General Arrangement ref. BHA\_23\_1008\_APP\_L 001 rev D
- u) Landscape General Arrangement Detail Area A ref. BHA\_23\_1008\_APP\_L 002 rev D
- v) Landscape General Arrangement Detail Area B ref. BHA\_23\_1008\_APP\_L 003 rev. D
- w) Landscape General Softworks Layout Sheets 1 of 5, ref. BHA\_23\_1008\_APP\_L 004 rev. E
- x) Landscape General Softworks Layout Sheet 2 of 5 ref. BHA\_23\_1008\_APP\_L 005 rev. E
- y) Landscape General Softworks Layout Sheet 3 of 5 ref. BHA\_23\_1008\_APP\_L 006 rev. D
- z) Landscape General Softworks Layout Sheet 4 of 5 ref. BHA\_23\_1008\_APP\_L 007 rev. F
- aa) Landscape General Softworks Layout Sheet 5 of 5 ref. BHA\_23\_1008\_APP\_L 008 rev. F
- bb) Play Area Strategy - Play Area Location Plan ref. BHA\_23\_1008\_APP\_L 009 rev. D
- cc) Play Area Strategy - Detail Areas – Squirrel ref. BHA\_23\_1008\_APP\_L 010 rev. C
- dd) Play Area Strategy - Detail Areas - Hedgehog, Café, Junior ref. BHA\_23\_1008\_APP\_L 011 rev. C
- ee) Play Area Strategy - Detail Areas – Active ref. BHA\_23\_1008\_APP\_L 012 rev. C
- ff) Play Area Strategy - Detail Area - Woodland & Skate Park ref. BHA\_23\_1008\_APP\_L 013 rev. B
- gg) External Levels Plan ref. NY2205-APP-90-DR-C-2400 rev. P02
- hh) Surface Water Management Plan ref. NY2205-APP-90-DR-C-3500 rev. P02
- ii) Drainage Layout ref. NY2205-APP-92-DR-C-2500 rev. P02
- jj) External Lighting ref. NY2205 APP-XX-00-DR-E-000609 rev. P2
- kk) Road Lighting Layout - Catterick LUF Project 1, rev. B
- ll) Arboricultural Impact Assessment, ref. SF3409 – AIA, rev. A
- mm) Tree Constraints Plan, ref. SF3409-TC01, rev. A
- nn) Woodland Management Plan, ref. SF3409-WMP01, rev. A
- oo) Waste Management Strategy, ref. NY2205-APP-XX-00-RP-A-005, ref. P1
- pp) Photographs ref. NY2205-APP-XX-00-RP-A-002, ref. P2



- qq) Design and Access Statement, ref. NY2205-APP-XX-00-RP-A-006, ref. P02
- rr) Archaeological Desk Based Assessment, rev. A
- ss) Heritage Impact Assessment, rev. 3
- tt) Acoustic Appraisal Report, ref. J004544-7264-LK-01, rev. 1
- uu) Flood Risk Assessment, ref. NY2205-APP-00-XX-RP-C-1001, rev. P02
- vv) Preliminary Ecological Appraisal, EclA Issued December 2023
- ww) Energy Statement, rev. A
- xx) Ventilation and Extraction Statement, rev. A
- yy) Arboricultural Survey Report:BS5837:2012, rev. A
- zz) SuDS Maintenance Report, ref. NY2205-APP-92-XX-RP-C-1002, rev. P01
- aaa) Engineering Desk Study, ref. 20257-R-001-V02, rev. V01
- bbb) Method of Demolition, dated in system December 2023

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.

### Pre-Commencement

#### Condition 3 - Contamination Remediation (discharge required)

No development shall be commenced until a Phase 2 Investigation of the risks posed by contamination are carried out in line with the Environment Agency's Land Contamination: Risk Management (LCRM) and submitted to and approved in writing by the Local Planning Authority.

If the Phase 2 Investigation does identify an unacceptable risk of harm to people or environment or property a Remediation Strategy must be submitted to and agreed by the local planning authority prior to works within 20m of the identified contamination. The buildings hereby approved shall not be occupied until the approved Remediation Strategy has been implemented and a Verification Report detailing all works carried out and testing as required has been submitted to and approved in writing by the Local Planning Authority.

Please follow the attached link for the latest YALPAG guidance : 'Development on Land Affected by Contamination, Technical Guidance for Developers, Landowners and Consultants, Yorkshire and Lincolnshire Pollution Advisory Group, Version 12.2 July 2023 Which can be found here: [Building on contaminated land | North Yorkshire Council](#)

Reason: Where a development introduces a vulnerable end use this guidance will help remediate and/or prevent contamination which can cause harm to human health, property, and the wider environment. Due to the scope, scale, demolition, and ground-breaking activities on this development a further assessment in the form of a Phase 2 intrusive ground investigation must be undertaken to identify if there are any actual or potential contaminant linkages, or not.

#### Condition 4 - Historic Building Recording (discharge required)

No demolition/development shall commence until a Written Scheme of Investigation for Historic Building Recording has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation

6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No demolition/development shall take place other than in accordance with the approved Written Scheme of Investigation.

The development shall not be occupied until the Historic Building Record has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: This condition is imposed in accordance with Section 16 of the National Planning Policy Framework as the building is of historic interest.

#### Condition 5 - Tree Protection

Before any materials are brought onto the site or any development is commenced, the developer shall implement the approved specification for root protection area (Smeeden Foreman Arboricultural Report dated August 2023) fencing and ground protection measures in line with the requirements of British Standard BS 5837: 2012 Trees in Relation to Construction – Recommendations, or any subsequent amendments to that document, around the trees or shrubs or planting to be retained, as indicated on the approved plan and for the entire area as specified in accordance with BS 5837:2012. 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 6 - Ecology (discharge required)

No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

The construction works shall thereafter take place in complete accordance with the approved CEMP (Biodiversity).

Reason: To ensure that adequate steps are taken throughout the course of the development process to mitigate the impacts on ecology and biodiversity and achieve an overall biodiversity net gain.

Condition 7 - Construction Environmental Management Plan (discharge required)  
Prior to the commencement of any part of the development a Construction Environmental Management Plan including details of best practicable means to minimise noise and dust shall be submitted to and approved in writing by the Local Planning Authority.

Unless otherwise agreed by the Local Planning Authority, the Construction Environmental Management Plan shall ensure that construction works (including any deliveries of construction materials) for the development do not take place outside the hours of 8.00 a.m. to 6.00 p.m. on weekdays and 9.00 a.m. to 1.00 p.m. on Saturdays. Furthermore, it should ensure that no construction works or deliveries of construction materials take place on Sundays or Bank Holidays. Any waste exemption plans may require an environmental permit.

The Management Plan shall also ensure that site compounds and fixed item of plant such as compressors are located away from the nearest residential property.

Thereafter the approved Construction Environmental Management Plan for the development shall be implemented during all construction works unless otherwise varied in writing by the Local Planning Authority.

Reason: In the interests of the amenities of local residents and to mitigate the impacts of noise and dust during construction works.

#### Early Stage/ Construction Period

Condition 8 - Lighting - Biodiversity and Amenity (discharge required)  
Prior to commencement of development or within 6 months of the date of this decision notice, whichever is the later, a permanent lighting design strategy which has consideration for biodiversity and residential amenity shall be submitted to and approved in writing by the local planning authority. The strategy shall: a) identify those areas/features on site that are sensitive to lighting and b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that sensitive areas/features will not be impacted by lighting.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To ensure that new lighting minimises light pollution in the interests of residential amenity and is also sensitive to ecological interests.

Condition 9 – LEMP (discharge required)  
Within 6 months of determination, a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by the local planning authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details

Reason: This condition is necessary to ensure the protection of wildlife and management of supporting habitat.

#### Condition 10 - Drainage (compliance)

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed, in accordance with the approved plans and documents listed under condition 2 of this decision notice.

Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

#### Condition 11 - Materials (discharge required)

No materials shall be used in the construction of the external surfaces of the buildings and structures hereby permitted until details of such materials (with samples as appropriate) have first 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.

#### Pre-Occupation

#### Condition 12 - Landscaping (compliance)

The approved hard landscaping and external areas shall be installed/ completed in full prior to first occupation of the buildings hereby approved unless a phasing strategy is first submitted to and agreed in writing by the local planning authority.

The soft landscaping will be planted and laid out in the first planting season following commencement of development within the areas identified within the approved 'Softworks Layout Sheets 1-5', as stated in Condition 2, unless an alternative timetable is first agreed in writing with the Local Planning Authority. All soft landscaping areas must be complete and planted at the latest in the planting season following first occupation of the development hereby approved.

Any trees or plants which are damaged, die or become diseased within 5 years of planting or from 5 years from the first occupation of the development, whichever is the later shall be replaced like for like.

Reason: To ensure high quality landscaping is delivered as part of the development having regard to Policies CP2, CP3 and CP4 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014.

#### Condition 13 – Cycle Parking

Within 3 months of commencement of works on any approved play area, a cycle parking scheme for the play areas shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be delivered prior to first use of the play areas to which they are designated to serve.

Reason: to facilitate sustainable travel and health communities.

#### Condition 14 - Parkland Furniture

Notwithstanding the proposed site plan hereby approved, a detailed layout of the proposed seating areas (including specifications for any equipment, accessible seating areas, planting, surfacing, bins and boundary treatments) shall be submitted to and approved in writing by the Local Planning Authority prior to installation and implemented and maintained within the development thereafter, unless otherwise approved in writing by the LPA.

Reason: To reserve the rights of the Local Planning Authority with regard to the use and development of this area of land within the site, in interests of the residential amenity, accessibility and mitigating anti-social behaviour.

#### Condition 15 - Uses (compliance)

The building(s) hereby approved shall be used solely for the uses falling within Use Class's E(b), E(d), E(f), F1 and F2; other than the third floor which shall additionally be used for Class E(g)(i) of the Town & Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification); without the first express permission of the Local Planning Authority in writing.

Reason: These uses are considered sustainable uses for this Town Centre location and to ensure a mixture of both economic and community uses are retained.

#### Condition 16 - Separate Drainage Systems (compliance)

The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

#### Condition 17 - Refuse/recycling (compliance)

The development hereby approved shall be carried out in accordance with the approved Waste Management Strategy, dated 30<sup>th</sup> August 2023, by Align Property Partners. Thereafter the development shall be carried out in accordance with the approved details and the storage/recycling facilities shall thereafter be retained for their approved purpose unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the provision of adequate refuse/recycling storage/collection facilities having regard to the general appearance of the development together with the amenities of neighbouring residential properties.

#### Condition 18 - Ecological Measures (compliance and possible discharge)

The recommendations of the Ecological Appraisal accompanying the application shall be carried out in association with the development, including the need for additional surveys that may arise as the development progresses, as set out in Table 13 (Ecological Impacts: Summary), by Smeeden Foreman Ltd, dated December 2023, the results of which shall be submitted to and approved in writing by the Planning Authority prior to the tree works being carried out.

Reason: In the interests of minimising the ecological and landscape impact of the development and maximising the scope for ecological enhancement.

Condition 19 - Drainage (compliance)

The drainage system shall be delivered in complete accordance with the approved details listed below and shall be completed in full prior to the first occupation or use of the area they are designed to drain.

- a) Surface Water Management Plan ref. NY2205-APP-90-DR-C-3500 rev. P02
- b) Drainage Layout ref. NY2205-APP-92-DR-C-2500 rev. P02
- c) Flood Risk Assessment, ref. NY2205-APP-00-XX-RP-C-1001, rev. P02
- d) Waste Management Strategy, ref. NY2205-APP-XX-00-RP-A-005, ref. P1

Once built/delivered, the drainage systems shall be maintained and managed in complete accordance with the details set out in the approved SuDS Maintenance Report, ref. NY2205-APP-92-XX-RP-C-1002, rev. P01.

Reason: To ensure that the development is built to the submitted drainage design; to prevent the increased risk of flooding; to ensure the provision of adequate and sustainable means of drainage in the interests of amenity.

Condition 20 - Demolition (compliance)

Demolition of buildings is to be carried out in accordance with the approved Method of Demolition, dated December 2023 unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interest of protecting the environment, future users of the land and neighbouring land and without unacceptable risks to workers, neighbours, and other nearby receptors.

Condition 21 - Noise (compliance)

The development hereby approved shall be built in complete accordance with the 'Stage 3 Acoustic Appraisal Report, Catterick Garrison Levelling Up Project', dated 6 October 2023, by Philip Dunbavin Acoustics Ltd that was submitted with the application.

Once built, buildings and outside spaces shall operate as followed:

1. The hours of use of the multi-use events space and external canopy area shall be restricted to 07:00 and 23:00 hours.
2. There shall be no amplified music within the external canopy area.
3. Noise associated with plant and machinery incorporated within the development shall be controlled, such that the Rating Level measured or calculated at the boundary of the nearest existing noise sensitive premises, shall not exceed 45 dBA LAeq during the daytime (07:00 – 23:00 hours) and 41 dBA LAeq during the night-time (23:00 – 07:00 hours).

Reason: to protect the amenity and quality of life of nearby residents.

Condition 22 - CMP (compliance)

The construction phase of the development shall be carried out in accordance with the submitted Construction Management Plan, which states that operational hours shall be between 8.00 a.m. to 6.00 p.m. on weekdays and 9.00 a.m. to 1.00 p.m. on Saturdays. Furthermore, there shall be no construction works or deliveries of construction materials take place on Sundays or Bank Holidays.

Reason: In the interests of the amenities of local residents and to mitigate the impacts of noise and dust during construction works.

Condition 23 - Energy (compliance)

The development hereby permitted shall be carried out in accordance with the submitted Energy Statement and associated appendices (report reference 008063 Issue 1, dated March 2021), in order to exceed the minimum standards prevailing through Part L of the Building Regulations to the maximum level that is feasible and viable for this particular development.

All technologies/ equipment as proposed in the approved Energy Statement shall be delivered in full working condition prior to first occupation of the building(s) hereby approved and shall thereafter be retained and maintained for their viable lifetime.

Reason: In the interests of securing a sustainable form of development.

**Target Determination Date:** 16.01.2024

**Case Officer:** Caroline Walton, [caroline.walton@northyorks.gov.uk](mailto:caroline.walton@northyorks.gov.uk)

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## North Yorkshire Council

### Community Development Services

#### Richmond (Yorks) Area Constituency Planning Committee

11<sup>th</sup> January 2024

#### ZB23/02177/FUL - Proposed detached bungalow and parking

At: 94 Crosby Road, Northallerton

For: Capital Yorkshire Ltd

#### Report of the Assistant Director Planning – Community Development Services

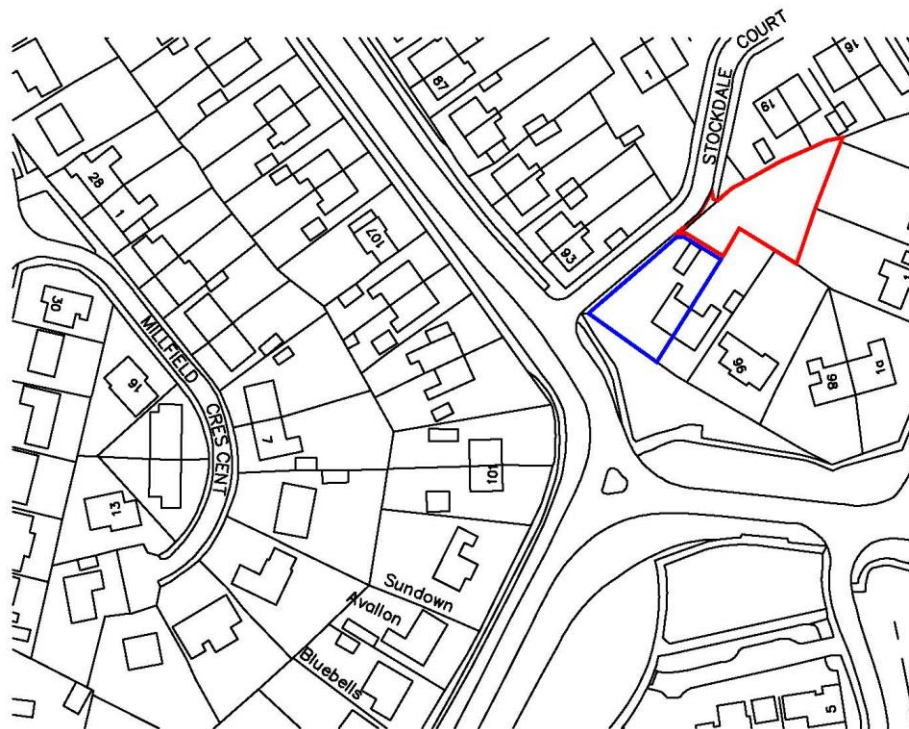
##### 1.0 PURPOSE OF THE REPORT

- 1.1 To determine an application for full planning permission for the construction of a detached bungalow.
- 1.2 The application is subject to a Member call-in.

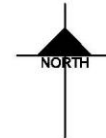
##### 2.0 SUMMARY

- 2.1 The proposed bungalow is of a high-quality design that respects the suburban, residential character of the site and the wider area. Public concerns regarding highways and drainage have been carefully considered and it is considered that appropriate measures have been made to ensure existing problems are not significantly increased. The proposal has also incorporated measures to ensure that there is an enhancement in biodiversity and ecology.
- 2.2 It is considered that the site is capable of accommodating the proposed development in-line with technical and policy requirements.

**RECOMMENDATION:** That planning permission is **GRANTED** with conditions.



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- 3.1. Access to the case file on Public Access can be found here: - [Associated Documents](#)
- 3.2 The following planning applications detailed below are relevant to the site for this site which are detailed below:
- 3.3 No relevant site history
- 3.4 An application for full planning permission for a dwelling to the road frontage was refused, under delegated powers.

#### **4.0 SITE AND SURROUNDINGS**

- 4.1 The site is located on Crosby Road which is within the built up part of the market town of Northallerton. The site is bound by residential dwellings and gardens to the north, east and south. There are a mixture of built forms in the locality including both two and single storey dwellings.
- 4.2 To the south of the site and in the same ownership is 94 Crosby Road which is a semi-detached property with an extended garden area to the north east rear. A mixture of hedgerow and timber fencing bounds the site.
- 4.3 Access to the site is currently off Crosby Road and Stockdale Court.

4.4 The site is within flood zone one which has a low probability of flooding.

## 5.0 DESCRIPTION OF PROPOSAL

5.1 This application seeks full planning permission for the construction of a new bungalow within the rear garden of 94 Crosby Road. The bungalow will be constructed using brick and slate together with UPVC fenestration. The proposed dwelling will be set within its associated amenity space. The dwelling would have a lounge, dining area/kitchen, sun lounge at ground floor and wc, utility, three bedrooms, ensuite at first floor with a total site area of 513sqm.

5.2 The proposed development looks to use access off Stockdale Court incorporating two car parking spaces for the bungalow.

## 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:

- Hambleton Local Plan, adopted 2022.
- North Yorkshire Joint Waste and Minerals Plan 2022.

### Emerging Development Plan – Material Consideration

6.3 The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

### Guidance - Material Considerations

6.4 Relevant guidance for this application is:

- National Planning Policy Framework (2021)
- National Planning Practice Guidance
- National Design Guide (2021)
- Housing SPD, adopted 2022.

## 7.0 CONSULTATION RESPONSES

7.1 The following responses have been received and are summarised below:

**Divisional Member:** The Divisional Cllr for Northallerton South has requested the application be presented before planning committee for the following reasons; Issues around visibility splay and road safety, matters pertaining to drainage, potential impact on residential amenity and potential impact on character and openness of the estate.

**Northern Utility Services:** No observation received

**Local Highway Authority (LHA):** The Local Highway Authority has no objections subject to standard conditions re access and parking.

**Yorkshire Water:** Initially objected owing to the location of a main water pipe. Further comments received on the 16.11.2023 removed the objection after further information was received by the agent.

## Water Supply

No building or other obstruction including landscape features shall be located over or within 3 metres either side of the centre line of the public water main i.e. a protected strip width of 6 metres, that crosses the site. Furthermore, no construction works in the relevant area(s) of the site shall commence until measures to protect the public water supply infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. If the required stand-off or protection measures are to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken.

(In the interest of public health and maintaining the public water supply)

## Waste Water

If planning permission is to be granted, the following conditions should be attached in order to protect the local aquatic environment and Yorkshire Water infrastructure:

The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

(In the interest of satisfactory and sustainable drainage)

There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:

- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
- ii) the means of discharging to the public sewer network at a rate not to exceed 3.5 litres per second.

(To ensure that no surface water discharges take place until proper provision has been made for its disposal)

1.) On the Statutory Sewer Map, there is a 150mm diameter public foul water sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme.

a.) It may not be acceptable to raise or lower ground levels over the sewer and we will not accept any inspection chambers on the sewer to be built over.

b.) In this instance, Yorkshire Water would look for this matter to be controlled (by Requirement H4 of the Building Regulations 2010).

c.) There should be no new tree planting within 5 metres of the public sewer network.

d.) A proposal by the developer to alter/divert a public sewer will be subject to Yorkshire Water's requirements and formal procedure in accordance with Section 185 Water Industry Act 1991.

2.) The developer is proposing to discharge surface water to public sewer however, sustainable development requires appropriate surface water disposal.

a.) Yorkshire Water promote the surface water disposal hierarchy and the developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer.

b.) The developer and LPA are strongly advised to seek comments on surface water disposal from other drainage bodies as further restrictions may be imposed.

c.) As the proposal site is currently undeveloped, no positive surface water is known to have previously discharged to the public sewer network. Surface water discharge to the existing public sewer network must only be as a last resort and the developer is required to eliminate other means of surface water disposal.

d.) As a last resort, and upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, curtilage surface water may discharge to public sewer at a restricted rate of discharge not to exceed 3.5 litres per second

**Natural England:** No observation received

**Yorkshire Wildlife Trust:** No observation received

#### Local Representations

7.2 14 local representations have been received in objection to the proposal. No comments have been received from local interest groups. A brief summary of the local representation is provided below:

- Access does not seem adequate because most of the frontage on Stockdale Avenue is occupied by an electricity sub-station.
- Concerns regarding the site of the proposed access and parking for this development and the associated proposed development ZB23/02176/FUL. The drawing does not accurately represent the bend in the road or the width of the road. There is already difficulty for two vehicles passing on the corner
- Concerns over possible parking problems. Although the applicant proposes 5 car parking spaces I feel that visitors will still attempt to park on either Crosby Road or Stockdale Court.
- The site has significant drainage problems. This has caused subsidence issues with three garages on the properties adjacent this orchard in Stockdale Court, one of which had to be completely rebuilt.
- A soak away will only further add to the problem. The removal of a mature tree which is laden with fruit each year can only exacerbate the existing problem.
- There never has been pedestrian access from 94, Crosby Road into Stockdale Court. This is an illegal access and when the fence was renewed by the Electricity board surrounding their substation, the gardener asked the workmen to construct this gate for his own ease of access.
- It is not recommended to build a dwelling within a certain distance of an existing Electricity Sub Station. Are the Electricity company fully aware of this proposed planning application.
- Object to the proposal of buildings on the grounds of environmental issues which are the home to numerous species.
- Devaluation of surrounding properties
- Overshadow neighbouring properties
- No adequate solution for water drainage.
- The proposed development will remove a green space that absorbs rainwater etc and increase the possibility of flooding as it is surrounded by higher ground.
- The gardens in and around the area are host to a large population of frogs, these all centre around 94 Crosby Road and building in this area will impact them and the other wildlife. In addition to the frogs, there are toads and hedgehogs that live and visit neighbouring properties.
- Dangerous non standard width road
- Where would building materials be stored.
- Development on top of a land drain.

7.3 Eight further objections have been received after re-consultation with the additional drainage plan. Comments can be summarised below;

- The only difference the pipe diversion will make is to satisfy Yorkshire Water's concerns and in no way offers any mitigation of the other numerous concerns raised by

the affected residents and in fact would cause further disruption and potential damage to properties, wildlife etc

- The developer has only made one change and that is to appease Yorkshire Water.
- The new sighting of the water main will only lead to further problems by damaging the roots of the trees in the hedge line and further disruption to our wildlife.
- Concern regarding removal of trees.
- Water pipework too close to neighbour boundary.
- Leave the pipe alone.
- Risk of flooding due to loss of soft surfaces

## **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 Environmental Statement is therefore required.

## **9.0 MAIN ISSUES**

9.1 The key considerations in the assessment of this application are:

- Principle of Development
- Amenity
- Design and Townscape Impacts
- Ecology, Biodiversity Net Gain and Green Infrastructure
- Highway Safety, Accessibility, Permeability and Connectivity
- Flood Risk and Surface Water Drainage/Management

## **10.0 ASSESSMENT**

Principle of Development

10.1 Local Plan policy S1 (Sustainable Development) sets out the central role that sustainable development plays in meeting growth requirements, to set out the ways in which the Council will seek to achieve sustainable development and to set the expectations for all development in the district.

10.2 Policy S3 identifies Northallerton as a "Market Town". This definition recognises the good range of services and facilities available to support housing development commensurate to the settlements size and character. providing a vast array of services and having good public transport links to nearby towns and beyond.

10.3 Policy HG5 dictates that windfall housing development within the built form of a defined settlement will be supported where the site is not protected for its environmental, historic, community or other value, or allocated, designated, or otherwise safeguarded for another type of development. The site is not protected, allocated or safeguarded for the above reasons, and consequently the construction of a dwelling within this location is supported in principle subject to compliance with other relevant policies.

Amenity

10.4 Policy E2 of the Local Plan requires all development to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use. This relates to matters such as mutual privacy, adequate daylight provision, and protection from noise and disturbance.

- 10.5 The proposed development is considered to meet the above requirements. There is adequate separation distance between the proposed bungalow and the existing surrounding dwellings to prevent any loss of privacy or daylight provision. Neighbours have objected with regard to overshadowing neighbouring properties, whilst this concern is noted the orientation of the bungalow and orientation of the existing dwellings along with the relative heights of buildings would ensure no significant overlooking or loss of privacy.
- Design and Townscape impacts
- 10.6 Policy E1 of the Local Plan relates to design and requires all development to be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and help to create a strong sense of place. It goes on to list a number of principles that will help to achieve this overarching aim including responding positively to context and drawing inspiration from the key characteristics of surroundings, including natural, historic, and built environment, to help create distinctive, high quality and well-designed places.
- 10.7 There are examples of semi-detached bungalows on Stockdale Court and detached bungalows on Borrowby Avenue. The design of the proposed bungalow would reflect this simplistic low-density style of development. In this respect there would be some consistency. There will be sufficient amenity space and the site would not appear cramped or overdeveloped. As such, the scale is appropriate and complies with the requirements of Policy E1.
- Ecology, Biodiversity Net Gain and Green Infrastructure
- 10.8 Policy E3 of the Local Plan now requires all development to demonstrate the deliverability of a net gain in biodiversity. The impact of a development on protected species is also a material planning consideration which will be assessed below.
- 10.9 A biodiversity net gain assessment has been submitted as part of the application which outlines that using the DEFRA metric, the scheme will deliver a net gain through hedgerows and urban trees and includes a management plan to achieve these outcomes. Subject to a condition to deliver these gains it is considered that the development meets the requirements of Policy E3.
- 10.10 A number of the objections refer to concerns with the potential impact on ecology resulting from the development. The area in question is domestic garden which includes grassland and shrub planters as well as small trees and an ornamental hedge. There are no known protected species on the site and the biodiversity assessment has confirmed that the net gain will ensure there will be no long-term loss.
- Highway Safety, Accessibility, Permeability and Connectivity
- 10.11 The NPPF at paragraph 111 states that 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 would be severe.
- 10.12 The vast majority of the objections received to this application express concerns regarding highway safety. This includes reasons such as Stockdale Court being too narrow to allow two cars to pass one another, the development bringing additional vehicle movements that would exacerbate these issues and increase risk to pedestrians. Highways have no objection to the scheme and it is considered that a refusal on highway safety grounds could not be sustained.
- 10.13 It is accepted that Stockdale Court is narrow. However, the test is whether the development would have an 'unacceptable' impact on highway safety. Given the scheme is for a single bungalow which is unlikely to result in more than two additional vehicles, the vehicle movements to and from the site and thus the additional traffic on Stockdale Court will only increase by a very small amount. Given the width, geometry and character of the street it is

considered that the limited additional vehicle movements will not have an adverse impact upon highway safety. Many objectors refer to illegal access, road conditions and congestion. Whilst this is noted, land ownership is a civil matter, the limited increase in vehicles using the road as a result of the development means that in reality the additional impact is negligible. It is also not the applicant's duty to address existing problems with the condition of the road off-site and it is under the remit of the Local Highway Authority to ensure adopted roads are in a well-kept condition. On this basis, this is not a reason for refusal of this application.

#### Flood Risk and Surface Water Drainage/Management

- 10.14 Policies RM1, RM2 and RM3 relate to drainage and flood risk and dictate that development should avoid areas at high risk of flooding, should be safe from flooding for the lifetime of the development and not increase the risk of flooding elsewhere. Furthermore, in terms of drainage, the use of SUDs is encouraged unless site conditions mean they are not viable and policy RM1 requires foul and surface water flows should be separated with foul water being disposed to a public sewer and the design of the waste disposal system will be safe over the lifetime of the development.
- 10.15 The application confirms that foul sewerage will be connected to the mains sewers within the existing system and surface water will be disposed of through the main sewer and a soakaway.
- 10.16 Yorkshire Water originally objected to the scheme due to the position of the proposed bungalow being over the existing public water supply infrastructure.
- 10.17 The agent submitted an amended scheme for this which diverted the pipe. It is considered that these measures demonstrate a suitable and sustainable method of drainage management that will ensure the site is suitably drained so it is safe from flooding and will not increase the likelihood of flooding elsewhere. Yorkshire Water have reviewed these details and raised no objections. However, Yorkshire water has requested a condition which would seek wayleave 3m either side of the re-located pipe. This would include land outside the control of the applicant and as such can not be subject to condition. This point is being investigated with Yorkshire Water and further information will be provided to Members at Planning Committee.
- 10.18 It is noted that concerns have been expressed both by the Town Council and residents that the existing drainage infrastructure would not be able to cope with the additional demand from the development and issues have cropped up in the past in this respect. Whilst these are noted, Yorkshire Water have raised no concerns regarding capacity and any existing operational issues would be under the remit of YW. As such, these concerns are not deemed a reason for refusal.

### 11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 Overall, the proposed bungalow is considered to be of a high-quality design that respects the original character of the site and existing neighbouring properties. Whilst public concerns regarding highways and drainage has been carefully considered carefully assessed, it is considered that appropriate measures have been made to ensure existing problems are not significantly increased. The proposal has also incorporated measures to ensure that there is an enhancement in biodiversity and ecology.

### 12.0 RECOMMENDATION

- i) That planning permission be **GRANTED** subject to the Conditions set out below.

Condition 1 - The development hereby permitted shall be begun within three years of the date of this permission.



Reason: To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2 - The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) NYC01, SCH1652 102REVA, 101REVB, 101REVA submitted on 20.10.23 & 13.11.23 & 21.11.2023

Reason: In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.

Condition 3 - The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed in writing with the Local Planning Authority before the development commences.

Reason: In the interest of satisfactory and sustainable drainage

Condition 4 - There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage

Condition 5 - The development must not be brought into use until the access to the site has been set out and reconstructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:

The crossing of the highway verge must be reconstructed in accordance with the approved details as shown on Drawing Number 101 Revision B and Standard Detail Number E50 Revision G and the following requirements:

- The final surfacing of any private access within 2 metres of the Public Highway must not contain any loose material that is capable of being drawn on to the Public Highway.
- Details of any measures necessary to prevent surface water from the site discharging onto the Public Highway must be agreed with the Planning Authority in consultation with the Highway Authority before work starts on site. The measures should then be constructed in accordance with the approved details and maintained thereafter to prevent such discharges.

All works must accord with the approved details.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

Condition 6 - No part of the development must be brought into use until the access and parking areas have been constructed in accordance with the details approved in writing by the Local Planning Authority and as shown on Drawing Number 101 Revision B and Standard Detail Number E50 Revision G.

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 7 - No development must commence 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:

1. The provision of wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway by vehicles exiting the site.
2. The provision of areas for the storage of plant and materials used in constructing the development clear of the highway.
3. The provision of contact details for a responsible person associated with the site who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity.

Condition 8 - Development shall be undertaken strictly in accordance with the Biodiversity Net Gain (BNG) Metric and Report prepared by Quants Environmental dated December 2023, received by the Local Planning Authority on 8 December 2023. The development shall thereafter be carried out in accordance with the approved Landscape/Biodiversity Management and Monitoring Plan.

Reason: To ensure a net gain in biodiversity is achieved in accordance with the Hambleton Local Plan policies S1, E1 and E3.

**Target Determination Date:** 15.12.2023

**Case Officer:** Tracy Price [tracy.price@northyorks.gov.uk](mailto:tracy.price@northyorks.gov.uk)

## North Yorkshire Council

### Community Development Services

#### Richmond (Yorks) Area Constituency Planning Committee

11<sup>th</sup> January 2024

**22/00143/MRC - Application for variation of condition 10 (affordable housing) following grant of appeal APP/G2713/A/14/2223624 of 14/00337/OUT. Where reference is made to 50% affordable housing delivery this requires amending to 30%**

**And**

**21/01877/MRC - Application for variation of condition 2 (approved plans to allow for the inclusion of 5no bungalows to the East boundary and affordable provision for the site to be reduced to 30% - new plans submitted for planning layout, footpath locations, boundary treatment drawings, materials layout, street scenes and typical sections) following grant of planning permission ref: 16/02756/REM for Reserved matters submission for details of layout, scale, appearance and landscaping for residential development of 225 dwellings as per amended plans received by Hambleton District Council on 15th May 2017**

**At: Kier Living Tanton Fields Development, Land to the North and West of Woodlands Walk, Tanton Road, Stokesley, North Yorkshire**

**On Behalf of Mr Stephen Jones**

#### **Report of the Assistant Director Planning– Community Development services**

##### **1.0 PURPOSE OF THE REPORT**

- 1.1 The purpose of the report is to set out changes in the applicant's circumstances with regard to the delivery of the scheme and its relationship to the above two applications, in order to seek an amended Committee resolution and allow changes to the description of development.
- 1.2 The original reports are appended for information and clarity.

##### **2.0 SUMMARY**

- 2.1 This report references an on-going development of 225 houses at Tanton Road, Stokesley. Planning Permission in outline was originally granted at appeal, subject to a requirement for 50% affordable housing.
- 2.2 Planning Committee has previously resolved in March 2022 to grant planning permission for planning applications reference 21/01877/MRC and 22/00143/MRC which effectively sought to amend the original layout and house types, in order to improve the layout and the impact on neighbouring amenity. The applications also sought to reduce the percentage of affordable housing from 50% to 30%.
- 2.3 The description of development in the two applications along with the Committee Resolution, effectively tied the delivery of the two revised applications, together. In other words, the reduction in affordable housing was only considered acceptable on the basis of the revised and improved layout.

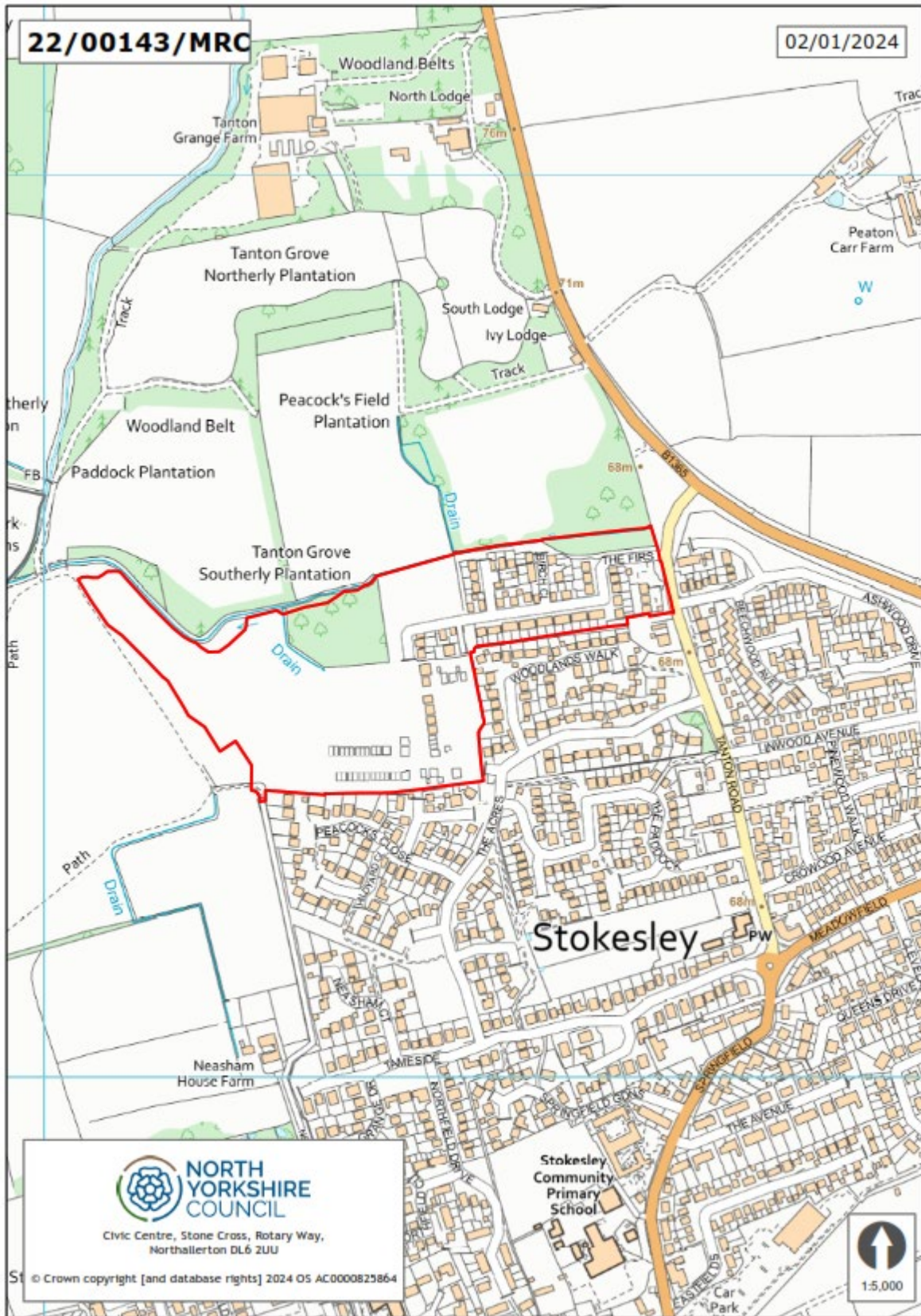
- 2.4 The applicant has implemented the revised and improved layout but is not currently seeking the revision to the affordable housing offer. The applicant has implemented the revised and improved layout (21/01877/MRC) but it is not currently seeking the revision to the affordable housing offer (22/00143/MRC)
- 2.5 On the basis of the descriptions of development and the Committee resolution which tied the two applications together a small amendment to the resolution is required to enable the issue of 21/01877/MRC which amends the layout.

**RECOMMENDATION:** That the Committee resolve to grant planning permission for 21/01877/MRC in accordance with Section 12 of this report and that matters pertaining to 22/00143/MRC are delegated to officers on the understanding that the affordable housing quotient remains at least 30% in accordance with the previous Committee resolution.

The Committee reports from March 2022 are appended to this update as Appendix A and Appendix B.

22/00143/MRC

02/01/2024



Civic Centre, Stone Cross, Rotary Way,  
Northallerton DL6 2UU

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### **3.0 PRELIMINARY MATTERS**

3.1 Access to the case file on Public Access can be found here:

[File Link for 21/01877/MRC](#)

[File Link for 22/00143/MRC](#)

### **4.0 DESCRIPTION OF PROPOSAL**

4.1 It is proposed that the Description of Development for 21/01877/MRC is amended as set out below:

21/01877/MRC

Application for variation of condition 2 (approved plans to allow for the inclusion of 5no bungalows to the East boundary ~~and affordable provision for the site to be reduced to 30%~~ new plans submitted for planning layout, footpath locations, boundary treatment drawings, materials layout, street scenes and typical sections) following grant of planning permission ref: 16/02756/REM for Reserved matters submission for details of layout, scale, appearance and landscaping for residential development of 225 dwellings as per amended plans received by Hambleton District Council on 15th May 2017

The description of development for 22/00143/MRC remains unchanged.

Application for variation of condition 10 (affordable housing) following grant of appeal APP/G2713/A/14/2223624 of 14/00337/OUT. Where reference is made to 50% affordable housing delivery this requires amending to 30%

### **5.0 PLANNING POLICY AND GUIDANCE**

5.1 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

5.2 The Adopted Development Plan for this site is:

- Hambleton Local Plan, February 2022
- York and North Yorkshire Minerals and Waste Plan, February 2022

Emerging Development Plan - Material Consideration

5.3 The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

Guidance - Material Consideration

5.4 Relevant guidance for this application is:

- National Planning Policy Framework
- National Planning Practice Guidance

### **6.0 CONSULTATION RESPONSES**

6.1 No further consultation has been undertaken in respect to this update.

## **7.0 ENVIRONMENT IMPACT ASSESSMENT (EIA)**

This update is not subject development changes that would result in the requirement for Environmental Impact Assessment.

## **8.0 MAIN ISSUES**

8.1 The key considerations in the assessment of this application are:

- To agree changes to the Committee resolution and whether this has any material impact on the assessment of the proposed development.

## **9.0 ASSESSMENT**

- 9.1 Since the Committee resolution to approve applications 21/01877/MRC and 22/00143/MRC sales of market units on the development have been relatively poor and the as a result the applicant has been looking at alternatives for the completion of delivery on the site, which would be driven by the affordable housing offer. Whilst the overall profit is not as great, it significantly changes the cash flow dynamics of the development increasing deliverability.
- 9.2 The revisions to the scheme in terms of the layout have been implemented on site, importantly with two storey dwellings replaced with bungalows, along the east boundary with Woodlands Walk, which was set out to improve the amenity relationship with neighbouring properties. The fact that the revised scheme has been built out, significantly decreases any risk to the Council. Members had been concerned at the time of the earlier resolution that it was possible that the reduction in affordable housing could be implemented in the absence of the improvements to the layout and thereby sought to tie the two applications.
- 9.3 The applicant is seeking to de-link the affordable housing changes and the layout changes, in order that either 50% or 30% affordable housing could be delivered.
- 9.4 It is noted that the requirements for affordable housing are dealt with through the Outline Planning Permission (condition 10), subject of the appeal and are not otherwise referenced in the Reserved Matters application which governs the layout, house types etc.
- 9.5 The outcome of this is to remove reference to the affordable housing percentage in the revised Reserved Matters application and approve the new layout and house-types. This permission can then be issued, the implemented layout becomes authorised and the associated units can be sold to a Registered Provider as affordable housing.
- 9.6 The applicant would then have a permission for the changes to the layout, which would be subject to 50% affordable housing in accordance with condition 10 on the outline planning permission.
- 9.7 The applicant is looking to wait until later in 2024 to review matters pertaining to affordable housing on the site, leaving the percentage unchanged at 50% for the time being.
- 9.8 On this basis it is recommended that matters pertaining to 22/00143/MRC are delegated to officers on the basis that not less than 30% affordable housing be delivered.

## **10.0 PLANNING BALANCE AND CONCLUSION**

- 10.1 It is concluded that the proposed amendments result in no material change from the earlier Committee resolution but allow the amended and improved layout to be delivered at a rate of 50% affordable housing or at the previously agreed lower rate of 30%.

## 12.0 RECOMMENDATION

12.1 That application 21/01877/MRC be **GRANTED** subject to the conditions set out below.

and

12.2 That application 22/00143/MRC be delegated to officers for **APPROVAL** along with the relevant accompanying deed of variation, allowing no less than 30% affordable housing.

### Recommended Conditions for 21/01877/MRC

Condition 1 - The development hereby permitted shall be begun within two years of 14 July 2017.

Reason: To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.

Condition 2 - The permission hereby granted shall not be undertaken other than in complete accordance with the drawings detailed below received by Hambleton District Council on 14 October 2021 and 28 January 2022 unless otherwise approved in writing by the Local Planning Authority:

Location Plan – 1641.06 Rev A  
Landscape Masterplan – R/1939/1L  
Landscape Details – R/1939/10A  
Landscape Details – R/1939/9A  
Landscape Details – R/1939/8A  
Landscape Details – R/1939/7A  
Landscape Details – R/1939/10A  
Landscape Details – R/1939/6A  
Landscape Details – R1939/5A  
Landscape Details – R1939/4A  
Street Scene and Section – 1641.SS.02  
Street Scene and Section – 1641.SS.02  
1641-G01 single  
1641-G02 double  
1641-G03 double  
pyramid roof  
1641-G04 triple  
1641-G05 quad  
HOLMEWOOD\_Rev B-1  
HOLMEWOOD\_Rev B-2  
HORSHAM\_Rev B-1  
HORSHAM\_Rev B-2  
HORSHAM\_Rev B-3  
HORSHAM\_Rev B-4  
KENILWORTH\_Rev A-1  
KENILWORTH\_Rev A-2  
MAPLEFORD\_Rev A-1  
MAPLEFORD\_Rev A-2  
NORTHWOOD\_Rev A-1  
NORTHWOOD\_Rev A-2  
OAKFORD\_Rev A-1  
OAKFORD\_Rev A-2  
OAKWOOD\_Rev A-1  
OAKWOOD\_Rev A-2



STEN U\_Rev A  
STEN Y\_Rev A-1  
STEN Y\_Rev A-2  
THORNTON\_Rev A.

Reason: In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy DP32.

Condition 3 - Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Drainage Strategy" dated "December 2016". The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 4303, and ensure that surface water discharges to the 825mm surface water sewer crossing the site at a maximum restricted rate of 10 l/sec.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF and Development Policy 43 of the adopted Hambleton Local Development Framework.

Condition 4 - No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

Reason: In order to ensure that the external materials are appropriate in this case and in order to comply with the requirements of policy DP32 of the adopted Local Development Framework.

Condition 5 - Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority: (a) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing (i) dimensions of any carriageway, cycleway, footway, and verges; (ii) drainage and sewerage system; (iii) lining and signing; (iv) traffic calming measures; and (v) all types of surfacing (including tactiles), kerbing and edging; (b) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing (i) the existing ground level; (ii) the proposed road channel and centre line levels; and (iii) full details of surface water drainage proposals; (c) Full highway construction details including (i) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths; (ii) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels; (iii) kerb and edging construction details; and (iv) typical drainage construction details; (d) Details of the method and means of surface water disposal; (e) Details of all proposed street lighting; (f) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features; (g) Full working drawings for any structures which affect or form part of the highway network; (h) Details of proposed landscaping; and (i) A programme for completing the works. The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.

Reason: In accordance with Local Development Framework policy DP3 and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

Condition 6 - Within 3 months of the date of this permission a scheme shall be submitted to and approved by the Local Planning Authority for the extension of the street lighting system between the site access onto Tanton Road and the junction of Tanton Road with B1365. The approved scheme shall be implemented within three months of the approval of the scheme.

Reason: In the interests of highway safety.

Condition 7 - Within three months of the date of this permission a survey and scheme for footpath surfacing works to Footpath Ref No:10.140/2/2 running northwards from North Road, passing to the east of Neasham House Farm to the development boundary, as shown on Drawing Stokesley Footpath 10.140/2/2, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall set out a schedule for the completion of the approved scheme.

Reason: In order to ensure that there is a sustainable pedestrian route to local services.

Condition 8 - Within 3 months of the date of this permission a landscape and boundary treatment scheme shall be submitted to and approved by the Local Planning Authority, designed to mitigate for loss of privacy to the East, Woodlands Walk boundary opposite plot 99 and plots 103 to 108 and to the south boundary opposite plots 110 to 112 and plots 142 to 164. The boundary details and landscaping shall then be implemented within 3 months of the approval of these details.

Reason: In order to protect residential amenity.

Condition 9 - Prior to any pile driving taking place a scheme for the protection of amenity and property shall be submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved scheme. The scheme shall cover matters including but not limited to:

- Schedule of proposed piling
- Piling technique to be used, including justification
- Details of neighbour consultation to be carried out
- Noise mitigation measures to be included
- Monitoring of noise and vibration
- Process for neighbour complaint and response

Reason: In order to protect residential amenity.

Condition 10 - Notwithstanding the requirements of the Town and Country Planning (General Permitted Development) Order, any extension, alteration or ancillary building within plot 99 and plots 103 to 108, shall take place without the benefit of a formal application for Planning Permission.

Reason: In order to protect residential amenity.

**APPENDICES:** Appendix A – March 2022 report – 21/01877/MRC  
Appendix B – March 2022 report – 22/00143/MRC

**Target Determination Date:** 25 April 2022

**Case Officer:** Mr Peter Jones, peter.jones@northyorks.gov.uk

**Parish: Stokesley**  
 Ward: Stokesley  
**2**

Committee Date : 10 March 2022  
 Officer dealing : Mr Peter Jones  
 Target Date: 26 October 2021  
 Date of extension of time (if agreed):

**21/01877/MRC**

**Application for variation of condition 2 (approved plans to allow for the inclusion of 5no bungalows to the East boundary and affordable provision for the site to be reduced to 30% - new plans submitted for planning layout, footpath locations, boundary treatment drawings, materials layout, street scenes and typical sections) following grant of planning permission ref: 16/02756/REM for Reserved matters submission for details of layout, scale, appearance and landscaping for residential development of 225 dwellings as per amended plans received by Hambleton District Council on 15th May 2017. At: Tanton Fields Development land to the North and West of Woodlands Walk, Tanton Road, Stokesley For: Tilia Homes.**

This application was presented to and deferred from the Planning Committee at the 10<sup>th</sup> February 2022 meeting, alongside application 21/00143/MRC. The deferral was to allow the Council to obtain an independent assessment of the applicant's viability appraisal and to allow for further information to be obtained in relation to the implications resulting from the change of ownership of the site.

Further information on the scheme viability will be provided to the meeting. This will be assessed against the policies in the new Local Plan in the update sheet for Members. The report previously considered and deferred by Members is set out as follows:

- 1.0 Site, Context and Proposal
- 1.1 Outline planning permission for up to 226 dwellings was granted on appeal in September 2015. Reserved matters approval was subsequently approved on 14 July 2017 under 16/02756/REM.
- 1.2 All matters were reserved for subsequent approval at the outline stage, with the exception of access. The Reserved matters application was for 225 units. An indicative master plan showing plot positions, landscaping, roads and footpaths was submitted with the original outline application (14/00337/OUT) as part of the Design & Access Statement.
- 1.3 The application site comprises an area of 9.31ha with a developable area of 6.88 ha. The reserved matters application included 225 units. The applicant at that time committed to a minimum of 50% affordable dwellings on site.
- 1.4 This application seeks a modification to the layout of the site, in particular to include 5 bungalows in replacement of 7 two storey units. An additional plot is then added at plot 124A resulting in the development now being for 224 units. The changes to the layout have come about following the identification of amenity impacts resulting from the change in levels on the site to the west of Woodlands Walk. The proximity of the approved two storey dwellings was

considered to result in a significant impact on the amenity of the neighbouring occupiers and as such the Council entered into negotiation with the developer, seeking to mitigate the identified harm.

- 1.5 Owing to changes to the layout of the development, including the provision of the bungalows now included in the scheme, along with other viability issues, the developer is seeking to reduce the affordable housing provision from 50% to 30%, in line with the expectations of the emerging Local Plan. Whilst dealt with in this report, the reduction in the affordable housing offer also requires an amendment to Condition 10 attached to the outline planning permission, which necessitates a separate modification of condition application which is dealt with specifically, in another report on this agenda.
- 1.6 The modification of condition process only allows us to look at the changes proposed and does not allow for a wholesale review of the permission. As such, whilst this report does look at wider issues raised by third party representations, the changes to the scheme are restricted to the alteration in the affordable housing offer and the switch of two storey units for bungalows, to the immediate west of Woodlands Walk.
- 1.7 The first phase of the development has been completed to the eastern section of the site and development of the remainder of the site is on-going. It is clear that completions on this site have been very slow and the length of time that the development has taken to construct has been a significant problem for local residents who have complained about the on-going noise and vibration from the site.
- 1.8 The main vehicular access into the site is off Tanton Road along the eastern site boundary. A second vehicle access is located at the south eastern corner of the site leading from The Acres, a residential road which is part of the adjacent housing development to the south of the application site. These details were approved at the outline stage and included in the reserved matters approval. A public footpath crosses the centre of the site in a north-south direction and a second public footpath runs alongside the site's western boundary. There are three distinct areas of open space, one in the far north western corner, one to the south of the central woodland area and a smaller area in the north eastern corner, adjacent to the proposed access into the site from Tanton Road. A green "bat link" and footpath is also included linking the southern part of the site with the Tanton Grove Southern Plantation.
- 2.0 Relevant Planning and Enforcement History
- 2.1 14/00337/OUT - Outline application for a residential development of up to 226 dwellings with associated access (with all other matters reserved); Refused 30 May 2014, appeal allowed 7 September 2015 following a Public Inquiry.
- 2.2 16/02756/REM - Reserved matters submission for details of layout, scale, appearance and landscaping for residential development of 225 dwellings as per amended plans received by Hambleton District Council on 15th May 2017.

- 2.3 17/00788/FUL - Creation of a landscaped embankment adjacent to the residential development site boundary (16/02756/REM) to provide a landscaped buffer.
- 2.4 19/00730/NMC - Application for non-material amendment relating to planning application 16/02756/REM - Reserved matters submission for details of layout, scale, appearance and landscaping for residential development of 225 dwellings.
- 2.5 20/00661/NMC - A non material amendment to previously approved application 16/02756/REM-Reserved matters submission for details of layout, scale, appearance and landscaping for residential development of 225 dwellings
- 2.6 20/02402/MRC - Variation of conditions attached to Planning Application Reference Number 16/02756/REM-Reserved matters submission for details of layout, scale, appearance and landscaping for residential development of 225 dwellings
- 2.7 22/00143/MRC – Application for variation of condition 10 (affordable housing) following grant of appeal APP/G2713/A/14/2223624 of 14/00337/OUT. Where reference is made to 50% affordable housing delivery this requires amending to 30%. Decision Pending.
- 3.0 Relevant Planning Policies
- 3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

Previous Local Development Framework Policies:

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP7 - Phasing of housing
- Core Strategy Policy CP8 - Type, size and tenure of housing
- Core Strategy Policy CP9 - Affordable housing
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 - Promoting high quality design
- Core Strategy Policy CP18 - Prudent use of natural resources
- Core Strategy Policy CP19 - Recreational facilities and amenity open space
- Development Policies DP1 - Protecting amenity
- Development Policies DP2 - Securing developer contributions
- Development Policies DP3 - Site accessibility
- Development Policies DP4 - Access for all
- Development Policies DP8 - Development Limits
- Development Policies DP9 - Development outside Development Limits

Development Policies DP10 - Form and character of settlements  
Development Policies DP11 - Phasing of housing  
Development Policies DP13 - Achieving and maintaining the right mix of housing  
Development Policies DP15 - Promoting and maintaining affordable housing  
Development Policies DP28 - Conservation  
Development Policies DP29 - Archaeology  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation  
Development Policies DP32 - General design  
Development Policies DP33 - Landscaping  
Development Policies DP34 - Sustainable energy  
Development Policies DP36 - Waste  
Development Policies DP37 - Open space, sport and recreation  
Development Policies DP43 - Flooding and floodplains  
Supplementary Planning Document - Size, type and tenure of new homes - adopted September 2015  
Supplementary Planning Document - Sustainable Development - Adopted 22 September 2009  
National Planning Policy Framework

Hambleton Local Plan

The Local Plan was adopted at the Council meeting on 22 February 2022.

National Planning Policy Framework

Matters of principle are not considered relevant owing to the applicant having a reasonable fall back position of their existing planning permission.

The following Local plan policies are considered to be relevant to this matter:

**Local Plan Policies**

S 1 : Sustainable Development Principles

S 2: Strategic Development Needs

S 3: Spatial Distribution

HG 1: Housing Delivery

HG3: Affordable Housing

HG 2: Delivering the Right Types of Homes

HG 3: Affordable Housing Requirements

E 1 : Design

E 2 : Amenity

E 3 : The Natural Environment

E 4 : Green Infrastructure

E 7 : Hambleton's Landscapes

IC 1 : Infrastructure Delivery  
IC 2 : Transport and Accessibility  
IC 3: Open Space, Sport and Recreation

RM 1 : Water Quality and Supply  
RM 2 : Flood Risk  
RM 3 : Surface Water and Drainage Management  
RM 4 : Air Quality  
RM 5 : Ground Contamination and Groundwater Pollution

#### 4.0 Consultations and Representations

##### 4.1 Stokesley Town Council

###### 1) Affordable Housing

The provision of 50% Affordable Housing was heavily emphasised by the developer, during the consideration of the original application and in the subsequent appeal as one of the scheme's merits.

Affordable Housing was covered by one of the conditions made by the Planning Inspector in his decision to approve the development in 2015 following the public enquiry held earlier that year.

In the pre-ambule to the condition the Inspector noted in Paragraph 91 of his report that *'The provision of affordable housing, secured by condition, would help offset the shortage of such accommodation in the district in compliance with Core Strategy Policy CP9, which seeks to achieve a 50% contribution in the Stokesley sub-area, and to set out a mechanism as required by Development Policy DP15. I have made some minor revisions to the wording of the condition for improved clarity. [Condition 10]'*

As the development subsequently proceeded, the applicant clearly accepted this condition and therefore considered the development to be financially viable on the specified 50% affordable housing provision. No financial analysis has been included in the current application to provide any justification for the proposed drastic reduction in the percentage of affordable housing. In the absence of such analysis this element of the application should be refused.

Stokesley Town Council would also appreciate information on how many of the affordable housing units have been completed (and occupied) to date, and how many of the 50% commitment are still to be constructed?

###### 2) Increased provision of Bungalows

This element of the application is welcomed. It provides additional bungalows to address a shortage in the availability of such properties within Stokesley. Additionally, it reduces the overlooking of properties on the neighbouring part of Woodlands Walk.

###### 3) Oakford – Change form single to double garages

No objection.



4) Change form Kenilworth to Oakford Design on 7 Plots

This changes 7 properties from 2.5 to 2 storeys and from 5 bedrooms to 4 bedrooms, therefore welcomed and no objection.

5) Reconfiguration of Plots 122 to 127 and provision of additional Plot 124A

No objection.

Further, Stokesley Town Council remain concerned about the lack of action by both HDC, as the enforcement agent, and Kier / Tilia, as the developer, to deliver the improvements required by Conditions 24 and 25 of the Planning Inspector's decision to approve the development, namely:

Street Lighting

24) No dwelling shall be occupied until a scheme, previously submitted to and approved in writing by the Local Planning Authority, for the extension of the street lighting system between the site access on to Tanton Road and the junction of Tanton Road with B1365 has been implemented in accordance with the approved details.

Stokesley Footpath 10.140/2/2

25) Development shall not commence until a survey and scheme for footpath surfacing works to Footpath Ref No:10.140/2/2 running northwards from North Road, passing to the east of Neasham House Farm to the development boundary, as shown on Drawing Stokesley Footpath 10.140/2/2, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed prior to the occupation of the first dwelling on the site.

Neither of these improvements are included in the above application. Therefore, in the absence of any revisions to the applications to incorporate these improvements, it would appear that enforcement action is urgently required to ensure these conditions are met without any further delay.

Site levels have been a sensitive issue and a major cause of concern throughout the development of this site. This resulted from the requirement that finished floor levels on the development should be a minimum of 67.5 metres above ordnance datum, i.e. above the height of neighbouring land with respect to the existing housing on Woodlands Walk and Peacocks Close. In order to achieve a satisfactory relationship with neighbouring properties, a condition was imposed requiring floor levels to be agreed between the Local Planning Authority and the developer. In the earlier stages of the development this topic has been the cause of extensive debate between residents of Woodland Walk, the LPA and the developer. Therefore, it is critical the spotlight of attention falls on this element of the current application.

Drawing No.1641.04 Rev. F is the key reference document. However, this fails to provide the necessary clear information required to make an informed assessment of this element of the application. The scale of the drawing is shown as '1:100 / 150'. However, within the drawing information is only provided that Section D-D is 1:150, no information on the scale of the



remaining three sections is given. Neither are any specific height details provided for any of the sections.

The drawing also notes 'as built levels are +/- 500mm to shown'. Given the impact that a 500 mm increase in height would have on the overlooking of existing properties, and the size of the specific increase in site / floor levels agreed with the LPA, this is an unacceptable and unduly lenient tolerance and should be rejected by the LPA. (e.g. if the site level height increase agreed was 2 metres, the 500 mm tolerance equates to a 25% tolerance – modern civil engineering techniques provide much more accuracy than this.) Earlier phases of the project have been characterised by debates between residents, the LPA and the developer on the actual built site levels and whether they match the agreed drawings. Therefore, the Town Council urges the LPA to be particularly vigilant, once site levels and tolerances have been agreed, to ensure the 'built' levels match the agreed 'drawing' levels. This is in the context of residents' reports that current site levels are 1.5 to 2 metres higher than those given in the drawing.

Any increase in the site levels greater than those specified in the agreed drawings will only exacerbate the issues of overlooking and loss of privacy to existing householders of properties in Woodlands Walk and Peacocks Close.

#### 1) Proximity of New Dwellings to Existing Properties

The LPA is requested to verify on site the distance from existing dwellings, including extensions, where built on to original dwellings, given on the drawings to ensure that the relevant planning guidelines / regulations are satisfied. Given the previously expressed concerns relating to site levels this is a sensitive local issue with regards to overlooking and loss of privacy.

#### 2) Suggestions

Depending on the LPA assessment of the issues raised in the previous two sections then alternative planning options may need to be considered by the LPA and developer to establish a mutually acceptable solution. These may include alternative boundary treatments, or, in the case of certain plots adjacent to Peacocks Close, the provision of bungalows in place of two-storey dwellings – a solution that the developer has already proposed in this application to resolve similar issues in respect of properties on the eastern boundary of the site.

- 4.2 Northumbrian Water – No comments to make.
- 4.3 Ramblers – No objections to the proposal but notes that despite contact with the site agent the footpath across the site has not been maintained open.
- 4.4 Third Party Representations:

14 Objections have been received on the grounds summarised below:

- The proposed landscaping is insufficient to resolve the issues raised.
- Sparsity of information on the submission in terms of levels.
- Security implications of the footpath.
- Loss of privacy
- Submission is mis-leading in terms of levels

- Properties behind Peacocks Close and Jacksons Drive should be replaced with bungalows.
- The site levels should be reduced or bungalows incorporated.
- Landscaping and boundary treatments need more consideration, in particular the planting of evergreens.
- Reduction in affordable housing is not acceptable.

2 Letters of support has been received on the ground summarised below:

The replacement bungalows will be less intrusive on privacy

5.0 Analysis

5.1 The principles behind the development of this site are set out in the Inspector's decision in relation to the outline approval for development (14/00337/OUT).

5.2 The assessment of this application need only consider the changes to the scheme and cannot review other matters pertaining to the application that have not been put forward by the applicant.

5.3 The main issues to consider in the determination of the this application are: (i) the housing mix, type and tenure, including affordable housing provision; (ii) public open space provision; (iii) highway safety; (iv) drainage and flood risk and; (v) design and layout, including impact on residential amenity

Housing mix, type & tenure and affordable housing

5.4 The housing mix is not intended to change significantly as a result of the current proposals. However, the revisions will remove 7 two storey dwellings and replace them with 5 bungalows.

5.5 Condition 11 of the outline planning permission states: "At least 5% of the dwellings hereby permitted, both market and affordable, shall comprise 2 bedroom bungalows". This requirement continues to be met in the revised submission through the provision of 17 two bedroom bungalows, comprising 9 affordable units and 8 open market units. Therefore, having regard to the above, it is considered the proposal would continue to provide an appropriate quantity of two-bedroom bungalows.

5.6 The complete mix and unit percentages is set out below. The mix results in over 60% 2 and 3 bed housing and includes 8 1 bed houses in the affordable mix, which have been shown to meet a significant local need. It is considered that the proposed revised mix meets the locally identified need and is considered acceptable.

Housing Mix

Affordable		Percentage Affordable or Market	Percentage Total
1 bed	8	12%	3.5%
2 bed	41	61 %	18.2%
3 bed	18	27 %	8%

Total	67		
Market			
2 bed	31	20%	13.7%
3 bed	58	37%	25.7%
4 bed	61	39.1%	27%
5 bed	6	3.9%	2.6%
Total	156		
Overall Mix			
1bed	8		3.6%
2 bed	72		32.3%
3 bed	76		34%
4 bed	61		27.3%
5 bed	6		2.7%
2 bed bungalows	17		7.6%

- 5.7 The other main change is to reduce the percentage of affordable housing from 50% agreed at the time of the outline approval, to 30%, which would bring the affordable housing offer in line with emerging policy contained within the draft local plan.
- 5.8 The applicant has submitted a viability appraisal with the application which sets out the viability position of the approved scheme and that of the revised scheme, on the basis that the revised scheme, replacing 7 two storey dwellings with 5 bungalows will have a detrimental impact on viability.
- 5.9 The supporting information submitted indicates that the current development is significantly below the expected level of developer profit with only a 2.4% net margin on Gross Development Value shown as achievable. The applicant suggests that at this level there is a significant risk that any marginal increase in costs would result in the site losing money. They consider that such a low net margin is not sustainable and needs to be addressed to ensure the build out can progress without interruption.
- 5.10 The appraisal shows the revised outcome when the proposed layout changes are introduced, and the affordable levels reduced. This results in an increase in the net margin on GDV to 9.8%. Whilst this is a significant increase it still is notably below the level expected by funders and other interested parties. However, the applicant acknowledges there is a balance to be struck between ensuring the development can proceed and still providing sufficient affordable housing. Consequently, the decision was made by the applicant to keep affordable housing at 30% given this still delivers a substantial amount of housing and is at a level in line with emerging policy (Policy HG3), which is at an advanced stage.
- 5.11 It is clear from the applicant's submission that the approved scheme lacked viability with significantly less than the usual expected 20% developers profit being achieved. The proposed amendment to the scheme further reduces the

developers profit resulting from the development. The applicant has requested that the affordable housing contribution be reduced from 50% to 30%. It is clear from their submission that even at the 30% rate of affordable housing, the developers profit still sits substantially below the 20% profit expectation notwithstanding the requested changes to the layout.

- 5.12 Policy HG3 of the Local Plan sets out that within all new market housing development across the Hambleton area, a provision for 30% of affordable housing is sought by the council. The policy further goes on to identify where the requirements are not considered viable, with reasons including:

*'material considerations affecting development of the site, an alternative dwelling or tenure mix that meets local need or a lower level of provision may be acceptable. When amending the level of provision, preference will be to reduce the proportion of intermediate housing and other types of affordable home ownership first, then affordable rented housing and finally social rented housing.'*

- 5.13 Combining matters relating to viability, the changes to the scheme requested by the Council and the targets set by the Local Plan, the revised offer of 30% affordable housing is considered acceptable.

#### Public open space

- 5.14 The proposed development includes a central public open space containing a play area to required standards, beech hedge planting, avenue style tree planning and existing woodland trees. The open space would be kept primarily open. Planting around the boundary of the open space would provide slight separations and screening for the adjacent housing. New low native species shrubs would be planted along the edges of the existing plantation trees, with a native wildflower strip along the edge. This is to create a graduated edge to the existing woodland and improve biodiversity.
- 5.15 A retention basin is located within the open space as part of the drainage strategy. During the course of the application this basin has been amended in order that it can be used as a permanent part of the public open space provision by incorporating an underground attenuation solution as opposed to an open basin.
- 5.16 The Open Space, Sport and Recreation SPD reinforces the requirements of Development Policy DP37 which requires the provision of 1.38ha of amenity green space for every 1,000 people. This relates to a requirement of just over 1ha of public open space in this case. The application proposes two main areas of public open space, an informal area which is currently and will be maintained as woodland to the north of the site, along with a more formal area centrally within the site which includes the children's play area. In total provision is made for approximately 1.5ha of useable public open space. This is considered to comply with the requirements of adopted policy in this case.
- 5.17 The proposed amendments to the proposals result in no significant change to the provision of Public Open Space in the development.

### Highway safety

- 5.18 The highway layout was been partially dictated by issues around drainage and site levels and this has resulted in a more linear network than is ideal for a development of this scale and form. Much of the water attenuation is achieved through oversized pipes, located under the road network.
- 5.19 All new private dwellings have car parking in curtilage, or designated within a parking court. Detached dwellings would either have a drive to the side, leading to a garage, or have a drive to the front with an integral garage. Semi-detached dwellings would have either frontage car parking or parking down the side of the house. Mews housing generally would have car parking to the front.
- 5.20 The proposed amendments to the development result in no significant change to the road layout nor to parking details. As such it is considered that the proposed development will result in no harmful impact on road safety on, or in the vicinity of the application site.

### Drainage & flood risk

- 5.21 Flooding and drainage were major considerations at the time of both the Outline and Reserved Matters approvals. The proposed amendments, whilst needing consideration in terms of drainage do not change the previously approved and in part, implemented drainage strategies.
- 5.22 Policy DP43 of the Development Policies DPD outlines the Council's approach to development and flooding and states that development will only be permitted if it has an acceptably low risk of being affected by flooding assessed against the Environment Agency's flood zone maps, other local information and where all necessary mitigation measures on or off site are provided.
- 5.23 Policy DP6 of the adopted Development Policies DPD stipulates that new developments must be capable of being accommodated by existing or planned services and must not have a seriously harmful impact on existing systems, worsening the services enjoyed by the community. These systems include surface water drainage and sewage disposal.
- 5.24 Drainage was primarily dealt with through conditions attached to the grant of outline planning permission. However, owing to the required increase in ground levels, the principles of drainage were considered at the time of the Reserved Matters application.
- 5.25 The proposed amendment to the scheme results in no significant change to the drainage strategy or layout and as a result the proposed amendments are considered to have no additional impact in terms of drainage or flooding.

### Design and layout and residential amenity

- 5.26 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.27 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.28 The National Planning Policy Framework supports this approach and states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The NPPF also sets an expectation that applicants engage with the local community in drawing up the design of their schemes.
- 5.29 This approach has been strengthened by the National Planning Policy Framework which states that "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."
- 5.30 The layout as such is little changed from the original permission. The drainage of the site was understood to be an issue from the time of the Appeal Public Inquiry and there was always an expectation that site levels would have to be raised. The drainage strategy developed this with assumptions around the gravity drainage of the site. It is also clear that the layout is in part dictated by the drainage strategy for the site, which is dependent upon large scale water attenuation within a pipe network under the road layout. In order to achieve this several long sections of straight road have been required.
- 5.31 From the entrance onto the site from Tanton Road there is a curved section of roadway adjacent to an area of public open space incorporating a SUDS feature. There is then a long straight run down to the main area of public open space. This straight run of road offers an opportunity to open up the vista to the trees associated with the public open space and provide for a more open, landscaped feel to the development.
- 5.32 The development includes a mix of mews, semi-detached and detached dwellings. The majority of proposed dwellings are two-storey with bungalows utilised and occasional larger buildings with an upper floor in the roof space in key locations. The proposals now replaces 7 two storey houses with 5 bungalows.
- 5.33 The proposed use of nine house types through the development results in a variety of built forms within the development, adding architectural interest in vistas.
- 5.34 Officers consider the proposed layout and the relationship of private and public spaces is acceptable and provides a positive townscape form within the



development, taking account of the constraints imposed by the drainage strategy.

- 5.35 The raising of ground levels across the eastern portion of the site was undertaken to facilitate a gravity solution for the drainage of the site. The developer discounted the alternative pumped solution, which would have allowed for less alteration to levels, on the grounds of cost and maintenance, and it is reasonable to consider the consequences of a pumping failure in determining whether such an approach was appropriate. The gravity solution has a lower risk of failure and the developer endeavoured to minimise the increase in levels and to mitigate the impact of the level change where possible. It is clear from representations that there remains significant concern about the levels amongst local residents and the resultant impact on residential amenity.
- 5.36 The matter of ground levels has continued to be a local cause for concern as the development of the site has progressed. The site levels to the north of Woodlands Walk were raised by approximately 2m. Whilst this was accepted at the time of the Reserved Matters application, it was clear that this resulted in a less than ideal relationship between the existing and proposed developments and continuously raised concerns amongst local residents through the construction of this part of the site.
- 5.37 More recently and through discussion between the Council and the developer, further concerns regarding the relationship between plots to the west of Woodlands Walk and the existing residencies adjacent have taken place in an attempt to improve the physical relationship between the new and existing development. This work has been done, bearing in mind the drainage issues that have been addressed by the scheme to date and which resulted in the raised land levels across the site.
- 5.38 The proposed amendment to the scheme removes a number of two storey properties located to the west of Woodlands Walk and replaces them with 5 bungalows. This results in a significant improvement in the relationship in terms of overlooking, which, when combined with planting to the boundary of the site is considered to result in an acceptable relationship in terms of amenity impacts from overlooking. The Council also sought an amendment to plot 99 which is located immediately to the west of 9 Woodlands Walk. However, this plot had already been sold and as such it was not possible to seek an amendment to this house type, to further improve the relationship to neighbouring properties. Plot 99 is located 10m from the boundary of 9 Woodlands Walk and approximately 18m meters from window to facing window. 9 Woodlands Walk has a conservatory to the rear, which would be impacted by the proposed development.
- 5.39 Further mitigation has been explored with the developer and the owner of 9 Woodlands Walk. However, owing to the limited space between Plot 99 and the boundary of the site, along with the potential overshadowing that would result from additional tree planting, there is considered to be little that can be achieved to improve this situation. The proposed amendments significantly mitigate the impact on neighbouring residents to Woodlands Walk, although,

owing to the significant raising of the land, there remains a residual impact in terms of privacy from the access road.

- 5.40 The applicant has submitted a number of sections through the site, including the height and position of adjacent neighbours, in order to illustrate the physical relationship and the potential impact on neighbouring residential amenity. These sections include not only the area of change covered by this application, but also the area to the north of Peacocks Close and Jackson Drive, noting that this area is not subject to change at this time.
- 5.41 The plots located to the north of Peacocks Close and Jacksons Close will also be on raised ground. Clearly the original Outline permission envisaged an increase in ground levels of no less than 0.65m. The approved scheme increased the levels of the ground along this part of the site by approximately 1m and the proposals do not change this scenario. It should be noted that the original submission of this current application incorrectly showed the finished floor levels of the properties opposite 12 Peacocks Close as being at the same level. This has been corrected and the finished floor level of the adjacent property is approximately 1m higher than 12 Peacocks Close and approximately 16.5m away in a gable to rear elevation relationship.
- 5.42 Properties on Peacocks Close and Jackson Drive do not have a uniform relationship to their boundary, with properties both backing directly onto the site and properties with their gables facing the site. Generally, those properties which back onto the site have a window to window distance of 22m or more, with one property at 28 Jacksons Drive approximately 19m to a rear extension. This property is at an angle to the adjacent plot and as such the reduced distance is considered acceptable.
- 5.43 Concern has been raised about the relationship of a number of properties in the vicinity of Jackson Close and Peacock Drive, in particular number 12 Peacocks Close. This property is one of the closest to the site boundary at 6m between the gable of the existing property and the garden boundary of plot 161 and approximately 16.5m between the gable and the rear elevation of plot 161, noting also that the finished floor level of plot 161 is approximately 1m above the finished floor level of number 12 Peacocks Close. Whilst there is potential for a loss of amenity, particularly to the rear garden of 12 Peacocks Close, there is proposed a 1.8m close boarded fence to be erected between the two properties. There is also a gap between the two garden boundaries of approximately 5m. It is considered that this is sufficient to protect the amenity of 12 Peacocks Close. The site section shows that the gardens of the plots located on raised ground, slope gently down to the boundary and as such there is no significant step between the application site and neighbouring properties.
- 5.44 A similar situation prevails at number 15 and number 36 Jacksons Drive, and a similar conclusion is reached.
- 5.45 It is considered that owing to the physical relationship between the proposed and existing development, that the proposals do not result in any significant loss of amenity to neighbouring residents. Again, it must be understood that



this application seeks only amendments to the layout in terms of those plots to the west of Woodlands Walk.

#### Other matters

- 5.46 The Parish Council has raised various compliance issues with regard to footpaths and lighting. These are matters that are conditional requirements of the outline planning permission and are not impacted by the proposed amendments to the proposals. Should these matters not be resolved they will be subject to enforcement procedures.

#### Planning Balance

- 5.47 The original permission, was granted at least in part on the premise of the delivery of 50% affordable housing. The reduction of affordable housing to 30% clearly weighs against the proposed development. However, the 30% offer is in line with the requirements of the emerging plan and in particular the Council's understanding of viability gained through the viability work carried out as part of the evidence for the new Local Plan.
- 5.48 The application proposes changes to the house types along part of the boundary of Woodlands Walk, which clearly results in an improvement to the development and results in significantly less impact than the earlier approved scheme. This is considered to weigh positively in the planning balance.
- 5.49 Concern has been expressed by occupiers of properties which do not see a benefit, resulting from the change in house types. However, this is not an opportunity to review the wider development proposals, only the changes proposed in the application. That said, the balance of the determination is considered to weigh between the improvements gained to the scheme and the loss of affordable housing from the development. Given the position of the Local Plan and the improvements gained to the development it is considered that the beneficial impacts outweigh the harm and as such the proposed amended scheme is recommended for approval.

#### 6.0 Recommendation

- 6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following conditions and an amendment to the S106 agreement to reflect the change in the affordable housing contribution from 50% to 30%.

1. The development hereby permitted shall be begun within two years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings detailed below received by Hambleton District Council on 14 October 2021 and 28 January 2022 unless otherwise approved in writing by the Local Planning Authority:

Location Plan – 1641.06 Rev A  
Landscape Masterplan – R/1939/1L  
Landscape Details – R/1939/10A

Landscape Details – R/1939/9A  
Landscape Details – R/1939/8A  
Landscape Details – R/1939/7A  
Landscape Details – R/1939/10A  
Landscape Details – R/1939/6A  
Landscape Details – R1939/5A  
Landscape Details – R1939/4A  
Street Scene and Section – 1641.SS.02  
Street Scene and Section – 1641.SS.02

1641-G01 single  
1641-G02 double  
1641-G03 double  
pyramid roof  
1641-G04 triple  
1641-G05 quad  
HOLMEWOOD\_Rev B-1  
HOLMEWOOD\_Rev B-2  
HORSHAM\_Rev B-1  
HORSHAM\_Rev B-2  
HORSHAM\_Rev B-3  
HORSHAM\_Rev B-4  
KENILWORTH\_Rev A-1  
KENILWORTH\_Rev A-2  
MAPLEFORD\_Rev A-1  
MAPLEFORD\_Rev A-2  
NORTHWOOD\_Rev A-1  
NORTHWOOD\_Rev A-2  
OAKFORD\_Rev A-1  
OAKFORD\_Rev A-2  
OAKWOOD\_Rev A-1  
OAKWOOD\_Rev A-2  
STEN U\_Rev A  
STEN Y\_Rev A-1  
STEN Y\_Rev A-2  
THORNTON\_Rev A.

3. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Drainage Strategy" dated "December 2016". The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 4303, and ensure that surface water discharges to the 825mm surface water sewer crossing the site at a maximum restricted rate of 10 l/sec.
4. No above ground construction work shall be undertaken until details and

samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

5. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority:
  - (a) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing (i) dimensions of any carriageway, cycleway, footway, and verges; (ii) drainage and sewerage system; (iii) lining and signing; (iv) traffic calming measures; and (v) all types of surfacing (including tactiles), kerbing and edging;
  - (b) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing (i) the existing ground level; (ii) the proposed road channel and centre line levels; and (iii) full details of surface water drainage proposals;
  - (c) Full highway construction details including (i) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths; (ii) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels; (iii) kerb and edging construction details; and (iv) typical drainage construction details;
  - (d) Details of the method and means of surface water disposal;
  - (e) Details of all proposed street lighting;
  - (f) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features;
  - (g) Full working drawings for any structures which affect or form part of the highway network;
  - (h) Details of proposed landscaping; and
  - (i) A programme for completing the works. The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.

The reasons for the above conditions are:

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy DP32.
3. To prevent the increased risk of flooding from any sources in accordance with the NPPF and Development Policy 43 of the adopted Hambleton Local Development Framework.
4. In order to ensure that the external materials are appropriate in this case and in order to comply with the requirements of policy DP32 of the adopted Local Development Framework.

5. In accordance with Local Development Framework policy DP3 and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

**Parish: Stokesley**  
 Ward: Stokesley  
**1**

Committee Date : 10 Mach 2022  
 Officer dealing : Mr Peter Jones  
 Target Date: 25 April 2022  
 Date of extension of time (if agreed):

**22/00143/MRC**

**Application for variation of condition 10 (affordable housing) following grant of appeal APP/G2713/A/14/2223624 of 14/00337/OUT. Where reference is made to 50% affordable housing delivery this requires amending to 30%.**

**At: Kier Living Tanton Fields Development Land to the North and West of Woodlands Walk, Tanton Road, Stokesley**  
**For: Tilia Homes**

This application was presented to and deferred from the Planning Committee at the 10<sup>th</sup> February 2022 meeting, alongside application 21/01877/MRC. The deferral was to allow the Council to obtain an independent assessment of the applicant's viability appraisal and to allow for further information to be obtained in relation to the implications resulting from the change of ownership of the site.

Further information on the scheme viability will be provided to the meeting. This will be assessed against the policies in the new Local Plan in the update sheet for Members. The report previously considered and deferred by Members is set out as follows:

#### 1.0 Site, Context and Proposals

- 1.1 This application is for the modification of condition 10, attached to 14/00337/OUT in order to reduce the percentage of affordable housing on the development from 50% to 30%. This application does not propose any other alterations to the development.
- 1.2 It should be noted that modifications to the housing mix and layout are proposed as a modification to the Reserved Matters permission (21/01877/MRC), which is considered elsewhere on this agenda.
- 1.3 The modification of condition process only allows us to look at the changes proposed and the impact of those changes and does not allow for a wholesale review of the permission.

#### 2.0 Relevant Planning and Enforcement History

- 2.1 14/00337/OUT - Outline application for a residential development of up to 226 dwellings with associated access (with all other matters reserved); Refused 30 May 2014, appeal allowed 7 September 2015 following a Public Inquiry.
- 2.2 16/02756/REM - Reserved matters submission for details of layout, scale, appearance and landscaping for residential development of 225 dwellings as per amended plans received by Hambleton District Council on 15th May 2017.

- 2.3 17/00788/FUL - Creation of a landscaped embankment adjacent to the residential development site boundary (16/02756/REM) to provide a landscaped buffer.
- 2.4 19/00730/NMC - Application for non-material amendment relating to planning application 16/02756/REM - Reserved matters submission for details of layout, scale, appearance and landscaping for residential development of 225 dwellings.
- 2.5 20/00661/NMC - A non material amendment to previously approved application 16/02756/REM-Reserved matters submission for details of layout, scale, appearance and landscaping for residential development of 225 dwellings
- 2.6 20/02402/MRC - Variation of conditions attached to Planning Application Reference Number 16/02756/REM-Reserved matters submission for details of layout, scale, appearance and landscaping for residential development of 225 dwellings
- 2.7 22/00143/MRC – Application for variation of condition 10 (affordable housing) following grant of appeal APP/G2713/A/14/2223624 of 14/00337/OUT. Where reference is made to 50% affordable housing delivery this requires amending to 30%. Decision Pending.
- 3.0 Relevant Planning Policies
- 3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

Previous Local Development Framework Policies:

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP7 - Phasing of housing
- Core Strategy Policy CP8 - Type, size and tenure of housing
- Core Strategy Policy CP9 - Affordable housing
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 - Promoting high quality design
- Core Strategy Policy CP18 - Prudent use of natural resources
- Core Strategy Policy CP19 - Recreational facilities and amenity open space
- Development Policies DP1 - Protecting amenity
- Development Policies DP2 - Securing developer contributions
- Development Policies DP3 - Site accessibility
- Development Policies DP4 - Access for all
- Development Policies DP8 - Development Limits
- Development Policies DP9 - Development outside Development Limits

Development Policies DP10 - Form and character of settlements  
Development Policies DP11 - Phasing of housing  
Development Policies DP13 - Achieving and maintaining the right mix of housing  
Development Policies DP15 - Promoting and maintaining affordable housing  
Development Policies DP28 - Conservation  
Development Policies DP29 - Archaeology  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation  
Development Policies DP32 - General design  
Development Policies DP33 - Landscaping  
Development Policies DP34 - Sustainable energy  
Development Policies DP36 - Waste  
Development Policies DP37 - Open space, sport and recreation  
Development Policies DP43 - Flooding and floodplains  
Supplementary Planning Document - Size, type and tenure of new homes - adopted September 2015  
Supplementary Planning Document - Sustainable Development - Adopted 22 September 2009  
National Planning Policy Framework  
Hambleton Local Plan  
The Hambleton Local Plan was adopted following the Council meeting on 22 February 2022.

#### National Planning Policy Framework

The following Local plan policies are considered to be relevant to this matter:

#### Local Plan Policies

S 1 : Sustainable Development Principles  
S 2: Strategic Development Needs  
S 3: Spatial Distribution

HG 1: Housing Delivery  
HG3: Affordable Housing  
HG 2: Delivering the Right Types of Homes  
HG 3: Affordable Housing Requirements

- 4.0 Consultations and Representations
- 4.1 Stokesley Town Council –
- 4.2 Police – No comments
- 4.3 Archaeology – The field work required has been completed.
- 4.4 Third Party Representations –

2 objections received consider that the reduction in affordable housing is not acceptable. The reduction will have a harmful impact in terms of those seeking affordable housing in the locality.

1 letter of support received stating that 30% affordable housing is still significantly more than would have been expected in 2017.

5.0 Analysis

5.1 The main issues to consider are: i) the impact of the reduction in the percentage of affordable housing from 50% to 30%.

5.2 The reduction in the affordable housing offer has been applied for owing to requested amendments to the development due to amenity impacts on existing neighbouring housing. The amendments to the scheme are also subject to another amendment of condition application for the reserved matters application, which is discussed elsewhere on this agenda.

5.3 The applicant was asked to submit a supporting statement covering the issue of viability, in order for the Council to be able to understand the relative impact of the layout and house type amendments, comparatively to the reduction in the affordable housing offer, to ensure that the benefit gained from the changes to the scheme were proportionate to the benefit to the developer.

5.4 However, the applicant's submission goes further than this, looking at the viability of the development as a whole and seeking to demonstrate that, notwithstanding the changes to the proposals and the requested reduction in affordable housing, the development is only marginal in terms of viability.

5.5 Owing to some minor changes elsewhere in the development the application results in a net reduction across the site of 1 unit, reduced from 225 units to 224 units.

5.6 It is clear from the recent work carried out in support of the Local Plan that 50% affordable housing would be unlikely to be viable and hence the change in policy to a 30% target across the District.

5.7 NPPF paragraphs 34, 38 and 83 encourages the positive consideration of proposals to ensure that delivery remains viable whilst securing a design that induces a positive impact.

5.8 It is understood from the applicant's submission that the revisions to the consented development come at considerable expense to the applicant and it is recognised that they relate to changes they are not otherwise obliged to undertake. The implications of the additional costs on the scheme are significant if one considers that the scheme has been shown to be marginal in viability terms, even in the absence of the proposed alterations to the layout.

5.9 The applicant has provided an appraisal which assess both the current and revised scheme which includes the reduction in affordable housing to 30%. When reviewing this appraisal, it is important to have significant regard to the



profit margins necessary, in order to provide adequate flexibility to cover abnormal costs and also be able to secure bank or grant funding. The generally accepted position is that development of this scale should be securing a 20% profit margin, which is a common minimum threshold for securing funding, though in some situations 15% is acceptable where an affordable housing quotient is included, subject to an assessment of risk. Generally a scheme of this type with a high proportion of affordable housing would be expected to achieve a blended profit rate of between 18% and 25% again subject to risk.

- 5.10 The applicant's viability appraisal sets out the viability position of the approved scheme and that of the revised scheme, on the basis that the revised scheme, replacing 7 two storey dwellings with 5 bungalows will have a detrimental impact on viability.
- 5.11 The supporting information indicates that the current development achieves significantly below the expected level of developer profit with only a 2.4% net margin on Gross Development Value shown as achievable. The applicant suggests that at this level there is a significant risk that any marginal increase in costs would result in the site losing money and as such the development could not reconcile the requested changes to the scheme without a reduction in affordable housing. They consider that such a low net margin is not sustainable and needs to be addressed to ensure the build-out can progress without interruption.
- 5.12 The appraisal shows the revised outcome when the proposed layout changes are introduced, and the level of affordable housing reduced. This results in an increase in the net margin on GDV to 9.8%. Whilst this is a significant increase it still is notably below the level expected by funders and other interested parties. However, the applicant acknowledges there is a balance to be struck between ensuring the development can proceed and still providing sufficient affordable housing.
- 5.13 Consequently, the decision was made by the applicant to keep affordable housing at 30% given this still delivers a substantial amount of affordable housing and is at a level in line with Policy HG3.
- 5.14 It is clear from the applicant's submission that the approved scheme lacked viability with significantly less than the usual expected 20% developer's profit being achieved. The proposed amendment to the scheme further reduces the developers profit resulting from the development. The applicant has requested that the affordable housing contribution be reduced from 50% to 30%. It is clear from their submission that even at the 30% rate of affordable housing, the developers profit still sits substantially below the 20% profit expectation notwithstanding the requested changes to the layout.
- 5.15 Policy HG3 of the Local Plan sets out that within all new market housing developments across the Hambleton area, a provision for 30% of affordable housing is sought by the council. The policy goes further, to identify where the requirements are not considered viable, with reasons including:

*'material considerations affecting development of the site, an alternative dwelling or tenure mix that meets local need or a lower level of provision may be acceptable. When amending the level of provision, preference will be to reduce the proportion of intermediate housing and other types of affordable home ownership first, then affordable rented housing and finally social rented housing.'*

#### Housing Mix

- 5.16 The housing mix is little altered as a result of the proposed amendment to the affordable housing condition. However, for completeness the mix is set out below:

#### Housing Mix

Affordable		Percentage Affordable or Market	Percentage Total
1 bed	8	12%	3.5%
2 bed	41	61 %	18.2%
3 bed	18	27 %	8%
Total	67		
Market			
2 bed	31	20%	13.7%
3 bed	58	37%	25.7%
4 bed	61	39.1%	27%
5 bed	6	3.9%	2.6%
Total	156		
Overall Mix			
1bed	8		3.6%
2 bed	72		32.3%
3 bed	76		34%
4 bed	61		27.3%
5 bed	6		2.7%
2 bed bungalows	17		7.6%

- 5.17 Condition 11 of the outline planning permission states: "At least 5% of the dwellings hereby permitted, both market and affordable, shall comprise 2 bedroom bungalows". This requirement continues to be met in the revised submission through the provision of 17 two bedroom bungalows, comprising 9 affordable units and 8 open market units. Therefore, having regard to the above, it is considered the proposal would continue to provide an appropriate quantity of two-bedroom bungalows.

#### Planning balance

- 5.18 The original permission, was granted at least in part on the premise of the delivery of 50% affordable housing, although in a time when the Council was struggling significantly with 5 year land supply, which is no longer the case. The reduction of affordable housing to 30% clearly weighs against the proposed development. However, the 30% offer is in line with the requirements of the emerging plan and in particular the Council's understanding of viability gained through the viability work carried out as part of the evidence for the new Local Plan.
- 5.19 The application proposes additional changes to the house types along part of the boundary of Woodlands Walk, clearly this results in an improvement to the development and results in significantly less impact than the approved scheme. This is considered to weigh positively in the planning balance and is discussed in detail elsewhere on this agenda.
- 5.20 Concern has been expressed by occupiers of properties which do not see a benefit to them, resulting from the change in house types. However, this is not an opportunity to review the wider development proposals, only the changes proposed in the application. However, it is considered that the balance of the determination weighs between the improvements gained to the scheme and the loss of affordable housing from the development. Given the position of the Local Plan, the viability position expressed by the applicant and the improvements gained to the development it is considered that the beneficial impacts outweigh the harm and as such the proposed amended scheme is recommended for approval.
- 6.0 Recommendation
- 6.1 That subject to any outstanding consultations the application be **Granted** subject to the following conditions and an amendment to the Section 106 agreement to reflect the change to the affordable housing percentage from 50% to 30%.

Please note that the conditions are as set out in the Inspectors decision letter.

Conditions.

Approval of details

1) Details of the appearance, landscaping, layout and scale of the dwellings (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

2) Details of the finished floor levels of the dwellings shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

3) The development hereby permitted shall comprise no more than 226 Dwellings.

4) The development shall be carried out in general accordance with the details shown on the Development Framework Plan, drawing number 2013-033100-02 Rev D and the Design and Access Statement – February 2013.

5) Access to and within the development shall be carried out in full accordance with the details shown on the Access Plans – 3065/SK001/001 and 3065/SK001/002 before the occupation of the first dwelling on the site.

Timing of implementation

6) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 18 months from the date of this permission.

7) The development shall be begun either before the expiration of:

(a) 18 months from the date of this permission; or

(b) 12 months from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Phasing

8) Prior to commencement of development a scheme outlining the phasing of development (the 'phasing scheme'), including a site layout plan identifying land uses such as formal and informal open space, hard and soft landscaping, pedestrian and cyclist access routes and infrastructure, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing scheme.

Landscaping

9) The reserved matters application for landscaping shall be accompanied by a detailed Landscape Masterplan and Strategy (in substantial accordance with the Framework Plan 2013-033-100-02 Rev D) to demonstrate that the landscaping proposals have taken account of, and been informed by, the existing landscape characteristics of the site and by any loss of existing vegetation on the site. The Landscape Masterplan and Strategy, following its approval by the Local Planning Authority, shall be implemented in accordance with the phasing details approved under condition 8 above.

Affordable housing

10) The development shall not begin until a scheme for the provision of affordable housing as part of the development (the 'affordable housing scheme') has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved affordable housing scheme and shall

meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it.

The affordable housing scheme shall include:

(a) the numbers, size, type, tenure and location on the site of the affordable housing provision which shall consist of not less than 30% of the overall total number of housing units on the site. The affordable housing provision shall comprise either houses or bungalows and shall accord with the Council's Affordable Housing Supplementary Planning Document (and/or any additional or successive relevant planning policy document adopted by the Council);

(b) a timetable for the delivery of the affordable housing and its phasing in relation to the occupancy of the market housing which shall provide for the final affordable unit to be made available for occupation before the occupation of the 100 open market dwelling on site;

(c) the arrangements for the transfer of the affordable housing to an affordable housing provider and these arrangements shall be in accordance with the provisions of the Council's Affordable Housing Supplementary Planning Document (and/or any additional or successive relevant planning policy document adopted by the Council). The arrangements shall ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

(d) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

#### Housing mix

11) At least 5% of the dwellings hereby permitted, both market and affordable, shall comprise 2 bedroom bungalows.

#### Construction method statement

12) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority; and the approved statement shall be adhered to throughout the construction period. The statement shall provide for:

(a) the hours of work;

(b) the parking of vehicles of site operatives and visitors;

(c) loading and unloading of plant and materials;

(d) storage of plant and materials used in constructing the development;

(e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

(f) wheel washing facilities;

(g) measures to control the emission of dust and dirt during construction;

(h) a scheme for recycling/disposing of waste resulting from construction works;

(i) means of protection of trees and hedgerows during site preparation and construction; and

(j) access arrangements for emergency vehicles during the construction phase.

#### Sustainable drainage

13) No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. This sustainable drainage scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. The details of the scheme shall include:

- (a) a timetable for its implementation; and
- (b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

#### Foul drainage

14) No development shall take place until details of foul water drainage works have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the drainage works required for that building have been implemented in accordance with the approved details. The approved foul water drainage works shall be retained and managed thereafter in accordance with the approved details.

#### Archaeology

15) No development shall take place within the application site until a written scheme of archaeological investigation, including the methodology of further investigation works and a programme for the works to be undertaken (the 'archaeological scheme'), has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the agreed archaeological scheme.

#### Ground contamination

16) No part of the development shall be commenced on site unless and until:

- (a) a site investigation has been designed for the site using the information obtained from the desktop investigation (Preliminary Risk Assessment (Phase 1 Desk Study) LKC 13 1131 – February 2014. This shall be submitted to and approved in writing by the Local Planning Authority prior to the investigation being carried out on site;
- (b) the site investigation and associated risk assessment have been undertaken in accordance with details submitted to and approved in writing by the Local Planning Authority; and
- (c) a method statement and remediation strategy, based on the

information obtained from (b) above, including a programme of works, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation strategy.

#### Biodiversity

17) Before development commences detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds (including swifts and house sparrows) and protected species including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The proposals shall be installed in accordance with the approved details and timetable and retained thereafter.

18) Before any development or other operations commence, and within one month of the planned commencement of works, an assessment of the trees on the site for bat roosts shall be undertaken by a licensed bat ecologist. A copy of the assessment report shall be submitted to the Local Planning Authority and any necessary mitigation plan shall be approved, implemented (and if necessary maintained in consultation with Natural England) and confirmed in writing by the Local Planning Authority.

19) No tree/shrub clearance works shall be carried out on the site between 1 March and 31<sup>st</sup> August inclusive, in any year, unless the site has been surveyed within that period for breeding birds and a scheme to protect breeding birds is submitted to and approved in writing by the Local Planning Authority. If such a breeding bird protection scheme is submitted and approved the development shall thereafter only be carried out in accordance with the approved scheme.

#### Boundary treatments

20) No part of the existing boundary hedges of the site shall be uprooted or removed or reduced in height to a height below 1.5 metres (except for access) other than in accordance with details that have been submitted to, and approved in writing by, the Local Planning Authority.

#### Sustainable energy

21) At least 10% of the energy supply of the development shall be secured from decentralised and renewable sources or otherwise through design measures. Details of a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to, and approved in writing by, the Local Planning Authority as part of the reserved matters submissions. The approved details shall be implemented in accordance with the approved timetable and retained thereafter.

#### Provision of on-site amenity space, children's play and young people's facilities

22) The development hereby approved shall not begin until arrangements



(including a timetable for implementation and management plan) for the provision of on-site amenity space, children's play and young people's facilities have been submitted to and approved in writing by the Local Planning Authority. The on-site amenity space, children's play and young people's facilities shall be provided in accordance with the approved arrangements and the future management transferred to a management company to be managed in perpetuity.

**Travel plan**

23) No dwelling in the development hereby approved shall be occupied until a Travel Plan based on the Framework Travel Plan ('the Travel Plan') accompanying the application has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include the objectives, targets, mechanisms and measures to achieve the targets, implementation timescales, provision for monitoring, and arrangements for a Travel Plan coordinator, who shall be in place until 5 years after the completion of the final phase of development.

The approved plan shall be audited and updated and submitted for the written approval of the Local Planning Authority at intervals no greater than 18 months.

The measures contained within the approved plan and any approved modifications shall be carried out in full.

**Street lighting**

24) No dwelling shall be occupied until a scheme, previously submitted to and approved in writing by the Local Planning Authority, for the extension of the street lighting system between the site access on to Tanton Road and the junction of Tanton Road with B1365 has been implemented in accordance with the approved details.

**Stokesley footpath 10.140/2/2**

25) Development shall not commence until a survey and scheme for footpath surfacing works to Footpath Ref No:10.140/2/2 running northwards from North Road, passing to the east of Neasham House Farm to the development boundary, as shown on Drawing Stokesley Footpath 10.140/2/2, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed prior to the occupation of the first dwelling on the site.